

**HOW CAN COMPANIES  
IMPROVE THEIR APPROACH  
TO EARNING THE SOCIAL  
LICENCE TO OPERATE?**

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## Abstract

Any project producing environmental or social change within a community has the potential to cause contestation. The Social Licence to Operate (SLO), while ill-defined in the literature, is an intangible concept indicating ongoing project acceptance by stakeholders, may facilitate conflict reduction.

The research aimed to identify and understand the affected communities and other stakeholders, analyse the engagement between the various parties and develop a just and pragmatic schema for earning and granting the SLO.

Addressing gaps or equivocality in the literature through a justice lens, formulated on the African ethical concept of ubuntu, four broad research questions are posed:

1. What is the current understanding of the SLO in the literature and in the way it is being practised?
2. Who are the community/stakeholders that grant the SLO?
3. Why do community/stakeholders support or oppose the company/project?
4. How, through what just engagements, can the company/project earn the SLO?

An interpretive and constructivist approach examines three case studies covering different industries in distinct geographic locations and demonstrates significant commonalities in the many distinct community groupings identified, providing new insights. The communities' motivations ranged from self or community benefit or impact to significant environmental and ecological concerns. Identifying and understanding the various parties facilitates just engagement.

Engagement requires Procedural, Interactional, Environmental and Distributive Justice, and is not unidirectional, requiring all parties to treat each other with respect and dignity in line with ubuntu's underpinning principles cohesion and reciprocal value. The ubuntu lens provides a decolonised basis for considering justice, providing the insight that, while communities have the right to award or withdraw the SLO, their actions may affect their rights.

The research concludes with the IUE (Identify, Understand & Engage) Model providing a new understanding of how the SLO is earned and pragmatic enough to be understood and adopted in practice.

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## Preface

I came to this research with a background in business and finance, having worked in many related industries, interspersed with teaching undergraduate management accounting, running my own communications business, and finally lecturing finance at a business school. Here, two significant events occurred - I completed a Masters in Ethics and became involved in developing a curriculum for an MSc in Global Change (essentially climate change plus side-effects). This led to me encountering Jonathan Porritt's Five Capitals concept (<https://www.forumforthefuture.org/the-five-capitals>), and I nurtured the thought that it must be possible to create an investment model that would generate a positive net present value in all five capitals. Such a model would produce acceptable and sustainable investment decisions. This eventually led to the Social Licence to Operate, where companies have the opportunity to create a positive net present value in and with the communities (just one of the Five Capitals) affected by their projects. I believe that this thesis makes the first tentative effort in that direction.

In pursuit of my PhD dream, I moved to the United Kingdom with my wife, initially to Dundee University and then, following my supervisor, the University of York. In many ways, this has been a very positive and enlightening experience. I have learned much, not only about the numerous academic areas where I had no prior knowledge, but, more importantly, I have learned about myself - that has been interesting!

However, to say that the process has not been challenging would be downplaying the numerous issues that beset me during this time, resulting in long leaves of absence to address severe depression and mental health concerns. Nonetheless, I am through the process and waiting to discover where next I am led.

The last line on my CV always reads: "I have an intense need to justify my consumption of oxygen on this planet", and I look forward to seeing where this work, this research, will take me on that journey - the adventure will continue.



## Acknowledgements

More than just acknowledging the care and support and the considerable self-sacrifice made by my wife of 48 years, Veronica, over the course of this marathon, I dedicate this thesis to her, in grateful thanks for her unstinting generosity of spirit, for her wisdom and, above all, her love. I love you so much.

My supervisor, Professor Ioan Fazey, has been extremely supportive and patient through some difficult times and has managed to keep me focused and away from some dangerous byways. Your guidance and insight have been invaluable – thank you.

The University of York, the Department of Environment & Geography, the Support to Study team and, especially, the PGR Special Cases team all deserve praise for the empathy, consideration and understanding they have always shown through some really dark times. I am proud to be of York.

Two academic colleagues deserve acknowledgement – Prof Dan Remenyi for always being upbeat and helpful and Dr Ute Schwaibold, who enthusiastically dragged me out of lecturing finance into this transdisciplinary world and started my journey.

Finally, I am unashamedly Christian in my beliefs. Many prayers have been answered throughout this degree, and many inspiring words have been read, but the two verses that kept me going are:

***Whatever you do, whether in word or deed, do it all in the name of the Lord Jesus, giving thanks to God the Father through him.***

Colossians Chapter 3, verse 17:

***Be joyful in hope, patient in affliction, faithful in prayer.***

Romans Chapter 12, verse 12

I have tried.

## **Author's Declaration**

I declare that this thesis is a presentation of original work, and I am the sole author.

This work has not previously been presented for a degree or other qualification at this University or elsewhere.

All sources are acknowledged as references.

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# CHAPTER 1: Introduction and History of the Social Licence to Operate

## 1.1 Motivation for the Research

Conflict or contestation between companies embarking on substantial new projects and the community surrounding those projects is endemic, no matter what the project nor where it is located. While there are numerous conflicts in the mining industry (Arce and Moran (2020); Scheidel et al. (2020)), a recent Internet search (A)<sup>1</sup>. revealed that areas of contestation can range across low-cost housing in London, real estate development in the United States, onshore wind in both the United States and the Netherlands, solar energy in the United States and elsewhere, overhead transmission lines in Australia, substantial infrastructure development in the United States, and international mining.

The changes, essentially social, environmental, economic or even political, brought to communities through large-scale projects then reinforce conflict between the communities and the companies or drivers of the project (Arellano-Yanguas (2011); Costanza (2016); Hodge (2014); Wachenfeld (2014)). These conflicts can have substantial economic, social and environmental impacts. They often result in delays, cost overruns, legal action, reputational damage, violence and even death (Davis and Franks (2014); Rall and Pejan (2019)).

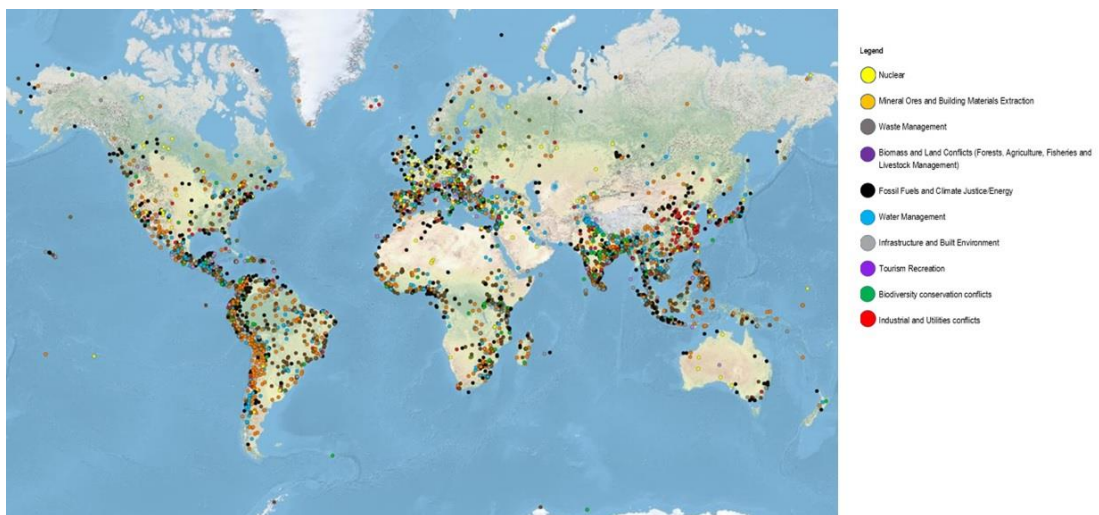
In Latin America, for example, in 2021, there were 284 separate social conflicts around mining (Parilla, 2021). Worldwide, in 2019, 212 protestors were killed internationally, predominantly in South America, with 50 deaths relating to mining and extractive industries, 34 to agribusiness and 24 to logging (Global\_Witness, 2020). Tran (2023) reports that former Special

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<sup>1</sup> To facilitate reading, all internet references are listed in a separate reference list following the literature references.

Rapporteur on human rights and the environment, John Knox, stated that “for every one killed, there are 20 – 100 others harassed, unlawfully and lawfully arrested, and sued for defamation, amongst other intimidations” (Tran, 2023). p.1

Such contestation is not restricted to the mining industry. It occurs all over the world (Figure 1) in wind energy, geothermal wells, coal seam gas, forestry, agriculture, nuclear power, carbon capture and, of course, with shale gas extraction or fracking (Baxter, Morzaria and Hirsch (2013); Bradshaw and Waite (2017); Colvin et al. (2019); Cotton (2013); Cotton and Charnley-Parry (2018); Cuppen (2018); Frantál and Maly (2017); Gilmore, Jackson and Monk (2016); Greer, Tabert and Lockie (2011); Krause et al. (2020); Larson and Krannich (2016); Lester (2016)).



**Figure 1 EJAtlas - Global Atlas of Environmental Justice – Recorded Conflicts**

Source: <https://ejatlas.org/>

One of the mechanisms available that may dampen the contestation between companies and communities and facilitate cooperation is the Social Licence to Operate (SLO) concept. Accordingly, this research aims to determine if the SLO is a viable means by which this seemingly endemic conflict could be reduced or even eliminated.

## **1.2 Origins of the SLO**

In 1997, Jim Cooney, Director of International and Public Affairs at Placer Dome Inc., used the term “social licence” at a World Bank Conference. (Cooney, 2017). The term was taken up by the mining industry, especially by consultants Susan Joyce and Ian Thomson, and the phrase entered the mining milieu. It was rapidly adopted as a concept, spreading to numerous other industries (Cooney (2017); Joyce and Thomson (2000b, 2000a); Nelsen (2006); Shepard (2008)).

In its initial incarnation, the SLO was regarded as being in place or existing “when a mineral exploration or mining project is seen as having the approval, the broad acceptance of society to conduct its activities.” (Joyce and Thomson, 2000a) p6. It became so crucial in the mining industry that the International Council on Mining and Metals (ICMM) published an “Understanding Company-Community Relations Toolkit” to assist its members in obtaining and retaining their social licence (ICMM, 2015). Having originated in mining, the concept rapidly spread and is now commonly used in industries such as forestry (Gunningham, Kagan and Thornton (2004), shale gas or coal gas extraction (Smith and Richards (2015), wind power projects (Hall (2014), the marine ecosystem (Kelly, Pecl and Fleming, 2017), ports (Ircha, 2012) and even a community empowerment project (Jijelava and Vanclay, 2014). Accounting and consulting firm EY (EY-Global (2019), EY-Global (2021b), EY-Global (2022)) has placed the SLO between 1st and 7th on its list of top ten industry-wide challenges since at least 2008. Importantly, and perhaps primarily due to the concept arising in a business environment “where a business case was identified for properly considering social impacts and perspectives and managing ‘social risks’ (Santiago et al., 2021) p101940, the majority of the literature considers the SLO from this perspective.

## **1.3 What is the SLO?**

In its simplest form, the SLO represents the outcome of engagement

between an organisation and the community in which the organisation operates whereby, following negotiation and any related agreement, the community approves of, or agrees to, the organisation's activities. However, the issue is not as simple, and what, intuitively, should be straightforward has become extremely difficult to conceptualise and operationalise.

Despite the substantial academic and public focus on the social licence and its possible application in various contentious situations or contexts, there is still debate as to what is the social licence to operate, how it is earned or granted and by whom. "While it has been in use over the past 20 years, a standardised definition of SLO has yet to emerge." (Heffron et al., 2018) p2. Thus, Gehman, Lefsrud and Fast (2017) p293 can say "the concept of social license to operate has so far had only tenuous scholarly footing", while Brueckner and Eabrasu (2018) p217 observe that "notwithstanding considerable academic attention henceforth given to it, SLO remains a poorly conceptualised idea". That may well be a harsh judgement, but considering the increasing list of publications, each adding elements to the SLO or producing new factors or variations that will determine the award or otherwise of the SLO, it is apparent that, rather than being a straightforward process or model to be applied in the resolution of company/community conflict, the SLO is (or has become) hazy, ill-defined, and almost impossible to implement (Brueckner and Eabrasu (2018); Dumbrell, Adamson and Wheeler (2020); van Putten et al. (2018)).

Eabrasu et al. (2021) observe further that the SLO "is a notoriously ambiguous concept encompassing a patent normative heterogeneity, making the emergence of a widely accepted standard capable of settling controversies on the legitimate use of SLOs seem unlikely" (Eabrasu et al. 2021) P126080, while Lincoln (2017) p1 comments, "without definition and boundaries, social licence is no more than abstract rhetoric that has little meaning or, worse still, may frustrate genuine efforts to align interests because of the differing expectations it creates." This creates risks for all parties (van Putten et al., 2018) p7, and the SLO can be exploited in the

interests of government, industry or the community (Kelly, Pecl and Fleming, 2017) p26.

## **1.4 Aim of the Research**

In light of this ambiguity and the regular application of the SLO concept, this thesis aims to understand how companies improve their approach to earning the SLO and help reduce conflict between the parties involved.

To address this aim, the thesis will answer four key questions:

1. What is the current understanding of the SLO in the literature and in the way it is being practised?
2. Who are the community/stakeholders that grant the SLO?
3. Why do community/stakeholders support or oppose the company/project?
4. How, through what just engagements, can the company/project earn the SLO?

## **1.5 Structure**

The remainder of this thesis is structured around the following chapters:

Chapter 2: Existing Understanding of the Social Licence to Operate (SLO). This review of the literature explores the ambiguity of the SLO concept and outlines how it is employed across several industries. The various elements of the SLO are considered, and the predominant models of the SLO are analysed and evaluated, while a literature-based definition of the SLO is developed.

Chapter 3 Methodology. This chapter outlines the overarching methodology and methods. It begins with an overview of the approach - axiology, ontology, and epistemology, followed by an explication of the method. Broadly, the principles of *ubuntu* provide the axiology, leading to a justice lens to help frame some of the research. The epistemological approach

taken has mainly been interpretive, using a constructivist epistemology. Three case studies provide the basis for the methods, explored using in-depth interviews in each. The case studies involved conflict at various levels. They covered three different industries (wind energy, shale gas extraction and a golf course development) in three distinct locations (South Africa, Yorkshire and Scotland).

Chapter 4: Case studies. The chapter describes the three case studies' geographic, demographic and social positions, with a brief overview of legislation affecting the projects. Additionally, a detailed timeline of how each case study unfolded is provided. This detail provides essential background for understanding the cases.

Chapter 5: Identifying Communities. The chapter provided empirical findings about the communities, primarily geographically, with compelling similarities between the cases regarding the community/stakeholder groupings identified.

Chapter 6: Understanding Communities. This chapter presents the findings of the motivations held by stakeholder groups for or against a proposed project. These ranged from those in favour (concerned about self or community interest, primarily economic) to those opposed (concerned about local impacts, including disruption and adverse economic effects), to significant environmental and ecological objections. The pro and anti groups in the two UK case studies both claimed to be acting on behalf of future generations, whereas, in the South African wind farm case, community poverty was such that little concern was expressed, either for possible environmental implications or future generations. A matrix is then presented to assist specific groups of interest to be identified in future projects.

Chapter 7: Engaging Communities. The chapter presents findings about how the SLO can be earned, as examined through a social justice lens, including an evaluation of Procedural and Interactional Justice across all three cases.



Chapter 8: Synthesis. This final chapter presents a framework suggesting that the process required to earn the SLO transitions from initially identifying and understanding the communities and stakeholders affecting and affected by the project, through to just and fair engagement with and between the parties.

This final chapter also discusses limitations and areas for future research.

# **CHAPTER 2: Existing Understanding of the Social Licence to Operate (SLO)**

## **2.1 Introduction**

This chapter considers the influential academic literature on the Social Licence to Operate, and pertinent literature related to aspects of the SLO and how it is earned. The initial aim is to establish how “social licence to operate” is currently understood and interpreted and examine some suggested models for earning the SLO. Throughout the chapter, a definition of the SLO is developed, incorporating the various elements of the literature until a final definition is derived at the conclusion of the chapter.

The chapter seeks to identify the parties to the SLO regarded relevant by the literature and to seek the communities’ motivations for earning, awarding or dis-awarding the SLO. Thereafter, the chapter assesses the various suggested processes and engagements recommended to earn and award the SLO. For completeness, some alternatives to the SLO are briefly considered. Finally, a proposed model for achieving the SLO is produced, together with questions raised by the literature review.

An overview of the chapter is illustrated in Figure 2 below.

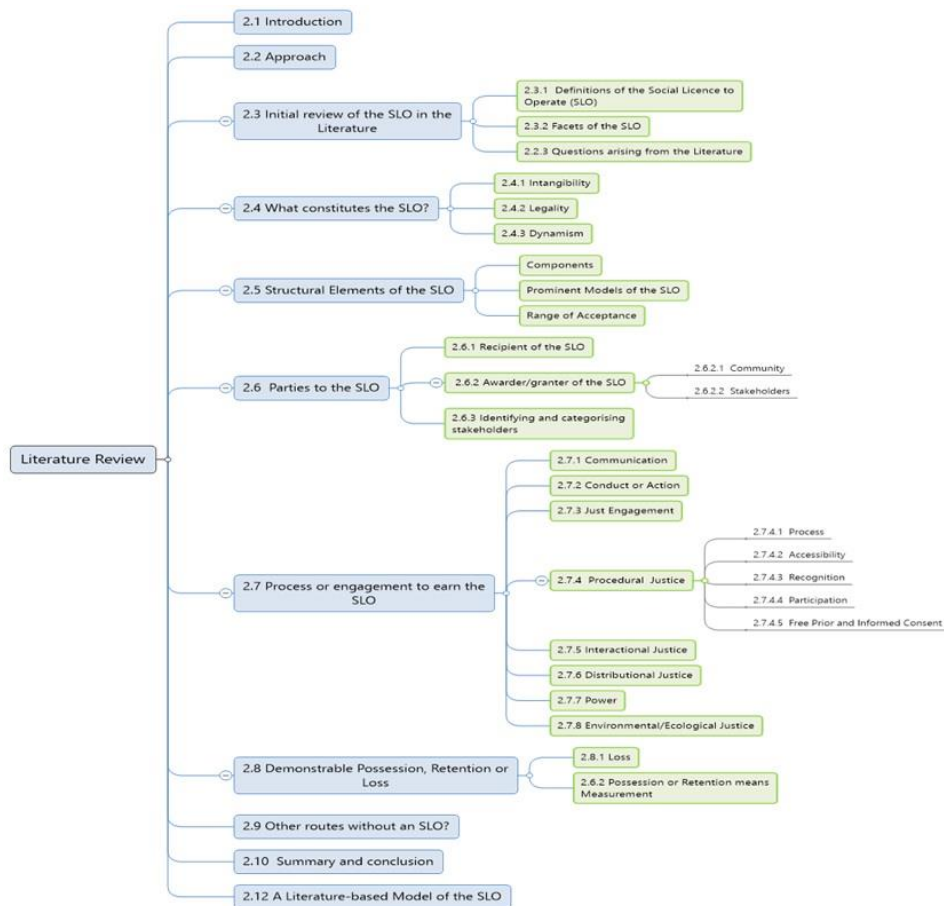


Figure 2 Mind Map setting out the structure of the Review of Literature

## 2.2 Approach

The initial literature review was conducted at the commencement of the research process to determine any gaps in the academic literature and thereby provide potential research questions. Subsequently, the review was updated following a break in the research brought about by, inter-alia, the Covid pandemic. Time, and experience in the field, confirmed the initial analysis while at the same time bringing new perspectives to the SLO problem.

Given the numerous definitions of the SLO, a structured literature analysis was undertaken. Two hundred twenty-three articles comprising what Google Scholar termed ‘the most relevant articles’ up to the end of 2017, when this

exercise was first conducted, were selected. Each article either had Social Licence to Operate in the title, or a substantial part of the article discussed the term “social licence/license”. These were subject to a simple content analysis. While a content analysis is usually reserved for interviews and similar data, it is also appropriate in an overview of the literature (Anderson (2007), Krippendorff (1989), Stemler (2001)).

The coding undertaken could best be described as emergent coding (Dahlsrud (2008); Stemler (2001)) or conventional content analysis (Hsieh and Shannon, 2005), where the codes are developed or emerge during the coding process (Creswell and Poth, 2018). In this situation, a simple word count analysis would have proven meaningless.

As the coding aimed to determine a definition of social licence that encompassed most definitions in the literature, the process commenced with any obvious definition of the social licence being sought in the article database. In seeking a definition of social licence, any phrase such as: “The social licence to operate is ...” or “The social licence to operate has been defined as ...” or similar terminology, such as “social licence” or “SLO” or sometimes even just “licence/license” were considered relevant criteria.

A similar procedure considered both the parties and the processes involved in the SLO.

This exercise was augmented when the 238<sup>2</sup> most cited articles in each of Scopus and Google Scholar up to mid-2022 were subject to content analysis on the same basis.

Superficially, the Social Licence to Operate (SLO) is straightforward. It represents the implied consent by affected stakeholders for any business to operate, in addition to the legal or statutory requirements to manage a

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<sup>2</sup> The most cited 200 articles in each data base were selected. Due to differences between “social licence” and “social license” as well as differences between the two data bases, the total number of articles combined from both data bases amounted to 238.

business. However, on examination, it is apparent that there is no clear and agreed definition nor set of criteria as to what constitutes an SLO. As Cooney, the purported developer of the term, notes: “the term’s relative ambiguity has attracted a variety of definitions and connotations from academics, consultants, lawyers, government officials, mining company management and community advocates.” (Cooney, 2017) p200.

It is this ambiguity that needs to be clarified and which forms the basis of the review of literature, for without understanding the SLO, the concept is of little practical value in addressing the conflict issue; the SLO is either a more or less vacuous phrase, or a kind of vague guideline about how companies should behave, whereas it should be a normatively-charged idea of the essence of just company/community relationships.

## **2.3 Overview of the SLO in the Literature**

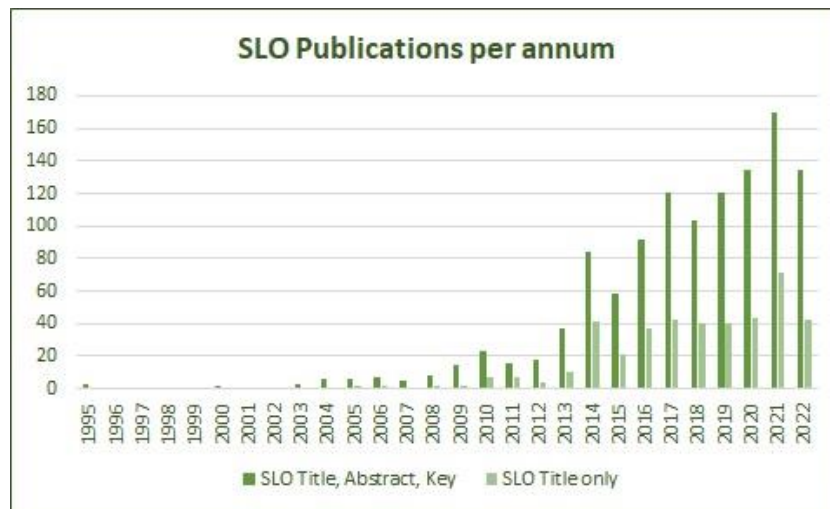
The first use of the term “social licence to operate” was apparently<sup>3</sup> by Moore (1996), although many other sources, including Cooney himself (Cooney, 2017), cite Jim Cooney as the originator of the term in 1997.

Following the publication of “Earning a Social Licence to Operate: Social Acceptability and Resource Development in Latin America”, which considered the social risk in mining in Latin America (Joyce and Thomson, 2000a), the use of the term rapidly gained prominence, being adopted both by businesses, especially in the mining industry, and by academia, with several applications considered (Gunningham, Kagan and Thornton, 2004). The outcome has been an exponential growth in articles since 1995 (Figures 3 and 4 below), albeit some appear to invoke the term loosely (for example, “Improve your Social License – Breed Sheep for Disease Resistance”

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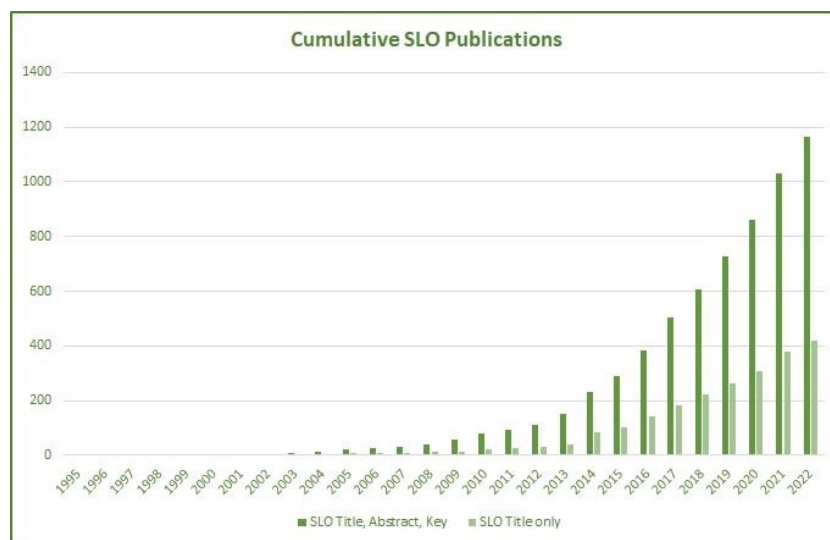
<sup>3</sup> ‘Apparently’, because it has not been possible to obtain a copy of the article, but it is referenced in, inter alia, Lacey, Edwards and Lamont (2016; 2021), Santiago et al. (2021), Brueckner and Eabrasu (2018) and Jijelava and Vanclay (2018).

(Walkom and Bunter, 2021)) or appear to misconstrue the concept (“Social License to Operate in Crowdfunding Campaigns” (Saniei and Kent, 2021)).



**Figure 3 SLO Publications per annum to 15 May 2023**

Source: <https://www.scopus.com/term/analyzer>



**Figure 4 Cumulative SLO Publications to 15 May 2023**

Source: <https://www.scopus.com/term/analyzer>

Core questions then emerge regarding how the social licence should be defined and obtained.

### 2.3.1 Definitions of the SLO

As highlighted in the introduction, an SLO is broadly the implicit or explicit

consent by affected stakeholders for a business or project to be conducted, that is in combination with, and in addition to, the legal or statutory requirements necessary.

However, there is little consensus or agreed definition and criteria for what constitutes an SLO. Various definitions have been used and set out below (Table 1) is a brief summary of some found in the initial literature survey.

**Table 1. Early Definitions of the SLO**

<b>Precis of Definition</b>	<b>Reference</b>
Project has the approval, the broad acceptance of society	Joyce & Thomson, (2000)
Demands and expectations placed on a business by society	Gunningham et al., (2004)
A set of concepts, values, tools and practices representing the stakeholders' paradigm	Nelsen, (2006)
Project has ongoing approval from the local community and other stakeholders	Thomson & Boutilier, (2011)
A social contract - intangible, unwritten and not legally enforceable	Duncan, Graham and McManus (2018)
When the state believes a project has met its legal obligations and sufficiently satisfied the interests of civil society for there to be political gain or no political risk	Teixeira de Melo et al. (2019)
A continuing and fluctuating level of acceptance of a project by stakeholders, based on the perceptions of and relationships between the company and its stakeholders	Mercer-Mapstone et al., (2017)
The ongoing approval/acceptance of a project by all the stakeholders, achieved through dialogue and responsible behaviour	ICMM (2015)
An informal descriptor of the fluctuating relationship process of ongoing negotiation between a project and the community	Franks, Brereton and Moran (2010)
A need to work with and gain the approval and support of local communities and other stakeholders.	Parsons et al., (2014)
An informal or tacit licencing that signals the presence or absence of a critical mass of public consent, from reluctant acceptance to high levels of trust.	Owen & Kemp, (2013)
An unwritten social contract that reflects the opinions and expectations of the broader community	Kelly, Pecl, & Fleming, (2017)
A conceptual approach an organisation applies in engaging with communities and stakeholders.	Jijelava & Vanclay, (2014)
To operate with the community's acceptance at the lowest level, and with the community's support at the highest level.	Parsons et al., (2014)

Prepared by the Researcher and including elements adapted from: Gupta and Kumar (2018)

Interestingly, while the initial literature analysis discussed above was being conducted, Gupta and Kumar (2018) conducted a systematic literature review seeking a “clear and comprehensible definition” of the poorly defined SLO. Their analysis of research papers in different databases to those used in the initial study, namely JSTOR, EBSCO, Science Direct, Emerald and Wiley, produced comparable results, included in the table above. It is thus apparent that there exists a plethora of different definitions of the SLO, and, while incongruent, each help to elucidate the presence of various facets of the SLO.

### **2.3.2 Facets of the SLO**

Apart from the varied definitions of the SLO, there is uncertainty as to what is meant by “consent”; there is no clarity as to who exactly are the parties to the agreement; there is debate as to what constitutes the SLO; and there is doubt and ambiguity as to how the SLO is earned.

The coding referred to above created an initial table of references that was further coded into units of meaning. Finally, these units were classified into separate categories, as detailed below.

Table 2, derived from the coding, comprises three main columns. The first column consists of the six broad themes that emerged from the literature analysis. These are elaborated briefly in the second column, while descriptors related to each theme are listed in the third column. These keywords give a flavour as to the content of the literature and to some of the problems encountered in trying to arrive at a definition. Alternative perspectives are mentioned in the literature, constituting a seventh theme.



**Table 2 Facets of the SLO, their elaboration, and examples**

<b>Broad Themes</b>	<b>Explanation</b>	<b>Example words</b>
<b>Defining the SLO</b>		
1. The format of the SLO and how it is interpreted	The type or nature of the licence; what “licence” means or implies	not legal, tacit, implied, continuous, informal, metaphor, intangible, no licence, voluntary, bargain between parties, business-oriented social construct, measure of community confidence, normative psychological contract, perception of exchange agreement, risk management tool no meaning, untested, inflated status, amorphous, strained metaphor, diversity of interpretations, concept untested, blurred meanings, dynamic, different understandings, different connotations, contestable nature, lacks defined boundaries, notion varies, lacking meaningful utility, no directly observable meaning
2. Structural elements of the SLO	Explanatory models; range of acceptance or intensity	models, boundary, legitimacy, credibility, trust, acceptance, approval, identification, individual level, withdrawal, engagement, participation, continuum, multi-level, basic level, varying levels, continuum of multiple licences, continuum across communities, fluctuation, time
<b>Parties to the SLO</b>		
3. Issuer/licensor	Who grants the licence?	community, society, stakeholders, civil society, neighbours, neighbourhood, broader society, indigenous communities, relationships, vested interests, network, obvious linkage to stakeholder theory, power issues
4. Receiver/licensee	Who gets the licence?	company, activity, project, resource development, operations, outcomes
<b>SLO Process</b>		
5. Requirements	Earning the licence – how do the parties earn or lose the licence?	demands, expectations, requirements accountability, trust, legitimacy, credibility, justice, more than money, virtuous behaviour, preconditions, societal norms, costs and benefits, conditional, require immediate benefit, compensation beyond compliance, beyond regulation, additional regulation, beyond the law, beyond legal compliance
6. Award/achievement	Granting the licence; is it possible to demonstrate possession?	approval, acceptance, permission, consent, assent, allowing, support, latitude allowed, social arrangement difficult to know, impossible to determine, poor positive measure, what does it mean to have SLO, no indicators, tenuous, do not know how, need clarity in defining criteria, difficult to measure, non-permanent, perceptions
<b>Other perspectives on SLO</b>		
7. Alternative frameworks	Non-licence options – other proposed routes to SLO	social contract, CSR, FPIC, SD, nested in CSR, CSR does not give licence, not clear of difference from CSI, social network analysis, framed by the concept of CSR, stakeholder theory

This textual analysis of the SLO literature gives rise to several pertinent and leading questions.

### **2.3.3 Exploratory questions arising from the literature**

The discussion on the SLO that comprises much of the remainder of this chapter is based largely on the following questions:

- What is the SLO; what is its format and how is it interpreted; what does “licence” mean or imply; and, what is its nature? (Section 2.4).
- What are the structural elements of the SLO; is there a range of acceptance or intensity; and, what do the explanatory models tell us about the SLO? (Section 2.5).
- Who are the parties involved in the granting/awarding the SLO; and who are the recipients? (Section 2.6)
- How, through what process or engagement, can the SLO be earned or lost; why would communities support or oppose the company/project, and thus the SLO; and, is the engagement just and fair? (Section 2.7).
- What is meant by awarding/granting the licence; is it possible to demonstrate possession? (Section 2.8).
- What are the alternative frameworks or non-licence options to gaining the equivalent of an SLO, if any? (Section 2.10).

## **2.4 What constitutes the SLO?**

There are numerous, often disparate, “definitions” of the SLO, as discussed in section 2.3 above. Nevertheless, understanding the SLO is essential, or we are merely discussing a chimera. To an extent, this quest to define the SLO is perhaps saying “l’existence précède l’essence” or existence precedes essence (Sartre, 2007) p3, where the thought is that, unless we know and understand what we are looking for, how will we know we have found it, how

will we understand its essence? Alternatively, perhaps, trying to define the SLO is futile, and we should agree with Douglas (2014) p2 “we can’t neatly define social license, but we know it when we see it”? In other words, essence defines or denies existence. Much of this discussion will endeavour to understand the essence and existence of the SLO.

The most commonly used definition of the SLO in the literature appears to be that of Thomson and Boutilier (2011), who suggest that an SLO exists “when a project has the ongoing approval within the local community and other stakeholders, [and] broad social acceptance” (Thomson and Boutilier, 2011) p1779. However, despite the now over 1,200 articles (Figure 4) purporting to discuss the SLO, it is apparent that there remain difficulties with its definition. As Eabrasu, Brueckner and Spencer (2021) p126080 acknowledge, the SLO is a “notoriously ambiguous concept” with an “impossibility of arriving at a universal definition of SLO legitimacy”, and thus they advocate the use of proxies such as contact quality. Similarly, Meesters et al. (2021) p7 note that “while the SLO concept has become a prominent term in literature and practice, it also continues to be debated ... in terms of how the SLO is and should be conceptualized and defined”.

For a term that, in its two incarnations, Social **Licence** to Operate and Social **License** to Operate, produces over 271,000 entries in Google<sup>4</sup> and is used in a variety of different situations, it does seem strange that there is as yet no precise and clear definition. As Haines et al. (2021) p186 observe, there is a need to “clearly define the processes which can bring about agreement between company and community” and note further that “ambiguity remains over whose authority lies behind the granting of the licence (and by extension, who the community is) as well as its precise meaning” (Haines et al., 2021) p186. This view is echoed in two recent articles by Zuniga Peralta (2021) and Mulyana (2021).

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<sup>4</sup> Search conducted on 14 May 2023

In reviewing the more recent literature, two definitions stood out. The first was from Barich et al. (2021), who state that:

“A social license to operate (SLO) is a multiscale, multilevel, intangible agreement that represents an implied consent from affected stakeholders towards projects developed by businesses or industries, independent from legal or statutory requirements” (Barich et al., 2021) p3

while the second, from Hurst, Johnston and Lane (2020), asserts that:

“SLO is defined as an intangible, dynamic construct that broadly refers to the ongoing acceptance of an entity (individual, project, organization and/or industry) by its stakeholders, as evidenced by the entity’s ability to engage with its stakeholders and respond to the ever-changing demands on, and expectations of, the entity” (Hurst, Johnston and Lane, 2020) p101931.

While, interestingly, these definitions, especially that of Barich et al. (2021), reflect elements<sup>5</sup> of a definition developed at the commencement of this research, namely: “The SLO is a theoretical construct representing the implied approval and consent by affected stakeholders for businesses to operate, independent from legal or statutory requirements.” (Taylor and Mahlangu, 2017) p18, they go further, particularly Hurst, et al., who include the **evidence** required of the ability to **engage** with stakeholders in their definition.

With the exception of including the legal status and the issue of justice in engagement, this definition of the SLO by Hurst, Johnston and Lane (2020) appears to cover the essential elements of the SLO. While consideration of both Procedural and Environmental justice in the SLO literature is limited (Brändle et al.; Heffron et al. (2018); Rulifson and Smith (2021)), it is a crucial

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<sup>5</sup> Barich et al. (2021) actually do cite Taylor and Mahlangu (2017)

element of engagement (Aitken, Haggett and Rudolph (2016); Reed et al. (2017); Shaw and Crowther (2017)) and should, accordingly, be included in any definition.

Extracting the essence from these definitions, the following could be regarded as the essential components of the SLO:

- intangible;
- independent from legal or statutory requirements;
- dynamic and ever-changing; evident at various levels and on diverse scales;
- represents ongoing acceptance or implied consent;
- granted/awarded by affected communities/stakeholders;
- applies to entities - projects, organisations or industries;
- evidenced by just engagement with communities/stakeholders.

It will be noted that these elements meld with the questions raised in Section 2.3.3, and, as such, these elements will augment the discussion of those questions, continuing with consideration of the elements of the SLO.

### **2.4.1 Intangibility**

There is consensus in the literature that social licence is intangible, that it is not a legal document and that the term itself is a metaphor for the relationship between the community and the company, with sometimes blurred meanings and various interpretations. This is borne out by the numerous terms used in the literature and listed in Table 1 above, where 38.6% of the articles refer to “intangible”; 29.0% “metaphor”; 23.4% “implied”; and 13.8% “unwritten”.

Various authors refer to the metaphor or intangibility of the SLO. Parsons et al. (2014) observe that the social licence can be seen as “an intangible construct associated with acceptance, approval, consent, demands and reputation.” (Parsons et al., 2014) p84, noting that their research findings indicate that the community sees the social licence “not as a licence per se,

but as a metaphor for processes of engaging with ‘the community’ to obtain implied approval or acceptance” (Parsons et al., 2014) p88.

While there is agreement that no physical or legal licence is in force, much of the literature assumes that “having” a licence implies consent and does not investigate the nature of the licence any further. However, several authors argue that the term licence is amorphous, has no meaning or blurred meaning and is subject to diverse interpretations or connotations. (See further Bice (2014); Luke (2016); Nwapi (2016); and Owen and Kemp (2013), amongst many others). As Owen (2016) somewhat cynically observes, “it is perhaps the leading example of a term that in itself has no directly observable meaning (Owen, 2016) p102

### **2.4.2 Legality**

The legal nature of the SLO is discussed in numerous articles (see, for example, Lacey (2013), Lindahl (2016), Nwapi (2016), Turton (2015)). It is suggested by Parsons, Moffat (2014a), and Lacey et al. (2012) that the term “licence” gives the SLO a quasi-legal status, while Boutilier (2014) p263 states that “the meaning in contemporary usage is an analogy with the meaning of licence as formally granted permission”.

While there is no evidence of the SLO being legislated anywhere (primarily, one suspects, due to the inability to define the concept), it has been recommended by the Queensland State Government (Lacey, 2013) as part of that government’s guidelines for preparing social impact management plans. While the concept has been included in much government rhetoric, some argue that regulators themselves need to acquire a social licence to regulate (Górski, 2020). Alternatively, Lucero (2021) suggests that in Argentina, the SLO has “more weight than the law” and “casts a shadow over the existence of legal licences, which are deemed by far less relevant.” (Lucero, 2021) p2.

### 2.4.3 Dynamism

The problem with having no written document is that the terms can easily change over time. Shepherd and Martin (2008) refer to ill-defined expectations and the problems businesses face as changes are imposed on companies due to changes in the external environment. Browne, Stehlik and Buckley (2011) p714 underline this problem in discussing the closure of a mine in Australia observe that there can be numerous interpretations and perceptions and from which conflict can arise because of divergent opinions about what the social licence means, especially when it is not reduced to writing.

It is argued that the SLO results from negotiations between the company and the stakeholder community. Franks et al. (2010) p10 state that the SLO is a “descriptor of the state of the relationship” between the company and local community and is in a “process of continual negotiation”. Nelsen (2006) also observes that the SLO is dynamic and requires re-evaluation over the project life at each development stage.

#### **Building the Definition**

It is the intention of this segment of the review of the literature review to build a comprehensive definition of the SLO at appropriate stages during this process. Thus far, in terms of defining the SLO from the literature, it is evident that **the SLO is an intangible and dynamic construct, with no legal status, representing ongoing acceptance or implied consent.** To further develop this definition, the structural elements or components of the SLO need to be discussed, as well as their variability. Additionally, the various explanatory models of the SLO will be considered to elucidate the elements of the SLO.

## **2.5 Structural Elements of the SLO**

### **2.5.1 Components – legitimacy, credibility and trust**

The most referenced (Barich et al. 2021) model of the SLO, that of Thomson & Boutilier (2011), comprises three normative components - legitimacy, credibility, and trust. This sets the bar, and, across all models, legitimacy is a prerequisite to obtaining the SLO. While initially, this refers to the legal legitimacy – compliance with the law and fulfilling all necessary legal requirements (planning requirements, environmental impact assessments and project-specific legislation, for example), as per the Bice et al. (2017) model - there is an additional type of legitimacy which appears in many instances of contestation - the issue of moral legitimacy.

Lenowitz (2022) suggests that there are essentially three forms of legitimacy, being moral, sociological, and legal. Moral legitimacy arises when an action has an acceptable moral justification; sociological legitimacy is where a significant proportion of the population believes it to be justified, while legal legitimacy involves compliance with the law (Lenowitz, 2022) p238. Moral evaluation can also be fluid, as Hampel and Tracey (2019) note when observing the recent transformation of coal producers from morally legitimate to stigmatised (Hampel and Tracey, 2019) p11. However, they suggest that moral legitimacy is where there is a perception that the actions of an organisation are desirable or appropriate within some socially constructed system of norms and values. As such, the corporation's activities are the "right thing to do" (Hampel and Tracey, 2019) p12. Furthermore, they place moral legitimacy/illegitimacy on a scale from profound approval to profound disapproval, reminiscent of many SLO models. Melé and Armengou (2016) add to the debate, noting that a project would have moral legitimacy if it contributed to the common good; if the means and procedures were moral; and if there was an ethical evaluation of stakeholder concerns, foreseeable consequences, and possible risks.



Where there are different types of legitimacy, such as economic or socio-political, Bergeron (2016) notes that this can lead to a hierarchy between different levels of social licence, meaning that the agreement between communities and companies can take various forms. The nature of the SLO itself is also seemingly transforming, becoming a form of governance over the relationship between communities and companies and requiring formalisation in different kinds of community agreements (Hall et al., 2015) p307.

Interestingly, Gehman et al. (2017) p311 observe that “we reviewed different models of social license, and showed how it [the SLO] appears to be little more than a new name for legitimacy”. Legitimacy is the first and possibly the most critical criterion, as it will be observed that many other aspects of the SLO are elements or sub-sets of this moral legitimisation. As Lenowitz (2022) p235 observes, legitimacy “rests on the extent to which the process was participatory, open, democratic, inclusive, transparent, accommodating different interests and respecting the will of the majority as well as minorities.” These elements all form part of company/community engagement and Procedural Justice which are discussed later. They also form an important part of the models of Wüstenhagen et al. (2007), Zhang & Moffat (2013), Morrison (2014b), and Lesser et al. (2021).

Credibility, while a stated element only in the models of Thomson & Boutilier (2011), Boutilier & Thomson (2011), and Luke (2017), is implied in many of the models in that it is the actions, giving meaning to the words, which contribute to earning the SLO. However, both credibility and trust, while referred to in numerous articles on the SLO, do not receive much direct attention. As HOWSE (2020) p3 notes, “despite the high prominence trust takes in SLO literature, there is little discussing what it is or how it is built”. Credibility, the forerunner to trust, is built over time and relates to honest and reliable contact and Procedural fairness, engendered through communication and engagement (Edwards et al. (2019); Jijelava & Vanclay (2017); Moffat & Zhang (2014); Thomson & Boutilier (2011)).

Edwards et al. (2019) cite a substantial increase in the number of articles containing the terms 'trust' and 'social licence' between 2014 and 2018, the period over which two of the case studies in this research were conducted. Trust, according to O'Neill (2020), must go beyond some kind of generic term revealed by opinion polls and align itself with the concept of 'trustworthiness', which, she notes, is becoming difficult to determine in the digital age. According to Edwards et al. (2019) p24013, trustworthy entities have attributes such as predictability, goodwill, credibility and commitment and display honesty, noting that, in their research, communication and engagement created trustworthiness, which in turn generated trust and therefore led to the awarding of the SLO.

Accordingly, it is suggested that credibility and trust are natural byproducts of demonstrable legitimacy and a just engagement process and that, while in themselves they are not measurable nor determinable, they are evidenced by the community's acceptance of the company or project.

Another way to identify the SLO's components is to consider the various models that have been produced.

## **2.5.2 Prominent models of the SLO**

Several models of the SLO have been developed and substantially influenced the SLO literature, especially the Boutilier & Thomson Models. These models tend to integrate or synthesise the literature on the SLO and are more fully described in **Appendix 1**.

The table below sets out the key elements of the most notable and referenced models. The cornerstones of legitimacy, credibility and trust appear in all models, even if sometimes expressed differently, and if these elements are present, it is suggested that the company/project will earn its SLO.

**Table 1 An Outline of the Various Prominent SLO Models**

<b>Author(s)</b>	<b>Model Précis</b>
Wüstenhagen, Wolsink and Burer (2007)	Community acceptance, based on Distributive Justice, Procedural Justice and trust; pattern of acceptance follows a U-curve (high - low – high) over duration
Thomson & Boutilier (2011)	Legitimacy, credibility and full trust lead to acceptance, approval and psychological alignment and achievement of strategic goals; social capital based
Boutilier and Thomson (2011)	Crossing the legitimacy boundary leads to acceptance; crossing the credibility; boundary leads to approval; crossing the trust boundary leads to psychological identification
Boutilier & Thomson (2011)	Economic legitimacy leads to both socio-political legitimacy and Interactional trust, which in turn lead to institutionalised trust. Refer to their table in Appendix 1
Moffat & Zhang (2014)	Positive (or non-negative) impact on social structure together with contact quantity and quality and Procedural fairness lead to trust and therefore to acceptance and approval
Zhang and Moffat (2013)	Distributive fairness plus Procedural fairness (which includes both Procedural fairness and communication) plus confidence in governance (effectiveness of legislation) leads to trust in the mining industry and therefore to acceptance of mining
Morrison (2014a)	Benefits, consent-based factors (power, knowledge and participation) and justice-based factors (transparency, accountability, prevention, remedies) leads to creating the core concepts of the SLO being legitimacy, trust and consent. Too many uncontrollable elements for project to obtain an SLO. The second model argues that activity requires a legal licence, an economic licence and a social licence. Suggests that the social licence is granted by other media, the community, the public and special interest groups.
Bice et al. (2017)	Model highlights three areas of risk namely actuarial risk, political risk and social risk that are taken on by the wide range of stakeholders. Each of these risks requires a separate licence and if all are obtained the project is in the public interest and may continue. Note that the actuarial licence represents all the legal licenses and other legal requirements for the project and therefore aligns strongly with the concept of legitimacy.
Luke (2017)	Based on Boutilier and Thomson, SLO success achieved moving through legitimacy to acceptance; through credibility to approval and finally through identity to psychological identification. The same process works in reverse with regard to protest and resistance whereby, legitimate protest leads to accepted by the community; once credible it is approved; and finally the protest/protest receives psychological identification. References social positioning, formation of opinions about the project; local environmental impact; and social identity of the people identify on specific sides of the debate. Trust is a predictor for earning or loss of the SLO but is based on a complete understanding of the project and its ramifications.
Lesser et al. (2021)	Model has both a community and a societal dimension and is based on the Boutilier and Thomson diamond model. Legal and Procedural fairness produces acceptance; engagement produces support and benefit sharing produces collaboration thereby earning the SLO. Lack of legitimacy for the project or industry needs to know acceptance; little confidence in government leads to resistance and a clash of fundamental values leads to protests.

As discussed above, while there are differences between the models, they all refer to legitimacy and credibility as precursors to earning the trust, which will finally earn the SLO. The models also suggest that the strength of the SLO varies depending on the level of acceptance by the community.

### **Building the Definition, continued**

The definition can thus be expanded to:

**The SLO is an intangible and dynamic construct, with no legal status; representing ongoing acceptance or implied consent, based on the elements of legitimacy, credibility and trust.**

### **2.5.3 Range of Acceptance**

The literature is clear that the SLO has distinct levels, “strengths”, or measurements of acceptance and that these will vary over the project lifecycle (see Boutilier et al. (2016); Boutilier et al. (2012); Howse (2020); Luke (2017)). The question of interest is whether the SLO exists ab initio and is lost or retained over time or is it built up or created by the actions of the various parties. Furthermore, are there events or actions which diminish or enhance the level of the SLO?

There is consistent mention of the concept of an ongoing licence and of maintaining the SLO (Laskovic (2016); Meehan (2016); Portales and Romero (2016)), which implies that the licence is not a destination but a journey, a continuous state of interaction between organisations and their communities. Considering some of the other elements discussed below, especially the variable nature and continuum, the SLO as a process is an intriguing concept that has had little mention in the early literature, other than by Franks and Cohen (2012). However, Barich et al. (2021) more recently, observes that the SLO is “a highly dynamic, changeable, and context-dependent concept ... an ongoing process that runs through the entire lifecycle of a project and varies in construct and strength from one industry to the other”. Mercer-

Mapstone et al. (2017) p 138 refer to the SLO as an “ongoing and fluid level of acceptance by stakeholders, which may be revoked at any stage of the project lifecycle based on changes in perceptions, reflecting the relationships between a company and its external stakeholders”. This is an important aspect that needs to be considered.

It is argued that, as opposed to distinct levels, the SLO lies on a continuum, or is itself a continuum. For Boutilier and Thomson (2011), that continuum is based on the move from legitimacy to identification. Still, the continuum can also apply to the parties involved in the social licence, either the relationship between the issuing stakeholders and the recipient company or amongst the stakeholders themselves. Hitch, Lytle and Tost (2020) p1 say the SLO is not “a linear relationship that directly binds our two main actor groups, but a continuum, spectrum or even web of relationships”.

Lytle (2016) p17 & p97 state further that the awarding of the social licence happens on an unregulated continuum, applies to diverse stakeholders and diverse elements within the broader industry and at various levels. It would be reasonable to assert that, as with all relationships, the strength of the SLO, which essentially measures the relationship between the company/project and the community, must fluctuate over time and depend on conditions. Therefore, the SLO continuum<sup>6</sup> ranges from complete and absolute rejection to “psychological identification” Boutilier et al. (2012).

This continuum is a multi-dimensional, dynamic construct and, without perfect information, people form opinions based on their perceptions, opinions and experiences, and, with multiple impacts, these perceptions may change over time (Parsons and Moffat (2014); Williams and Walton (2013b)). Due to changes within the environment, the project, and the communities, it is natural to expect the SLO to change and develop (Bahr & Nakagawa (2016); de Jong and Humphreys (2016); Douglas (2014)), especially where

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<sup>6</sup> Clancy (2014) places the social licence towards the end of a continuum of shale gas regime options, ranging from self-regulation to complete moratorium.

multiple agents and multiple projects for multiple communities are involved. Boutilier (2017) p2, in attempting to create a measure of the level of social licence across time and geographies, notes that “the social license is changeable across periods of weeks and months”, or, as Lytle (2016) p17 observes, it is “temporally contextual”.

The underpinning elements of the SLO are legitimacy, credibility, and trust. It is accepted that legal legitimacy is a de facto requirement, and that legitimacy refers more to the perceived moral status of the project/company. Alongside legitimacy, credibility, as evidenced by the company’s engagement with the community, builds trust between the company and the community, thus leading to the SLO. As with all such relationships, external factors and intergroup dynamics affect the project/company acceptance level and, therefore, the SLO.

### **Building the Definition, continued**

This allows expansion of the SLO definition to suggest that the SLO is:

**an intangible and dynamic construct, with no legal status; a continuum, representing ongoing acceptance or implied consent, based on the elements of legitimacy, credibility, and trust.**

As with any agreement, more than one party is involved, which necessitates understanding as to who grants and who receives the SLO.

## **2.6 Parties to the SLO**

In most references to the SLO, there is the notion that it is being granted or awarded. In 238 of the most referenced articles on the SLO, “grant” is used in 146 articles, with “award” used in 30. Similarly, “earn” is used in 85 articles. Accordingly, while there is no obvious formal bestowing or receiving of this “right”, the terms “grant” and “earn” are used in this thesis. This then leads to crucial questions about the parties involved in an SLO. This

includes those expected to have received some kind of licence to operate (those expected to be earning it) and those expected to be granting it.

### **2.6.1 Recipient of the SLO**

In most studies, the recipient of an SLO is not usually well-defined. Mostly, there is reference to “the company”, but specific operations, companies or industries may all gain or lose their social licence to operate. Thus, there is reference to projects, operations, resource development and activities. This begs the question of what or to whom the licence is granted. The predominant terms in the literature<sup>7</sup> are “the project” or “the mine”, which implies a local-level licence pertaining to a specific project or event. However, there is also reference to companies and organisations, which has implications for understanding where the licence will be issued, and to whom. It also means that there can be implications for multinationals because of activities at the branch or divisional level.

Furthermore, entire industries can lose their SLO, as is currently the risk to the oil and gas industry. The water industry is also problematic. Sir James Bevan, Chief Executive of the Environment Agency, noted in a 2019 speech that “unless the water companies operate well, day in day out, they risk losing their political and social licence to operate” (Bevan, 2019). More recently, Helm (2023), referring to the current (May 2023) water problems in the United Kingdom, argues that the water companies have already lost or are losing their social licence to operate.

Similarly, Douglas, Owers and Campbell (2022) suggest that the equestrian sports industry is in danger of losing its SLO from the general public, a threat which must have been exacerbated following the death of four horses in the 2023 Grand National (Munro, 2023).

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<sup>7</sup> There is little point in trying to quantify the occurrence of certain words in an assembled population of articles, nonetheless there is substantive reference to these various terms in the articles.

An SLO is thus context, issue and often place-dependent. It may be granted for a single project, company or organisation, or an entire industry. This adds complexity to the SLO, which is made more convoluted concerning the question of who is expected to be granting an SLO.

### **Building the Definition, continued**

Based on the above, the SLO might now be defined as:

**an intangible and dynamic construct, with no legal status; a continuum, representing ongoing acceptance or implied consent, based on the elements of legitimacy, credibility and trust; that is context, issue and often site dependent.**

### **2.6.2 Awardee/granter of the SLO**

The SLO literature is consistent in suggesting that it is the “community” that grants or awards the social licence to operate. Much of the early work on the SLO was primarily in the context of mining projects, most of which were in isolated areas or affected small, localised and often indigenous communities. This implies that the term “community” is essentially related to anyone within the vicinity of the project and, probably, most stakeholders as well, explaining the view of Moffat and Zhang (2014) that it is the community surrounding the operation that grants the SLO.

There is no precise explanation of what the expression “community” means. Terms used include local community, broader community, wider community, indigenous community, and vested and non-vested community. Other words used include stakeholders, networks, neighbours, neighbourhoods, NGOs, and society. This implies, from the company’s point of view, that there is no certainty as to whom they should be engaging to earn the licence.

While the term community is predominant in the literature, the term stakeholder is also frequently employed. The convention adopted in this research is that the undefined term “society” comprises the total population;



in society are the “stakeholders” who may be affected by or who can affect the project (Freeman, 1984), and within that stakeholder group is the “community”. There is one caveat to this concept, which has to do with environmental issues. Theoretically, everyone on the planet and the planet itself is affected by impacts on the environment caused by any project. The decision was therefore taken to limit the concept of stakeholder to those people, future generations, and the natural environment regarded as demonstrably affected by the projects.

### **2.6.2.1 Community**

Usually, the term “community” refers to local or affected communities, that is communities that are impacted by the project in some way. This was particularly apparent in the works of the early writers on the topic, for example: Joyce and Thomson (2000a), Gunningham, Kagan and Thornton (2004), Nelsen (2006), Thomson and Boutilier (2011), Boutilier and Thomson (2011), Zhang and Moffat (2013), Bice and Moffat (2014), Parsons, Lacey and Moffat (2014), Cowell, Bristow and Munday (2011).

Gunningham et al. (2004) refer to “neighbourhoods, environmental groups, community members and other elements of the surrounding civil society.” (Gunningham et al., 2004) p308. In the same vein, Boutilier et al. (2012) p3 refer to “a network of actors”, Lacey and Lamont (2014) p2 describe “the community in which it operates”, while Prno (2013) and Parsons and Moffat (2014) refer to “local communities”.

It is important to understand what we mean by “community”. The term appears to have originated with Aristotle where he defined a community, part of the city-state, as a “community (koinônia), that is, a collection of parts having some functions and interests in common” (Miller, 2022) p5, and which is “meant to serve a purpose” (Onwuatuegwu, 2020) p60.

Another, not as early, attempt to define communities was that of Ferdinand Tönnies in his seminal work “Gemeinschaft und Gesellschaft” (Tönnies 2002), albeit that this is much more of a socio-economic text than purely

sociological. Nevertheless, Tönnies identified two groups formed through a relationship (which he calls an “Overbending”), the first being *Gemeinschaft* (community), which he describes as “real and organic life”, “intimate, private and exclusive living together”, “a living organism” (Tönnies 2002) pp33-35. Subsequently, he splits this grouping into *Gemeinschaft* of kinship, *Gemeinschaft* of locality and *Gemeinschaft* of mind, which latter group he describes as “the truly human and supreme form of community” (Tönnies 2002) p42.

The second group, *Gesellschaft*, or society, is described as an “imaginary and mechanical structure”, “a mere coexistence of people independent of each other”, or “mechanical aggregate and artefact” (Tönnies 2002) pp33-35. Durkheim (Aldous, Durkheim and Tönnies, 1972) takes the opposite view and regards society as the most natural grouping. Nonetheless, both authors would consider the local or geographic community the most granular starting block for an ontology of “community”.

A perhaps unfamiliar perspective on people and community is the African concept of *ubuntu*<sup>8</sup> - “umuntu ngumuntu ngabantu” - which essentially means “a person is a person because of (or through) other people. (Mbiti (1969); Menkiti (1984); Metz (2007);Tutu (1999)). From this perspective, the community defines the people rather than the people defining the community. As Menkiti (1984) notes, “in the African view, it is the community which defines the person as a person, not some isolated static quality of rationality, will, or memory.” (p172). This African philosophy is a thread running through the concept of community and company/community engagement, providing a decolonised worldview as a further lens through which to address the research questions.

At a macro level, there are numerous distinct types of communities: communities of place and communities of interest, communities of practice,

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<sup>8</sup> The principle of *ubuntu* is evident throughout Africa, albeit under various names, so we have hunhu in Zimbabwe, uMunthu in Malawi, utu in East Africa, etc. (Broodryk, 2005).

communities of circumstance or a community of action (Feverbee, 2017). Other terms include local community, broader community, wider community, indigenous community, vested and non-vested community, stakeholders, networks, neighbours, neighbourhoods, NGOs, society, and communities of circumstance.

Further terms encountered include neighbourhoods, environmental groups, community members and other elements of the surrounding civil society (Gunningham et al. 2004) p308; communities of action (Ahlbrandt, 1984); environmental activist groups, organized community groups and identity-based groups Rowley and Moldoveanu (2003); and local people (Hinshelwood & McCallum 2001) p9. Podnar and Jancic (2006) refer to primary and secondary, and voluntary and involuntary stakeholders, while the International Finance Corporation uses the terms community and stakeholder interchangeably” (Eftimie et al. 2014) p11ff).

Additionally, the number of forms of community has expanded rapidly, particularly with the advent of social media. Thus we have “the virtual advocacy group” and the “community of practice” (Dunham, Freeman and Liedtka (2006) p23; Lave and Wenger (1991) p98; the “community of interest” (Dunham et al. 2006) p32, “networks” (Hinshelwood and McCallum, 2001) p16 and (Foth, 2003) p34, “affected communities” (Collins and Ali, 2016) p31 or even “a transnational community of common interest” (Askanius and Gustafsson, 2010) p26.

The problem of multitudinous definitions of communities is not new. An extensive survey of the definitions of communities in the literature at the time, conducted by George Hillery in 1955, noted ninety-four distinguishing ideas or elements in the definitions, and observed that “all of the definitions deal with people. Beyond this common basis there is no agreement.” (Hillery, 1955) p117.

It is, however, evident that “community” in the SLO literature mostly means local communities and the wider community. These are communities that

live or work near the site and others who can directly affect the profitability of the project (Freeman (1984); Hall et al. (2015)). Then, at a more granular level, there are differences within the communities, or single individuals may belong to several different communities (Williams, Walton, 2013).

As the concept has developed and the term “social licence” has been taken up in a myriad of different contexts, there is a need to create a greater understanding as to precisely who (or what) constitutes the “community”.

Moreover, there are differences, disagreements, power differences and a lack of consensus within local communities. This means that regarding the community as homogenous could “reinforce established patterns of exclusion” (Williams, Walton, 2013) p16. In work done with a community in the Northern Cape, South Africa (Taylor & Mahlangu, 2017), what was an ostensibly homogenous small community, in fact comprised several distinct groupings, with diverse needs and opinions. However, this community granularity is not discussed in any real detail throughout the literature. As Williams and Walton (2013a) p11 observe, “There is little discussion in terms of diversity within a local community. The current notion of SLO founders primarily on the idea that all ‘the community’ belongs to a single community of interests and that the community's concerns can be understood as an undivided whole”.

This makes it exceedingly difficult for any organisation negotiating a social licence to identify and include all relevant stakeholders, both within the immediate community as well as all other interested or affected parties. Wüstenhagen, Wolsink and Bürer (2007) observe that the number of actors involved in deciding the acceptability of a project makes the entire process complicated, especially when acceptance is sought from investors, government, NGOs, and the wider community. In the same vein, Morrison (2014b) refers to social groups such as NGOs, interest groups, media and the wider public, as well as stakeholders affected by or involved in the activity, rights holders and organisations representing social groups. He also includes, in line with his social contract lens, state actors, non-state actors

and civil society. This widening of the set of participants in granting the social licence, while valuable and likely to provide additional insight, just broadens and complicates the field.

This does not mean that the companies should not try to understand their communities. As Michell and McManus (2013) p436 comment, "Understanding social relations and community dynamics is increasingly recognised as essential". This may mean creating community profiles identifying needs and aspirations. Indeed, Laskovic (2016) p88, in quoting an interviewee, notes that to identify "those who matter", the organisation should identify the right people and communities, which "begins with a [company's] understanding of what makes communities/people perceive themselves to be affected by what [the company] is doing." This understanding and identification of the community is vitally important. Kuch et al. (2013) p10 comment, "Tracking social license and the emergence of dissent around issues and how publics become entangled and motivated to action is not trivial and requires close ethnographic analysis in addition to surveys."

Without identifying key members of communities and their relative voice and influence, it is not easy to see how a company can engage with the people who may have the power to grant or withhold the SLO. However, deciding who has the right to sit at the table is problematic. Throughout their work, Boutilier and Thomson and their collaborators argue that the companies should strategically determine which stakeholders they wish to involve. They proposed making use of a strategic social network analysis to identify those stakeholders who may affect the company's operations from time to time. Accordingly, they limit the stakeholders to the immediate community plus any other strategic stakeholders, such as government, local authorities, et cetera. This implies that the selection of stakeholders is focused on the company's need for unrestricted access to resources as opposed to the stakeholder community's needs. While this may be appropriate from a business perspective, it may not be a suitable approach when considering the SLO at

a more macro level. Furthermore, as with many projects currently, the stakeholder community is far broader and more vocal, and therefore often more influential, than the local community.

#### **2.6.2.2 Stakeholders**

Stakeholder theory, certainly the current understanding of the concept, originated from Freeman (1984), who suggests that a stakeholder is “any group or individual who can affect or is affected by the achievement of the organization’s objectives” (Freeman, 1984) p. 46. Later, Freeman and Evan (1990) discuss the concept of stakeholders as voting members of the company and suggest that [only] stakeholders who carry the project risk should have the right to vote.

In theory, the concept of “any group or individual” creates an endless list of stakeholders, particularly in environmentally sensitive projects. It would not be unfeasible to suggest that extracting shale gas in Lancaster affects the residents of Tasmania or Canada, to say nothing of the penguin population in the Antarctic. However, that is hardly a realistic approach. As Colvin, Witt and Lacey (2016) p267 observe, “the interconnectedness of natural systems can lead to who is considered a stakeholder including almost everyone and everything”, which can even include moral interests.

Nevertheless, the concept “stakeholder” obviously includes the local resident community and people living within a yet-to-be-determined proximity of the project, as it can be argued that they are all affected by the project. The list of parties should include vested and nonvested stakeholders (Wilburn & Wilburn 2011), claims and rights holders (Feinberg (1966); Waxenberger and Spence (2003); White (1982)) and several similar, if peripheral, groupings. Stakeholders should further include investors, lenders, customers, suppliers, and company staff, as well as government at all levels, as these groups or bodies all have some form of interest in whatever project is taking place. The question then remains as to whether people or groups not directly involved in, nor living within proximity of, the project can still claim to be stakeholders

because they are, in some way, affected by the project. Furthermore, how does one treat the environment or “future generations” (Brundtland 1987)<sup>9</sup>? Are they also stakeholders? The environment and unborn generations are discussed later but will be included as part of the stakeholder groups at this stage.

How does one deal with this stakeholder issue? Colvin, Witt and Lacey (2016) p267 suggest that stakeholder selection should be limited to “only those stakeholders whose engagement can be viewed as a pragmatic requirement for successful outcomes”. Similarly, it is suggested that, rather than include all stakeholders, “a line must be drawn at some point, based on well-founded criteria established by the research analyst” (Reed et al., 2009) p1937, while Boutilier and Zdziarski (2017) use the term “influential stakeholders”.

Often, for practical purposes, project promoters may believe that only “strategically important” stakeholders should be engaged. As Ruggiero, Onkila and Kuittinen (2014) p53 note, “the success of a project depends to a great extent on the identification of key stakeholders and the management of the relationships with them”. Other authors refer to strategic manoeuvring, strategic management, strategic interventions, and the salience of stakeholders in the selection of those stakeholders to whom the company should pay attention and with whom the company should interact (inter alia Ackermann and Eden (2011); Bryson (2004); Mitchell, Agle and Wood (1997); Zdziarski and Boutilier (2016)). As Hardy (2020) p1 notes, traditional stakeholder selection models suggest that stakeholders with strong influence and high interest “demand the most attention” while “we needn’t waste much time with those with little interest and not much influence.” This view is confirmed by Ackermann and Eden (2003) suggest that in their utilitarian-

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<sup>9</sup> Brundtland observed, in terms of sustainable development, that the needs of the world deserve overriding priority and that there will always be limitations on the environment’s ability to meet needs, imposed by the current state of technology (which leads one to believe that as technology improves so does the environment’s ability to meet needs). (Brundtland, 1987) p35.

based model “Stakeholders are not treated as having rights, only having power and interests” (Ackermann and Eden, 2003) p3.

While this approach may be convenient and practicable for organisations seeking to deal with their stakeholders, it certainly would possibly ignore large sections of the community, and certainly be at variance with the elements of Procedural Justice discussed below.

Reed et al. (2009) suggest that when considering stakeholders, it is presumed that stakeholders have, by definition, a stake in the organisation or activity under consideration. However, they suggest the problem lies in deciding whether the organisation should dictate which stakeholders should be involved or whether this should be decided by the stakeholders themselves (Reed et al., 2009).

Stakeholder identification involves identifying stakeholders who will be affected by the company and those who will affect the company. Thomson and Boutilier (2011) argue that specific stakeholders must be identified as representing the various stakeholder groupings. It is these individuals who will be engaged and with whom relationships will be built. They believe it is the company’s prerogative to determine the level of engagement with these stakeholders. They observe further that stakeholders have different legal social powers and that they, therefore, require different responses. Thomson and Boutilier further argue that the “granting entity” should be termed “a network of stakeholders rather than a community as this would include stakeholders who are not part of a geographic community.”

To be true to Freeman’s definition of stakeholders referred to above, other stakeholders not frequently referred to in the SLO literature must include the company’s management and staff, shareholders, and financiers. Not only does this group often have a stronger legal relationship with the company than the community, but the directors have a fiduciary duty to the company and, by extension, its shareholders in terms of both Section 172 of the Companies Act (2006) in the UK and Section 76 of the Companies Act No.



71 of 2008 in South Africa. Both these sections require the directors to act in the company's best interests, which puts them in the position of being significant stakeholders in all projects or developments by the company of which they are directors.

Cognisant of this issue and considering that many “interested parties” would hardly be called stakeholders (as they cannot affect nor are, in truth, affected by the project), this research adopts the position that there are three broad groupings. At the most comprehensive level, there is “society”, comprising anyone who has an interest in or may feel they could influence the outcome of a particular project; within that group are the “stakeholders”, those who comply with a pragmatic version of Freeman’s stakeholders (Freeman and Evan, 1990); and finally, within the stakeholder group, the community which is the dominant term used in the literature.

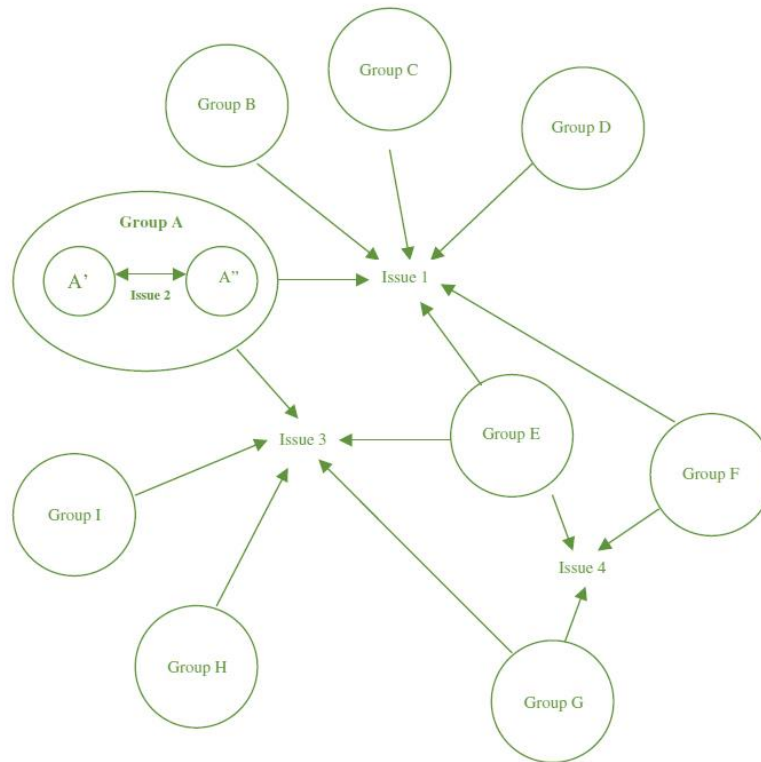
### **2.6.3 Identifying and categorising stakeholders**

In addition to considering who constitutes the community, numerous studies apply different methodologies for identifying stakeholders more generally, but these may aid in developing an SLO. Mitchell, Agle and Wood (1997) identified stakeholders on the basis of power, legitimacy and urgency, to determine stakeholder saliency, while Reed and Curzon (2015) apply three different approaches: descriptive, which analyses stakeholder characteristics and relationships; normative, which deals with the legitimacy of stakeholder involvement; and instrumental, where the focus is on identifying explaining and managing the behaviour of stakeholders (Reed and Curzon, 2015). This approach was identified earlier by Steurer (2006), who suggests that there are three perspectives through which stakeholders may be viewed, namely the corporate perspective, the stakeholder perspective and the conceptual perspective, with the latter mainly being an ethical or corporate social responsibility view. This gives rise to nine possible stakeholder groupings. Similar approaches include those of Bryson (2004), with his Power versus Interest Matrix, and Murray-Webster and Simon (2006).

Stakeholder Network Analysis (SNA) is another approach that is predominantly a mathematical and statistical analysis of networks (Azaouzi, Rhouma and Romdhane (2019); Kunz, Kastle and Moran (2017); Otte and Rousseau (2002); Prell (2006); Prell, Hubacek and Reed (2009); Salpeteur et al. (2017); Sedereviciute and Valentini (2011); Wellman (2018)). It involves a substantial amount of investigation and data collection to be relevant and is often reliant on computer-based technology. Boutilier et al. (2012) also propose using social network maps to identify the various micro-communities. They advocate that such maps “should be created to show who is allied with whom, who is more influential, and what level of social license each stakeholder group grants.” (Boutilier et al., 2012) p235. They further recommend that managers use stakeholder identification and research to define the factors influencing the various levels of social licence. (Boutilier et al., 2012).

Much of the literature on stakeholder mapping is focused on identifying stakeholders, particularly those with power or influence, with a view to “managing” the stakeholders as opposed to identifying the groupings, their needs, and their concerns with a view to engagement. Furthermore, as noted by Colvin, Witt and Lacey (2016a), there is the concern that the “usual suspects” are selected, or that just those who shout the loudest get heard.

Bryson (2004) proposed an apposite analysis to identify and understand the various stakeholder groupings involved in the SLO. In this model, he groups sections of the community around the various issues of concern (Figure 5). Within the context of the SLO, where there are numerous issues ranging from health, safety, and the environment through to jobs, economic benefit, and a fair distribution of the proceeds from the project. While not all of these apply to every section of the community, this is an appropriate means of stakeholder/community identification and will be subsumed into the stakeholder analysis in this research.



**Figure 5 Stakeholder-Issue Interrelationship Diagram**

Source: **Bryson (2004)** p38

To earn the SLO, there needs to be interaction or engagement with the community/stakeholders. This engagement can only take place if the groups and individuals to be engaged are identified. As has been observed, the community/stakeholders are not one homogenous group and could best be described as polymorphous<sup>10</sup>, and that exactly portrays the numerous descriptions of the SLO awarding body in the literature. Accordingly, to earn the SLO, companies should ensure that they have identified all relevant communities/stakeholders prior to engaging with these groups and individuals.

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<sup>10</sup> Polymorphous is described as “having or experiencing many different forms or stages of development” (<https://dictionary.cambridge.org/dictionary/english/polymorphous> accessed 18 July 2023)

## **Building the Definition, continued**

Having considered the nature of the SLO and who awards it, the SLO definition can be expanded to:

**The SLO is an intangible and dynamic construct, with no legal status; a continuum; representing ongoing acceptance or implied consent; based on the elements of legitimacy, credibility, and trust; that is context, issue and often site-dependent; awarded to an entity by a polymorphous stakeholder community.**

## **2.7 Process or engagement to earn the SLO**

Having considered the structural elements of the SLO and the parties involved in earning and awarding the SLO, this section now reflects on the company/community nexus, the interaction between the two parties suggested in the literature.

As the literature confirms, to earn the SLO, the company/project needs to gain the community's trust by demonstrating legitimacy and credibility. It does this through its engagement with the various groups in the community, showing both by actions and by its communications that it is legitimate, credible, and, therefore, trustworthy. Furthermore, it is evident from the SLO literature that engagement includes both communication and conduct (AccountAbility (2015); Hurst, Johnston and Lane (2020); Johnston and Lane (2018); Shaw & Crowther (2017)).

The International Finance Corporation (IFC) further states, "Industries undertaking exploration and early project planning and development around the world face many challenges. Critical among these is ensuring that their initial community engagement will provide a foundation for attaining and sustaining a social license to operate." (Eftimie et al. 2014) p7.

The two primary elements of engagement are thus communication and action, where the latter includes processes and procedures. As with so much, these elements are often intertwined, and the appropriate processes and procedures would often include apposite communication. Nonetheless, for purposes of this review, they are separated.

### **2.7.1 Communication**

It appears from the SLO literature that communication is the least explicated element. The literature is replete with adjectives such as open, transparent and engagement in describing communication, but there is little discussion regarding process and content. Mercer-Mapstone et al. (2018) observe that dialogue and communication are critical for building stakeholder relationships, while Moffat & Zhang (2014) demonstrated over several studies that, in addition to Procedural fairness, contact quality was a significant driver of trust. Furthermore, in discussing communication and the shale gas industry, Tracol (2018) suggests that, rather than assisting the industry, the communication strategy adopted undermined trust in the industry. Accordingly, communication should be an essential element in earning the trust of the community/stakeholders.

In its most straightforward format, communication involves a transmitter, message, medium and receiver (Taylor, 2017). However, to ensure the message has been received, there needs to be a feedback loop (Barnlund, 1970); the receiver becomes a transmitter and the transmitter a receiver. In other words, there must be dialogue. It is not clear from the SLO literature how we communicate, where we communicate, what media are used or should be used, nor what format the communication takes (written, verbal or online, for example).

The issue of communication is of vital importance, and it is appropriate to consider some of the aspects relating to the concept. There are at least nine distinct models of communication systems ranging from Aristotle (speaker – speech – audience – affect) (Beltran (1979); Demirdögen (2010); Rapp

(2022)) to Frank Dance's Helix model (Sunina and Rivza, 2016). While some of the models are abstruse and require advanced mathematics for their understanding (Barnlund (1970); Westley and MacLean Jr (1957)), others are overcomplicated for this research, introducing factors such as noise, interference, decoding, et cetera (Blyth (2009); Osgood (1952); Osgood, Suci and Tannenbaum (1957); Osgood (1962); Ritchie (1986), Schramm (1977); Shannon and Weaver (1949)). However, they all raise important issues regarding the culture and history of the sender and recipient, interpretation and feedback, gatekeepers and the medium or media involved.

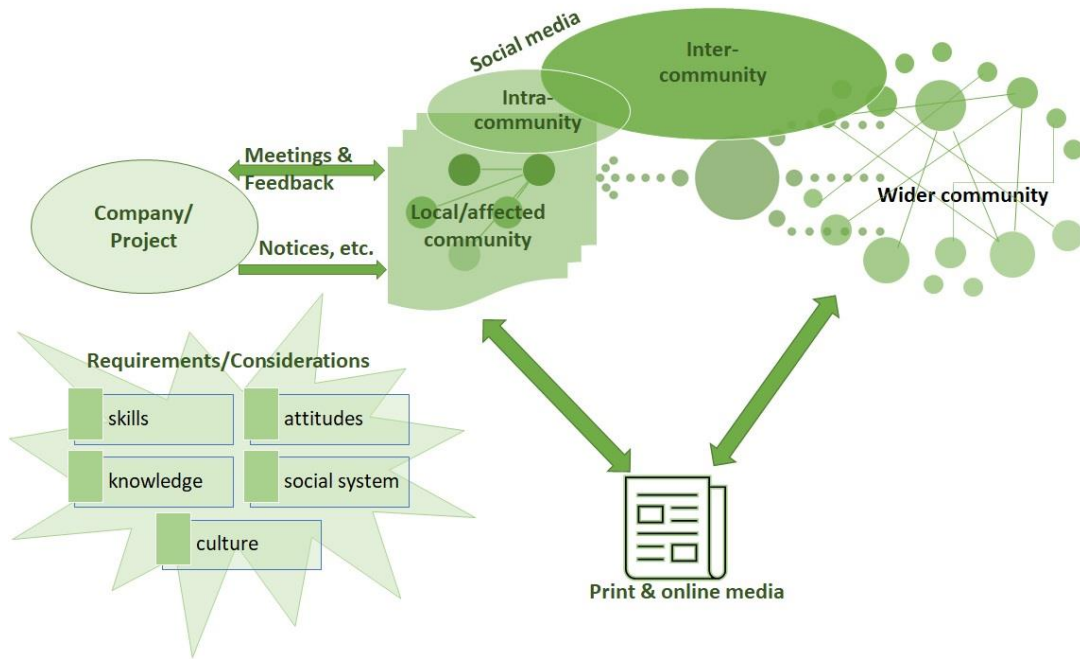
This eventually led to developing a new model for this research (Figure 6), considering elements of the nine different models, particularly that of David Berlo (Berlo 1960). In his SMCR model, Berlo highlights the need for both the source and receiver to have analogous communication skills, attitudes and knowledge and understand the social system and culture in which the communication occurs (Berlo 1960). These elements are important when considering communication between people from different languages or backgrounds and cultures. Failure to transmit an understandable message and receive appropriate feedback leads to misunderstanding and, ultimately, distrust.

An area that requires comment as far as the SLO and, especially, protests are concerned is that of social media. Douglas (2014), having noted that social licence is dependent upon trust, observes that the emergence of social media means that "today's digital citizen expects engagement across many platforms in order for that trust to be maintained" (Douglas 2014) p1. She states further that "the emergence of social media has meant that communities and opponents are better engaged, informed and networked than ever before" (Douglas 2014) p4. Social media such as Facebook and Twitter play a significant role in the protest movements. As Smith and Richards (2015) p5 comment, "as information about a possible hazard is exchanged [via social media], a population may come to perceive the risk of

impact as a threat is many times greater than that calculated by informed experts”.

Without going more deeply into the effect of social media, the concept of “fake news”, artificial intelligence and bots, it is vital for companies to understand at least that social media may significantly impact their ability to earn and retain the SLO.

The model below (Figure 6) sets out the different areas of communication likely to be encountered when seeking engagement with the community. At the local level, there are notices (often obligatory legal notices) and general information passed from the company to the local and affected community. There will also be meetings and feedback between these two groups. Print and online media then link the local and wider community and may also form part of the company’s communication outreach. Social media tends to be the means by which intra and inter-community communications occur and where the wider community becomes involved. From an SLO perspective, the company’s only control is over the messages it broadcasts, and its responsibility is to ensure that it meets Berlo’s requirements of comparable communication skills, attitudes, and knowledge and to be sensitive to the communities’ social systems and culture (Berlo 1960).



**Figure 6 Elements of Communication and the Community**

Source: Researcher

It has been observed that the essential elements creating the conditions necessary for awarding the SLO are trust, based on legitimacy, and credibility. These latter two elements are, in turn, based on the evidence and perception of what is communicated and the corresponding action, especially the interaction or engagement with the community.

### **2.7.2 Conduct or Action**

If the academic literature regarding the SLO is reticent on communication, it is positively silent on describing or proscribing concepts such as conduct, action or behaviour as far as the companies wishing to earn the SLO are concerned. In the first instance, it is apparent that what the company does (conduct/action/behaviour) has been subsumed into the general concept of engagement, which, as noted above, includes both communication and action. Secondly, this may also account for the number of articles equating corporate social investment (CSI) or corporate social responsibility (CSR) with the SLO (Buhmann (2016); Mayes (2015); Roeder (2016); Rulifson and



Smith (2021)). Corporate altruism or beneficence may well purchase community acceptance, but that could not be termed “earning the SLO”.

Accordingly, while the company’s actions will be considered in the research, they will be viewed through an engagement lens.

### **2.7.3 Just Engagement**

While not overtly stated in all the models, although reflected in some, and regularly appearing in the literature, two adjunct elements required to win trust and, therefore, earn the SLO are Procedural Justice/Fairness, “how it’s got”, and Distributive Justice/Fairness, “who gets what”.

#### **2.7.3.1 Engagement**

The social licence literature uses the terms communication and engagement with equal frequency, although apparently not interchangeably, with neither term having more currency. Thus, engagement has been selected as it includes communication and action or conduct.

Other nuances are also attached to the word “engagement”, which seem appropriate in the SLO setting. Essentially, engagement is to participate and bring together **or** to engage in a battle (OED (2022b, 2022a); Merriam-Webster (2022b, 2022a)), with both interpretations being apposite in this research.

The International Finance Corporation (IFC) states that for industries involved in project development, “their initial community engagement will provide a foundation for attaining and sustaining a social license to operate.” (Eftimie, Darling and Pollett, 2014) p7. It further notes, “Trying to capture and convey the community engagement process in a document forces a sequential logic that can sometimes make what is an iterative, dynamic, often unpredictable process look precise and mechanical.” (Eftimie, Darling and Pollett, 2014) p7.

The dynamics, interactions and intermediations involved in the engagement process add to the intricacies of gaining the SLO.

### **2.7.3.2 Justice**

The issue of justice is fraught with complications and varying definitions as to what constitutes the elements of the distinct types of justice. Tyler (2000) refers to social justice as a means to resolve “the many interpersonal and intergroup conflicts that occur within societies and organised groups” (Tyler, 2000) p117, while Craig (2009) observes that the most commonly referred to concepts in their research on civil society were fairness and equality.

While reflecting elements of both Kant and Rawls<sup>11</sup>, the axiological position adopted throughout this research is based on the principles of *ubuntu*, of recognition, respect, and dignity. This will arise where the issue of justice and fairness, in whatever form, is important to all parties. The elements of Procedural Justice, accessibility recognition and participation (as discussed below), are all reflected in the concept of *ubuntu*, which also recognises the rights of community members [to due process], and the corresponding requirement for Interactional fairness of treatment.

Justice depends on “right action”, on entities (people and organisations) treating each other with fairness, dignity, and respect. While there are various ethical lenses through which one could consider the concept of *ubuntu*, following Metz's (2017) seminal “Toward an African Moral Theory” a definition was adapted to state that “*ubuntu* is a normative ethical theory, arriving at the principle of right action that: ‘An action is right insofar as it promotes cohesion and reciprocal value amongst people. An action is wrong

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<sup>11</sup> Kant's Categorical Imperative(s) are well described as being where “individuals appreciate themselves as belonging in a community of shared norms, rooted in reciprocity, with all the entitlements and responsibilities associated with that position” (Bagnoli and others, 2021) p182. John Rawls' conception of justice is based on a principle whereby each person has an equal right to liberty, that “justice is a primitive moral notion” and that “fundamental to justice is the concept of fairness, which relates to right dealings between persons” (Rawls, 1958) p178.

insofar as it damages relationships and devalues any individual or group.” (Taylor 2014) p339. Ultimately, it is this concept of *ubuntu*, that actions by all parties should promote cohesion and reciprocal value, which provides the philosophical and ethical basis of this discussion on justice in engagement.

Cotton and Devine-Wright (2013) observe that perceptions of Procedural Justice influence perceptions of legitimacy, thereby affecting project acceptance. Together with Ottinger et al. (2014), they observe that Procedural Justice is absent in many local planning decisions. Additionally, with specific reference to projects similar to the Kirby Misperton case study, Whitton et al. (2017) argue that the absence of demonstrable social justice within shale gas projects will likely lead to societal resistance and opposition, political critique, and the inability to be deemed as positive or ‘good’ (Whitton et al. 2017).

Movements and groups, in particular the environmental justice movement, are now demanding justice for communities and groups, not merely individuals (Schlosberg, 2007) and Bowles, MacPhail and Tetreault (2019) note that there are two competing narratives when discussing the legitimacy of a project, referring to the “two narratives, that of social licence used by the company and of Procedural Justice used by the opposition movement” (Bowles, MacPhail and Tetreault, 2019) p157. This would seem to confirm that Procedural Justice is a concomitant requirement for project legitimacy and, thus, for earning the SLO. Similarly, injustice is dysfunctional. As Krehbiel and Cropanzano (2000) p339 note, “Perhaps the most salient and obvious part of injustice is the pain and hurt that it engenders. We feel injustice in a ‘gut,’ visceral fashion.”

Therefore, it is apparent that for any engagement, the outcome, and the process or procedure used to achieve that outcome, must be seen by all participants as just and fair.

At a macro level, the elements of justice can be broken down into noncomparative justice and comparative justice. In his seminal 1974 article,

Joel Feinberg refers to justice as giving a person what is due to him or her. He states that “in some cases, one’s due is determined independently of that of other people [non-comparative justice], while in other cases a person’s due is determinable only by reference to its relations to other persons [comparative justice].” (Feinberg 1974) p298 [researcher’s explanations inserted]. Noncomparative justice relates to absolutes; something is either present or absent, whereas comparative justice, by its very nature, depends on comparison with others.

Accordingly, noncomparative justice includes Procedural Justice - were the procedures carried out correctly, justly and fairly or not; Interactional Justice – did the parties treat each other with truth, fairness and dignity; and environmental/ecological justice where, ideally, there should be absolute standards.

Comparative justice includes Distributive Justice, where the question is, ‘Do parties receive what is due to them?’ (Feinberg 1974) p300. A further aspect of comparative justice is the concept of power or powerlessness. As with distribution, power is relative and, setting religion aside, there is no absolute power.

There is an inevitable overlap, as with so many theories of this nature. The most obvious is the connection between Procedural Justice and Distributive Justice, where perceptions of the fairness of procedures influence people’s responses (Lauer et al. (2017); Tyler and Smith (1995))

#### **2.7.4 Procedural Justice**

The elements of Procedural Justice include the process itself (was it legal and compliant?); accessibility (in terms of location, language and culture); recognition (in dealing with people, was cognizance taken of culture, cultural domination, disrespect and stereotyping); and participation (do the parties listen to and hear each other, was respect shown for each party, was there adequate sharing of information, did the participants feel they had some

ability to control the decisions? (Cole & Foster (2000); Sovacool & Hess (2017); Walker & Baxter (2017))

#### **2.7.4.1 Process**

For the process to be considered just, there must be verifiable legal compliance before considering any other elements of Procedural Justice. It is accepted that any organisation or project wishing to earn an SLO needs to have complied with all necessary legislation, thus giving it legal legitimacy (Ottinger, Hargrave and Hopson (2014); Simcock (2016)). Procedural Justice is concerned with process - how decisions are made, fairness, transparency and inclusivity (Sovacool et al., 2016), and, as O'Neill (2002) p1 observes, "Openness and transparency are now possible on a scale of which past ages could barely dream", so there is no excuse for not being transparent.

#### **2.7.4.2 Accessibility**

Both Cole & Foster (2000) and Ottinger et al. (2014) aver that accessibility, both physically and in terms of language, is a crucial element of Procedural Justice. This implies that any interaction or communication must be practically available or open to any participants (in this case, the community) and in a language that is understood. Availability includes placement of public notices, while meetings or other interactions must be reachable by the community and at suitable times (Sequeira & Warner 2007).

The language used both in written or online communication and at meetings should be that of the community members and should be at a level that is comprehensible to that community. Furthermore, the attributes of the source and recipient, as indicated in Berlo's model (Berlo 1960), need to be considered in all communication. These are communication skills, attitudes, knowledge, the social system, and the culture in which the communication occurs. There must be the ability of the community to read and understand publications and notices which, Cole & Foster (2000) p110 note, "are often

not translated into the community's language or are written in such technical language that they are inaccessible even to relatively educated people".

Apposite here, especially because of the language issues in the Loeriesfontein case, is a quotation from Nelson Mandela "Because when you speak a language, English, well many people understand you, including Afrikaners, but when you speak Afrikaans, you know you go straight to their hearts." (de Galbert, 2019), and it is this need to go to the heart of the people to empathise, that makes for effective Procedural Justice.

#### **2.7.4.3 Recognition**

While recognition, according to, inter alia, Fraser (1997), is an essential element of Distributive Justice, it also has a significant role to play in Procedural Justice. Recognition involves taking cognizance of culture, cultural domination, disrespect, and stereotyping. The recognition of other people or groups is an essential element of justice. As Miller (2021) notes, the failure to recognise others through social norms or practices diminishes those "others" either by denigrating their social status or disregarding them as equals. This lack of respect, non-recognition or misrecognition humiliates the "others" and negatively affects participation (Fraser and Honneth (2003); Honneth (2004); Schlosberg (2007); Schweiger (2019)), whereas recognition constitutes a reciprocal relationship between parties "in which each sees the other as equal" (Fraser & Honneth 2003) p10.

In summary, recognition, non-recognition, and misrecognition describe how individuals and groups are perceived and treated by others. While recognition acknowledges the individual's worth and dignity, nonrecognition fails to validate or even "see" the individual or group, leading to marginalisation, exclusion or even invisibility. Misrecognition often involves inaccurate or unjust stereotypical views of individuals or groups who are "different from us", thus rendering them invisible and denying their worth, dignity and respect.

It is apparent, therefore, that the concept of *ubuntu* elucidated previously, encompasses the issues of recognition - promoting cohesion and reciprocal value and misrecognition or nonrecognition - damaging relationships and devaluing individuals or groups.

#### **2.7.4.4 Participation**

One of the requirements for Procedural Justice is the ability of the affected people and communities to participate as equals in the decision-making process (Schlosberg, 2007). Walker & Baxter (2017) p161 state that the key elements of participation include information sharing, opportunities to participate and the ability to affect outcomes. Schlosberg (2007) p26 further includes recognition as an element of participation, "If you are not recognized, you do not participate; if you do not participate, you are not recognized." As with so many elements of Procedural Justice, there is substantial overlap, and it is only to provide a linear narrative that they are treated separately where possible.

Additional elements of participation include process control and decision control, where the participants feel they can both voice an opinion and influence the outcomes of any interaction (Lauer et al. (2017); Turton (2017); Yakubu (2018)).

Finally, listening and respecting are essential elements of participation. The question is, "do those who apply these procedures listen to my views and treat me with respect?" (Simmons & Lovegrove 2005) p502. Cotton (2017), Meyerson et al. (2021), The\_Justice\_Collaboratory (n.d.) and Walters & Bolger (2019) all confirm that listening and respect are crucial elements underpinning participation, again re-emphasising the applicability of the *ubuntu* view of justice.

#### **2.7.4.5 Free Prior and Informed Consent**

It could well be argued that a further element of Procedural Justice is the concept of Free Prior and Informed Consent (FPIC). FPIC is "a process

undertaken free of coercion or manipulation, involving self-selected decision-making processes undertaken with sufficient time for effective choices to be understood and made, with all relevant information provided and in an atmosphere of good faith and trust.” (Gilbert et al. 2009) p2. By its nature, FPIC is a process involving ensuring that the affected community is given sufficient knowledge on which to base their opinions on the acceptability or otherwise of a project (Doyle 2009). In the cases where there are legal structures and requirements for consultation with the communities before the commencement of the project, it is suggested that FPIC is an inherent, if implied, element of Procedural Justice.

### **2.7.5 Interactional Justice**

While there has been debate about the difference between Procedural and Interactional Justice (Cropanzano, Prehar and Chen, 2002), Interactional Justice can best be described as the perceived fairness of the dealings or exchanges between the parties, the interplay between the community and the company or project and amongst the community themselves. Core principles underpinning international justice include truth, human dignity, fairness and the “style” of the interaction (Bies (2015); Beugre and Baron (2001); Luo (2007)).

A succinct explanation of the difference between Procedural and Interactional Justice is that “Procedural Justice raises the question ‘are the rules and procedures used to reach these decisions equitable?’ Whereas Interactional Justice asks, ‘do those who apply these procedures listen to my views and treat me with respect?’” (Simmons & Lovegrove 2005) p502. Both elements must be accounted for when considering justice in the relationship between companies/projects and communities.

Liangtie Dai (2016) provides a concise summary of what they term the three elements of organisational justice, where Distributive Justice has to do with the outcome of the procedure, Procedural Justice has to do with the fairness



of the procedure, and Interactional Justice has to do with the quality of the procedure.

### **2.7.6 Distributive Justice**

Distributive justice involves the fair apportionment of benefits (and burdens) in society. Various differing Distributive principles could be applied, ranging from strict equality of distribution to all members of society, through Rawls' Difference Principle, which allows for different distribution structures provided that the least well-off are in a better position than they would be under a strictly equal distribution, to a deserts-based principle. Distribution should take place based on some acceptable, transparent and relevant criteria agreed between the distributors and the recipients (Lamont & Favor (2017); Miller (2021)).

However, Distributive Justice is not as straightforward as could appear. Young (2001) p15, argues that "the social structure and institutional contexts help determine distributive patterns" and thereby create injustices through the reality of domination and oppression. Young (1990) argues that Distributive Justice is not only about the fair distribution of resources but also about addressing the underlying structural factors, social, cultural, economic, and political, that perpetuate distributive inequalities, and dismantling these to achieve equality. Young further suggests that the powerful (individuals or corporations) are responsible for addressing this injustice.

Fraser (1997) proposes that there can be no Distributive Justice without recognition, suggesting that distribution cannot be just until all parties are capable of participating equally with other members of society. Thus, economic distribution requires recognition of identity and culture, particularly of marginalised groups.

Further, both Amartya Sen (Sen 1990) and Martha Nussbaum (Nussbaum 2009) and (Nussbaum 2011) are concerned about the recipient(s) of the distribution and raise the issue of capabilities. For Sen (1990) p44, capability

refers to “a person’s freedom to choose between different ways of living”, but that capability needs to be present for a person to choose. If a person does not have a particular capability, such as reading, then providing that person with the book is meaningless. As Nussbaum (2011) p20, observes, capabilities are “opportunities created by a combination of personal abilities and the political, social and economic environment”. Nussbaum (2011) argues that if people cannot do what they wish to do or achieve their ambitions due to external factors, that is a failure of fundamental justice.

Accordingly, it can be argued that a fair outcome is determined by the presence of Distributive Justice, which encompasses fairness, accessibility, capability, recognition, and compliance. A fair outcome in and of itself is insufficient and often not that achievable. What also needs to be demonstrated is the fairness of procedures employed to arrive at the distribution or the conclusion of any engagement. The question to be answered is: ‘Does the procedure employed ensure fairness of distribution of any benefits flowing from the project?’.

### **2.7.7 Power**

The issue of power/influence/powerlessness is crucial as it impacts participation and recognition, substantial elements of Procedural Justice, but at the same time can affect distribution or Distributive Justice. While it will not be regarded as a separate lens, the impact of power has been included under comparative justice for the abovementioned reasons. It will need to be considered in discussions on both Distributive and Procedural Justice. As the ICMM (2012) notes, “If seemingly ‘powerless’ sectors of society are left out of the consultative processes, the project can fail due to lack of comprehension of the broader context and concerns in which it is being implemented” (ICMM, 2012) p45. Furthermore, omitting the powerless from the engagement flies in the face of Procedural Justice and would undoubtedly limit or eliminate the possibility of the company achieving the SLO.

### **2.7.8 Environmental/Ecological Justice**

There are several questions to be addressed as far as the environment is concerned. In the first instance, is the environment a stakeholder? Freeman (1984) defined a stakeholder as any “group or individual who can affect, or is affected by, the achievement of a corporation’s (or organization’s) purpose (or objectives)” (pp.vi; 25; 54), a definition that would certainly exclude the environment as it is neither a group nor an individual. Countering this argument, Driscoll & Starik (2004) p57ff argue that the natural environment is the “primary and primordial stakeholder of the firm”, a view readily accepted by the researcher based on his experience. Furthermore, Phillips & Reichart (2000) p194, suggest that “the ‘voice’ of nature can be heard through the individuals and groups that are ubiquitously counted among the organisation's legitimate stakeholders”. Therefore, if the natural environment is accorded the status of a stakeholder, it needs to be treated equally in terms of justice.

Environmental and ecological justice consider projects from both an environmental perspective - the impact on people; and an ecological perspective - the impact on the natural environment. The difference between these two concepts of justice is quite stark. Most environmental justice is focused on preserving the environment for the sake of current and future generations and not for the environment itself (Ghotbi 2014), and thus the environment is protected because it is a resource for everyone, both current and future generations - the anthropocentric view. In contrast, a biocentric approach regards nature as “a subject with fundamental rights, such as the rights to exist, to survive, and to persist and regenerate vital cycles” (Borràs 2016) p114.

Environmental Justice, therefore, relates to the human right to an acceptable and sustainable environment, while ecological justice relates to the entire natural environment’s entitlement to an acceptable and sustainable future.

While a new Environmental Act has recently been introduced into the United Kingdom (Environment Act 2021) and there are environmental laws at different levels both in South Africa and in the United Kingdom, it is of note that in South Africa section 24 of the Constitution provides, as a fundamental human right, that “Everyone has the right – (a) to an environment that is not harmful to their health or well-being; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that: (i) prevent pollution and ecological degradation; (ii) promote conservation; and (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.’ (Humby 2016) p219. This section of the Constitution thus grants individuals the right to an acceptable and protected environment.

Far more than ecological justice, environmental justice has taken centre stage in the current public discourse. One has merely to pick up a newspaper to see details of yet another environmental protest. Schlosberg (2007) p5 observes that “environmental justice movements explore, represent, and demand justice - fair distribution, recognition, capabilities, and functioning”, as well as community survival.

### **Building the Definition, continued**

Having considered the nature of the SLO, who awards it, and how it is earned, as well as the issue of justice embedded in it, the SLO definition can be expanded to:

**The SLO is an intangible and dynamic construct, with no legal status; a continuum; representing ongoing acceptance or implied consent; based on the elements of legitimacy, credibility and trust; that is context-, issue- and often site-dependent; awarded to an entity by a polymorphous stakeholder community; and warranted by just engagement comprising open and transparent communication and right action.**

## **2.8 Demonstrable possession, retention, or loss**

The literature is clear and totally agrees on one aspect: the SLO is intangible. How does one, therefore, demonstrate that the company/ project/ industry has a Social Licence to Operate? Does lack of objection or public outcry indicate tacit consent or, as has happened in many mining ventures in South America, does silence indicate fear? (Jenkins, 2018). Alternatively, does the fact that JJEW from Alabama or MML from Vienna<sup>12</sup> object to shale gas extraction in Ryedale, Yorkshire, have any significance in terms of the awarding of an SLO? It is evident that unless one can demonstrate that an entity has a SLO, no matter how intangible, the entire concept of a SLO is in doubt.

### **2.8.1 Loss**

There are obvious cases where there appears to have been a complete loss of the SLO, albeit at the time of writing (May 2023), it is industries that have lost their SLO that come immediately to mind; in this case, shale gas extraction and, of course, the oil and gas companies. Even then, it is difficult to aver that these industries have lost their SLO when, perhaps, just the reverberation of protest in the echo chambers of social media conveys this impression. In the environment in which this research was conducted, both in South Africa and in the United Kingdom, where the rule of law still appears to dominate, one could argue that the loss of the SLO is demonstrated by the termination of the project or closure of the operating company. However, it certainly appears that in many countries (Chile and the Philippines, for example), the apparent lack of the existence of the SLO has had little negative impact on the activities of many mining companies in these regions.

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<sup>12</sup> Two “posters” on a Twitter group opposing the Kirby Misperton shale gas project.

## **2.8.2 Possession or Retention means Measurement**

If possession or retention is demonstrable, other than by arguing that *qui tacet consentire videtur* [he who is silent seems to consent], it must somehow be measurable.

Wright and Bice (2017) suggest that early approaches to measuring the SLO involved a social capital approach where aspects of the SLO or surrogates were measured using a strategic action fields (SAF) approach. While their findings highlighted issues such as powerful or influential actors and social cohesion, there was no obvious demonstration of means for measuring the SLO or the strength of the SLO.

Boutilier submits that there are many ways to measure the SLO, with each technique having different strengths and weaknesses. He suggests that possible measurement methods include public opinion surveys, interviews, and media monitoring. Subsequently, in attempting to develop a measure of the level of the SLO, Boutilier (2017) created a set of twelve statements to be used in questionnaires, which he suggests are “encouraging early indicators”(Boutilier, 2017) p11. Bahr and Nakagawa (2016) developed a model measuring the impact of information dissemination and exchange on rural communities. The model measures individual judgements on the level of social licence achieved by a company, using “consent as a dynamic measure” (Bahr and Nakagawa, 2016) p4.

While Robert Boutilier continues to aver that the level of social licence can be measured quantitatively (Boutilier and Zdziarski, 2017), it must be noted that, to date, no workable quantitative measurement of social licence level of attainment has been achieved. Gehman, Lefsrud and Fast (2017), considering the various attempts to measure the SLO using multifactor questionnaires, suggest that there is no evidence for the reliability or validity of the factors as a measurement of the level of the SLO.

Using sentiment analysis as a means of determining the level or existence of

the SLO, Boutilier and Bahr (2020) released their first iteration of a natural language processing approach, SLaCDA, designed to analyse sentiment and determine the main topics and issues from a vast variety of communication sources. When speaking to Dr Robert Boutilier and Dr Kyle Bahr about this analysis software in 2021/22 and the possibility of using it in this research, it became apparent that the software was, at that time, in a Beta or development phase; that, for a single researcher, the amount of work required to extract the necessary data was significant; and that, in any event, it was evident from the research - interviews, social media extracts and company records - particularly as it pertains to the Kirby Misperton case, that one could reasonably effectively determine the state of the SLO and the predominant drivers of those both opposed to an in favour of the project. Accordingly, this was not taken further. Nonetheless, as technology, particularly AI, improves and develops, this will undoubtedly be of enormous importance in determining the state of the SLO in the future.

## **2.9 Other routes without an SLO?**

There is a body of work that, in the view of the authors or resulting from their research, either equates Corporate Social Responsibility (CSR) with the SLO (for example, Parsons et al. (2014); Prno & Slocombe (2012); Wilburn & Wilburn (2011)) or suggests that CSR spend (essentially Corporate Social Investment (CSI)) will earn the SLO (for example (Eerola (2017); Mayes (2015); Roeder (2016))). While perhaps providing a route to project acquiescence, these various alternatives to the SLO, and needing to be at least considered during this research, CSR and the related concept of CSI have become part of everyday corporate life and do not appear to have a role to play in the earning of the SLO.

Morrison contends that the SLO is a “contemporary manifestation of social contract theory” (Morrison, 2014a) p24. Viewed through this lens, Morrison’s model, which focuses on benefits, consent-based and justice-based factors, aligns strongly with social contract theory. Lacey and Lamont (2014) agree

that there are several shared features between social contract and social licence, especially considering the parties to the agreement and the processes required to achieve agreement. The benefit of viewing the SLO through a social contract lens is that it widens the field as far as the various actors are concerned, as well as adding an ethical dimension.

Boutilier et al. (2012) introduce the intriguing concept of small-scale social contracts between different parties or community groups at the project level. They argue that if these small-scale contracts are achieved, they will lead to a higher level of social licence. This concept of microscale social contracts is also proposed by Dare et al. (2014) p190 where they argue that because the social licence is a form of social contract involving societal norms and expectations, negotiations around these elements with multiple small communities will “result in a range of overlapping micro-scale social contracts, rather than a single contract with the whole of society”.

While the social contract approach may have shared features with the social licence (Lacey and Lamont, 2014), it is not an appropriate lens at this stage but will be suggested later as an area for future research.

## **2.10 Summary and conclusions**

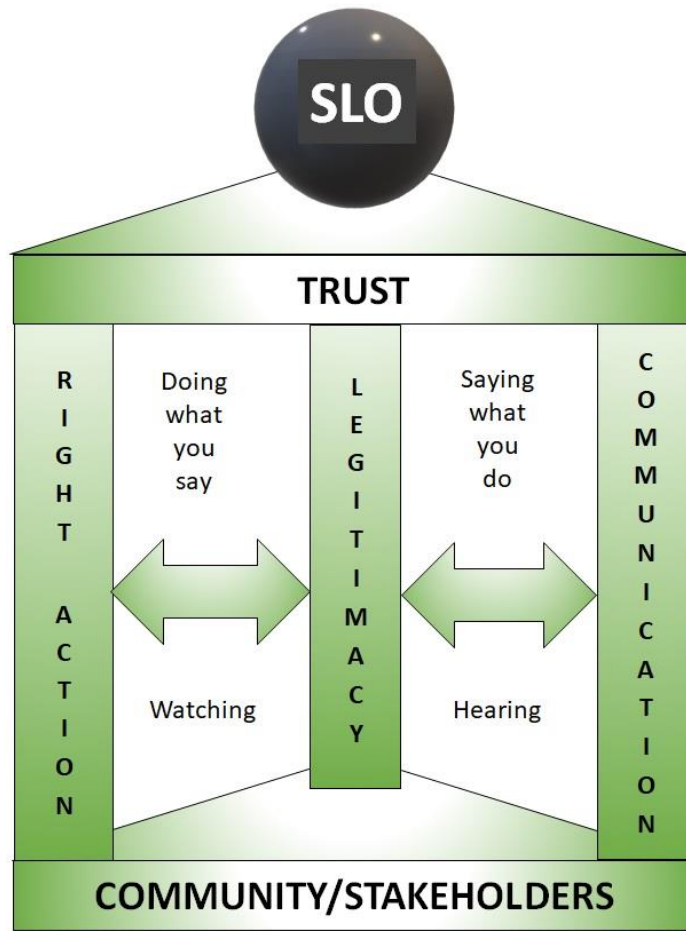
While much debate remains about what constitutes a SLO, issues surrounding the SLO are clearly considered to be important for many companies (EY-Global, 2021a) and communities (Mitchell, 2019).

Based on the literature, a comprehensive definition of the SLO has been established for this thesis: **An SLO is an intangible and dynamic construct, with no legal status; a continuum; representing ongoing acceptance or implied consent; based on the elements of legitimacy, credibility and trust; that is context, issue and often site-dependent; awarded to an entity by a polymorphous stakeholder community; and warranted by just engagement comprising open and transparent communication and right action.**



This led to a proposed model built by examining different representations of SLO in the literature (Figure 7) around which the research could be framed. The foundation of the SLO is the community/stakeholder group, the arbiters of the SLO, leading to the question as to the identification and understanding of this group. The three pillars of legitimacy (legal and moral), right action and communication stand on this support, raising the question of what right action and communication (engagement) is necessary. With a solid base and the three pillars in balance, trust is created, and the SLO is achieved and maintained.

Trust, or institutionalised trust ((Boutilier and Thomson, 2011). is earned by minimising social impact, a high level of contact and ensuring Procedural fairness, according to Moffat and Zhang (2014). However, there is much overlap between legitimacy, credibility and trust and these elements themselves are influenced by communication and right action and appear to depend on progress in several factors – demands, expectations and requirements –dependant on the state of the project itself, the economic and social environment, and the on-going relationship between the company/project and the community.



**Figure 7 The Literature-based SLO model**

Importantly, while the literature consistently and interchangeably uses the terms community and stakeholders as the parties that grant the SLO, there is little clarity in the literature regarding which parties or groupings these terms include. Add to this the nuance of stakeholders, and there is now this polymorphous grouping that may be able to award or withhold the SLO. This issue is explored in Chapter 5

Furthermore, while the literature on shale gas extraction or fracking has highlighted many objections from communities based on health or environmental damage (Kerr (2018); McNally, Howley and Cotton (2018); Szolucha (2018)) and onshore wind farms attract opposition mainly for aesthetic reasons (Janhunen, Hujala and Pätäri (2018); Langer et al. (2018); Landeta-Manzano et al. (2018)) there appears to be limited investigation as

to the underlying causes of the opposition or, for that matter, support for projects in general. I investigate this issue in Chapter 6.

Finally, the literature considers how the SLO can be earned: the processes or stages that need to take place before the SLO is awarded. The early models of the SLO proposed that legitimacy, credibility, and trust were the routes to the SLO, and trust has remained the pre-eminent requirement in most of the literature. Trust is earned with open and transparent communication, accompanied by appropriate just or right action. This aspect of just engagement is considered in Chapter 7.

In the following chapter, and before explaining the case studies, I describe the methodology used to examine the abovementioned issues.

# CHAPTER 3: Research Approach

## 3.1 Introduction

This research aimed to determine how companies can improve their approach to earning the SLO. To address this aim, the research examined three case studies. This chapter outlines the methodology, including the researcher paradigm and methods applied.

## 3.2 Research Paradigm

The researcher's paradigm may be termed the toolbox that contains the researcher's axiological, ontological, epistemological, and methodological position or beliefs that guide their action (Denzin and Lincoln, 2018).

As has been noted by Lincoln and Guba (2013) p60, paradigms “rest upon the most fundamental sets of beliefs that can be enunciated by the [researcher]” and “cannot be justified on any more external, objective, or foundational grounds”.

Denzin and Lincoln (2018) p19 state that “all research is interpretive: guided by a set of beliefs and feelings about the world and how it should be understood and studied.” Furthermore, they claim there are five broad paradigms, amongst which is the constructivist-interpretivist paradigm that aligns with my personal perspective and has been adopted in this research. It must be noted, however, that an element of my positioning, and something which came out, especially in the Loeriesfontein case study, is the concern for the impact of projects on communities and the need to address the adverse effects where they occur. This then implies that my research paradigm includes an element of critical theory, where the aim is “critique and emancipation” (Thomas, 2010) p293, or, as later expressed by the authors, “to openly critique the status quo, focus on the conflicts and constraints in contemporary society, and seek to bring about cultural, political and social

change that would eliminate the causes of alienation and domination.” (Thomas, 2010) p299. Accordingly, while the approach is predominantly constructivist, there will be elements of critical theory in the analysis of the results. As Lincoln and Guba (2013) p78 suggest, constructivist researchers ought to “take a posture of advocacy and activism with respect to all stakeholder groups with which they interact, particularly those that are in some way disempowered.”

Within this paradigm, then, the following sections consider my ethical worldview, understanding what constitutes knowledge, and how that knowledge may be acquired. That will then define the nature of the questions that may be asked to address the research problem and the appropriate methodology and methods used in the research.

### **3.2.1 Axiological position**

Having come to this thesis via a Master's degree in Applied Ethics, I believe that recognising other people's humanity and dignity is paramount. This is my *Weltanschauung* or worldview. Lytle and Hitch (2017) p150/1 describes a worldview as “a mental model of reality or framework of a belief system that allows us to interpret data from the world around us.” My worldview commences with Kant's Formula for Humanity. Kant's “Act in such a way that you use humanity, whether in your own person or the person of any other, never simply as a means but always at the same time as an end” (Kant, 1998) p38 (4:429) is tied to Kant's belief that individuals have inherent or intrinsic worth, or, to use Kant's term, “absolute value” merely because they are rational beings. From this comes the concept of human dignity, the basis for how people are to treat one another in the Kingdom of Ends.

This leads to the view of John Rawls, set out at some length below:

“To recognize another as a person, one must respond to him and act towards him in certain ways; and these ways are intimately connected with the various *prima facie* duties. Acknowledging these duties in

some degree, and so having the elements of morality, is not a matter of choice, or of intuiting moral qualities, or a matter of the expression of feelings or attitudes (the three interpretations between which philosophical opinion frequently oscillates); it is simply the possession of one of the forms of conduct in which the recognition of others as persons is manifested.” (Rawls 1958) pp182-183.

This issue of recognition and humanity aligns with the concept of *ubuntu*, an African ethical concept based on the principle “Umuntu ngumuntu ngabantu” [Zulu], essentially stating that “a person is a person through other people” (Cornell and Muvangua, 2012) p12. Within *ubuntu*, dignity and respect are integral in defining what it means to be human. Chief Justice Pius Langa aptly describes this in *The State v. T Makwanyane and M Mchunu* (Judgement, 1995), where he stated that the concept of *ubuntu* is:

“a culture which places some emphasis on communality and on the interdependence of the members of a community. It recognises a person's status as a human being, entitled to unconditional respect, dignity, value and acceptance from the members of the community such person happens to be part of. It also entails the converse, however. The person has a corresponding duty to give the same respect, dignity, value and acceptance to each member of that community. More importantly, it regulates the exercise of rights by the emphasis it lays on sharing and co-responsibility and the mutual enjoyment of rights by all.”

Accordingly, the axiological position adopted throughout this research is based on the principles of *ubuntu*, of recognition, respect, and dignity, all of which are foundational to the principles of justice and fairness. Furthermore, this aligns with the discussion on justice in the review of the literature.

### **3.2.2 Ontological position**

This research deals with people's perceptions, emotions, experiences, and worldviews. Their worldviews are impacted by phenomena external to themselves, such as political or environmental change, and influenced by their cultural, historical, and personal contexts. As such, following Bryman (2012) p33, the “social entities” in the research should be considered “social constructions built up from the perceptions and actions of social actors.” Furthermore, as observed by Grix (2002) p177 “social phenomena and their meanings are not only produced through social interaction but ... they are in a constant state of revision”. Additionally, it appears that multiple realities exist amongst the various social actors of this research, which realities will often be self-constructed and interpreted by the individuals with different perspectives within and shaped by the milieu in which they are to be found.

Accordingly, my ontology, which relates to the existence of reality – independent of the human mind or as a product of the human mind - is relativist within a constructivist paradigm.

### **3.2.3 Epistemological position**

My stance, as the researcher, is that the Social Licence problem is one replete with uncertainty, with no real knowledge about its nature nor its resolution and in which there are numerous stakeholders, each with a different perspective (de Haan & de Heer, (2012); Mertens (2015)), as has been observed above. Researching such a problem, therefore, requires a qualitative approach that reflects inductive (subjective) evidence (Cresswell & Poth, 2018).

The research focuses on understanding and interpreting the observed phenomena at various levels to recognise multiple perspectives and their inter-relationships. This would make the epistemology interpretivist, described by Nickerson p2 as “an approach ... that asserts that understanding the beliefs, motivations, and reasoning of individuals in a

social situation is essential to decoding the meaning of the data that can be collected around a phenomenon.”, again, within the constructive paradigm. An interpretive epistemology is subjective and contextual, attempting to understand the protagonists' actions in the various case studies. This contextuality is in line with the postmodern approach adopted.

It should be noted that there was no attempt to identify with any of the research subjects, as one would under a Verstehen approach (Bryman, 2012), despite my slight critical theory bias.

### **3.2.4 Summary**

Hammond observes that it is challenging to talk about ontology without covering epistemology simultaneously; the two are so tightly entwined. In very straightforward terms, therefore, my position for this research is that “reality”, or what may be termed “social phenomena”, is produced by the various social actors and their interaction, and to understand this reality, I have observed and engaged with the social actors. As a result of this engagement, my analysis is inevitably subjective, albeit I have tried to remain impartial, particularly where my personal Weltanschauung has been conflicted. Furthermore, the way I have tried to gain knowledge is to analyse and interpret the empirical results from my research to understand the observed phenomena.

## **3.3 Methodology**

### **3.3.1 Pragmatism**

The researcher is concerned with the solution to the company/community nexus problem and with an outcome that is relevant, applicable and actionable or, as Kelemen and Rumens (2008) p 39 note, “deeply intertwined with practical action.” As such, a pragmatic approach is appropriate.



Derived from the Greek “πραγμα” meaning “action”, pragmatism claims that concepts are only relevant if they lead to action. Pragmatism means that the research outcome will lead to an actionable framework, a potential practical solution to the conflicts inherent at the company/community nexus. Pragmatism regards the “successful carrying out of an action as the most important criterion for corroborating empirical beliefs.” (Habermas, 2014) p177

Pragmatism, therefore, could support a constructivist reality, where participants' views are affected by community interactions and by historical and social norms, but would also understand that this reality is currently developing, is a reality in transition, that there is no commitment to “any one system of philosophy or reality” (Cresswell & Poth, 2018) p27. As Habermas (2014) p166 noted, “ pragmatism comes in various versions today”.

As Creswell & Poth (2018) p21 observe, the epistemological assumption is that the researchers must get “as close as possible to the participants being studied” and should conduct the studies in the context of the participants. Cresswell & Poth (2018) p27 point out that pragmatic research involves choosing the most appropriate methods and may apply many approaches to collecting and analysing the data. Furthermore, pragmatism is “interested in the interrelationships between social entities rather than in the essence of these social entities” (Kelemen and Rumens, 2008) p4 It is inherently concerned with the practicality or applicability of the outcomes.

### **3.3.2 Case Studies**

Is a case study a methodology or a method? Harrison et al. (2017) argue that it is a methodology, but authors such as Yin (1994) describe it as a method. It appears from many articles and research methodology textbooks that case studies are one of many research methodologies. The actual process involving the use of a case study is a method and is discussed below. However, use of the case study as an appropriate methodology is the matter for discussion here.

Lincoln and Guba (2013) p79 argue that a case study provides scope, depth, understanding, richness, and sufficient detail to support a constructivist enquiry. Case studies help generate an in-depth understanding of complex issues that consider context and agency. They are also valuable for studying social phenomena during or subsequent to the development of these phenomena (Schwandt and Gates, 2018) p343. Furthermore, in the introduction to their article, Harrison et al. (2017) p1 state that developments in case study research have “resulted in a pragmatic, flexible research approach, capable of providing comprehensive in-depth understanding of a diverse range of issues across a number of disciplines.”

Reiterating that the purpose of this research is to identify and understand the various stakeholders and to analyse their engagement or interaction, it is apparent that a case study was the most appropriate method to gain an in-depth understanding of the people and processes involved in the different projects. Both geography and time bind each project, and using a case study to analyse each project allows for focus and a more in-depth analysis than would be provided by alternative methods in the time allowed. Therefore, it was concluded that the case study methodology would be the most suitable and adopted.

### **3.3.3 Summary**

As the research is primarily focused on producing a practical and suitable solution to the conflict between project promoters, the communities and other stakeholders, using a pragmatic research methodology to construct an outcome is apposite. Additionally, this construction or interpretation of the research benefits from a hermeneutic approach, in which analysis moves continually between the macro and micro levels to provide a deeper understanding of the wider context and the elements constituting that context. Finally, to provide a deep insight into a time and space-bound event, the use of a case study methodology is the most germane.

## 3.4 Method

### 3.4.1 Case selection

This research considered the SLO across three broad and very diverse cases. Poulis, Poulis, & Plakoyiannaki (2013) p307 recommend using four different “tools” in case selection: pilot cases, direct observation, purposeful sampling & secondary data. They further suggest that case selection and contextualisation be treated as a joint decision when setting up the case studies (Poulis et al., 2013) p305.

Criteria for case selection were the following:

- New or proposed project (not more than a year since establishment). From initial enquiry in several communities, well-established projects have inevitably passed the stage where there is an opportunity for a discussion around SLO. Furthermore, community memory with long-established projects has the potential to be less clear.
- Proximity, must be accessible. However, for various practical reasons, the closest case study was some 180 miles from Dundee, while the furthest was 265 miles north of Cape Town in South Africa.
- Range of different projects. Distinct types of projects were necessary to extract as much information and insight as possible from the comparative research. Focus on purely one specific project type, for example, wind energy, would disclose geographic and possibly cultural differences between the case sites. While this may be of interest, it would not provide the richness of data sought from multiple cases by the researcher.
- Range of societal and environmental impacts. I expected to find differences in SLO requirements depending on the projects' environmental and social impacts. This would be on a continuum from shale gas (possibly the most environmentally impactful) to wind farms (in this case, low environmental but high social impact).

- **Contention.** In simplistic terms, the purpose of the SLO from the company's perspective is to reduce risk to the project company by gaining approval from the local community. Therefore, it was necessary to find projects that did not automatically have community support to explore the nuances in the relationships between these contesting parties.
- **Accessibility.** The community and project staff needed to be available and willing to talk. While this involved some protocol on the side of the project organisation, and involved identifying key players in the community around the project sites, this was not an insurmountable task. Fortunately, I had established contacts or networks in the areas prior to commencing the case studies and, in any event, found most people approached very willing to talk.

A substantial amount of research on the SLO has been conducted in the mining industry. To widen the scope of the research, I decided to consider other projects and developments where there was contestation between the project and the community to evaluate how a Social Licence to Operate (SLO) could be earned or granted in those circumstances.

Two case studies were initially undertaken: a wind farm in Loeriesfontein in the Northern Cape of South Africa and a shale gas project at Kirby Misperton in the Ryedale district of Yorkshire. Covid interrupted planned travel, and, accordingly, I decided to include a third case, a golf course development, Coul Links at Embo on the northeastern coastline of Scotland.

All three cases provide an opportunity to consider the SLO in quite different contexts, thus allowing the research to seek out commonalities that could be applied elsewhere. Full details of the case study sites are given in Chapter 4.

### **3.4.2 Data Collection**

For this research, data for the three cases comprised both primary data (community and company interviews) and secondary data (company and

public documents and archival records relating to the project, planning permission, EIA's and similar documents; company, community and newspaper web sites, and any other type of secondary data) (Yin, 2003).

#### **3.4.2.1 Interviews - selection**

The selection of interviewees was initially based on my approaching either the promoters of the project or prominent members in the community, often established by reference to social media. Thereafter, most interviews followed from referrals (snowball sampling). As Bryman (2012) notes, where there is no obvious or accessible set from which to draw a sample, "a snowball sampling approach is the only feasible one" (Bryman, 2012) p246, albeit it needs to be accepted that such a sample is unlikely to be representative of the population, mainly because people will usually refer the researcher to people in their networks with similar views. As Noy (2008) p331, explains, "snowball sampling relies on and partakes in the dynamics of natural and organic social networks".

To overcome this inherent potential bias, different strategies were adopted. In the first instance, parties from at least two opposition camps were sought out for interviews. This meant that not only were company representatives spoken to but that people in the community who had different or conflicting views on the projects were identified and interviewed, and their networks used to expand the interview base. In this regard, Noy (2008) was enormously helpful in forming my understanding of the implications (and dangers) of snowball sampling.

Secondly, in both Kirby Misperton and Embo, I traversed the entire village, dropping interview requests into every post box (see, for example, Appendix 5) and receiving very few responses other than when people were present while the notice was being delivered.

Finally, what might be termed "opportunistic sampling" was used, where people were approached at random to ask their views. In instances, this led

to constructive discussions, although in many cases, people had little or no opinion on the topic (as with Kirby Misperton, when neither landlords nor fellow tenants had any knowledge of nor view on the project).

While every care was taken to ensure as wide a range of opinions as possible, the one group whose views were not canvassed was those who felt disempowered or marginalised or were totally neutral about the project. Unless one was deeply immersed in a longitudinal, long-term study of a single case, it does not appear feasible that this latter group could be included in the interview set. If this introduces bias into the research, it would largely overemphasise the impact of the views held by those two or three standard deviations from the mean opinion of the overall population. In theory, this is a problem from a pure research perspective; nonetheless, pragmatically, it is the extremes that the company has to deal with; the “silent majority” is not problematical.

#### **3.4.2.2 Interviews - Participation**

The question of specific groups or individuals not wishing to participate in the research is vexed. In all three case studies, there were people who did not wish to participate, for a variety of reasons. While attempts were made to contact these people, who may have provided additional insights into the research, they were not prepared to be interviewed – one person at Kirby Misperton advised that they were tired of “frackademics”. Lincoln and Guba (2013) suggest that “a special case exists for stakeholder groups [or individuals] who elect not to become research participants, but who determine, as a group, that they will stand outside the research process” and suggest further that special efforts must be made to involve them.

The approach adopted in dealing with these individuals or groups was to work around them, seeking people who knew them and their opinions and who held similar views. As such, I do not believe the lack of participation compromises the research.

### 3.4.2.3 Interviews – List of participants

Set out below is a table of the various interviewees. To identify them, I adopted a scheme whereby they were numbered consecutively with a suffix after the number indicating the case concerned (LF, KM and CL). As I have undertaken not to disclose their identities, I have provided a very brief descriptor of their role in the research sample, and the interview date. I had initially also provided details of gender but could see no purpose in this and therefore removed it.

**Table 2 Schedule of Interviewees (Anonymised) by Case Study**

<b>INTERVIEWEES</b>		
<b>No.</b>	<b>Description</b>	<b>Date Interviewed</b>
1LF	Mainstream employee	29 May 2018
2LF	Former employee of services supplier to Mainstream	30 May 2018
3LF	Church minister	31 May 2018
4LF	Youth worker	31 May 2018
5LF	Ward councillor for Loeriesfontein	31 May 2018
6LF	Mainstream employee	31 May 2018
7LF	Local entrepreneur; Ward committee	31 May 2018
8LF	Local resident, would-be entrepreneur <sup>13</sup>	1 June 2018
9LF	Local business (accommodation) owner	1 June 2018
10LF	Primary school teacher; involved in local rugby and golf clubs.	1 June 2018
11LF	Former Mainstream employee; consultant to government on wind farm development.	4 June 2018
12LF	Chief Executive of the South African Wind Energy Association	4 June 2018
13LF	Local entrepreneur; supplier to contractors; Ward committee member	6 June 2018
14LF	High School teacher; Livestock Farming Union	6 June 2018
15LF	Previously employed by contractor; Ward committee member	6 June 2018
16LF	High School Principal	6 June 2018

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<sup>13</sup> This gentleman, although a university graduate, was unemployed. Sadly, some time after the interviews were concluded, in a domestic argument with his estranged wife he stabbed and killed his 7-month-old daughter and attempted suicide. He is currently serving a prison sentence. (<https://ewn.co.za/2019/12/19/nc-man-accused-of-stabbing-baby-drops-bail-bid>, accessed 21 January 2020.)

17LF	Attorney	6 June 2018
18LF	Local resident; would-be entrepreneur; Ward committee	7 June 2018
19LF	Mainstream employee	7 June 2018
20LF	Mainstream employee	7 June 2018
21LF	Mainstream Head office employee	8 June 2018
22LF	Mainstream Head office employee	8 June 2018
23LF	PhD student; Case study on wind farm socio-economics	31 January 2020
24KM	Retired; District councillor	31 July 2018
25KM	Former District councillor	1 August 2018
26KM	Local business owner (accommodation); author	1 August 2018
27KM	Third Energy employee	2 August 2018
28KM	Local resident	2 August 2018
29KM	Third Energy employee	3 August 2018
30KM	Member of Parliament for the area	3 August 2018
31KM	Local resident	13 August 2018
32KM	Local resident; retired Bishop	14 August 2018
33KM	Local resident; parish minister	14 August 2018
34KM	Local resident; retired; District councillor	14 August 2018
35KM	Local resident; local councillor	14 August 2018
36KM	Local resident; Civic society member; District councillor	15 August 2018
37KM	Local resident; businessperson	15 August 2018
38KM	Local resident; businessperson	16 August 2018
39KM	Local resident	17 August 2018
40KM	Photojournalist; nearby resident	17 August 2018
41KM	Third Energy communications consultant/employee	27 June 2019
42KM	Full-time environmental protestor; author	7 October 2021
43CL	Environmental consultant; dune specialist	15 September 2021
44CL	Artist; nearby resident	15 September 2021
45CL	Former environmentalist; member of the Institute of Ecology and Environmental Management	15 September 2021
46CL	Local resident; International socio-environmental photographer	15 September 2021
47aCL <sup>14</sup>	Local homeowner	16 September 2021
47bCL	Local resident	16 September 2021

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<sup>14</sup> Interviewees identified at 47aCL to 47dCL were individuals met while walking the streets of Embo at various times. These led to brief (10 to 25 minute) discussions, but were not formal interviews per se.



47cCL	Local resident	16 September 2021
47dCL	Local resident	16 September 2021
48CL	Local resident; store manager	16 September 2021
49CL	Local resident; former Highland councillor	24 September 2021
50CL	Local resident; historian; Gaelic teacher	24 September 2021
51CL	Local resident; handyperson; previously employed by one of the promoters	24 September 2021

It is important to note that in each case, care was taken to cover as many sections of the community as possible. As pointed out in the literature, one of the weaknesses in the SLO is the treatment of communities as homogenous units. The researcher's own experience had indicated that this is false. This is in agreement with Mertens (2015), who notes that "researchers interested in the intersection of economic development, environmental justice, and human rights need to select methods that identify the different constituencies, their social and cultural positions, and ways to counteract negative or distrustful relationships".

#### **3.4.2.4 Interviews - process**

Interviews were held in various places, from interviewees' offices to café's and restaurants, to people's homes, online or via telephone (as noted) or standing outside. The interviewees had been sent the Interview Information Sheet and Consent Form<sup>15</sup> by email prior to the interviews, with clean copies brought to each interview, and the participant read them and signed them as appropriate.

Interviews commenced by giving a brief outline of my background and where I came from (South Africa/Dundee) and trying to put the interviewee at ease. Most interviews lasted around sixty minutes, although one ended up close to 3 hours (although much of this concerned the interviewee's interest in flood damage resilience). In only one interview was there a need to continually

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<sup>15</sup> Refer Appendix 3 and 4

question and prompt. Otherwise, interviewees moved quickly into full flow, perhaps indicative of their passion for or against the project or the project company. At all interviews, in a “belt & braces” approach, I used one or two small digital recorders as well as an Echo Livescribe pen that records as one writes.

### **3.4.2.5 Interviews - questions**

Interviews were unstructured and open-ended. The intention was specifically to avoid leading the interviewee in any direction. As I have noted previously, the focus was on understanding the interaction between the project promoters and the communities and amongst the communities themselves. While the nature of the project obviously influenced communities’ responses to the project/project promoter and the depth of feeling about the project, I tried as far as possible to take a neutral stance on the project itself. That does not mean that I was not concerned about the perspective of the participants interviewed - it was difficult not to empathise with particular views or perspectives – but it was vital that I came to understand the motivation behind or drivers of interviewee perspectives on all sides while at the same time maintaining objectivity. Accordingly, in every interview, the interviewee was informed that I had no position on the project and was merely concerned with the process. This approach required a low degree of structure and a preponderance of open-ended questions (Meyer, 2001) p338.

Bernard (2006) argues that unstructured interviews are not informal. Both participants are aware that there is an interview taking place. “Unstructured interviews are based on a clear plan that you keep constantly in mind, but are also characterized by a minimum of control over the people’s responses [to allow them to] express themselves in their own terms, and at their own pace” (Bernard, 2006) p211. Due to the flexibility of unstructured interviewing, the interviewer can vary the follow-up questions depending on the context and the responses received. This allows for in-depth exploration of various issues (Thomas, 2010) p314. As Bernard (2006) p234 suggests, “in

unstructured interviewing, you keep the conversation focused on a topic, while giving the respondent room to define the content of the discussion.”

In line with Bryman (2012) p471, who suggests that “there may be just a single question that the interviewer asks, and the interviewee is then allowed to respond freely, with the interviewer simply responding to points that seem worthy of being followed up”, most interviews followed a very simple structure, with the first question being “Tell me about the project?” There followed a wide range of answers: interviewees complained about the nature of the project or indeed supported the project; interviewees discussed the company itself; and commented on the interrelationship between people in the community. Discussions were wide-ranging and largely enjoyable, with no apparent friction between me and the interviewee. It should be noted that in Loeriesfontein, the majority of interviews, particularly with the local community as opposed to company representatives, were conducted in Afrikaans. I consider myself reasonably fluent in Afrikaans (and it certainly improved over the two weeks), which allowed me to relate to and empathise with community members whose home language is Afrikaans.

Towards the end of the interview, I always asked a final question: “What do you think the company could have done better?” or “What could you have done better?” depending on whether I was interviewing a community member or a company employee. While this may be regarded as a loaded question, it certainly elicited some interesting responses (Bernard, 2006) p294.

### **3.4.3 Data analysis**

#### **3.4.3.1 Transcription**

The first step in this process was to listen, in some instances many times, to the full interview. This was not only to gain an overview of the various interviews but to ensure no data was missing. After that, all the Afrikaans interviews and some of the English interviews were fully transcribed by me. The balance was transcribed using an NVIVO transcription service, Express

Scribe transcription software or, particularly towards the latter stages of the research, Descript. All interviews were transcribed verbatim, and I again listened to each interview while comparing it with the transcription and making corrections as necessary. Thereafter, line numbers were allocated to the transcripts for ease of reference, and I proceeded to edit out unnecessary elements, essentially social chitchat.

Initial coding (previously referred to as Open coding) was carried out intra-case. Meaning that, for each case, each interview was separately recoded into discrete units (usually sentences or parts of sentences) that were then compared within the case for similar and different units of code. At this stage, all code was in a state of development and was refined as the process continued (Saldana, 2016). Baskarada (2014) p17 notes that coding is “an iterative and incremental process that may be performed at differing levels of abstraction.”

Bryman (2012) p248 explained that “Coding an open question usually entails reading and rereading transcripts of respondents’ replies and formulating distinct themes” (Bryman, 2012). Thus, my coding eventually resulted in several broad themes being identified within each case study. It must be noted that these broad themes were not derived from the literature but flowed from our discussions/interviews.

The second stage of the coding process was to employ a form of axial coding (Saldana, 2016). Here, the purpose is to almost reassemble the codes to determine dominant codes and themes. Synonyms are sought out and removed, and the best codes retained. So, for example, in Loeriesfontein, where there were many issues surrounding the community’s inability to deal with “newfound” wealth, comments such as: “if we had just taught them about financial management”; “they should have taught people about budgeting”; “many people had not worked previously and have no idea how to budget their salaries”; “we do not have enough money or capital to start businesses” all eventually ended up under the broad code “financial illiteracy”. (Saldana, 2016) p 244 & 248

Having carried out the analysis to this point within each case, the next stage was to perform what Eisenhardt (1989) describes as cross-case analysis. She suggests selecting one theme or dimension and comparing differences and similarities between the cases (Eisenhardt, 1989) p540.

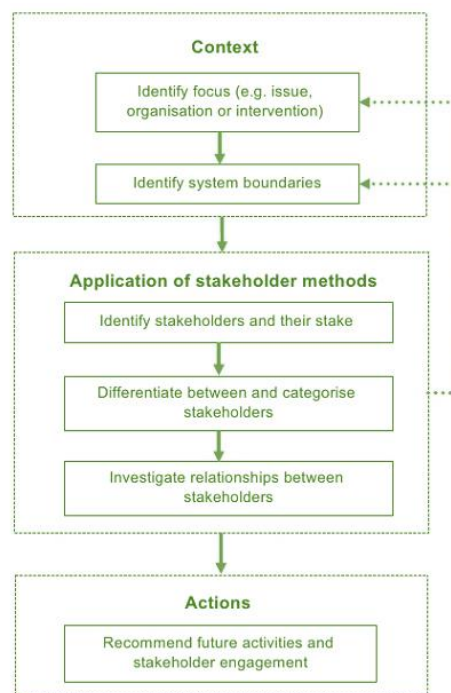
The intention was that common themes were sought in each case to construct a broad understanding of the issues surrounding the award of the social licence to operate across these various cases. The goal was for the research questions to be informed by the data analysis rather than inform and restrict it and to focus on inductive theory building to explain the how and why questions that will dominate this process. There was also the need for iteration - comparing theory and data to refine the construct and to ascertain that there was sufficient evidence to support such a construct (Eisenhardt, 1989). Yin (2003) describes this process as pattern matching, where one compares empirically derived results with predicted ones, in this instance, what was in the literature and the initial proposed model of the SLO.

Rather than code all secondary data, which would have been impracticable and unnecessary, secondary data were subject to a broad content analysis, seeking new insights or triangulated confirmation of the interview results. The concept of triangulation arose from map reading, whereby a position on a map (and on the ground) could be determined by establishing where three lines from different points intersect. The same concept can be employed with any data analysis. In this case, secondary data from the sources outlined above was compared with the interview data to check for consistency and reliability, with any obvious discrepancies investigated (Guion, Diehl and McDonald, 2011).

The results of this research were written up in three chapters, answering the three broad research questions: who or what constitutes the community; what motivates or drives the community's response to the project; and was the engagement between the company and the communities and amongst the communities just and fair. Accordingly, the chapters were: – Identifying Communities, Understanding Communities and Engaging Communities.

### 3.4.3.2 Community Analysis

A methodological process for conducting a stakeholder analysis is suggested by Reed and Curzon (2015), as set out in Figure 8 below. The progression commences with the context, or the specific issue of concern, where the stakeholder identification is necessary; thereafter, the stakeholders are identified, categorised, and differentiated, with their various relationships investigated; finally, suggestions for future stakeholder engagement actions are developed. This method will guide the categorisation of the communities in Chapters 5 and 6.



**Figure 8 Schematic representation of key methodological steps necessary for stakeholder analysis**

Source: Reed et al. (2009) p1947

## 3.5 Ethics

Having completed the Introduction to Research Integrity and the Responsible and Ethical Conduct of Research course, I received Ethical Approval (SRECPhD-022) from Dundee University in accordance with its rules and procedures. Subsequently, when I moved to the University of York, I

received confirmatory approval in July 2019 and additional approval for the use of social media analysis in June 2021.

Ethical considerations were that the case studies involved interviews with participants who may have provided their views and feedback on issues of a sensitive nature. Furthermore, participants, particularly at Loeriesfontein and, to a lesser extent, at Coul Links, may either directly or indirectly be economically dependent on the organisations involved as employees, suppliers, or members of a supplier community.

Accordingly, to support and protect the well-being of the participants, all participants were fully informed about the reasons for, and the nature of the research being conducted. They were asked to give written consent to participating in the research. Furthermore, participants were provided with full disclosure of data collection methods and explicit consent was sought and obtained for audio data recording. Participants' data has been kept anonymous. All participants were advised that they were free to withdraw from the research at any time until data analysis commenced.

Interviews and other research methods were carefully selected to ensure that participants had privacy and the freedom to speak freely on issues of conflict or difficulty. Furthermore, during the case research process, participants were reassured that confidentiality would be maintained during one-to-one conversations and interviews, guaranteeing that discussions would only be reported anonymously in research findings.

The research did not involve children under the age of 18, nor vulnerable participants unable to independently consent to the study. Data collection protocols ensured that all participants could give full consent and fully engage with the research.

All data is/will be stored in compliance with the Data Protection Act of 1998, and will only be used as agreed and signed for by all research participants.

All data management will comply with the University of York and the EPSRC's data management and storage policy.



# CHAPTER 4: Introduction to the Case Studies

## 4.1 Introduction

The objective of this chapter is to briefly describe the various case studies and to set out the background to each case in some detail to contextualise the research, especially as the cases involved geographies and jurisdictions that may not be familiar to readers. The reasoning behind the selection of the cases is presented in Section 3.4.1 above.

### 4.1.1 Loeriesfontein Wind farm

Having decided to consider how a wind farm might earn its SLO, I discussed wind farms in South Africa with one of my former students who worked in the industry and whose research report on wind energy I had supervised. She advised that there had been an interesting wind farm project in the Northern Cape of South Africa and put me in contact with the project company. It seemed, speaking to people in the industry and the company's former Country Manager, that this would provide an interesting case. Consequently, I visited the site in May and June 2018, with further interviews taking place after that.

Due to the wind farm's location (over 50km from the nearest community), the usual issues with wind farms, visual impact, flicker, sound, and the impact on wildlife are not a consideration. The issue and point of contestation here is the South African government legislating that all renewable energy projects are obliged to spend a percentage of their turnover on socio-economic and enterprise development in communities within a 50 km range of the project. This case considers the impact of both the construction and concurrent developmental expenditure on the relationship between the community and the wind farm company and, therefore, on the SLO.

### **4.1.2 Kirby Misperton Shale Gas Extraction**

An academic colleague at Middlesex University introduced me to the proposed shale gas well at Kirby Misperton in the Ryedale district of Yorkshire. I visited Kirby Misperton and contacted both the company involved and the gentleman I had been introduced to and settled on this as a second case study. Interviews commenced in August and September 2018, followed by telephone and online interviews.

The timing of this project, which was essentially to evaluate shale gas extraction on a single existing well site, coincided with the substantial anti-fracking protests at Preston New Road in Lancashire. As a result, the project became subsumed into a national debate, impacting the company and the community.

### **4.1.3 Coul Links Golf Course**

I have always been a keen birdwatcher, and in coming to Scotland, I joined, inter alia, the Scottish Wildlife Trust and the RSPB (Royal Society for the Protection of Birds). I recalled several emails and petitions around a proposed golf course development, Coul Links, on the far northeast coast of Scotland at the time when Donald Trump was facing so much public protest due to his infamous golf course development, Trump International Golf Links, at Balmedie in Aberdeenshire. The Coul Links project was initially proposed in late 2015. The Scottish government eventually turned it down in March 2020, following the parties' long and seemingly acrimonious campaign for and against the development. Subsequently, in late 2020, newspaper reports indicated that the project was going to be revived and, in May 2021, a ballot was circulated in the area asking people to vote on a potential new golf course project to be resubmitted in 2022. I contacted both the promoters and opponents of the project, who were now active again on social media and arranged a series of interviews during a visit to the site in August 2021 and July 2022.

Having already failed to obtain approval for a golf course, the promoters are intent on resubmitting their planning application. This case provides an opportunity to determine ab initio how a project could or should go about obtaining its SLO.

## **4.2 Case study description**

The cases are located in different geographies. This section provides the context for each case study regarding its geographic position and socio-economic situation, details of the company and project, core groups encountered, a brief overview of the legislation, and a timeline of key events.

This section is important as many of the nuances and implications could be missed unless the context is understood.

### **4.2.1 Loeriesfontein wind farm**

#### **4.2.1.1 Company and project**

South Africa Mainstream Renewable Power Khobab Wind (Pty) Ltd and South Africa Mainstream Renewable Power Developments Loeriesfontein (Pty) Ltd were two separate companies for legal reasons that built, own and operate 122 wind turbines on two adjacent properties in the area of Loeriesfontein in the Northern Cape province of South Africa, north-west of Calvinia. As both companies had the same management structure, shareholding, and operating staff, they shall be referred to hereafter as “Mainstream.” These two wind farms comprise the largest expanse of wind farms in South Africa (B) and between them generate 275MW of power annually (C). These companies are subsidiaries of Mainstream Renewable Power Ltd (D), a privately owned company headquartered in Dublin, Ireland. By the time the Loeriesfontein project began, the company had almost completed its first project, the Jeffreys Bay wind farm located in the Eastern Cape on the southern coast of South Africa, which came on stream in May 2014 (E).

Other companies were also involved in the project, with the turbine generators being supplied by Siemens Wind Power and the civil and electrical works completed by a consortium comprised of Murray & Roberts Construction and Consolidated Power Projects. However, while these companies and their staff did have some impact on the community as will be noted later, Mainstream was the project manager and owner, and accordingly the company requiring the SLO.

#### **4.2.1.2 Geography and demography**

The Republic of South Africa is situated at the southern tip of Africa bordered to the north by Namibia, Botswana, and Zimbabwe, to the east by Mozambique and encompasses two landlocked countries, namely Lesotho and eSwatini (formerly Swaziland). The country itself is split into nine provinces, largely on ethnic grounds (Figure 9). The country's GDP in 2017 amounted to R4.65 trillion (approximately £258 billion). The richest province is Gauteng, centred around Johannesburg, which produces 34% of the country's GDP. The country also has eleven official languages.

The Northern Cape province is the largest but poorest province, contributing around 2% of GDP, despite including what was once the largest diamond mine in the world at the provincial capital, Kimberly; some 80% of the world's known high-grade manganese ore; and the Sishen iron ore mine, a significant supplier of iron ore to the eastern markets (Statistics South Africa a, Mining Technology).



**Figure 9 Map of South Africa showing the various provinces**

Source: South African History Online

The area alongside the Orange River is highly fertile and, inter alia, produced some 86.5 million tonnes of table grapes in the 2018/19 season, but the rest of the province is largely arid karoo scrub.

The province contains three internationally renowned national parks, of which the Kgalagadi Transfrontier Park is the largest and most well-known. In the north of the province, Kuruman is the site of the Moffat mission, the home of Mary Moffat, wife of David Livingstone. The area is internationally recognised for its magnificent display of wildflowers covering many thousands of hectares each spring (Experience Northern Cape a), and some 5,000 distinct species of flowers exist in this area, with 50% found nowhere else worldwide (Experience Northern Cape b).

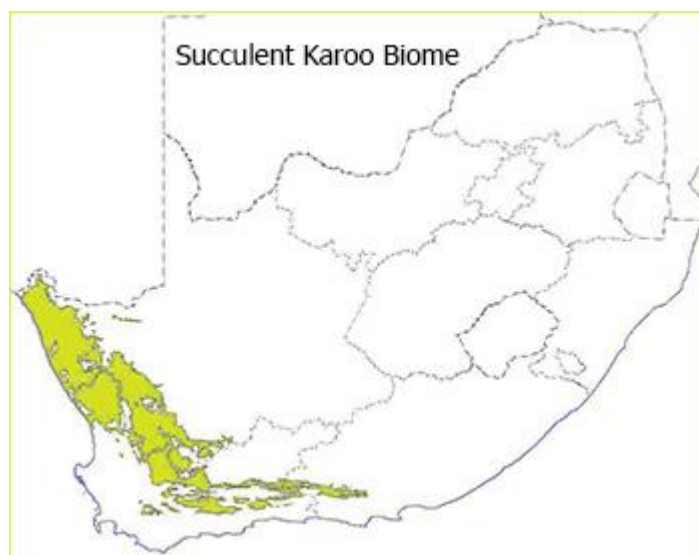
The wind farm itself is situated just over 50 km from the nearest town, Loeriesfontein, in the Northern Cape province (Figure 10).



**Figure 10 Location of Loeriesfontein**

Source: Google Maps

Loeriesfontein is located in the Succulent Karoo Biome (Figure 11), a largely flat plain with some hilly areas. The area is arid, with rainfall between 20mm and 290mm per annum and accordingly, has little agricultural potential and limited grazing for small livestock (SANBI)



**Figure 11 Succulent Karoo Biome, the environmental location of Loeriesfontein**

Source: <http://pza.sanbi.org/vegetation/succulent-karoo-biome>

As can be seen from the Google satellite image (Figure 12) there is little vegetation or agricultural activity in the area and, as a result, any economic activity is generally welcomed.



**Figure 12 Loeriesfontein and surrounding areas**

Source: Google Maps

Loeriesfontein grew around a general store established in 1894 by a British travelling Bible salesman, Fred Turner, a nephew of the great English preacher, Reverend Charles Spurgeon. The store is still in existence and operating today, owned by the grandson of the founder. (southafrica.com, Wikipedia). Apart from the regular influx of tourists during the flower season in August and September each year, Loeriesfontein has one of only two windmill museums in the world and a Quiver Tree Forest, home to the largest and most southerly collection of *Aloedichotoma*. These latter two attractions, however, do not draw vast hordes of tourists.

As a result of its location, lack of natural resources and limited agricultural activity unemployment and poverty, along with the concomitant social problems, are features of Loeriesfontein life. According to the latest 2011

census (Statistics South Africa b) the total population is 2,406 of which the “coloured” or mixed-race population<sup>16</sup> comprises 85.5%, whites 13.8% and black-African and Asian 0.7%. The Afrikaans language is spoken by 93% of the population (Statistics South Africa b).

Within the municipal district of Hantam, which incorporates Loeriesfontein, 34.6% of the working-age population were in formal employment while 54.7% were either unemployed or “not economically active,” largely having given up seeking work. Calculations based on the 2011 census indicate that approximately 40% of the Loeriesfontein households were defined as living in extreme poverty, on or below the Food Poverty Line of R441 per capita per month (approximately £40 in terms of spending power, approximately £22 based on the exchange rate), with a quarter of those households earning no income whatsoever (Statistics South Africa b).

According to the Hantam Municipality, 25% of the adult population have no schooling, a further 24% have not completed primary school, 15% have completed 12 years of schooling, and only 4% have some form of tertiary education. However, these figures may have improved since their data was produced (in 2001) as a high school was opened in the town between 2011 and 2014, whereas previously residents had to travel to nearby towns to attend high school.

It is important to understand that the wind farm along with its potential benefits of jobs, training and high levels of community investment was coming into a community comprising largely Afrikaans-speaking, coloured people, with minimum education and an extremely high rate of unemployment.

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<sup>16</sup> The term “Coloured” has been a subject of debate in South Africa, since the end of apartheid (Brown (2000), Adhikari (2013)). There appears to be no consensus on the exact term to use and as many of the people in Loeriesfontein referred to themselves as coloured (or sometimes “brown”) the decision was taken to use the term “coloured” throughout this thesis.



#### **4.2.1.3 Process and timeline**

According to the South African Wind Energy Association (SAWEA 2010), the wind farm development process typically involves five key phases of activity.

First, the Feasibility Stage usually takes 6 months and involves identifying suitable sites. The second, the Development Stage, can take up to 24 months, and involves securing land rights, project scoping and design, environmental impact assessments and obtaining the necessary construction and generation permits. Thirdly, the Pre-Construction Stage, can take a further nine months and includes concluding all necessary procurement contracts, agreeing on a Power Purchase Agreement with the electricity regulator and securing the necessary debt and equity funding for the project. The fourth stage, is the Construction Phase, which ideally should take up to 18 months, but can sometimes take up to three years depending upon environmental conditions and logistics. This stage involves site and contract management as well as stakeholder engagement. The fifth and final stage is the Operational Stage which is expected to be exceed 25 years. This phase involves the management and maintenance of operations.

The need for alternative and renewable energy became evident in South Africa in the early twenty-first century and the first wind farm, comprising just four turbines, was operational by November 2006 (F). The South African Wind Energy Association was formed in 2004 (G) and research continued into the location of wind corridors around South Africa. By 2010, an area in the Northern Cape had been identified as a potential site for a large wind farm and in 2011 Mainstream undertook a feasibility study prior to commissioning an Environmental Impact Assessment (EIA). According to the company, “The site was chosen because of its excellent wind resource, its proximity to national roads for wind turbine transportation, the favourable construction conditions, municipality and local stakeholder support, the straightforward electrical connection into the Eskom grid, and studies showed that there would be little environmental impact” (H).

In 2013 Mainstream had also commissioned a Social and Economic Development report that evaluated the socio-economic situation assessed the community and highlighted areas for economic and social development. This was in line with the requirement, referred to below, that all wind power projects were to allocate a portion of their turnover to social and economic development in the area where the project was situated.

Mainstream submitted its proposal and preferred bidders were announced in November 2013, with Mainstream being awarded the two adjacent wind farms in the Loeriesfontein district, Loeriesfontein and Khobab (I).

Following this award, an application was submitted to the National Energy Regulator of South Africa (NERSA). Thereafter the financial and shareholding arrangements were negotiated to ensure that there was a sufficiently large black shareholding in terms of the government's requirements. Construction was finally able to start in the first half of 2015.

It is important to understand elements of the construction timeline as these feed into the community's response and reaction to the project:

**Table 3 Loeriesfontein Wind Farm Construction Milestones**

28 September 2011	Draft Scoping Report completed
29 October 2013	Mainstream awarded "Preferred Bidder" status
13 November 2013	Application submitted to National Energy Regulator
4 May 2012	Final Environmental Impact Report completed
August 2013	Socio-Economic Development Report completed
	Contract awarded to Mainstream
24 March 2015	Meeting with local municipality to introduce the project
17 April 2015	Recruitment of construction labour commences
1 September 2015	Construction of the wind turbine generator foundations started
11 December 2016	All turbine foundations were completed
11 August 2016	First turbine lifting completed
24 July 2017	Turbine commissioning commenced
8 September 2017	All wind turbines erected
8 December 2017	Project completed and commencing generation

Source: <https://www.esi-africa.com/fact-file-northern-cape-wind-farms/> accessed 27 May 2018

#### 4.2.1.4 Legislation

Largely as a result of South Africa’s political history and the government’s inability to meet the needs of the “previously disadvantaged” section of the community, the government introduced legislation to ensure what was termed “Broad-Based Black Economic Empowerment” or BBBEE. While this varies from industry to industry the essential requirement is that there is substantial black ownership in all public companies and all government-sponsored contracts. In this context, black includes black, Indian, and mixed-race or coloured communities.

In the case of a wind farm, not only is there the overall BBBEE legislation but there is specific legislation pertaining to wind projects. Regarding BBBEE, the company must earn a minimum of 4 points, as set out in Table 4 below. Failure to meet those requirements precludes the company from even bidding for a licence.

**Table 4 Points Criteria, to enable renewable energy companies to bid for a licence**

<b>Criterion</b>	<b>Points</b>
Black ownership	
10% to <20%	1.0
20% to 50%	1.5
> 50%	2.0
Black management	
20% to <35%	1.0
35% to 50%	1.5
>50%	2.0
Black female management	
1% to <5%	1.0
5% to 10%	1.5
>10%	2.0
Black skilled personnel	
20% to <35%	1.0
35% to 50%	1.5
>50%	2.0

Extracted from: NERSA (2010) Rules on Selection Criteria for Renewable Energy Projects under the Refit Programme

In terms of the Request for Qualification and Proposals for New Generation Capacity Under the IPP Procurement Programme ('the RFP'), Volume 5: Economic Development Requirements ('Volume 5') of the RFP. Department of Energy, 3 August 2011 the project company also has specific development obligations. These include enterprise development and socio-economic development and apply to all communities within a 50 km radius of the wind farm. Where, as in this case study, there was no community within the 50 km radius the nearest community is selected. This resulted in Loeriesfontein, just under 60 km from the project, becoming the defined community.

According to the BBEE (Broad-Based Black Economic Empowerment) legislation:

“Enterprise Development means initiatives (which include monetary and non-monetary initiatives), carried out by a measured entity, to assist and accelerate the development and sustainability of other enterprises, including the financial and operational independence of other enterprises.

“Socio-Economic Development means the initiatives carried out by a Measured Entity towards broad social and economic advancement of Black People in underdeveloped communities, which includes, without limitation, initiatives focusing on education, healthcare and programme(s), infrastructure development, enterprise creation within communities, reconstruction of underdeveloped areas, community training and skills development, but excludes any initiatives or contributions carried on through, or which benefit, the entity or entities through which the Seller meets its Committed Obligations in respect of Shareholding by Local Communities in the Seller.” (BBEE Commission, 2013).

Mainstream structured the shareholding of the project to include a “black” owned community trust holding 5% of the equity and a range of other South African shareholders holding a further 55% of the equity, of which 10.3% was

“black” shareholding. Thus, the total “black” shareholding in the project was just over 15%.

In addition to the dividends to be received by the community trust’s 5% shareholding (which were estimated to amount to R186 million over the life of the project), Mainstream created an enterprise development fund which would receive 0.6% of project revenue and a socio-economic development fund which would receive 1.5% of project revenue. This was projected to amount to more than R300 million over the life of the project, although significantly larger amounts were spoken of by all parties. This was in addition to normal CSR spending undertaken by Mainstream and the other contractors.

It will thus be appreciated that the impact of the wind farm on a community of around 3,000 people was likely to be enormous.

#### **4.2.1.5 Community**

In the case of Loeriesfontein, the term “community” came to have an extremely specific meaning. In terms of the South African legislation, every community within 50 km of a wind farm was defined as the “beneficiary community” (Wlokas, 2015). There was no actual village, town, or other settlement within 50 km radius of the wind farm, but Loeriesfontein was the closest town and was accordingly designated the beneficiary community, albeit that the “beneficiary” appellation only applies to “historically disadvantaged” people, in other words, people of black, coloured, or Indian heritage.

This section briefly sets out different communities affected by or affecting the project.

##### **4.2.1.5.1 Local Community - Loeriesfontein Residents**

The town is primarily populated by people termed “coloured”, largely of mixed-race but more the result of relationships between white (mostly

Dutch) explorers and settlers and the local Griqua, San and Namakwa communities as opposed to the usual white-African/black mixed-race communities found elsewhere. According to the 2011 census (Statistics South Africa b), 86% of the population were coloured, 11% white, 2% black and 1% “other”. The predominant language in the town is Afrikaans, again reflecting the influence of the early settlers. (“Afrikaans: the Language of Black and Coloured Dissent,” 2017), (Beck, 2018)).

#### **4.2.1.5.2 Local Community – “Foreign” workers**

A further group within the town comprised some 80 semiskilled and skilled workers employed by the construction company, Murray & Roberts. These workers were brought into the project from outside the district because the people of Loeriesfontein lacked the required verifiable construction skills. While this community lived within the precincts of the town, they kept very much to themselves (with some exceptions noted below) and were not regarded as part of the community.

#### **4.2.1.5.3 Farmers**

Due to the arid nature of the environment South African farms tend to be extremely large, covering several thousands of hectares (the wind farm site itself is 10,400ha in size and it is only a portion of the farm Aan De Karree Doorn Pan). As a result, there are very few farmsteads in the community and, driving from Loeriesfontein to the wind farm, there were only two farmhouses on a 65 km trip. Accordingly, they were not included in the case study.

#### **4.2.1.5.4 Communities outside the 50km radius**

There were several communities or groups outside the 50km radius, but still in close proximity to the town, who believed that they too should be stakeholders in the project. These were the Hantam Municipality itself, located in Calvinia, and then the entire Hantam Municipal District. Having originally been an independent municipality, Loeriesfontein had been

incorporated into the Hantam municipal district many years previously. The Hantam Local Municipality, itself part of the Namakwa District Municipality, comprises Calvinia, where the municipal offices are located, Vanrhynsdorp and Niewoudtville to the south and Brandvlei to the east.

#### **4.2.1.5.5 Provincial & National Government**

This stakeholder group, comprising jointly or severally, the Northern Cape Government and the National Government, had an insignificant direct impact on the project and the SLO. The Premier of the Northern Cape province paid a visit to Loeriesfontein and, while one suspects he would have supported the mayor of Hantam, this branch of government played no further role in the proceedings. As far as the national government is concerned, all that one can attest to, as far as direct involvement in this case is concerned, is that they did not seem to have considered the consequences of the legislation, but perhaps that is common to all governments. However, there was an interest in ensuring that the project guidelines were complied with and that the longer-term benefits of renewable energy and an advantaged community were concerned.

#### **4.2.1.6 Social Licence to Operate**

The local management of Mainstream Renewable Power had not heard of the SLO prior to my contacting them. Their view was that they had certain legal, environmental, and social obligations and that provided they met those obligations, as well as voluntarily contributing to the community as part of their CSR commitment, they had met all their responsibilities, and nothing further was required from them.

### **4.2.2 Kirby Misperton proposed shale gas plant**

#### **4.2.2.1 Company and project**

Third Energy UK Gas Limited holds a licence to explore for and produce natural gas in North Yorkshire. Originally owned by Edinburgh Oil and Gas

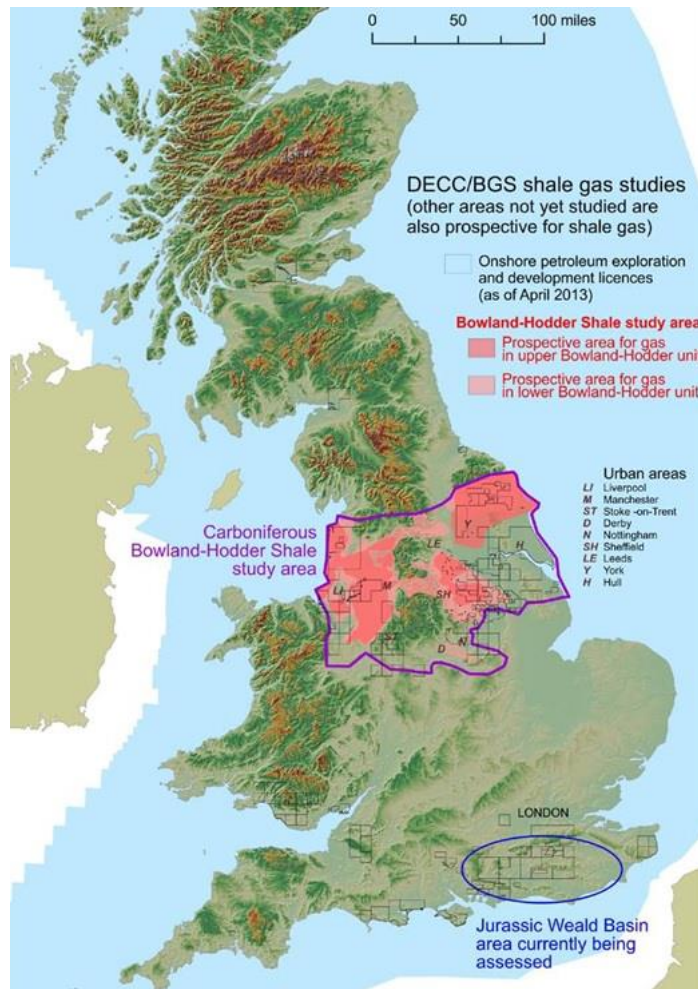
plc (40%) and Tullow Oil plc (60%), the Ryedale gas fields were finally fully acquired by Viking Petroleum UK Ltd in October 2013. This company changed its name to Third Energy Onshore, 97% of which was held by Barclays Natural Resource Investments, but with control seemingly vested in Third Energy Holdings, based in the Cayman Islands, (J).

However, despite all the complicated shareholdings, the company involved in this case study is Third Energy UK Gas Limited (“Third Energy”), a company with its headquarters at the Knapton Generating Station, situated in the Vale of Pickering, east of Malton and Kirby Misperton. This generating station utilises gas which is piped from various well sites in the Vale of Pickering to generate electricity which is fed into the grid.

In 2013 Third Energy drilled the KM8 well on its existing site at Kirby Misperton, as depicted in Figure 14 below. This coincided with the release of a report by the British Geological Survey on prospective areas for shale gas extraction, indicating the potential for shale gas in Third Energy’s PEDL (Petroleum Exploration and Development Licence) licence area (Figure 13).

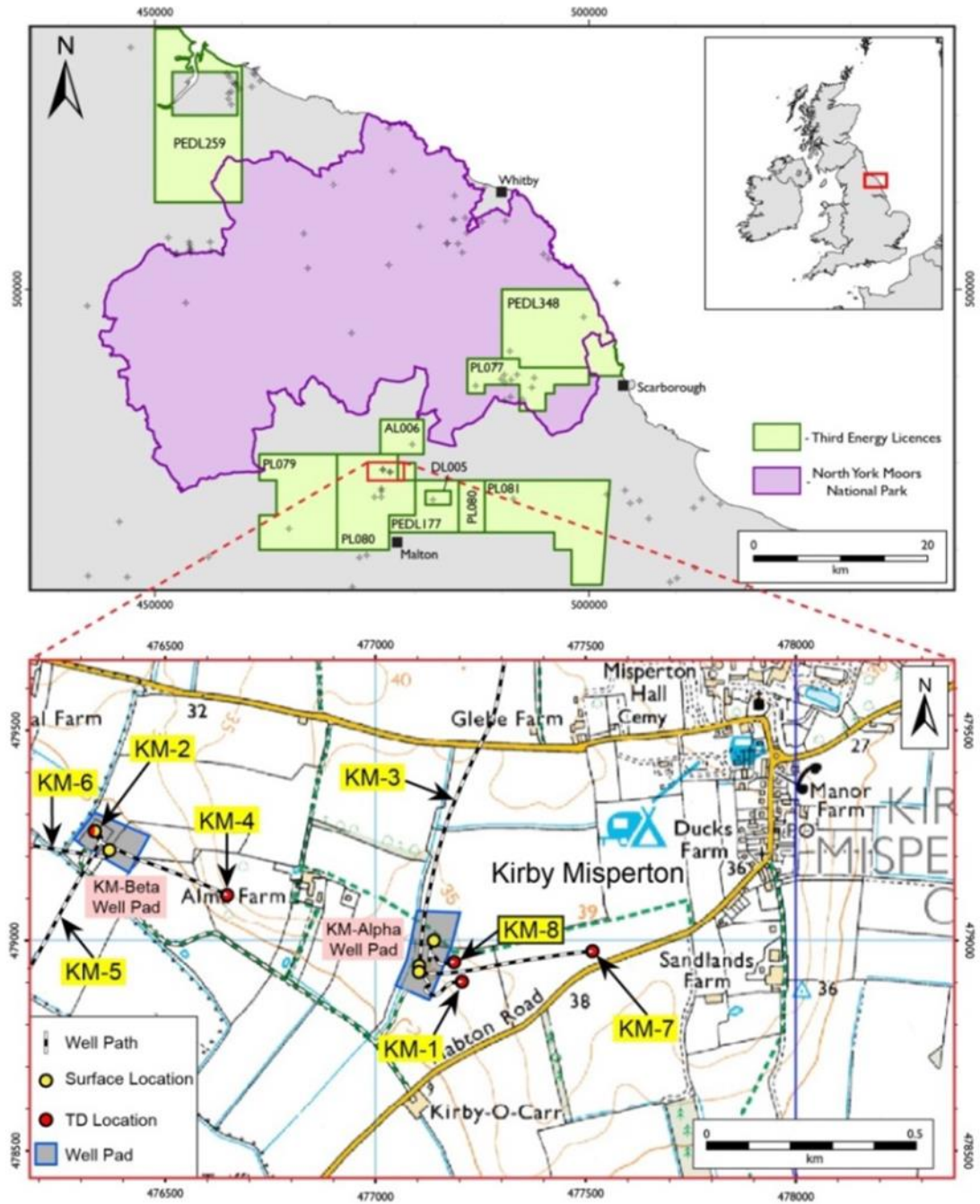
Following a detailed analysis of the data collected during the drilling of this well Third Energy submitted an application to North Yorkshire County Council (NYCC) to frack, test and possibly produce gas from its KM8 well at Kirby Misperton (Third Energy press release a, 22 May 2015)





**Figure 13 Location of the DECC/BGS study area in central Britain, together with prospective areas for shale gas, currently licensed acreage and selected urban areas.**

Source: Andrews, I.J. 2013. The Carboniferous Bowland Shale gas study: geology and resource estimation. British Geological Survey for Department of Energy and Climate Change, London, UK, p 2



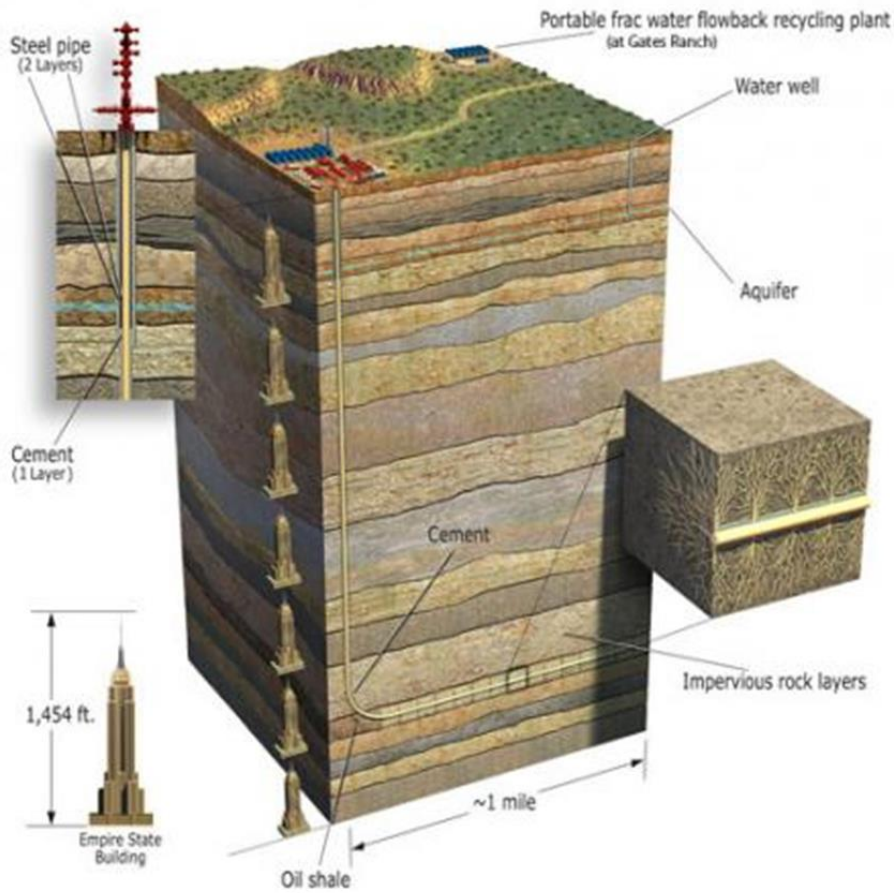
**Figure 14 Third Energy licence map (top) and location of KM-8 (bottom) along with the paths of other nearby wells.**

Source: Third Energy UK Gas Limited, Hydraulic Fracture Plan for Well Km-8

#### **4.2.2.2 Hydraulic Fracturing / Shale Gas Extraction / Fracking**

It is perhaps pertinent to give a brief explanation as to the process involved in shale gas extraction. The well shaft is drilled through various rock layers until it reaches the shale level, usually a mile or more below the surface. At that

point, the drill is turned and continues to bore through the shale at right angles to the well shaft (refer to Figure 15 below).



**Figure 15 The Hydraulic Fracturing Process**

Source: <http://fracfocus.org/hydraulic-fracturing-how-it-works/hydraulic-fracturing-process>;  
Accessed 18 August 2014

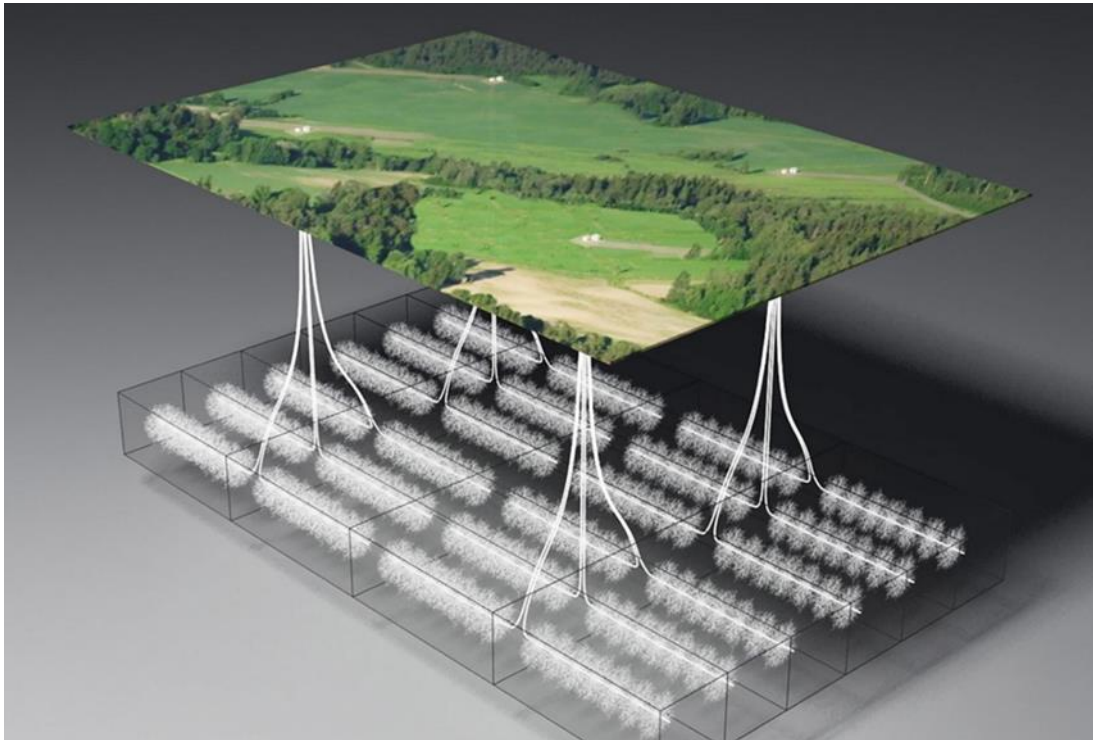
Once the drilling is completed the borehole is lined with steel and cement down to the level of the shale, as can be seen in Figure 16 below.



**Figure 16 Well Lining**

Source: North Yorkshire County Council, Fracking, presentation for Ryedale Parish Liaison Forum by Vicky Perkin, Head of Planning Services, 22 October 2014

Numerous small explosions are then set off in the horizontal well to puncture the steel pipe and start the process of fracturing the shale. A mixture of water, sand and lubricating chemicals is pumped down at high pressure to fracture the shale and leave the sand particles in place to facilitate extraction of gas, which then flows to the surface. This fracturing process creates what is called the “bottlebrush effect” and these bottle brushes can be spread in multiple directions from the base of the well shaft, see Figure 17 below.



**Figure 17 Shale Gas Fracturing Over an Area – The Bottle Brush Effect**

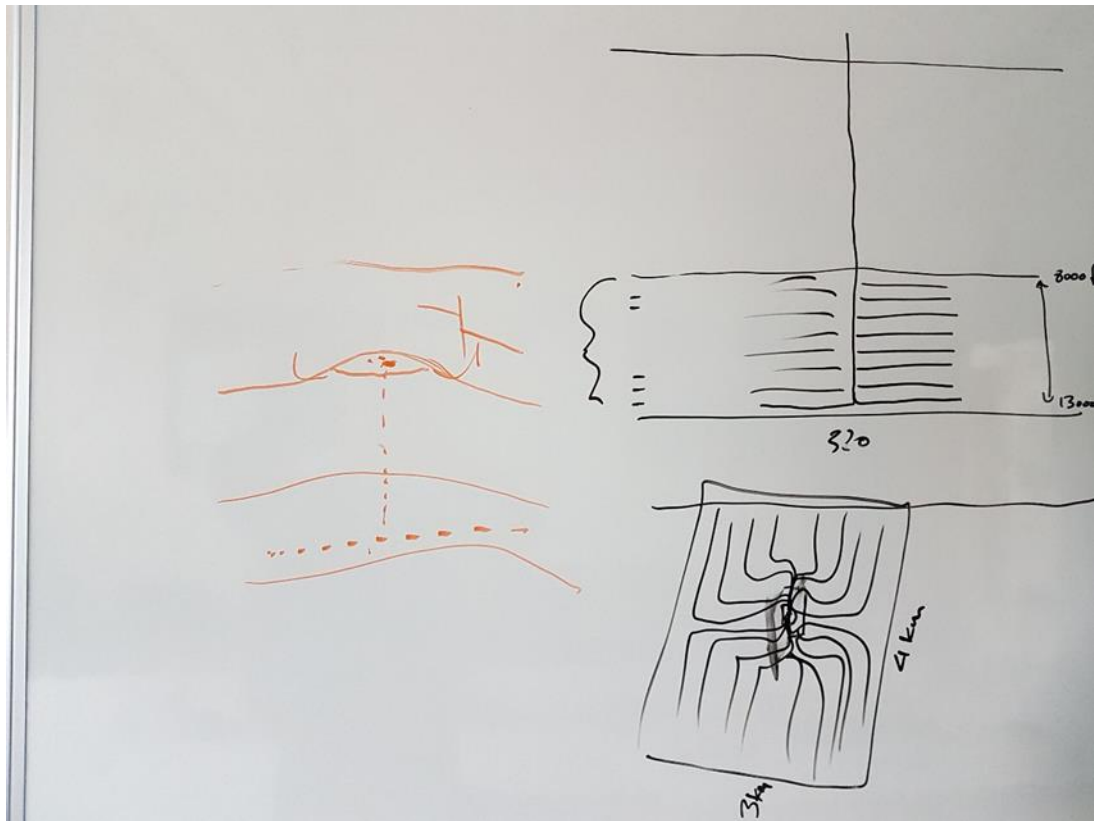
Source: Sustainalytics.com; Accessed 18 August 2014

Unlike many other shale gas sites in the UK, the Kirby Misperton site is connected by pipeline to the Knapton Power Station, with the result that water can be pumped down to the site and gas pumped back up to the power station thus alleviating the need for wagons to bring water to the site and take away the gas.

The site manager at Kirby Misperton, Alan Linn, gave a detailed explanation (not repeated here) of what was intended at the KM8 well site. He indicated that the test frack would take place between 8,000 metres and 13,000 metres below the surface<sup>17</sup> and would cover an area roughly 3,000 metres by 4,000 metres (Figure 18).

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<sup>17</sup> The average cruising height of an international flight is between 10,000 metres and 13,000 metres above the earth. (<https://www.sheffield.com/2022/what-is-cruising-altitude>, accessed 26 September 2023)



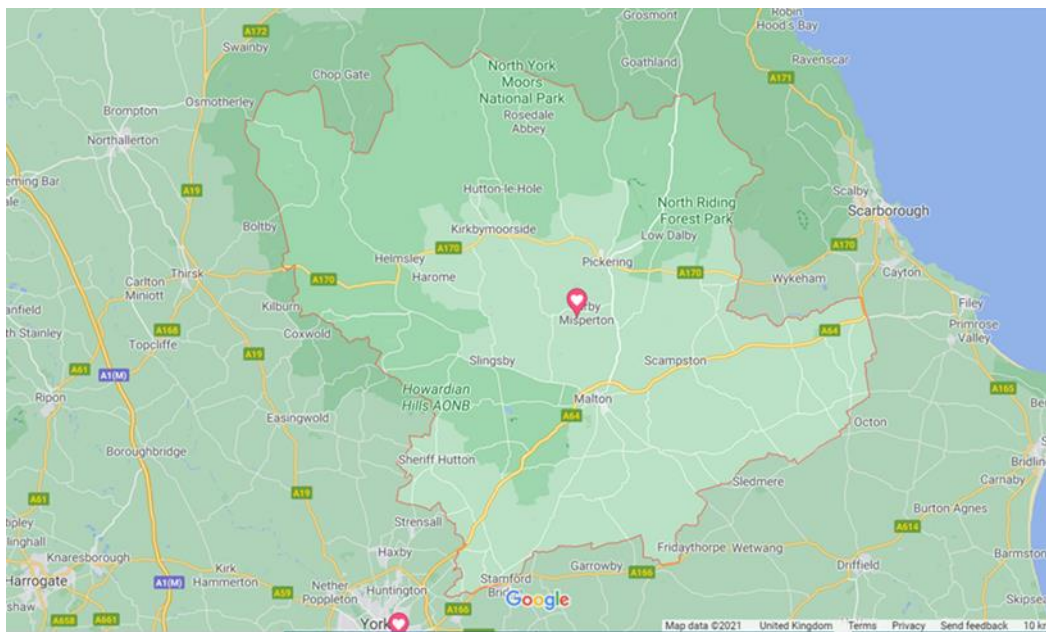
**Figure 18 Drawing of the proposed KM8 well at Kirby Misperton**

Source: Alan Linn, KM8 Site Manager

#### **4.2.2.3 Geography and demography**

The KM8 gas well site lies just outside the village of Kirby Misperton, which is in the Vale of Pickering in the Ryedale district of Yorkshire (Figure 19). According to the 2011 census (K) the village comprises 370 residents occupying 159 properties, of which 40 are caravans largely used by workers at the nearby Flamingo Land resort. 69.2% of the households own their own homes. The population is split equally between male and female, with 31.3% of the population being below the age of twenty-nine, 41.1% between thirty and fifty-nine years and 27.6% above the age of sixty. Unemployment is low at 2% (albeit that on average Ryedale unemployment was between 3% and 4% over the period of the case study (L). 21% of the males and 27% of the females are retired, which is higher than the average for the Amotherby electoral ward in which Kirby Misperton is situated and significantly higher than the 13.8% for England and Wales as a whole (M). This is important, as

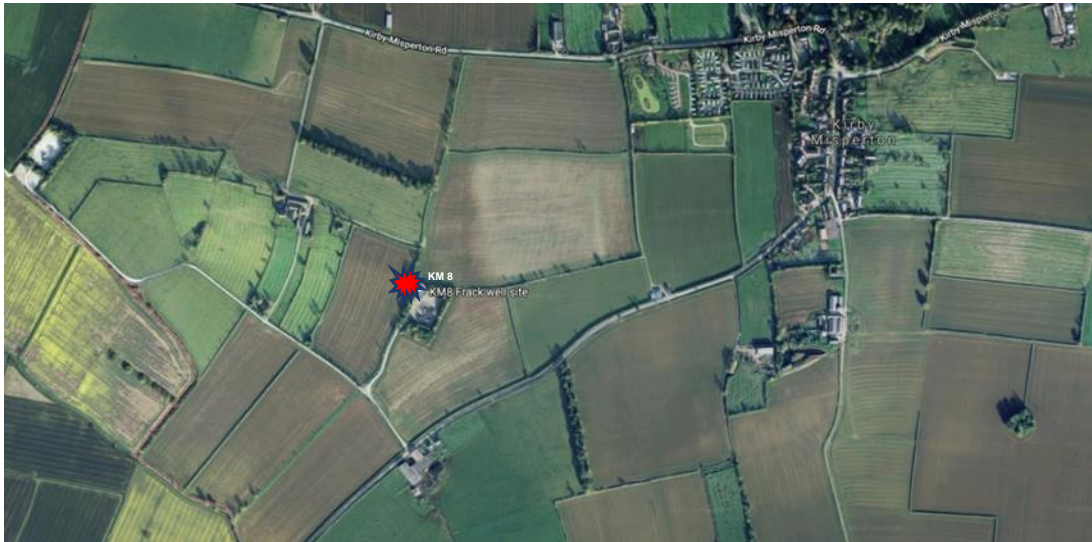
it does give an indication as to the ability of the villagers to participate in protests, as will be discussed later.



**Figure 19 Map showing the outline of the Ryedale District**

Source: Google Maps, accessed 6 February 2021

As can be seen from Figure 20, the KM8 well site lies outside the town in the middle of farmland. The well site itself is difficult to see from the road and it is only when one drives up to the gates that you are aware that there is industrial activity taking place (Figures 21 to 24).



**Figure 20** Aerial view of Kirby Misperton showing the location of the KM8 well site

Source: Google Maps, accessed 6 February 2021



**Figure 21** The road to the KM8 well site

Source: Personal photograph 1 August 2018





**Figure 22 Approaching the entrance to the KM8 well site**

Source: Personal photograph 1 August 2018



**Figure 23 The entrance gate at the KM8 well site**

Source: Personal photograph 1 August 2018



**Figure 24 The KM8 well site, photographed through the gate**

Source: Personal photograph 1 August 2018

Figure 25, below, shows Kirby Misperton together with the Flamingo Land resort. The resort is enormously popular and in 2017 had 1.6 million visitors (N) and, quoting one resident {26KM} “I know they did a traffic monitoring and motor vehicle survey, did Third Energy, and it was like 30,000 cars a week almost, like this time of year, in season”.



**Figure 25 Kirby Misperton and Flamingo Land**

Source: Google Earth

#### 4.2.2.4 Process and timeline

Having completed a number of risk assessments and obtained the necessary approvals, Third Energy duly applied for permission to conduct a test frack at their KM8 well site on 22 May 2015. A timeline of events that followed is set out below.

**Table 5 The KM8 Timeline**

<b>Date</b>	<b>Event</b>
22 May 2015	Third Energy submits an application to North Yorkshire County Council (NYCC) to frack, test and possibly produce gas from its KM8 well at Kirby Misperton
29 July 2015	Final planning application received and validated
19 August 2015	Public consultation begins
11 October 2015	NYCC invokes Section 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to ask Third Energy for more information on the application
4 November 2015	Meeting between Third Energy and NYCC planning authority
5 November 2015	Second public consultation begins
10 November 2015	Ryedale District Council's planning committee votes to defer its decision on the application
19 November 2015	NYCC asks for more information and suggests 9th February as the new decision date
25 November 2015	Closing date of the second consultation period
20 January 2016	The third 21-day public consultation begins
10 February 2016	Closing date of the third consultation
24 February 2016	4th public consultation begins
15 March 2016	Ryedale District Council votes against KM8 fracking plans.
11 April 2016	Environment Agency grants environmental permit for fracking for shale gas at KM8 well.
12 May 2016	North Yorkshire planners recommend approval of Third Energy fracking planning application.
17 May 2016	Site visit for North Yorkshire County Councillors
20 - 23 May 2016	Planning and Regulatory Affairs Committee of North Yorkshire County Council approves Third Energy application for fracking the KM8 well at Kirby Misperton
7 July 2016	Friends of the Earth and Frack Free Ryedale announce a legal challenge to council approval of planning permission.
30 September 2016	Third Energy accounts for the year to 31 December 2015 due but not filed.
22 – 23 November 2016	Judicial review hearing by Friends of the Earth and Frack Free Ryedale against North Yorkshire County Council. Claimant's case and council case; Third Energy's case and judgement reserved
6 December 2016	Companies House warns Third Energy it has until 6 February 2017 to file its accounts or face being struck off the companies' register and

	being dissolved
20 December 2016	Mrs Justice Lang, at the Royal Courts of Justice, upholds Third Energy's planning permission and dismissed the case in a judicial review by Friends of the Earth and Frack Free Ryedale.
20 December 2016	Protection camp established in a field on the proposed lorry route to the KM8 well site.
3 July 2017	Third Energy submits hydraulic fracturing plan to the Oil & Gas Authority for KM8
31 August 2017	Protest outside Third Energy fracking information event.
13 September 2017	Candlelit vigil in Kirby Misperton as the village prepares for deliveries to the fracking site
25 September 2017	First lock-on at Kirby Misperton.
28 September 2017	First lorry surfing protest blocks access to Kirby Misperton
2 October 2017	Campaigners erect tower outside KM8 site
10 October 2017	Environment Agency approves Third Energy's fracking plan for Kirby Misperton
10 October 2017	Fracking rig arrives at KM8
21 – 22 October 2017	Three campaigners occupy rig at Third Energy's Kirby Misperton site.
30 October 2017	Protesters block the road with wooden towers to prevent access to the Kirby Misperton site.
8 Nov 2017	Third Energy indicates it is "ready to frack"
29 November 2017	Decision on Third Energy's fracking plans delayed by legal loophole over ministerial approval
4-6 December 2017	Ministers questioned over Third Energy fracking plans
11 January 2018	Ryedale District Council hold an Extraordinary General Meeting to discuss fracking-related issues. <a href="https://www.northyorks.gov.uk/minerals-and-waste-joint-plan-examination">https://www.northyorks.gov.uk/minerals-and-waste-joint-plan-examination</a>
24 January 2018	John Dewar (Operations Director at KM 8) resigns as director of Third Energy
25 January 2018	Government announces it is delaying its decision on Kirby Misperton fracking consent until the company has filed accounts and a financial resilience assessment is completed.
2 February 2018	Third Energy releases its 2016 accounts, declaring a loss of more than £3.4m.
6 February 2018	Third Energy confirms it is releasing equipment from the fracking site because of delays over final consent
2 March 2018	Kirby Misperton anti-fracking camp to close after Third Energy begins to withdraw equipment.
7 March 2018	Third Energy says fracking at Kirby Misperton could be delayed until the autumn
26 October 2018	Third Energy accounts, released late, reveal "financial meltdown"
10 April 2019	Villagers mark the one-year anniversary of Third Energy removing fracking equipment from Kirby Misperton
25 April 2019	Third Energy announces it has sold its onshore gas business, including the KM8 well, to York Energy (UK) Holdings Ltd, a subsidiary of the American firm, Alpha Energy

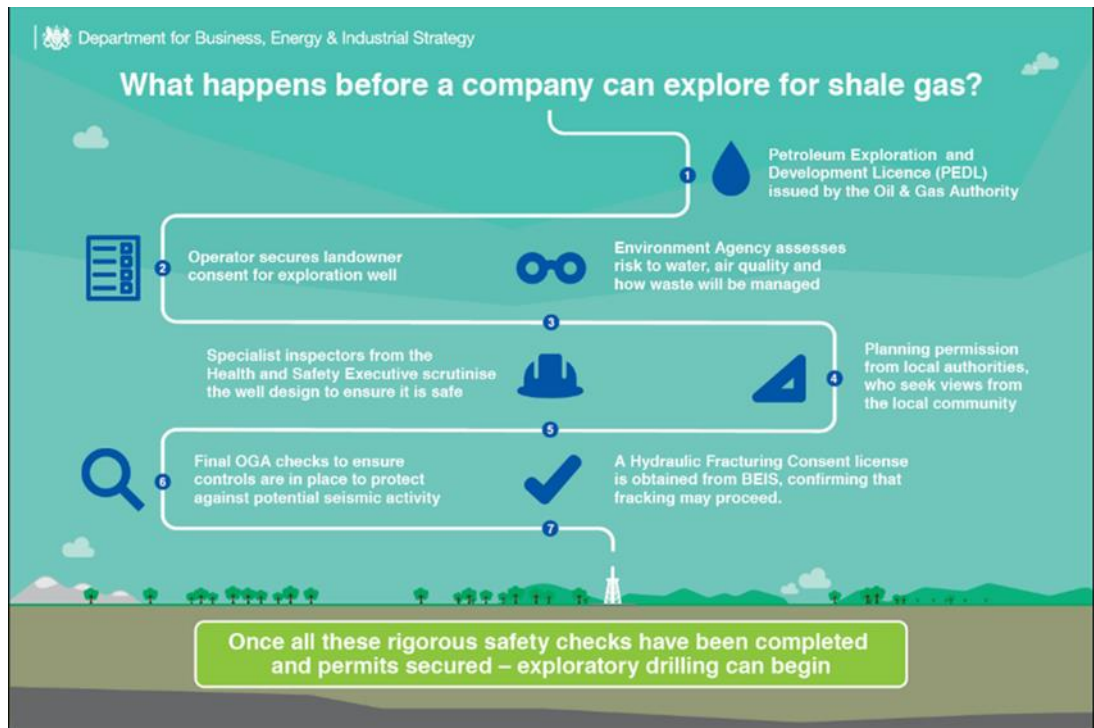
25 April 2019	Third Energy announces it will apply to extend the duration of planning permission at the KM8 well site
6 September 2019	Ryedale council extends fracking moratorium
21 January 2020	North Yorkshire County Council votes that it is minded to approve an extension of planning permissions until 2035 for Third Energy gas sites at Malton, Marishes, Kirby Misperton and Pickering.
9 June 2020	Government clears the way to extend the life of the Kirby Misperton well site and other Ryedale suspended gas fields

Source: Extracted from: <https://drillordrop.com/km8-kirby-misperton-north-yorkshire/>

#### **4.2.2.5 Legislation**

There is a vast amount of legislation that the company is required to comply with, and a large number of permits must be obtained. These include: a pre-application Environmental Risk Assessment (ERA) to be submitted to the Department of Energy and Climate Change; an Environmental Impact Assessment to be prepared before submitting the planning application; an Hydrogeological Risk Assessment, Waste Management Plan, and Groundwater Activity permit all from the Environment Agency; and planning permission from the local authority including full public and statutory consultation. The process is set out in the infographic below, Figure 26.

It should be noted that in 2015 the government enacted the Infrastructure Act 2015 which had the effect of simplifying the process to acquire permission to extract shale gas. According to the government press release (O) “The Infrastructure Act, 2015 included the requirement for operators to obtain Hydraulic Fracturing Consent which ensures that all the necessary Environmental and Health and Safety permits have been obtained before activities can commence. The Consent process also includes the requirement for an independent financial analysis of the operator to be carried out to ensure they can meet their licence obligations, including decommissioning.” This latter aspect proved to be extremely important in the attempts by Third Energy to obtain consent.



**Figure 26 The Route to Exploratory Drilling**

Source: <https://www.gov.uk/government/publications/about-shale-gas-and-hydraulic-fracturing-fracking/developing-shale-oil-and-gas-in-the-uk>

In 2013 UK Onshore Oil and Gas (UKOOG) published a Community Charter in which it stated that:

“£100,000 per site will be paid to the local community situated near to each exploratory (hydraulically fractured, or 'fracked') well site. This will be paid by the operator, regardless of whether or not recoverable deposits are found;

“1% of production revenues will be paid to communities during the production stage, before the operator has accounted for their costs” (P).

Third Energy advised the Kirby Misperton community that these funds would be paid to a charitable organisation, UK Community Foundations. They also advised that revenues from the production of tcf (trillion cubic feet) of gas could provide the community with around £70 million over twenty years. The London School of Economics estimates that shale gas reserves amount to between 99 and 1,409tcf, (converted from cubic metres) (Q). Of course,

there was no knowing how much shale gas would be produced from the KM8 well site.

#### **4.2.2.6 Community**

Due to the nature of the project which attracted not only local but also national and international interest, it was difficult to decide where the concept of “community” started and finished. Set out below is an overview of the community that will become much more granular as this aspect is considered later in this thesis.

##### **4.2.2.6.1 Local Community – Kirby Misperton Residents**

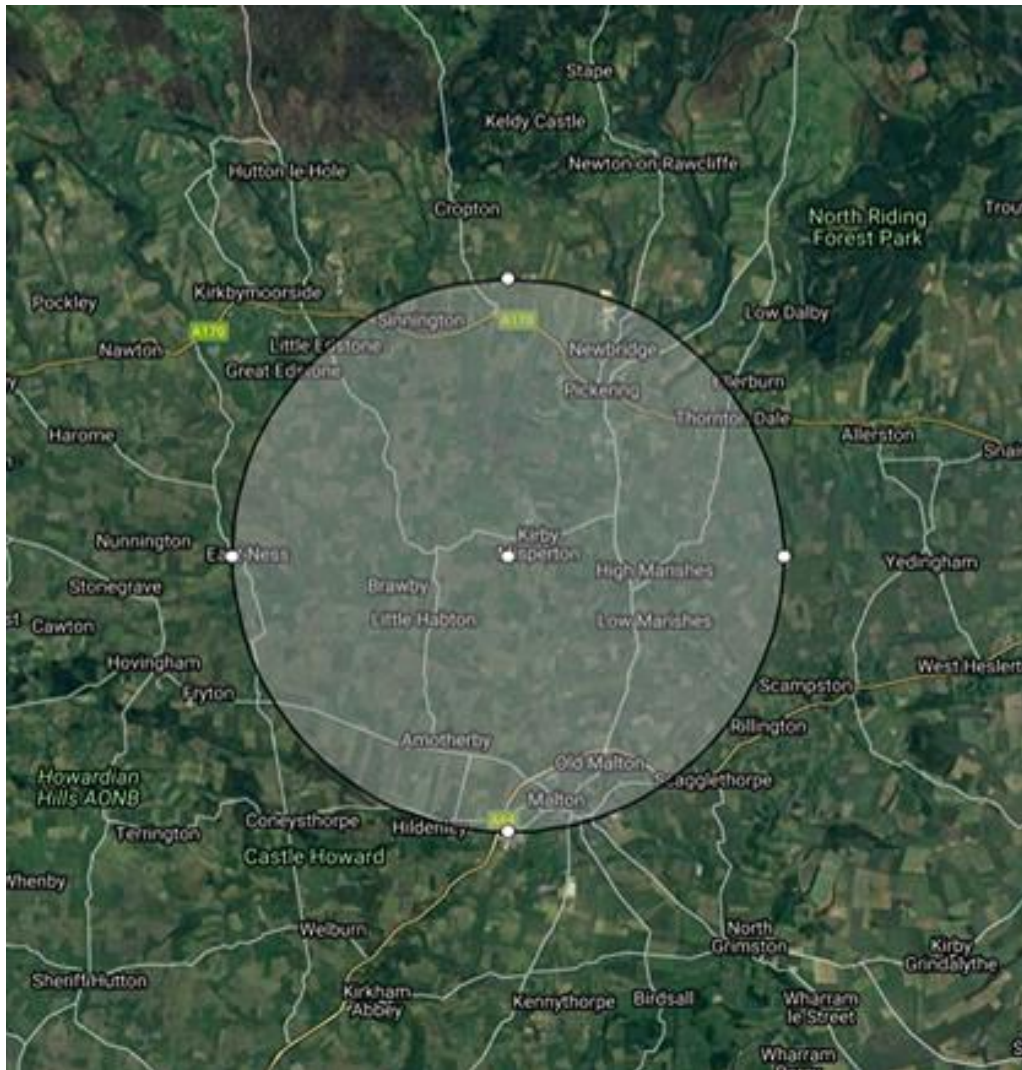
This group would comprise 370 people living within the village of Kirby Misperton. It excludes the residents of Flamingo Land as these are seasonal workers living in accommodation provided by Flamingo Land.

##### **4.2.2.6.2 Local “outsiders” – Kirby Misperton Protest Camp**

A group of protesters occupied a vacant field on the road to the KM8 well site from December 2016 to April 2018 when the final fracking equipment was removed from the KM8 site. There were between ten and twenty residents in the camp with a number of other people visiting and occasionally staying overnight, especially at the height of the protest. They were led largely by a resident from the area, Mr Eddie Thornton.

##### **4.2.2.6.3 Local Community – within 5 miles of Kirby Misperton**

The area within a five-mile radius of Kirby Misperton (Figure 27) includes several small towns or villages as well as Malton, with a population of 4,900 (2011 census). Many of the people within this area engaged in protesting or supporting the project and believed that they would be affected by the development, either negatively or positively.



**Figure 27 Map detailing the area within a five-mile radius of Kirby Misperton**

Source: <https://www.mapdevelopers.com/draw-circle-tool.php>

#### **4.2.2.6.4 Local Community – Ryedale/Vale of Pickering**

An area slightly larger than the five-mile radius, but still comprising people who felt, or who were, personally affected by the project.

#### **4.2.2.6.5 Local and National Government**

When the project first started fracking was well supported by the Conservative/LibDem coalition until May 2015, and thereafter by the Conservative government. Later due to public pressure support waned but nonetheless, they were an important stakeholder in the SLO process.



#### **4.2.2.6.6 Conventional Media**

As fracking eventually became a national debate the conventional media played an important role in reflecting and formulating public opinion and as such influenced the SLO process.

#### **4.2.2.6.7 Social Media**

The real battleground surrounding this, and similar projects was social media – Facebook, Twitter, YouTube, and various other media. However, these groups are viewed, the online community certainly played a significant role in the determination of the company's SLO and while comprising individuals both locally and internationally, this "community" is one that has to be involved in the SLO process.

#### **4.2.2.6.8 NGO's**

From an environmental aspect, several traditional environmental NGOs were interested and involved in the project. More radical groups such as Friends of the Earth, Greenpeace and similar organisations supported the protesters and the protest camp, although these groups themselves were not evident.

#### **4.2.2.6.9 Other "communities"**

In this case, two other "communities" came to the fore. The first was "future generations" the number of people arguing that this group had to be considered in all decision-making. The second entity that could be considered a community is the environment itself. Again, many people claimed an interest as protectors of the environment, and this is an essential element to be borne in mind with all projects wishing to earn their SLO.

#### **4.2.2.7 Social Licence to Operate**

Members of the company who were interviewed were aware of the concept of an SLO. However, by the time the interviews were conducted in July and August 2018 the company had already terminated its attempts to test frack

and were largely disillusioned by the community response. The company had complied with the law and were of the opinion that having met all legal requirements they should have been allowed to proceed, they had essentially earned their SLO.

#### **4.2.3 Coul Links - proposed golf course development**

##### **4.2.3.1 Company and project**

In October 2015 Mike Keiser, a billionaire American golf course developer intimated that he was intending building a golf course on the dunes of Coul Links<sup>18</sup>, adjacent to the village of Embo on the coast of Sutherland, Scotland. Together with Todd Warnock, the American owner of the Links House boutique hotel at Royal Dornoch he formed a company, Coul Links Ltd (whose holding company is Coul Links Holding Company Llc, registered in Delaware, USA) ([beta.companieshouse.gov.uk/company/SC541313/filing-history](https://beta.companieshouse.gov.uk/company/SC541313/filing-history), accessed 18 October 2021) for the purpose of building the golf course at Coul Links. Working with a local group, Communities for Coul, they submitted plans to the local council.

Following some acrimonious exchanges and hearings the plans were eventually approved by the Highland Council, only to be rejected by the Scottish government on 21 February 2020 following a public enquiry (R).

However, on 18 January 2021 a company, Communities for Coul Limited, was incorporated (S) and shortly thereafter their website (T) was established indicating that this group were keen on submitting a new application for the Coul Links golf course.

As Section 39(1) of Planning Circular 3/2013: Development procedures allows planning authorities to decline repeat applications where “Scottish

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<sup>18</sup> Note that “links” in Scotland refers to “The sandy undulating ground, gen. covered with turf, bent grass, gorse, etc., which is freq. found near the sea-shore on a flat part of the coast, and is often common ground belonging to the nearest town” (<https://www.dsl.ac.uk/entry/snd/links> accessed 19 October 2021)

Ministers have, within the previous 2 years, refused permission on a similar application” (U) it appears that the new application will only be submitted after 21 February 2022.

According to the Scottish Wildlife Trust, the area is designated an SSSI site due to the fragile nature of the sand dunes as well as the birds, plants, and insects in the area (V). It is feared that the development might change the natural dunes depicted below (Figures 28 and 29).



**Figure 28 Coul Links looking north**

Source: Personal photograph



**Figure 29 Coul Links – an expanse of heather, gorse, and grasses**

Source: Personal photograph

The concern is that a golf course development may end up removing the SSSI status of the area as happened with the Foveran Links on the Trump International golf estate at Menie Estate, in Aberdeenshire (Figure 30).



**Figure 30 One of the holes on the Foveran Links**

Source: <https://www.trumpgolfscotland.com/photo-gallery>

This case briefly considers the history of this application but more importantly focuses on the current proposed development.

#### **4.2.3.2 Geography and demography**

Coul Links is situated on the northwest coast of Scotland between Loch Fleet and the village of Embo (Figure 31).



**Figure 31 Location of Embo village and Coul Links (north of Inverness, Cromarty Firth and Dornach Firth)**

Source: [https://www.google.co.uk/maps/place/Embo+Beach\(Embo+Sands%2FCoul+Links\)/](https://www.google.co.uk/maps/place/Embo+Beach(Embo+Sands%2FCoul+Links)/)

The village is small, consisting of around 160 houses with a resident population of 346, according to the 2011 census for the various postal codes encompassing Embo, (W) although, based on discussions with some of the residents that figure may be a little high. A number of properties are used as second or holiday homes.

Adjacent to the village is a caravan park known as Grannie's Heilan' Hame Holiday Park with a summer population of 2,000 to 3,000 people, according to local residents (Figure 32).



**Figure 32 Embo village showing the extent of Grannie's Heilan' Hame**

Source: <https://www.google.co.uk/maps/place/Embo,+Dornoch/>

#### 4.2.3.3 Process and timeline

**Table 6 The Coul Links Timeline**

<b>Date</b>	<b>Event</b>
21 December 2015	An outline planning application for a golf course at Coul Links was revealed to the public by the Highland Council.
29 September 2017	A full planning application for the golf course was lodged with the Highland Council.
27 October 2017 – 12 December 2017	The Scottish Wildlife Trust, The IUCN World Commission on Protected Areas, Scottish Natural Heritage, and The Scottish Environment Protection Agency object to the proposed golf course development
22 December 2017	Public consultation on the proposed golf course development closes. More than 1,000 objections were received.
20 June 2018	Highland Council voted to approve the golf course

	development at Coul Links against the recommendations of their own officials
24 August 2018	Scottish Ministers decide to 'call in' plans for the golf course.
26 February 2019	A public inquiry into the proposed golf course development began.
21 February 2020 (Almost a year later)	The Scottish Government announces that planning permission for a golf course at Coul Links has been refused.
18 January 2021	Communities for Coul Limited is incorporated
January 2021	A community-led coalition announces plans to resurrect the original Coul Links golf course plan but now with the addition of a hotel
18 – 27 May 2021	Communities for Coul announced a series of virtual "Town Hall Meetings" to discuss the potential benefits Coul Links golf course could have for the communities of the Dornoch Firth. These were targeted at the communities of Golspie, Brora, Embo and Dornoch in the area
28 May to 11 June 2021	Communities for Coul (C4C) announced that a public vote would take place to ask the people of Brora, Dornoch, Embo and Golspie if they "support a community planning application for an environmentally sensitive, world-class golf course to be built at Coul Links near Embo."
18 June 2021	The result of the "community ballot" is announced. There is a 69.2% vote in support of the development from the selected participants
July 2021	An application for lodges and a reception building is lodged with Highland Council.

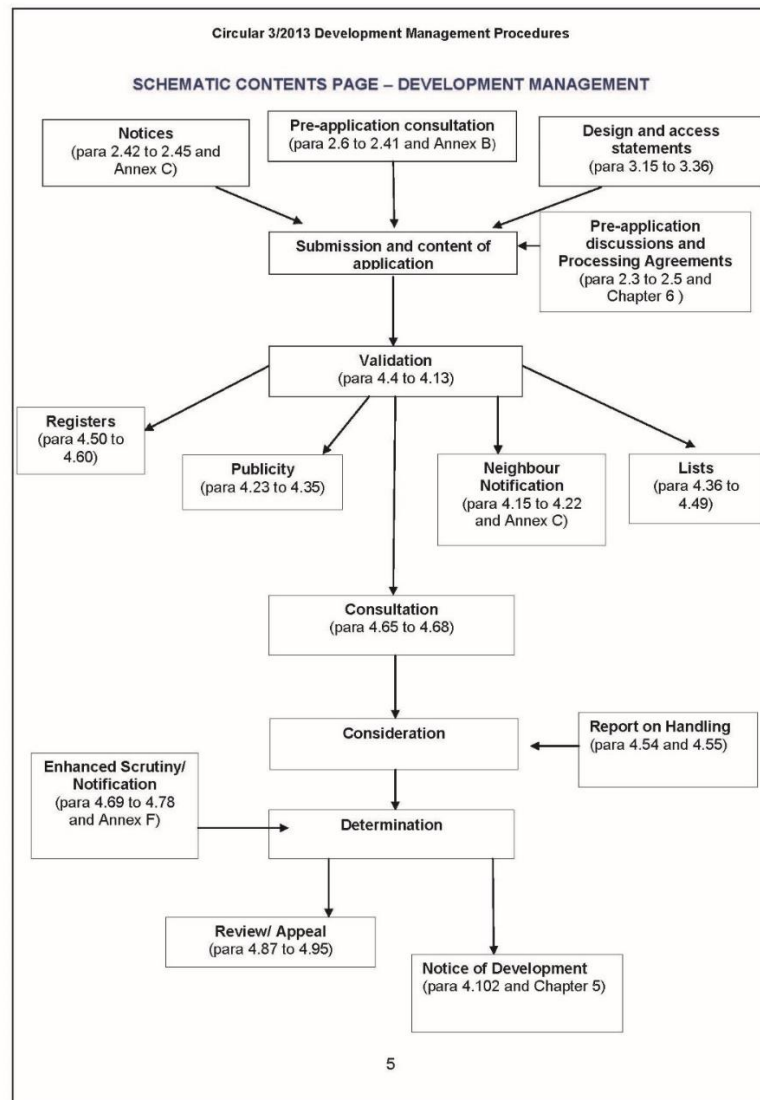
Sourced from: <https://scottishwildlifetrust.org.uk/our-work/our-advocacy/current-campaigns/coul-links/>, and <https://www.communities4coul.scot/home-2/>

As the case study was being conducted both the promoters and those against the project are preparing for the application to be lodged in February 2022. The revised application was in fact lodged in September 2022.

#### **4.2.3.4 Legislation**

In terms of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (X), the golf course will require EIA. The project will also require Habitats Regulations Appraisal (HRA) approval in terms of The Conservation of Habitats and Species Regulations 2017 (Y) and a Strategic Environmental Assessment (SEA) (Z).

In addition, there is an entire planning process, best set out in Figure 37 below.



**Figure 33 The Planning Process required for the development**

Source: PLANNING CIRCULAR 3/2013, DEVELOPMENT MANAGEMENT, PROCEDURES  
(www.gov.scot. ISBN: 978-1-78412-175-4)

#### 4.2.3.5 Community

##### 4.2.3.5.1 Local Community - Embo Residents

This is a very small community of around 350 people, many of whom have Embo as a second or holiday home. The owners or occupiers of the caravan



park will largely be short-term residents, mostly during the summer months, and due to their transient nature will not be important in the company's attempt to earn its SLO.

#### **4.2.3.5.2 Local Community - Nearby Residents**

The town of Dornoch is some three miles from Embo with a population of just over 1,200. (AA). The town is home to the Royal Dornoch golf course, a world-class course which attracts a large number of tourists each year, especially from the USA (hence the USA interest in the development).

#### **4.2.3.5.3 Regional Community**

It is apparent that the residents of Golspie and Brora will have an interest in the development as they were included in the survey and are situated 10 and 16 miles respectively from Embo. The residents of Tain and Shandwick have expressed an interest in the golf course and accordingly, the regional community should include all people living within approximately 20 miles of the development.

#### **4.2.3.5.4 Communities of Interest**

There are two specific communities of interest, members of which may overlap with other communities. These are the golfing community and the environmental community, most of whom will be involved via social media. There are currently two Facebook groups, Communities4Coul (873 followers) sponsored by the developers and Not Coul (399 members), comprising people opposed to the golf course. With the previous proposal, there were people worldwide commenting and supporting one side or the other.

#### **4.2.3.5.5 NGO's**

As this development has a potential environmental impact it will attract the attention of various environmental NGOs or organisations. NatureScot, the Scottish Wildlife Trust and the RSPB already have indicated an interest on their websites and is possible that more activist organisations will become

involved as matters progress. To earn the SLO developers will need to ensure they consult with and work with various environmental organisations to limit or avoid damage should the project go ahead.

#### **4.2.3.5.6 Regional and National government**

The Highland Council will be an interested party due to the potential economic and tourism benefits. With the previous project, the council voted 16 to 1 in favour. The Scottish government, which previously vetoed the plan will now have to approve the latest submission. Again, the government will be under pressure from both an economic and an environmental perspective so will have to be considered if the project wishes to earn its SLO.

#### **4.2.3.6 Social Licence to Operate**

When contacting Communities for Coul with a request to interview the directors or promoters there responded by advising that they “must admit to not knowing very much about ‘social licences”” (personal email). Having sent a brief overview as to what constituted an SLO, the following reply was received: “we consider the outcome of the recent public vote (details at [www.communities4coul.scot](http://www.communities4coul.scot)) as our SLO.” (personal email). That has yet to be assessed.

### **4.3 Conclusion**

The case studies selected vary considerably in terms of the type of project, the geographic location, stage of development and the nature of the communities involved. This eclectic mix provided the opportunity to explore, test and refine the various elements of the SLO model.

# CHAPTER 5: Identifying Communities

## 5.1 Introduction

This chapter and the next seek to answer the questions: **who or what is community and how do we understand community?**

The first step is to analyse and identify community members or groups to a sufficiently granular level that would allow a company to strategically structure and target its communication and actions at the specific community/communities<sup>19</sup> that will grant the licence. Thereafter, to interact and communicate with the various communities the company needs to understand the culture and drivers of these communities; understand the motivations for their various positions; understand their needs and what impact they could have on the success of the project. Should this not be achieved, engagement with the community could well be a meaningless interaction, full of sound (sometimes fury) and signifying nothing.

The process of stakeholder identification, Figure 8, suggested by Reed and Curzon (2015) has been followed in this chapter. With regard to “Context”, for each case the “issue” is the specific project at each location while the “system boundaries” are largely geographical but vary from case to case. This is expanded on as the different community groups are discussed.

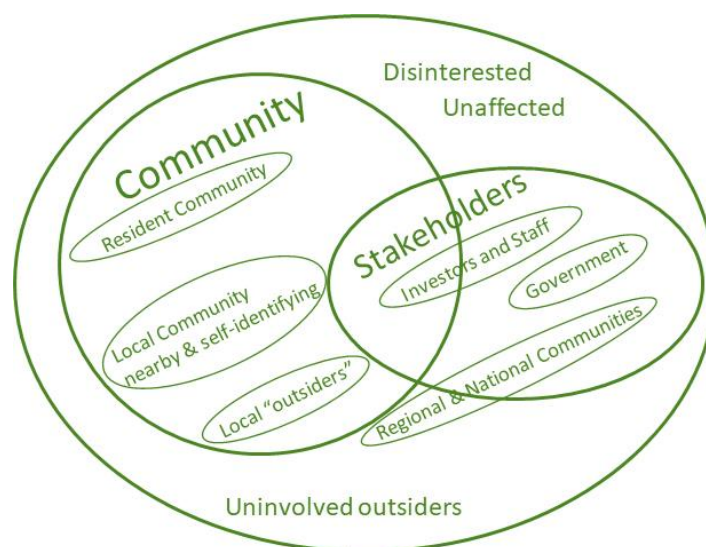
Reed and Curzon (2015) suggest that the “Application of Stakeholder Methods” should involve identifying the stakeholders and their stake; differentiating and categorising stakeholders; and investigating the relationship between stakeholders. This is largely carried out below in this chapter while the “stake” of each stakeholder group, their reason or

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<sup>19</sup> There is a plethora of descriptions of community groups, perhaps meaningful in their own context, but as an aid to management in their attempt to identify the appropriate groups with which to engage and from which to elicit the SLO, they can only cloud and dilute any purposeful action.

motivation for their actions, as discussed in the subsequent chapter. Finally, the “Actions” element informs Chapter 7.

The chapter commences by identifying the communities based on their location in relation to the project, essentially communities of geography. It concludes by presenting the first part of a matrix identifying particular community groupings by geography or location. The next chapter considers the motivations of communities, based on their relationship with the project, presenting a final matrix that identifies community groupings and their specific attitudes to a project.



**Figure 34 Preliminary Stakeholder Identification**

What became evident during these case studies is that even a simple concept such as “local community” is complex and multi-layered. Ideally one would wish to start at the *Gemeinschaft* level (Tonnies, 2002), the local village or town community, bound together by residence, common community interests, et cetera. However even this proved difficult, partially due to the differences within that community, but due also to the number of short term or transient “residents”, as well as people living in the close vicinity claiming to be members of the local community. This led to a perhaps more granular analysis than might otherwise have been necessary.

Furthermore, while there were significant commonalities between all the cases, there were some quite specific differences in certain aspects, resulting in a more detailed analysis than might have been required with a more comparable or similar set of cases. This is of benefit to the research project.

This chapter could have been structured around the analysis of each community segment across the three case studies, but it was considered that this could cause confusion. Accordingly, the community segments in each case are analysed separately, within each case location, with an analysis of the commonalities across the cases at the end of each section.

## **5.1.1 Resident community**

As the term “local” is difficult to define, and means different things in different situations, the community closest to the project is termed the “resident community”. In both Kirby Misperton and Embo (the village adjacent to Coul Links) the resident population is largely homogenous. However, the Loeriesfontein resident community comprises several disparate groups, based largely on race and economic status.

### **5.1.1.1 Loeriesfontein**

To understand the response of the resident community to the project it is necessary to analyse the different groups that were encountered and identified within the Loeriesfontein community in some detail.

#### **5.1.1.1.1 Race-based Groupings**

South African legislation relating to wind farms dictates that all “historically disadvantaged”<sup>1</sup> communities within 50 km of the project are regarded as the “affected” community. As the town of Loeriesfontein was the closest to the wind farm the resident community therefore comprises all people living within the town of Loeriesfontein, albeit 60 km from the wind farm, with the white resident population excluded from directly benefitting from the wind farm, but certainly not excluded from any multiplier effect.

South Africa's history of apartheid had the effect of separating communities based on colour and this segregation is almost embedded in the psyche of the people. However, in discussion with many of the interviewees, it appeared that subsequent to 1994, and possibly as a result of geographic isolation coupled with extremely difficult economic times, the different community groups had moved from what might be termed "modus vivendi" to "modus amici" where there was genuine friendship and cooperation amongst and between the different groupings in the town. As one white resident noted: "I was actually impressed about the good politics in town. And that the helping hand [came] with the bigger income on the white side to the coloured side." {9LF}.

Superficially therefore it could be supposed that the Loeriesfontein community comprised two groups, based largely on race. However, this is an extremely simplistic view of a far more complex situation and one which should have been taken into account by the company seeking its SLO.

#### **5.1.1.1.2 Class-based Groupings**

Groupings in the town appear to be class related. Initially, this was based on historic racial lines of coloured versus white, but it emerged that, while there was not an enormous amount of social mixing other than through church communities – as was observed, "there are still good relationships in the church between 'bo' and 'onder'" {3LF}) - there remained a large element of goodwill between all groups in the town {11LF} before the wind farm became a reality. As various interviewees noted "Loeriesfontein was a very close community" {15LF} and "we were one in full glory, one single community, mixed" {3LF}.

Of more relevance were the economic, and related educational, and class differences which, together with race, further created different groupings within the community. It was only the wealthy, predominantly white, families that could afford to properly educate their children, and these children "don't go to school here but they go to other [boarding] schools" {19LF}. {9LF},

advised that there had been no high school in the town until 10 years previously. According to the 2011 South African census (Statistics South Africa b) in this area 16.8% of the population had no schooling whatsoever, 17.1% had completed 12 years of school and a further 7.1% some form of tertiary education, leaving some 59% with between 3 and 10 years of schooling.

This lack of education accompanied by very few business opportunities and a severe drought had led to substantial unemployment and deprivation in the town. This, in turn, led to high levels of alcohol and drug consumption, with interviewees describing children from high school drunk on the streets; primary school [children] wandering around the streets trying to find their parents; parents sat in the tavern; mom and dad drunk or high; totally uncared for over weekends {4LF}, {5LF}. As {4LF} described it, “Our community is very dependent on or perhaps should I say abuses alcohol and drugs<sup>2</sup>. Our young people just walk around there is nothing for them to do apart from the tavern and the pub, and there is an increase in pregnancy”.

A lack of recreational facilities together with the predilection to abuse meant that “the young men ... got enormous salaries which they have wasted on alcohol and drugs” {4LF}, which, in turn, led to job losses due to alcohol and drug abuse {16LF}.

However, the coloured community itself is not homogenous. As noted by DEAR (p109) and confirmed by the researcher’s personal experience working in a coloured school in South Africa, the community is preoccupied with class, status and colour, where status is based on “criteria such as skin colour, hair form, ethnic origin, etc.”. This is “further complicated by indexes of association, educational achievement, political and religious affiliation, occupation and the like.” (DEAR p109). While the researcher was shopping and chatting to the shop assistant the issue of surnames arose, and it was established that certain surnames indicated higher status than others in the community. As one interviewee confirmed, “Yes, yes, yes, yes. Family names. So, you have that infighting; you have that envy. Family, caste,

class” {11LF}. This perceived segmentation of the community was further strengthened when the terms “Bo” and “Onder”<sup>20</sup> were encountered “Upper and lower? Yes, white community upper and brown community lower.” {3LF}. Since the end of apartheid in 1994, there has been no legal segregation of communities, but very few of the coloured community have afforded to move on to the ridge, and it is only the schoolteachers, government employees and entrepreneurs who have moved into the “Bo” environment with bigger houses and larger properties (Figure 35). As explained, “your upper class there really is your professional status – cops, nurses, and so on” {11LF} while one view was that “The bo guys are the guys that got all the money from the project” {6LF}. This is not unique to Loeriesfontein and a Mainstream employee, observed that in other projects “you get all these things from “bo dorp” and “onder dorp” [“dorp” is Afrikaans for “town”]” {20LF}. While one interviewee racialised this as “white community upper and brown community lower” {3LF}’ another view was that “The white area is mixed these days” {9LF}. It was observed that all the major economic activity - the retailers, supermarkets, bottle stores, garage, and professionals’ offices - was located along the main street in the “Bo” part of town, as was the school.

Everyone interviewed was aware of this distinction between “Bo” and “Onder” and many were enormously aspirational as far as moving into the “Bo” community was concerned. This played a significant role in determining some of the actions taken by members of the community, especially as far as entrepreneurship and employment by Mainstream was concerned.

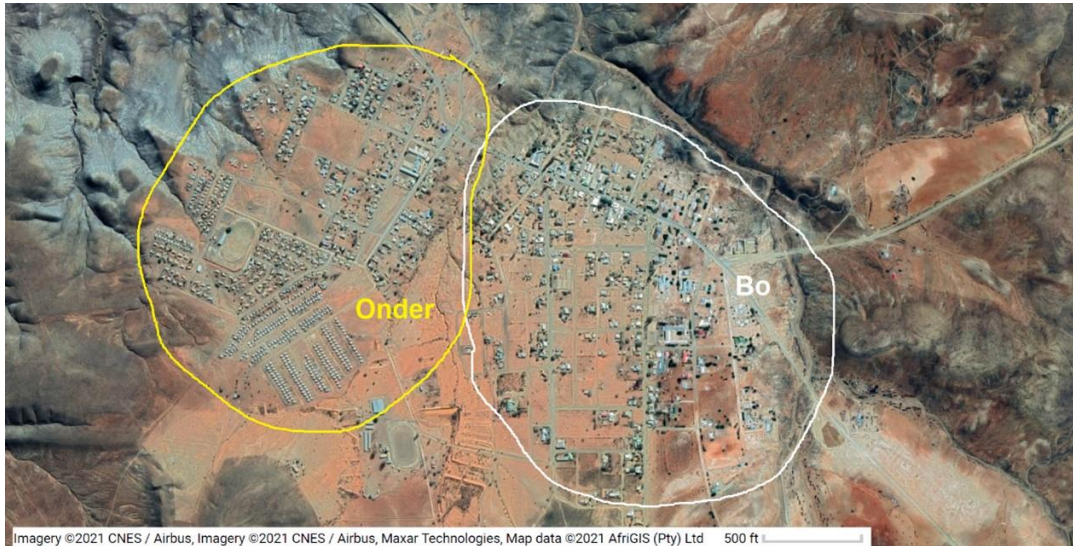
Despite this “separation”, it appears that community relationships were amicable and stable prior to the arrival of Mainstream. As was noted, “People all know each other; they’ve been in the community for a long time” {1LF}.

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<sup>20</sup> The terms essentially mean “up and down” or “over and under” or “above” and “below” and may originally have been derived from the fact that the wealthy (white) townspeople lived on the ridge in the town whereas the poorer (coloured) community was situated in the surrounding valley, as indicated in Figure 40.



However, “They [Mainstream] messed up the close relationships in the community and have ended up splitting the people.” {15LF}.



**Figure 35** Aerial view of Loeriesfontein showing the location of the “Bo” and “Onder” communities

Source: <https://www.google.co.uk/maps/place/Loeriesfontein,+South+Africa>

Some four years after the arrival of Mainstream, at the time that the case study was conducted, the view of a large section of the community was that Mainstream had not understood the community dynamics nor identified exactly who comprised the “community”. An interviewee commented that “the role and the responsibilities of Municipalities and other stakeholders haven't been defined properly” {11LF} and Mainstream appears to not always have identified the correct people in the broader community. As was observed, “They have to start with the Community Development Forum, and not with the council because the council's also just a role player, a stakeholder” {5LF} or really understood that “you are dealing with different people different views different expectations” {6LF}. As {8LF} commented that “Our town is very different. They call it the Republic” while {10LF} remarked that “we are a very divided community with the different political views and therefore different views on the same subject”.

Vanclay & Hanna (2019) note that the International Finance Corporation (IFC) expects companies to identify groups or individuals that may be differently affected due to race, sex, language, and the number of other variables. There is, however, no obvious evidence that initially Mainstream was aware of the various subtle differences within the community in their dealings with the coloured people, albeit that their Environmental Impact Assessment had pointed out elements of these differences. It seems that the entire coloured community was treated as a single, largely homogenous, entity, with no differentiation between the different groups or groupings in that community. Commenting on Mainstream management one interviewee said that “one of the issues was that we were a very mixed community and the people [Mainstream] often come in from somewhere else and now expect us or treat us the way they think things are or should be” {4LF}. Mainstream management did not seem to understand that “there are obviously cultural sensitivities historical sensitivities that you need to take into account. Even within that community. They have a class system. They have a caste system. So, there's always infighting.” {11LF}. While it was felt that the Mainstream site manager “also doesn't have an understanding of those real issues of the local community” {5LF}; it could be argued that this was unintended as it appears that “When the people from Mainstream came here they treated us very nicely but there were some issues later on where we felt looked down on or perhaps belittled” {18LF}.

Discussing the appointment of community liaison officers one interviewee noted that “Shannon and Zanele [the current and previous CLO's] do not come from this community” {3LF} and stated that “the people involved in this process should be trustworthy and people who know the community” {3LF}.

However, by the end of the construction phase it is evident that Mainstream were aware of the issues, noting that “So you've got the community and that's probably 50 different angles or views of things” {20LF} and were prepared to acknowledge “that whenever there was an error that was a mistake it was done you know the problem is you do it with good faith. But

it's sort of a cultural issue" {20LF}. The company took action, appointing a new staff member with positive results in that "we have now a person selected from the community who understands the community and now works for Mainstream" {14LF}. This reiterates the point that the term "community" as far as the SLO is concerned is far more nuanced than implied in the literature.

#### **5.1.1.1.3 Power group - Ward Committee**

As part of its process to involve and interact with the community effectively the development company, Mainstream, created a Ward Committee. According to {5LF} "The Ward Committee consists of 10 people who the community choose to speak on behalf of them to address their issues." As a result, "The Ward Committee had different representatives in terms of political views." {LF1}. Within the first two years there were two different Ward Committees {23LF, et al}, with the first being dissolved "to stop the people taking advantage" {15LF} and the second committee dissolved by the Mayor of Hantam, the governing municipality. At the time of the interviews a third committee was in the process of being elected. The Ward Committee thus comprised a small, but powerful, group within the resident community.

While it is apparent that Mainstream were obviously trying to work with the whole community by having an elected Ward Committee, they do not appear to have considered the political and social dimensions. It seems that the ward committees largely comprised the same group of influential individuals within the community implying that those with lower social status or lower power positions had little voice on the committee that often decided on the allocation of contracts and funds.

#### **5.1.1.1.4 Uninvolved Outsiders**

The term "uninvolved outsiders" is being used to describe people living adjacent to or within the town who had no say or involvement in the awarding of the SLO although, as described below, in this case they did have an

impact on the relationship between the resident community and the project company. The construction company, Murray & Roberts, brought in a number of skilled workers from outside the community for the construction and erection of the wind towers. These workers, initially housed within the town, later moved to separate accommodation on the edge of the town. While having no part to play in the granting of the SLO, these workers had a significant impact on the town. As Haslam McKenzie et al. (2010) note “Workcamps have attracted criticism from permanent local residents because the workcamp occupants have a temporary mindset with no commitment to the place or the community. Concerns centre around drug and alcohol abuse ...” (Haslam McKenzie et al., 2010) p21. This was the experience in Loeriesfontein where {6LF} commented that “Foreign workers coming in created massive social problems. Unfortunately, that was it. Big issue, big issue.” {4LF} talked about the people being “used” by the construction workers and said that “many have become pregnant and had to leave school.” {3LF} discussed some of the challenges faced by the community noting that “there were ladies who, let me put it this way, sold themselves” to “all the outside workers that come into the community” with the result that the social committee erected lighting in all the dark places in the town and around the guesthouses where the workers were located, to “try and stem this evil”.

While they “resided” in the town the foreign workers could hardly be called residents and had no role to play in the awarding of the SLO and accordingly were not interviewed, had that even been possible.

## **Summary**

The Loeriesfontein resident community consisted of a majority coloured population, split into two or more groups based on class, and a white population. However, as the white population were not beneficiaries of the wind farm their role in granting a SLO to the project company was limited. Nevertheless, as the white community were deemed to have benefited

indirectly from the project, their presence influenced the attitudes of the resident community to the company.

It is apparent that communities cannot be considered homogenous merely based on race or residence. Unique to Loeriesfontein was the split between “bo” and “onder”. While this was largely for economic reasons, that would be a superficial interpretation of a complicated history both in the town and in the country. These economic inequalities brought about differences in education, in social attitudes and norms and in how people responded to the wind farm. These differences were not perceptibly taken into account by the development company in its dealings with the community.

While the company will argue that it did commission a socio-economic development plan (which was referenced in Chapter 4), one of the interviewees {23LF}, a sociology PhD student researching in Loeriesfontein, was of the opinion that “[they] spent two days to come up with a cock-up of a social development plan, socio-economic development plan was just ridiculous. They get paid about R7 million. It’s just a horror story ...”. And there was no evidence to demonstrate that this plan was used in identifying specific elements of the resident community.

#### **5.1.1.2 Kirby Misperton**

##### **5.1.1.2.1 Local Residents**

The village of Kirby Misperton comprises 159 occupied households and 27 occasionally occupied (holiday) homes, including 40 static caravans (Kirby Misperton Parish Council, no date). Of these 69% are owned and 31% rented properties. The resident population is 370 people split, equally between male and female, with 15% under the age of 15, 57% between 16 and 59 and 28% over the age of 60, compared with 22% across England and Wales (Census UK, 2011).

Over the ten year period from 2011 to 2021 the average income in the North Yorkshire/Ryedale area grew by 2.8%, compared with the England and

Wales average growth of 32.3%, and reduced from being at 99.7% of the national average income to 77.4%. (BB). The implication of this is that Kirby Misperton is an average, declining, middle-class village with a slightly older retired population.

This was borne out by some of the interviews. {30KM} stated that “lots of people who protest to me and write to me are retired” while {33KM} observed that they are “people like us. You know they’re on the whole educated, many of them retired, you know, doctors, teachers ...”. And while there are older people “I think there’s only 280 people living in Kirby Misperton. The majority of them I would say certainly over fifty, probably going up to 90’s ... [there were also] the younger people that are there you know, fifty and under, there is some young people there with kids and suchlike” {38KM}. But all largely summed up by {37KM} “And you look at the demographics of the area. It’s terrible, it’s old farts like me and older, and the kids just aren’t here.” Drake (2018) interviewing people in the Yorkshire area, including Kirby Misperton, about their views on fracking notes that “A majority of the interviewees were over 50, and half were retired.”

However, being able to determine who lives in Kirby Misperton, the resident community in terms of granting the SLO, is not that simple. {30KM} thought that “most people in that area will be owner occupiers” while {33KM} observed that “it is a difficult village to gather together, something like one third of the village are rented properties and some of those are quite short term let’s, so people come and go”, and {41KM} said that “most of those people have moved in and there’s a lot of new housing”. Nevertheless, the residents of the village of Kirby Misperton comprise a reasonably homogenous group of people, across a range of ages, having have an interest in the development, and therefore right to grant or withhold the SLO. Several of the newer residents having owned houses in the village for years have now come to retire as {27KM} stated: “A lot of people [have] come and lived in the village recently, even though they’ve had a property there for a long time.”

It does seem that there is confusion as to the term “resident”. {29KM} advised that “all of the people who attend our community liaison group are resident in the community” but later stated that “each of the villages has got an elected representative” on the community liaison group.

Furthermore, what is apparent is that the villagers of Kirby Misperton, albeit the de facto local resident community, were part of a much greater group identifying themselves as “local residents”, as will be discussed later.

#### **5.1.1.2.2 Power group - Parish Council**

The Kirby Misperton Parish Council, while having some decision-making powers with regard to planning, was subject to decisions made by the Ryedale District Council and North Yorkshire County Council. They participated in the Joint Parishes Liaison Group established by Third Energy and took the concerns of the local village to that group. While without power as far as decision-making is concerned, the council and its members had status within the community and were influential in forming public opinion. Members of this council were included in the set of interviewees at Kirby Misperton ({KM24}, {33KM}) and were treated with obvious respect by other interviewees. Groups of this nature, while having limited power, are a strategic community or stakeholder group for any project.

#### **5.1.1.2.3 Uninvolved Outsiders**

Adjacent to the village is the Flamingo Land Resort and Theme Park (Figure 36). Forming part of the village, albeit on the outskirts, Flamingo Land is rated as one of the Top Ten theme parks in the UK by both themeparks-uk.com and themeparktourist.com. In 2017 it had 1.7 million visitors ranking it as the third most visited paid attraction in England after Chester Zoo and the Tower of London (Gazette & Herald, 2018).

While most interviewees seemed unperturbed by the resort, they certainly were aware of a number of vehicle movements. As {31KM} said “we have Flamingo Land where God knows how many coaches come in everyday” and

Third Energy conducted a traffic count showing that “and it was like 30,000 cars a week in season” {26KM}.



**Figure 36 Flamingo Land Amusement Park - Photo taken from the public footpath**

Source: Phil Catterall / Flamingo Land Amusement Park / CC BY-SA 2.0)

Figures 37 and 38 below give some indication as to the size of the Flamingo Land resort in comparison with the village and the KM8 well site.



**Figure 37 Aerial picture showing the village of Kirby Misperton, the Flamingo Land Amusement Park and the site of the KM8 Well**

Source: <https://www.google.co.uk/maps/place/Kirby+Misperton,+Malton>





**Figure 38 Flamingo Land Amusement Park.**

Source: <https://www.flamingoland.co.uk/virtual-tour/>

Flamingo Land effectively engulfs Kirby Misperton in terms of sheer size and number of “accommodation units”. The community at Flamingo Land comprises both holidaymakers and seasonal employees. Staff turnover appears reasonably high as the first three staff members approached during the interview period denied all knowledge of the project. And {33KM}, noted that Flamingo Land “employs people at the sort of height of the season and they come in almost as seasonal workers, and this family came into a short term rent in the village, they were only there three or four months and then they left.” {33KM}.

Mr Gordon Gibb is the owner of Flamingo Land. However, it proved impossible to arrange an interview with Mr Gibb, or any other employees of Flamingo Land for that matter, and for this reason, and due to the transient nature of the “residents”, Flamingo Land could not be included in the local resident groups. It should be noted however that Mr Gibb owned the field on which the protest camp (see below) was located. When the project commenced at Kirby Misperton, Mr Gordon lived in Ebberston, some 5 to 10 miles from the site, but had sold his property and moved by the time the interviews were being conducted.

## Summary

As far as is possible to ascertain, the residents in the village of Kirby Misperton are homogenous in terms of social standing in its broad sense, albeit that the age demographic is largely skewed towards the older section of the population.

### 5.1.1.3 Coul Links

#### 5.1.1.3.1 Local Residents

The proposed Coul Links golf course development lies in an area of sand dunes and open fields adjacent to the village of Embo (Figures 39 to 41). According to the 2011 Scottish Census (Census Results (2011)) based the postcodes around Embo, the population of Embo is 346 people with 160 houses. However, according to {49CL} there are 150 houses in the village.



**Figure 39 Photograph of Embo Village with Coul Links at the top & caravan park on bottom right**

Source: Personal photograph of photograph hanging in an interviewees house



Figure 40 Coul Links location in the SSSI site

Source: <https://sitelink.nature.scot/map>



**Figure 41 Embo Village and the Coul Links area**

Source: <https://www.google.co.uk/maps/place/Embo+Beach>

To understand the people of Embo it is important to consider its history. In Christine Campbell's blog (Campbell, C., 2013) on Embo, she states that there has been a settlement at Embo since at least the Bronze Age, and W Douglas Simpson (1924) notes that a battle was fought against Viking invaders at Embo in 1245. Catriona Grigg (Grigg, 2016), records that the first

settler in the village, a MacAiodh (Mackay) arrived after the Battle of Little Ferry, which took place just before the battle of Culloden in 1746, and having married a woman from nearby Skelbo, built the first house in the village. The village grew from that and several people in the village can still trace their families back to the children of that union. {43CL} gave an interesting insight into the history of the area when pointing out a railway track on the edge of the SSSI site. “So, if you go back to the middle of the 19th century, Coul was partly industrial. You had the Duke of Sutherland built this railway so that he could jump on the train at the mound and then go and play golf in Dornoch, chugging up and down, but parcels and everything else was also being distributed that way”.

The village, like so many on the Scottish East Coast was a fishing village and remain so up until the early 1950s. Campbell (2013) notes that at the time of the First World War Embo had a population of around 700.

This history, along with the fact that some people interviewed are still Gaelic speakers, is important because it provides an insight into the deep associations the residents have with the village. As {49CL} noted: “Well, what I know is what my wife knows now. She is fifth generation Embo. We live now in the house that was built by her great-grandfather. My grandchildren live here and that’s like two generations down the line, you know? There’s a place and a belonging to that place ... we bring experiences over generations.” This interviewee gave a long history of his life growing up in Embo and the hardships that they had to endure. The same sense of connection to the village was expressed by {50CL}<sup>21</sup> who recalled that “I came home when my mom died, and I inherited the house. So, I’ve been, I’ve been back about 20, 23 years maybe. But in between times I was regularly up at least once, if not more times a year.” And {51CL} observed that his wife had been born in the village and that he had met her

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<sup>21</sup> {50CL} is the author of “Embo: Uncle Sandy’s Story in which she traces her family back to the founders of the village.

there while on holiday and lived there ever since, and that her parents still lived in Embo. Other residents encountered or interviewed had been born there or had family born in the village. So, for a number of the residents, best described as “long-term residents” there is a strong connection with the village and its welfare.

Many of the newer residents were retirees who “have sold something down south” {49CL} and moved into the village and “a lot of the older people that live in here are dying off” {47aCL}. This has led to Embo becoming a “retirement haven” and as {49CL} observed “those who come for a peaceful life here the next stage in front of them is a care home and the cemetery” while {50CL} said that Embo had become “an old folk’s home, without any old folk’s home facilities”. Furthermore, the majority the younger people had moved out to find work elsewhere.

The implication of this is that there are now three groups in the village, being the long-term residents, the “newcomers”, and those with holiday homes (around 15% of the residents). Several long-term local residents interviewed believed that the newcomers do not necessarily have the interests of the village at heart. So {49CL} asks “what weight can we put on their contribution to things, when their exposure to our area is living here for a while [in] retirement?” although he did later admit that “they’re very welcome and they actually, in many cases, all contribute, but it dilutes the culture, and they don’t have bairns”. And {50CL}, whose roots go back to the foundation of the village, talked about “people with no connections to Embo that have moved in”. The sense was that these newcomers would oppose any development that impacted upon their peaceful retirement.

#### **5.1.1.3.2 Power group - Embo Community Trust**

The Embo Community Trust (Urras Euraboil) is a company limited by guarantee with the various members of the community as directors and 98 members. Its role has been to function as a de facto Parish Council for the community as far as community specific issues are concerned. The

company took over the old school building and has established a small shop and a Post Office. It also has a community hall. In this instance several of the current and previous directors are involved in promoting the new project, which may be regarded as a potential conflict of interest. Nevertheless, in virtue of its standing as a promoter of local community interests, the company has influence in the community. It should be noted that two of the current and one former director of this organisation were included in the interviewees at Embo.

#### **5.1.1.3.3 Uninvolved Outsiders**

The final group of “residents” are the occupiers of Grannie's Heilan' Hame Holiday Park situated on the south side of the Embo village. It is interesting that two interviewees {43CL and 44CL} both described Embo as “a small place and it's got a big holiday park there”. It is obvious from Figure 42 that Grannie's is a substantial development with {50CL} stating that “the caravan site area is that at least twice this size of the area, the village” and {51CL} stating that during the holiday season “there is up to 2,000 people a week down at that site. I think it's somewhere between 300 and 400 vans down there, and most of them are eight berth”. Due to their transient nature the visitors in the caravan park, and the staff, were not included in the interview population.

When asked who constituted the community as far as the development was concerned {45CL} replied that it is “what the Embo people would say is ‘It's our problem, it's up to us to decide’.” However, it became apparent that a far greater number of people are interested in and want a say in the proposed golf course development.

#### **Summary**

Within the residents of Embo there are two distinct groups that would need to be identified by any company wishing to obtain the SLO. It is incorrect to presume that a resident community as homogenous, even in a small West

Coast Scottish village. Project developers should accordingly ensure that they understand the demographics (and, as will be discussed later, the culture) of the local resident community in the dealings.



**Figure 42 Embo Village and the Grannie's Heilan' Hame Holiday Park**

Source: <https://www.google.co.uk/maps/place/Embo+Beach>



#### **5.1.1.4 Resident Community Summary**

Of importance for the SLO, it is evident that there are people living in or occupying premises in the locations who are not local residents. Furthermore, within those communities, especially evident in Loeriesfontein and Embo, there are different groupings with varied interests or motivations. Different sections of the community respond in diverse ways and communities are not as homogenous as they may appear superficially.

#### **5.1.2 Local community – nearby towns and villages**

While, due to its nature and its location, the majority of the local population at the Loeriesfontein wind farm project are the primary arbiters of the SLO, it was established that at both Kirby Misperton, with its shale gas extraction or fracking, and Coul Links, with its SSSI site and golf course development, a large number of people living outside the villages, but in the vicinity, considered themselves part of the local community and therefore entitled to a say or an opinion on the project and the SLO.

Accordingly, Loeriesfontein with its specific nearby community structure is discussed first.

##### **5.1.2.1 Loeriesfontein - farmers**

Due to the arid nature of the environment South African farms tend to be extremely large, covering thousands of hectares (the wind farm site itself is some 10,400 ha in size and it is only portion of the farm Aan De Karree Doorn Pan). There are very few farmsteads in the community and, driving from Loeriesfontein to the wind farm, there were only two farmhouses on a 65 km trip. These were nowhere near the wind farm and would not have been affected by noise or flicker and, being “white” owned are not entitled to benefit from the development. As a result, they were not included in the case study.

### **5.1.2.2 Loeriesfontein – towns outside the limits**

There were several communities or groups outside the 60km radius, but still in close proximity of the town, who believed that they too were stakeholders in the project. These were the Hantam Municipality itself, with the mayoral offices located in Calvinia, and then the entire Hantam Municipal District (Figure 43).

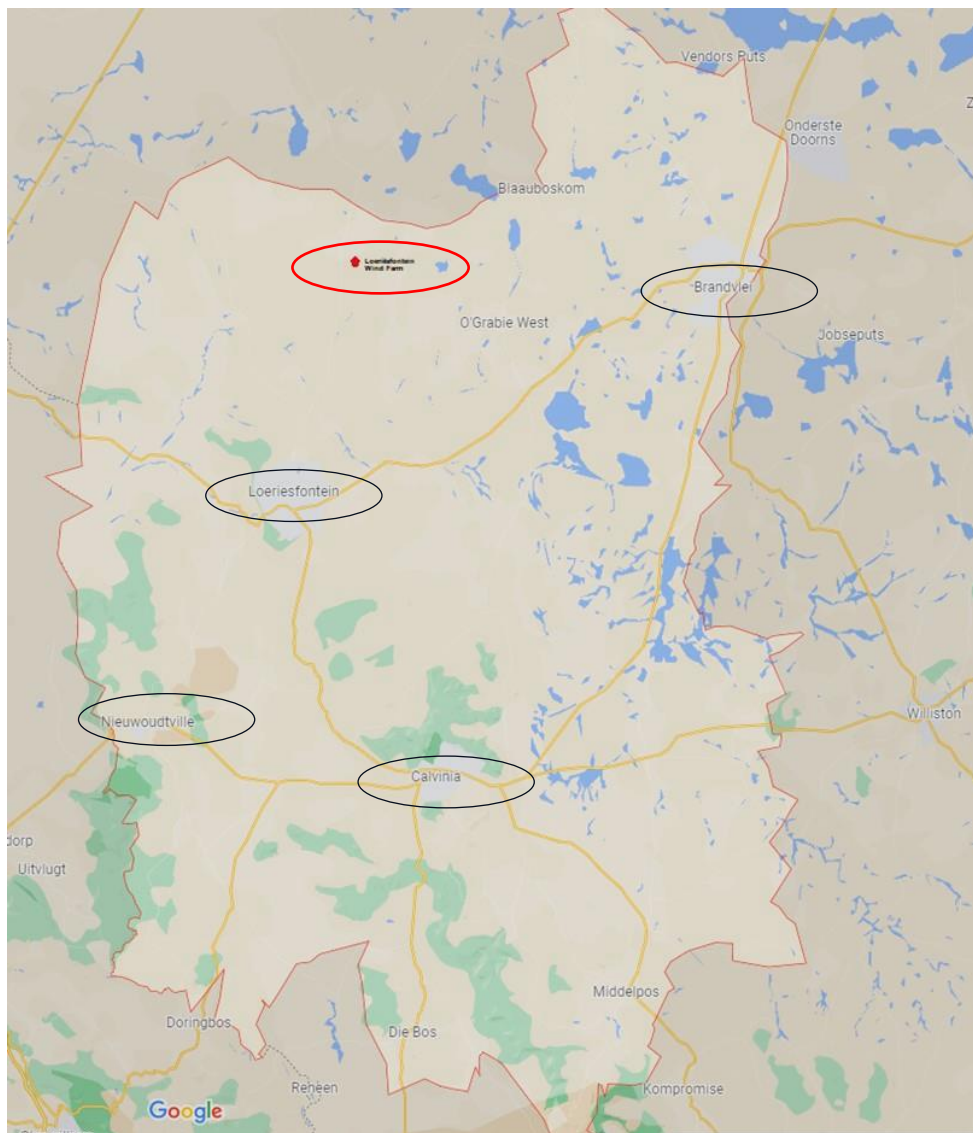
Having originally been an independent municipality, Loeriesfontein had been incorporated into the Hantam municipal district many years ago. The Hantam Local Municipality, itself part of the Namakwa District Council, comprises Calvinia, where the municipal offices are located, Vanrhynsdorp and Niewoudtville to the south and Brandvlei to the east. All these towns are considerably more than 60 km from the wind farm and accordingly, in terms of the legislation, are not beneficiaries of the socio-economic or enterprise development schemes.

It is apparent that the Mayor of Hantam was unhappy about the wind farm and believed that, as part of the “local community”, the municipality had the right to share in the benefits flowing from the wind farm. The Hantam municipality is not at all wealthy and the mayor believed that all the towns within the municipal district should be benefiting from the wind farm, especially as a solar farm and possible further wind farm were planned and both would be situated within the Loeriesfontein “catchment” area.

While this may be an understandable perspective, Mainstream rightly claimed that they had no ability to act contrary to the legislation and accordingly all requests for financial assistance or CSR outside of Loeriesfontein from the mayor were turned down, despite the mayor appealing to the provincial and national government {11LF}.

The towns within the Hantam municipality would normally qualify as being part of the local area or local community as far as the SLO is concerned, however, due to the limitations imposed by the legislation, the municipality

had no say in the matter. While the municipality had a political role, as is discussed later, it did not have the ability to influence the SLO.



**Figure 43 Hantam Municipality showing major towns and the wind farm**

Source: <https://www.google.com/maps/place/Hantam+Municipality,+South+Africa/>

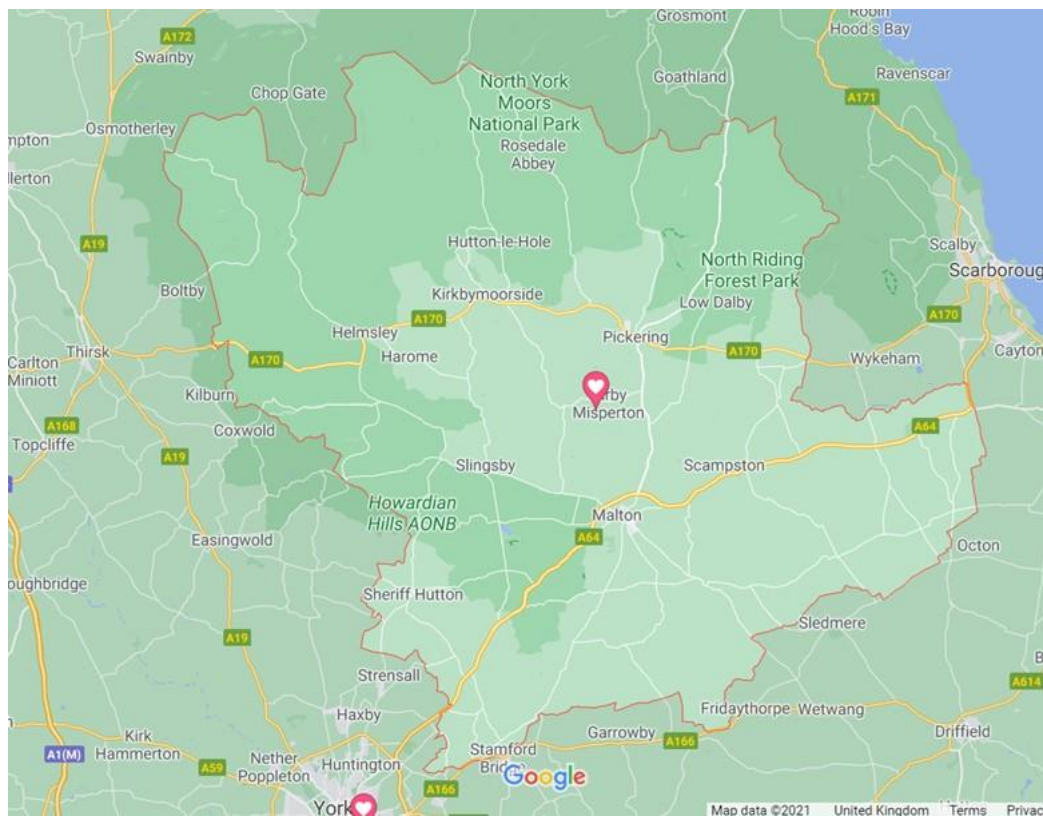
## Summary

Uniquely, in this situation, the law determined the affected community, resulting in nearby towns being excluded from both the benefits of the project as well as, essentially, the ability to grant the SLO. It will be noted later however that this exclusion provided an opportunity for the bypassed local towns, particularly the mayoral seat, to interfere with actions by the company,

both those taken and those planned. While this was an unintended consequence of the regulations surrounding the project, it may have been dealt with differently had the company been aware of the issue from the commencement of the project.

### 5.1.2.3 Kirby Misperton

The village of Kirby Misperton is situated in the centre of the Ryedale district of North Yorkshire (Figure 44), which in turn includes much of the Vale of Pickering, which runs from Helmsley to Malton and down between the A170 and A64 to the coast.



**Figure 44 The Ryedale District of North Yorkshire, centred around Kirby Misperton**

Source: <https://www.google.co.uk/maps/place/Ryedale+District>

It is the Ryedale District Council that initially approves any project in the area, although “The decision about this whole fracking thing sits at County Council level” {26KM}. Accordingly, everybody within that Ryedale District has the opportunity to comment on proposed developments and became involved in

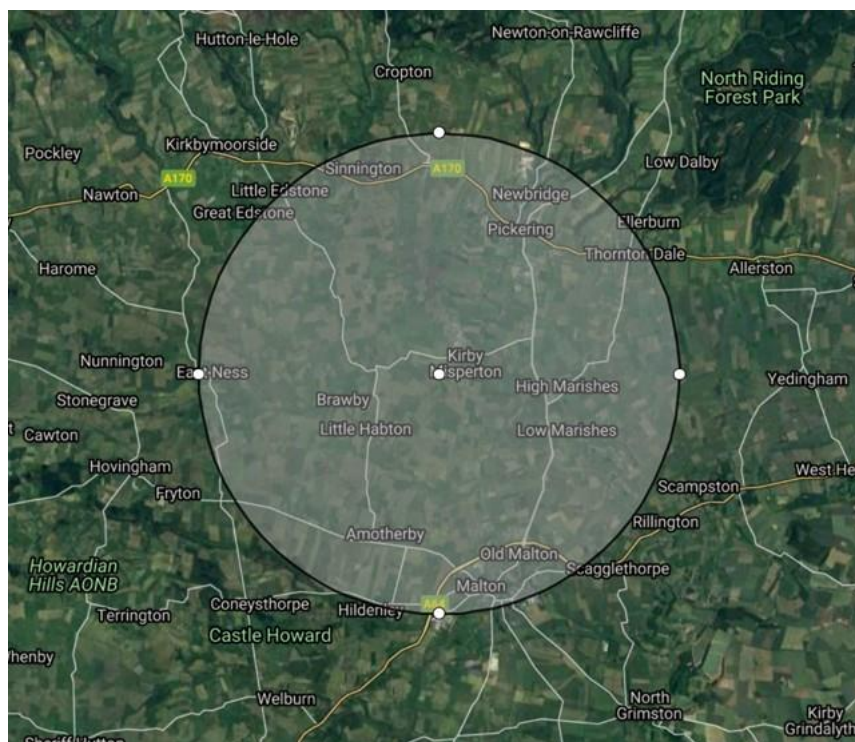
the project. As observed by {36KM} “there were people saying this is our fight we’re Ryedale people” and {41KM} “people [are] just saying we want Ryedale back”. {38KM}, reviewing a meeting held to discuss the project observed that “it was open to everybody that wanted to come but you had to be from Ryedale”. One interviewee had the view that the radius was much greater noting that “They were mostly local people ... what is the maximum radius to call local - most came from within 30 miles away.” {24KM}.

At an even more local level who are a number of towns and villages within 5 miles of Kirby Misperton (Figure 45) including Pickering and Malton. {27KM} referred to “our local people, you know these people you know live in the villages near Allerston and in Pickering and these places.” When discussing the people at the protests in Kirby Misperton {35KM} believed the slight majority was made up “indigenous, people [who] lived in the area - Kirby Misperton, Pickering and the villages, Malton area”. {40KM} talked about protesters from Pickering and later described families involved in the protesting as being “from Pickering you know, from Kirby Misperton, some from a few of the roads on the A70”.

It is apparent that the local community certainly comprises the villages around Kirby Misperton and in all likelihood the whole of the Ryedale district. This is confirmed by the existence of a “Ryedale Against Fracking” Facebook group focused entirely on the Kirby Misperton development, as well as a group entitled “Ryedale Against Antisocial Protesters”. However, the further one was from Kirby Misperton the less interest there appeared to be. In trying to discuss fracking in the Pickering High Street, {28KM} said that “60% of people walk past and avoid eye contact” but that “maybe 10%, maybe 15% of the people” were concerned. While staying in Malton to conduct the case study no one encountered by the researcher had any opinion whatsoever on the Kirby Misperton development, if they even knew about it. This included residents in Malton and nearer to the site as well as a local caravan park owner and people in some of the nearby shops. Additionally, as noted above, a large proportion of the population of Pickering did not seem to want

to be involved. As {36KM} commented, “It doesn't surprise me at all to know that there are people within 5 miles of KM8 who do not understand fracking at all.”

Nevertheless, it certainly seems reasonable to regard the whole of Ryedale as part of the local community, and therefore entitled to their say on the project and its SLO. Furthermore, the employees of the company behind the project, Third Energy, had lived or worked in the area for many years and the company was well established. Accordingly, they would have understood that “local community” was far more nuanced than any new company coming into the area might have appreciated.



**Figure 45 A Five Mile Radius, centred on Kirby Misperton**

<https://www.google.co.uk/maps/place/Kirby+Misperton>

## Summary

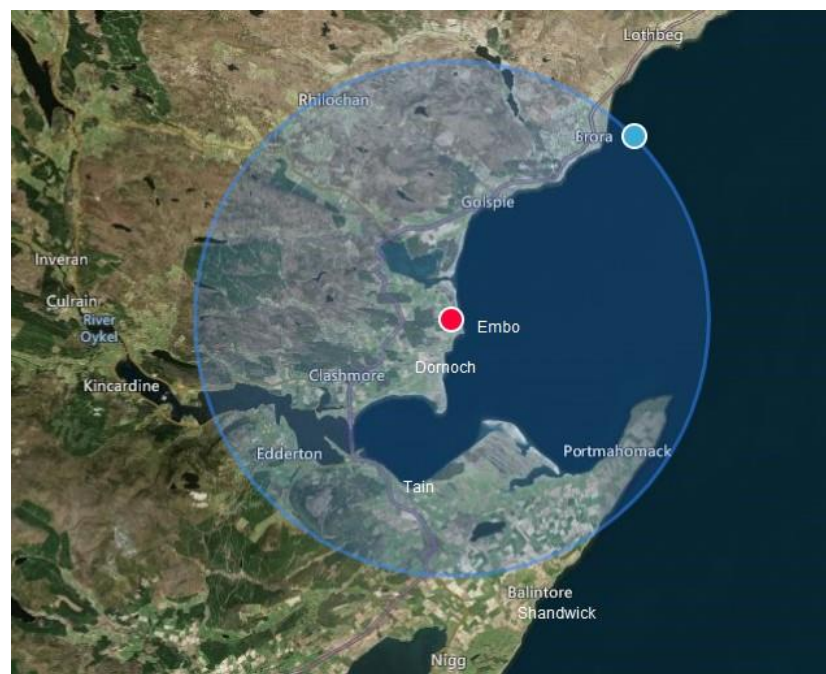
“Local community” is sometimes self-defining. In the case of Kirby Misperton, it is the Ryedale District Council, the area where initial planning

permission resides, that appears to sets the boundary for what might reasonably be regarded as the local community.

#### 5.1.2.4 Coul Links/Embo

The current developers of the proposed Coul Links golf course, in an effort to elicit local support, canvassed the opinions of people living in Embo, Dornoch, Golspie and Brora.

As will be observed from Figure 46 below, Brora is some 10 miles away from Embo. However, {46CL} said that “every little village has got a golf course, but the big ones, Dornoch, Brora, Golspie, they're all supporting it” and {48CL} advised that she had previously attended meetings that involved “Embo, Dornoch and the parishes all around Coul Links” and confirmed that the survey was sent out to “certain postcodes ... Golspie was one of them, and Brora, and Dornoch and the Dornoch environment”. {50CL} refers to local people when she says, “local people, and that’s from Brora, Golspie south” although adding that they “didn’t go over to the south side of the Firth”, which would have included Tain.



**Figure 46 The Area within a 10 Mile Radius of Embo/Coul Links**

Source: <https://www.calcmaps.com/map-radius/>

Referring to the local area, {43CL} stated that “I’ve come across a very large group of people locally, I reckon there are over 500 people locally” and 500 people is certainly double the population of Embo. Whereas {44CL}, living in Shandwick and outside of the 10-mile radius believe that she should be part of the local area and asked “The poll that they've had. I mean, how local is local? Because losing Coul doesn't just affect Embo. I haven't had a say in their survey, neither have [two other people living in the area].” {46CL} also notes that “Well, they're defining community as far out as the local golf courses, so that runs to down to Dornoch and up to Golspie.”

Communities for Coul, the developers claim that the local community comprised the residents in the postal codes for Brora, Golspie, Embo and Dornoch (CC). However, {43CL} observed that “they've taken the three selective postcodes, each with a large and very popular golf course ... but it's less than 30% of the area, which they were saying will have an economic benefit.”

The issue of local community is probably best summed up by {49CL} when discussing the concept “Locally, how do you actually determine local? You said [quoting the “vote”] that Tain was not part of the local area. Yeah. That's could well be the case. People go shopping at Tain. People from Tain come across to the local beach here. Where do you draw the line?”

It is apparent that people living even more than 10 miles away from Embo consider themselves part of the local community and accordingly believe they have a voice, and stake, in the development. However, the developers have a different perspective of local. Speaking to one of the members of Communities for Coul at an open day she advised that people living south of the Dornoch Firth are not regarded as local because they have a different “culture”.



## **Summary**

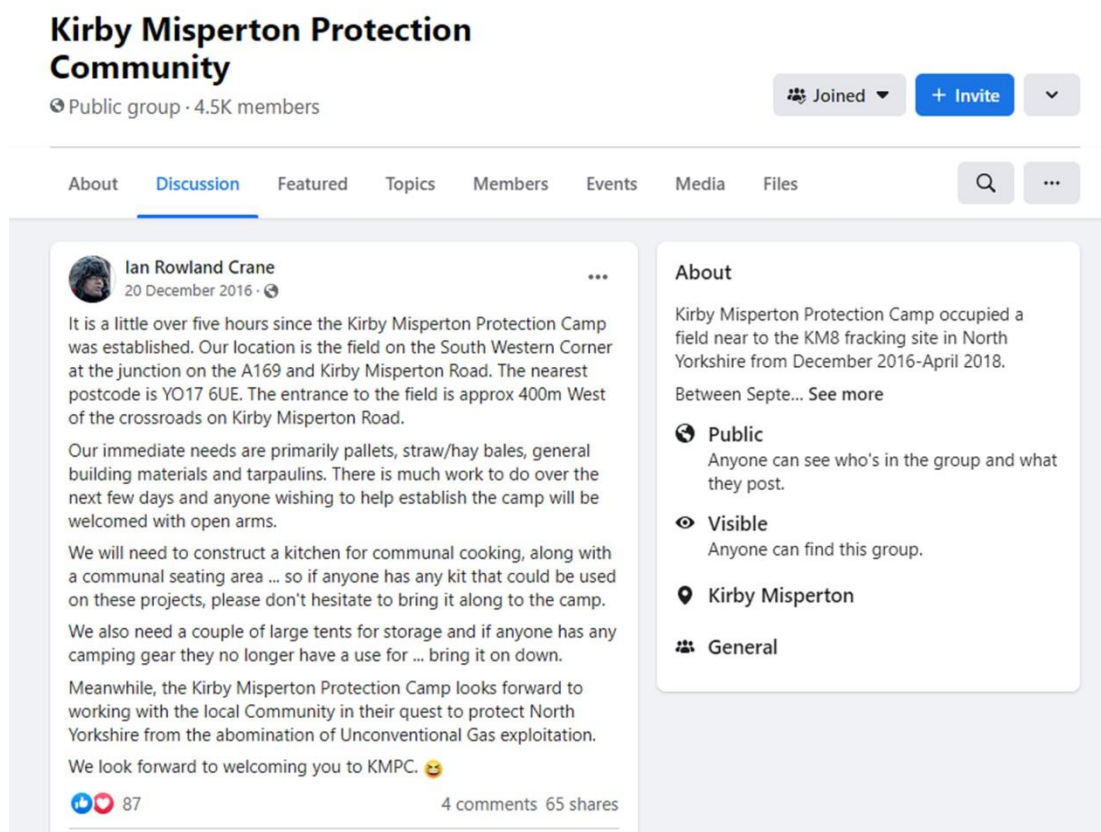
There were several local towns and villages regarding themselves as part of the “local community”, albeit that, based on media reports around this and other developments in the area, the whole of the county of Sutherland regards itself as “local”. There were also other towns and villages within reasonable proximity of the development would consider themselves “local” but who were excluded by the promoters.

### **5.1.3 Local “outsiders”**

Within the communities grouped by geography there is one local community group that was unique to the Kirby Misperton case and that is the protest camp. This community has been classified as “local outsiders” as the majority of the people staying in the camp did not reside in Kirby Misperton nor, in fact in Ryedale. However, the protest camp played a significant role in the in the case and was the catalyst for much of the activity within Kirby Misperton. It also had a substantial impact on relationships within the village and wider community. Although interviews commenced after Third Energy had removed their equipment from the site and the camp was closed, most people interviewed had views on the camp. Sometime later, one of the leaders of the protest movement responsible for or involved in camps around the country, Joseph Boyd, was interviewed and his book “The Road to Kill the Bill” obtained, which provided great insight into the protest movement and motivations behind their actions.

The camp was started on 20 December 2016, the day that Mrs Justice Lang upheld Third Energy’s planning permission, at the Royal Courts of Justice (DD). It is apparent that the protest movement must have anticipated the judgement because on the same day a group of protesters occupied a field on the edge of Kirby Misperton. A post on the Kirby Misperton Protection Community Facebook page calling for support for the camp appeared on the same day (Figure 47).

Furthermore the land must have been identified well before this time as it was occupied in terms of Section 6 of the Criminal Law of 1977, as amended by the Criminal Law and Public Order Act of 1994 (Figure 48), which allows squatters rights on land which is not closed off, and there was no gate on this property. This property was owned by Gordon Gibb, the owner of Flamingo Land, who attempted to plough the field. on 27 December 2016 but eventually resolved take no further action.

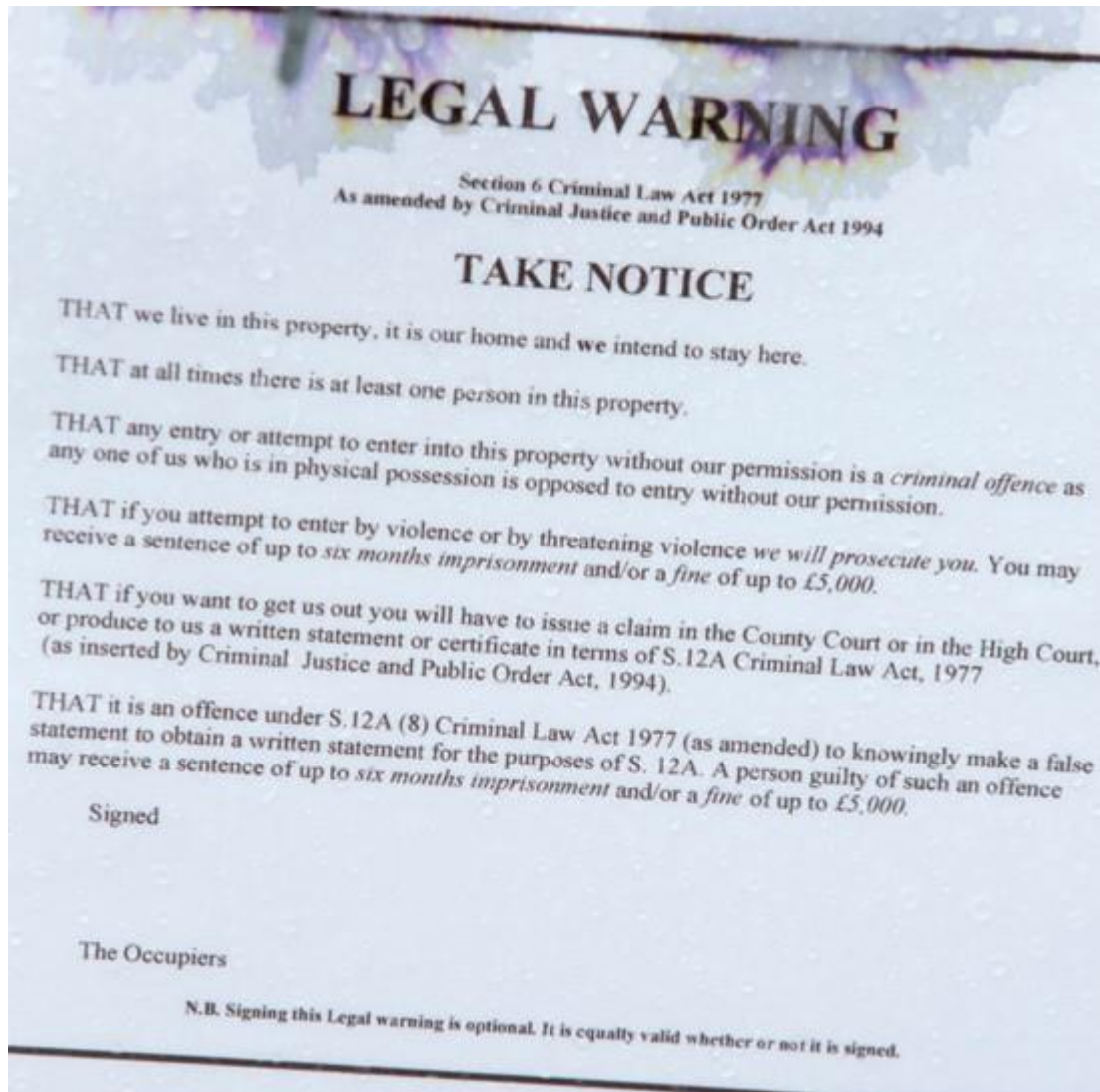


**Figure 47 “The Camp is Established” – Facebook post by IR Crane**

Source: <https://www.facebook.com/groups/573619286143264/posts/674020096103182>

According to {37KM} “Basically, it was made very plain to Flamingo Land - if you leave us here, we leave you alone, we won't come and abuse your business. So, he was effectively blackKM8iled. That's the word I would use ...”. This latter statement tends to be borne out by some of the comments on the Kirby Misperton Protection Camp Facebook page at the time the camp was established to the extent that Flamingo Land would be risking a lot of

bad publicity or that they had been paid off. However, {28KM} was of the opinion that "...he made no attempt to remove them so I'm reading that as tacit agreement or support for what's going on", and {KM 32} believed that "they had the private though not public agreement of the landowner", although they did admit that "we were not happy with the way it happened." As with much in this particular case it appears that perception equals reality.



**Figure 48 Section 6 Notice on the gate at the Protest Camp**

Source: <https://www.facebook.com/groups/573619286143264/posts/674020096103182>

As to who actually occupied the camp, and how many, there are mixed views, albeit that there often was a confusion between people living in the camp and people protesting at the gates of the well site. As {KM40}

observed, "A handful, a car full, would come over from other protest camps, you know a car full, four or five people max."

The general impression of those interviewed certainly was that the people in the camp were not local. {29KM} states that "Most of the anti fracking fraternity are incomers living in the camps and aren't locals." This was confirmed by {40KM} "But just by design if there's a camp then that's a living space. Why would people be living in a field? Well because they don't have a home within the area. So just by default people within the camp would not be resident; anyway, there was at least four or five people who were residents of the area that had chosen to live full time in the camp." Of course, this term "residents of the area" certainly did not mean Kirby Misperton, as no one from that village lived in the camp.

One of the prime instigators of the camp, Eddie Thornton, lived in Pickering, in the local area, but he spent time in the camp. Another person intimately involved in the camp stated that "The camp at Kirby Misperton is closest to where I live (albeit 80miles away)" (EE). Another camp resident was Sue Gough, a Ryedale (but not a Kirby Misperton) resident, who called for local people from local villages to come to the site to help swell numbers to make a difference as to how the camp is perceived by media and "show Third Energy that they do not have social license to frack our beautiful Ryedale." (FF)

{28KM}, quoting another interviewee, said "She describes them as being outsiders who are holding Kirby Misperton to ransom." A similar view was held by {38KM} who said that "what we've seen here at KM8 is we've seen people from all over the country, when the camp was down there" while, in another comment, Sue Gough stated that "most people at those gates every day came from Ryedale or nearby." (GG).

{40KM} provided a reasonable rationale for having people/protesters from all over the country when he said that "it's a national issue, so why shouldn't people around the country be concerned enough to be able to come along

then and effectively campaign.” Boyd (2021) poses the same question when he states “after all the environment belongs to everyone and has no borders. Surely anyone from anywhere was allowed to protect it.” (Boyd, 2021) p 18. His view was also that “Outsiders who may already know more about the issue are essential in the fight.” (Boyd, 2021) p 19.

However, there were community members who objected to being “represented” by the people in the camp. As {38KM} observed “what we've seen here at KM8 is we've seen people from all over the country, ... and yet they said they were protecting their community. Now that was a big stumbling point for me because if you're not from this community how can you protect your community?” That question goes to the heart of the definition of what is “community” and is discussed below.

Several interviewees believed that a number of the protesters were being paid to protest. {37KM} thought that “it seems to be the hardcore of travelling protesters [and] a number of them are members of Momentum and we know are being paid.” Which was also the view of {26KM} and 38{KM} who stated, “It's a well-known fact, some of them are paid by Momentum, Greenpeace, Friends of the Earth.” Certainly, Eddie Thornton was a member of Momentum, as confirmed by {42KM}. Allanson (2020) p54 states that she enquired from environmental organisations and was told that “the salary of a paid campaigner is around £40,000”. {40KM} noted that “some people have never worked, so have been campaigners, compelled to be environmental campaigners, and that's their, in a sense they see as their calling.” There was certainly fundraising at the camp and a post on their Facebook page gave details of the bank account and also called for donations of food and equipment (HH).

The issue of paid protesters is problematic. It is evident that there were certainly protesters, largely from outside of the Ryedale area, who were paid. However, people from Ryedale who occupied the camp appeared to be, in the main, people who are convinced that the project was unacceptable and

were prepared to make a number of sacrifices, including staying in the camp, to give expression to their opposition.

The number of campers is difficult to determine. There are over 20 tents and 6 caravans or motor homes in the aerial photograph, Figure 49.



**Figure 49 Aerial view of the Kirby Misperton Protest Camp (ploughed portion evident)**

Source: <https://www.thenorthernecho.co.uk/news/15262991.pro-fracking-group-claims-protesters-spoiling-ountryside/>

However, {40KM} states that “when I was there over the period of six- or seven-months maximum people that were there was probably about 12 to 13. It wasn’t a number of people coming and going.” and “It would be wrong to characterize this camp as in terms of larger numbers”. Whereas {24KM} stated that “they were usually about 30 thirty people”. It would therefore appear reasonable to assume that the number of people permanently living in the camp site was probably close to twenty, and this number would fluctuate depending on the state of the protest and the time of year.

The final element to consider as far as the protest camp is concerned is the people in the camp. The appearance of several of the campers did much to formulate opinions about the protest and the people protesting (Figure 50).

{40KM} who spent a large amount of time over the last 10 to 15 years photographing and dealing with protesters had some interesting views on the camp, its occupants, and public perceptions. Discussing the camp itself he noted that “you have people come in making a wigwam hippie camp in a farmer's field and claiming squatting rights on that field”. Then, “people that turn up look like this certain bloke - bearded, baggy trousers, muddy - you know, living in a field with no water etcetera, ... they looked like hunt saboteurs and I'm sure there's some crossover in terms of campaigning”.



**Figure 50 A collage of the Kirby Misperton Protest Camp**

Sources: <https://www.theguardian.com/environment/2018/feb/18/fracking-protest-kirby-misperton-north-yorkshire-third-energy-fossil-fuels-environment/> and <https://www.facebook.com/groups/573619286143264/media>

It is apparent that the camp and its occupants certainly created a slightly anarchistic impression amongst both the pro and anti elements of the local community. {32KM}, who was very opposed to the project, in trying to maintain a charitable view, said that “it's fair to say beyond one or two troubled people who attach themselves to these things and are emotionally

unstable ... the appearance of one or two people at the camp should not be a judgment on their characters and behaviour". Similarly, {36KM}, another opponent of the project noted that "there are some quite nutcases who should have taken more medication got involved in the protection camp and there were good people trying to keep them keep a lid on it". And {38KM} referring to one of the occupants noted "He's special, that lad isn't he, the Jedi knight. How do you take them seriously when they do that?"

One of the project supporters, {26KM}, said that "they brought people in that were slightly bonkers like Ian R Crane, he's this conspiracy theorist and he believed aliens would land at the end of the 2012 Olympics in London. I mean he's completely batty but very good at talking. And they had like a tour of talks in the area with him speaking about fracking and they are a story!" Ian Crane was in fact one of the founders of the camp and, because he had worked in the oil industry, he was regarded as an authority on fracking, and he toured the country giving paid lectures on the dangers of fracking. However, Crane did believe that there would be an alien invasion at the time of the Olympics in London 2012 (II). He also promoted the concept that 5G is "problematic" and that the Deepwater Horizon oil spillage was a conspiracy (JJ). That certainly did nothing for either his credibility or the credibility of the people in the camp. Nonetheless numerous people certainly believed and quoted him, and paid to listen to him, and {42KM} described him as "the most intelligent person I have ever met". Again, it appears that perception equals reality.

## **Summary**

The camp, the people associated with it, and related protests, were the key determinant in Third Energy's inability to obtain its SLO. Their impact was certainly disproportionate to their numbers, due, especially, to their protest expertise and experience. They were able to mobilise public opinion, not only due to their superior communication skills, particularly in social media, but also in their ability to claim authority (whether valid or not) when it came to the potential threats of fracking. Furthermore, whether paid or whether



peculiar in appearance, there can be no debate about the sincerity of the motives of the protesters in the camp.

#### **5.1.4 Passive Residents (disinterested, unaffected, powerless, and voiceless)**

There are people and groups within resident communities and more often within the wider population, who appear to be either unaffected by or disinterested in the project. There will also be those who in virtue of their own standing or perceived standing in the community, or merely their disposition, are powerless and/or voiceless, or are rendered powerless. As {42KM} observed, “The social licence is about a majority of the community. But probably in a community, maybe only 20% of the people matter, the other 80%, it’s a bit like politics, they just going to go with the flow.” This is an important group that transcends all geographic boundaries. It is discussed in more detail in Chapter 6.

#### **5.1.5 Local Community Summary and Implications for the SLO**

The initial community discussed was the resident community, made up of those people living close to the project and most directly affected by each project. It became apparent however that there was much greater local interest or opinion on each project. In Loeriesfontein this local interest was inhibited by the legislative environment, and it could well be argued that the legislation had the effect of limiting the company’s ability to fully earn its SLO.

With Kirby Misperton there were, on a geographic basis, two distinct groups apart from local residents. The first group comprised the Ryedale district and a number of the small towns and villages in that region. Most of these local communities were far more concerned about the positive or negative impact of the expansion of shale gas extraction/fracking in the entire region than just the project itself<sup>3</sup>.

The second group at Kirby Misperton comprise the protest campers, which has been discussed in detail above. This group were either resident or sojourners at the camp and, with one or two exceptions, comprised people from well outside the geographic area. However, they occupied the camp for the two years from when the first test track was announced until Third Energy removed its equipment from the site and took the decision to provisionally terminate the test track.

At Coul Links/Embo a number of communities in surrounding towns and villages considered that their opinion on the development should also be accounted for. As this was a golf course development the proposers tried to limit involvement to nearby golfing communities in the hope of eliciting their support.

The SLO literature predominantly refers to “local community” as the arbiters of the SLO (Bice and Moffat (2014); Boutilier and Thomson (2011) Boutilier and Thomson (2011); Cowell, Bristow and Munday (2011); Gunningham, Kagan and Thornton (2004); Joyce and Thomson (2000a), Nelsen (2006); Parsons, Lacey and Moffat (2014); Thomson and Boutilier (2011); Zhang and Moffat (2013)). It is apparent from this research that local community is a far wider group of people than local residents.

Especially important in this group of those who associate with or identify as being part of the local community but who would not necessarily be included based on the traditional, geographic, concept of “local community”. Furthermore, for any project which has environmental or public interest impact there is the potential for the “local community” to expand and include groups such as the protest camp.

The implications for the SLO are therefore that any organisation wishing to earn its SLO needs to identify communities from a broader geographic area than merely local residents. This then has an implication for the company’s strategy, communications, and actions, as will be discussed in later chapters.

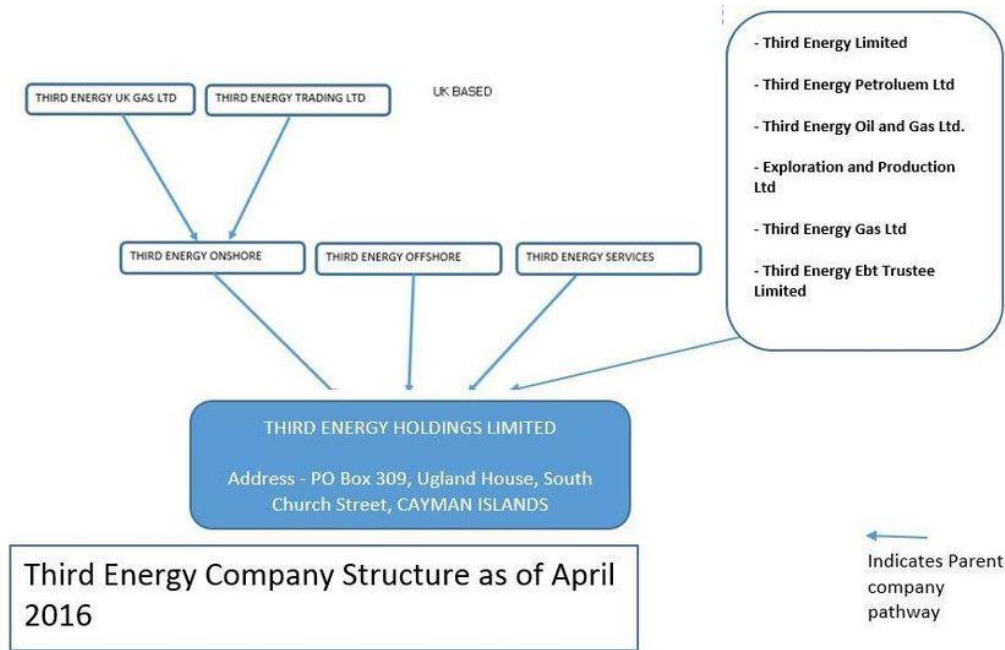
## **5.1.6 Other Groupings**

### **5.1.6.1 Investors and staff**

While, for the most part, the investors in these projects did not live in or were not located in the area in which the projects were being proposed, the organisations in which they were invested obviously were. In addition, staff working for the project organisation may or may not have resided in the area. These two groups are included for completeness, and certainly both in Loeriesfontein and Kirby Misperton the staff of Mainstream and Third Energy, respectively, and their families were affected by the projects, and related protests.

Mainstream South Africa Renewable, the operational company, is owned by Mainstream Renewable Power Ltd, headquartered in Dublin, Ireland. The company owning the wind farm is a subsidiary company with a significant shareholding by local pension funds and the ruling party's investment arm, as confirmed by {23LF} "One of the beneficiary shareholders of Loeriesfontein is the ANC through their investment arm".

Third Energy was majority-owned by Barclays bank at the time the shale gas project commenced, but it appears (unsubstantiated, except by hearsay) that this was to facilitate the project funding and the de facto holding company was a Cayman Island company (Figure 51).



**Figure 51 Third Energy Shareholding**

Source: <https://drillordrop.com/2017/02/23/third-energy-records-loss-of-3-8m-in-2015/>

Similarly, at Coul Links the current shareholders of Communities for Coul Limited, the company supporting the development and not the development company<sup>22</sup> itself are resident in Embo or towns within the Sutherland region.

The literature does not seem to address the issue of investors or staff as far as the SLO is concerned. However, these groups are affected by the projects, especially by the nature of the project and by the community reaction. It is easy, but perhaps mistaken, to assume that anyone investing in or employed by a company carrying out a specific project must be in favour of that project and accordingly their awarding of the SLO can be taken for granted. However, particularly where there is an environmental or ethical issue, investors and staff may well not approve of the project and therefore defer from awarding it an SLO. This was in evidence at Kirby Misperton

<sup>22</sup> A company by the name of Coul Links Limited, SC541313, was formed on 18 October 2021 with directors Michael Keiser and Todd Warnock, both US citizens and resident in the USA (albeit that Todd Warnock has substantial property investments in Dornoch and Embo) and the controlling shareholder is Coul Links Holding Company Llc, registered in Delaware, USA.

where {27KM} observed that “because we're majority owned by Barclays, we're beholden to what we can and can't put out based upon that” and eventually Barclays “decided to sell the business” {41KM}.

Shareholders are often not only investors in terms of seeking a return but also have their own agendas. As {21LF} notes “you've got the shareholders of the company. They've got views as well in terms of what they want to see and what their organizations prioritize and what their solutions should be.”

Shareholders and board of directors should be concerned about the SLO for several reasons. In the first instance there is the issue of corporate social responsibility and corporate social investment (the reasons for which are not explored further in this thesis). 11{LF} stated that in his view “the big investors [in Mainstream] from overseas and locally pension funds and so on they romanticize these communities - oh poverty ah, we must do this, we must be nice to people.” And the board can play a role in facilitating the company's attempts to earn an SLO “we went back to the board of directors, and they said we can take some of the funds allocation and bring it forward” {19LF}. It certainly appeared evident that in Loeriesfontein the Board of Directors was not just concerned with compliance but “from my leadership and leadership from the board, everybody is agreeing that we should do anything, and as much as possible to get this right and to have a significant impact in the town.” {21LF}.

Of course, boards are also concerned about perceptions and reputation. As {11LF} observes “because people here in Cape Town, and the directors in London and Johannesburg, don't deal with these things, they are afraid, so as soon as somebody shouts, as soon as there's a threat, as soon as somebody says we're going to the media, they are afraid.” The same applied with Barclays Bank at Kirby Misperton where the view is that “Barclays were getting cold feet about the whole issue” {36KM}, a concern that was emphasised when “the protesters hijacked the Pickering lights turning on ceremony and started vandalizing Barclays Bank and saying you know funders of fracking and all the rest of it” {37KM}. The Cayman connection

was problematic for Third Energy, as many of the comments noted in “DrillorDrop”<sup>23</sup> articles attest. Comments refer to “hiding behind the secrecy”, “dodgy company”, “tax haven of the Caymans”, and so on. While on social media there was regular reference to “tax scams”, and to the “fact” that all the major fracking companies were registered in tax havens.

A second, and possibly the prime reason for boards requiring the SLO is to reduce the risk that any disruption could cause the project, as was discussed in the review of the literature. As noted by {21LF} at Loeriesfontein “the main priority of the project company is to construct this project on target and budget without health and safety problems.” It is evident that if Third Energy (or the entire shale gas/fracking industry) had managed to earn or achieve its SLO, the attempt to test frack would not have been abandoned at a cost of some £15 million to the company. It is also the situation with Coul Links where, having had the first project rejected, albeit on environmental grounds, the promoters are now doing everything in their power to win over the local community and eliminate or reduce any objections, thereby reducing the cost of another failed application.

Finally, in terms of the [UK] Companies Act 2006, Section 172, and [SA] Companies Act No. 71 of 2008, Section 76(3), directors have a fiduciary duty to promote the success of the company or perform in the best interests of the company. The Companies Act 2006, Section 172 (1) (d), also requires directors to consider “the impact of the company's operations on the community and the environment”, while in South Africa the King IV Report on Corporate Governance for South Africa 2016 mandates companies, and their boards, to account for the consequences of the company's activities on both society and the environment. The company's Board of Directors are

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<sup>23</sup> DrillOrDrop.com claims to be the publisher of independent, evidence-based journalism about the onshore oil and gas business in the UK and the campaign against it. It certainly is an extremely influential on-line source of information and comment on the industry, and was referred to by many interviewees. It's editor, Ruth Hayhurst was commended by both sides of the debate for her informative and fair journalism.

therefore both stakeholders, as far as the awarding of the SLO is concerned, as well as being responsible for actions to ensure that the SLO is achieved.

#### **5.1.6.2 Government**

The government plays three roles as a stakeholder – promoter, rule maker and arbiter. In all three cases the government had or has a fiscal interest in the development of the projects. The government also establishes rules or promulgates laws that serve to both encourage and control the developments.

In the case of Loeriesfontein, the government wanted projects of this nature to benefit underdeveloped communities. As {21LF} noted “When we engage with the Department of Energy they say where is the black industrialist? Where's that one black guy with the welding business or the chicken business or whatever that you've propped up with your ED money?” According to {23LF} there was no concerted monitoring of activities and compliance. As {12LF} observed, “the community has no relationship to government on this project. They are not even aware of the whole investment dimension.” Government’s role as a stakeholder was therefore merely to check that boxes had been ticked and to reap the political benefits. In Loeriesfontein there was the added dimension of political tensions with the town and local municipality, as noted above, but at a national level the government appeared unconcerned or oblivious. As {17LF} commented “the government, the people who put in place the requirements from these renewable energy companies did not think it through.” Or perhaps more succinctly put by {23LF} who said that “The only thing was that the president was obsessed with nuclear and couldn’t give a shit about what’s happening there [at Loeriesfontein].”

It is therefore obvious that in this case, provided the development company ticks all the required boxes, the government itself has no role to play in the awarding of the SLO. However, the rules laid down by government certainly created expectations amongst the local community and it was the fulfilment

or non-fulfilment of these expectations that affected the community's perception of the company and the SLO.

Pertaining to Kirby Misperton, the Royal Society and the Royal Academy of Engineering reported that approximately 200 onshore oil and gas wells had been fractured in the thirty years prior to 2012 to facilitate recovery of gas (Mair et al. 2012). In January 2013, the Prime Minister, David Cameron, said 'We're going all out for shale.' (Committee 2013) p5. Interestingly, and perhaps with some foresight, a report issued by the Institute of Directors states that all government departments were in favour of fracking and that "The political hurdles that remain, therefore, are local." (Taylor, Lewis and Byles, 2013) p8.

The UK government was originally very much in favour of fracking and passed legislation to facilitate the process. A comment repeated in numerous interviews was that "planning permission for fracking will be seen as in the national interest and so planning permission will be as easy as putting up a garden shed." {28KM}.

However, the government was not really proactive. As {30KM} said "I have been banging on, for three of four years, with the Ministers and the Treasury about the roll out ... I think the government is probably not all that focused on it." This too was the view of {36km} who stated that "as far as I'm concerned successive governments going back decades have avoided making decisions simply through a short-term political expediency."

There was also considerable amount of scepticism about the UK government and its motives, and a lack of trust. As {36KM} stated "So, when you are aware that there's a government that is so determined to push ahead, you don't trust them buggers to take a step back." And, {35km}, who admitted to being really passionate about this, argued that "we have a government which is hand in glove with the big corporations and they're prepared to put their public health and their environmental health in the hands of shady profiteers". This lack of trust in the government was consistent across most of the



interviewees, along with the belief that there was a consistent lack of transparency.

It is apparent that the government was initially a staunch supporter of, and a stakeholder in, the development of fracking in the UK, particularly for energy security reasons. However, its support for shale gas extraction waned in the face of public protest, and its role became less important.

At Coul Links there is a process through which all developments of this nature must pass before government has the final say. With the initial application approval had been obtained from all lower levels of government in Scotland and the application was then sent to the government for final approval.

At that point, the process was derailed, as explained by {49CL}:

“We came across a finance secretary, finance minister, in the Scottish government who was a [REDACTED] and of course, he had to resign, and this was just at the time of the Scottish budget be determined. And I think there was a complete disarray in government circles and the Greens took advantage and blackmailed the Scottish government into passing their budget in return for some favours. And I've no doubt that this is one of the favours as well. So that's a story as I know it.”

Whatever the truth of those allegations, it is certain that the Scottish government turned down the application on environmental grounds after the Sunderland council had approved it. This was frustrating for the developers because sometime before that the Donald Trump course had been approved despite significant adverse environmental impact. As {44CL} observed “the Scottish government rolled over for Trump - Alex Salmond personally pushed it through.”

The general view of those in favour of the golf course development was that these types of decisions, involving substantial foreign investment, should be decided by an open vote in parliament. {51CL} expressed the view that the

community were upset because the government wasn't prepared to listen to what the community wanted, and he believed that there needs to be some kind of "social justice" and that the community felt that there was no justice in the government's decision.

### **Summary**

It is evident from all three cases that government has the potential to be a powerful and influential stakeholder in projects where they control the legislation and can employ fiscal policy to influence the outcome. However, governments are run by politicians and accordingly will often select to remain uninvolved and neutral where they can. At the same time, they can be swayed by public opinion or expediency. Accordingly, while being a stakeholder, the government does not have a role to play in awarding the SLO.

#### **5.1.6.3 Regional and National Communities**

As discussed earlier, a number of communities, which would generally be classified as regional communities, self-identify as being local.

As far as Loeriesfontein is concerned no community outside of the local, Hantam municipal area had any involvement nor expressed any opinion on the project. Two reasons for this are firstly that the project itself, being the wind farm situated miles from any community, had no impact and certainly would be regarded as environmentally friendly and secondly that the benefits flowing from the project are limited to the Loeriesfontein town albeit eyed jealously by the rest of the towns in the municipal district.

The shale gas project at Kirby Misperton, as with other shale gas projects throughout the UK, generated substantial national interest. While the protest camp drew in people from many regions around Kirby Misperton, Ryedale and elsewhere in the UK, there was no other identifiable regional group, except for social media, where, at the time the research was being conducted there were 706 active Facebook groups throughout the United Kingdom

opposing fracking in general. This meant it was the industry itself rather than the Kirby Misperton project which was at risk of losing or actually lost its SLO.

The Coul Links project in its first incarnation attracted media, social media, and environmental organisation interest, but very little from communities outside the immediate area (within a maximum radius of 10 miles). It will be interesting to see what transpires if/when a second application is submitted in 2023.

#### **5.1.6.4 Virtual communities**

For sake of completeness “virtual” communities are included as an element of geographic communities. Virtual communities and their members can span countries and continents. While there was no evidence of a public online presence in Loeriesfontein, in both Kirby Misperton and Coul Links both Facebook and Twitter were the dominant form of social media, with specific pro and anti groups in each area. Within the United Kingdom alone there were 706 anti-fracking Facebook groups at the time the research was conducted, with a further 48 having closed down.

There are several issues relating to social media and the SLO. Einfeld, Bice and Li (2018) p289 suggest that “social media holds the potential to redefine, restructure, and reconstitute what is meant by “best” community relations practice” and suggest that the advent of social media has meant that stakeholders are better informed and new forms of activism are developing. However, a brief overview of the Twitter pages around the Kirby Misperton shale gas site revealed that, over the period analysed, there were small numbers of people actively posting on both sites, with 48% of posts on @KMProtectors (with just 974 followers) coming from just 7 people, while 51% of posts on @ryedalegas came from just 5 individuals or organisations. Furthermore, as can be observed from Figure 52 below, approximately 50% of Tweets were essentially messages forwarded from elsewhere.

The Facebook pages of the various groups at Kirby Misperton reveal, similarly, a limited number of posters albeit that the groups had a significantly higher number of followers, with the Kirby Misperton Protection Community showing 4,500 followers at its inception in December 2016, indicating a highly organised machine behind this group. Comments on these pages were often much more vituperative, as one has come to expect with social media.

The two main groups at Coul Links each have a Facebook page with “Communities4Coul” promoting the golf course development and “NotCoul” opposing and providing a detailed data base on potential environmental impacts. Both groups, while sniping at each other, have seemingly maintained a sense of politeness and restraint.

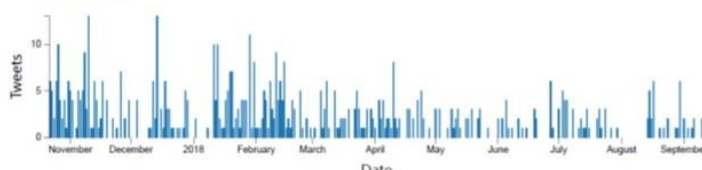
Tweetvolume by Date



Retweet	55%
Tweet	6%
Reply	25%
Quote	14%

Analysis of Twitter Account @ryedalegas

Tweetvolume by Date



Retweet	44%
Tweet	29%
Reply	21%
Quote	7%

Analysis of Twitter Account @KMProtectors

**Figure 52 Analysis of the number and nature of Tweets from two Kirby Misperton Groups**

Source: Commissioned research from <https://accountanalysis.lucahammer.com>

There was no use made of either Twitter or Facebook at Loeriesfontein albeit that the Mainstream company website was used as a publicity vehicle promoting aspects of its interaction with the community.

It is beyond the scope of this thesis to analyse the make up or constituents of social media groupings. At a more insular level, social media can be regarded as the public face of many of the groups discussed in this chapter. However social media groups attract members internationally as well as locally, making it difficult to identify the importance of these groups. As noted by {40KM} “You know on online, there are many online warriors, who have no relationship in terms of their locality to the actual event itself.”

Social media factions, therefore, are recognised as one of the groupings that a company needs to identify and deal with, especially as the lines between virtual and physical reality become more blurred and as artificial intelligence grows in influence.

#### **5.1.6.5 Other Groupings - Summary**

This section concluded the analysis of communities by geography by considering investors and staff, government, and regional and national communities.

It would be natural to expect support for the SLO by staff and shareholders who, if they were opposed to the project or did not consider that the company had earned its SLO, could try to influence the process, or resign or disinvest, as one eventually saw with Barclays and Third Energy at Kirby Misperton. Nevertheless, it is incumbent upon the company or project to treat both staff and shareholders as important stakeholder groupings in its attempt to earn or retain the SLO.

Governments have the ability to initiate, encourage, support, and terminate projects, and thus the needs of government, which will invariably fluctuate in the light of other policies or expediencies, should be understood and taken into account when trying to earn the SLO.

Regional and national communities tend to be less affected by specific projects and therefore have negligible impact on the awarding of the SLO. Largely, therefore, they can be regarded as on the periphery. However,

where there is a larger issue such as an environmental concern, the community of interest, the community that has the potential to have a significant impact on the SLO then becomes national or even international.

Finally, the impact of social media while the domain of so few has potential to impact and influence community perceptions and need at least to be accounted for in any company's attempt to obtain the SLO.

#### **5.1.6.6 Company View of Communities**

Across the cases company staff or, in the case of Coul Links, company supporters, tended to refer to the community as if it were a homogenous whole. While {29KM} acknowledged that each of the villages around the community had a representative on the community liaison group he stated that {29KM} "all of the people who attend our community liaison group are resident in the community" which implies that he regarded both the local residents and local community as one entity. Furthermore, his opinion was that "most of the anti fracking fraternity are incomers living in the camps and aren't locals" albeit that he did believe that they were represented by sympathisers in the liaison groups. Management at Loeriesfontein referred throughout to "the community" albeit that some of their staff were aware that there were several stakeholder groups in the community. {1LF} described the community committee as being "made up of quite a lot of people, different stakeholders from the community". It was apparent that the promoters of the Coul Links project had taken a strategic view of community in that their survey comprised three selective postcodes making up less than 30% of the area they claim to represent {42CL}, {45CL}. When questioned about the concept of community {44CL}, a proposer of the original development, suggested that the community was just the people living in Embo "well that's what the Embo people would say, it's our problem, it's up to us to decide." However {50CL}, another supporter of the project defined the community as "a bit more wide-ranging than just Embo. I think it should be the whole of East Sutherland that gets involved."

The implications for earning the SLO are significant in terms of communication and interaction with the community. Failing to identify relevant sections of the community suggest that the company, while likely to acknowledge those group supporting or opposed to the project, will not understand the nuances in these groupings. Furthermore, those in the community are silent, either due to lack of interest or lack of power or both, and who could be encouraged to support the project will tend to be ignored and bypassed. Additionally, as will be discussed in Chapter 7, this is non-identification is tantamount to nonrecognition, an aspect of concern when considering Procedural and transactional justice.

It does seem that in all three cases the promoters missed an opportunity to initiate the understanding and granular interaction required to earn the SLO.

### **5.1.7 Identifying Communities – what can be learned?**

The literature suggests that the “community” grants or awards the SLO (Boutilier and Thomson (2011), Bice and Moffat (2014), Zhang and Moffat (2013), Parsons, Lacey and Moffat (2014), Joyce and Thomson (2000a)). This section has considered communities of geography/place and several types of community, ranging from residents, local communities, and certain “outsider” groups. It was further observed that, in the vicinity of the projects, certain communities regard themselves as part of, and self-identified as, a local community. Thus, we have not only local residents but also communities in the local area and other parties, such as the protest camp at Kirby Misperton, who, although not permanently resident in the area, self-identified with the local community in their response to the project. This substantially more granular analysis of the communities provides insights not evident in the SLO literature. As alluded to previously this may be due to a substantial number of the cases analysed in the literature relating to specific and invariably isolated projects where there is a single community. Nonetheless, even this is a simplistic view as the analysis of the separate groups within the local communities across the various cases illustrated.

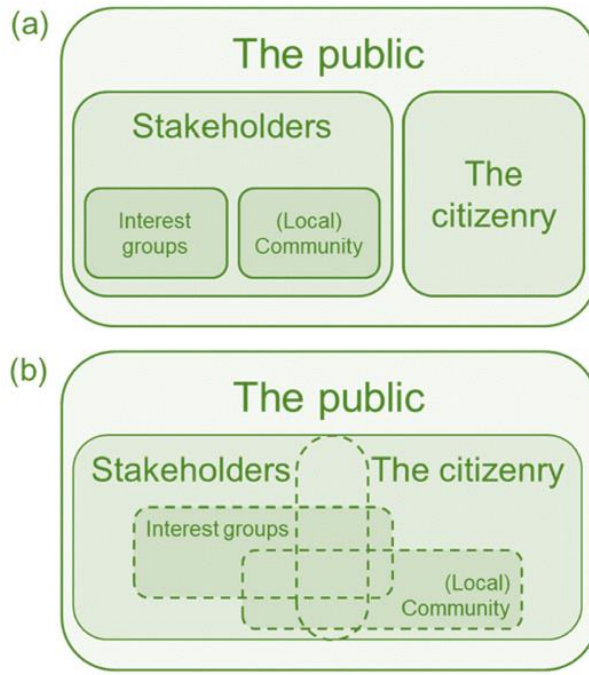
It was further evident that it is not the company or project that selects the community, despite some authoritative authors (e.g. Boutilier (2021); Boutilier and Zdziarski (2017); Wilburn and Wilburn (2011)) suggesting that the company interacts with selected “strategic” stakeholders, but it is the community with selects itself and identifies with the project.

It was observed further that there were groups within the local community, mostly short-term residents, and holidaymakers, who did not have a role in the awarding of the SLO. This does not imply that they can be ignored but they are certainly of less importance than the local resident community and those self-identifying community members.

It is also apparent that the further a geographic community is located from the project the less it is aware, interested or concerned, and the less it has an opinion, or vice versa (see for example Kraft & Clary (1991); Larson & Krannich (2016); Swofford & Slattery (2010)), although some studies note that proximity is not always a determinant of opposition or acceptance as referred to, for example, by Devine-Wright & Howes (2010)). One exception is the social media community where distance is not relevant, and interest and concern can be expressed from anywhere on the globe.

Colvin, Witt and Lacey (2020) observe, correctly it turns out, that the idea that there are neat compartments into which stakeholders can be placed is not at all realistic and that, more often, the result is messy. They depict the difference between ideal and actual (Figure 53), a result similar to that encountered by this research.

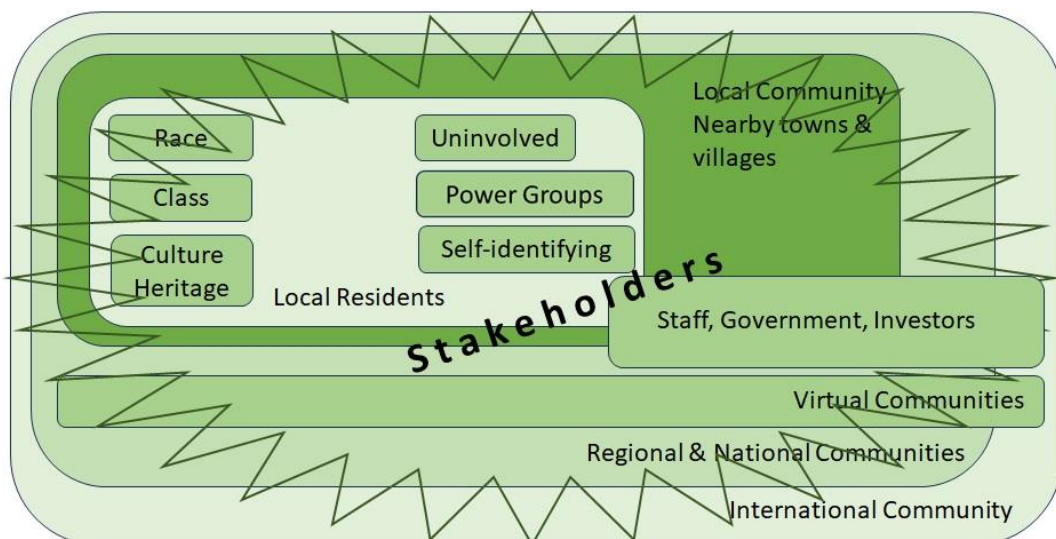




**Figure 53 Ideal versus Actual Arrangement of Key Groups**

Source: Colvin, Witt and Lacey (2020) p3

Based on the above discussion Figure 54 is a schematic of the community. The schematic sets out the local resident community with its multiple small groups within the larger local community group. This local community then lies within regional, national, and international groups.



**Figure 54 Communities Identified**

Staff, investors, and government comprise elements of all communities while “virtual communities”, largely social media groupings transcend all boundaries.

There are several lenses through which one can consider communities. This chapter has identified communities based, largely, on their physical location. The following section considers communities through a different lens when it discusses the nature of communities, as it considers how communities can best be understood.

# CHAPTER 6: Understanding Communities

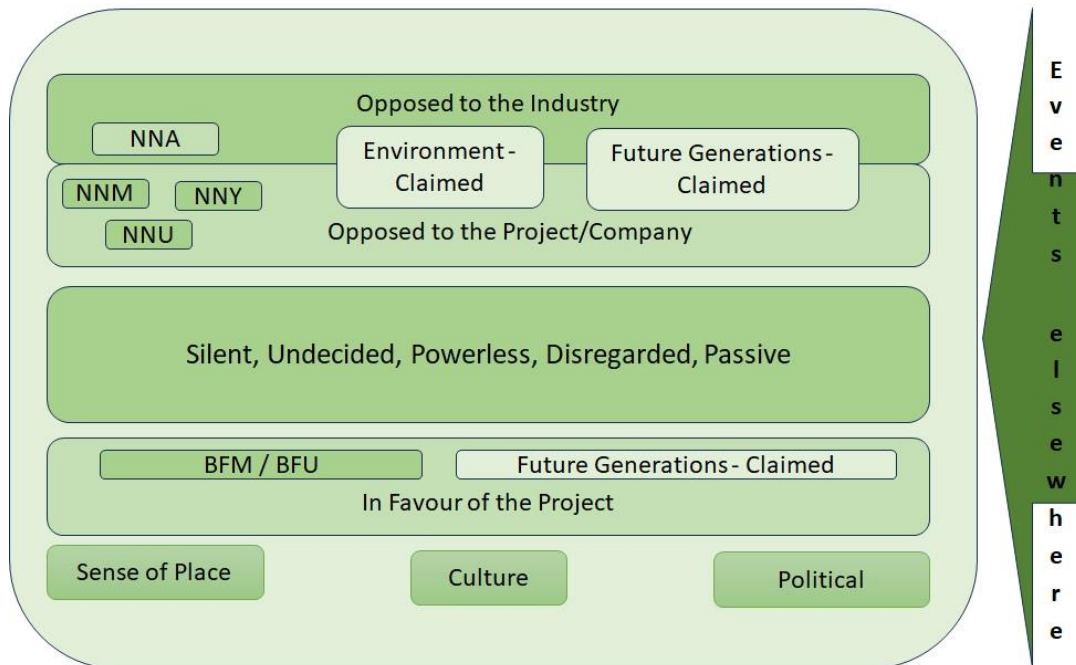
## 6.1 Introduction

Reed and Curzon (2015) proposed a schema for identifying stakeholders and their stakes, differentiating, and categorising them and investigating their inter-relationship. The previous chapters considered the identification of various stakeholder groups, geographically based. The “stake” of each stakeholder group, their reason or motivation for their actions and perceptions, are discussed below, and set out in the schema, Figure 55, below.

It is apparent that there were four broad strands within the communities: those in favour of the project (those who support, and by implication, would award the SLO to the company or project); those who are silent, undecided or powerless (and therefore have little involvement in granting the SLO); those opposed to the project (and would withhold the SLO); and finally, in the case of Kirby Misperton and its shale gas/fracking project<sup>4</sup>, those opposed to the entire industry (and who would accordingly withhold the SLO, irrespective of the actions of the company). Within these strands are further sub-strands that will be discussed below. Additionally, there are other strands that influence attitudes, but which cross all boundaries, for example culture.

The ‘in favour’ strand contains those who’s support is largely benefit driven, while the opposed strand have opinions ranging from “not here” to “not anywhere”, with an undecided section in between. In addition, there appeared to be two sub-groups. Firstly, within those opposed to the project, the “environment” as a stakeholder, claimed to be represented by people across all groups but specifically environmentalists and a number of environmental NGOs. These environmental groups are further segmented into various shades of green. Also, within these “environmental” groups, there is a distinguishment between environmental and ecological. The

second stakeholder group identified, although often implied rather than discussed, is “future generations”, where proponents may be opposed to or in favour of a particular project.



**Figure 55 Understanding Communities - Communities of Reason/Motivation**

It should be noted that these strands relating to all projects are a simplification for ease of analysis. Discussions with interviewees, particularly around Kirby Misperton, which was a very nuanced situation, highlighted the complexity in the community. {37KM} stated that “I just don't see it as pro and anti. I don't see it as a binary discussion, as a binary choice. I think the whole scenario is far, far more complex.” Certainly there was a range of views, as confirmed by {38KM} who observed that “I think you've got the massively for, the massively against, and you've got the inbetweeners that is sort of well, we'll let them fight it out and see what happens really and we'll make a choice.” There will always be a range of opinions, as {30KM} remarked “I think that there's different groups with overlapping interests.” It would not be feasible, nor possible, to assess the views of all the people in any particular area, and results are based on general impressions gained from discussions with a limited but wide-ranging number of people.

This analysis commences by considering identifiable groupings within each strand. For the sake of clarity and to avoid confusion, both for the writer and the reader, each element of community by reason/motivation is discussed per case study. The results for each community across all case studies are then summarised at the end of each section.

## 6.2 In Favour

It is a truth universally acknowledged, that a community in favour of a project, must be in want of a benefit (with apologies to Jane Austin).

The economic situation in each of the three cases was discussed earlier and tended to drive the response to the various projects by some of the community members.

Loeriesfontein is an area with extremely high unemployment, poverty, and deprivation, with an economy heavily based on small livestock farming. Preceding and during the construction period there had been a serious drought in the area, lasting well over three years. {17LF} described it as creating “the most devastating social and economic problems that I’ve ever seen in my over 40 years in this town”. The situation was perhaps most poetically described by {9LF} who said that “the farmers had a heavy time I tell you, these guys that's seeing their arses without a mirror.” This just added to the overwhelming poverty in the town.

Kirby Misperton and Ryedale is ostensibly a solid middle-class area, but, according to {24KM}, “we have one of the highest unemployment rates in the country. And most of it is low wage, it's a low wage economy.” 27{KM} commented further that “if you look at the Director of Public Health’s Annual Report the areas round here, they're very low income; seasonal, low paid work; hard for young people to get housing.”

Coul Links/Embo is typical of the smaller villages on the West Coast of Scotland where “a lot of the older people that live in here are dying off and

everybody that's young here is moving away to Glasgow or somewhere for work" {47aCL}. As {51CL} said, referring to young people in the area, "There's nothing here for them. We need the work. We need the jobs and that's the hard fact of life."

It is evident, that jobs and money were the predominant or prime motivators behind those members of the community in favour of the various projects. Within this group there were two perceptible themes – "Benefits for Me", driven largely by economic necessity, and "Benefits for Us", driven by concern for the community. These are labelled "BFM" and "BFU" respectively for ease of reference, and apart from a few obvious exceptions the two terms are concatenated.

A word of warning about assuming that the motivation of these groups is always the benefits, the "what's in it". It certainly was evident that there was "enlightened self-interest" expressed by several interviewees, but it would be unfair to assume that this was the sole motivation for them being in favour of the various projects. As is so aptly expressed by O'Neill (2001) p188 "I do not believe that we are likely to get far in trying to determine whether agents or agencies — whether states or companies or individuals — are or are not always motivated by self-interest, or necessarily motivated by self-interest, however interpreted. I suspect that ascriptions of self-interest often have a plausible ring only because they are open both to a tautologous and to an empirical interpretation." This caution needs to be retained when the "what's in it" motivation is considered.

### **6.2.1 Loeriesfontein**

As a substantial amount of money would be flowing into the Loeriesfontein community, the project created enormous excitement and anticipation in the town; "expectations take over" {1LF}. As {21LF} observed "if a bakkie [utility vehicle] randomly drives through and it's not from the town and it looks like it's got a bag of cement in the back it's mayhem because 'where's the jobs' and all these kind of things."

It is therefore not surprising that what we might term “excited self-interest” came to the fore in the BFM group in Loeriesfontein. This led to many people joining the Ward Committee, the conduit selected by Mainstream to facilitate communication and to assess community needs. As {1LF} says “The expectations of the people that were initially elected to the Ward Committee were that they would have the power; that they will get opportunities before other people”. This Ward Committee issue was raised repeatedly by interviewees with both {10LF} {11LF} observing that the Ward Committee members concerned about their individual interests than the interests of the broader community.

Interviews were conducted some six months after the wind farm had been commissioned and there were still issues regarding receiving funds from the project, and still deep-seated resentment about the actions of the Ward Committees.

Despite the desperate situation of most individuals in Loeriesfontein, there were town members who remained concerned about the whole community. {5LF} noted that “I try to focus on what I can do for this community ... and take the resources to benefit them” albeit that it must be remembered that she is the local Councillor. {9LF} said that “this money, I just believe it must be for the community”, and {10LF} was standing for the next Ward Committee because “I’ve told everybody that I am there so that the community can benefit”.

Accordingly, the issue of benefits flowing from the project were the prime (only evident) motivator behind support for the project. Thus, BFM and BFU strands were both present in this community.

### **6.2.2 Kirby Misperton**

The legislation at the time of the case study was that the shale gas development companies were obliged to pay £100,000 to the undefined “local community” for each well fracked, as well as to pay a percentage of

revenues and create a sovereign wealth fund from the taxes. This drove some discussion around the use and allocation of this money.

The local MP {30KM} discussed elements that he believed drove the debate on shale gas. Concerning 'What's in it for me?' his belief was people would eventually say "I quite like thousand pounds a year in my bank account, and I'd like [another] one near me actually, please." Similarly, Dan Byles MP, stated that there were "two very valid questions that many local communities are asking: 'is this safe?' and 'what's in it for us?'" (Taylor, Lewis and Byles, 2013) p8.

Although totally opposed to the project {35KM} agreed that "Some people now don't have means of earning money so a little bit of money can be an incentive." {38KM} said "Third Energy had a pot of money here to help and support local businesses or groups." Similarly, {27KM}, noted that "it's a very hard sell until the "what's in it for me" comes out of it."

Only one interviewee, although opposed to the project, raised the issue of personal compensation. He argued that if your house was going to lose value because of the project then you should receive "full compensation for the loss we've suffered." {24KM}

However, while there was an opinion that "Yorkshire, real Yorkshire guys, love their money and they love to be able to make money, so a few were suddenly rubbing their hands together" {33KM}, most other views were concerned about jobs and the benefit to the community.

{26KM}, a very voluble supporter of the project and who had been accused by several interviewees as being in favour of the project because it would benefit her business, said "That's not true. I look at it from a point of for this whole area - it would be really good for the Northern economy. In an area like this is all the youngsters move away. There's no work for them, if they want to earn decent wages, so why not train them to work in the industry?"



This view was corroborated by {34KM} who stated that “further afield people have said it would be good if we've got some benefit; 5 or 10 miles away, there is more of a ‘do you think locals will get jobs?’.” Jobs was a theme that was raised amongst several of the interviewees, and not just jobs in the development but, according to {40KM}, “there [are] the subsidiary roles from various suppliers in terms of long-term employable jobs.” {28KM} stated that he gets very few questions about fracking in meetings with the local community “I get asked about opportunities, sponsorship, apprenticeships.” Even {33KM} who was totally opposed to the development acknowledged that “there were a few people in the village ... who were positive about fracking because they thought it would bring jobs to the local communities.”

Third Energy was not in a position to make any commitments about benefits as {27KM} explained: “at the moment, because we are trying to prove something up before we can then propose a development or an expansion, there's nothing. People ask what's in it for me? There's nothing for them.”

However, in Kirby Misperton the anticipated benefits largely focused on employment, the BFU element, with limited interest in “what's in it for me” – BFM.

### **6.2.3 Coul Links/Embo**

With the proposed Coul Links golf course development at Embo there was little direct evidence of BFM. Admittedly, Mrs Catherine Bews, a director of Communities for Coul Limited does own an Airbnb in Embo, and so does {51CL}, a previous member of the Embo Trust, but he said that “people say to me, ‘oh, you're just in it because you've got another house’, but I'm looking at the youngsters in the village. My wife's got five nieces and nephews - there's only one of them left in Sutherland.”

Two other parties or groups have vested interests in the development of Coul Links. One is the local golfing community, as observed by {50CL} “we have the golf course people at Dornoch and so on in favour of it because they see

it as an extra world-class course” and {48CL} said that “a lot of friends who are golfers think, ‘Oh, it’s quite a nice idea’.”

The other parties who have an interest in the development of Coul Links, and who were involved in the previous application, are Michael Keiser and Todd Warnock. There is much evidence to suggest that they are active behind the scenes in the current application and despite denial by {49CL}, it seems obvious that when, some eighteen months after the first proposal was rejected, a company called Coul Links Limited, SC541313, is formed with both Mr Keiser and Mr Warnock as directors, they must have some personal interest in the development of Coul Links and certainly fall within the BFM category.

The protagonists in favour of the golf course development however were predominantly concerned about jobs and providing opportunities to keep young people in the area. This issue was acknowledged by both those in favour of and against the project, so {44CL} concedes “people who are in favour of it in Embo think great jobs are going to come from this, [however] all the other golf clubs around here don’t have great jobs attached to them” and {45CL}, another interviewee opposing the project said “The council is rollover, ... because they mentioned jobs”. {46CL} confirmed the view saying that “Jobs, jobs for the locals, is the magic word up here for almost anything that comes through” while {48CL} noted that her son’s friends, who are caddies, think that they’re going to make fortune when golf course develops.

It was not just jobs for the youth that were of interest. As {51CL} stated “you want locals employed, wages staying local” and he advised that there had been promises of jobs for a full range of people from youngsters to people of retirement age. {47aCL} with a little more cautious “Jobs wise, I think if they use local tradesmen, it would be a positive thing.”

An alternative view of the “benefits” that could theoretically be derived from the project was expressed by {44CL} who recounted “We’ve met this before. We fought three wind farm applications for Nigg Hill, and we were taken up to

the top of the mountain and offered the Kingdom of Heaven if we agreed to this. And there were people in favour of it who thought, we were going to be showered with gold. And then it turns out how little money was going to be available and how many communities, who could all see the wind farm, would share in this. It wouldn't be enough to get you a park bench.”

Perhaps the comment that summed it all up was made by {50CL}, in favour of the project, saying, “with any people running [the golf course] we could have decent wages being paid, the area looked after and quite frankly, we'd benefit. I've never forgotten talking to my mum here because I always thought Embo was sheer heaven and she said to me that's all very well but you 'Canna live off a view'.”

### **Summary**

It is evident that in all three case studies the prime motivation for support is the benefits that will flow from the project. In some instances, there was naturally a desire for personal benefit and advancement, the BFM sector, which was particularly evident amongst the impoverished community in Loeriesfontein. However, most people across all case studies were concerned for the community. What differentiated the cases was that in Loeriesfontein a seriously large amount of money was due to flow into the community but very few jobs were available either during or subsequent to the construction, so the emphasis was on funding for training and business opportunities. In Kirby Misperton, while the local MP was promoting the financial (cash) benefits of the project, the section of the community in favour of the project were seeking jobs and economic development, and with Coul Links/Embo it was largely the prospect of work opportunities that drove support for the project.

What then are the implications for the SLO? It is apparent that the only reason to support a project is for the benefits, either personal or for the community. The primary lesson to be learned from this section therefore is that identifying and communicating the benefits of the project are of

paramount importance in winning community support and therefore the SLO for the project. It is also important to note that project benefits do not equate to, nor necessarily form part of, normal corporate social responsibility spend by companies in these situations. It is therefore appropriate that CSR is briefly considered.

#### **6.2.4 A Note on Corporate Social Responsibility (CSR) and Corporate Social Investment (CSI)**

It did not appear that CSR spend (essentially CSI) in Loeriesfontein drove community acceptance of the project, largely because the community expected the company to use the funds they were legally obliged to distribute for the benefit of the community. Therefore, there was no perceived CSI and the company took the view that money spent in the community during construction was an advance on the legislated funds allocation {19LF}. Accordingly, whatever CSI spend might have taken place was regarded by the community as part of their right and due and therefore had no role to play in the SLO process.

In Kirby Misperton there was some attempt to undertake some CSI. As noted by {37KM} “The local football team in Pickering were offered sponsorship from Third Energy and they were in no uncertain terms warned off that if you take it then we’ll be protesting at the kids’ football games, so, they didn’t take it.” The concept of being paid anything by Third Energy, either as compensation or CSI, was vehemently opposed by most people opposed to the project. In this case therefore CSI had no role to play in the awarding or withholding of the SLO.

At Coul Links, because development had not yet started, there was no suggestion of any CSI. However, with the previous proposal there was the suggestion that developers would purchase a piece of land adjacent to the village leading down to the beach and donate this to the community. Whether this would qualify as CSI or, as {49CL} calls it, a bribe: “one of the attractions (call it bribes) for negotiations from, the original developers, was

this stretch of land from the railway line to the beach” is a moot point. Nonetheless in the current circumstances there is no CSI.

It can be concluded, as far as these cases are concerned, that while CSR spend or CSI may be regarded as a benefit adjunct to a project and may assist in the process of earning the SLO, the benefits required by the community are far more socio-economic in nature and should be seen to benefit both the individual and the community.

### **6.3 Silent, Undecided, Powerless, Passive or Disregarded**

It is exceedingly difficult to determine exactly what proportion of the local population fall into the category of the “silent majority”. In part this is due to the nature of the research itself where people who are not interested or feel powerless do not wish to be interviewed. In Kirby Misperton when several people were approached directly the view was, essentially, “I don’t really care. It’s not going to affect me one way or the other.” or, as with the nearby (2½ miles by road) caravan park where the couple running it, had no idea as to what fracking was. Similarly, the landlords and fellow residents where the researcher resided while conducting the interviews had very little opinion on or understanding of the concept; there was just no interest.

At the beginning of 2015, shortly before Third Energy submitted their application to drill, the Kirby Misperton Parish Council sent a questionnaire to every resident within their jurisdiction. They reported back at the meeting on 16 February 2015 that:

“The Council noted that 64% of electorate did not respond to the questionnaire. From the balance of the responses (34%) 23% of those

returning the questionnaires<sup>24</sup> had no concerns regarding the expansion of the KM8 well. 19% of the additional comments raised recorded the fact that although they had no major concerns regarding seismic investigation, they did not want it in Kirby Misperton.” (Minutes of the additional meeting of Kirby Misperton Parish Council held in the Village Hall, Kirby Misperton on Monday 16 February 2015 at 7:30 pm)

This has important implications for the SLO. If so large a portion of the population have no concern or interest in the project does that imply that “consent” or “acceptance” or “rejection” is an undemocratic position, where just the vocal few are the arbiters of the licence? This is a thorny issue that certainly requires consideration. There were claims, largely by those opposed to the project, that at the beginning there were only one or two in the village who were in favour, who later change their minds {9KM}, leaving the entire village opposed to the project. This may have been the case once the impacts of the traffic (and related protest activity) were experienced; or, perhaps, once social media had run rampant.

In Embo, where interview requests were dropped off at every house in the village (Figure 11), the only people who responded were either in favour of or opposed to the development. Accordingly, interviews tend to be with people who have opinions on the topic and therefore are likely to be aligned either for or against the project, and the silent remained silent.

Nevertheless, there were some views on this silent segment of the community. So {11LF} can say “My experience is that probably 95 per cent of the [Loeriesfontein] community couldn't care.” This was also the experience of {6LF} who stated that “I wasn't interested in what was going on here.”

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<sup>24</sup> It is difficult to understand, from this report, if this was 23% **out of** 34%, in other words 23% have no concerns while 11% do, or 23% **of** 34%, which would imply around 8% of the total population. The Parish Council has been contacted for more detail, but at this stage no further explanation is forthcoming.

In Kirby Misperton, {24KM} stated that Third Energy (or its predecessor) have “been here since 2003, with no problem”, later observing “the people in the middle don't understand” and when “they [Third Energy] try and get a representative from local farmers, none can be bothered to turn up.”

{25KM} observed that “Most of the community don't even know about it. They will run consultation meetings and three men and a dog will turn up because nobody cares.” She noted further that when fracking was first mooted in the village “I went to that Parish Council meeting, and when [the Third Energy plant manager] mentioned it no one was bothered. They'd seen it and heard it before.” The same view was opined by {31KM} “I think most people weren't bothered by it because they've been here all this time, and so really when they're on about fracking we took no notice whatsoever” a view corroborated by {32KM}.

Discussing Third Energy's interaction with the community {27KM} said “Some people still don't know, [they] do not think it's going to be a big issue.” This view was reiterated by {36KM} “It doesn't surprise me to know that there are people within 5 miles of KM8 do not understand fracking at all.”

{28KM} who was totally opposed to the project described running an anti-fracking stall in the Pickering High Street with “60% of people walk past and avoid eye contact. Or just say ‘Not interested, mate!’” And 29{KM} confirmed that “I don't think people were that interested in it at the time.”

This opinion that a number of people unconcerned by the project was echoed by several interviewees noting that: people don't care; it hasn't affected them yet; folk are just watching what's going on: some people don't even know; I'm neither pro or anti ( {35KM} {34KM} {38KM} {37KM}). Complementing that view was {35KM} who said that “yes, some people will say I'm not bothered. No, they're not bothered. But some people aren't bothered about Brexit!”

At Coul Links there was also a perceived lack of understanding or perhaps an apathy. {45CL} said that “I think that the majority of people don't know or

care.” or “people complain, and they bitch, and they say, ‘this is not good enough’, and I say, well, you put your complaints in as well. ‘Oh, I can’t be bothered, or I don’t know how to do that’.”

Several people in Embo discussing the Coul Links project were acquiescent. {47bCL} said “if the rest of the people want one then so be it.”, while {47cCL} was of the view that “I don’t personally think that we need another golf course here, but if it’s what all the people want then I suppose it should happen. We want what’s best for the local area”.

It is difficult to get a sense as to what proportion of the relevant communities are neutral or undecided. The closest one gets to having some idea as far as fracking is concerned is from the BEIS Public Attitudes Tracker, as discussed in Endnote iii, where it is apparent that between December 2013 and June 2019 in excess of 20% of the British population claimed to have never heard of fracking while a further 20% were only aware of the concept, while over the same period around 50% of the population neither supported nor opposed fracking.

Indubitably these figures would have been different in the areas much closer to the various projects, and it is reasonable to assume that this undecided group is substantially less than 50% at and around the project location, but it is still indicative that a large proportion of the “community” were not necessarily unempowered or disempowered, but were either unaffected or unconcerned.

At Coul Links, where the promoters distributed a ballot to a sizeable portion of the community, albeit in what {43CL} described as “three selective postcodes”, 30% of the recipients voted for the project leaving 70% either voting against or not voting at all. {46CL} averred that “the people that supported it filled it in; the people who didn’t went ‘What’s this rubbish?’ and put it in the bin.” So, it is not really feasible to determine whether the “silent majority” is even a majority.



What is important for earning the SLO, whether this group is undecided or disinterested, whether they feel powerless or disregarded, it is in the interests of Procedural Justice<sup>25</sup> and fairness, if nothing else, that these people be given an opening to express an opinion on the project. Companies and project promoters need to ensure that they create opportunities for participation in discussions around the project. It could well be argued that holding public meetings does provide such an opportunity but, in the researcher's experience and confirmed by several interviewees at Kirby Misperton, such meetings tend to be dominated by the vocal and vociferous leaving those who are powerless or unrecognised without a voice.

## **6.4 Opposed**

It is pertinent to restate that this chapter is focused on identifying and categorising community and stakeholder groups. This is particularly apposite as far as Kirby Misperton and the contention around shale gas/fracking are concerned and, to a slightly lesser extent, the Coul Links case. In both these cases environmental concerns predominated, together with issues affecting the lives of the residents and local community. While those issues are all pertinent and real, and provide valid reasons for opposition, the concern here is not to evaluate these specific issues, but to highlight how they affect opinions within communities and therefore need to be dealt with by companies seeking the SLO.

The use of the terms "opposed" and "in favour" implies some form of simple dichotomy in the community/stakeholder group. While those in favour were largely supportive due to the potential benefits either to themselves or to the community, the opposition grouping is much more nuanced and fractured. It will be noted that in Loeriesfontein the entire community was in favour of or neutral about the wind farm (being 50 km away from the town it did not affect anybody) but segments of the community were disgruntled with the company

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<sup>25</sup> The issue of *Procedural Justice* is dealt with in Chapter 7 below.

itself due to its communication and handling of the proceeds from the project. At Kirby Misperton there was no serious opposition to the company, other than indirectly in its role as a promoter of fracking or shale gas extraction, as it had been producing gas in the area, under various guises, over the previous twenty to thirty years. The opposition was to the project itself, its impact on the village and surrounding community and, on a larger scale, to the entire shale gas industry. Within this particular opposition group there were numerous smaller identifiable sub-groups as will be discussed below. Finally, with Coul Links, the opposition was largely based on environmental grounds and the impact on the local community, with some resentment expressed towards the developers.

In the Loeriesfontein case opposition is with more to do with the implementation of the project than the project itself, different to both Kirby Misperton and Coul Links, where there was substantial opposition to the projects. Accordingly, Loeriesfontein is dealt with separately, with relative learnings highlighted as appropriate.

## **6.4.1 Opposition to the Company**

### **6.4.1.1 Loeriesfontein – Mainstream**

At the time the interviews for the Loeriesfontein case study were being conducted the wind farm had been commissioned and was commencing to generate electricity. Everyone in the community was awaiting the promised bonanza that they believed would flood the town with money and alleviate all problems. That this had not happened, and that there was no indication when it would happen, were the primary causes of unhappiness with the company. As {11LF}, with experience at several wind farms, observed “expectations are high, and the expectations have been created partially by the renewables companies themselves and they can't deliver on those expectations”.

The company and the community's communication, actions and reactions giving rise to this issue are discussed in the next chapter. It is, however, important to note that there were members of the community who were totally opposed to the company at this time. {15LF} stated that "I don't know where to begin and where to end. I don't really want to talk too much Mainstream because if I do I'm just going to get a headache. It's really a bad feeling. The people now feel that they just want to get Mainstream out of the town." There was also an individual who had been one of the leaders in the coloured community who refused to be interviewed, saying he was tired of talking about Mainstream. It is difficult to determine whether the individuals or groups were opposed to Mainstream itself or were merely what {11LF} described as "problematical characters". He noted that "Obviously, they're going to tell you their side of the story, which is fine, but I can tell you now just objectively that those people deliberately cause problems." He went on to name a particular individual who had been interviewed as part of the case study and said "Yes, he is one [problematical character], but he was very peaceful in front of you. Oh, my goodness I can show you WhatsApp's here, threats and so on ..." while {23LF} observed that "there are ringleaders, you can pick it up within a couple of days."

It seems, therefore that the people in Loeriesfontein who could be defined as "opposed" were not so much against the project, which certainly will bring benefit to the town, but were against the company and the way the project had been implemented. In addition, there were political differences both within the town between the ruling (ANC) and opposition (DA) political parties, and between the town and the local area municipality. Any political differences should have no impact on the SLO and appear to arise from various individuals or groups exploiting the situation.

It is possible that the timing of the interviews, which fell between the completion of the construction phase and the commencement of the distribution of enterprise development and socio-economic development funding to the community, could have had an impact on the results of the

interviews. In this hiatus there was considerable frustration in the community. However, subsequent enquiries and investigations indicate that the community is now, as of 2023, mostly satisfied with the situation, and that the company could be regarded as having earned its SLO.

In the literature review the SLO was described as fluctuating, based on the perceptions of relationships between the company and the community (Franks et al. (2010); Mercer-Mapstone et al. (2017); Parsons & Moffat (2014)). Therefore, where there are changes over the life of the project and within the communities it is natural to expect the SLO to change and develop (Bahr & Nakagawa (2016); de Jong & Humphreys (2016), Douglas (2014)). This certainly is the situation in Loeriesfontein, and, although it was not evident in the other two cases, could be confirmation that the SLO does lie on a continuum.

#### **6.4.1.2 Kirby Misperton – Third Energy**

Part of the issue regarding perceptions about Third Energy were brought about by the release of the Paradise Papers in late 2017, midway through the protest action. As {29KM} explained “Viking Gas was here originally and we bought them out about six years ago. Despite the fact that we [have] a Cayman Island [holding] company, we pay all our taxes in the UK, all of our active companies are UK based.”

There were however other perceptions. {38KM} gave a more than slightly confusing picture of Third Energy, referring to sister companies, Jersey, Cayman Islands with turnover “owed” (sic). However, {37KM}, a businessman in the area said “I certainly wouldn't give Third Energy the license to do anything because you only structure a business like that to protect yourself in the event of any financial catastrophe ... it's a piss pot company, with no balance sheet, its negative net worth is six hundred grand.”

There were other perceptions of Third Energy, accepting that the gas well itself had been there for years {28KM}, {31KM}. {30KM} made the point that

“Third Energy have got some acceptance locally because of their history here.”

How could Third Energy have better dealt with this in terms of earning the SLO? One of Third Energy’s employees, {27KM}, felt the people had the view that there was this “a big team of experts ...made millions from gas and oil ... a big guy in a suit, smoking a cigar, sitting on a throne and money ... with Third Energy registered in the Cayman Islands”.

His view was that the company’s communication could have been better and that “the pitch should have been a local company stepping up onto big projects ... a Yorkshire/Ryedale small gas company, so you’re not fighting big oil, you are fighting a little local company {27KM}.”

#### **6.4.1.3 Coul Links - Promoters**

At Coul Links, while not so much opposed to the local, Scottish, promoters of the development, there were undertones of resentment as to who would be doing the developing - Mike Keizer, a wealthy American golf course developer, with courses all over the world, and Tod Warnock, another wealthy American, who were the original promoters of the scheme. Some years earlier, around 2012/13, Donald Trump had managed to win the hearts and minds of the Scottish people, (KK) and, as {46CL} notes, “you’ve got the example of Trump stuff - they’ve lost the SSSI, they haven’t put in the jobs or infrastructure that they promised, but hey, who cares? He got it.” {44CL} described it as “vile.” And {43CL} who had consulted to Trump on the EIA, commented that “he knew that he’d stacked up the economic side with a pack of lies.”

Therefore, when two very wealthy Americans arrive to start another golf course project comparisons with Trump were obvious and, apparently, odorous. As {48CL} notes “he was really upset and offended at the thought of being compared with Donald Trump” This view was confirmed by {49CL} who stated that he did not think the Americans were coming back because

“they had their fingers burnt, there was a totally negative, aggressive campaign against them [on social media]”. However, as was noted earlier, the two gentlemen concerned in October 2021 formed Coul Links Limited, SC541313.

There was a range of mostly negative opinions about the developers. {44CL} described it as “wicked, it’s wicked, the two men involved in that ... I have trouble talking about it without getting really angry.” The opinion of {45CL} was “I think the thing regarding Coul for me is this feeling that it’s people from outside have come in with loads of money, they just think they can ride rough, shod over us.”

However, to provide an alternative view of the US developers, {50CL} said that “the course designer has a world reputation for designing in an environmentally friendly way and certainly, that’s what I’d want to see. I don’t want to ruin that area. I don’t want a Trump-style course here. If they can build a course in the Coul lands without impinging on the dunes, I’d be very happy.”

## **Summary**

Where community relations have the potential to damage the SLO, it is necessary to proactively identify those affected or aggrieved constituents of the community and to put necessary procedures in place to address the issues. While Mainstream had structures set up to deal with concerned community members, they were either not effected or not effective, as will be dealt with more fully in a subsequent chapter.

With both the Kirby Misperton and Coul Links cases the opponents identified the shareholders behind the projects as being part of the problem. In these instances, they “pierced the corporate veil”<sup>26</sup> and assigned either greed, in

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<sup>26</sup> The concept of piercing the corporate veil, whereby the shareholders of a limited liability company can be regarded as the actors as opposed to the company itself, dates back to the beginning of the previous century and before. (Refer EMB (1920), and Wibberley et al.

the case of Kirby Misperton, or pride and ego, in the case of Coul Links, to the actual development companies. Whether this is fair is not the issue. Clearly project promoters and their shareholders or directors must be aware of public perceptions and need to act accordingly, with great circumspection.

## **6.4.2 Opposition to the Project**

### **6.4.2.1 Introduction**

This section considers the opposition to the various projects and, following this brief introduction considers and identifies the various groups within the community.

There was no opposition to the project at Loeriesfontein, in fact the community were eager for more. However, they advised that “Loeriesfontein people are now ready for the next company that comes.” {15LF} and would handle matters differently, inter alia {5LF}, {7LF}.

### **6.4.2.2 Kirby Misperton**

There was a range of opinions around opposition to the Kirby Misperton development. {37KM} in a discussion about the protest movement noted that “when people are talking about the activities that are local as well, around the right to protest, that's not binary either, because you've got different people protesting for different reasons, with different intensities - you know the guy who would rather die than see fracking coming through to, perhaps, passive protests.” A similar perspective was provided by {36KM} saying “those people who've got this sort of honesty, integrity, community spirit, they're concerned about other people and concerned about their neighbourhood and they really get involved ... because [they] know that [they're] trying to make a difference and [they've] got to stop it.”

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(2014). In both these research cases the protagonists averred that the underlying shareholders were indicative of the motives and actions behind the projects. While this would be legally untenable, it is apparent that the opponents to the projects were of the view that this was a fair approach.

### **6.4.2.3 Coul Links**

Why would people oppose a golf course on what appears to be barren wasteland adjacent to a little village on the North-West Coast of Scotland? After all, it would “clean up” the wasteland and could possibly bring additional revenue and jobs to the village. Surely that was in everybody’s interest?

While there were distinct reasons for the opposition, as observed by {43CL} “I’ve come across a very large group of people locally, I reckon there are over 500 people locally who are very upset at this particular development. And they’re coming at it from a large number of different angles.” and, similarly, {45CL} suggested that “the people who are fighting this ... [it comes] from within, with our own personal feelings of responsibility to the natural environment, to our communities.” it is apparent that there were two main reasons why people objected to the golf course at Coul Links. The first, and predominant reason, was environmental while the second had to do with retaining the current situation or status of the village. Other objections related to the “foreign” promoters of the project and the issue of a “sense of place”, which is dealt with below.

### **6.4.2.4 Terminology**

As noted previously, words involving people are redolent with meaning. They can imply praise, condemnation, acceptance or rejection, impartiality, or bias, but, ideally, all descriptive terminology should remain as neutral as feasible. When attempting to select a term to describe individuals or groups in the local community opposed to a project, the term NIMBY, which has been used extensively, came to mind. However, Cotton (2013) notes that the term NIMBY is derogatory and used to classify project opponents as “belligerent, selfish ... unwilling to think about the big picture ... but willing to reap the benefits” (Cotton 2013) p8. Similar views are expressed by, inter alia, Rand & Hoen (2017), Wolsink (2000), McClymont & O’hare (2008) and Burningham (2000). Lake (1993) suggests that “Analysis that uncritically accepts the denigration of NIMBY as selfish parochial obstructionism rests at the level of



appearances, contributes to obfuscation, and may undermine community empowerment.” (Lake 1993) p89. Furthermore, as will be seen when considering online interchanges between pro and anti groups, the use of such pejoratives usually escalates a discussion into a meaningless slanging match. As Dear (1992) notes “At the very minimum, NIMBY sentiments can sour community-facility relations in ways that are detrimental to [their] well-being.” (Dear 1992) p 289

There were four groupings opposed to the project as revealed by the case analysis – those not wanting the project near them, those opposed to the project in their neighbourhood/community, those seeing their role as objecting to the project in support of other communities, and those opposed to the entire concept underlying the project, no matter where it takes place. For ease of writing up and referring to the various groups the researcher eventually decided to use the following acronyms: NNM (Not Near Me), NNU (Not Near Us) NNY (Not Near You) and NNA (Not Near Anywhere) when describing these groups. What distinguishes these groups is the level of concern about, or focus on, the themes underpinning the opposition, as well as, naturally, geographic proximity.

#### **6.4.2.5 Not Near Me (NNM) and Not Near Us (NNU)**

Apart from a few individuals who would unquestionably fall into the NNM category, most of the local community, as defined above, would be regarded as in the NNU group. To an extent even this is a simplification where the Kirby Misperton case is concerned, as the nuances of local disruption were combined with antipathy to the entire industry.

##### **6.4.2.5.1 Kirby Misperton**

Opposition to the shale gas extraction or fracking project at Kirby Misperton was predicated largely on four themes. The first was to do with the potential financial damage and inconvenience that would be caused to the residents in or close to the village, the second related to health and safety, the third was

the potential impact on the economy, tourism, and agriculture in particular, and the fourth was environmental.

Communities, or individuals within communities, are not called upon to perform acts of great moral generosity or supererogation by accepting potentially severe economic loss for the general good. Therefore, property prices were a major concern, and a theme common to many interviewees opposing the development, some of whom are quoted below. “Property prices have consistently gone down.” {35KM}, and “let's have compensation, not just based on the amount by which your house might be devalued in comparison with somebody, but the full compensation.” {24KM}. While {33KM}, a local leader of the opposition to the project said that “house prices have been affected as we know.” while a local politician, having discussing objections from constituents noted that “people are concerned about house prices and other things” {30KM}. Whether this fear of the long-term loss of property value was realistic is not determinable. However, anecdotally, house prices in the village had dropped, as noted by {32KM} “The big houses won't sell. Two little ones have gone recently but you'll see several for sale signs and one of those has been up for more than a year.”

A further significant impact on the village, and surrounding areas, was the issue of traffic. The Kirby Misperton development was exceptional in the UK because it already had an existing pipeline from the well to the Knapton power station, which pipeline could be used not only to transport the gas but to bring in water and to remove wastewater if necessary. Therefore, the normal traffic that would be expected from any other development of a similar nature would not happen at Kirby Misperton. Nonetheless while the site was being set up for the trial frack there was a significant increase traffic, particularly of wagons. As part of their application, a traffic plan was suggested by Third Energy. As noted by {38KM} “Third Energy, the local council and the police had a meeting, so there was a traffic management plan.”

Both supporters and opponents were aware of potential problems with traffic, so {26KM} could say “There will be challenges with it because there will be traffic, I quite appreciate that.” {35KM} was concerned about traffic as well as the emissions related to that while {36KM}, looking more to the future than the present believed that “fracking can cause a great deal of air pollution simply from the traffic because you've got a massive amount of traffic to service all these well pads that have been built.” {28KM} expressed similar feelings, saying “the prospect of probably thousands of tankers on small country roads is one of the issues that fills me with great alarm.”

{41KM} acknowledged “If the industry took off down the line there would be an increase in traffic” but then asked, “is it any worse than housebuilding or supermarket building or what happens if they dual the A64 to Scarborough.” This was echoed by {26KM} who said “But you do [get more traffic] with any development. You do if you build a housing estate.”

Other views were that traffic was normal. {31KM} stated that people “have always used those roads for the wagons and stuff, so their arguments about the amount of traffic, I can't see where the argument come from.” In discussing traffic, the issue of Flamingo Land was raised. {26KM} stated that “He gets 1.6 million visitors a year down there. So, are you worried about traffic? Well, I'm not. I know Third Energy did a traffic monitoring and motor vehicle survey and it was 30,000 cars a week at this time of year, in season”.

However, a traffic issue which had not been anticipated by the developers nor, apparently, by those opposing the project was the impact of the protesters on traffic movement. In the first instance the protest group were allowed by the police to slow walk in front of the vehicles bring equipment to the site, which slowed down traffic movement considerably, or, in some cases, led to a total standstill {40KM} “they closed off the road and that prevented traffic and any infrastructure traffic going into the site.” In addition, the presence of protesters led to substantial police presence in the area with the result that not only was the traffic to the well causing blockages in the roads, but numerous police vehicles added to the situation. As noted by

{32KM} “we counted in excess of 100 police vehicle movements through Main Street on a typical day” which, for a village of approximately 280 residents is a substantial number of vehicle movements. This led to {39KM}'s view that “it just felt like all the planning documents were just a piece of paper and didn't really protect the village.”

The development company, Third Energy, was aware of the potential problems, and the need to deal with them. As {27KM} stated “I've spoken to some genuinely, genuinely concerned residents locally, the things that can affect them are noise, traffic, lights, and they're the things that companies like ourselves need to be addressing and controlling.”

A second issue raised was health, a concern raised by several interviewees. {32KM} averred that “something like 84 per cent of all university public health research on the impacts of fracking is negative.” {35KM} stated that fracking had caused “a 27 per cent increase in children, premature babies, who have problems with their health. There's also I think it was something like 40 per cent increase in the medical problems ... respiratory problems ... there's certainly been like a 40 per cent increase in doctors' admissions into surgeries in areas close to fracking sites.” The researcher has not been able to validate these figures.

Related to health was the concern about water and water quality. {25KM}, describing a neighbour said, “She thought anytime now she was going to be poisoned by this water system.” {26KM} discussed the community's concerns about water and aquifers and noted that “we talk a lot about water contaminants”, while {28KM} observed that “when the water goes down it comes back very contaminated.”

A further health and safety issue was seismicity. There had been significant media coverage of the “earthquakes” around the Cuadrilla site in Preston New Road, Lancashire and {30KM} discussing his constituents fears said, “people are concerned about things like groundwater and air quality and seismicity”.

Turning to tourism, Kirby Misperton and the Ryedale area are particularly picturesque. Kirby Misperton has the Flamingo Land “attraction” adjacent to the village bringing in large numbers of tourists to the Ryedale area, while Pickering, a few miles north of Kirby Misperton, has a steam train that runs up into the North Yorkshire Moors and across to Whitby. From an agricultural (and tourism) perspective, the town of Malton describes itself as Yorkshire’s Food Capital, while the Yorkshire and Humber area comprises approximately 14.5% of the U.K.’s crop land and carries approximately 13% of England’s livestock (LL).

As {36KM} noted “when you've got Malton, allegedly the food capital of Yorkshire, and you're trying to build a brand that is a crossover between agriculture and the tourism industry then it could actually be very damaging, just merely from the perception.” {32KM}, described a Malton business bottling spring water as terrified that anything may happen to the aquifers, and, later, commented that part of the wealth [in the area is] because you can do agriculture and tourism. {28KM} was concerned that “It may lose a huge number of jobs which are based around tourism and farming”, a view corroborated by {32KM} who’s fear was that “you can't do major new gas industry and tourism.”

{35KM}, who lives in Pickering, was particularly concerned about the impact on tourism and the affect on “the beautiful North York Moors Railway, which attracts a million visitors or more a year, who come to share this idyllic paradise.” He continued, “these are criminals, as far as I’m concerned, who are there to devastate our land; devastate our environment; devastate our way of life; pollute our water supplies; 24/7 noise from the drilling which will be destructive to the animal life, to the birdlife, to tourism, to people living nearby.”

{36KM}, admitting to being unsure, said “the risks from certain things like the air pollution, the water pollution, things like that - one side plays them down massively one side builds them up massively.” Nonetheless, there certainly

were concerns across the board about the impact on house prices, traffic levels, health and safety and tourism from those opposed to the project.

It is interesting to relate these concerns back to the reasons given for opposing fracking in the BEIS Attitudes Survey, Endnote iii, where, in order of priority, concerns included: loss/destruction of natural environment; risk to water supply; risk of earthquakes; not safe/use of chemicals; increased traffic/noise/disruption; impact on local house prices. All of these resonate strongly with the reasons given by interviewees at Kirby Misperton for opposing fracking.

#### **6.4.2.5.2 Coul Links**

It emerged at Coul Links that, apart from the environmental issues dealt with separately, one of the primary objections from the local residents had to do with not wanting change. {50CL} stated “I only know one local guy that is [opposed] everybody else [opposed] are people with no connections to Embo that have moved here for a particular reason, and they don't want it to change, they want it to remain static.” Similar views were as expressed by {47aCL} and {48CL}.

Commenting on the number of proposed developments in the Coul Links/Sutherland area and her objections to them {44CL} said “This is a beautiful area. I've been here 22 years now, and it's been one thing after another, from junk ships, scrap ships at Cromarty, an incinerator, three wind farms, golf courses galore ..”, while {45CL} said that “because of my rooted antipathy to it, I just can't bear thinking about it.” {51CL}, a supporter of the project, accepted that “people on the other side say not near my house you won't.”

Another view, and possibly explaining the antipathy towards the golf course from the community viewpoint, as opposed to an environmental perspective, is that the caravan park, Grannie's Heilan' Hame Holiday Park, had become a problem for the community. {50CL} said “I'd love to turn back the clock

[and] get shot of Grannie's. I mean, I remember that starting up. It was beautiful before Grannie's, particularly [before it] expanded to what is now. And {51CL} said that "I'm not against the campsite in any sort of major way, but I do think again, that it should be regulated." While {47aCL}, summing up, said "I think it's nice that it's secluded, the village, on its own ... on the bad side, [the golf course] will probably bring lots more tourists in and they'd crowd the village in." This in contrast to the Kirby Misperton fear that tourism would be negatively affected.

An interesting similarity with the Kirby Misperton case was the issue of house prices although at Coul Links it was the rising house prices due to American tourists seeking golfing venues and retired people seeking a haven that were causing the disquiet. {43CL} observed that "property prices have soared in here. A large number of properties have been bought up, so they are holiday lets in the area and a number were already owned by Americans who come to play golf; and many local people are concerned that their youngsters will not be able to find a house here." {49CL} explained that Embo is [now] a retirement haven, and the prices of houses are absolutely unbelievable, largely due to "people with retirement income coming in". Discussing the impact of the golf course {51CL} noted that "one concern [is] house prices is going to go up". This increase in house prices and the impact on the younger members of the community provide two contradicting drivers. If the golf course goes ahead and the village becomes more popular, house prices will continue to increase and become unaffordable for the young people in the town. Simultaneously, if the golf course provides a number of decent paying jobs, then the young people can afford the houses. The ultimate Gordian knot.

Of concern with people claiming opposition to a project is whether one can rely on interviewees, and the community in general, to be truthful. Several researchers have noted that redirection is a strategy often used by people within the community. So, Van der Horst (2007) can say that "The best way to protest against a project but avoid being seen as self-interested, is

obviously to stress other, seemingly more legitimate, reasons for opposition.” (Van der Horst 2007) p2711, while Burningham (2000) notes that opponents of the project go out of their way to identify issues such as environmental impacts to deflect the possibility of being accused of self interest. This researcher does not believe that the concerns raised by the community were not valid, but questions the role of self-interest. As Van der Horst (2007) observes “This does not necessarily imply that these people are deliberately lying or being deceptive. They do something that many of us do in our daily lives; seeking an acceptable post-justification for going along with our initial ‘gut feeling’.” (Van der Horst 2007) p2711. However, as a researcher and observer in this situation there is no way of assessing whether everyone was telling the truth or not, albeit that there were situations encountered where two people gave completely conflicting accounts of the same event, each believing that their truth was correct. From a project company’s perspective in earning the SLO it is important to treat all parties with respect and to accept that they may have different views. This, despite the risk expressed by Dear (1992) note that “all the program planning and best intentions will come to nothing if opponents are successful. Put bluntly, if NIMBY sentiments prevail, the facility will never open.” (Dear 1992) p 294.

## **Summary**

It was suggested above that there were two groups, NNM and NNU (Not Near Me and Not Near Us). With Loeriesfontein, as the “Near” was some 50 km away from the town, this was certainly not an issue. In the case of Kirby Misperton and Ryedale it is difficult to separate these groups from within the interviews conducted. Many interviewees lived in or close to the village of Kirby Misperton and several people consider themselves as “local” albeit not living in Kirby Misperton itself. There was a similar issue at Coul Links, especially as it was possible to walk from the nearby town of Dornoch to Coul Links and many other small towns and villages were very close to Embo where the Coul Links golf course is proposed.



However, whether they are treated as two groups or one, while there was obviously some personally motivated opposition within the resident/local community, the primary influence for these groups appears to be their proximity to the project and the impact it would have on their economic well-being as well as their daily life and health, which reasons appear totally logical and rational.

An interesting comparison between the Kirby Misperton and Coul Links projects lies in the concerns of the different communities. At Kirby Misperton people were concerned that the project would reduce house prices whilst at Coul Links the concern was that property prices would go up. In both cases there was concern about the increase in traffic that the projects would bring, and there were fears that shale gas project would reduce tourism in the area while the concern was that the golf course would increase tourism (in an area experiencing the pressures of the North Coast 500), a concern that was exacerbated by the unwelcome presence of Grannie's Heilan' Hame. At Kirby Misperton, a large driver was the possible impact on health while this was not present specifically at Coul Links there was a concern that the ability to walk in the area would be affected, as is discussed below. Finally, there was a strong feeling of disempowerment at Coul Links. There were similar but less vehement views expressed at Kirby Misperton with people complaining that "the majority of people" were opposed to the project and yet it had gone ahead.

How does a developer deal with community views regarding the impact of a project in attempting to earn the SLO? Lake (1993) suggests that the traditional view of dealing with this type of objection is persuasion, education, and legislation, and suggests reframing the concept and adjusting the planning system. Petrova (2016) proposes organizing community concerns into appropriate categories to better understand the community's apprehensions and dealing with each category separately. Cotton (2013) argues that communities want to see "both Procedural and Distributive fairness in the decision-making process" (Cotton 2013) p9 and suggests town

hall meetings and public exhibitions as a means of engaging with the community. Whether this may be effective will be discussed in the subsequent chapter on engagement.

To earn the SLO therefore the developers need firstly to assess and understand the community's concerns in this regard and secondly to collaborate with the community as to how to best minimise risk and impact. There will of course be people opposed to the project irrespective, but based on the researcher's assessment of the people spoken to, a sincere and practical intent to address the concerns of the community would have a significant affect on company community relationships and therefore the SLO. In the case of Kirby Misperton it is apparent, as will be seen later, that the company did make an effort to work with the community but by that stage it was already too late. With Coul Links, especially as the local promoters live in (or claim to live in) the village, there was a definite effort to involve the local community in the first proposal. With the second proposal looming the local promoters have been far more strategic in their selection of the "community" focusing far more on golfers than any other group and omitting a number of communities south of the village, thus tending to alienate them. Whether this approach will change is yet to be determined.

#### **6.4.2.6 Other "Not Near" Groups**

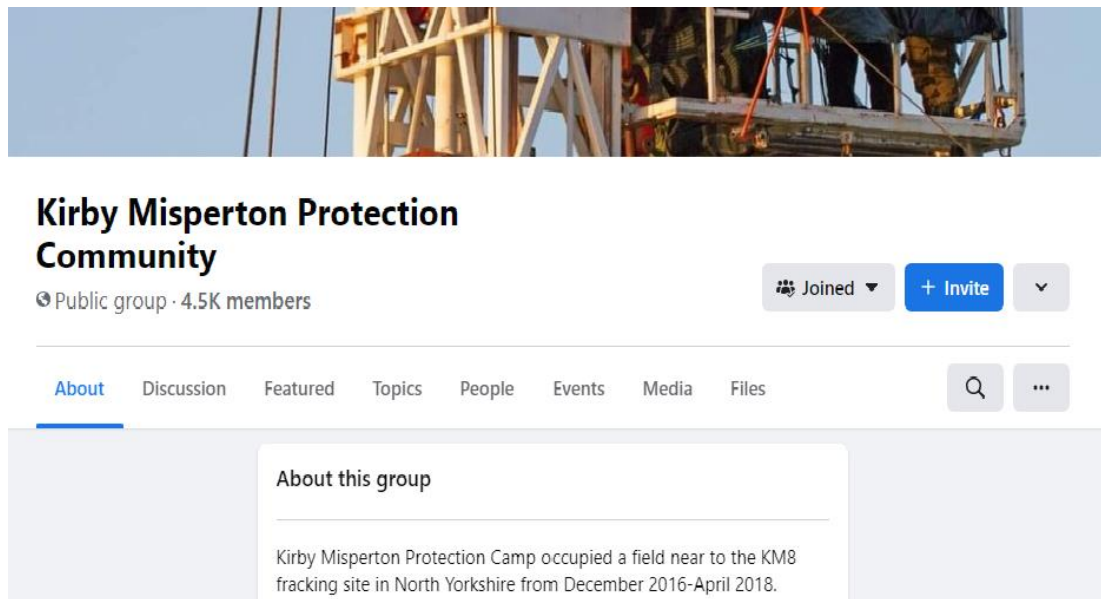
Another community group encountered during this research, and essentially unique to the Kirby Misperton case, was the NNY (Not Near You) group. This group comprised the inhabitants of the protest camp, together with a number of other protesters who were not from the village nor the local community. There was overlap between this group and the NNA (Not Near Anywhere) group, with the primary distinctive feature being the level of "greenness" as discussed below. NNY's are individuals, (with NGOs in the background), who supported the community's efforts to oppose the development.

The protest camp at Kirby Misperton, was designated by its occupants as the Kirby Misperton Protection Camp or Kirby Misperton Protection Community and with members called “KM Protectors”. Apart from Mr Eddie Thornton, who lived in the local area although not in Kirby Misperton, the researcher not aware of any other members of the camp who were also local residents. As will be seen from the number of members of the Twitter group (Figure 56), 974 followers and the Facebook group (Figure 570, in excess of 4,500 members, it is obvious that the supporters, who may have included local residents, far outnumber the local community.



**Figure 56 KM Protectors Twitter page**

Source: <https://twitter.com/KMProtectors>



**Figure 57 Kirby Misperton Protection Community Facebook page**

Source: <https://www.facebook.com/groups/573619286143264/about>

As would be expected there is a range of opinions regarding the “protection” offered by the camp.

When describing the camp {28KM} called it “the protest camp, oh I mean the protection camp” but felt that another member of the community was being “unfair and dismissive” when she described the protection camp as being “outsiders holding Kirby Misperton to ransom”. {38KM} was passionately opposed to the camp and the protesters, noting that “we've seen here at KM8 people from all over the country ... and yet they said they were protecting their community... but if you're not from this community how can you protect your community”. He gave several examples of the camps interaction with the community that certainly do not indicate “protection”. He believed that they'd “made it worse for the villagers i.e. the community that we're ‘protecting’.” {38KM}.

Alternatively, 42KM} believed that the camp was there to encourage the community to become involved. He said that once the community gets to feel that they have “friends” in their own environments, then they will step up

as well. Discussing the camp, he said “it's there for the direct action; it's there to give the community more hope.”

Even some of the local community who were strongly opposed to the project were concerned about the “protection”, and the outside protesters in general, recalling that “we had some trouble when some folk came over from Preston New Road ... and we had to try and dial them down” {32KM}. At the same time other opponents of the project had different perspectives, so {35KM} described “very committed protesters who came from other areas, who had been involved at Preston New Road, from other areas of Yorkshire, from Middlesbrough”. {40KM} provided a rationale for the number of outsiders when he noted that “it's a national issue, so why shouldn't people around the country be concerned enough to be able to come along then and effectively campaign. We can't see this as a local issue, in which only local people can have a voice.” He went further to observe that “Just by default people within the camp would not be resident.” {KM40}. As a counter to this, another resident opposed to the project stated “There were [local] people saying this is our fight we're Ryedale people. You've come from somewhere else and just don't get too carried away” {36KM}.

In contentious projects, especially where there is an environmental concern, it is apparent that there will always be people from outside of the resident and local community who believe that they need to be involved or to take a stand. Not only is this evident at other similar shale gas sites such as in Lancashire, but with projects ranging from HS2 to Cumbrian coal mines (MM) to felling trees in Sheffield (NN). And, much as there were people from other groups visiting Kirby Misperton, so members of the Kirby Misperton camp supported other camps. Boyd (2021) p104 recounts that Eddie Thornton, from Kirby Misperton “saw the chance to show solidarity with Lancashire. Of course, he was hoping Lancashire activists would return the same solidarity with the fracking trucks pulled into North Yorkshire.” When the camp closed the protesters dispersed to other projects. These were not only fracking or shale gas projects. Quoting one of the leading businesspeople in the area {29KM}

said that “his view was these are not single-issue protesters. They are protesting basically anything.” {38KM} believed that when the protesters left KM8, “they were popping up everywhere. They're just fanatical.”

Discussed below are the various NGOs and organisations opposed to the developments. At Coul Links these groups were opposed to that specific development whereas Kirby Misperton the opposition was to the entire concept.

This then leads to the last of the major opposition groups, the Not Near Anywhere (NNA) group. Both within the resident and local community, as well as the protest camp and beyond, there were people not just opposed to the Kirby Misperton project but opposed, often vehemently, to the entire shale gas/fracking industry. As {38KM} “You know it really is quite interesting to see how fanatical some of them are.”

Perhaps the opposition view within the community (and not from the protest camp) is best summed up by {35KM} who said that “And it's not a case of “not in my backyard”. I don't want fracking here, but I don't want fracking anywhere, because it's completely incompatible with the future of this planet” and so “You know right until I draw my last breath, we will be disruptive to the process.” He continued “If they said to me, we will give you a million pound, and we want you to promote this and to not say or do anymore, I'd prefer to die than take one penny, I would prefer to die - they can take my tail to the jail. I find it repugnant that anyone could sell their soul to the devil in this way”.

{30KM} confirmed that from amongst the people that he talks to “you've got people who are very concerned about climate change who I don't think you could say anything about fracking that would ever allow them to accept fracking.” And {36KM} argued that “it's not a NIMBY attitude, in fact it's very rarely a NIMBY attitude because we start off with the hardcore nucleus of people who are anti-fracking”. {42KM} agreed that “because the campaign

was so strong, it was a few years in, and you had the hardcore people that weren't going to allow it.”

In his book<sup>5</sup>, Boyd makes some comments that are pertinent to the Kirby Misperton case and to the concept of NNA. He states “after all the environment belongs to everyone and has no borders. Surely anyone from anywhere was allowed to protect it” (Boyd 2021) p18. He also observes that in his view “‘Outsiders’ who may already know more about the issue are essential in the fight” p19. {42KM} said “The camp was more about stopping the industry and there was no negotiations in that. It's there to say, no, we're not having it, it's not happening.”

The point of learning for companies wishing to earn the SLO therefore is that they firstly need to accept that protest will take place and it is how they deal with that protest that will make the difference. It is apparent that if they address the protests and protesters prior to the “critical mass<sup>27</sup>” being achieved they will have more success in dealing with the problem. However, as far as the fracking/shale gas issue is concerned, the critical mass had been built up long before Kirby Misperton and it was just a shift in focus that brought the protest movement to that site.

## **Summary**

The NNY and NNA groups were composed of people from not just outside Kirby Misperton but outside Ryedale itself although there were people in Ryedale who are equally passionate about stopping fracking throughout the UK. Whatever their ulterior motives may have been it is evident that these two groups had a major influence on the outcome of the SLO for Third Energy and the shale gas/fracking project. Apart from the SLO for Third Energy it is apparent that protests across all fracking sites influenced the government who moved from being passionate about shale gas extraction to wilting under the pressure and eventually refusing to support the concept.

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<sup>27</sup> Refer also to Chapter 7 3.2

While it is apparent that there were some “professional” protesters is also obvious that for some (many?) of the people in the camp the sole focus was on protecting the environment and from their perspective any action taken was justified if the outcome was the cessation of the project. While sincere in their beliefs, they were welcomed, used or vilified by the local community, depending on which perspective of the project is considered. At this point, the question should be asked as to what the company can do to earn its SLO from these groups. While it is apparent that elements of the groups will comply with what is perceived as a fair and democratic process, there are others who are unlikely to ever approve projects of this nature. As Boyd (2021) notes “the most important lessons I learned during this time was how useless the democratic system is for people protecting their local communities from harm” p35, and he is supported by a local resident, {35KM} who’s view of the protest was “it has to be stepped up; it has to be mobilized. You know this is a battle for the future of our country as we know it. There's nothing anyone could do or give me to persuade me to support fracking.”

The company wishing to earn its SLO therefore can only hope to contain such groups and limit the damage. Perhaps the company should follow the advice of 30KM who stated that “you’re not going to get rid of some people because their objections are different, but like anything you try to marginalize certain people, the extremists, I don’t mean that in an unkind way, some people have very strongly held views, but you marginalise, those people.”

While it is unlikely that there will ever be consensus within the community for the awarding of the SLO at least the aim should be to achieve some kind of peaceful coexistence, at least on the side of the company or project sponsor.

## **6.5 Opposition Organisations**

While not apparently directly involved in the campaign against the shale gas project at Kirby Misperton (although they were certainly involved nationwide) a number of NGOs and charities were indirectly involved and supportive of



the opponents of the Kirby Misperton project. Sometimes this merely involved a public statement or a social media presence, especially as far as the major traditional environmental groups are concerned. So, for example {28KM} could note that “The National Trust has come out as opposed to this ... and The Campaign for Protection of Rural England”. {24KM}, eloquent as usual, said “Oh well, here are the environmentalists. They've got their eco campaigns, they call them, the greens, Friends of the Earth. So, these are people who are trying to save the planet but they actually don't belong to this planet.”

{41KM} with a more generalist perspective said “we are facing global environmental nongovernmental organizations who are very, very experienced at campaigning who, long before Third Energy opened their mouth to say they might be interested in fracking, were already campaigning against it.”

It is apparent that a large number of more radical environmental groups were involved in the background at Kirby Misperton, largely as a part of their campaigns against the total shale gas industry. A substantial part of their involvement related to training. As {37KM} observed, “They're very well organized in terms of their legal representation; in terms of knowing exactly the right side of the law; in terms of their social media. For a relatively small group, they are incredibly good. They are really, really good at what they do, because they're well-funded and they're well-organized and they're well-trained.” {29KM} believed they [not sure who] have “got a camp down at Leith Hill, which is like a central camp where they train people, and where they make the lock-on's for the various protest sites that they are working.” (Figure 58).

Real Media have kindly offered a condensed media training workshop at [#LeithHill](#) Protection Camp tomorrow, at 12 Noon  
It will cover press releases, how to deal with TV and radio and how to utilise social media and alternative media as part of your bag of tricks.  
Please arrive promptly as this session will only last for a couple of hours.  
This will be really useful to anyone who wants to help support the campaign, so anyone is welcome to come along.

Address for camp -  
Leith Hill Protection Camp  
Bury Hill Wood,  
Coldharbour Lane,  
Holmwood,  
Surrey  
RH5 6HB (See Map).

This postcode is for ColdHarbour Village, so the best thing is to use the map. Travel 3/4 mile north of Coldharbour, on Coldharbour lane, or travel approx 3 miles South from Dorking.

Nearest Train station is at Dorking. Phone someone at camp to pick you up

<https://www.facebook.com/events/1633499370276138/>



THURS, 3 NOV 2016

**Media Training Workshop**

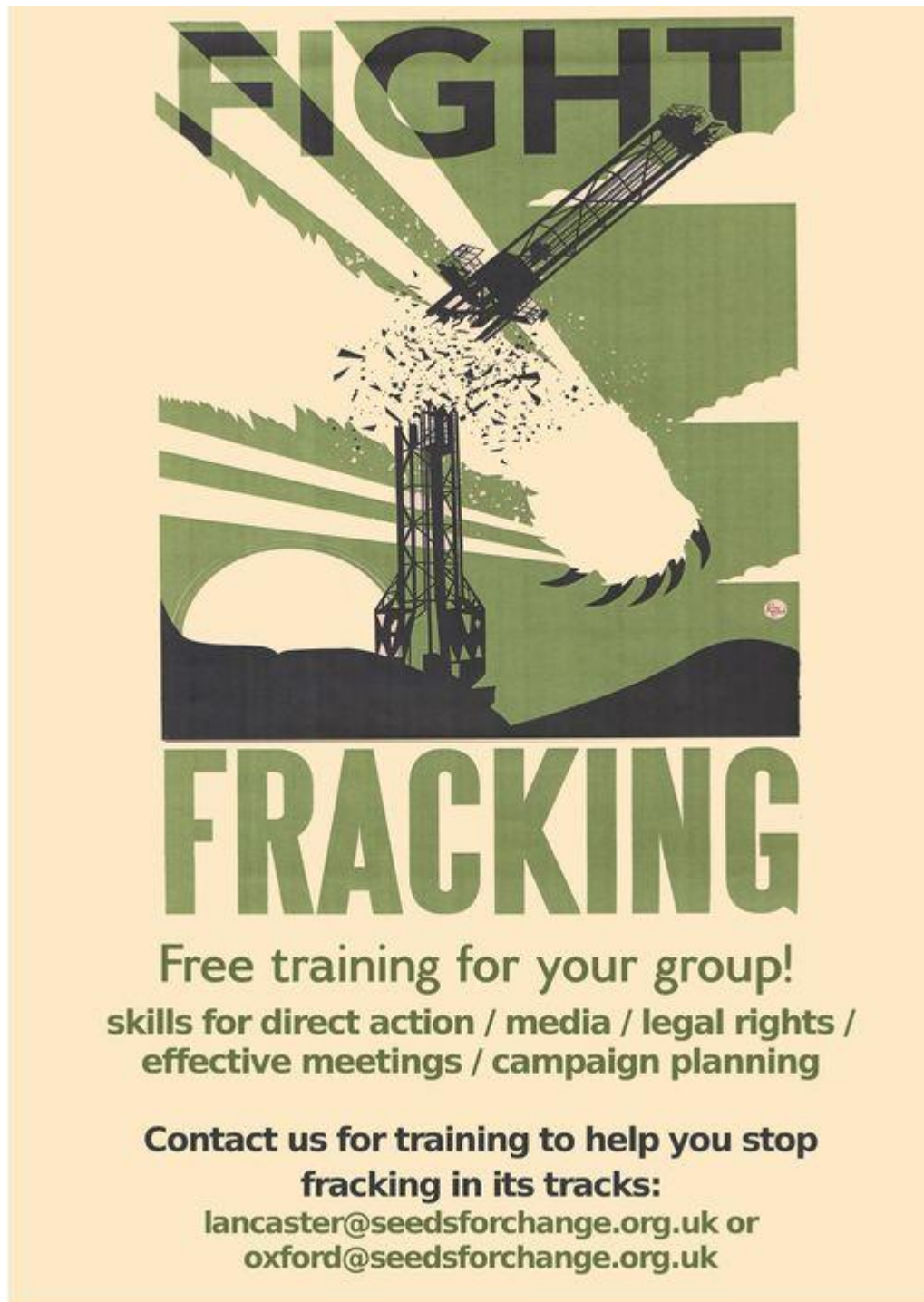
Leith Hill Protection Camp, Bury Hill Wood, Coldharbour Lane, Holmwood, Surrey RH5 6HB

### Figure 58 Leith Hill Media Training

Source: <https://www.facebook.com/events/1633499370276138/>

This researcher was invited by 350.org to join a media training camp but could not attend. See also Figure 59.

Advocacy and protest groups have become an expected part of everyday life and there is no need to reiterate the numerous environmental campaigns and organisations such as Extinction Rebellion, Greenpeace and, more recently Just Stop Oil. As Rowley & Moldoveanu (2003) note “Stakeholder activism has become a common occurrence in corporate life and a genuine managerial issue, as environmentalists, employees, community groups, human rights organizations, and charitable organizations increasingly use a variety of strategies to influence firms' actions. (Rowley & Moldoveanu 2003) p204.



**Figure 59 Training Offered**

Source: <https://seedsforchange.org.uk/training>

With Coul Links two major organisations that got involved were the Scottish Wildlife Trust and the RSPB and neither of their campaigns have gone dormant in anticipation of a possible new application (OO). Even local level

environmental groups became involved, as explained by {45CL} “I’m a member of the Field Club [and we] objected en masse to Coul because we're familiar with the site and go there.” At Coul the RSPB Scotland worked with Buglife Scotland, Butterfly Conservation Scotland, Plantlife Scotland, the Marine Conservation Society, the National Trust for Scotland, and the Scottish Wildlife Trust to oppose the project (PP).

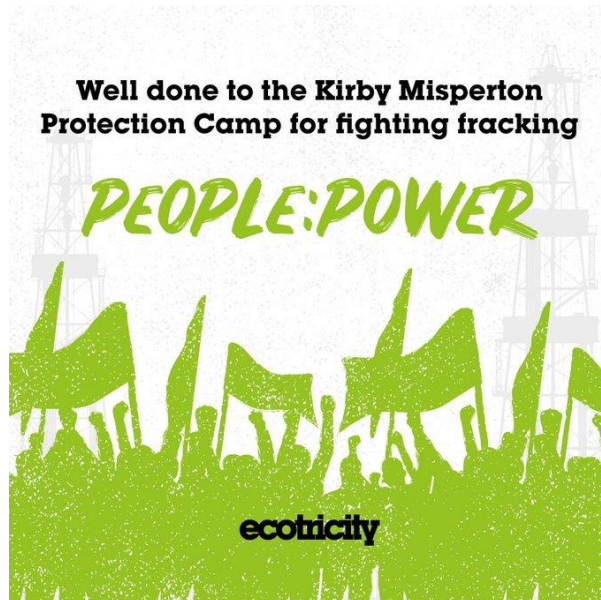
Follow the money certainly was a theme that arose when discussing the actions of the various protest groups. Numerous claims were made about the source of funding for the protests. The view was that “there's such a machine behind the protest movement in terms of the time they have and the funding ... there's companies like LUSH, Friends of the Earth and things like this, they fund them.” {27KM}. This was also the view of {29KM}, who added Greenpeace and charitable foundations to the list.

Concerning payment to individual protesters/campaigners {38KM} advised that “Eddie Thornton who is one of the big wigs down there, he's part of Momentum. We're told that he's getting round about £22 grand a year off Momentum, and Friends of the Earth also funding him as well.” Lorraine Allanson (2020) said that she had written to environmental organisations asking how much they pay their campaigners. She was advised that the “salary of a paid campaigner is around £40,000 per annum.” (Allanson, 2020) p54. Without implying anything further, that is certainly a reasonable salary.

There was much speculation amongst many of the interviewees as to the source of funding for the environmental organisations, with claims that money was coming from Russia, but there is no way of verifying that.

Certainly “Drill or Drop?” (<https://drillordrop.com/>) an online news source claiming to provide “Independent journalism on UK fracking, onshore oil and gas and the reactions to it” is funded by The Joseph Rowntree Reform Trust. This publication is a leading opinion former in the UK wide fracking/shale gas debate.

What is interesting is that Mr Dale Vince, founder of Ecotricity, a renewable energy company, and the funder of the current Just Stop Oil campaign (QQ) was also a supporter of the Kirby Misperton protest camp (Figure 60).



**Figure 60 Advertisement in Kirby Misperton Protection Community Facebook page**

Source: <https://www.facebook.com/groups/573619286143264/>

However, perhaps the most damning assessment of NGOs and the funding comes from Joseph Boyd (2021) where he says:

“The International development NGO industry has risen from about 200 organisations in the late nineteenth century to approximately 50,000 by 2010, rising exponentially since the 1970s along with free market capitalism. Crucially, while these organisations raise some money from public donations they have become increasingly dependent on government funding. This raises important questions about whether these NGOs become more concerned with money and protecting thousands of jobs whilst limiting the crucial tone of campaign messages.” (Boyd 2021) p35.

At Coul Links only one person raised the issue of the funding of the protests against the golf course. {49CL}, commenting on the funding, said “I'm always

intrigued as to who funded the opposition campaign.” After naming some very wealthy landowners as possible funders he said, “these guys have environmental ecology stamped on their t-shirts, but they're ridiculously wealthy people, and have ridiculously extravagant, carbon footprints. You can only make money by spewing carbon. So, I think there's a hypocrisy there, which I really detest. They're second-generation rich, and they feel that are above us.”

There were suggestions in Kirby Misperton as well that “support” for the anti-fracking community had come from several wealthy families. {32KM} suggested that “Flamingo Land put in a strong objection.” although there are such mixed messages from the interviewees about this organisation that it is difficult to assess where the truth lies. Nonetheless a number of others were listed by {32KM} who said that “the great and the good are active campaigners against fracking”.

If what they suggest is true, then this implies that there is possibly some kind of pernicious selfishness in which the rich support opposition to projects that may have an effect on their properties/estates/lifestyles.<sup>28</sup> Similarly, it is evident<sup>29</sup> that a number of wealthy individuals are also funding the climate denialist network. This would need further investigation, and is beyond the scope of this thesis, but it does raise some interesting questions.

## **Summary**

It is apparent that environmental activism in particular is becoming a force that organisations involved in any form of development are going to have to deal with. Environmental groups have moved from the genteel WWF through Greenpeace to Extinction Rebellion, Just Stop Oil and beyond.

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<sup>28</sup> In South Africa, for example, the anti-fracking campaign is funded by one of the country's most wealthy families who, interestingly, made their fortune from the tobacco industry.

<sup>29</sup> See, for example, “US Oil Billionaire Charles Koch Funds UK Anti-Environment Spiked Network” <https://www.desmog.com/2018/12/04/spiked-lm-dark-money-koch-brothers/> accessed 4 December 2018

Environmentalists are coming more powerful, making effective use of social media and disruptive protest.

The number of protesters, as opposed to local residents, is quite low although at the gates and on the “battlefields” protesters seem to outnumber the local residents. However, that small number of protesters comprises people who are extremely well trained and in most cases totally committed to their cause. This makes them difficult to deal with. Companies need to identify, as far as possible, which sections of the protest community would be prepared to negotiate and come to some form of compromise and deal with them, independently of the diehard protesters. To aid in this process companies seeking the SLO need to be far more social media and media savvy.

## **6.6 Political Motivation**

It became apparent during the research that some actions were politically inspired. In Loeriesfontein the issue was succinctly described by {1LF} who noted that “the challenge is now, because the municipality is ANC led but the ward is a DA ward, people in the municipality are making it difficult to implement any projects, which frustrates the community.” Due to the flow of benefits being limited to Loeriesfontein the mayor of the municipality would not approve any expenditure in Loeriesfontein at all {5LF}, thus as {8LF} observed, “They want to punish the DA but at the end of the day, it’s the community that suffers.”

{23LF} described a “deep down history and tensions” in the community and noted that “literally you have [political] boundaries on the block”. This can lead to an exclusionary effect. Some of the interviewees in Loeriesfontein observed that politicking in meetings caused them to avoid such occasions, as observed by {6LF} who noted that “I never went to community meetings because it ends up in a political, always political issue, so I never go to it.”

The Ryedale district in which Kirby Misperton is located has been a safe Conservative party seat for years. Included in those interviewed were the sitting MP and Conservative and LibDem councillors, but there was little political comment, other than what one would expect. With the protesters however the view certainly was that there was a strong political undertone to the protest. Numerous interviewees confirmed that the local leader of the camp and the opposition movement, Mr Eddie Thornton, was a member of Momentum, was apparently paid by Momentum and the view was that, according to {26KM} “fracking is a weapon to try and get rid of the government, it's political.” This was a view corroborated by {37KM}, {38KM} and {40KM}. Mr Thornton’s poster (Figure 61) eventually became the logo on the KM Protectors Facebook page.



**Figure 61 Mr Eddie Thornton with his iconic poster**

Source: <https://www.theguardian.com/environment/2018/feb/18/fracking-protest-kirby-misperton-north-yorkshire-third-energy-fossil-fuels-environment>

Mr Thornton would not be interviewed so perhaps one is reading too much into pictures and interviews given by him. Nonetheless it is apparent that he was certainly anti-government.



There were other elements of political involvement in the protest at Kirby Misperton (Figure 62) as observed by {28KM} who noted “My heart sinks when I see socialist posters, saying capitalism causes global warming.” Many of the interviewees (inter alia {26KM}, {28KM}, {35KM}, and {40KM}) believed there were political connections to the protesters with {37KM} stating “You’ve got the clearly political element of the protesters as well as from the hardcore guys” This involvement of politics, in what was seen by many as a more local community, health and environmental issue, created a problem as noted by {28KM} who stated that “I don’t mind walking alongside members of the Socialist Worker, but the reality is that by putting your name, your political colours to the flag you actually devalue the process, so you have to get much more cross-party, less left versus right.”



Figure 62 Self-explanatory

Source: <https://frack-off.org.uk/local-group/frack-free-ryedale/>

This does not detract from the validity of the protests, but it does provide a lens as to the motivation some protesters.

There was no specific political involvement evident at Coul Links, albeit that it is apparent that the local council would welcome possible positive economic spin-offs from the project.

Whatever the extent of political involvement and political motivation it is very difficult for anyone seeking the SLO to deal with this. “Man is a political animal”<sup>30</sup> and it is to be expected that there will inevitably be some element of politics in all interactions.

## **6.7 Environment**

As discussed in the literature review, there are issues regarding the term “environment”. In the first instance environment is a generic term implying the milieu in which the firm operates, whether that be political, economic, or social. Accordingly, as far as the SLO is concerned, the term “environment” is intended to refer to the natural environment. The natural environment cannot be personified as a stakeholder yet nonetheless is affected by the project and accordingly may be considered a stakeholder (Starik, 1995), a dependent stakeholder (Mitchell, Agle and Wood, 1997), an instrumental stakeholder (Phillips and Reichart, 2000), the primary stakeholder for the firm (Driscoll and Starik, 2004) or at least should be made visible as a stakeholder (Laine, 2010). The question remains as to who represents the natural environment. Is it the various environmental NGOs, or the “eco-warriors” – the numerous environmental protest groups, or is it the people residing within that particular region of the natural environment? To a greater or lesser extent all these various groupings claim the right to represent the natural environment.

A further question, which is not specifically answered by the case studies but is revisited at the end of this section is whether, when a company has complied with all the EIA requirements, it needs to do more, especially as

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<sup>30</sup> Essentially misinterpreting the meaning of Aristotle’s statement regarding the nature of man to seek community, in Aristotle, Politics, Book 1, Section 1253a.

compliance provides legal legitimacy? Or does it, as inferred by Gunningham, Kagan and Thornton (2004), have to go further?

Finally, there is the question of difference between environment and ecology. As will be seen below it appears that in the Kirby Misperton case it was predominantly the environment that was of concern whereas with Coul Links it is the ecology that is of importance.

It should be noted at this stage that there was no environmental concern expressed in any way at Loeriesfontein. Apart from the fact that the wind farm is situated over 50 km away from the town, all would consider the benefits to be environmentally friendly had they paused to consider it as opposed to, for the majority of the residents, merely struggling to survive.

It is reasonable to assume that most, if not all, people would express support for “the environment”, albeit that they do not necessarily act in an environmentally responsible manner<sup>31</sup>, exhibiting what Van der Horst (2007) p2712 notes as the ‘value-action gap’. So {41KM} can cynically observe “they're a bit green, that family but he drives a big car, a lot of them drive very big cars.” and “there's a guy [opposed to the Kirby Misperton project] ... who posts pictures on Facebook of him sitting in Club Class accommodation on planes flying to Singapore, so there's no logic there. I think for a lot of people it's virtue signalling.”

It was apparent that most people objecting to the fracking/shale gas project had a deep conviction that the project would be harmful to the environment. As {37KM} observed “if you have any environmental conscience, you cannot support fracking”, while {36KM} stated that “All you're doing is trying to protect your environment, your health, the ecosystem and very importantly the world climate. So, you can't ignore the ecosystem and the environment.”

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<sup>31</sup> According to the Centre for International Environmental Law (<https://www.ciel.org/issue/fossil-fuels-plastic/>) 99% of all plastic, whether used in fabrics, utensils or elsewhere, is derived from fossil fuels.

However, the term “environment” seems to be a catch-all for concerns relating to water and air pollution and the possible seismic consequences of fracking. As {42KM} observed “The people outside the camp were not necessarily environmentalists, because history shows environmentalists are people who protect the environment at all costs - they are the real environmentalists”.

Connors and McDonald (2011) p560, when discussing environmentalism observe that “New environmentalism covers a range of movements and activities, but at its core ... it is at the local level where most individuals feel empowered to act ... as a consequence, the issues-oriented action that follows is largely underpinned by individual values”.

It is important that project developers or companies understand that environmentalism, at whatever level, reflects often deeply held views and values and cannot be dismissed or treated lightly. Acknowledging and addressing environmental concerns, as discussed in Chapter 7 below, is a necessary step in earning the SLO.

This then leads to a brief discussion on the distinct types of “green”. {42KM}, author of the book “The Road to Kill the Bill” explained:

“There's quite a unique difference between the camps and the [environmental] movement itself, actually. I'm sure you've come across dark green environmentalism and you've come across light green and bright green environmentalism? Well, within the Neoliberal discourse, whereas you used to have dark green environmentalists, who are the traditional environmentalists, and light green, you now have the bright green as well. So, [the light greens] your Frack-Free Ryedale's, your climate change movement, your NGOs, et cetera, they work with the industry for a social licence - they try and negotiate a cooperation and a consensus, whereas the dark greens, like myself, the people who generally live on camps, we are, the environmentalists and we say, let's look at the evidence [and] make our decision from

that. So, from that start point, there was no social licence from the dark greens because we knew that every well would fail eventually. We were the only defence against the industry because the light green and the bright green were there to negotiate.”

Alex Steffen (Steffen, 2009), who appears to have coined the phrase bright green, explains that bright green environmentalists believe that sustainable innovation, involving design and urban revitalisation, is the best path to lasting prosperity. Light green environmentalists are more concerned about individual lifestyle, behavioural and consumption changes as the key to sustainability whereas the dark greens advocate reducing consumerism, possibly even industrialisation, and taking direct control over one’s surroundings (Steffen, 2009) pp 1-2. Hoffman (2008) p2 states that “The dark green ENGOs seek radical social change to solve environmental problems, often by confronting corporations.” This provides an interesting insight into the behaviour and sloganeering of the protesters at Kirby Misperton where many were calling for a change in government and the replacement of capitalism, as noted above. This is also an issue companies seeking the SLO need to understand and build into their engagement strategies.

At Coul Links there was limited technical knowledge and understanding of the implications of the golf course for the dune system and related biodiversity. The main protagonist opposing the golf course was a recognised authority on dunes, particularly in Scotland, and stated that {43CL} “I’m an environmental scientist, so ... I use my own knowledge to fight this scheme”, describing the promoters as “a bunch of carpet baggers or snake oil salesmen”. {46CL} did observe that “More than being an SSSI site, it’s a Ramsar<sup>32</sup> site”, nevertheless, it seemed very difficult for the majority of

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<sup>32</sup> From Rāmsar, the name of a town in northern Iran where the “Convention on Wetlands of International Importance Especially as Waterfowl Habitat” was signed in 1971. (<https://www.lexico.com/definition/ramsar>, Joint Nature Conservation Committee, <https://jncc.gov.uk/our-work/ramsar-convention/>). Ramsar Sites are wetlands of

the people interviewed to conceive or worry about what is now apparently a very stable system changing over the next 500 years. There was the potential for more immediate impact on some of the biodiversity, but as one of the interviewees noted “I don't think [we should be concerned about] one little fly, somewhere in the dunes; it'll survive somehow or another. Probably isn't there anyway.” {50CL}. {49CL}, a local politician, was obviously aware of one of the biological impacts when he commented wryly, “I say, if Fonseca's seed fly (*Botanophila fonsecai*) may be in danger, that hasn't been proved. There's Fonseca's seed fly at Golspie, Tain and Dornoch, but I've never yet had a vote from a Fonseca's seed fly.”

The difference between the two case studies is that at Kirby Misperton the concern was for the environment, as far as it impacts on the human population. This means that issues such as water and air quality, health and seismicity are the predominant discourse. From a company and SLO perspective the conversation becomes much more personal and subjective implying that the company has substantial work to do to create support from the community. There is also no objective standard to indicate that this “human” environment will not be harmed, albeit that the Environmental Agency does monitor water and air quality, while the British Geological Survey monitors seismicity.

At Coul Links, while there is naturally some environmental concern, the principal discourse is to do with the ecology, the natural environment, in which the project will be situated. Here there are environmental impact assessments (EIA's) provide an objective set of measurements by which to determine the impact of the project. There will always be debate on these EIAs, and the hearings can become extremely personal and aggressive, as

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international importance that have been designated under the criteria of the Ramsar Convention on Wetlands for containing representative, rare, or unique wetland types or for their importance in conserving biological diversity (<https://jncc.gov.uk/our-work/ramsar-convention/>).

will be covered in Chapter 7, there is due process to ensure that the environment is protected while taking into account socio-economic factors.

The company's perspective in attempting to earn the SLO is that its role is to ensure that all necessary impact studies and legal permits are obtained, at which point they could demonstrate, if not moral legitimacy, certainly legal legitimacy. This despite there being people or communities that do not support them.

The question was raised at the beginning of this section as to whether the company has to go further than mere compliance with legislation, as inferred by Gunningham, Kagan and Thornton (2004). There are two responses to that question. As was demonstrated above CSR/CSI did not have a role to play in any of these case studies, so one element of Gunningham's going beyond compliance is of no consequence. However, it is apparent that companies have a substantial and vital role in addressing and allaying the fears and concerns of the community with regard to the environment. To that extent going beyond compliance to earn the SLO is essential.

## **6.8 Future Generations**

As Brundtland (1987) p16 famously observes, to be sustainable [a] development must "ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs." and later, "Even the narrow notion of physical sustainability implies a concern for social equity between generations" (Brundtland, 1987) p41. And, as Ryland (2000) p 397 suggests, "When money is replaced with a concern for life, the time frame for decision making automatically shifts away from the nanoseconds of the financial markets to a concern for future generations."

Two themes of interest emerged as concern was expressed for future generations from the interviews; environment on the one hand, work opportunities on the other, and the views are largely in conflict.

In Kirby Misperton, a number of interviewees were concerned about the environmental impact of fracking on future generations. {35KM} declared “we have a responsibility to future generations. There's no way do I want people saying to me in 20 years time, why didn't you do something about it. I want to be able to look them in the eye and say I tried.” While {36KM} discussing environmental impact in the future noted that “A hundred years might be too bloody late for a human race and possibly will be. But that's not really my concern, but I still worry about my family.” This concern was repeated by many of the interviewees at Kirby Misperton. Interestingly, at Coul Links, where the concern was more ecological than environmental, there was no mention of future generations and the environment.

At Kirby Misperton it was accepted by most interviewees that there would not be a plethora of jobs flowing from the project, albeit that there may be jobs in the supply chain and ancillary industry. In any event these would not specifically be jobs for younger people. {26KM} did suggest training “youngsters to work in the industry so they can have better paid jobs a year-round and then they'll be able to afford to buy the houses and live here.” While {37KM} while discussing the economics of the area observed that both his son and his daughter could not wait to leave the area when their schooling was completed “because there is nothing here”, noting that “the area desperately needs financial and social rejuvenation”. However, work opportunities for future generations were certainly not a factor at Kirby Misperton.

At Coul Links, in contrast, the prime motivator for the development was job creation particularly for the younger generation. As has been noted earlier the population at Embo and the surrounding areas is ageing, and young people are leaving to seek better opportunities in the major cities in Scotland and further south. As {50CL} observed “The local youngsters want to stay here but it's still difficult for them to find decent jobs. And if they don't stay, this place becomes an old folk's home, without any old folk's home facilities.” {51CL} concurred, stating that “looking at the youngsters in the village here,



my wife's got five nieces and nephews and there's only one of them left in Sutherland. There's nothing here for them. We need the jobs and that's the hard fact of life.” {49CL} observed that if there are no young [people] what's your, what's your economy worth?” Irene Bews, one of the promoters of the golf course stated on a promotional video “We owe this to our young people and future generations” (RR).

There was however enormous scepticism as to whether the project would ever bring substantial work opportunities to the area. {44CL}, {47bCL}, {48CL} and {47aCL} noted that very few jobs had been created by the golf and tourism developments in Dornoch and by the caravan park in the village, and the jobs that had been created were all minimum wage or zero hours contracts. When the Grannie's Heilan' Hame development was first mooted jobs had been promised. However after a few years the locals were paid off because “they want proper wages” {51CL} and “initially, there were a lot of jobs but now it's down to 1 or 2 people” {47cCL} with a number of Eastern Europeans brought in as temporary workers, so at the end of the season they “shut the door, shut the site, and walked away” {51CL}.

Summing up the dichotomy of views, {46CL} commented “Jobs is the magic word up here for almost anything that comes through is, there'll be jobs, there'll be jobs for the locals. Yeah. I am cynical on this, but I don't think the people that are thinking about the jobs are actually considering much about the environmental impact of it.” And, as {45CL} strongly expressed “So just not just wildlife, but the social side of it, enrages me. In fact, I'm enraged by the whole process. I do, I get really angry. I get angry because of the ignorance of the people, that are proposing this and the spurious arguments that they present. And you're thinking that they're taking us for complete mugs, there's all these jobs being offered - how many jobs, what quality of jobs and, and will they be year-round jobs?”

How does this impact the company promoting a project and wishing to earn its SLO? It seems that there are three allied approaches when considering future generations, the environment and work opportunities. In the first

instance, if the project is going to harm the environment now it will harm it for future generations as well. The obligation therefore is firstly to ensure compliance with the EIA and, as a minimum, to ensure that it continuously complies with all environmental requirements, which themselves may change over time, and thereafter, maintain regular and open communication with all communities on these issues, as is dealt with in more detail in Chapter 7 below.

The work opportunities, which in this section only applies to the younger and future generations, need to be fully explained and quantified. Anecdotally, in the various interviews, people advised that other projects had promised meaningful jobs only for it to transpire that these were, at best, hoped-for but in reality a complete fiction. If the project company wishes to achieve its SLO commitments need to be demonstrable.

## **6.9 Communities and Culture**

A sensitive but important issue was that of culture. As {37KM} observed “Every area's got its own sort of history, culture, background, attitudes and so on” and this was apparent in all case studies.

Being a small town in the middle of a vast arid region Loeriesfontein was certainly very parochial. As {8LF} observed “Our town is very different. They call it the Republic.” The company did not initially understand this quite substantial cultural difference. {11LF} who had worked for the company stated that “They don't understand local people. I think it's actually disrespectful.” Similarly, {4LF} summed it up, saying “we were a very mixed community and the people come in from somewhere else and now expect us or treat us the way they think things are or should be. This is really quite alarming. So, I don't think they really respected the way we do things in this community.” An indictment on companies working in areas in which they have no experience.

Inherently the culture in the town came about from isolation, race, language and of course Apartheid. This was not really understood by white managed company with a head office in Ireland. Even the local country manager, who observed that “every town has got its own dynamics in its own challenges and everything” accepted that, due to the economic difference between himself and local community, he had “lost contact with how that desperateness of people's minds influences what they do and how they do it.” The company management further accepted that “putting somebody into the community who could not speak Afrikaans was an error, it’s a cultural issue.” {22LF}.

Ryedale, being a rural area, and in Yorkshire, seems to have its own culture. As {33KM} observed “I think what we've understood having moved around a fair bit is that this part of Yorkshire has a distinct character.” {40KM} referred to “this façade of gruff, steely North Yorkshire stoicism” while {32KM} described it as “some Yorkshire fatalism”.

This may partly be due to its setting which {37km} described as “a real culture, a local rural culture”, which was confirmed by {33KM}, stating that “the land is really important in this bit of Yorkshire. It is part of the character of who people are.” While {40KM} opined that the area is “very, very traditional and there is still a recognition of dual societal strata - just look at the hunting community.”

It appears that part of the community’s reaction to the shale gas project was due to a resistance to change. {38KM}, in discussing the people in Kirby Misperton pointed out that “They don't want change. They're the old school Yorkshire. And that's their village. And they don't want change.” This was corroborated by {33KM} who observed that “things stay in people's memory a long time, and they don’t want to change. It’s that sort of mindset”.

A similar desire to retain the local culture was eloquently expressed by {49CL} in discussing people moving into the local community at Embo, noting that “it dilutes the culture”. He went on to say, “Our culture is the times that

we live through, this has all been diluted.” He gave a long history of his family’s experiences in the area, of the hardship and poverty experienced and of his desire to improve the lives of the local community, the driving force behind his support for the golf course development.

This issue of culture and cultural recognition is extremely important. Ignoring cultural differences is tantamount to disrespect and could jeopardise the company’s ability to earn the SLO. This was certainly the case in Loeriesfontein where the cultural differences between the company and its management and the local community were most marked and where ongoing resentment had been fomented.

## **6.10 Communities and a Sense of Place**

An aspect raised by, inter alia, Cotton (2013) is the issue of a sense of place. This theme and related aspects are discussed in this section.

Stedman (2003) p682 suggests that a sense of place is created by associated meanings, attachment and a sense of satisfaction related to the physical environment. Nelson, Ahn and Corley (2020) in reviewing the literature on sense of place note that it is a multidimensional concept, difficult to isolate involving identification, dependency, and symbolism. In some cases it is familiarity that breeds an emotional attachment to the environment (Kyle and Chick, 2007). They note further that subjective experience, community and ancestral ties all go towards building a sense of place. (Kyle and Chick, 2007) p223.

While {34KM} described the Ryedale area as bucolic and {37KM} said “We live in a beautiful village” there was no real evidence of a sense of place expressed at either Kirby Misperton or Loeriesfontein. It was only the interviewing people both in favour of and opposed to the golf course development that the concept of a sense of space came to the fore. {42CL}, described why people felt an affinity for Coul Links. “They like it as a place to walk. They like it because of its silence. Sometimes you get a “magical

moment.” You can see otters on the beach. If you go into the dune interior, if you're quiet and you wait, you can actually get quite close to the roe deer. There are people who have, what I would call, something deep and inner. Coul is almost a wild place where they can go and almost lose themselves.” This was borne out by {43CL}, who lived more than 20 miles from Embo by road but still regarded herself as part of the community, said “I’ve had many happy days at Coul. It's the kind of place that when you walk through it or around it, you never know what you're going to see. You know, deer pop up, pheasants, all manner of bird life. It's not managed, it's not big, but it's different from anything else in the area.” This sentiment was confirmed by several other interviewees.

Almost everyone spoken to walked on the Coul site. {45CL} described it as “quite a good walk, when you go around, when you go around from Embo, and walk around the dunes and come back up over the top, it's reasonably big.” While {48CL} said “walk down the track along the beach, which I've done for over 30 years and the children have all done it regularly - we have got a lot of family connections there.” A lady who was stopped in the street {47bCL} said “Personally, I like the wild and would prefer there not to be a golf course.”

Even Irene Bews, a director of the company promoting the golf course in the community, Communities for Coul Limited and who refused to be interviewed, stated in a video addressed to the local community “As an Embo resident I’m passionate about where I live, as we all are. I walk Coul Links daily in solitary splendour and revel in its beauty.” (SS)

A different aspect of sense of place came from Embo residents with long family histories in the village, as has been described previously. {48CL}, {49CL} and {50CL} all expressed a deep affinity for the village, with families going back, in some cases, many generations. Their sense of place therefore came from their association with the village rather than from the natural environment. This sentiment is best expressed by {49CL} who said that his wife is fifth generation Embo, they live in the house that was built by

her great-grandfather and his grandchildren live in the village. He continued “There's a place and a belonging to that place, but those that want peace [opposed to the development] perhaps don't belong to the place and don't have the families and experiences that we bring over generations.”

This sense of place engendered strong feelings both for and against the development and companies wishing to obtain the SLO need to be cognisant of this aspect communities with which they interact. While it is not an aspect under the control of the developers, understanding the sense of place and dealing with it empathetically would certainly assist in developing relationships with the community and thereby assisting with the SLO. As Van der Horst (2007) notes “people who derive a more positive sense of identity from particular rural landscapes are likely to resist such potential developments, especially if they also live there.” (Van der Horst, 2007) p2705.

Perhaps a comment made by {45CL}, a falconer and artist who was a regular visitor to the Coul dunes sums up concerns about the impact of the potential golf course and the loss of the sense of space:

There's two phrases which go through my mind a lot. One of these, and this may not ring a bell with you, ‘We're doomed, Captain Mannering. We're completely doomed!’ and the other one is Joni Mitchell's ‘You don't know what you've got till it's gone.’ And that goes round in my head a lot and people will, too often people will completely wreck anywhere, and they don't intend to. They want to see it; they quite understandably want to experience it.”

## **6.11 Impact of Social Media and Events Elsewhere**

It would be naïve to believe that events taking place elsewhere had no impact on the perceptions and views of the relevant project community. The

most obvious example is that of shale gas extraction or fracking. Not only was there a substantial public interest and media coverage of developments and protests in Lancashire and elsewhere in the UK at the time that Third Energy commenced their operations, but there was also substantial international activity as well. Third Energy cannot have been unaware of what was happening and yet appear not to have considered the implications for their SLO. There was little to no mention of these other projects in discussion with both management and their communications consultant. Third Energy management appear to have regarded international events as not relevant to the UK as there were different standards as far as fracking chemicals, seismic events and the impact on water were concerned.

However, that did not stop the community interpreting things differently. The government and the industry had talked about “gold standard” regulations. {36KM} stated “The fact [is] that every other country as far as I’m aware has also been told we’ll have gold standard regulation and there’d been some quite nasty things happened.” {35KM} reiterated “when people mention Pennsylvania or they mention Victoria state or whenever there’s been problems, Maryland, Canada, all they come up with is yeah, but we are going to have gold standard protection.” He then put his feelings quite succinctly “You know Douglas this is bullshit. Absolute bullshit, gold standard bullshit. And I don’t swear.”

The company battled to understand. {27KM} noted that “It’s hard for me from being there for 11 years to go from what’s been the reality to then this doomsday that people are painting.” But he did admit that {27KM} “I just think the industry itself has sold itself so badly.”

In Loeriesfontein there was little knowledge as to what had happened elsewhere for the community to compare. Nonetheless there were already gearing themselves for the benefits that will flow from the new solar energy plant to be developed nearby.

With the Coul Links the spectre of Donald Trump was raised repeatedly. As {43CL} observed “we've all got experience of the Trump course at Balmedie down the coast, which was vile. There wasn't a single local job for the Trump course. And the destruction of the dunes and the destruction of the wildlife, It's just disgraceful.” When the Coul Links course was being proposed the first time {47CL} noted that the promoters were compared with Donald Trump. Even supporters of the previous development were aware of the Trump issue. As {49CL} stated “I don't want to ruin that area. I don't want a Trump-style course.”

It is apparent therefore that similar projects or events happening elsewhere, or previous experience, and much that can be “learned” from online media can influence communities and create or alter their expectations. This then naturally feeds through to the community's response to the project. Companies seeking the SLO need to be aware of these types of impact and take them into account when engaging with their communities.

Social media as a group was discussed above. However social media also has an enormous impact on public perceptions. As Proctor and MacCallum (2020) p4 note “social media makes potentially negative publicity more globally visible than ever”.

Einfeld, Bice and Li (2018)'s suggestion that social media provides for a more informed community is not substantiated by the literature. In a substantial report on social media and disinformation, Tucker et al. (2018) comment that “social media [is] driving political polarisation and the prevalence of disinformation” (Tucker et al., 2018) p4. They also raise the issue of “bots” as drivers of political and social agendas and conversations. Prior (2021) highlight the rise of “dis-information”, which is intended to mislead the public and “mis-information” which also contains false content but is not intended to cause harm. Lagares Díez and Pereira López (2022) p270 observed that users of social media accumulate information at a rate which precludes them being able to fully assimilate and crosscheck. Furthermore, such information,



which is often driven by algorithms, is mixed with emotion and leads to “radicalisation and polarisation of the audience”.

There is no question that social media had an impact on perceptions at Kirby Misperton. As {38KM} observed “the anti-fracking [protestors] have got all day to make phone calls and go online. And I think that made a massive difference in this area, certainly. They did have a caravan, they had three media people working full time for them at that camp.” And discussing social media with the communications consultant to Third Energy she stated “They certainly get people to you to sign petitions and write in” and noted that of the 4,000 objections to Third Energy’s planning application, those from within the Ryedale, Yorkshire, North Yorkshire area amounted to about 0.5% of the North Yorkshire population.

However, Third Energy were certainly unprepared to deal with social media. As {27KM} commented “it took everybody a long time to react because you just initially thought it’s just nonsense and maybe... but they have people sitting at the computers all the time writing stuff and you know how blogs and stuff can suddenly become facts because they get passed on and they’re now become some source [of truth] when it wasn’t.”

Referring to environmental campaigners, Verma and Chakraborty (2021)<sup>33</sup> p1 note that these groups are now proactive in creating “networks of hope and outrage”. These networks rapidly become international, as observed by {40KM} who said “Frack-Free Ryedale is an international online platform therefore it’s a global. People do take an interest and that’s the easiest way to take an interest. Whether that’s indicative of the level of protest community involved in that protest I’m not sure really.” And that is the problem, who does the online community actually represent?

It is beyond the scope of this thesis to analyse the impact of social media on projects and, while social media can have a significant impact on

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<sup>33</sup> Tom Dargie, one of the authors, was one of the interviewees in the Coul Links case study.

communities' views of specific projects and developments, this is a social community outwith the influence of the project promoters. Notably, Uldam (2018) provides an interesting insight on how companies, in this case BP, use social media visibility to monitor activist groups and develop response strategies. Perhaps this is an insight into future developments.

Accordingly, despite social media having formed, and in some cases misinformed, the views of communities involved in these projects, especially the Kirby Misperton shale gas project, social media is recognised as an influencer, but not analysed further.

## **6.12 Understanding Communities – what can be learned?**

This chapter considered communities based on the various motivations of community groups.

Those in favour of the project sought either personal benefit (BFM) or benefit for the entire, predominantly local, community (BFU), seeking longer term benefits, especially for younger people in the community, by way of employment or similar opportunities. It has also considered the aims of those stakeholder groups either at a regional or governmental level who support the project, for economic or political gain.

Apart from the transient community in all three cases, a substantial proportion of population were either silent, undecided, powerless or disregarded, and who seemed to indicate no interest whatsoever in the projects nor their impact. Were these people who felt disempowered or unrecognised, or do they exhibit what Gaventa (1982) p252 describes as “the innate apathy of the human race”.

There were two broad opposition groups, the first especially opposed to the project or the company and the second posed to the entire industry, with overlaps between the two groupings. Within the group opposed to the

project there were those who for more parochial reasons did not want the project near them (NNM and NNU), either within the immediate local community or nearby. This does not imply that they did not have other, less granular, concerns about the projects.

There was further a group within Kirby Misperton specifically that one could term the NNY group. These were people who self-identified as “protectors” of the local community. Finally, there was a group, which may well overlap with all the other opposition groupings, termed NNA, opposed to the entire industry, and this group included all geographical locations and all forms of media.

Concern for the environment, (both of the human environment and the ecological environment) and future generations by both opponents and supporters was restricted to two of the three case studies. In Loeriesfontein, there was no opposition to the wind farm at all due to its location some 50 km away from the town. Furthermore, the present needs of the local population are so great that concern was more for survival for the current population than concern for future generations.

It is apparent that across all three case studies there was little attempt by the companies or project promoters to analyse or identify segments within the communities. Understanding the reasons or motivations for opposition, or for support, would certainly provide insights that would enhance engagement process. Furthermore, recognising the nuances in the communities, understanding their culture and values, would allow for engagement specifically targeted at identifiable segments of the community, thereby improving company/community interaction.

## Identifying and Understanding Communities

Thus far the identification and understanding of communities has been discussed, producing following two schemata (Figures 63 and 64):

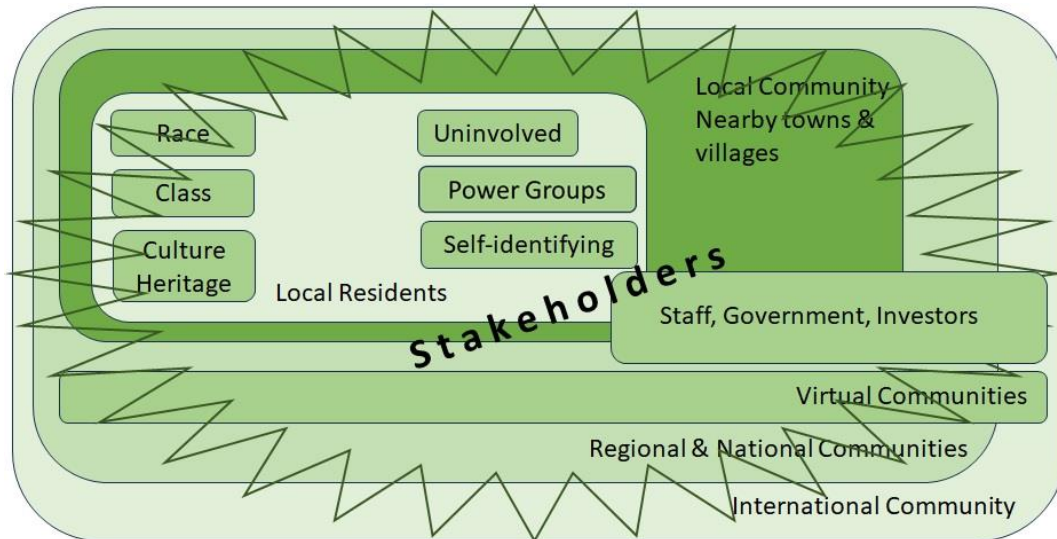


Figure 63 Communities Identified

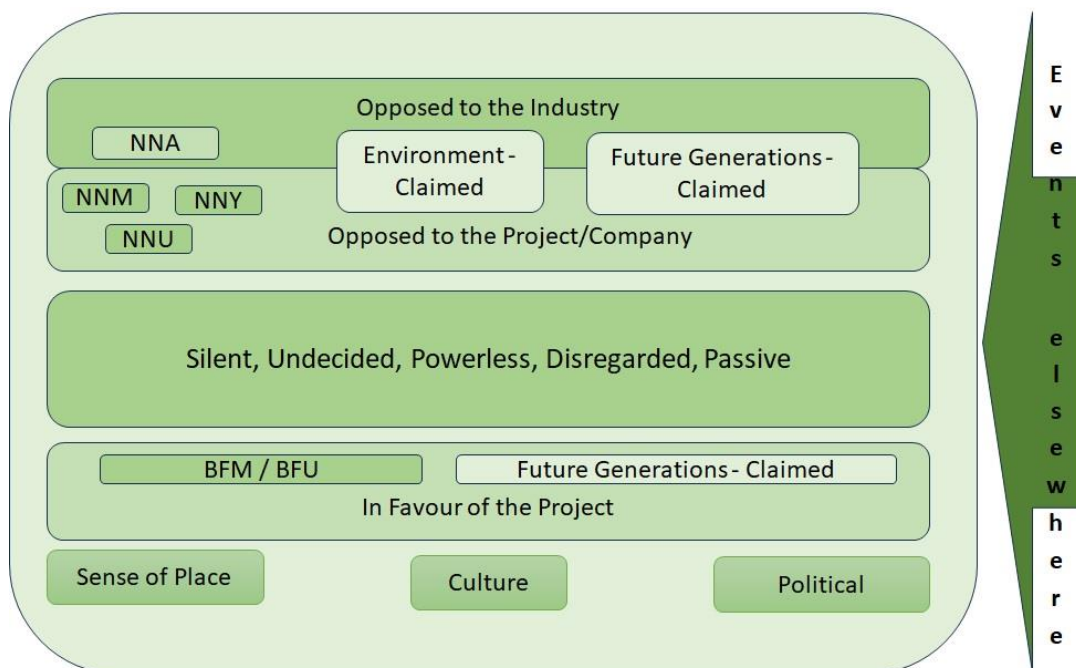
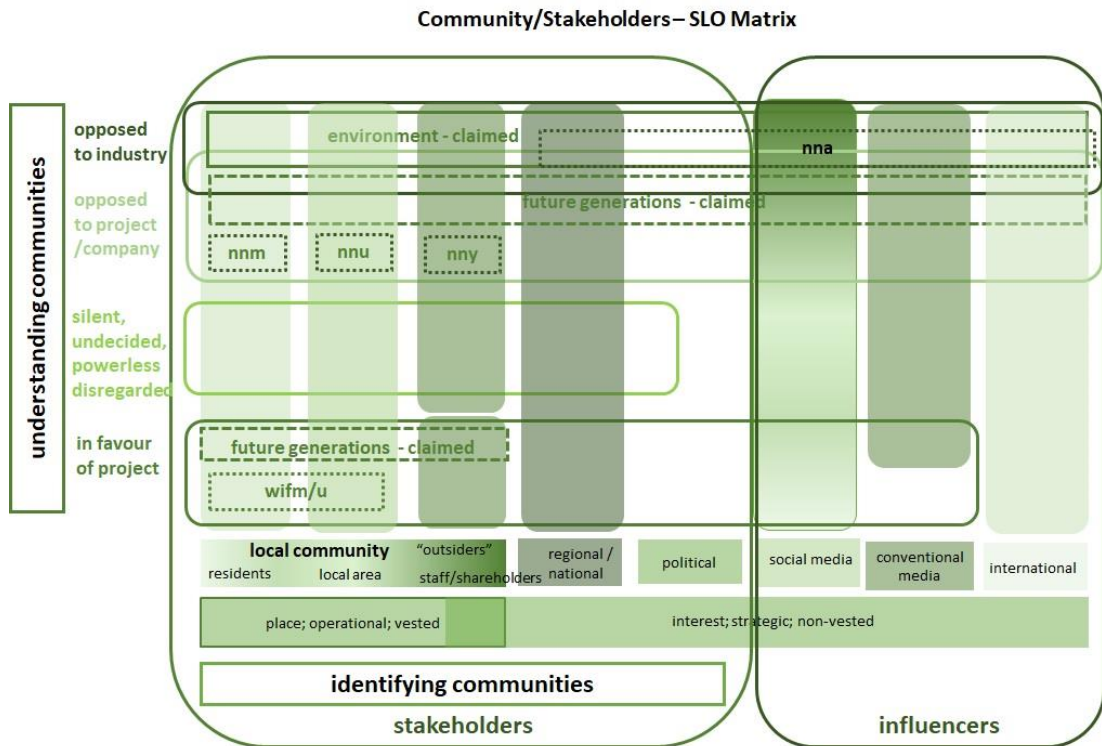


Figure 64 Communities Understood

Combining the communities of geography and the communities of motivation creates a matrix (Figure 65) which, while not necessarily applicable in all situations, would certainly be of benefit to anyone trying to identify and understand communities around the project.



**Figure 65 The Stakeholders/Communities involved in granting the SLO.**

# CHAPTER 7: Engaging Communities

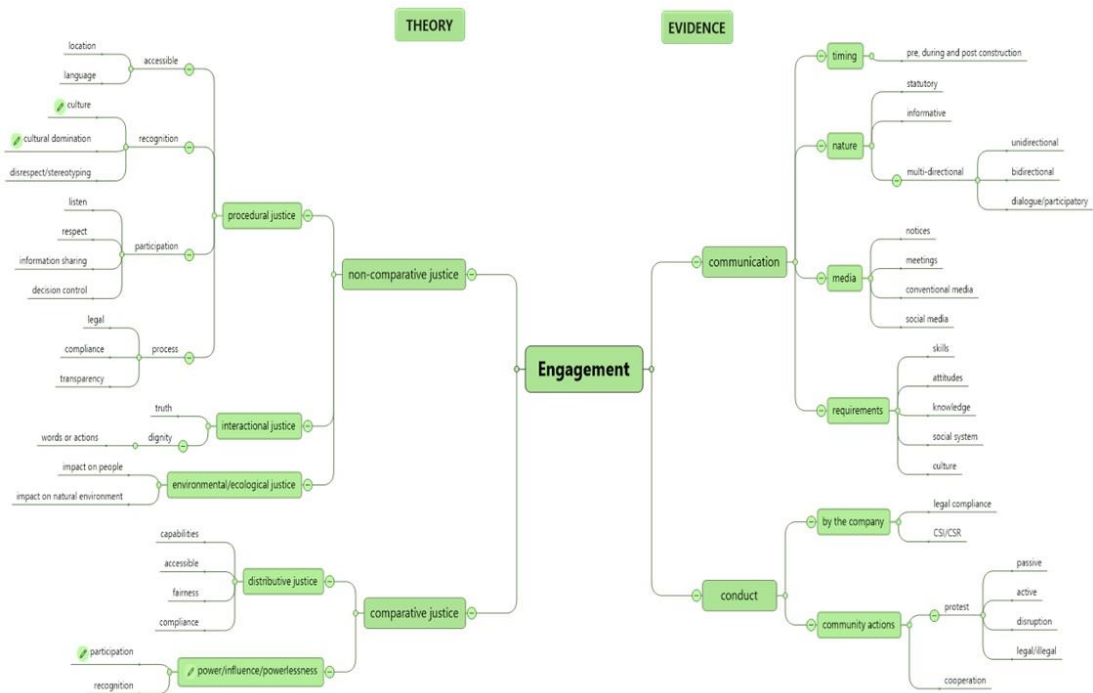
## 7.1 Introduction

The original model developed from the literature (Figure 7) proposed that the company or project, by its actions and communications with the community and stakeholders, would demonstrate its legitimacy; thereby earning the trust of the community/stakeholders and thus the SLO. In the previous chapters the community/stakeholders, who form the base of the model were analysed and categorised largely in terms of both location and motivation.

The review of the literature and the lens adopted in this research suggested that the engagement between the companies/projects and communities, their communication and conduct, should be the determinants of a the SLO.

This chapter therefore seeks evidence of Procedural Justice, Interactional Justice, Environmental and Ecological Justice, and Distributive Justice. While power groupings were discussed in Chapter 5, this chapter briefly considers the power relationships, both within the communities and between the companies and communities.

The thought process behind the structure of this chapter is set out mind map (Figure 66) below:



**Figure 66 Engagement – Theory and Practice**

### 7.1.1 Parties Involved

The previous chapters considered, in detail, the identification of the “community”, the people and stakeholders potentially involved in the granting or withholding of the social licence to operate, and their motivations. These groupings are diverse, geographically spread, of various natures, and all have a greater or lesser role to play in the granting of the SLO. However, the community with which the company must directly engage for purposes of earning the SLO is that community within a reasonable proximity of the project itself, even if not residents of that community. People outside of this geographical area, stakeholders, may well be termed “influencers”. These people, communities or stakeholders possibly have an interest in the project, or believe that they, or a group they represent, such as the environment and future generations, are or may be affected by the project. However, it is not practicable nor possible for any project promoter to engage with all such parties. This is in accordance with Reed and Curzon (2015)’s suggestion that the system boundaries be identified and defined.

It is apparent that the seminal definition of a stakeholder being “any group or individual who can affect or is affected by the achievement of the organization’s objectives” (Freeman, 1984) p. 46, is problematic when it comes to environmental/ecological issues. It is evident that a coal-fired power station in China, for example, may have a long-term effect on my health and environmental well-being. I may not be directly affected by the power station in that it has no visual impact, nor do the fumes affect me, nevertheless is likely to have an impact on climate and climate change. It is evident therefore that adopting so broad a definition of stakeholder would require the SLO to be granted by every human being, current and future, as well as nature and the environment in whatever form their representation takes.

Accordingly, within the context of this chapter it is only those communities or stakeholders with whom the project promoters can directly communicate or interact that are considered, without denigrating or downplaying the role of other communities and stakeholders.

This chapter now continues to consider communication between, and conduct by, the various parties through a Justice lens.

### **7.1.2 Communication**

There were various levels at which communication took place (Figure 67). Initially there was direct communication from the developers or promoters to the relevant communities. This was one-way communication which comprised pamphlets or written communication, or which took the form of public notices.

Secondly, there were public meetings, mostly at the pre-approval stage for Kirby Misperton and Coul Links, or shortly following approval at Loeriesfontein. Subsequently, largely for logistical reasons, meetings took place with select groups in the local community, for example the Ward Committee Loeriesfontein or the Community Liaison Group at Kirby Misperton. Similarly, at Embo, where the Coul Links golf course



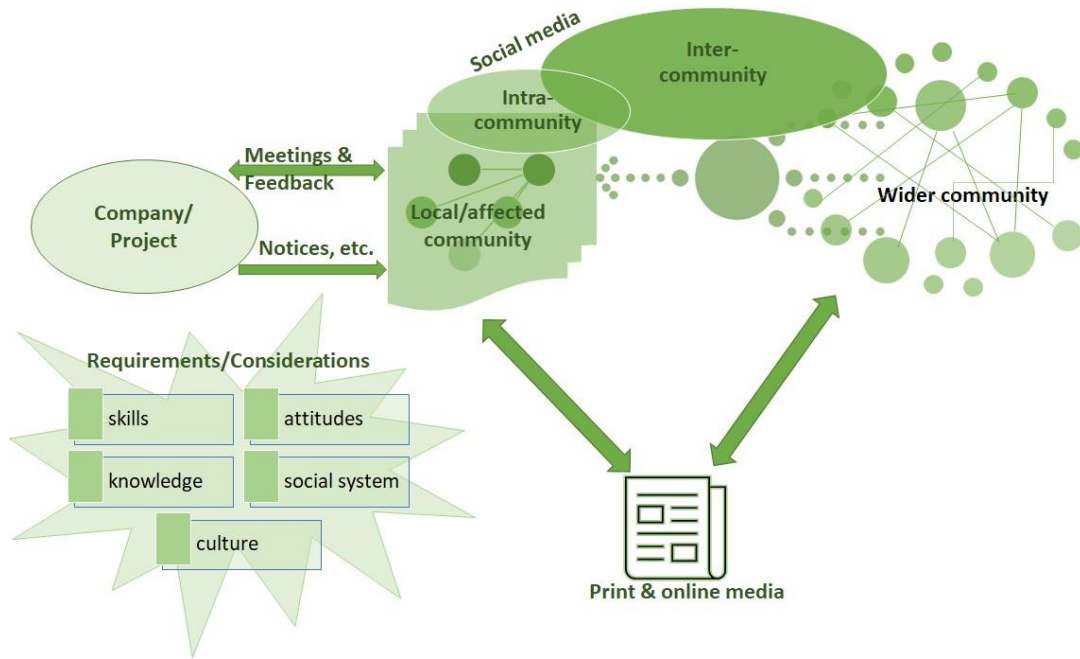
development is planned, there was an open day for the community where representatives of the promoters were available to answer questions. In addition, the Coul Links promoters conducted at least two online discussions. For these types of communication, models that involve a sender, a receiver and feedback are appropriate.

The third form of communication was/is via public media, both the print and online media and, to a greater extent, social media. This involves both national and local press and Facebook, Twitter as well as YouTube (other forms of social media) and here a mass communications model is apposite.

Finally, in every instance the attributes of the source and recipient, as indicated in Berlo's model (Berlo, 1960), need to be considered. These are:

- communication skills
- attitudes
- knowledge
- the social system
- the culture in which the communication takes place.

Interestingly, these overlap with much of the Procedural Justice theory and will be taken into account when determining whether the projects have progressed within a Procedural Justice framework.



**Figure 67 Elements of Communication and the Community**

Source: Author

### **7.1.3 Conduct**

Conduct relates to the actions of both the company and the community. Actions by the company broadly relate to ensuring legal compliance as well as any CSI/CSR activities. Actions by the community range from support and cooperation to protest which may be passive, active, disruptive, and legal or illegal.

These two primary elements of community engagement, dictation and conduct, are now discussed through a justice lens.

## **7.2 Procedural Justice**

This section considers various elements of Procedural Justice. It commences with an overview of the process applicable to each project before evaluating the elements of accessibility, participation and recognition required for Procedural Justice to be demonstrated.

## 7.2.1 Process

The IFC, in its booklet “A Strategic Approach to Early Stakeholder Engagement” (Eftimie, Darling and Pollett, 2014) breaks down its engagement activities over the project life-cycle into seven stages. In considering these case studies there are four appropriate stages: Approval/Pre-Construction; Construction; Operation; Closure.

Each case study is different in terms of its progress through these various milestones. The Loeriesfontein wind farm passed through first two phases and is currently in operation. The shale gas extraction project at Kirby Misperton, having been through the approval/preconstruction phase, attempted to commence construction and then was forced to close down. The golf course at Coul Links, having fallen short at the initial approval/preconstruction phase, is once again seeking approval.

On 29 October 2013 Mainstream announced that it had met the legal requirements laid down by the South African government and thus been awarded the contract to complete the wind farms at Loeriesfontein (TT).

In terms of the South African legislation, as discussed in detail in Chapter 4, Mainstream have the legal obligation to spend a percentage of their turnover on social and economic development. This is reviewed in more detail below when Distributive Justice is considered.

Between April and May 2016, the Kirby Misperton application was approved by the Environment Agency, which granted an environmental permit for shale gas extraction and the Planning and Regulatory Affairs Committee of North Yorkshire County Council. As was noted by the North Yorkshire County Council, Planning and Regulatory Functions Committee meeting on 20 May 2016 (03 NY20150233ENV- C3 1500971CPO REPORT, accessed 31 August 2020). “This application has been subject to four rounds of public consultation and advertisement of the information submitted by the Applicant

during the processing of this application.” As {29KM} said, “we’d ticked all the boxes, we’d done everything we had to do”.

Following substantial community pressure on fracking companies throughout the United Kingdom, not only at Kirby Misperton, the Government announced in January 2018 that it was delaying its decision on Kirby Misperton fracking consent until the company had filed accounts and a financial resilience assessment was completed. Third Energy, having failed to obtain final approval terminated its fracking operations in February 2018.

At Embo, the Coul Links application in outline form was first submitted to the Highland Council in December 2015. Almost 2 years later, in September 2017, the application was lodged, followed by rounds of public consultation that concluded in December 2017. Against the recommendations of their own officials, the Highland Council voted to approve the golf course development at Coul Links in June 2018. The Scottish government initiated a public enquiry commencing in February 2019 and by 21 February 2020 planning permission for a golf course at Coul Links was refused.

Undeterred, the promoters commenced a second application process and have gone through “Screening” and “Scoping” stages with The Highland Council, completed a 12-week consultation period, and submitted a formal planning application to the Highland Council in February 2023. “Validation” by the Council is still awaited (UU).

It is apparent therefore that in all three case studies the promoters or companies complied with the laid down regulations and procedures required for the various projects prior to commencement<sup>34</sup>.

While the criterion of legal compliance was met by all three companies, thus providing support for their SLO, Third Energy’s failure to submit accounts

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<sup>34</sup> In any event it would be entirely foolhardy for any organisation to commence a project without the necessary prior approval from the regulatory authorities.

timelessly provided the government with an excuse to terminate the project. At that point therefore, if not earlier, Third Energy was unable to obtain/retain its social licence for the shale gas extraction at Kirby Misperton.

## **7.2.2 Accessibility**

### **7.2.2.1 Accessibility of Legislated notices**

It is submitted that there is little to be gained by examining and analysing the legal notices in each case. By their very nature, legal notices tend to be bland, full of legalese and sometimes difficult to interpret. This particularly in the case of Loeriesfontein, where the level of literacy amongst the population is low and there is a general lack of education, the understanding such notices is difficult. So, for example a document entitled “Proposed Re-Alignment of the Authorised Power Line and Watercourse Crossings for the Loeriesfontein 2 Wind Energy Facility, Northern Cape Province Draft Environmental Management Programme (Empr) Dea Reference Number: 14/12/16/3/3/1/1118, submitted as part of the Final Basic Assessment Report **for Public Review** [my emphasis], April 2014” has a Flesch Reading Ease<sup>35</sup> score of 32.5, and a Flesch-Kincaid Grade Level of 12.5, implying that the reader should have completed at least 12 grades at school. Similarly the final Environmental Assessment Report (Proposed Construction of a 140MW Wind Farm on Portions 1 and 2 on the Farm Aan De Karree Doorn Pan No. 213 near Loeriesfontein, Northern Cape Province, Final Environmental Assessment Report) has a Flesch Reading Ease score of 35.1 and a Flesch-Kincaid Grade Level of 12.3 This is in a community where only 19% of the population have 12 years or more schooling. This issue is made even more

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<sup>35</sup> The Flesch Reading Ease score (Flesch, 1948) and the Flesch-Kincaid Grade Level (Kincaid et al., 1975) measure readability and the education level required of the reader. A reading ease score should be between 60 and 80, while the grade level score indicates how many grades (in the United States of America) a reader should have completed in order to understand the contents of a document. All scores indicated above were calculated using the facilities in Microsoft Word.

challenging if notices are in English in a predominantly Afrikaans speaking community.

The media for these communications tend to be notices or documents available online, letters sent to the local community or, more often, public notices placed in newspapers and at the site of the project, thus potentially excluding a large section of the communities.

The content and placement of such notices is usually predetermined by existing legislation, is unidirectional, and is intended merely to inform or elicit a formal response, with such responses directed to the authorities and not to the company or project promoter. Nonetheless, it would certainly help build credibility between the company and the community if these pre-application communications were managed transparently, as often these types of notice bypass the community. So, as {25KM} notes “if you think way back, they will have to apply for PEDL license, petroleum exploration licences. Now who in the community knows what a PEDL license is and what the implications of that. So, the community have absolutely no input to that. Most of the community don't even know about it.” Even when planning application notices were put up for comment they were often ignored, as {39KM} explained “I wasn't really too involved before that; I was aware it was going on but didn't really take too much notice of the planning application and wasn't too involved then.” Very often it was only when the process started that people suddenly took cognizance as to what was happening.

The implication for the proposer's SLO is not negative, in that this form of communication is prescribed by legislation. However, company should not hide behind the law when it comes to dealing with communities. It is apparent that, particularly in Loeriesfontein, the communication skills of the community, along with their knowledge, social system and culture, and their language, were not considered. Furthermore, because such notices reinforce the dichotomy between the classes, they certainly do not promote cohesion nor indicate reciprocal value.

Therefore, despite meeting the legislative requirements, acquisition of the SLO would be facilitated if companies or project promoters went out of their way to ensure that all formal communication was also provided in a format understandable by the majority of the community and was made available to the community by all means/media possible. This aligns with Gunningham, Kagan and Thornton (2004) who suggests that there are times when companies need to go beyond compliance.

### 7.2.2.2 Accessibility of Other notices

In many situations it is practical for the company or promotor to put up notices and public spaces to inform their communities. In the case of Loeriesfontein advertisements were placed outside the local (and only) supermarket in the town, Central Traders, the butcher's, and the Post Office (Figures 68 and 69) and outside the company's offices. These notices were either convening meetings or advising of work opportunities. As {1LF} advised "One of the most important things we do in this community; we need to advertise any opportunities. We put up notices for a month and after that we continue our process. What happens is that they do not even look at the notices until they see somebody getting a job and then they come back and ask if we had advertised. Luckily, we have evidence of any notice we have put up. We have to monitor this as someone in the community will take down the notices to stop other people applying for those opportunities."



Figure 68 Company notices at the Loeriesfontein butcher

Source: Personal photograph

{14LF} confirmed this saying that “They put up many notices each month telling us about the current state of affairs what’s available now and in the future in the pipeline and the communication of the community is reasonably good.”



**Figure 69 Company notices at the Loeriesfontein Post Office**

Source: Personal photograph

At Loeriesfontein there was no use made of social media by the company. According to statista, in 2018, when their data starts, only 48.5% of the total South African population had Internet access via smartphones (VV) and only 35% of the population could access the Internet via their phones, compared with the United Kingdom where in 2018 80% of the population had smartphones and there were 1.1875 telephones per member of the population<sup>36</sup> (WW).

At Kirby Misperton, a variety of media were employed, as described by {29KM} “we've had a number of issues about how we communicate, the method of communication. So, you know the younger you are the more likely you are to want it in social media or Facebook or whatever. The older you are the less likely you are to want it there, so there's the Parish notice board there's a letter through the door, there is social media ...”. At Embo, for the Coul Links project, while there has been use of the postal system, most

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<sup>36</sup> Statista refers to “inhabitants”, but there is no mention of age. In any event, the point is taken that there is a substantial difference between South Africa, and particularly a low-income area like Loeriesfontein, compared with the United Kingdom.



communication from the promoters appears to be via social media (Facebook and Twitter) and the company's website.

The concern with social media is many faceted. In the first instance it presumes that everybody has access to either a computer or smart phone and to the various social media platforms. Secondly it presumes that people will "find" the information if it is not targeted at them specifically. Several people spoken to both at Kirby Misperton and Embo advised that they deliberately make no use of social media at all. This limits accessibility and therefore impacts the Procedural Justice process and the organisation's ability to earn its SLO.

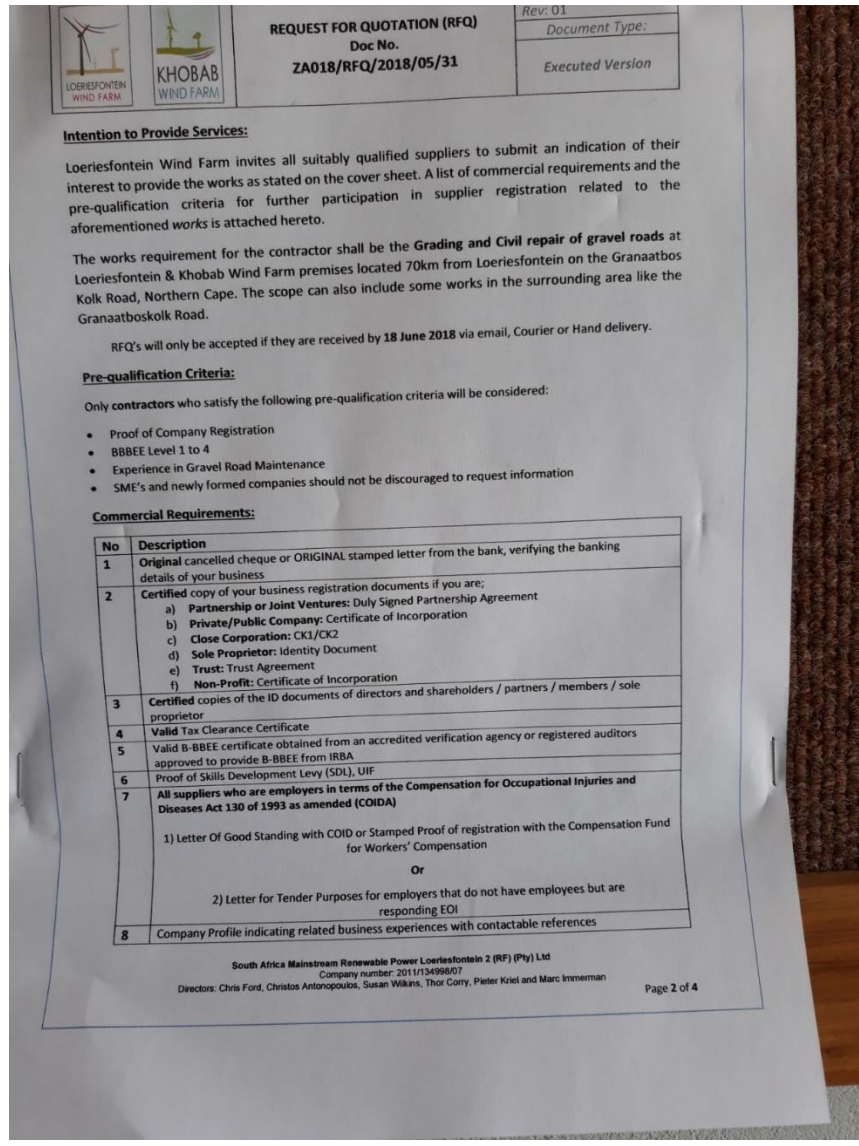
A further issue regarding accessibility has to do with the nature of the notices. Legal notices have already been discussed above, but other communication also needs to be in a language accessible to the community. At Loeriesfontein one of the principal issues as far as the community were concerned was the ability to find employment or win a tender. Examples of two of the notices are set out below (Figures 70 and 71). The one in English is self-explanatory, the one in Afrikaans is seeking someone to recycle waste from the two local schools. Apart from the language itself being at a level beyond the reach of a reasonable proportion of the population, the terminology and requirements are couched in language way beyond the understanding of most people in the community. {17LF} noted that "I have had numerous people running into my office asking for help in this regard. ... I as a lawyer understand that this thing is a very difficult concept." Not only does this make the notices themselves inaccessible, but it also tends to denigrate or disempower the community.

Notices by their nature are unidirectional from the company to the community. They do not specifically provide opportunity for questioning or for further elucidation. Accordingly, not only are the placement of notices and the use of social media potential limiters of accessibility, but also the language used can have the effect of further reducing the accessibility of such communication. While it may be argued that people resident in a

country such as the UK have the ability to interpret and understand notices couched in a high-level language (although even this may be doubtful) it is certainly the case that when dealing with lesser developed populations, particularly those whose first language is not English, substantially more care must be taken to ensure that not only are the notices or communications themselves available to all the community but that they are also in a language level understandable by the community concerned.

While the notice language and distribution is often thoughtless it can confirm a lack of recognition of elements of the community and a lack of respect. Failure to take due consideration of the community can certainly impinge upon the company's ability to obtain its SLO. Additionally, from the *ubuntu* perspective, actions of this nature both damage relationships and devalue a large proportion of the population.

As {10LF} summed up "at the end of the day when advertisements came out you can just read, you can't do anything about them because you do not comply with the requirements. This feels to me like a strategy [employed by Mainstream] to keep people out of the process."



**Intention to Provide Services:**

Loeriesfontein Wind Farm invites all suitably qualified suppliers to submit an indication of their interest to provide the works as stated on the cover sheet. A list of commercial requirements and the pre-qualification criteria for further participation in supplier registration related to the aforementioned works is attached hereto.

The works requirement for the contractor shall be the **Grading and Civil repair of gravel roads** at Loeriesfontein & Khobab Wind Farm premises located 70km from Loeriesfontein on the Granaatbos Kolk Road, Northern Cape. The scope can also include some works in the surrounding area like the Granaatboskolk Road.

RFQ's will only be accepted if they are received by **18 June 2018** via email, Courier or Hand delivery.

**Pre-qualification Criteria:**

Only **contractors** who satisfy the following pre-qualification criteria will be considered:

- Proof of Company Registration
- BBEE Level 1 to 4
- Experience in Gravel Road Maintenance
- SME's and newly formed companies should not be discouraged to request information

**Commercial Requirements:**

No	Description
1	Original cancelled cheque or ORIGINAL stamped letter from the bank, verifying the banking details of your business
2	Certified copy of your business registration documents if you are; <ul style="list-style-type: none"> <li>a) <b>Partnership or Joint Ventures:</b> Duly Signed Partnership Agreement</li> <li>b) <b>Private/Public Company:</b> Certificate of Incorporation</li> <li>c) <b>Close Corporation:</b> CK1/CK2</li> <li>d) <b>Sole Proprietor:</b> Identity Document</li> <li>e) <b>Trust:</b> Trust Agreement</li> <li>f) <b>Non-Profit:</b> Certificate of Incorporation</li> </ul>
3	Certified copies of the ID documents of directors and shareholders / partners / members / sole proprietor
4	Valid Tax Clearance Certificate
5	Valid B-BBEE certificate obtained from an accredited verification agency or registered auditors approved to provide B-BBEE from IRBA
6	Proof of Skills Development Levy (SDL), UIF
7	<b>All suppliers who are employers in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993 as amended (COIDA)</b> <ul style="list-style-type: none"> <li>1) Letter Of Good Standing with COID or Stamped Proof of registration with the Compensation Fund for Workers' Compensation</li> </ul> <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> <li>2) Letter for Tender Purposes for employers that do not have employees but are responding EOI</li> </ul>
8	Company Profile indicating related business experiences with contactable references

**Figure 70 Mainstream - Request for quotation**

Source: Personal photograph

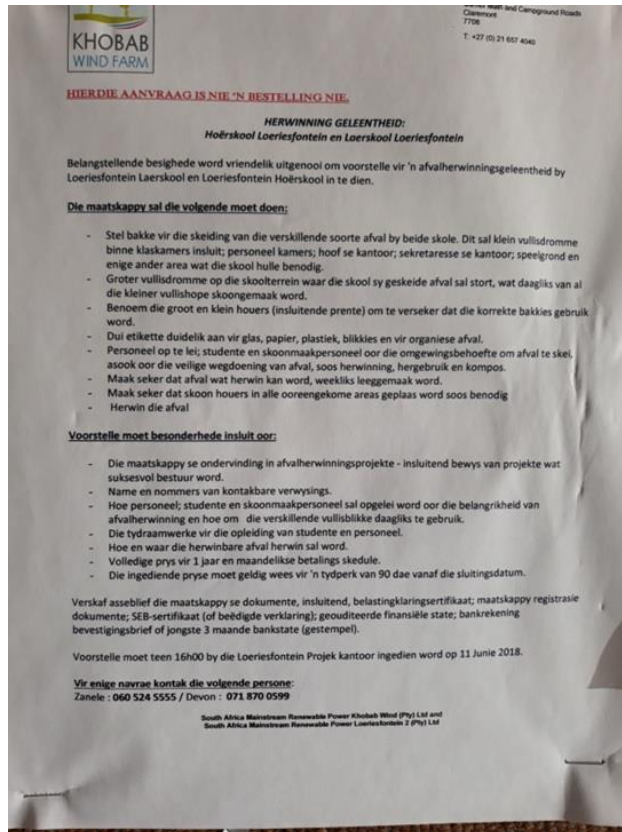


Figure 71 Waste recycling opportunity

Source: Personal photograph

### 7.2.2.3 Accessibility of Meetings

As mentioned earlier, writing in a linear structured fashion about issues which intertwine is problematic. Thus, issues such as language apply to accessibility and recognition (culture and cultural dominance) as well as participation, Interactive Justice, and power. Nonetheless, language was a particular issue in Loeriesfontein, and it is the accessibility or understandability of contents of meetings that were problematical.

Physically, these meetings would have been easily accessible as the meeting site was within walking distance of the entire town. However, as a project manager at the time was from overseas and not an Afrikaans speaker and neither was the community liaison officer, the meetings were held in English

which seems to have created barriers for the local community in terms of information sharing and the feeling that they were respected.

{9LF} expressed a view held by several interviewees, saying that “Mainstream started off I will say in a bad way. Loeriesfontein is totally Afrikaans [but] they send this black lady - she can't understand or speak Afrikaans and she is now the community liaison officer, the one that must come and tell about the money, what the process is about. Now she must bring in an interpreter because she doesn't understand the people and they don't understand her because they didn't speak English.” However, the company did not seem to learn from this and when the first community liaison officer (CLO) left she was replaced by a second non-Afrikaans speaking CLO. As described by {19LF} “there is a language barrier, with [the CLO] not being able to speak Afrikaans with the community and they are supposed to go into the person's house you know, or address the community, to speak Afrikaans to the community. This is a people that really do not speak English. And people, some people don't even want to try to speak English.” So, as reiterated by {9LF} “They have to employ a South African and they have to employ somebody Afrikaans.”

Not only did this language issue affect the accessibility of the community to company communications but it also failed to recognise the culture of the community and was disrespectful, not treating the community with the dignity deserved. Explaining, {22LF}, a Mainstream employee said, “Putting somebody into the community who could not speak Afrikaans was an error, but at that stage you know it was done in good faith, but we accept that it's a cultural issue.” It was obviously a cultural issue, but the fact that it happened indicates that the company had not really made a serious attempt to understand the community, and this is reflected later in the discussion of Distributive Justice. Therefore, it remains imperative that companies wishing to earn the SLO put in the time and effort to understand the communities with which they will interact to ensure that they meet the requirements of social justice – Procedural, Interactional and Distributive, and act to promote

cohesion and reciprocal value in and with the community. Again, summed up by {9LF} “So, I will say for any other company coming here **homework is good** [emphasis evident in the interview]”.

These elements, information sharing, being listen to, being respected and believing that the contribution made, or opinion expressed can influence the outcome of the engagement underpin participation. This section now considers various occasions where participation would be expected.

### **7.2.3 Participation**

#### **7.2.3.1 Participation in Statutory Meetings**

There were two types of public meeting relating to the projects: those called by the authorities for statutory hearings or planning committee approvals; and those initiated by the companies themselves, sometimes as part of their legal responsibilities, but often with the intention of informing their communities.

However, in the case of Loeriesfontein, there was little consultation with the community before to the application for a licence to construct the wind farm was submitted. The International Finance Corporation, an arm of the World Bank, notes that, with regard to Mainstream:

“Pre-construction stakeholder engagement, disclosure and consultation in Mainstream’s South African projects ... has been focused around the legally mandated E&S assessment process. This involves a multi-stage public consultation and disclosure process in which key stakeholders are identified, provided with a summary of the proposed project, provided with opportunities to raise issues for consideration in the main E&S assessment phase, and then provided with the outcome and recommendations of these detailed studies and approached for final comments.” (XX)

This process was followed to a point, as observed by {8LF}, who said that “there were lots of discussions and consultations with the community in those

early stages because they had to get an environmental permit. So, they kept the community informed at all times.”. However, {23LF} offered a different perspective when he observed that “They sent someone, early 2011, the guy went and found out who are the ring leaders literally, the community leaders, interviewed them and gave Mainstream a report – ‘these are the people you need to talk to when you go back’. The same people who they’d interviewed originally, were interviewed again because that’s what they said - go and talk to these people.” Despite the assertion by the IFC that public meetings would be held and that the final impact assessment documentation would be publicly disclosed prior to approval by the authorities (YY) there is no evidence that such public meetings took place albeit that the final impact assessment document was available online.

As will be discussed below, the first evident public meeting between Mainstream and the Loeriesfontein community took place once Mainstream had been awarded the contract.

At Kirby Misperton, while the minutes of most of the public meetings called by the authorities are available, as noted by {25KM} “those planning committee approvals, meetings whatever, is publicly available information, and they’ll be recorded”, there is again little point in analysing the content, as the discussions are mostly of a technical nature, relating specifically to the mechanics and possible impacts of the projects, especially the environmental impacts. This was the case with Kirby Misperton where a number of hearings were held. For example, on the days of the Special Planning and Regulatory Functions Committee meetings, held on 20 and 23 May 2016, it was recorded that “there were in excess of 200 members of the public in attendance inside the building and 500 outside the building.” (ZZ). Meetings of this nature were held in accordance with the planning regulations and, while they provided an opportunity for both the company and the community to put forward their points of view and express their opinions, these meetings were not within the remit of the company, and thus, while ensuring legal compliance, they have no influence on the SLO per se.

There is of course a second element to justice. For there to be justice both parties must feel that the process is just. It cannot only be the community who have to expect Procedural Justice, this is bilateral, which means that the company or promoter must also be treated with justice by the community. Furthermore, there needs to be intra-community justice, in other words different factions within the community need to treat each other with respect and fairness during all engagements.

{26KM} provided an interesting account of the Ryedale District Council meeting called to decide on the Third Energy fracking application. She described the hall as being “packed out with all the anti-frackers sat there with their banners”. Third Energy’s operations director was given three minutes to talk, as was {26KM}. And, following a number of other speakers, the application was discussed. {26KM} said that “they were saying the most stupidest things were these councillors ... and {the operations director} wasn’t allowed to speak.” {26KM} said later “I don’t think that even read the application. I think they were just listening to what they were being told by the protesters. It was just ridiculous, and I thought that was a total farce. A number sat there with their placards and they’re putting pressure on the Council and the Council voted against it.” It would appear, therefore, that at least with Kirby Misperton, the community had some influence on the outcome of the hearings and that accordingly one could argue that decision control is present. The fact that this decision by the council not to approve the application was overturned sometime later does not detract from the community’s ability to influence the decision.

Interesting aspect of this brief report was not so much that the protesters were sitting in the hall with placards, trying to pressurise the councillors but that there was apparently an almost total lack of understanding of the process in the council. As {26KM} noted “You’d think that somewhere along the line the people are going to make decisions on {shale gas extraction} would be taught all about it.”



In terms of Procedural Justice, it appears that there were many flaws in the process. In the first instance participation was limited; secondly there had been no real information sharing. (There were other issues flowing from this meeting, but these are dealt with later.) The limit on participation, restricting speakers to three minutes, is a flaw in the system and should be rectified, particularly when it does not allow for the correction of errors the proceedings. The lack of education/information provided to the decision-makers, the councillors, is an aspect that the applicant company should have anticipated and acted on. If there is to be Procedural Justice all documentation should be made accessible to every party involved and the appropriate information provided. While this did not cause the company to lose its SLO it certainly would have made the process much fairer had the councillors been able to judge the issue impartially with information provided by both the pro and anti camps.

In March 2019, a number of hearings relating to the environmental impact of the proposed golf course were held under the auspices of the Scottish Department of environmental affairs (AAA). Two video recordings<sup>37</sup> of the proceedings were obtained. In this instance the promoters had employed the services of a Senior Counsel and the various individuals opposing the application either had their own counsel or represented themselves. These proceedings proved to be adversarial and, in some cases, deeply antagonistic, especially as far as the legal counsel for the applicants was concerned. The credentials of the RSPB witness were questioned and the second witness opposing the development, Dr Thomas Dargie, was requested by the applicant's legal representative to give evidence under oath because "his credibility is seriously challenged in the evidence in chief and at one point it's possible to read into that challenge an implication of dishonesty or attempted dishonesty" (dpea20mar19\_60203\_en\_GB.mp4). This animosity has carried forward into the second application, as will be

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<sup>37</sup> dpea15mar19\_60074\_en\_GB.mp4, and dpea20mar19\_60203\_en\_GB.mp4

discussed below. It is understandable that in situations of this nature where the stakes seem so high is natural for there to be vigorous defence of the position. Nonetheless ad hominem attacks on opponents is certainly not treating people with respect nor facilitating any kind of discussion.

It is always to be borne in mind that this thesis does not consider the nature (or probity) of the projects themselves and is solely concerned with the parties and processes involved. Accordingly, while legal legitimacy, facilitated by the public hearings, is a necessary precondition to the organisation commencing the project and therefore seeking the SLO, it does not form part of the process required to earn an SLO. However, that does not preclude the project promoters from taking into account the communication skills, attitudes, knowledge, social system and culture (Berlo, 1960) of their community/stakeholders, which will naturally vary depending on the circumstances. Furthermore, from a Procedural Justice perspective, the attributes of accessibility, namely location and language, need to be present. This was not the case with Loeriesfontein although it is apparent that in both Kirby Misperton and Coul Links cases the community (if not the arbitrators) were sufficiently educated and technically equipped to be adequately knowledgeable about the projects.

### **7.2.3.2 Participation in Company Initiated Engagement**

With both Kirby Misperton and Coul Links company-initiated community engagement commenced prior to submission of applications, whereas it appears that no public meetings were held in Loeriesfontein before approval was granted albeit that there was some consultation with selected members of the community. Minutes of these community meetings were not made available to the researcher, but it is the response to those meetings, both by the communities and the companies, as evidenced by the interviewees, which is of import in understanding Participative Justice. These meetings were bidirectional with the medium usually a presentation followed by a question and answer (Q & A) session.

In Kirby Misperton, prior to submission of the initial application the company commenced informing the local community of their plans. As {27KM} notes “2014, I think it was, when we started the process. We started off with consultation meetings; we've held town hall meetings; debates; we've held a village hall; we rigged that out with big information panels” (Figure 72). There were also site visits where members of the public were invited to visit the gas plant for a presentation by management and a Q&A session. It is apparent that for, Kirby Misperton, a number of opportunities for participation were provided for the local community, thereby demonstrating their respect for the community.



**Figure 72 Third Energy Planning Display – Kirby Misperton Village Hall 2014**

Source: Third Energy Company documents

Describing her attending a Parish Council meeting in Kirby Misperton {26KM} recalled “it was arranged specifically for the villagers to go and discuss this fracking application and I went along, and it was, remember it’s a specific meeting, and there was nine people, and nine people were that bothered. That’s all from that village. I couldn’t believe it.”

{25KM}, having previously been involved in protests against the original Kirby Misperton gas (not fracking) plant, and now, apparently, in favour of, or

tolerant of, the new project gave good insight into the process with the local community:

“I think it’s really when it comes to the planning stage that people are notified. And of course, because it’s a rural area they’ll put things in the paper. They will put things through letter boxes, They will run consultation meetings. And three men and a dog will turn up because nobody cares. Until somebody stands up and says, “Hey do you know your kid's going to be born with three legs and have five eyes because of this gas that’s going to happen?” and all of a sudden everyone goes “Oh this is terrible!” you know. And that’s when the community first get involved and the gas company might have done everything possible to say, look we’ve put on tea and coffee in the village hall, we’ve been here, we are here. We’re going to run these community liaison evenings, but nobody turns up until somebody sensationalizes it. Thereby is your problem.”

{29KM} concurred, stating that “I think they did put quite a lot of information out there. But I don’t think people were that interested in it at the time.” That was until, as {31KM} observed, “It’s like with everything it’s like Chinese whispers and the stories about what was going to happen and the side effects and everything.”

Once the application had been submitted there was, naturally, a substantial increase in community interest. However, this appears to have been accompanied by a reduction in company initiated engagement.

As in each situation there are conflicting opinions as to what was done and how much. It may be natural that people forget, but perhaps it is their own perspectives that lead to differing recollections. So {28KM} can say “I don’t think they could have gone about the consultation process in any different way.”, while {31KM} stated that “I think if they look back now, they probably would have said they should have sent stuff round beginning before it started.” Even within the same family there were different recollections as to

the process, so {31KM}, again, said that “Once the process started, we did start getting letters saying what was going on. So, they did send out some really good leaflets explaining exactly what was going on; terminology and stuff; contact numbers if you wanted to contact them.”, while his partner, {32KM} described the leaflets as misleading and stated that the original glossy leaflet they put through the village totally contradicted the planning permission application.

It should be borne in mind with the Kirby Misperton case that at the time they commenced their pre-application consultations there was already considerable public attention and opposition to shale gas/fracking both in Lancashire and at Balcombe. Third Energy, the company responsible for the Kirby Misperton project were apparently not mindful of this in their approach to their local community. As {29KM} stated “I think it was kind of a “we’ll do public meetings”. And then we did the public meetings maybe three years ago, and then perhaps what we didn’t do is have an ongoing conversation about the emergence of the business.”

Others, within the community, had the same view. {36KM} noted that “They go through the usual routines of you know all sort of consultation and working with local communities, but it does seem to be quite half-hearted.” {38KM} said she’d asked hundreds of people, and they’ve had one letter out of this whole process and Third Energy’s response to her was “Well, there was nothing happening at the time, we didn’t need to tell anyone anything.”

It is apparent that there were attempts initially by the management at Kirby Misperton to consult with and inform the local community prior to the submission of their application. {29KM} explained that they tried to “give them the information that allows them to work through and make a reasoned decision about something and then they can then say why they don’t like it.” He expounded further that they tried to take “what is quite a complicated process and break it down into its component parts” but that “the other issue that you’ve got is as engineers we are much more interested in designing the well and drilling it than having to talk to people.”

Third Energy had created a community liaison group. {24KM} said that “They invite members of the public, members from the Parish Council<sup>38</sup> so I go there, as chairman of the Parish Council. And they try and get a representative from local farmers – none of the local farmers can be bothered to turn up.” In his opinion “they will explain what they’re doing and they’re quite open about that.” There were obviously concerns expressed by the local community, particularly because of the media and social media coverage of “fracking”. {28KM} said “You know they did hold meetings. I listened to them. But my view is there is no way they could have consulted better to make it more palatable to concerned people.” Furthermore, “They didn’t get a very good reception in meetings. So, they could say they didn’t really get a very fair hearing.” Having said that, {29KM}’s view was that “We probably hadn’t done enough, we’d ticked all the boxes we’d done everything we had to do, but I think with hindsight you can never do too much.”

Perhaps an additional element needs to be added to the concept of participation in Procedural Justice, the element of **continual** participation or engagement. It is apparent from the above that the company had held accessible “engagements” with the local community and provided opportunities for participation, thereby meeting the requirements for Procedural Justice to be evident. However, the ad hoc nature of these engagements undermined what had been done leaving the impression that the company was not committed fully to Procedural Justice or that there was possibly disrespect for the local community and thus damaged relationships.

To be fair to the company, however, once they had been given permission to proceed with the test frack, protest and opposition increased substantially, and public meetings degenerated into noisy free-for-all’s. Again {26KM} observed that “when they do these public meetings it gets to be that you can’t do them really ... the last one they did there’s a blooming woman there with a

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<sup>38</sup> At a meeting held on 20 May 2015, the Kirby Misperton Parish Council “agreed that it was prudent to be represented [on the Community Liaison Committee] and maintain links to ensure open information is available for planning and operational considerations”.

whistle so she would ask a question and then blown the whistle.” This was confirmed by {29KM} who stated that “when we get into the public meetings what annoys me is that the anti-frackers will come in and basically try to prevent the conversation. They’re very undemocratic in their approach; They just try to shut everybody up and they’re bullies. So, your ability to share and have a long conversation with somebody it’s, you know, it’s regularly interrupted.” It appears that this was the reason for the company reducing or terminating its public meetings and thereby impacting participation of the community.

As noted above participation requires listening, respect, and information sharing. This is a two-way process so both the protagonists and antagonists need to exhibit Procedural Justice. It has been noted that from an *ubuntu* perspective actions are required to promote cohesion and reciprocal values **amongst** people. It is apparent that in many cases the groups opposing the project substantially damaged relationships both within the community and between the community and the company. It is this duality that leads to the conclusion that the social licence needs to be earned by both the project promoter and the community; this is a bidirectional licence, both earned and granted by the company and the community, and not merely the responsibility of the company.

Participation at Coul Links appear to be more in line with the requirements for Participative Justice. Coul Links is interesting in that it essentially comprises two case studies, the first relating to the original application which was ultimately unsuccessful at the end of 2020 and the second which is in the process of being reconfigured and resubmitted as this is being written. This allows for an examination of the first application and consideration of what the promoters learned and have brought into the second application. The interviews took place prior to the commencement of the second application, so mostly refer to the initial submission. However, contact has been maintained with the protagonists and further visits to the site have taken

place, along with discussions both with the promoters and those opposed to the project.

Again, as with Kirby Misperton, what is interesting about interviewing people on different sides of the project is their totally dissimilar recall as to the events that took place. So, with regard to the first application {44CL}, who is opposed to the project, said “There’s never been an open meeting about Coul. They may have talked to, they’ve got a pet resident in Embo on board, and he’s been driving it, ... And I don’t know what they’ve offered him, probably more than 30 pieces of silver I should think.” She was obviously quite angry about the process.

Whereas {49CL}, whom I suspect was the “pet resident” referred to above, had a totally different perspective and averred that the application had gone through the full process, saying that “Local meetings were held here in the hall, the old Hall, let them display, both sides had their say, and the village came in, same in Dornoch too.” Similarly, {50CL}, another supporter, stated that “There was sort of open meetings, well attended and they put the case, the American’s who were going to develop it they put their case very clearly, very positive.” And {51CL} an Embo resident and supporter of the project advised that at Dornoch not that many people turned out. However, at Embo hall there were “150 people crammed in a little hall there, desperate to know what’s going on because it was something big for Embo.” {47CL} confirmed that she had “attended one or two meetings way back in the area of Embo, Dornoch and the parishes all around Coul Links.” This may provide a plausible reason for the differences in opinion with regard to meetings. The promoters tended to advertise within a limited area, as was observed in the discussion on communities, and therefore {44 CL} may not have been aware of the meetings as she lives south of the Dornoch Firth. This is important because, when discussing communities briefly with one of the promoters of the project she advised that they had not included people south of the Firth in the community surveys and meeting notices because they were “not from Sunderland” and were culturally different, albeit that {44CL} resides only just



over 10 miles from Embo. This approach or attitude certainly indicates that Participative Justice was selective and whether it was a lack of respect or a refusal to recognise people from outside the “chosen” area, the promoters would have difficulty in justifying that they had achieved their SLO.

There was sufficient scope in the public meetings for all sides to participate. As {49CL} expounded “And, it was well laid out, and well described and points were made by the environmental side of things, which was, I think were attempted to be taken on board. And obviously not to a level that was satisfactory from their point of view, which is fair enough, that’s their opinion.”

It would therefore appear that sufficient public consultation and information sessions had taken place to comply with the regulations, if not with the SLO requirements. As {49CL} explained “So, the guys went through the process, and I reckon they must have spent half a million on the various investigations that was required, environmental impact assessments and so on. And they put forward our plans and it went to local community as backed it, and it went through the Highland Council, because they have to by law.”

Was there an ability to influence the decision? There certainly was an opportunity to provide feedback to the council and thereby at least have input into the decision but that is a legislative requirement and is not specifically influenced by the company or the community. This was well summed up by {49CL} who said that “There are no right answers and what people think, essentially, doesn’t really matter because it will go through the process and the process is all there is. I don’t think the process is going to change; the process is established in legislation. So, you kind of go through this planning process and, come out the other end either happy or sad as the case may be.”

With the second Coul Links application there were several online meetings (Zoom) commencing in May 2021. These were advertised via the promoters’ Facebook page (Figures 73 and 74), with separate meetings held for the various target communities, being Brora, Golspie, Dornoch and Embo. There

are two concerns arising from this. In the first instance there were people the researcher met within these areas who do not have access to or make use of social media, which meant that the online meetings were inaccessible, and that segments of the community could not participate. Secondly people from outside these designated communities, albeit potentially affected by the golf course were excluded from the process. This is further evidence of damaging relationships and devaluing/disrespecting elements of the community.



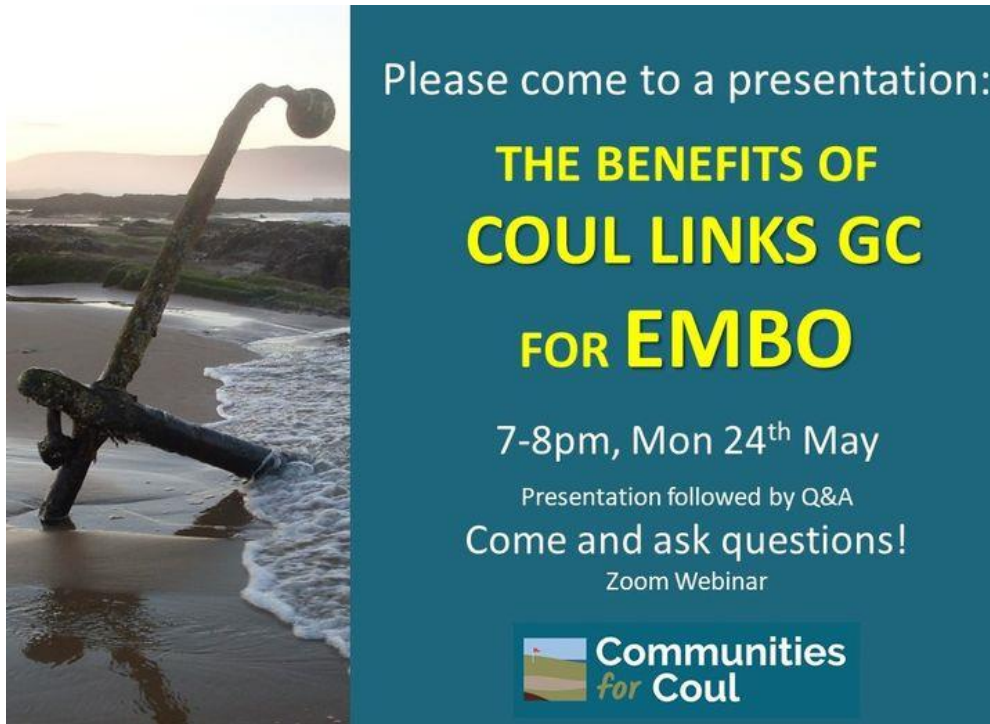
22 May 2021

Calling the people of Embo! You are invited to this virtual “Town Hall Meeting” to hear from Communities for Coul about the potential benefits Coul Links golf course could have for Embo and East Sutherland. On Monday, 24<sup>th</sup> May from 7pm – 8pm, we plan a short presentation, followed by questions from attendees. The meeting will be chaired by Jim McGillivray (who is not part of C4C) and will be led by Irene Bews, (who is).

EVERYONE IS WELCOME. To register for the event, please click on the link below. You will receive back instructions on how to join on the day. Please also share with anyone you think might be interested.

**Figure 73 Notice inviting the Embo Community to attend an online meeting**

Source: <https://www.facebook.com/Communities4Coul/>



**Figure 74 Online advertisement accompanying the notice for the same meeting**

Source: <https://www.facebook.com/Communities4Coul/>

Following these meetings, the promoters posted a summary of the questions and answers on their Facebook page. While many questions are responded to with “Answered during the meeting”, which is hardly helpful, the organisers did receive and reply to a number of questions obviously opposing the golf course on various grounds.

These meetings were followed by a ballot, targeted at the same areas, namely people on the Electoral Register in Brora, Golspie, Dornoch and Embo, and held for the two weeks up to 11 June 2021. When questioned about this on Facebook “Any reason for not including Easter Ross in the ballot? I’m from Embo, but live over the water now, but I’m still inside the Area of Maximum Economic Benefit highlighted on the front of the leaflet – we’re a lot closer to Coul than Brora is.” The reply was “So sorry. We wanted to include Tain and Easter Ross, but the size of the population there made it just too expensive for us” (BBB). It was further stated that the promoters want to do determine “whether local people in East Sutherland support Coul Links golf course”. Again, this means that a large number of

people interested in and affected by the proposed development were excluded from participating.

The results of the vote, which was conducted by an independent company from London, are presented below (Figure 75). The promoters claim that they have support of 69% of the “local community” however several people interviewed indicated that they had ignored the ballot. Furthermore, 69.2% of the 44.4% respondents equates to an overall support of 30.7%. It could thus be argued that 69.3% of the local community were against the project, are disinterested in the project, believed their vote would make no difference, or were just excluded by the process itself.

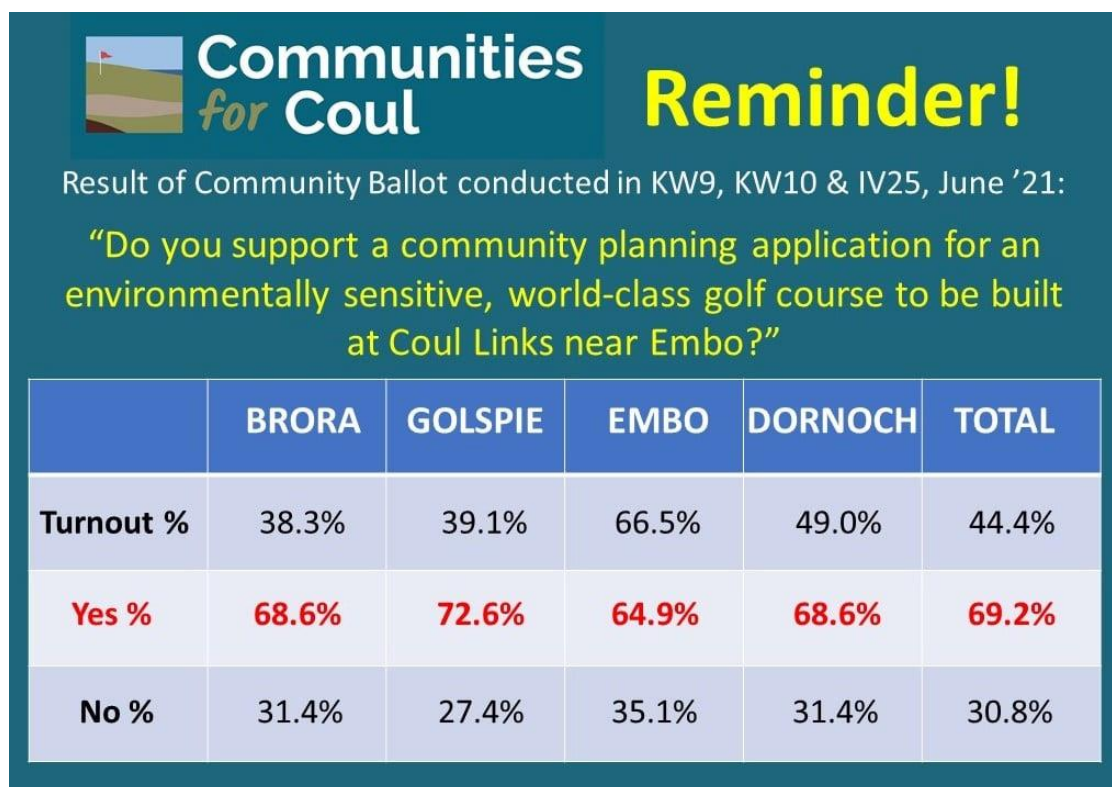


Figure 75 Results of Community Ballot

Source: <https://www.facebook.com/Communities4Coul/>

Implications for all companies/promoters trying to demonstrate they have support is that they need to ensure that the process is fair, that the mechanism is accessible, that all parties are recognised and capable of participating. Furthermore, their actions should promote communality or

group cohesion and value all parties equally. Without those elements being in place is difficult to claim support and/or the SLO.

Subsequent to the ballot, there was a public information day held in Embo on 27 July 2022, which was attended by the researcher (who learnt about it by tracking the Communities4Coul Facebook page). This event was advertised by the local community newspaper (Figure 76) following a press release by the group. There was also an advertisement placed on the company's Facebook page. At this open day (Figures 77 to 79) the researcher was treated with respect, listen to and all questions were answered, even those agnostic of the development. If that is evidence of all interactions, then one could argue that, except for the decision control element, the requirements to demonstrate participation were met. However, none of the promoters present were prepared to be interviewed for the purposes of this research.



Figure 76 Northern Times advising of Embo Open Day



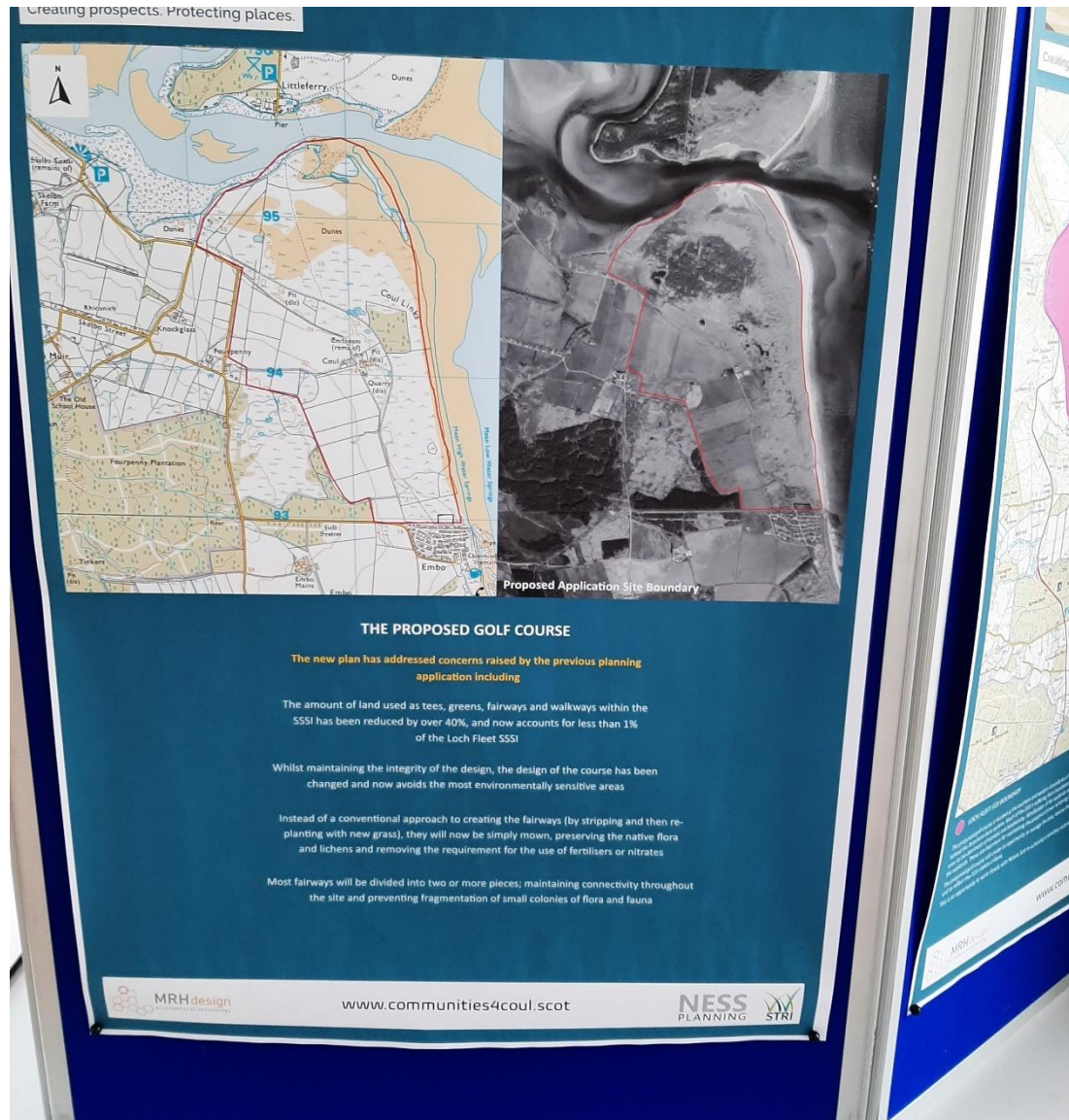
**Figure 77 Public Information Day – Communities4Coul. 27 July 2022**

Source: Personal photograph



Figure 78 Information Board a – Communities4Coul. 27 July 2022

Source: Personal photograph



**Figure 79 Information Board b – Communities4Coul. 27 July 2022**

Source: Personal photograph

At that same community open day at Embo the groups opposing the golf course development, Not Coul, had people standing at both entrances to the property handing out pamphlets (Figures 80 and 81) opposing the development. Everything was done in a very even-handed and dignified manner, which is a credit to both parties, and an example of Interactional Justice as is discussed below.



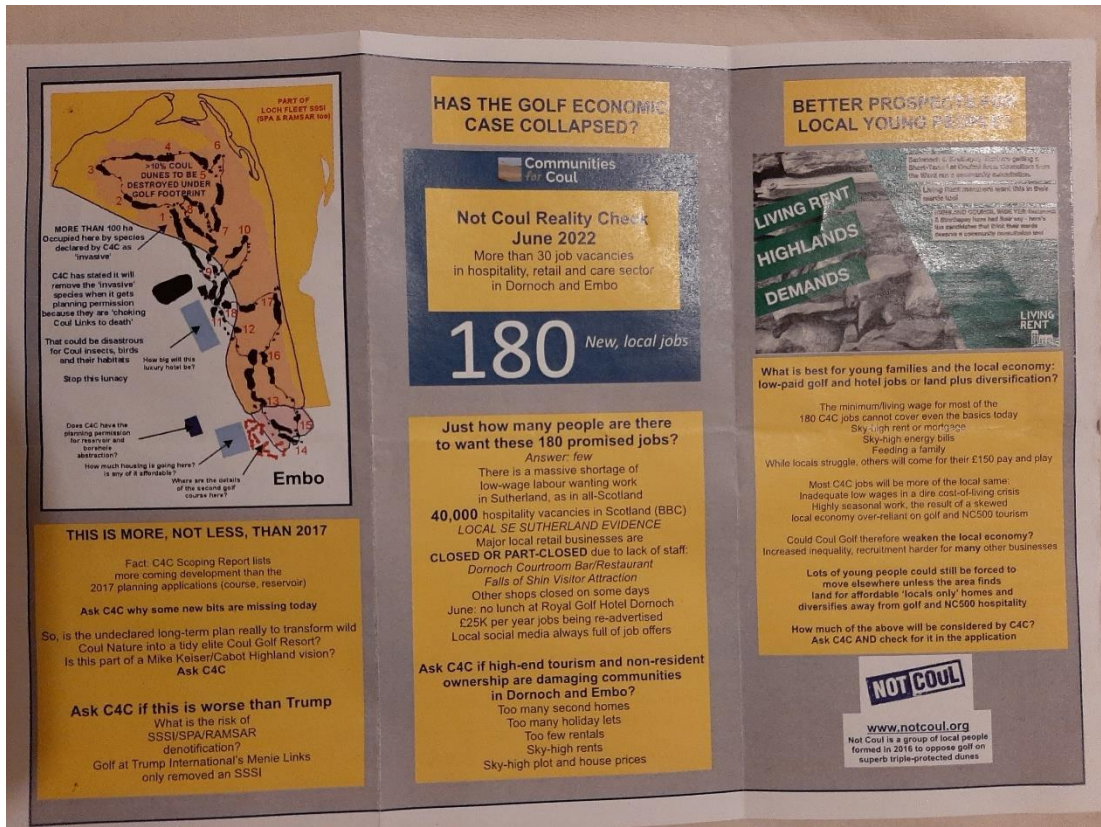


Figure 80 Not Coull opposition leaflet – Side a

Source: Personal scan of leaflet

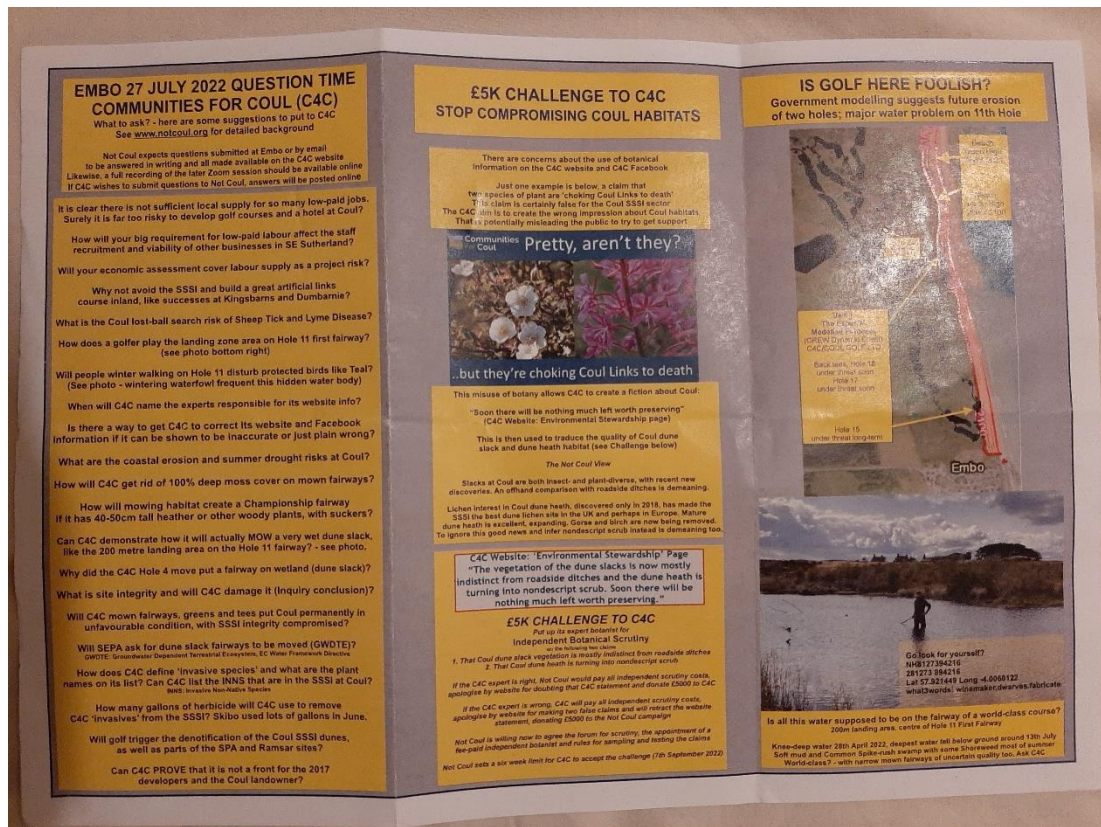


Figure 81 Not Coul opposition leaflet – Side b

Source: Personal scan of leaflet

The promoters of the development, Communities4Coul subsequently held what they termed a Coul Links Consultative Webinar, on 30 August 2022. Again, this was only available via Zoom and advertised on the group's website (having conducted a detailed web search it appears that notifications of this meeting were not advertised in the local press). Interestingly, the website, coullinksgolf.com, which apparently aims to be impartial but seems to oppose the development, noted on 30 September 2022 that "Although Communities for Coul claims that the questions asked at the Coul Links Consultative Webinar have now been answered, (CCC), those questions that do not fit their narrative appear to have been ignored. Perhaps questionable whether this policy fulfils the public consultation requirement of the planning process" (DDD). A question yet to be addressed by the authorities.

Whether the promoters of Coul Links have met the legal requirements for public consultation is now subject to the opinion of the local authority. It does

appear, however, that there has been an attempt by the promoters to include local groups even if not recognising those communities outside of their self-designated area. Of course, not everyone agrees with this opinion. As {45CL}, who was really terribly upset by process and the project, vented her anger “So just not just wildlife, but the, the social side of it, enrages me. In fact, I’m enraged by the whole process. I do, I get really angry. I get angry because of the ignorance of the people that are proposing this and the spurious arguments that they present.” That, however, has to do with content not context and even though someone disagrees what is being communicated the fact that there is communication is what is important.

Whereas Coul Links has not yet received permission to proceed with either application and Third Energy, while having been given tentative approval to proceed with the test frack, faced such substantial opposition that eventually they terminated the project, in Loeriesfontein matters were different.

Once the wind farm contract had been awarded a meeting of the entire town was called. This first meeting certainly met with approval of the community. {3LF} recalls that at “the very first meeting we were one in full glory, one single community, mixed, and there was just that single meeting where we are told what was going to happen, what needed to be done.”. This was confirmed by {8LF} who advised that Mainstream “came to the community and told them about the opportunities that would be available,” while {15LF} stated “They only had one meeting. The first meeting was when they told us that they had won the contract and that they were the main contractor, and they were going to have some subcontractors.” This problem with the early meeting(s) with all the towns people was that in essence they were unidirectional, merely informative so, as {18LF} says “Mainstream did have meetings, but they could have had more. Initially given people a chance to question or to say what is worrying them. So, most of the meetings were just one-way communication.”

Was this first meeting effective? Did it meet the requirements of Participative Justice? {19LF} explains what happened. “Then we had like a public day

when we invite everyone to a meeting, and you know explaining what's going to happen. And telling them this is the jobs that can happen, this is the contract that's going to be available. And I think, thinking back on it there was maybe some promises made, you know, that made people think you know this is now boom town, you know..." {21LF} elaborated further "you would say at a public meeting that look, this project is not going ahead yet, and you would explain everything carefully and literally, a month later people from the community asking when is the project starting, why is it not starting, you said it will be starting, where's the jobs? And then you even self-doubt yourself. Did I say words somewhere there or did we present something on a slide? And we literally went through the presentation and environmental impact protection together, checking if there is wording that we got wrong or anything like that."

What caused this lack of communication? {23LF} explains: "At that first meeting they said now that construction is starting, it's gonna change your lives. And they told them the numbers in the beginning – it's all your money, it's the community's money, it's all yours. We'll work together, you know, nice words. You can imagine what was happening. But they didn't explain the mechanics of it, how it works, how we have to wait for Eskom to give us the money." It is apparent that it was the company's intention to provide for full participation, however the information sharing was abysmal, to say the least. Having spoken to a number of the residents in the town their general impression was that they had been promised jobs and a large inflow of cash into the community and, as we shall see in discussing Distributive Justice below, this did not happen. It is the researcher's contention that a problem with language, a lack of understanding of the community's culture (as discussed further when considering accessibility and recognition) and what is tantamount to a lack of respect for the community in those early days meant that there was no Participative Justice at that time.

There were however numerous meetings with community representatives once the project commenced. As {1LF} described "We had the municipal

meeting that happens every month; we had the implementing partners meeting that happened every month; we had the Community Empowerment Committee made up of different stakeholders from the community, members from health, SAPS [South African Police Service], education, headmasters, social development, volunteers from the community, four or five community members, quite a lot of people, different stakeholders from the community.” This was confirmed by {6LF} who added “We had a Social Ills Committee, which sounded so bad, so we changed it to Community Empowerment Committee.” And one of the community members {15LF} advised that “There were monthly meetings with Mainstream, Murray and Roberts and Conco and I just gave feedback to the community.”

In addition to the Community Empowerment Committee, Mainstream created a Ward Committee with ten members elected by the community to represent the community in discussions with Mainstream. However, this proved problematic. As {1LF} observed “Our Ward Committee – a huge problem or challenge.”

{15LF} was of the view that that on the previous Ward Committees “there was good communication, we worked well together.” However, as will be noted later in the discussion on Interactional Justice, the communication between the Ward Committee and the community was lacking and the Ward Committee largely kept the information to themselves. {10LF} complained about the communication between the Ward Committee and the community noting that “there’s a committee where people are supposed to represent different groupings, but they never consult those groupings.” The first Ward Committee was replaced by a second at the insistence of the community, but it seems that nothing changed. Eventually “when they couldn’t make headway, Ward Committee members started to fight amongst one another. So, we just know it's just chaos, it's just chaos.” {11LF} and the Mayor of the Hantam municipal district then dissolved the second Ward Committee, albeit that he had a political motive for doing this as well.

{21LF} acknowledged the problem and said that during construction, there were monthly meetings with the ward committees but that the message did not go further. To circumvent this the company tried alternative routes, without success. “So, if we take the message further then I speak to the principal and I say principal here is all the story. Then the other principal says why are you speaking to him and not to me, or this guy says why are you speaking to ... so that communication or decision making, and communication system didn’t work.”

It is difficult to know what one would recommend in the circumstances. In both Kirby Misperton and Coul Links the community language and culture largely aligned with those of the promoters but in Loeriesfontein there was a significant cultural gap. While Mainstream appears to have made an effort to ensure community participation it certainly was not practicable to call a public meeting for every decision that had to be made and the route of Ward committees had worked in other communities. {13LF} acknowledged that Mainstream had appointed a member of the community to the office of the CLO [Community Liaison Officer] but stated that “This person they appointed does nothing for the community, just works for them” and {23LF} expanded, noting “Now there is poor [redacted] who doesn't know what to do and when he goes to meetings, they just tell him “Hey you, shut up”.

The community had their own views on participation. {13LF} believed that “They should have come closer to the community. It should be meetings every three months.” {11LF} enlarged on this stating “don’t confine your community engagement and consultation to municipality and the Ward Committees, only those only two voices in a whole community. You must consult more widely.” {18LF} sensibly suggested that “They should have had meetings with the people and put in writing so that we have proof to show them when they don’t do things they say they will.” {10 LF} also had views on expanding the sphere of participants and noted that “What they should have done in the beginning is find somebody within Loeriesfontein who knows about the people of Loeriesfontein and use that person to identify the

key role players. They should have consulted the religious leaders, community nursing leader, the head of the police, the various school principals. They should have made the circle much wider.”

It does appear that there were other community meetings called by the company, {18LF}, but these appear ineffectual. {2LF} stated “We keep getting told to come to meetings and we arrived and there’s nobody there.” This was confirmed by {23LF} who stated that “The communication was horrible. Calling meetings, cancelling them, postponing them, going to a meeting with no answers.” In contrast {3LF} stated that “There were people from all areas in the community and at every meeting they would bring their experiences and concerns” albeit that {6LF} averred that he “never went to community meetings because it ends up in a political, always political issue, so I don’t go, I never go to it.”

Part of the concern in the community was the belief that information was restricted to particular groups. {2LF} said that “The people say that there are just certain people that get told about what’s happening. They hear about things but that does not come from Mainstream; they hear it in passing.”

Nonetheless, it is apparent that, certainly during the construction period, Mainstream tried to maintain regular communications with the community. In theory the use of a committee to represent the community made practical sense in that meetings with a smaller number of people were far more manageable than mass community meetings.

### **7.2.3.3 Other Participation**

Within Loeriesfontein an additional element of participation and empowering the community was the concept of grievance procedures that were followed in the event of a community complaint. {19LF} explained that written grievances had to be submitted and that they went through and tried to resolve each complaint or grievance reported. This indicates that the requirements for participation namely listening and respecting sharing

information and to an extent decision control were present in these types of interaction.

## **Summary**

This section has considered the issue of Participation as one of the elements of Procedural Justice. The literature suggests that for participation to be demonstrated the parties should listen to each other, respect each other, share information and that there should be an element of decision control in the hands of the community. Additionally, together with all the elements of engagement, there needs to be evidence that group cohesion and reciprocal value are promoted by the actions. Within Procedural Justice there are overlaps between the process itself and accessibility, recognition, and participation. There are also issues of power, in that some parties, usually but not necessarily the project promoters, have more power than other participants which needs to be exercised in a just and fair manner.

It was noted that at Kirby Misperton and Coul Links genuine attempts had been made to involve the local communities in the process. Of course, much of this was due to the legal requirements in the various cases, but it would appear that, initially at least, both parties went beyond the laid down requirements.

While at Coul Links the proposal has not yet reached the final approval stage, at Kirby Misperton initial approval was granted for a test frack. As will be discussed later, the community response to this approval was such that the company withdrew their own participation from the community. At the initial stage however for both projects it appears that the only element of participation “missing” was the issue of decision control. However, it was certainly not in the promoters’ gift to pass decision-making to the community and, in any event via the application process the communities have the opportunity to influence the decisions. It is evident therefore that the requirements for participation were largely met, and the promoters could argue that they were in the process of earning the SLO.



At Loeriesfontein, despite the assertions of the IFC, there is no evidence that any community meetings took place prior to the application being submitted. Post approval, though, there were numerous opportunities for participation, albeit that most of these took place through the channels of the ward committees or other community elected representatives and there were very few open meetings for the entire community<sup>39</sup>. Do the company's actions regarding community meetings indicate that there was participation by the community? The use of community representatives, elected by the community and not selected by the company, appears reasonable. There was no concept of traditional leaders in this community and, being a small town, most people knew each other and therefore an election could be regarded as fair and democratic. The fact that the Ward Committees proved to be problematic should not ascribe blame to the company. Accordingly, it is realistic to argue that there was reasonable participation in the company community interactions/communications at this stage.

#### **7.2.4 Recognition, misrecognition and non-recognition**

Recognition has to do with the acknowledgement of another person's humanity (Fraser and Honneth (2003); Miller (2021); Tshawane (2009); Woolman and Bilchitz (2012)). It is difficult to separate recognition, respect, and human dignity, each seems to be an inherent part of the other. Accordingly, if I do not recognise your humanity, I am treating you with disrespect and ignoring your human dignity; if I do not treat you with respect I am denigrating your dignity and not recognising your humanity; and so on.

The issue of recognition was introduced in the section on Procedural Justice. As Miller (2021) p4 notes, a lack of recognition diminishes people's sense of agency and causes them to see themselves as of lesser value than others.

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<sup>39</sup> While having no impact on the SLO it is worth noting that the Mayor of the Hantam (district) municipality called a public meeting with the Loeriesfontein community. His purpose was to ensure that some of the funding from the project went to towns other than Loeriesfontein. At that meeting he was barracked by the local community and left after five minutes, having disbanded the Ward Committee {8LF}, {9LF} and {11LF}.

The same view was expressed by Fraser and Honneth (2003) p29 who refer to “institutionalised patterns of cultural value” and the disparagement of individuals’ or groups’ distinctive characteristics.

There were in instances across all three cases where there were elements of nonrecognition or misrecognition. As {18LF} observed “When the people from Mainstream came here, they treated us very nicely but there were some issues later on where we felt looked down on or perhaps belittled.” From a different perspective {9LF} observed that “Loeriesfontein [people] love to say you only a Loeriesfonteiner if you’re born here, so I will always be the outsider, so I have no say here, my voice doesn’t count here.” There was also an issue with subcontractors, which has ramifications for the SLO in that the actions of third parties can impact the company attempting to earn the SLO. So, {5LF} could observe that “people were unhappy about how the construction company that Mainstream employed never heeded to the plight of the people. They treated our people like dirt.”, while {15LF} commented that “I don’t know who were advantaged or disadvantaged by Mainstream. As far as I’m concerned we brown people from Loeriesfontein meant nothing to Mainstream, were just there for the hard labour.”

Similarly, with Coul Links, if you were resident south of the Dornoch Firth it appears that your opinion did not matter.

## **7.2.5 Procedural Justice Summary**

This section has considered the issue of Procedural Justice and considered whether the elements of due process, accessibility, recognition and participation were present in the company/community exchanges. Additionally, the elements of promoting group cohesion and creating reciprocal value amongst the community should be demonstrable. The section has concentrated on the actual process followed and the communication between the project promoters and the community. It has not considered specific interchanges between the parties as these are covered below in the section on Interactional Justice.

It is evident that there were obvious flaws relating specifically to matters such as language, culture, accessibility, and recognition that should have been addressed by the promoters. However, these flaws in the procedures do not expressly imply that there was a breakdown in Procedural Justice over these three cases. The question is whether due process, accessibility, recognition, and participation were manifest and, as a first step in the pursuit of an SLO, it is suggested that all three project promoters could generally justify that Procedural Justice was largely evident in their engagement with the communities. As far as the *ubuntu* elements, actions are required to promote cohesion and reciprocal values amongst people, are involved it is apparent that both the company/promoters and the community fell down in these areas. Were these flaws sufficient to preclude the award of the SLO? It is contended that, on their own, attainment of the SLO would be made more difficult, but in conjunction with later activities, the SLO, if awarded, would have been in a very weak form and would require further work to build and maintain/retain it.

### **7.3 Interactional Justice**

This slightly artificial journey in the realm of justice continues with the discussion on Interactional Justice. “Slightly artificial” because all these elements of justice intertwine and complement each other, and it is thus difficult to maintain focus when considering an issue through multiple overlapping lenses<sup>40</sup> – the discussion tends to become a little blurred at times. As Luo (2007) p645 notes “Distributive, Procedural, and Interactional Justice function together ... in stimulating interparty exchange.”

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<sup>40</sup> A very brief consideration of justice from an historical perspective may commence with Distributive Justice, the fair distribution of goods and benefits, along with its subsequent riders of capabilities, accessibility and recognition. Subsequently the focus moves to the method of distribution, considering the justice of the procedures involved in distribution. More recently, the issue of Interactional Justice, relating to the perceptions of fairness of treatment between the parties, has come to the fore. However, it is apparent that all these aspects of justice overlap and separating them into silos is a mere convenience.

Thus far the issue of Procedural Justice arising from the case studies has been considered and it is evident that, largely, the promoters and all projects could be considered Procedurally just, albeit weak in several areas. Procedural Justice tends to be unidirectional, where the responsibility to ensure just procedures lies with the companies or project promoters. It is their obligation to ensure a fair process in terms of accessibility, recognition, and participation. Whereas Procedural Justice raises the question “are the rules and procedures used to reach these decisions equitable?” Interactional Justice asks, “do those who apply these procedures listen to my views and treat me with respect?” (Simmons and Lovegrove, 2005) p502. Bies (2015) p90 further argues that “truth and human dignity are the core noncomparative principles underlying Interactional Justice.” Finally, the *ubuntu* requirements of mutual recognition, respect, and dignity, fit neatly into the other prerequisites for Interactional Justice outlined above. It must be noted, and this is where there is a difference from the normal requirements of justice, in terms of *ubuntu*, justice is multidirectional and relates to interactions between, in this case, the company/proposer and the community (bidirectionally) and between the various groups in the community themselves (again bi- or multi-directionally). It is this multi-directionality that is at the heart of Interactional Justice. Therefore, while the focus must remain on the company/community interface and the SLO itself, the impact of the project on relations and relationships within communities needs to be considered, especially as it became apparent that interaction within every community in the case study set resulted in sometimes irreparable splits in the communities. This is not unique to the three case studies concerned and Fischhendler et al. (2021) examine community splits in a wind turbine project, while Connors and McDonald (2011) p566 observe that in Australia “there are communities virtually split down the middle by the forestry industry, by wind-farming, by genetically modified agriculture, by mining projects, carbon-trading proposals, sustainable fishing, disputes over Aboriginal sovereignty, heritage issues and bypass roads” . It is this wedge in the community, largely between proponents and opponents, which makes it difficult for

companies to argue that there is community consensus and/or community-wide support for their project.

### **7.3.1 Broad overview**

At Loeriesfontein interaction was based around communication with and amongst the community, which has been discussed above. As was noted earlier in the introduction to the case studies the development company has a legal obligation to spend 5% of its turnover on social and economic development. As the project would take several years from commencement to final commissioning the local company obtained permission from its board to drawdown on its future commitments during the construction period, which led to some interaction with the community. The process of meeting these commitments will be discussed further under the aegis of Distributive Justice, but there are elements of community interaction, and community/company interaction which are discussed here.

At Kirby Misperton there was substantial interaction between the company and the various community groupings and between the community groupings themselves. These almost entirely centred around the protests against the project and the response to these protests.

Finally, at Coul Links there has been little actual interaction, other than on social media and to an extent in the press. This is largely because the first attempt to get the project underway was rejected by the Scottish government and the second, current, attempt has only recently commenced. At this stage therefore there has been little need for any real interaction.

It was noted above that the requirements for Interactional Justice comprise [mutual] recognition, respect, human dignity, and truth, albeit that one could argue that truth is in itself an element of respect and human dignity. Furthermore, it is suggested that Interactional Justice relates to all interactions between all parties and is not unidirectional nor even bidirectional.

Stereotyping, according to Fiske (2000) p304, is a normal function whereby people divide others into groups, often tagged by race, gender and age. Nonetheless, this is tantamount to prejudice and discrimination. As Ganty (2021) p21 observes, “stereotypes and stigma ... are mainly an issue of misrecognition.”

Stereotyping was evident across all three case studies although, interestingly, much more obvious between various groups in the community rather than by the companies or project promoters. Thus we have: “these white Afrikaner men”; “it’s not that they are not clean or anything, they just didn’t do it like that”; “they will never be able to actually run with an opportunity, even if you give them something”; “there’s no logic or understanding – you can’t go sit around the table and discuss it with them”; “they’re anti capitalism a lot of them are long term protesters against all sorts of things”; “all the yobbos and the ones that create hell”; “they’re bonkers aren’t they really some of them”. And so, one could continue.

The issue is that stereotyping reinforces misrecognition and builds towards what became, and remains, an issue in the various communities – the apparently irreparable split between groups. This is discussed later as the consequences of the interactions between the parties are considered.

### **7.3.2 Respect, dignity and interaction**

Within the concept of justice, the issue of dignity is a Kantian concept relating to the acknowledgement of the intrinsic value of other people (see for example Kant (1997) and Wood and O’Neill (1998)). This is then naturally allied to treating people with respect.

Apart from one specific instance at Coul Links and detailed below, there was little evidence of the companies treating the communities, or members of the communities, with blatant disrespect, albeit that certain members of the Loeriesfontein community felt they had been treated without recognition of

their specific concerns and issues. Largely, this is dealt with when discussing Distributive Justice below.

This, however, is an area that becomes fraught with emotion, especially when protest action is considered, and leads to a brief consideration of “just war” theory (O’Driscoll (2020); Stanar (2023)), a concept well beyond the scope of this thesis but of interest for later research. O’Driscoll (2020) p188 states that “The idea of just war rests on the dual claim that war may sometimes be justified and that it is possible to discern between just and unjust uses of force.”

This highlights an issue that has arisen in all three case studies, with Kirby Misperton being the most obvious example – are protesters entitled to take any action necessary in order to achieve their ends? There are numerous examples of actions (discussed below) that may be considered disrespectful and showing a disregard of dignity, largely on the part of those opposed to the projects. These actions were predominantly directed at the companies or project promoters, but were often intra-community as well.

It is important at this point to reiterate that this research has tried, as far as possible, to remain neutral and independent on the various issues underpinning the projects. Accordingly, this section is not a judgemental, it is observational.

In Loeriesfontein there were a number of “strikes” by the local community, not necessarily the company’s employees. For example, there were strikes against the subcontractors, against the company for bringing in workers from another community, against one of the accommodation establishments, where the community believed cleaning contracts had been mis-allocated. As with so many protests in South Africa there was always the potential for violence, so {9LF} discussing a Mainstream employee noted that “the people is going to hurt her, that how bad actually it was that time.” Further, {9LF} talking about another situation, where a community member told a Mainstream employee “I know where your wife and kids live” because she

did not get a job. He commented that “They won’t really do anything.” However {1LF} reported that “They physically attacked the site manager and his wife last year; she ran into the Spar for safety.”

There were several other “minor skirmishes” in Loeriesfontein, one suspects borne out of frustration at the lack of jobs or the slow progress in awarding funds. In some cases, as reported by {11LF}, the community acknowledged being embarrassed by the actions of a small minority. There was also enormous antipathy expressed against one member of the community who had been extraordinarily successful in building a transport business and security company. Nonetheless, despite the obvious lack of respect shown by the community for the company and some community members the situation was generally compliant with this aspect of Interactional Justice.

In Kirby Misperton, the situation was substantially different. As was noted previously, the day that Third Energy were given the approval to go ahead with their first frack the protest camp opened in the village.

It is interesting to ponder whether the local community would have protested at the same level had the camp not been there. {42KM}, in his description of the variants of green protest averred that, apart from a small group of totally committed environmentalists, all other groups, including the NGOs, had bought into the neoliberal discourse, where, according to Wilson (2007) social problems and social ills are framed in a personal and private manner. For this small “dark green” group “the goal is a new politics, a new social order that promises justice not by fighting against the injustice of larger structural and institutional forces, but against the unjust ways of governing oneself.” (Wilson, 2007) p97.

{42KM} would agree with Wilson (2007) p97 who writes that “the concept of justice has been reconstructed to fit neoliberal political and economic objectives” and even more so with Riedy (2020) p100 states that “a neoliberal capitalist discourse dominates global affairs, with devastating effects for ecological integrity and social justice.”



Nevertheless, despite their Conservative/conservative background, it is reasonable to assume that most of the local residents who were anti-fracking regarded the protest camp as a useful means to an end. {32KM}, one of the community leaders opposing the project stated that “We were not happy with the way it happened [but] we are much more grateful to the camp than we are bothered by it.” Although even he noted that “one or two things happened we would like not to have happened”. Similarly, {28KM}, while discussing the behaviour of the protesters agreed that “the majority of people who are opposed to this aren’t brave like that”, noting that “if we didn’t have those people really standing up then we wouldn’t even be hearing about it” and observing further, in keeping with the conservative nature of the community, that “I don’t like their tactics but I respect their commitment”. Somewhat cynically {38KM} believed that there was [tacit] support for the protesters because “Kirby Misperton, being such a quiet rural area, some people actually found it a little bit interesting that they’ve got protesters, it was exciting for them.” It is apparent that, without the support and backing of the protest camp and their associates, the local community would have “bought into” the neoliberal discourse and would have accepted the decisions of the local authorities and National government, following appropriate legal action, and muted local protest action if any. As {39KM} observed, “the percentage of local people, who had the courage to do walks grew but they were more peaceful.” In which case the shale gas project may well have gone ahead.

It is not necessary to focus on the minutiae of the protest action. There has been substantial coverage of protests at various sites in the national media to provide understanding of the concepts of “slow walking” in front of vehicles coming to the site; protesters climbing onto delivery vehicles thereby forcing them to stop until police could erect scaffolding to remove them in compliance with health and safety regulations; lock-on’s blocking the streets; placard carriers and “grannies knitting” blocking entrances. These actions caused delay to the project and irritation to the company and to many of the local residents, who found themselves delayed or unable to get into or out of their homes (to the extent that the police sometimes carried out the school

run). Nonetheless these specific actions did not cross the bounds of normal, acceptable protest and remain within the realms of transactional justice.

However, there were several incidents that apparently took place which demonstrated a complete lack of respect and disregard of dignity for both the company and the local community, and thus a breakdown in transactional justice. The term “apparently” is used because in all interview situations one is reliant on hearsay, even if the event was experienced by the interviewee, and, as {40KM} observed “you know everybody has their own truth, but their truth might be coloured slightly from because of how they’re feeling at the time.”

Despite this view, it is apparent that, from within the protest movement, a number of actions targeting project supporters in the local community and suppliers to the company took place.

{27KM}, an employee at Third Energy described the protesters outside the entrance gates as “spitting and swearing and shouting obscenities at the female staff, and filming them” while they were driving into the premises. He noted that “because of the threats and abuse they were getting”, the local petrol station refused to supply Third Energy with petrol.

Another Third Energy employee, {29KM}, described a situation where the owner of one of the scaffolding firms had protesters parking outside his house, shouting abuse from the bottom of the garden and keeping headlights shining onto his house all night. The protesters then began posting negative reviews on his website and he eventually came back and said he couldn’t work for Third Energy. Third Energy eventually approached a scaffolding company several miles away, which was large enough to avoid the impact of protest and online abuse. The net result however was that work and jobs were removed from the local area.

Allanson (2020) who runs a bed and breakfast in the area, and who was one of the interviewees, describes having her Internet services summarily

terminated by a local company whose owners were part of the anti fracking movement. She also had negative reviews posted on her business website by people who had never stayed there.

Another interviewee, {38KM} described having received death threats, having the bonnet of his car vandalised with brake fluid (which was shown to the interviewer) and stating that “I got sent a picture of the Jews going to the gas chambers, with the message that ‘the only cure for me and my kind is genocide. And if I don’t commit suicide within 24 hours they will come and slit my throat.’ Needless to say, I have no scars and I’m still here.”

As {29KM} describes it “They use very intimidating tactics. Very intimidating tactics. It’s not peaceful protest you know it’s, I mean I almost view them in that group almost as terrorists you know.” And {31KM} observed “I think in the beginning it was quite low key. But then they got more and more aggressive.”

Those stories paint one side of the picture. Others saw it differently, or not at all. {33KM}, for example complained about the lack of local jobs noting that even the scaffolding contract had gone to a company outside of the area (refer above!). {39KM} stated that “protests have been peaceful – I haven’t seen or met anyone from the camp who wasn’t peaceful or who was being violent”. Albeit that he did observe that there were some very aggressive [protestors] getting into policeman’s faces and shouting and swearing “they were visitors”.

A photojournalist, with some twenty years experience photographing people in protests made the point that “you’d have to be totally naïve to believe that a campaign would never cause anything, any disruptions. I mean is that not the point of the protest to cause some form of disruption?” {40KM}. He also gave a detailed explanation as to the need for protest movements to gather sufficient “critical mass” in order to ensure mainstream media coverage. In his view this was why there was considerable visiting between protest groups, and why, when the media was present, a number of stunts such as

the knitting grannies, candlelight vigils and so forth, were put on, designed to elicit support.

Protest supporters denied seeing any form of violence or aggressive behaviour. One of the supporters, {28KM}, while arguing that “it’s fair game to confront people” he said he was saddened and worried to hear about abuse and personal attacks on people. He presented a view that epitomises Interactional Justice when he said that “we just got to carry on talking politely about the facts, not attacking individuals. I have to stop my instinctive annoyance at [redacted] and recognise that she’s a human being with a view and recognise that she holds that view honestly. I just am thinking that we got to stop being personal. We’ve got to be emotional in our passion about what is the right thing to do, but take it away from being personal attacks.” Ideally, that is what should be evident if there is to be transactional justice.

One final issue sums up the difference in views at Kirby Misperton. {40KM} described a scene where young children, seven or eight-year-olds, twelve-year-olds, walking with their parents from the campsite were shouting “Thank you, warrior!” through the hedge to the protesters showing “their pleasure of what they’ve done and using the term warrior” in what he described as “this formative experience”. {38KM}, on the other hand, referring to videos of young children, the same sort of age, at the KM8 gates shouting abuse at the police, said “I liken this to Northern Ireland when the troubles were on and I’ve been around housing estates where young kids would abuse the army because it has been bred into them by their parents. And it’s just all wrong. It’s just not normal.” Whose perspective is right?

At Coul Links the interaction between the various parties or factions is largely restricted to social media pages and, while there is evident antipathy, this is to be expected when people on both sides are passionate about their views.

There was however one incident where the promoting company showed a total lack of respect for one of the members of the opposing group. As noted above during the first hearings around Coul Links Dr Dargie’s credibility was

challenged. Dr Dargie was responsible for preparing a report for the Scottish government in 2000 entitled “Sand Dune Vegetation Survey of Scotland: National Report” in two volumes during the preparation of which he walked the entire coastline of Scotland examining the sand dune system, and all the sea-coast links courses, in detail. He has several peer-reviewed publications and has consulted worldwide on sand dunes and sand dune movement.

Following the first hearings, a friend of the original American promoter submitted a complaint about Dr Dargie’s professional behaviour to his Institute, the Chartered Institute of Ecology and Environmental Management.<sup>41</sup> After spending considerable time preparing his rebuttal, including evidence of social media threatening him with violence, he was cleared, only for an appeal and further evidence to be lodged. He was finally cleared two months later. Of interest is that while this was taking place, preparations were underway for a second application. There is more to the story, but Dr Dargie is of the opinion that the motive behind this attack was the attempt to take him down as a professional environmental scientist, thereby avoiding his participation in any further objections to the Coull golf development. This is certainly evidence of a lack of respect and regard for another’s dignity.

### **7.3.3 Power and Powerlessness**

The identification of local power groups was covered in Chapter 5.1 above. In virtue of their position, one would expect the companies or project promoters to have power to influence, sway or even coerce the local community. This was certainly the case in Loeriesfontein where Mainstream could dictate where and when the community benefit money would be paid out, especially during the construction period. Consequently {18LF}, who had been complaining about issues with Mainstream, said “I’m not going to

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<sup>41</sup> A fuller version of this story was sent by Dr Dargie to the writer by email on 16 September 2021.

shout about this because It might affect my application for funding.” This situation is well described by Eaton and Kinchy (2016) who note that mobilisation requires both motivation and capability. In the Loeriesfontein situation, where the hegemony of the pre-1994 state had created immense feelings of powerlessness and inferiority amongst the “non-white” population, as throughout the rest of South Africa, recent experience has shown that there is unquestionably the capability to mobilise and protest. However, there remains issue that economic power lay in the hands of the developing company thereby damping down any extensive protest, albeit that there was no evidence of any significant needs to protest.

In the other two cases, and largely due to the fact that neither of them had commenced operations, nor was there any evident economic benefit, there was no real ability for the company to influence the community. At Kirby Misperton, several interviewees mentioned the Sirius Minerals Potash mining project with all being of the opinion that it certainly had an environmental impact. However, as{30KM} noted “they were really clever – they gave everyone shares of the company and haven’t had one letter of complaint”, which references back to the discussion on what’s in it for me or what’s in it for us in Chapter 6.

There were however individuals who were perceived to have power within the communities while the case studies were being conducted. This identification of powerful individuals was facilitated by interviewees suggesting, on more than one occasion, that this or that person should be interviewed or referencing their opinions on a regular basis. In Loeriesfontein both the company and the community perceive the local town councillor to have power and it appeared that she was a force for good in the community. Two other gentlemen, a father and son, in the community were opposed to or highly frustrated by Mainstream and its actions and appeared quite vociferous in stirring up the people against the company. Nonetheless their ability to act was limited, thereby tending to render them powerless, if not silent. There was nothing to confirm that either in terms of their actions or

their words these two gentlemen treated others with disrespect albeit that one interviewee, {11LF} stated “Oh, my goodness I can show you WhatsApp’s here, threats and so on”.

At Kirby Misperton, the obvious leaders in the village were the local priest and her husband, a retired Bishop. They certainly were very involved in all aspects of protest against the shale gas project, and were recognised leaders in the community, possibly due to their status. They appeared to try and influence people wherever possible, as {31KM} reported “they brought into the church. It was brought into sermons and stuff. They did use their power to try and Influence people, which I think is wrong in the church.”

Other influential people opposed to the project in the Kirby Misperton area included the local GP, who made his business to comment on the health aspects of fracking at all opportunities, but who would not be interviewed, and his son, who was a leading player in the protest camps in Ryedale and elsewhere in Yorkshire. To its credit Third Energy tried to collaborate with these individuals, appointing the local minister to the liaison committee and bringing health experts to discuss issues with the doctor. Apart from the protest camp leader, none of these individuals ever overstepped the boundaries of Interactional Justice, albeit that they were vociferous in their protest and objection to the project.

Lorraine Allanson (Allanson, 2020) was unquestionably the leader of the “pro-fracking” group and actively involved in all aspects promoting this and other developments around the country. Again, while an enthusiastic and determined proponent of fracking, and while she certainly gave as good as she got on social media, she seems to have remained within the bounds of Interactional Justice.

Finally, in Coul Links, the most powerful opposition member in the community, due to his reputation and efforts with the first application is Dr Tom Dargie, who was discussed above. Again, there was no indication that the norms of Interactional Justice were breached.

An element of power that at least needs to be raised is the concept of valid power versus “he who shouts the loudest”. In many instances, across all the case studies, the most vocal and most vociferous opponents (or proponents) appear to attract the most attention in the most media coverage thereby allowing them unmerited power. As Goldhamer and Shils (1939) p173 observed so many years ago (a very telling date!) “the recognition of a power holder as a legitimate exerciser of power rests on the recognition of the legitimacy of his acts”. It is evident that usually the loudest cannot demonstrate the legitimacy of their actions.

Nevertheless, while it flies in the face of justice, the fact that some individuals carry sway or influence in a community needs to be considered by the project promoters, who themselves need to engage with dignity and respect to demonstrate their worthiness as recipients of the SLO.

#### **7.3.4 Split Communities**

One outcome of interaction amongst the communities in the three cases was the obvious split in the community. This is hardly mentioned in the SLO literature with Hall, Ashworth and Shaw (2012), in their study of a wind farm development noting that a small section of the community believing that “This whole project has divided this community totally divided it. It just created a great rift between people.” (Hall, Ashworth and Shaw, 2012) p50 Grubert and Skinner (2017), with a potential coal shale gas (fracking) development in Australia observed that the entire town was split, around the potential economic benefits or costs of the project and not specifically environmental issues, although this did play a role.

In Loeriesfontein, where {3LF} described “the very first meeting we were one in full glory, one single community, mixed” and where it was apparent that the different communities lived amicably, as {15LF} observed “they [Mainstream] have just messed up the close relationships in the community and have ended up splitting the people”, a view confirmed directly by {18LF}, with {10LF} adding that “we are a very divided community with different political



views and therefore different views on the same subject.” This was partly due to the socio-economic situation discussed earlier, as {23LF} described “The town is divided, literally, geographically divided and within the coloured community, they are also divided.” It is apparent that these divisions while inherent in the community were emphasised and exacerbated by the wind farm development.

In Kirby Misperton split in the community was obvious from the moment interviews commenced. A number of people ({24KM}, {28KM}, {31KM} and {32KM}) specifically referred to a split or a division. The split was on the lines described when identifying the different community groupings, and the reasons for the division apparent when considering the motivations of the various community groups. At Kirby Misperton the predominant cause of division in the community was the camp and the protest movement. As {37KM} suggested “I think that’s really put some divides in the community, but at different levels, not just for and against, but whether you know there’s a business that’s been intimidated or somebody is involved in the industry and they’ve been, have direct experience of things like that, they immediately become pro-fracking because they must be.”

Grubert and Skinner (2017) looking at shale gas in Australia suggest that people’s views on the project were influenced by their personal cultural and ethical position, but observed that the town in their study had already experienced division around discussions on the town’s future and especially conflict between the rural and town residents. Similar to Kirby Misperton there was quite a vicious interaction at times between the two groups and they note that “The types of interactions people described to us included death threats, having vehicle wheel nuts loosened, boycotts, yelling in the streets, online bullying, and fear of expressing opinions.” (Grubert and Skinner, 2017) p49.

The local community around the Coul Links development again fell into two distinct camps, and there was some resentment in the local area, mostly targeted at the US developers. As {47CL} observed, “it’s such a small place,

it's very easy to find out, you know, who's doing what and who supports what and all that kind of thing.”

{43CL}, noting that the Embo village residents now appear to be united, even if passively, believed that this was due to good PR on behalf of the developers “talking the community around, because Embo was divided about it the first time around. Outside Embo, we weren't divided about it, it was massively against.” {45CL} thought that the split remained and that “there's a lot of hard feeling about it ... the village is split and it's unpleasant”

Splits or divisions in a community must be expected and must be the norm in any society where people have freedom of thought and freedom of expression. As Grubert and Skinner (2017) p46 state “Communities undergoing major transitions often experience social division in response to project proposals and development”. However, mirroring Kirby Misperton they continue but effects on the community fabric as severe and as visible as those observed by Grubert and Skinner (2017) are unusual.”

The implications for the SLO are discussed below where the issue of Interactional Justice is summarised

### **7.3.5 Interactional Justice Summary**

It was noted above that the requirements for Interactional Justice comprise [mutual] recognition, respect, and regard for human dignity. Furthermore, Interactional Justice relates to all interactions between all parties. In the introduction it was suggested that Interactional Justice asks “Do those who apply these procedures listen to my views and treat me with respect?” Perhaps that question should be reworded to ask “Do those with whom I interact acknowledge me, listen to my views, and treat me with respect?”

This section on Interactional Justice has considered the issue of recognition, noting that there were instances where there was misrecognition or non-recognition of elements of the community by the project companies. In some instances, this was overt, such as excluding elements of the community with

the Coul Links development, while in Loeriesfontein it appeared unintentional or reflected the perceptions of individuals in the community. There was also stereotyping across all case studies, both from the companies and intra-community. The issue of recognition is important because non-recognition denigrates the humanity of the people involved, on both sides of the problem, and erodes the foundations of Interactional Justice. This in turn impacts the ability of the company to claim it has an SLO.

An issue of supreme importance is that of the need to treat all parties with respect and dignity in all interactions. Two areas of interaction were discussed, the first being between the companies and the community and the second being intra-community interaction.

It was observed that the companies generally treated the communities with respect and certainly their behaviour would not have lost them an SLO. The issue of major concern was the obvious lack of respect shown by a small element of the community in Loeriesfontein and by the protesting community at Kirby Misperton. The Loeriesfontein protests were predominantly against processes and while there were one or two "incidences" protesters largely behaved within the bounds of just interaction. Protest at Kirby Misperton however demonstrated a complete lack of respect and dignity for the company and within the community. The question was raised as to whether protest of this nature could be considered to fall under the aegis of just war theory, but that is beyond the scope of this thesis. What is evident is that the behaviour of elements of the protest community, whether those be from the camp or from the broader resident community, crossed the boundary of what would be termed acceptable as far as respect and dignity within the ambit of Interactional Justice are concerned. It is also proposed that Interactional Justice is not unilateral, and this raises the issue as to whether, by their behaviour, communities lose the right to award the SLO. Certainly, if there is to be Interactional Justice, then it must apply to all parties and inasmuch as a company can lose or not be awarded its SLO it seems apparent that communities too a concomitant obligation to earn the right to award the SLO

and certainly, in terms of the behaviour exhibited at Kirby Misperton, sections of that community forfeited their right to award the SLO.

The issue of power and powerful individuals was discussed, and it is apparent that there are those that can influence the community in all three case studies. These people need to be identified and processes created to ensure engagement with these key players while at the same time recognising and utilising their positions. Of importance here is the issue that mobilisation requires both motivation and capability and it is evident that, certainly in Loeriesfontein, sections of the community remained silent rather than impact their chances of receiving benefits from the company. This situation is perhaps an inevitability in a capitalist society, nevertheless for there to be Interactional Justice companies need to ensure that there are processes in place to empower and provide voice for those sections of the community that consider themselves powerless.

The final issue had to do with splits in the community. There is evidence in the literature that communities are often split around projects, be they energy related, extractive, or any other project involving change or challenge. While the project company may be able to influence the interaction between groups in some way, it is not within their remit to become involved in differences within the community, nor should they. The role of the company is to remain neutral where divisions do not affect them and to abide by the principles of Interactional Justice, namely recognising all views and treating people with respect and dignity to earn the SLO.

The discussion on justice continues by considering a “nonhuman”, but equally as important stakeholder, the environment and ecology around the projects.

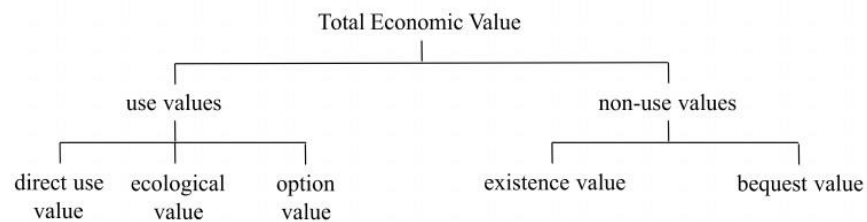
## 7.4 Environmental and Ecological Justice

Section 6.7 introduced the concept of the environment as a stakeholder and highlighted the difference between environment and ecology. Environmental justice has to do with the impact of projects on the human environment, for example air quality, water quality, health, recreation, and this was largely/solely an issue at Kirby Misperton. Ecological Justice has to do with the impact of the project on the ecology, flora, and fauna, and this was largely the focus of concern at Coul Links.

As has previously been discussed the ability to earn the SLO is based on the presumption that the project promoters have complied with all the relevant legislation. In each case this meant that the companies had conducted and submitted an environmental impact assessment (EIA) to the authorities and that it had been accepted, which made to the projects legally legitimate otherwise they could not have proceeded. Is this sufficient in terms of earning the SLO? And does an EIA have any real value?

{42CL} advised that he had prepared the EIA for the Trump organisation's Balmedie golf course in Aberdeenshire. He said, "in the EIA I stated that this was going to be a significant adverse development, which is basically EIA speak for wrecking the place". Seemingly, because of the economic promises and the stature of the man (at the time) the EIA was ignored, and the project went ahead. It would appear therefore that companies wishing to earn the SLO need to go beyond mere box ticking to ensure there is environmental and Ecological Justice. Schlosberg (2007) proposes that it is possible to have both environmental and Ecological Justice concerns addressed using the broad language with distribution, recognition, capabilities and Procedural Justice to create a large enough framework linking both environmental and ecological concerns (Schlosberg, 2007) p7. Of concern is that ecological issues tend to take second place when compared with the environment. Analysing the literature on environmental

valuation Li and Leonas (2022) describe the “use value” as comprising: the value derived from direct use and exploitation of the environment; the value of the ecology is based on benefits the environment provides to support life and biodiversity; and option value related to future potential. Non-use value comprises valuing the environment merely because of its existence and the value placed on the potential benefit for future generations (Figure 82).



**Figure 82 Total Economic Value**

Source: **Li and Leonas (2022)** p68

The problem with economic values, which stem from the ecosystem services movement whereby attempt was made to put a value on the enjoyment derived from the environment, is that there is little worth placed on the intrinsic value of the ecology, albeit that there are attempts currently to put a value on “ecological capital. (Callow (2015); Li and Leonas (2022); Yu et al. (2019)).

Schlosberg (2007) p6, in discussing the difference between the two forms of justice talks about “the disconnect between environmental justice on the one hand and ecological justice on the other”. The importance of this contrast between environment and ecology was highlighted when contrasting the project opposition in Kirby Misperton with that at Coul Links. The Kirby Misperton, environmental, concerns related to issues such as damage to aquifers and water pollution, the impact on air quality, seismic activity, and other environmental issues of that nature. The ecological concern at Coul Links related to issues such as the long-term damage to the dune system (possibly hundreds of years), potential loss of some small mosses and ferns, and loss of habitat for the Fonseca fruit fly. While both sets of concerns are of equal importance it is natural that the “environmental” concerns, those

directly affect the community take precedence. It is also difficult to justify why the loss of the Fonseca fruit fly is of more concern than the loss of jobs and young people in the area.

It is contended that if there is to be concern for future generations than both environmental and ecological issues need to be considered by companies seeking the SLO. It was evident at Kirby Misperton that the company believed that the community did not understand the process and that there was substantial unnecessary scaremongering. {27KM} related bringing in a public health expert to discuss potential health issues with a local, highly respected community leader and former doctor. He described the two gentlemen spending two hours together with the health expert pointing out flaws in the doctor's assertions, noting "there was not one shred of his evidence which you could attribute to either our project or practices in this country." Nevertheless, at the public meeting that followed, the doctor ignored everything that had been discussed. Similar conversations took place with other members of the groups opposing fracking and {27KM} stated that "the problem you have with [redacted] is no matter how many times you give him the right answer you are dealing with a person who's [sole] arguments to us is: "I don't believe you."

It is apparent that compliance with EIA's did not appear sufficient as far as the relevant communities were concerned, especially when fuelled by the echo chamber of social media. It is obvious that all company seeking the SLO need to go beyond compliance. This issue was recognised by Gunningham, Kagan and Thornton (2004), some nineteen years ago, when they note "In some instances the conditions demanded by "social licensors" may be tougher than those imposed by regulation, resulting in "beyond compliance" corporate environmental measures" (Gunningham, Kagan and Thornton, 2004) p308. There are two issues to this. The first is that companies can and certainly should go beyond the minimum standards laid down in most EIA's, treating the human and natural environment with the sensitivity it deserves. Secondly, companies need to engage with their

“environmental” communities to understand and review their concerns, with the intention of preventing/remediating what they can and negotiating/explaining what they cannot.

Interestingly, Schlosberg (2007) p5, comments that “environmental justice movements explore, represent, and demand justice - fair distribution, recognition, capabilities, and functioning - for communities as well as individuals.” These are issues at the core of Distributive Justice

## **7.5 Distributive Justice**

The issue of Distributive Justice was discussed in the literature review in section 2.7.6. It was noted that Distributive Justice has to do with the fair apportionment of benefits (and burdens) in society in a manner which encompasses fairness, accessibility, capability, recognition, and compliance. A fair outcome in and of itself is insufficient, and often not that achievable, and what needs to be demonstrated is the fairness of procedures employed to arrive at the distribution of the benefits concerned (be those monetary or any other kind of benefit).

To avoid the concept of Distributable Justice being conflated with Corporate Social Responsibility (CSR) it is necessary to distinguish between the two concepts. This especially because, as discussed in the literature review, there is a body of work that, in the view of the authors or resulting from their research, either equates CSR/CSI with the SLO (Parsons et al. (2014); Prno & Slocombe (2012); Wilburn & Wilburn (2011)) or suggests that CSI will earn the SLO (Eerola (2017); Mayes (2015); Roeder (2016)).

In Loeriesfontein, according to {8LF} and corroborated by numerous other interviewees, Mainstream appointed and paid for two teachers, including a maths teacher, at the high school; they put a fence around the primary school, they provided bedding for the boarding school; they gave laptops to the children at high school; they paid one Sister’s salary because of problems at the hospital, as well as providing apparatus to the hospital and the clinic.



Thus, according to {8LF} “in terms of socio-economic development, they’ve done a fair amount in the town since they started construction.” This, however, was not CSI. Due to the immediate and obvious needs in the community, the company took the view that any money spent in the community during construction was an advance on the legislated funds allocation {19LF}. The community expected the company to use the funds they were legally obliged to allocate to the town for the benefit of the community thus whatever CSI might have taken place was regarded by the community as part of their right and due and therefore had no role to play in the SLO process.

In Kirby Misperton there was some attempt to undertake some CSI. As noted by {37KM} “The local football team in Pickering were offered sponsorship from Third Energy and they were in no uncertain terms warned off that if you take it then we’ll be protesting at the kids' football games, so, they didn't take it.” The concept of being paid anything by Third Energy, either as compensation or CSI, was vehemently opposed by people opposed to the project. In this case therefore CSI had no role to play in the awarding or withholding of the SLO.

At Coul Links, because development had not yet started, there was no suggestion of any CSI. However, with the previous proposal there was the suggestion that developers would purchase a piece of land adjacent to the village leading down to the beach and donate this to the community. Whether this would qualify as CSI or, as {49CL} calls it, a bribe: “one of the attractions (call it bribes) for negotiations from, the original developers, was this stretch of land from the railway line to the beach” is a moot point. Nonetheless in the current circumstances there is no CSI.

It can be concluded therefore, as far as these cases are concerned, that while CSI may be regarded as a benefit adjunct to a project and may assist in the process of earning the SLO, the benefits required by the community are far more socio-economic in nature and should be seen to benefit both the individual and the community.

The only case study with any real Distributive Justice issues was Loeriesfontein where the views of Iris Young and Nancy Fraser shape the discourse and, in particular, Martha Nussbaum and Amartya Sen, are especially influential and apposite with their concerns about capability.

Young (1990) argues that Distributive Justice is about addressing the underlying structural factors - social, cultural, economic, and political - that perpetuate Distributive inequalities, and dismantling these. Fraser (1997a) proposes that there can be no Distributive Justice without recognition, suggesting that distribution cannot be just until all parties are capable of participating equally with other members of society.

At a more granular, perhaps practical level Nussbaum (2011) and Sen (1990) both focus on capabilities as an essential prerequisite to Distributive Justice. Both shift the focus from mere economic distribution to ensuring that individuals have the ability to achieve and prosper. They would argue that, as is the case in Loeriesfontein, the mere provision of income is insufficient to demonstrate justice if the recipient cannot effectively utilise that income.

While every attempt has been made to remain neutral in this research it was at Loeriesfontein that objectivity transformed into compassion and empathy. One of the visits to the town was over a month-end and, opposite the café where several interviews were conducted, was a queue at the sole ATM that endured the entire day because, as {8LF} observed “the majority of people are reliant on social welfare or money from their families”. {8LF} explained that a substantial proportion of the population were trapped in a loan-shark cycle where they are paying 100% interest per month, “with the net result that at least half their income every month goes to pay back loans from the previous month and then they have to borrow again”. This was corroborated word for word by {16LF}. And this in a town that is supposed to be the beneficiary of many millions of Rand!

There are two separate issues regarding Distributive Justice in Loeriesfontein. The first had to do with employment and the second is with

the enterprise development funds that the company was obliged to distribute in terms of the legislation.

Unemployment levels in the town were exceptionally high and apart from those employed by government and in the few retail outlets, those that had jobs most worked for the sheep farmers in the area. When Mainstream commenced construction there were hundreds of people employed {10LF} and due to the higher wages on offer many people who were employed, mainly on the farms, gave up their jobs to work for Mainstream ({3LF}, {15LF}, {23LF}). {16LF} described monthly salaries moving from R2,000 [£100] to R9,000 [£450] or more. The direct result of this substantial increase in disposable income was that “most of the people began drinking more and drinking better quality alcohol. Our people fell into evil!” {10LF}.

Additionally, the contracts, which were largely for manual labour, were only for two years at best while the foundations for the towers were being built. Once the construction period was over those who had been working on farms had lost those jobs, a problem exacerbated by the drought, with the result that unemployment in the town has increased substantially. Coupled with this is the fact that those who did commit themselves to buying furniture or vehicles on credit now had no income, with the result that their purchases were repossessed. The outcome of all this was, inter alia, the queue at the ATM referred to above.

What should have happened? {11LF} observed that “people must remember that the core business of a renewable energy company is to produce energy, it is not to develop communities.” However, if there is to be Distributive Justice then firstly there needs to be recognition, both of the identity and culture of the marginalised community and the structural inequalities that need to be broken down (Fraser (1997b); Young (1990)) and, while there was some recognition of issues within the community and a social impact assessment had been carried out is apparent that this was largely ignored in the focus was on completing construction on budget, on time in true project management fashion.

The second aspect, which may well have helped with the issues described above was the fact that the community, largely, did not have the capability to deal with the flow of income (Nussbaum (2011); Sen (1990)). This problem was obvious to a number of people interviewed, so {3LF} can say “people didn’t know how to manage money”; “there was no leading or teaching”; “in the beginning if we had just taught them about financial management it would have saved a lot of problems”. {4LF}’s view was that “they should have taught people about budgeting and perhaps created an enforced savings account” and {16LF} “when companies come to situations like this perhaps they should look at providing some kind of financial education for the people when they are creating jobs”. Now, whether the insight shown by the community is actually hindsight is difficult to tell. Nevertheless, most of the management and staff in Mainstream did have previous experience in other projects in South Africa, and should have been aware of the problem. As was stated above, the mere provision of income is insufficient to demonstrate justice if the recipient cannot effectively use that income.

Thus, it is apparent that this element of distribute of justice was totally lacking in this project and gave rise to a number of the issues and resentments within the community, thereby weakening if not removing the company’s ability to earn the SLO.

The enterprise development expenditure is designed by the government to create small businesses in the towns surrounding these renewable projects to stimulate the economy and reduce unemployment. To give effect to this Mainstream employed a consulting company to assist with capacity-building for small businesses, involving financial management, marketing, customer services and business planning. It appears that this was reasonably successful albeit that there were naturally disgruntled members of the community. At the time the interviews were conducted which was shortly before the wind farm started producing electricity, and therefore revenue, there were several small businesses either running or in the process of completing the final requirements. {2LF} reported that these were a laundry

service, car wash, “tuck” shops (small general stores, usually in one room in a house), a panel beating business, a recycling business, an ambulance service (there is no service in the area) and a funeral parlour. As {17LF} stated, “so, the general dealers, the shops, even the “home shops”, and the whole informal sector has grown. Everywhere you see people with small businesses. So, I think the economy has benefited enormously.” It certainly did appear that the capacity building element was present in this instance.

Due to infrastructural problems, water shortages and especially the legal prerequisites, many businesses unfortunately could not get underway. The government’s laid down legal requirements were stringent and showed a complete lack of thought or understanding. A local lawyer {17LF} commented that “I think it was totally unjust to expect people to meet those requirements. This is trying to impose first world standards on people who are just coming into business at entry-level.” While this caused much discontent and confusion in the community there seem to be acceptance that this was the government’s responsibility and not the company’s.

The other area where there was discontent expressed by the community was in the area of capital provision. As has been noted the town was desperately impoverished and there was no provision for any business that required capital. Only one member of the community managed to convince one of the subcontractors to subsidise a minibus as part of a transport contract and he has become extremely successful with this and several other businesses. Could Mainstream have provided capital? It’s a moot point as to whether this was part of their remit, and they could justifiably argue that they are not a bank.

As far as meeting the requirements for Distributive Justice are concerned it is apparent that on one side there is insufficient recognition of identity and culture, and little obvious attempt to break down the substantial structural inequalities. Furthermore, the lack of capability was not taken into account. On the other side the capacity building necessary to assist in establishing

small businesses and develop the local economy, although flawed, appears to have been effective.

While this issue of Distributive Justice was unique to the Loeriesfontein case there will be numerous other similar situations with projects trying to earn the SLO. Accordingly, companies need to recognise the inhibitors of participation by marginalised groups; try to address the structural factors perpetuating Distributive inequalities; and ensure that the recipients have the capabilities necessary to achieve and prosper from the distribution. Accomplishing this would not only remove a source of conflict but would undoubtedly demonstrate the justice required to earn the SLO.

## **7.6 Engaging Communities – what can be learned?**

This chapter has considered the engagement between companies and communities and within communities. It is considered two broad aspects of engagement, namely communication and conduct, through an *ubuntu* focused justice lens, considering Procedural Justice and thereafter Interactional, Environmental/Ecological and Distributive Justice.

To earn the SLO companies need to engage with their communities with intent. This is not a mere box-ticking exercise. It requires companies to identify and recognise the various groups within the community especially the marginalised and the powerless, to ensure that there is accessibility to any interaction through whatever medium is adopted and make certain that all parties can participate. Where necessary, and especially around benefit distribution, structural and social inhibitors should be addressed and removed where possible. All interaction between all parties should be conducted with respect and dignity, acknowledging different points of view and different concerns, this especially when it comes to environmental and ecological issues.

Failure to acknowledge the humanness of others, failure to treat others with dignity and respect failure to follow the principles of *ubuntu*, can lead to splits in communities that go beyond mere disagreement. Breakdowns or non-compliance in these areas either by the companies or the community can mean that the parties forfeit the right to either be awarded or to award the SLO.

# CHAPTER 8: Synthesis and Conclusion

## 8.1 Introduction

Conflicts or contestations between communities and companies and their substantial projects are common. The SLO is regularly invoked to enhance legitimacy and cooperation around large-scale projects in the vicinity of communities, with issues relating to the implementation of SLO processes rated in the top three concerns for mining companies over the last four years (EY-Global (2020; 2021; 2019)).

Given the challenges regarding SLO, this research aimed to understand how companies can improve their approach to earning the SLO. To address this, the thesis sought to answer four core questions:

1. What is the current understanding of the SLO in the literature and in the way it is being practised?
2. Who are the community/stakeholders that grant the SLO?
3. Why do community/stakeholders support or oppose the company/project?
4. How, through what just engagements, can the company/project earn the SLO?

A literature review was conducted to address the first question, and in-depth interviews with 51 people - both protagonists and antagonists in three case studies - were conducted to address questions 2-4. The approach applied an *ubuntu* axiology, an ontology based around principles of justice and fairness, and an interpretivist and constructivist epistemology. The different cases allowed for the collation of diverse perspectives and triangulation of findings. The case studies all involved conflict at various levels and covered three



industries (wind energy, shale gas extraction and a golf course development) in three distinct locations (South Africa, Yorkshire, and Scotland) and were selected to provide a broad perspective on the SLO. They offered a range of societal and environmental impacts on a continuum from shale gas (possibly the most environmentally impactful) to wind farms (in this case, low environmental but high social impact).

## **8.2 Core findings**

### **8.2.1 What is the current understanding of the SLO in the literature and in the way it is being practised?**

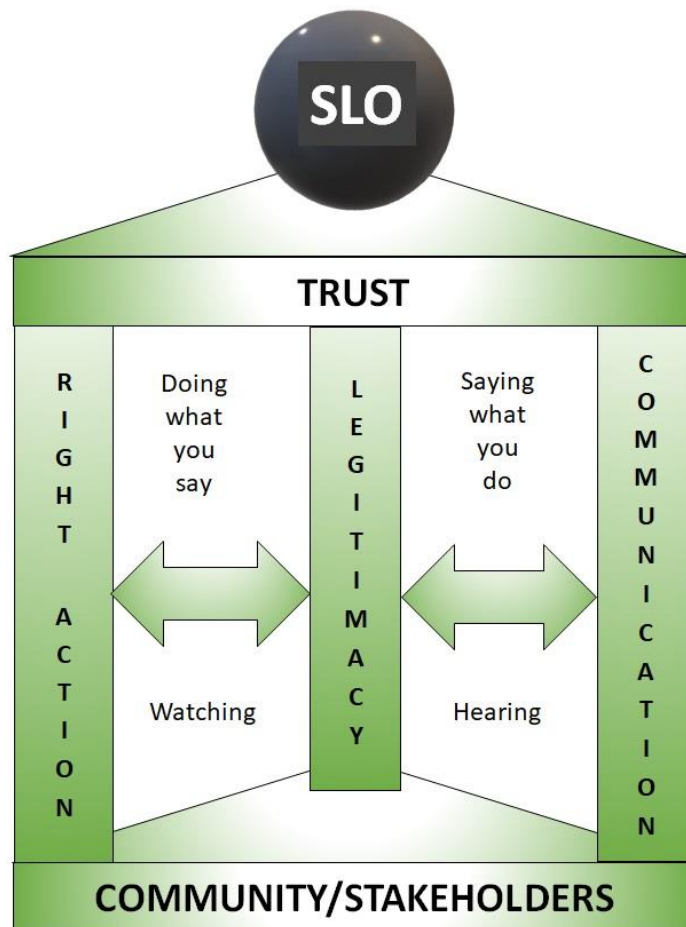
The review of the literature initially focused on trying to define and understand the SLO. The predominant definition of the SLO is that it represents the broad and ongoing approval and acceptance of society/community/stakeholders for a project to conduct its operations (Boutilier & Thomson (2011); Moffat & Zhang (2014); Moffat et al. (2016); Parsons et al. (2014); Prno (2013)). However, working through the numerous views on the SLO and its components and considering the more recent work of Taylor & Mahlangu (2017), Hurst et al. (2020), and Barich et al. (2021), a new and expanded definition was derived which states that:

The SLO is an intangible and dynamic construct, with no legal status; a continuum; representing ongoing acceptance or implied consent; based on the elements of legitimacy, credibility and trust; that is context, issue and often site-dependent; awarded to an entity by a polymorphous stakeholder community; and warranted by just engagement comprising open and transparent communication and right action.

This definition brings together all elements of the plethora of definitions of the SLO that have been suggested over the past twenty or so years. It should address the trepidations expressed by Heffron et al. (2018) that a standardised definition is yet to be developed; or those of Brueckner &

Eabrasu (2018) concerned about the hazy and ill-defined conceptualisation of the SLO; and Lincoln (2017)'s belief that without definition the SLO is meaningless abstract rhetoric.

While many components of the definition reflect the intangible and dynamic nature of the SLO, the core elements were incorporated in a proposed model (Figure 83) that formed the basis of the research when it commenced.



**Figure 83 The Literature-based SLO model**

The proposed model suggests that the foundation of the SLO is the community/stakeholder group, the arbiters of the SLO. The three pillars of legitimacy (legal and moral), right action and communication stand on this support. With a solid base and the three pillars in balance, trust is created, and the SLO, the acceptance of the project by the community, is achieved

and maintained. The suggestion was that should any of those three pillars be out of balance, trust would be eroded, and the SLO would be lost.

The legitimacy element of the model relates to both legal legitimacy, without which no project could commence, and moral legitimacy, which the society, and, more specifically, the community in which the company operates, will define. Hence, the definition includes context, issue, and site dependence.

Apart from the lack of a clear definition of the SLO, a significant gap in the literature was the lack of clarity about the “community” and the tendency to often conflate community and stakeholders as if they were the same group or introduce concepts such as local community, indigenous community, neighbourhoods, and similar other terms (Askanius & Gustafsson (2010); Bice & Moffat (2014); Collins & Kumral (2021); Parsons et al. (2014); Thomson & Boutilier (2011); Zhang & Moffat (2013)). This gave rise to the definition of the community as “polymorphous” with the concomitant need to identify this group in the research.

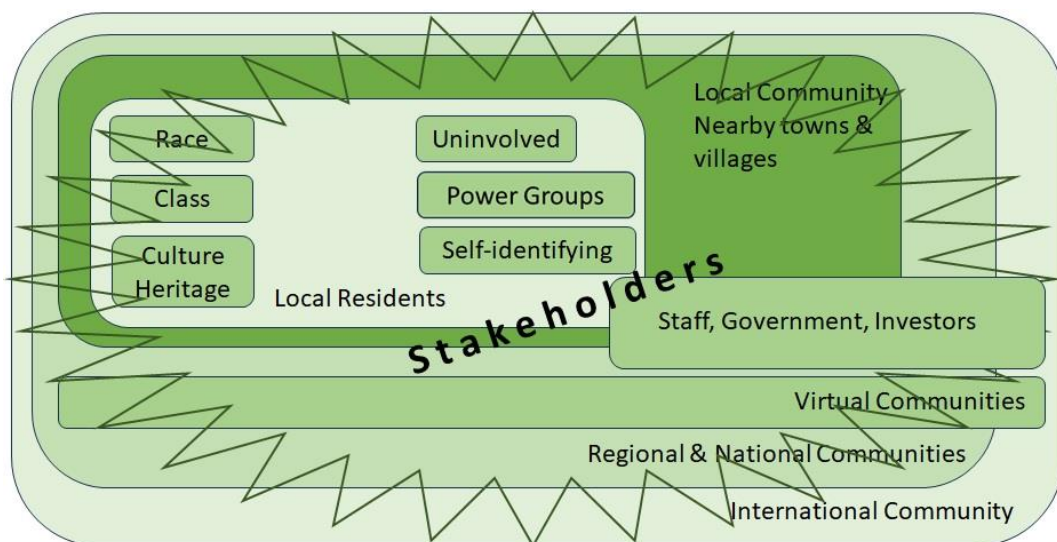
A further issue arising from the literature was that, while frequently referred to, trust, and how to gain it, is seldom explicated. As Howse (2020) p3 notes “despite the high prominence trust takes in SLO literature there is little discussing what it is or how it is built”. This is despite the Moffat & Zhang (2014) model where they defined trust as having confidence that the [company’s] behaviour will match expectations. Much the same can be said for credibility, and it appears that both these terms could be described as virtues, albeit that, according to Hursthouse & Pettigrove (2022) p1, defining them as attributes “possessed by those who reliably fulfil the duties” would make such a view deontological. Nevertheless, it is apparent that credibility and trust are ephemeral and demonstrated by the engagement and interaction between the company and the community, embodied in right action and communication as two of the pillars supporting the SLO.

Finally, Baumber (2018) p25, in selecting leading case studies in the literature, notes that “The SLO concept has been applied most widely in the

mining sector”. Similarly, in a brief review of the most cited 318 articles, 81% referred to the mining industry. This has implications for the practical application of the SLO in that often, where the SLO is applied in mining communities, there are power and employment issues that may skew how the SLO is implemented or perceived. Other case studies in the literature are single cases or cases in the same industry, which influenced the final decision in this research to seek commonalities across three widely disparate cases.

### 8.2.2 Who are the community/stakeholders that grant the SLO?

As opposed to the homogenous group portrayed in the literature, the research revealed that those individuals or groups constituting the ‘community’ awarding the SLO were remarkably diverse. This is best displayed in the schematic below (Figure 84), which provides a rich insight into the much more granular make-up of the community and stakeholders.



**Figure 84 Communities Identified**

“Local residents” obviously includes all those living within close proximity of the various projects, essentially the local town or village. Within that group, however, there were subsets based on race (only in the Loeriesfontein case),

class and cultural heritage/history, leading to different responses to the projects, as discussed below.

Other subsets within the local resident group included power groups, either created by the project companies themselves, as was the case of Loeriesfontein and Kirby Misperton, or essentially self-appointed, as is the case with the Coul Links project. These groups had power in virtue of their being created or appointed to function as a conduit between the project and the community and are reminiscent of what Boutilier (2005) and Boutilier et al. (2016) refer to as strategic and influential stakeholders.

Importantly, across all three case studies was a distinct group of ostensibly “uninvolved residents”, being holidaymakers or seasonal workers, who would have no real influence on the SLO. There was another set of uninvolved residents, those who remained silent or powerless and who are discussed in more detail below.

A final, and extremely important group, particularly at Kirby Misperton but also present at Coul Links, is the group self-identifying as “local residents”. In the case of Kirby Misperton this comprised the residents of the protest camp who “self-identified” themselves as “community protectors”, even though many individuals came from far afield. Additionally, numerous residents in the surrounding areas of all the towns/villages considered themselves “local residents”, largely because they perceived that the project would or could impact them in some way and because they expected to be equally involved in decision-making around the projects.

As shown in the schematic (Figure 84) there were other groupings: staff, government, and investors; regional and national communities and the international community and all have a role to play in granting the SLO. Many such stakeholders relate more to wider scale industry decisions (e.g., about developing shale-gas nationally) and thus have different issues to those affecting local areas, and thus, for pragmatic purposes, these latter

community/stakeholder groups require less direct attention in a locally based SLO. Other mechanisms for engagement are then needed at a macro level.

A further community is the virtual or online community. While naturally members of all the communities were or could have been part of this virtual community, and while it indubitably influenced some of the attitudes and perceptions of community members, the virtual community is really a communications medium and, as such, should be considered an influencer rather than a specific separate community.

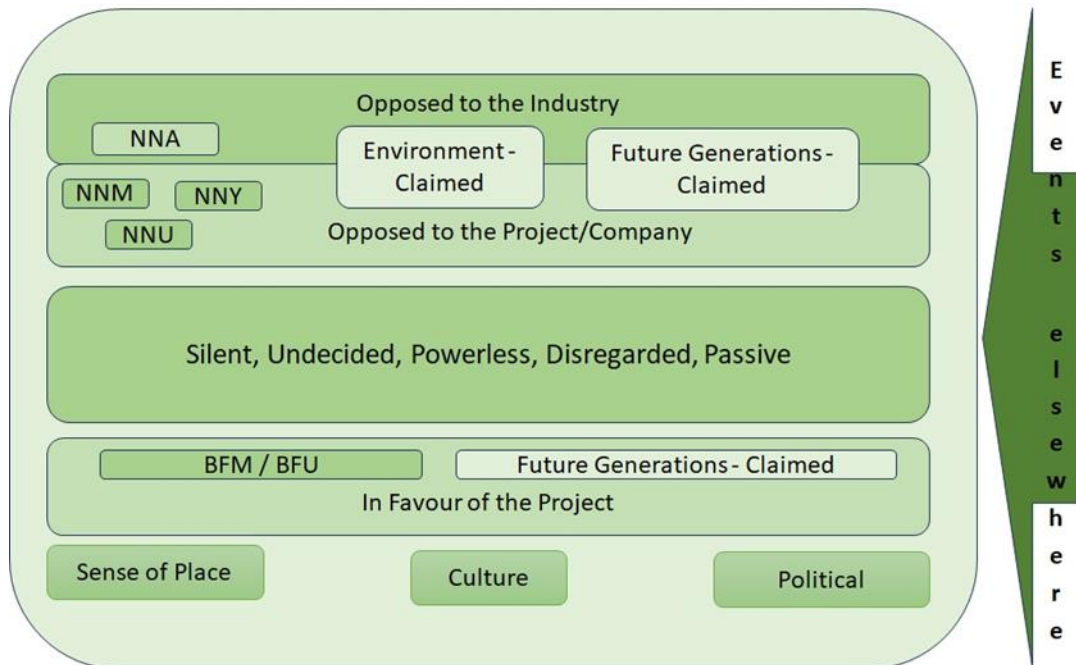
Finally, an overarching group is the stakeholder group which includes all the above groups and any other stakeholders who are affected by or may affect the project.

Overall, the identification of the various community/stakeholder groupings highlights a much wider range of community constituents than is often included in an SLO. As such, companies/project promoters will need to identify these wider disparate groups more granularly and seek engagement with them if they want to claim they have established an SLO. The analysis of the community certainly demonstrated that it is a polymorphous group involved in awarding the SLO. This identification process will then facilitate understanding the various drivers and motivations of the communities down to this more in-depth level, which in turn will create more meaningful communication and action when the companies and communities engage.

### **8.2.3 Why do community/stakeholders support or oppose the company/project?**

Understanding the drivers or influences behind the individuals and groups supporting, opposing, or apparently detached from the project would allow companies to better and more meaningfully engage with those different segments of the community.

It is appropriate to review the schema (Figure 84) when considering the findings relating to the different motivations of communities engaged in supporting or opposing the SLO.



**Figure 85 Communities Understood**

Groups or individuals favouring or supporting the various projects were motivated by the potential benefits to be derived, either personally (BFM) or for the community (BFU). This tended to be around income for impoverished or marginalised individuals or groups and employment, whether direct or indirect and especially employment enabling younger people to be retained locally. The issue of benefits for younger people, whether from jobs or education and training appeared to motivate much support, albeit that in Loeriesfontein, with its dire poverty, most of the population were concerned about their own futures.

Across all three case studies was a group one would suspect is larger than either the proponents or opponents of the projects, and that is the group comprising the silent, undecided, powerless, passive, disregarded or apathetic. The view had been expressed that in Loeriesfontein, around 95% of the community couldn't care (probably too high a figure), while, according

to the BEIS Public Attitudes Tracker (refer Footnote 4), approximately 50% of the UK population neither supported nor opposed or had never heard of fracking. At Coul Links, where the promoters balloted a sizeable portion of the community, mostly in pro golf areas, 70% of the recipients either voted against or not at all.

So large a group of people uninvolved, for whatever reason, creates an issue when it is claimed that the SLO represents approval by the community. Furthermore, it is a moral issue, as all groups need to be recognised and engaged for there to be any kind of Procedural or Interactive Justice, as discussed in Chapter 7.

Reasons for opposition were far more nuanced. Three predominant groups opposed to the project or companies included: Not Near Me (NNM), Not Near Us (NNU), and Not Near You (NNY). There were several objections, largely related to the possible economic impact on house prices and tourism (interestingly, diametrically opposite when considering Kirby Misperton and Coul Links). Other issues were to do with the disruption or inconvenience that would be caused by potentially substantial traffic movements in the area, or noxious gases and noise. In many cases, inconvenience, rather than pure environmental issues, appeared to drive objections. These were the objections expressed by the NNM and NNU groups, but not exclusively.

The impact of the proposed projects on the human environment, for example air quality, water quality, health, earthquakes, and recreation, were the concerns of all of the NNM, NNU and NNY groups. Furthermore, they, too, expressed apprehensions for future generations.

By definition, the NNY group were not local residents and, in the case of Kirby Misperton, comprised the protest camp and visitors “protecting” the local community. They were essentially a subset of the NNA (Not Near Anywhere) grouping, which was opposed to the entire fracking/shale gas industry and not just this specific project. Having said that, there were a



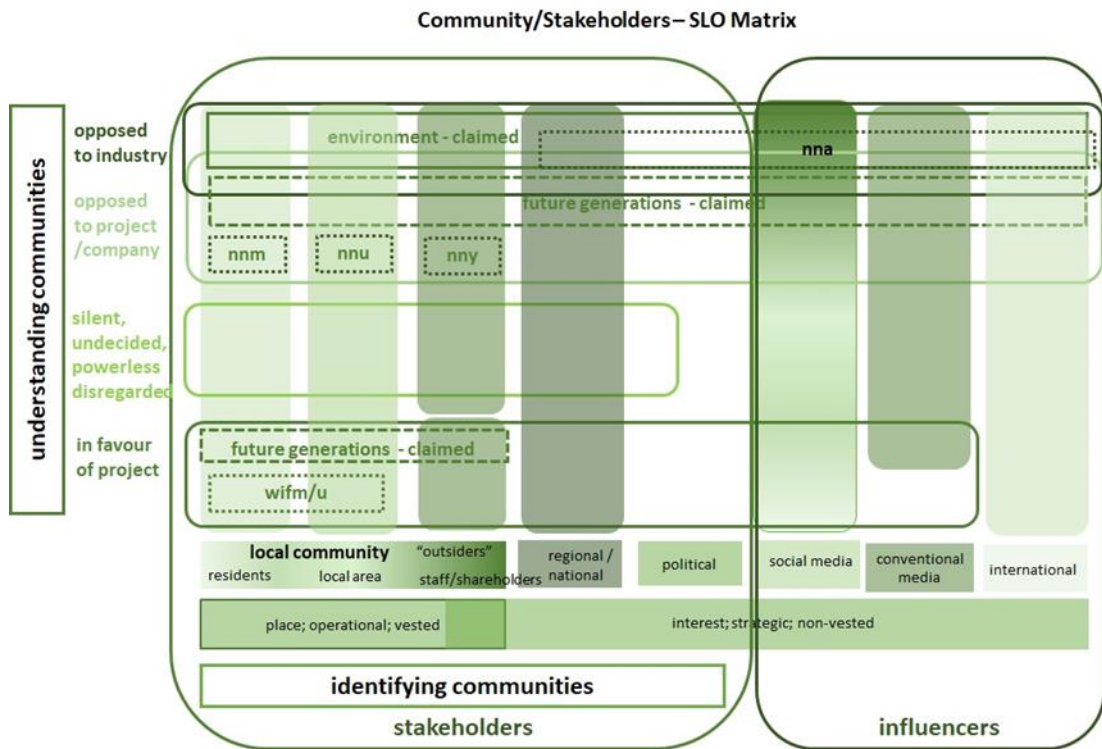
number of local residents who were also totally opposed to the entire industry, but perhaps not as vehemently.

It was also apparent that some protestors were affiliated with, or members of, political groups opposed to the current government or, in some cases, any government.

A specific element of those anxious about the environment is the ecology group, those concerned with the impact on the natural environment as opposed to the human environment. This was really only evidenced at Coul Links, where, having observed the destruction of an SSSI site by a golf course development near Aberdeen, there was deep concern that the latest proposals would result in the destruction of a unique dune system and another SSSI site.

One vital aspect of understanding communities is the impact of events that took place elsewhere. Either previous experience or the torrent of social media posts, making everyone an instant expert, appear to have significantly impacted the perceptions and beliefs of the communities, especially those opposed to the projects.

As will be observed, Figure 86 provides a matrix for an initial identification and understanding of a project community. This obviously cannot hope to be definitive, but it certainly provides a basis for community identification and understanding prior to any just engagement process.



**Figure 86 The Stakeholders/Communities involved in granting the SLO**

### **8.2.4 How, through what just engagements, can the company/project earn the SLO?**

Engagement involves communication and conduct, as set out in the original research model, Figure 88 above. Viewed through an *ubuntu* lens engagement requires that actions by all parties should promote cohesion and reciprocal value and recognise the rights of community members to due process with interactional fairness of treatment.

It was evident that in all cases, while seemingly acting in good faith, the project promoters/companies operated largely as if legal compliance was adequate to validate their engagement practices. In many instances, they fell short of the standards required to demonstrate justice in dealing with the various communities.

Procedural Justice includes: considering whether the process was legal and compliant; whether there was accessibility in terms of location, language and culture in company/community interactions; if the people involved in the interactions were recognised and treated with respect; and whether the parties listened to and heard each other, with adequate and appropriate sharing of information. (Cole & Foster (2000); Sovacool & Hess (2017); Walker & Baxter (2017)). Additionally, the elements of promoting group cohesion and creating reciprocal value amongst the community should be demonstrable (Judgement 1995).

While all companies complied with legal requirements, which was to be expected, there was obvious evidence that attempts had been made to address the other elements of Procedural Justice. Nevertheless, there were flaws in the process. At Loeriesfontein, for example, the use of English as the predominant communication medium disregarded and disrespected a majority Afrikaans speaking community, while the exclusion of people from outside East Sutherland at Coul Links showed a very parochial view of community. Nonetheless these issues tended to reinforce the need for Procedural Justice when engaging with communities. It should further be noted that Procedural Justice tends to be unidirectional, from the company to the community.

Whereas Procedural Justice raises the question "are the rules and procedures used to reach these decisions equitable?" Interactional Justice asks, "do those who apply these procedures listen to my views and treat me with respect?" (Simmons & Lovegrove 2005) p502, with truth and human dignity at the core (Bies 2015). Furthermore, mutual recognition, respect and dignity, the key elements of *ubuntu*, meld neatly with the pre-requisites for Interactional Justice.

The research revealed issues of misrecognition or nonrecognition, deliberate in the case of Coul Links and seemingly unintentional at Loeriesfontein. There was also stereotyping both by the companies and within all the communities, which again denigrates the humanity of the participants.

Interaction is bidirectional, an issue not apparent in the literature. At Loeriesfontein to some extent, and much more evident at Kirby Misperton, elements in both communities treated the companies, their employees and, at Kirby Misperton, their suppliers, with a complete lack of respect. This was also reflected in intra-community interaction. This led to the important conclusion that inasmuch as companies/projects need to earn their social licence, so too do the various community groups, both those supporting and those opposing the project. All parties need to recognise each other's humanness and treat each other with respect and dignity in order, themselves, to earn the right to award the SLO. When a situation is tantamount to a state of war it is not possible for there to be any just engagement. Nor, therefore, is it possible for a community to grant or a company to be awarded the SLO.

An important element of justice insofar as engagement is concerned is environmental/ecological justice. It is accepted that the companies complied with the required legislation in all cases, and all had completed environmental impact assessments (EIAs). However, as suggested by Gunningham, Kagan and Thornton (2004), companies need to go beyond mere compliance to ensure that as far as practicable they seek both environmental and ecological justice in their dealings with the community and the surrounding environment.

The final element in discussing engagement was the issue of Distributive Justice, which was evident in only one case study, Loeriesfontein, where the legislation provided for substantial amounts of money to be used in the community for social and enterprise development. As Amartya Sen (Sen 1990) and Martha Nussbaum (Nussbaum 2009), (Nussbaum 2011) suggest the mere provision of income is insufficient to demonstrate justice if the recipient does not have the capability to effectively utilise that income. Unused to large salaries, the majority of the community employed by the company squandered their income, eventually ending up in a worse position than they had been prior to the commencement of construction. It may be considered inappropriate for companies to assist their employees manage

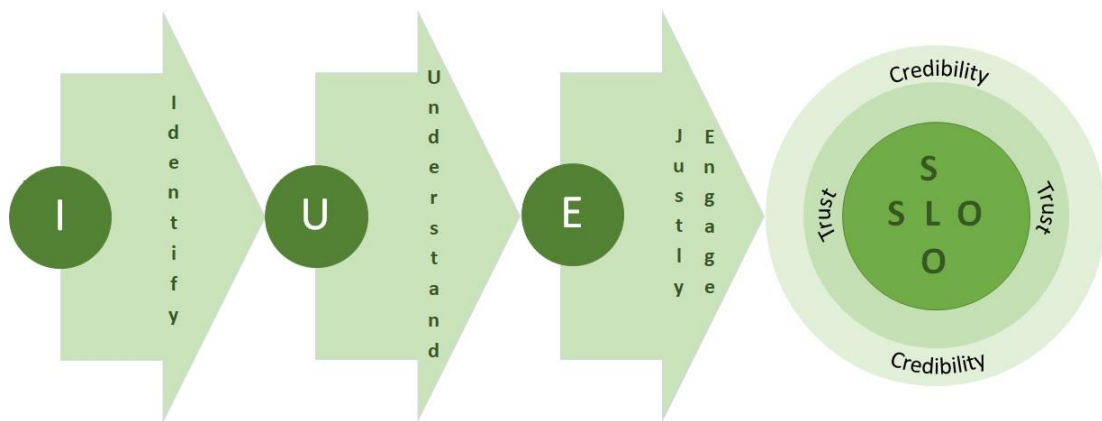
their finances, but in this specific situation for there to be Distributive Justice, the development company should have taken the care and time to coach their workers in the basic elements of financial management and budgeting, albeit that the company would argue that this was not their responsibility. However, if there is to be justice, Distributive Justice, or any other kind of justice and if the company is to earn its SLO, it needs to be more cognizant of the issues facing the communities with which it interacts. Hence the need to understand the communities before they can be engaged.

The research concludes by suggesting that the process required to earn the SLO is for companies to identify and understand the communities and stakeholders affecting and affected by the project. While allowing projects to continue, mere legal legitimacy will not earn the SLO nor reduce the potential risks from disaffected communities. Companies, and the members of the communities with which they engage, need to behave justly and fairly and act with respect and dignity in all their interactions to earn and award the SLO.

### **8.3 How do the findings re-shape our understanding and practice of the SLO?**

The research was initially framed around the literature-based model (Figure 83), suggesting that the foundation of the SLO is the community/stakeholder group, and that the three pillars of legitimacy (both legal and moral), right action and communication, appropriately effected, create trust, and thereby achieve the SLO.

While not totally rejecting that initial model, the findings have led to a revised model (Figure 87) termed the Identify, Understand, Engage (IUE) model that will answer the question “How can companies improve their approach to earning the social licence to operate?”.



**Figure 87 The IUE Model**

The community remains the core constituent of the model but, rather than referring to the amorphous “community” or “stakeholders”, the revised model suggests that a first step in earning the SLO is to identify the numerous disparate elements of the community, largely, but not solely, based on their geographic relationship to the project, as other elements such as race, class and culture also define communities (refer to Figure 87 above) to bring them into an SLO process.

The second element of the model involves understanding the communities. This means establishing essential issues such as the community's culture, language, and class structure. It implies appreciating the aspirations and fears the (potential) project creates. It requires learning about the motivations and perspectives of the community and various groups within the community. It involves acknowledging those groups representing or claiming to represent the environment, the ecology, and future generations, albeit there will be many overlaps between these groups and other community elements. It means, as sensitively as possible, determining why the “silent majority” is silent. It means seeking as much information as possible about the community/stakeholders to maximise the opportunity for just engagement.

The third component of the model is just engagement. As with the initial model (Figure 83) the two core components of engagement are

communication and conduct. However, here the issue of justice drives the communication and conduct, not just of the company seeking the SLO but of the entire community.

Accordingly, one would expect to see Procedural Justice where the processes were compliant and transparent; where all interaction is accessible and there is opportunity all members of the community to participate; and that all members of the community are recognised or acknowledged and treated with respect in line with the principles of *ubuntu*.

There must be Interactional Justice in all dealings between all parties, where the conduct and communication must be open and honest and where all parties are treated with dignity, recognised, and respected. It should be incumbent on the companies to facilitate this, as communities seldom have the capacity to bring people together in a meaningful way. It is specifically noted that Interactional Justice is bidirectional and that all parties are obligated to treat each other with that same dignity and respect. Failure to do so by any party causes the loss of the moral right to receive or award the SLO.

Where there is any form of distribution by the company or project, care must be taken to ensure that not only are underlying structural factors inhibiting fair distribution addressed and removed but that the recipients are capacitated to ensure that the distribution can effectively be utilised.

Finally, there is the issue of environmental and ecological justice, where environmental concerns impact people directly while ecological issues predominantly affect flora and fauna. It is incumbent on companies seeking the SLO to ensure that they have complied with minimum safety, health, and environmental standards and, where appropriate, their environmental impact assessment. However, it is further necessary to ensure that they go as far as practicable to eliminate or at least minimise and mitigate, all environmental and ecological harm that may flow from the project.

Once all three elements have been effected and remain effective, the company/project could be deemed to have demonstrated credibility, gained trust, and thereby earned or retained the SLO.

It is important to note that the model assumes that all legal requirements have been complied with, meaning that the company has legal legitimacy. Moral legitimacy is demonstrated by the company's engagement with the community, which is important for conducting the SLO in practice.

Finally, there is the issue of the democratisation of the SLO. If the SLO require the consensus of the community awarding the licence it is unlikely that any company could earn the SLO. There could be perceived consensus in small, project dependent, communities, but there the power balance would need to be considered. In all three cases studied the projects split the communities. In such a scenario consensus is impossible. That begs the question as to whether the majority opinion prevails? This raises the issue of how one determined the majority opinion, particularly in view of the substantial silent/uninvolved group. Would that imply that the SLO should be rather regarded as the Social Acceptance model, as is currently the terminology used in some European research projects, such as the Vector Project (<https://vectorproject.eu/>). These are not issues for this thesis, but we do need to challenge the SLO narrative if we are going to assist companies improve their approach to earning the Social Licence to Operate.

## **8.4 Limitations,**

One of the limitations in this research was that it was interrupted by the Covid pandemic, which restricted local travel and precluded travel to South Africa for a considerable time. This meant there was no opportunity to revisit Loeriesfontein to determine progress post-commissioning. Further insight may have enabled a deeper understanding of the Distributive Justice element as substantial further funds were due to flow into social and enterprise development in the community. Overall, however, the results and findings of



this work are not significantly impacted, because it was evident during my field research that this aspect of distribution had been far better managed and company management were well aware of the need for adequate training to capacitate the community. Furthermore, a post research interview with another PHD candidate, Malope (2022) studying the sociological impact of the wind farm confirmed my findings, and my perception of future developments.

A further limitation of the study was that the work focused mostly on in-person and geographically focused participants as opposed to incorporating and analysing social and online media around these case studies in detail. Practicalities, time, and cost precluded any detailed analysis. Furthermore, it was only at Kirby Misperton where this type of data was available in any meaningful sense. Nevertheless, the analysis that was carried out, both on social and online media, provided little if any additional insight into the issues in the cases, and there is no indication at this lack of in-depth analysis in any way impact of the results.

A further limitation was the detailed analysis of power, power structures and power relationships in the various communities. This would have involved substantial time spent in the various communities and would be ideal for a single case study. Nonetheless, sufficient understanding of the power relationships was obtained to provide meaningful insights, and, while there were influential members in each community, it is unlikely that further observation and analysis would have had any impact on the results.

A final limitation is the restricted focus on being able to understand in detail how processes for better engagement can be improved. During the interviews, there was discussion with the management at both Mainstream (the Loeriesfontein project) and Third Energy (the Kirby Misperton project). In the case of Loeriesfontein, the management acknowledged some quite serious problems in how they had previously interacted with the community, and they advised how they had tried to address these. However, by the time the case study took place the project had moved from a construction phase

to an operational phase where distributional justice would be the prime focus and where plans were in place to deal with this.

At Kirby Misperton, the first attempt to frack had already ended and there was talk of a second attempt to be made shortly. Management and their communications consultant had formulated some plans as to how to proceed, taking into account the concerns of the local community and the environmental protest group. However, in the first instance, the UK government placed a moratorium on all fracking activities. The company was sold to new shareholders focused entirely on normal gas extraction shortly thereafter.

Finally, at Coul Links, the promoters are on their second attempt to have the development approved but refused to be interviewed and argue that they already have an SLO because they have “majority” support for their project. The best one can do at this stage is observe from afar.

This limitation does not impact the results of the research, which was designed to understand the process and suggest a pragmatic route to achieve this objective, which this research has achieved.

## **8.5 Further research**

The research has generated ideas for further personal research, such as whether environmental protest action could be argued to be a “just war” or the relationship between the social licence and the social contract, which although covered in the literature requires further explication.

At a more practical level, there is research that could be conducted to expand and develop the research in this thesis.

Firstly, research that would prove invaluable in understanding all company interactions with their stakeholders would be to determine how to identify, understand and interact with the “silent majority”. Are these people who are powerless or perceive themselves to be powerless? Are they just naturally

reticent? Do they have concerns different to those of the protagonists and antagonists in the various company community. Or are they just what Gaventa (1982) calls innately apathetic? If, as one suspects, this group is in fact the majority of any community then, not only in the interests of justice but also from a purely pragmatic perspective, being able to identify, understand and interact with this group would certainly be of benefit to companies seeking the SLO, as much as it would be to those in opposition.

A further area of research would be to determine how one knows if an SLO has been granted. In the case of Loeriesfontein, as is common in many equivalent situations with a large project in small communities, does the fact that there are limited or few protests indicate acceptance of the project, or acquiescence in the face of job losses, and possible community pressure. Boutilier and Bahr (2020) and Masuda et al. (2022) have produced and tested a natural language processing analysis program to evaluate the strength of SLO via social media, but that assumes that social media is representative of the community, which is unlikely.

Finally, evaluating the proposed model in a practical situation with a new project would be useful. While this would involve an in-depth long-term study it would certainly add to the knowledge and understanding of the SLO both from a just engagement perspective and as a risk/contention reduction mechanism. Allied to this, as a large body of the research is concerned with management/company views on the SLO, there is need for more research into understanding the community's concerns, perceptions and motivations for acceptance or rejection.

## **8.6 Contribution to Knowledge and Application of the Research**

I believe that this research has contributed to the knowledge of the SLO, and its application, in the following ways:

The literature review developed the most comprehensive definition to date of the SLO, setting out all the essential elements covered by the SLO literature at this stage. The benefit of this definition, if adopted, is that it will provide a single understanding of the SLO concept, thus unifying future discussion and research on the SLO. By highlighting all crucial elements of the SLO, it should also provide a yardstick against which companies can measure their efforts to attain the SLO.

The use of three disparate cases studies in this research provided the opportunity to find commonalities in three notably different environments with three significantly different projects. These commonalities, which pervaded the case studies, indicate that there are likely to be similar community groupings, similar community motivations and perceptions and a similar basis for just engagement with other projects in other geographies. Of course, this is not claiming that the outcomes would be replicable in all circumstances, but the final matrix schema (Figure 91) is likely to be common to many projects seeking the SLO.

In and of itself the identification of the various elements of the community broadens our understanding of what the term “community” means in the SLO literature and gives flesh to that polymorphous term. Allied to that, the understanding gained of the communities’ underlying concerns and values, while not unique, brings a codification to the motivations underpinning community responses. This should provide a base for companies to seek and understand the various communities.

The *ubuntu* lens adopted while considering the just engagement between the company’s and the communities and between and within the communities refreshed a possibly jaded view of Interactive Justice. This approach has not been seen elsewhere in the SLO literature. It provides a decolonised basis for considering justice that should resonate with communities in the Third World, especially in Africa, and which may well be espoused in other environments.

The use of this *ubuntu* approach, whereby the actions by all parties should promote cohesion and reciprocal value, led to the insight that the SLO is bidirectional and that, inasmuch as communities have the right to award or withdraw the SLO, so too do they, by their actions, lose or retain the right to award the SLO.

Finally, the IUE model provides a different understanding of how the SLO is earned and is simple enough to be understood and adopted in practice, especially when used in conjunction with the community identification/understanding matrix.

## **8.7 Final Conclusions**

The issues of how companies and projects work within varied localities and across different communities will continue to be an important challenge for all parties concerned. While there are no easy solutions to the issues involved, this study highlights the importance of identifying and understanding communities, and the need for effective forms of just engagement with and by those communities, to promote cohesion and acknowledge reciprocal value and thereby support companies in their efforts to improve their approach to earning the social licence to operate.

# Appendices

## A. Prominent models of the SLO

### The Social Acceptance model

A model which an important precursor to the SLO models, and which is not specifically focused on the SLO, is the Social Acceptance Model (Figure 88) of Wüstenhagen, Wolsink and Bürer (2007). The model focuses on social acceptance and, has been noted above it is acceptance that is one of the key stages in obtaining a SLO. Furthermore, as the other models are discussed below, it will be seen that the Social Acceptance Model has substantially influenced some of the later models.

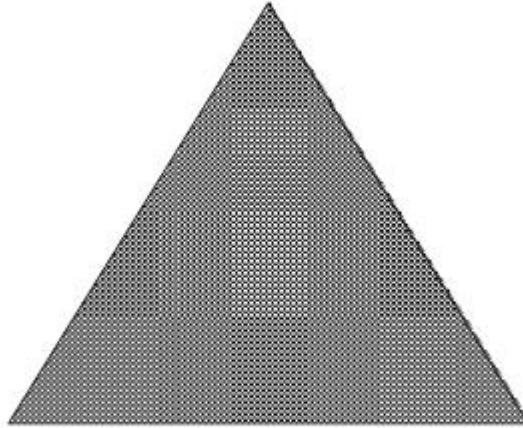
This model was developed to analyse the social acceptability of renewable energy projects and predates the first SLO model of Boutilier and Thomson by approximately four years. The model regards socio-political acceptance as being a very general, macro-level acceptance of technologies and policies by a broad group of stakeholders including the public and policymakers.

Market acceptance relates to the adoption by the market of a particular product or innovation. It encompasses the usual new product acceptance processes such as free trials, early adoption, diffusion through the community and ultimate acceptance of the product or technology.

The area of most interest in this model is that of community acceptance. The model proposes that community acceptance is based on Distributive Justice (how costs and benefits are shared), Procedural Justice (fair decision-making processes with all stakeholders participating) and trust by the local community of the intentions and information from people outside the community (Wüstenhagen, Wolsink and Bürer, 2007) p2685. They note, too, that the pattern of the local acceptance of a (wind power) project follows a U-curve over the life of the project moving from high acceptance low acceptance during the construction phase but moving back up to a high level of acceptance once the project was operational.

### **Socio-political acceptance**

- Of technologies and policies
- By the public
- By key stakeholders
- By policy makers



### **Community acceptance**

- Procedural justice
- Distributional justice
- Trust

### **Market acceptance**

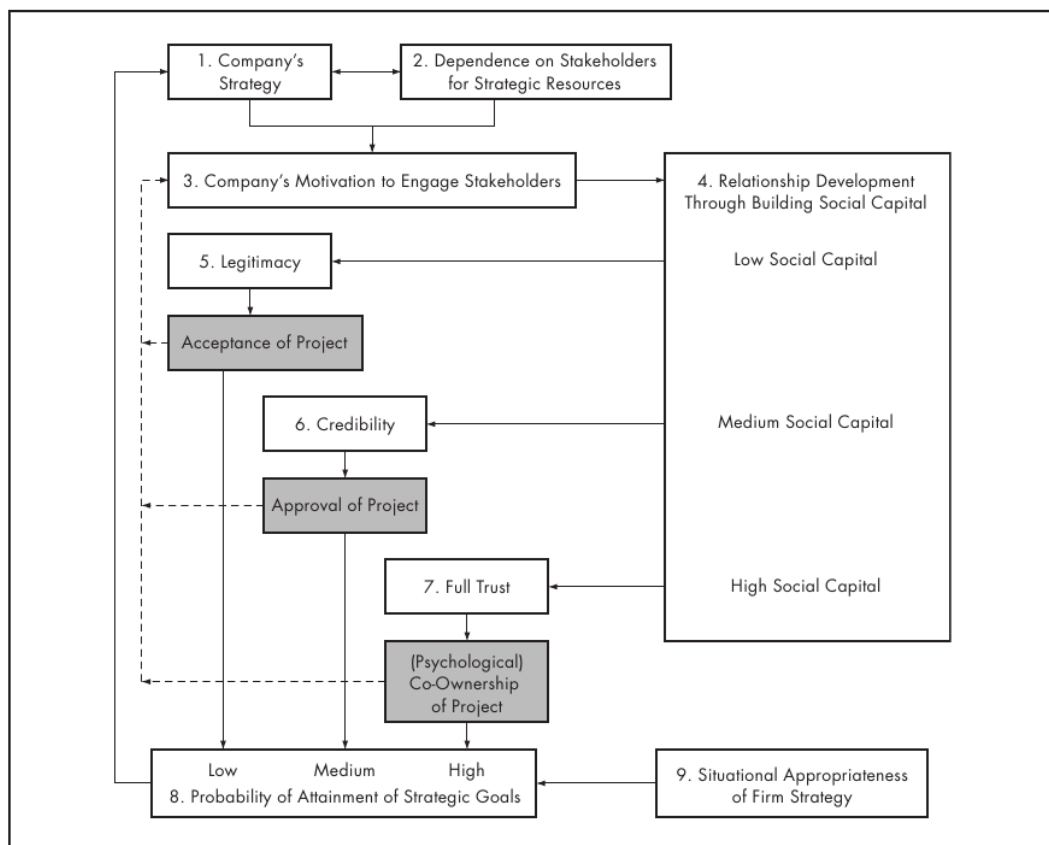
- Consumers
- Investors
- Intra-firm

**Figure 88 The Triangle of Social Acceptance**

**Source:** Wüstenhagen, Wolsink and Bürer (2007) p2684

## Boutillier & Thomson Models

Several models of the SLO and how it is obtained have been produced by Boutillier and Thomson. The first published model (Figure 89) of the SLO itself appears to be that of Thomson and Boutillier (2011) where the model is based on the company's need for support from stakeholders, largely described as "the network of stakeholders that share a common interest in a mining or exploration project and make up the granting entity" (Thomson and Boutillier, 2011) p1781. This model engages stakeholders because the mining company, in this instance, is dependent on resources controlled by the stakeholders. The motivation, therefore, is to ensure that the mine obtains and retains its ability to mine the minerals under the control of stakeholders. For this reason, the model is termed a "resource dependence view".



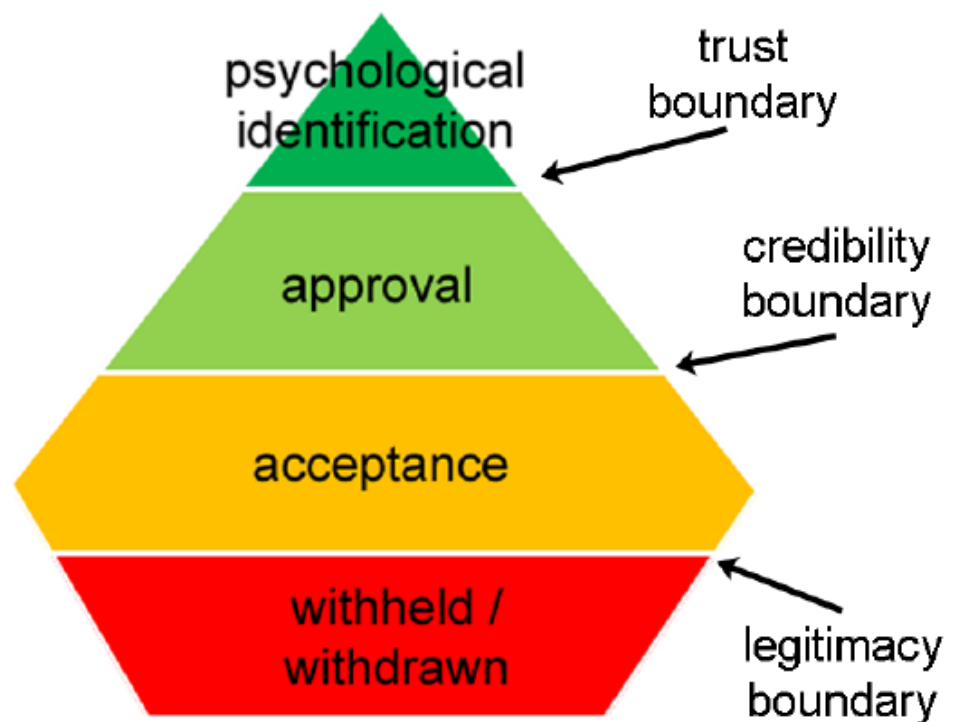
**Figure 89** Adaptation of resource-based view to include the process of gaining a social license to operate

Source: Thomson and Boutillier (2011) p1782



It is relevant to note that at the time this model was developed there were more than 80 mining sites in Peru where communities had prevented mining activities (Thomson and Boutilier, 2011) p1781, and that may well account for the perspective adopted with this model.

At the same time, Thomson and Boutilier (2011) developed their “pyramid” model, Figure 90, that shows the different levels of the social licence, based on the perceived acceptability of the mining company and its operations. This was expanded upon later the same year in “Modelling and Measuring the Social License to Operate: Fruits of a Dialogue Between Theory and Practice” (Boutilier and Thomson, 2011), and expanded further, in the same article, to produce the “Arrowhead” model (Figure 91). As such, all models will be discussed jointly.

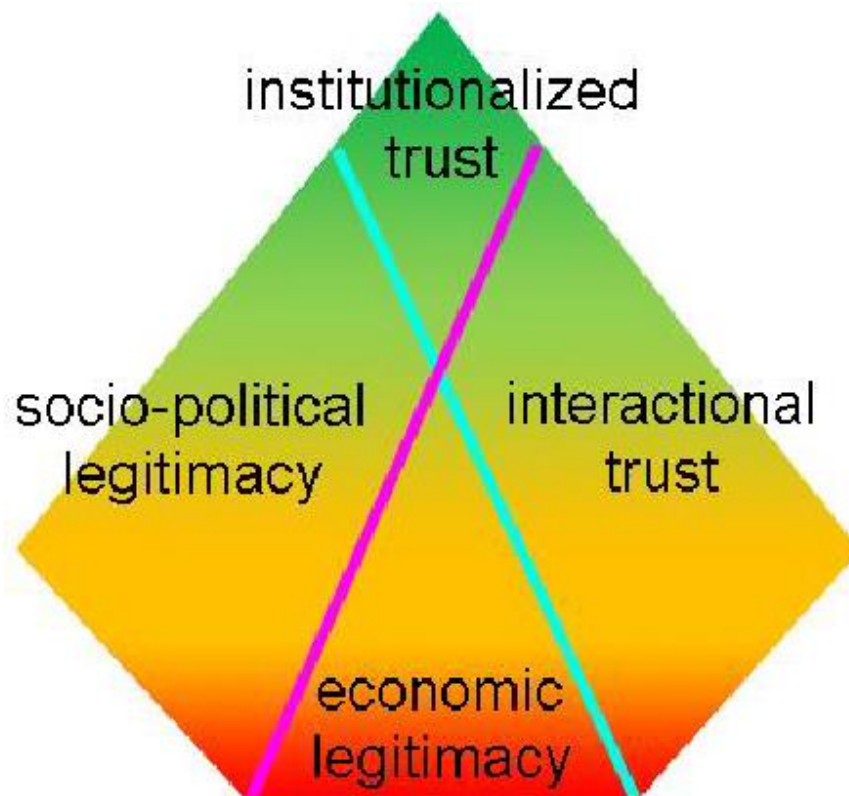


**Figure 90** The “Pyramid” model of the SLO

Source: (R. Boutilier & Thomson, 2011) p2

Boutilier and Thomson (2011) proposed that there were four levels of SLO ranging from having the licence withheld or withdrawn to the level where the community, the granters of the SLO, had total trust in the company and could identify with it. As noted in the first model (Figure 89), there are various levels of social capital that need to be built to achieve legitimacy, credibility and full trust, which are now described as boundaries in the Pyramid model.

Based on a number of questions, developed and refined and used in a variety of countries, Boutilier and Thomson (2011) modified their Pyramid model (Figure 90) and proposed that there were four factors that constitute three levels of SLO, as described in Table 5 below. Boutilier and Thomson (2011)'s contention that there are three levels is due to the restructuring of the model, which now places socio-political legitimacy and transactional trust on the same level (2a and 2b). This is better understood when the graphic of the new their "Arrowhead" model (Figure 91) is considered.



**Figure 91 "Arrowhead" Model: Levels of Social Licence**

Source: **Boutilier and Thomson (2011) p5**

As set out more fully in Table 5, Boutilier and Thomson (2011) propose that “the social licence (a) begins with satisfactory low-commitment, fluid transactions, (b) improves with the growth of social capital in the relationship, and (c) finally crystallizes in the institutionalization of relationships.” (Boutilier and Thomson, 2011).

**Table 2. Four Factors Constituting Three Levels of SLO**

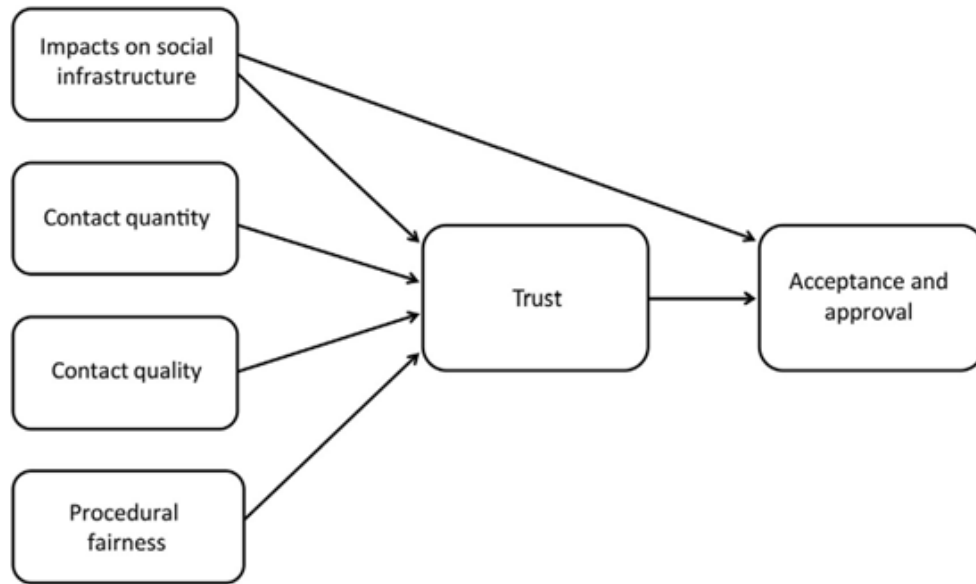
Source: (Boutilier and Thomson, 2011) p4

<b>Level &amp; Label</b>	<b>Description</b>	<b>Role in Determining SLO Levels in Pyramid Model</b>
1. Economic legitimacy	The perception that the project/company offers a benefit to the perceiver.	If lacking, most stakeholders will withhold or withdraw the SLO. If present, many will grant an acceptance level of SLO.
2a. Socio-political legitimacy	The perception that the project/company contributes to the well-being of the region, respects the local way of life, meets expectations about its role in society, and acts according to stakeholders' views of fairness.	If lacking, approval level of SLO is less likely. If both this and Interactional trust (2a & 2b) are lacking, approval level is rarely granted by any stakeholder.
2b. Interactional trust	The perception that the company and its management listens, responds, keeps promises, engages in mutual dialogue, and exhibits reciprocity in its interactions.	If lacking, approval level of SLO is less likely. If both this and socio-political legitimacy (2a & 2b) are lacking, approval level is rarely granted.
3. Institutionalized trust	The perception that relations between the stakeholders' institutions (the community's representative organizations, for example) and the project / company are based on an enduring regard for each other's interests.	If lacking, psychological identification is unlikely. If lacking but both socio-political legitimacy and Interactional trust are present (2a & 2b), most stakeholders will grant approval level of SLO.

In summary, Boutilier and Thomson (2011) propose that the SLO moves from legitimacy to acceptance, then credibility and finally approval, as the level of trust increases

## Moffat & Zhang model

Moffat and Zhang (2014) developed a model (Figure 92) aimed at showing the conditions necessary to obtain acceptance and approval to gain the SLO.



Overview of relationships between concepts.

**Figure 92 Acceptance and Approval Model**

Source: **Moffat and Zhang (2014)** p62

Moffat and Zhang (2014) argue that trust is the central element of the SLO, and the level of trust is determined by perceptions of the degree of impact on social structure, as well as the intensity of contact quantity and contact quality and the perceived nature of Procedural fairness.

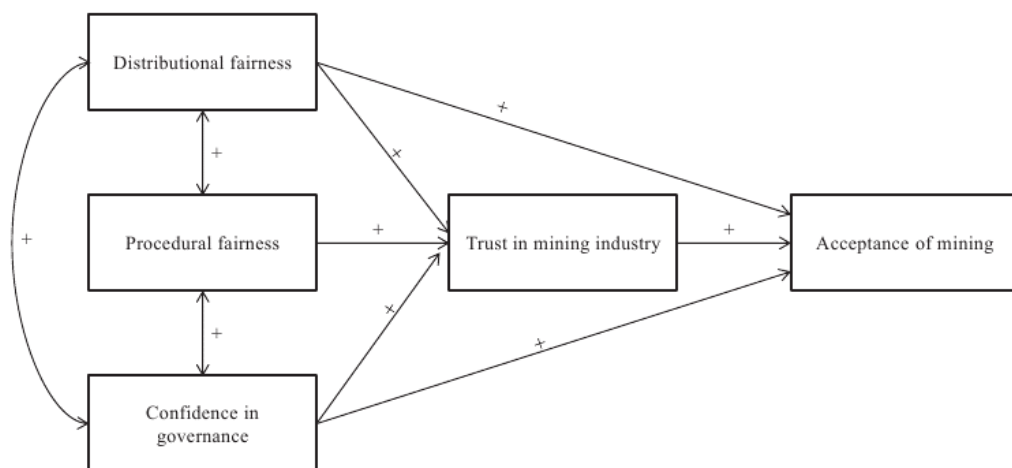
The initial element is the impact on social infrastructure brought about by the commencement of mining operations. In all large projects, but especially in mining, there is usually a significant strain on the social infrastructure and services in the surrounding community. This often creates strain and tension which may be mitigated, usually by corporate social investment (CSI). Moffat and Zhang (2014) note that impacts on social infrastructure are usually evaluated during the social impact assessment (SIA) that would/should be carried out before any large project. While this may happen in many countries, there will be areas, largely one suspects in Africa and South

America, where very little assessment will be carried out prior to the commencement of the project. The level of trust generated by this impact on social infrastructure will depend both on what mitigating actions are taken and on whether the community believes that the company has met its commitments (Moffat and Zhang, 2014).

Contact quantity and quality to “positive contact” (Moffat and Zhang, 2014) p63. This positive contact creates a social bond, builds confidence between the parties and therefore leads to increased intergroup trust. This then becomes a spiral with positive contact increasing trust which in turn increases the desire for contact, in turn, further increases trust. Of course, this spiral can be negative as well in that negative or poor contact will decrease trust, and so on.

The perceived Procedural fairness and the community’s involvement in the decision-making process will build trust between the community and the company, and is the final element required to gain acceptance and approval of the project.

This model was later amended (Figure 93) to evaluate the entire mining industry’s SLO.



**Figure 93 Hypothetical SLO path model for mining**

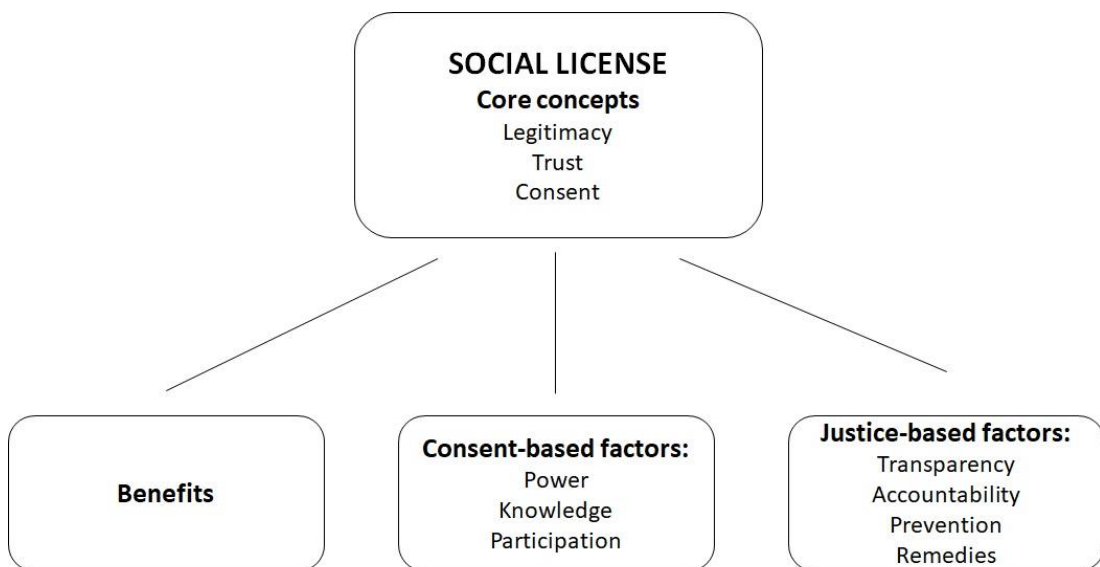
**Zhang and Moffat (2013) p56**

While some of the terminology is different, the principles remain much the same between the two models, with one addition relating to the legislation affecting the mining industry itself. Distributive fairness represents both economic and other benefits from mining. Procedural fairness incorporates both positive contact and Procedural fairness elements from the previous model and is measured by the level at which the industry listens to and respects the opinions of the community and is prepared to respond to community concerns. The final, new, element concerns whether the community believes that the legislation is effective and whether the state or government will implement that legislation (Zhang et al., 2015) p 1067.

In testing their model, Zhang et al. (2015) also measured trust and acceptance with a view to determining the causal impact of the other three elements. While the results differ from country to country there was largely positive correlation between the three elements and trust and then ultimately in acceptance of mining or, preferably, the industry earning its SLO (Zhang et al., 2015) p1070.

## Morrison's model

John Morrison, Chief Executive Officer of the Institute for Human Rights and Business (IHRB), published his seminal book, "The Social License – how to keep your organization legitimate" in 2014. Morrison's SLO model (Figure 94) sets out three core requirements for the SLO, being legitimacy, trust and consent. He then considers three sets of factors that may influence the SLO, these being benefits, consent-based factors and justice-based factors. He also sees the SLO as being based on social contract theory (Morrison, 2014a) p20.



**Figure 94 Concepts associated with the social license**

Source: Morrison (2014a) p20

Morrison's model is very much in line with the models of Boutilier and Thomson (2011) and Moffat and Zhang (2014), in the requirement for legitimacy, trust and consent. Morrison (2014a) notes that the concept of legitimacy is very difficult and would depend on the perspective of the person being asked. He argues that there is a difference between law and legitimacy and that legitimacy has more to do with perception and may well guide the formation of law. He also observes that legitimacy is extremely difficult if not impossible to measure.

Morrison (2014a) envisages three different situations regarding legitimacy. In the first instance, the activity is legitimate, but the company is not regarded as legitimate; alternatively, the company is legitimate, but the activity is not regarded as legitimate; and the final and only acceptable situation is when both the company and the activity are considered legitimate. In order for a company to be considered legitimate, Morrison (2014a) argues that, inter alia, there must be provision of value to all stakeholders, the company must understand its impact, in general, and the company should demonstrate good corporate governance. For an activity to be considered legitimate he proposes that there should be an identification of risks, with provision to mitigate or prevent them; remedies where necessary; and transparency and disclosure. Morrison (2014a) does not believe that a SLO can be claimed by an organisation in relation to any specific project. He states that in his opinion “it is more a state of affairs that reflects a balanced relationship with the pre-existing social contract in society” (Morrison, 2014a) p93, his argument being that there are too many elements over which the company has no control in order for it to manage obtaining a SLO for a project or activity.

In order to build trust, Morrison (2014a) highlights various factors that are common to much of the literature, namely that stakeholders should be empowered to understand and appreciate the issues facing the business or project, fostered by informed communication and strong relationships.

Legitimacy and trust, therefore, are built by Morrison’s justice-based factors and, to an extent, his consent-based factors as well. These factors are also discussed below.

Morrison’s background is in dealing with human rights and indigenous communities and his views on consent reflect that perspective. He does, however, highlight issues about “tacit consent” and Morrison (2014a) pp83-86, argues that all parties seeking a SLO require overt consent, howsoever that may be envisaged or measured.

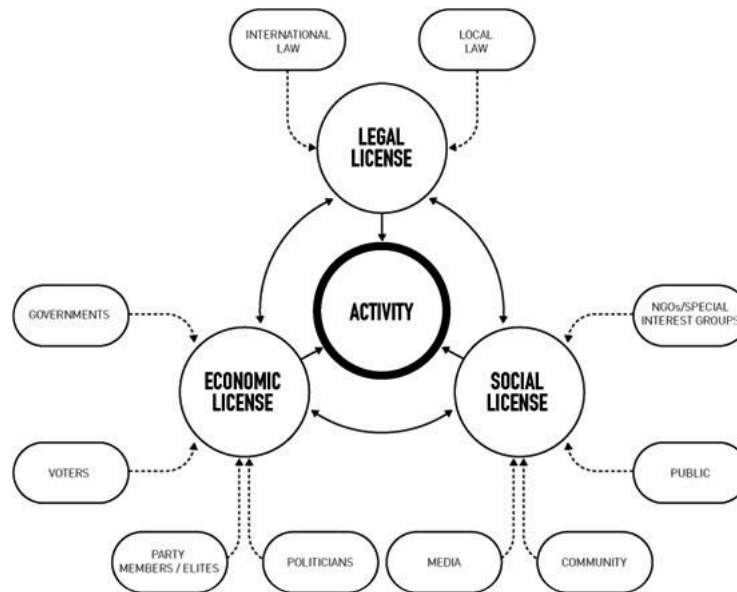


In order for a SLO to be awarded Morrison (2014a) suggests that they need to be “benefits” for all stakeholders. Morrison specifically discusses social benefits in the context of the social contract and human rights and places the SLO in a much more macro environment, more at a societal or governmental level than at the level of company/community relationships. Again, economic benefits of for all parties, be they the local community, shareholders or government. He argues that is totally acceptable for there to be a level of inequality between the recipients of the benefits in order to benefit the whole of society as opposed to individual members of that society.

The final elements of Morrison’s model are conflated in a chapter discussing power, knowledge, participation, transparency and accountability (Morrison, 2014a) p104. Essentially this implies that the consent-based factors and justice-based factors could really form one unit in his model. Morrison rightly notes that there is a difference between actual and perceived power and that is more often the fear of power or perceived power that drives actions and that could bring about tacit consent. Power dynamics are affected by knowledge and as far as the SLO is concerned this is knowledge about the organisation, about its actual and potential activities and its intentions. Allied to knowledge is, of course, transparency because unless the company and the stakeholders are transparent about themselves their activities and their intentions there can be no knowledge and therefore there will or may be a perceived power imbalance. Morrison argues that there needs to be participation, which is a two-way process, for transparency to be apparent. Finally, there needs to be accountability, although Morrison (2014a) p116, states that while trust is necessary for the SLO he does not believe that accountability is a prerequisite. Morrison also rejects the concept of SLO in favour of social licence, which he regards as a broader term not merely focused on a single project or activity.

Morrison developed a second model (Figure 95) in which he tries to contextualise the SLO. It should be noted that Morrison does not see the SLO in isolation and rather regards it as impacting on and being impacted by

various other “licences”. He refers to political, legal and social licences and sets this out in Figure 8. His view is that all three licences are necessary for any activity to take place and that different licences affect and are affected by different stakeholder groups or, in the case of legal licenses, different laws and legal regimes.



**Figure 95 Political, legal and social license**

Source: Morrison (2014a) p21

All the elements of this model have been discussed and require no further elaboration, but what is interesting is how they have influenced the SAP model described below.

## **The SAP model**

Bice, Brueckner and Pforr (2017) introduced the Social, Actuarial and Political Risk and Licensing model (SAP model) as a means of “better capturing the complex risk and licensing environment in which SLO exists” (Bice, Brueckner and Pforr, 2017) p48. The model (Figure 96) can best be understood by regarding the outer rim as stakeholders with competing interests which interact with each other thus affecting and being affected by the social actuarial and political risks faced by the organisation. If stakeholders’ concerns about each risk area are addressed, then all three licences would be “granted”, and the public interest best served.

In this model, the actuarial licence represents the various legal licenses necessary to enable a company to operate. These will obviously vary from industry to industry and, apart from traditional safety health and environment (SHE) considerations, may also include banking and liquor licences, water licences and other legal requirements for operating a business. This actuarial licence aligns strongly with the concept of legitimacy in the other models discussed above.

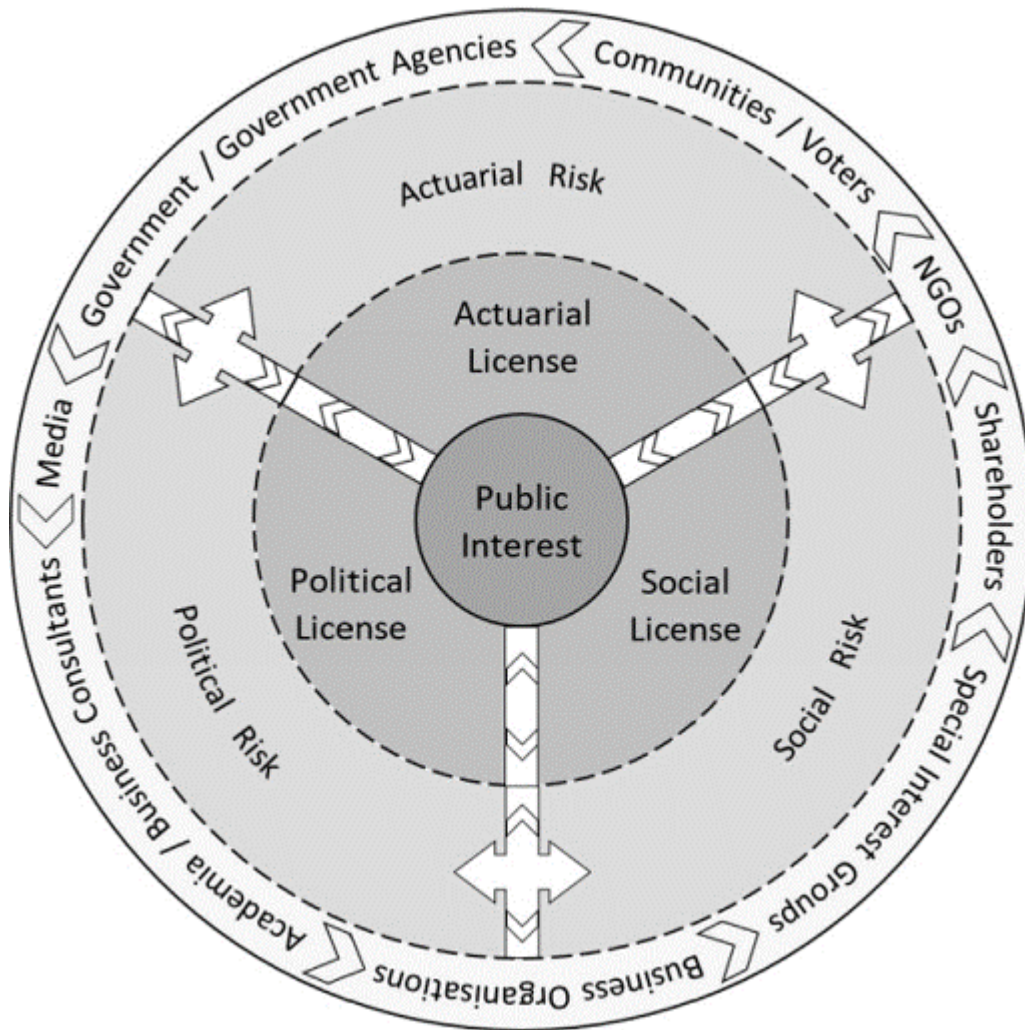


Figure 96 The SAP model

Source: Bice, Brueckner and Pforr (2017) p49

The political licence to operate (PLO) comes about when governments are concerned about economic developments, increased employment and investment, and the benefits to the state, often in the form of royalties or taxation. In many cases, a PLO may be “awarded” in conflict with local community concerns. Bice, Brueckner and Pforr (2017) p50 argue that “a political license might be thought of as both a license to govern and an authority given by government to an organization to undertake a particular activity”. This concept is of relevance to the SLO as government is an important stakeholder in most if not all projects and pressure from community stakeholders, with the possible threat of the removal of the licence to govern,

may well impact the authority to operate given by government and therefore not only remove the PLO but also impact the actuarial licence, the legal licenses to operate.

While it is perhaps cynical to view the SLO, and the other licences in this model, as a means of risk reduction, this may well represent the corporate view of the SLO. This would also explain why the authors place such significance on Corporate Social Responsibility (CSR) or Corporate Social Investment (CSI) as a means of facilitating the SLO, although not explicitly building it into their model.

Bice, Brueckner and Pforr (2017) note that not only are the various licences in their model interrelated but they are also in a state of tension with each other. Depending on the schemas and power of the various stakeholders these different licences may often end up in competition with each other.

The SAP model is focused on demonstrating the interrelationship between actuarial political and social risk and their associated “licences”. The model does not lay down any steps or prescribe any processes, but what it does is highlight the interplay between the three areas and the necessity for them to be moving to some type of equilibrium, albeit under tension, bearing in mind the impact of the various stakeholders surrounding and driving the risks and licences.

## The Diamond Social Licence Model

When considering the removal or loss of the social licence in two cases in Australia, Luke (2017) observed that, much as a company or project can earn a social licence by proceeding through the various phases from undecided through acceptance and approval to psychological identification in the Thomson and Boutilier model (Figure 90 above), so could groups opposed to the project also gain acceptance and approval and psychological identification (Figure 97). Luke offers a number of insights into why people or communities adopt different positions about a project. She refers to “social positioning” which she explains to be “the formation of opinions against or in favour of a specific issue, anchored to existing understandings of similar concepts within social groups” (Luke, 2017) p269. Allied to this is the individuals view regarding the impact of the project on their local environment, which may be beneficial or harmful. In addition Luke observes that social identity, where people identify themselves with groups, also impacts their perceptions of projects.

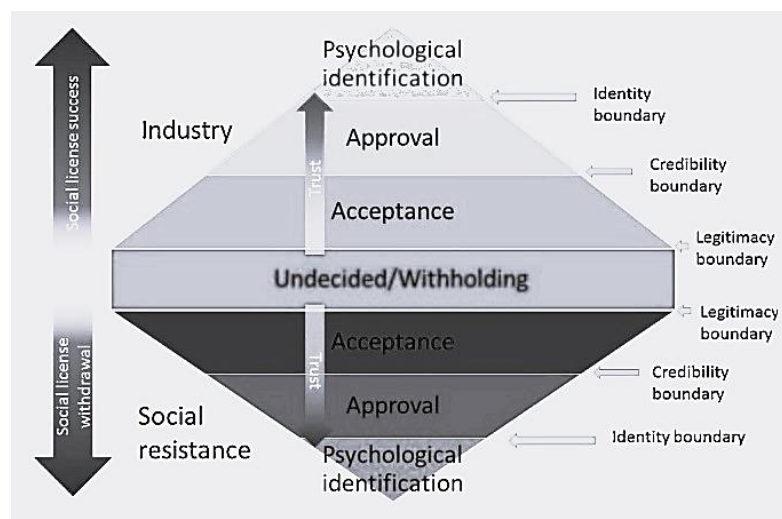


Figure 97 The Diamond Social Licence Model

Source: Luke (2017) p268

Trust, Luke confirms, as in all the literature, is a predictor for the earning or loss of the SLO. However this trust is often based on understanding of the project and its ramifications, and where this is difficult or missing people will often rely on social connections to affect their position regarding the project.

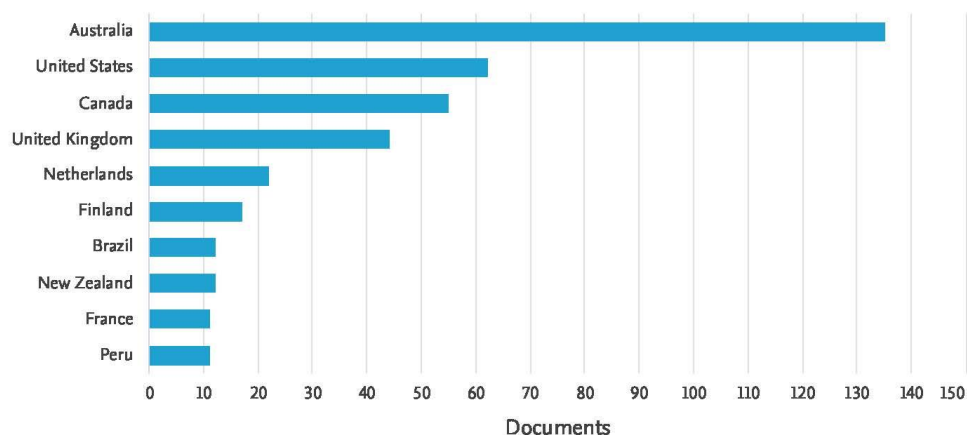
Social resistance then involves moving community groups, often in a very organised manner, from indecision through acceptance of the opposition movements views to approval of their views and actions and finally to psychological identification with the opposition movement. To avoid losing the SLO, company/projects need to engage their stakeholders and secure support for their position (Cotton, 2013).

### The Scalar SLO Model

Lesser et al. (2021), created their Scalar Model based largely on a combination of Boutilier and Moffat and Zang (Figures 90 and 92 above). Their argument, particularly as far as Europe is concerned, is that different legal jurisdictions and different worldviews create different drivers for the SLO. Furthermore suggest that, to date, SLO research has been focused dominantly outside of Europe, as is evidenced by Figure 98 below.

Documents by country or territory

Compare the document counts for up to 15 countries/territories.



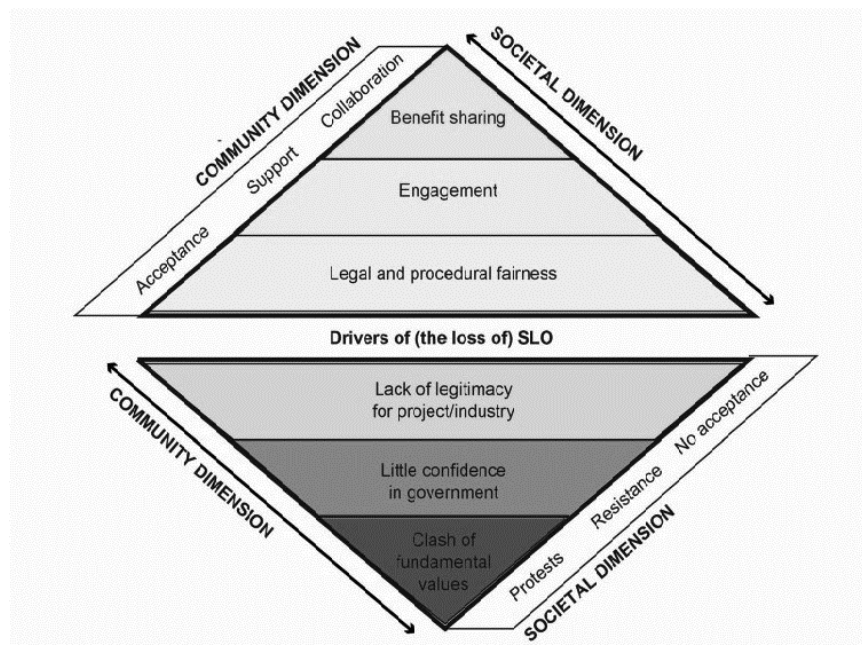
**Figure 98 Articles with Titles containing “Social Licence” or “Social License” per country**

Source: <https://www.scopus.com/term/analyzer>

The authors suggest that there are two elements of the SLO one being a Community SLO and the second being a Societal SLO. The Community SLO, applicable to issues at the local/community level, is earned through contact quality, perceived Procedural fairness and social benefits while the Societal SLO, now at a much wider level is driven by perceived legal and Procedural fairness, confidence in government and Distributive fairness. These two elements are linked by a common trust in government to regulate the industry.

This then gives rise to the Scalar Model (Figure 99), structured similarly to Luke’s model (Figure 97) with drivers of how to gain or lose the SLO from a community or societal dimension.

What differentiates this model is the role of government in the process. Unlike other jurisdictions where the government is not regarded as having a particular role in the awarding or loss of the SLO, this European-based model regards the role of government as paramount. This may well reflect the nature of the political regime in Europe as opposed to elsewhere.



**Figure 99 Scalar SLO Model**

Source: Lesser et al. (2021) p5 and p6



## B. Letter to the Directors of Communities for Coul Limited

*149 Dochart Terrace  
Dundee  
DD2 4EU*

8 September 2021

Dear

I am Douglas Taylor, a PhD student at York University. I am writing to you as one of the Directors of Communities For Coul Limited. My research concerns community acceptance of projects through the lens of a concept known as the Social Licence to Operate.

The Social Licence to Operate (SLO) originally arose in the mining industry where companies found they were continually in conflict with surrounding communities over their activities, even though they had all the necessary legal and environmental approvals (with some notable exceptions in South America). Mining executives coined the phrase, noting that not only did mines now have to obtain legal licences, they also had to obtain a social licence.

Conceptually the Social Licence to Operate (SLO) is straightforward. It represents the implied consent by affected stakeholders for any project to operate, in addition to the legal or statutory requirements to establish the project. However, there is no clear and agreed definition nor set of criteria as to what constitutes an SLO. My research, therefore, looks at what are the requirements for a company to earn or fail to earn a social licence from the community. I personally believe that this is a false dichotomy and that there are numerous phases or stages of the SLO.

I have completed case studies on an onshore windfarm and a proposed shale gas extraction (fracking) site and the proposed Coul Links development offers the opportunity to study a totally different type of project. I initially encountered Coul Links some years ago in an email from the RSPB and I had thought, at the time, that it would be an ideal case study. Then it seemed that the project had "gone away", so I was interested to read earlier this year that the development has now been revived. Other than the very little I've read previously I have no idea as to what the development entails. I have made use of two Facebook groups in my attempt to reach members of the two different groupings – Communities4Coul and NotCoul, and have several interviews arranged with the NotCoul group and other interested parties. Communities4Coul removed my post requesting its members to contact me, having previously advised that they considered the project to have its Social Licence. That may well be the case, but as there appears to be growing opposition I believe that this is worth testing. In any event, it is the process that interests me, not so much the merits or otherwise of the development itself. Accordingly, discussion with various community members in favour of the development and, more importantly, the development company itself, will help me understand what has been done and how this has earned the SLO.

Page 1 of 2

Ideally, I would like to interview around 20 people – pro and anti community members, council members, and people from the development company. Interviews could take place in person or via an online portal. I will be coming up to Embo on 14 September, until the 17<sup>th</sup>, and then, probably for a second week a little later. I would sincerely appreciate your giving me about an hour of your time for an interview (which is a very formal term for what will essentially be a discussion) to learn about the process from your perspective.

Should you know of anyone else whom you believe would be prepared to be interviewed, please ask them to contact me. I have written to the four company directors living in the vicinity of the development.

My contact details are below, if you could reply and give me some idea of when you may be available. I have also attached an information sheet and an interview consent form that I would give to each interviewee.

I must stress that I am agnostic about this development; I have done, and will do, my best to remain impartial; and this research is not funded by any organisation or group.

I look forward to hearing from you.

Kind regards

Douglas

Douglas Taylor  
HonsBCompt, CA(SA), MBA, MA  
PhD candidate, University of York

Mobile: +44(0)7517978805  
Email: dfpt500@york.ac.uk

Should you wish to find out more about me, you will find me at:

[https://www.researchgate.net/profile/Douglas\\_Taylor3](https://www.researchgate.net/profile/Douglas_Taylor3)

<https://york.academia.edu/DouglasTaylor>

<https://www.linkedin.com/in/douglas-taylor-6401b815/>

## C. Interview Information Sheet



### PARTICIPANT INFORMATION SHEET

#### COMMUNITY ACCEPTANCE/REJECTION OF PROJECTS

##### INVITATION TO TAKE PART IN A RESEARCH STUDY

My name is Douglas Taylor and I am a PhD student at the University of York. My research, under Professor Ioan Fazey, concerns the process involved in acceptance or rejection of various projects by communities. I am interested in finding out what constitutes acceptance or rejection, and how acceptance is gained / granted (or how a project is rejected) and who is involved in that process.

I have approached you as a potential interviewee and would appreciate your assistance in this research project.

##### WHAT TO EXPECT

The research process involves an open-ended, informal discussion about your views on the *(current/recent windfarm project in Loeriesfontein / shale gas (fracking) operation previously planned for Kirby Misperton, Yorkshire / proposed Coul Links golf course development near Embo on the east coast of Sutherland in Scotland)*. I am interested in your opinion as to the process and the people involved and the relationship between the company and the community. The interview will be recorded to enable me to analyse the content and more easily compare opinions. The interview will take the form of a chat or discussion, with no set or formal structure. Your views are important and I am hoping will help me form an understanding of the acceptance (or rejection) process.

##### TIME COMMITMENT

The interview should last about an hour and will take place in a venue acceptable to you. We can make arrangements closer to the time.

##### VOLUNTARY

Participation in this process is voluntary and you will not be compensated for your time. In that way we can ensure that there is no bias in the results.

##### RISKS

There are no known risks for the participant in this study. As noted below all information obtained and all personal details will be kept confidential and anonymous (refer below).

##### TERMINATION OF PARTICIPATION

You may decide to stop being a part of the research study at any time without explanation and without penalty. Any data obtained to that point will only be retained with your permission, otherwise it will be deleted / destroyed.

### **ANONYMITY / CONFIDENTIALITY**

The data I will collect from you will consist of limited personal information, (name, job title where appropriate, and some idea as to your background and experience) and is largely intended to identify your position in the organisation or community. You have the right to limit how much information you provide in this respect.

The remainder of the data will comprise my notes and a recording of the interview. The data will initially be stored on my recording device and then my personal computer. Once the project is completed the data will be anonymised, stored electronically with stringent password protection. No-one will have access to the data other than myself. The data will be deleted within 24 months of completion, if not sooner. The results of the study will be published in my PhD thesis and in any academic articles flowing from that. Participants will not be identifiable. This means that your anonymity will be respected.

Furthermore, any discussion you have with me, anything you say to me, will not be repeated to anyone else. This means that our discussion will remain confidential.

### **FUNDING**

This research is not funded by any organisation.

### **FOR FURTHER INFORMATION ABOUT THIS RESEARCH STUDY**

Please contact:

Douglas Taylor

Email: [dfpt500@york.ac.uk](mailto:dfpt500@york.ac.uk)

Postal address:

D Taylor (205061748)

149 Dochart Terrace

Dundee

DD2 4EU

### **APPROVAL AND COMPLAINTS**

The University Research Ethics Committee of the University of York has reviewed and approved this research study.

For any complaints please contact:

Dr Colin McClean

Environment and Geography Department Ethical Review Committee

[environment-ethics@york.ac.uk](mailto:environment-ethics@york.ac.uk)

+44 (0) 1904 323244

**1 July 2021**

## D. Interview Consent Form



**Consent Form for  
COMMUNITY ACCEPTANCE / REJECTION OF PROJECTS**  
PhD Research Project

*Please tick the appropriate boxes*

Yes

**Taking Part**

I have read and understood the project information sheet dated 1 July 2021.

I have been given the opportunity to ask questions about the project.

I agree to take part in the project.

I understand that my taking part is voluntary; I can withdraw from the study at any time and I do not have to give any reasons for why I no longer want to take part.

I agree for the data I provide to be archived at the University of York

Please also confirm that you, the participant, agree to the following:

I agree to the use of anonymous extracts from my interview in conference papers and academic publications

I agree to the audio recording of the interview

\_\_\_\_\_  
Name of participant [printed]

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Project contact details for further information:**

Name: Douglas Taylor

Email: [dfpt500@york.ac.uk](mailto:dfpt500@york.ac.uk)

## E. Note distributed to Embo Residents while conducting the case study

UNIVERSITY *of York*

Good day

My name is Douglas Taylor, and I am a PhD student at York University. I am investigating a concept called the Social Licence to Operate, which relates to community acceptance of projects. This concept developed in the mining and extractive industries and is essentially unwritten approval of a project by the community, in addition or supplemental to legal and environmental licences. It is now an essential element of all mining projects.

I have investigated several different non-mining projects and am now adding the Coul Links project to my case studies as it is different to most, and as I live in Scotland.

I would like to talk to people in Embo and the surrounding areas who are affected by the proposed golf course and whether you are for, against or indifferent. I am in the area this week (until lunchtime on Friday, 17 September) and will be here again towards the end of the following week, depending on the response I receive.

I really would appreciate your help with this project, so please contact me - especially if you are willing to be interviewed, or if you have any comments/questions, or wish to find out more. My email address is [dfpt500@york.ac.uk](mailto:dfpt500@york.ac.uk) and my mobile is 07517978805

Thank you

Douglas

PLEASE PASS THIS ON IF YOU CANNOT HELP

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		<a href="https://www.pv-magazine-australia.com/2022/08/17/likely-to-further-dilute-trust-misunderstanding-community-opposition-to-transmission-lines/">https://www.pv-magazine-australia.com/2022/08/17/likely-to-further-dilute-trust-misunderstanding-community-opposition-to-transmission-lines/;</a>	
		<a href="https://www.resources.org/resources-radio/who-wants-wind-and-solar-in-their-communities-with-sarah-mills/">https://www.resources.org/resources-radio/who-wants-wind-and-solar-in-their-communities-with-sarah-mills/;</a>	
		<a href="https://friendsoftheearth.eu/news/the-green-mining-myth-communities-must-have-the-right-to-say-no/">https://friendsoftheearth.eu/news/the-green-mining-myth-communities-must-have-the-right-to-say-no/;</a>	
		<a href="https://www.oxfamamerica.org/explore/issues/natural-resource-justice/guatemala-conflict-over-mining-fuels-violence-as-companies-fail-to-respect-community-rights/">https://www.oxfamamerica.org/explore/issues/natural-resource-justice/guatemala-conflict-over-mining-fuels-violence-as-companies-fail-to-respect-community-rights/;</a>	
		<a href="https://www.theguardian.com/environment/2021/jan/29/canada-mining-gold-indigenous-skagit-river-washington-environment;">https://www.theguardian.com/environment/2021/jan/29/canada-mining-gold-indigenous-skagit-river-washington-environment;</a>	
<a href="https://www.maplecroft.com/insights/analysis/colombia-social-opposition-to-mining-biggest-industry-hurdle/">https://www.maplecroft.com/insights/analysis/colombia-social-opposition-to-mining-biggest-industry-hurdle/;</a>			
<a href="https://www.theatlantic.com/ideas/archive/2022/04/local-government-community-input-housing-public-transportation/629625/">https://www.theatlantic.com/ideas/archive/2022/04/local-government-community-input-housing-public-transportation/629625/</a>			
<b>B</b>	113	<a href="https://www.mainstreamrp.com/projects/khobab-wind-project/">https://www.mainstreamrp.com/projects/khobab-wind-project/</a>	15/03/18
<b>C</b>	113	<a href="https://www.mainstreamrp.com/projects/khobab-wind-project/">https://www.mainstreamrp.com/projects/khobab-wind-project/</a>	15/03/18

<b>D</b>	113	<a href="https://www.bloomberg.com/profile/company/2893686Z:ID">https://www.bloomberg.com/profile/company/2893686Z:ID</a>	15/03/18
<b>E</b>	113	<a href="https://www.mainstreamrp.com/projects/jeffreys-bay-wind-plant/">https://www.mainstreamrp.com/projects/jeffreys-bay-wind-plant/</a>	15/03/18
<b>F</b>	119	<a href="https://www.dw.com/en/south-africa-launches-its-first-wind-farm/a-2214534">https://www.dw.com/en/south-africa-launches-its-first-wind-farm/a-2214534</a>	15/03/18
<b>G</b>	119	<a href="https://sawea.org.za/archive/">https://sawea.org.za/archive/</a>	20/03/18
<b>H</b>	119	<a href="https://www.mainstreamrp.com/insights/khobab-wind-farm-lifts-first-wind-turbine/">https://www.mainstreamrp.com/insights/khobab-wind-farm-lifts-first-wind-turbine/</a>	18/03/19
<b>I</b>	119	Renewable Energy IPP Procurement Programme, Bid Window 3, Preferred Bidders' announcement 4 November 2013, <a href="http://www.energy.gov.za/IPP/List-of-IPP-Preferred-Bidders-Window-three-04Nov2013.pdf">http://www.energy.gov.za/IPP/List-of-IPP-Preferred-Bidders-Window-three-04Nov2013.pdf</a>	15/03/18
<b>J</b>	126	<a href="https://dbpedia.org/page/Third_Energy_Onshore">https://dbpedia.org/page/Third_Energy_Onshore</a> ; <a href="https://find-and-update.company-information.service.gov.uk/search?q=third+energy">https://find-and-update.company-information.service.gov.uk/search?q=third+energy</a>	15/06/22
<b>K</b>	132	Key Statistics and Quick Statistics, 2011 Census, © Crown Copyright 2013, <a href="https://kirbymisperton.ryedaleconnect.org.uk/about/about-the-village/">https://kirbymisperton.ryedaleconnect.org.uk/about/about-the-village/</a>	15/10/20
<b>L</b>	132	<a href="https://www.plumplot.co.uk/North-Yorkshire-salary-and-unemployment.html">https://www.plumplot.co.uk/North-Yorkshire-salary-and-unemployment.html</a>	15/10/20
<b>M</b>	132	<a href="https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/ageing/articles/whatdoesthe2011censustellusaboutolderpeople/2013-09-06">https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/ageing/articles/whatdoesthe2011censustellusaboutolderpeople/2013-09-06</a>	15/10/20
<b>N</b>	136	<a href="https://www.itv.com/news/tyne-tees/2017-08-02/flamingo-land-among-the-most-visited-attractions-in-the-uk">https://www.itv.com/news/tyne-tees/2017-08-02/flamingo-land-among-the-most-visited-attractions-in-the-uk</a>	18/07/21
<b>O</b>	141	<a href="https://www.gov.uk/government/news/government-ends-support-for-fracking">https://www.gov.uk/government/news/government-ends-support-for-fracking</a>	19/07/20
<b>P</b>	142	<a href="https://www.ukoog.org.uk/community/benefits">https://www.ukoog.org.uk/community/benefits</a>	04/05/21
<b>Q</b>	142	<a href="https://www.lse.ac.uk/grantham.institute/explainers/what-potential-reserves-of-shale-gas-are-there-in-the-uk/">https://www.lse.ac.uk/grantham.institute/explainers/what-potential-reserves-of-shale-gas-are-there-in-the-uk/</a>	04/08/18
<b>R</b>	146	<a href="https://www.coullinksgolf.com/">https://www.coullinksgolf.com/</a>	07/07/21
<b>S</b>	146	<a href="https://find-and-update.company-information.service.gov.uk/company/SC686157/filing-history">https://find-and-update.company-information.service.gov.uk/company/SC686157/filing-history</a> , accessed 5 August 2021	05/08/21
<b>T</b>	146	<a href="https://www.communities4coul.scot/home-2/">https://www.communities4coul.scot/home-2/</a>	06/08/21
<b>U</b>	147	<a href="https://www.gov.scot/publications/planning-series-circular-3-2013-development-management-procedures/pages/16/">https://www.gov.scot/publications/planning-series-circular-3-2013-development-management-procedures/pages/16/</a>	06/08/21
<b>V</b>	147	<a href="https://scottishwildlifetrust.org.uk/our-work/our-advocacy/current-campaigns/coul-links/">https://scottishwildlifetrust.org.uk/our-work/our-advocacy/current-campaigns/coul-links/</a>	06/08/21
<b>W</b>	149	<a href="https://www.scotlandscensus.gov.uk/search-the-census#/explore/snapshot">https://www.scotlandscensus.gov.uk/search-the-census#/explore/snapshot</a>	07/08/21
<b>X</b>	152	<a href="https://www.legislation.gov.uk/ssi/2017/102/schedule/2/made">https://www.legislation.gov.uk/ssi/2017/102/schedule/2/made</a>	07/09/21
<b>Y</b>	152	<a href="https://www.legislation.gov.uk/uksi/2017/1012/contents/made">https://www.legislation.gov.uk/uksi/2017/1012/contents/made</a>	07/08/21

<b>Z</b>	152	<a href="https://www.gov.scot/policies/environmental-assessment/strategic-environmental-assessment-sea/">https://www.gov.scot/policies/environmental-assessment/strategic-environmental-assessment-sea/</a>	07/08/21
<b>AA</b>	153	<a href="http://population-of.com/en/united-kingdom/V3/Dornoch/https://www.usp.scot/Town?mainTownName=Dornoch">http://population-of.com/en/united-kingdom/V3/Dornoch/https://www.usp.scot/Town?mainTownName=Dornoch</a>	07/08/21
<b>BB</b>	166	Assets Publishing Service, no date, Plumplot, no date	10/10/21
<b>CC</b>	185	"C4C are delighted to report that the result of the East Sutherland Coull Links community ballot was a resounding, YES! <a href="https://www.comunities4coull.scot">https://www.comunities4coull.scot</a>	07/07/21
<b>DD</b>	186	<a href="https://www.theguardian.com/environment/2016/dec/20/fracking-to-go-ahead-in-north-yorkshire-after-high-court-ruling">https://www.theguardian.com/environment/2016/dec/20/fracking-to-go-ahead-in-north-yorkshire-after-high-court-ruling</a>	28/01/19
<b>EE</b>	189	<a href="https://www.facebook.com/groups/573619286143264/search/?q=camp">https://www.facebook.com/groups/573619286143264/search/?q=camp</a>	08/03/22
<b>FF</b>	189	<a href="https://www.facebook.com/groups/573619286143264/posts/675060299332495">https://www.facebook.com/groups/573619286143264/posts/675060299332495</a>	08/03/22
<b>GG</b>	189	<a href="http://suegough.blogspot.com/">http://suegough.blogspot.com/</a>	08/03/22
<b>HH</b>	190	<a href="https://www.facebook.com/groups/573619286143264/search/?q=camp">https://www.facebook.com/groups/573619286143264/search/?q=camp</a>	08/03/22
<b>II</b>	193	"The researcher Ian R Crane has recently ramped up his campaign to expose the Illuminati/NWO hijacking of the London 2012 Olympics." ( <a href="https://5societyx.wordpress.com/2012/07/20/ian-r-cranes-2012-alien-invasion-olympics/">https://5societyx.wordpress.com/2012/07/20/ian-r-cranes-2012-alien-invasion-olympics/</a> ).	09/03/22
<b>JJ</b>	193	<a href="https://ianrcrane.com/">https://ianrcrane.com/</a>	09/03/22
<b>KK</b>	230	<a href="https://www.theguardian.com/us-news/2016/jun/23/donald-trump-faces-wall-of-opposition-as-he-returns-to-scotland">https://www.theguardian.com/us-news/2016/jun/23/donald-trump-faces-wall-of-opposition-as-he-returns-to-scotland</a> , <a href="https://www.bloomberg.com/opinion/articles/2018-07-15/trump-golf-course-in-scotland-has-made-him-some-enemies">https://www.bloomberg.com/opinion/articles/2018-07-15/trump-golf-course-in-scotland-has-made-him-some-enemies</a>	20/09/20
<b>LL</b>	237	Defra statistics: Agricultural facts – Yorkshire & the Humber, <a href="https://www.gov.uk/government/statistics/agricultural-facts-england-regional-profiles">https://www.gov.uk/government/statistics/agricultural-facts-england-regional-profiles</a>	11/03/22
<b>MM</b>	246	<a href="https://friendsoftheearth.uk/climate/community-fight-against-coal-cumbria">https://friendsoftheearth.uk/climate/community-fight-against-coal-cumbria</a>	08/03/22
<b>NN</b>	246	<a href="https://www.yorkshirepost.co.uk/news/sheffield-council-forced-reveal-target-remove-17500-street-trees-under-pfi-deal-49158">https://www.yorkshirepost.co.uk/news/sheffield-council-forced-reveal-target-remove-17500-street-trees-under-pfi-deal-49158</a>	08/03/22
<b>OO</b>	252	<a href="https://scottishwildlifetrust.org.uk/our-work/our-advocacy/campaigns/coull-links/">https://scottishwildlifetrust.org.uk/our-work/our-advocacy/campaigns/coull-links/</a> ; <a href="https://www.rspb.org.uk/our-work/casework/cases/coull-links/">https://www.rspb.org.uk/our-work/casework/cases/coull-links/</a>	22/05/22
<b>PP</b>	253	Public inquiry into wildlife damaging golf course tees off - Scottish Nature Notes - Our work - The RSPB Community, <a href="https://community.rspb.org.uk/ourwork/b/scotland/posts/public-inquiry-into-wildlife-damaging-golf-course-tees-off">https://community.rspb.org.uk/ourwork/b/scotland/posts/public-inquiry-into-wildlife-damaging-golf-course-tees-off</a>	15/04/19

<b>QQ</b>	254	<a href="https://www.theguardian.com/business/2023/jun/07/labour-donor-dale-vince-influence-access-ecotricity-just-stop-oil-sunak-starmer">https://www.theguardian.com/business/2023/jun/07/labour-donor-dale-vince-influence-access-ecotricity-just-stop-oil-sunak-starmer</a>	07/06/23
<b>RR</b>	266	<a href="https://1drv.ms/v/s!AhmYXPs9CqYpgYx3LA4BNWfINhttps://1drv.ms/v/s!AhmYXPs9CqYpgYx3LA4BNWfINHwJvg?e=FYQYUiHwJvg?e=FYQYUi">https://1drv.ms/v/s!AhmYXPs9CqYpgYx3LA4BNWfINhttps://1drv.ms/v/s!AhmYXPs9CqYpgYx3LA4BNWfINHwJvg?e=FYQYUiHwJvg?e=FYQYUi</a>	No Date
<b>SS</b>	270	Embo Med.mp4, from <a href="https://www.facebook.com/Communities4Coul/">https://www.facebook.com/Communities4Coul/</a>	15/11/22
<b>TT</b>	284	<a href="https://www.mainstreamrp.com/insights/mainstream-consortium-awarded-360mw-in-south-africa-government-tender">https://www.mainstreamrp.com/insights/mainstream-consortium-awarded-360mw-in-south-africa-government-tender</a>	23/04/21
<b>UU</b>	285	<a href="https://www.communities4coul.scot/planning-latest/">https://www.communities4coul.scot/planning-latest/</a>	09/02/23
<b>VV</b>	288	<a href="https://www.statista.com/statistics/488376/forecast-of-smartphone-users-in-south-africa/">https://www.statista.com/statistics/488376/forecast-of-smartphone-users-in-south-africa/</a>	18/06/22
<b>WW</b>	289	<a href="https://www.statista.com/statistics/300398/smartphone-usage-in-the-united-kingdom/">https://www.statista.com/statistics/300398/smartphone-usage-in-the-united-kingdom/</a>	18/06/22
<b>XX</b>	294	<a href="https://disclosures.ifc.org/project-detail/ESRS/36845/mainstreamafrica">https://disclosures.ifc.org/project-detail/ESRS/36845/mainstreamafrica</a>	17/03/18
<b>YY</b>	295	<a href="https://disclosures.ifc.org/project-detail/ESRS/36845/mainstreamafrica">https://disclosures.ifc.org/project-detail/ESRS/36845/mainstreamafrica</a>	17/03/18
<b>ZZ</b>	295	<a href="https://edemocracy.northyorks.gov.uk">https://edemocracy.northyorks.gov.uk</a> › Data › Agenda	31/08/20
<b>AAA</b>	297	<a href="https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id 119883">https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id 119883</a>	14/03/22
<b>BBB</b>	307	<a href="https://www.facebook.com/Communities4Coul/">https://www.facebook.com/Communities4Coul/</a>	23/09/23
<b>CCC</b>	314	<a href="https://www.communities4coul.scot/planning-latest/">https://www.communities4coul.scot/planning-latest/</a>	23/09/23
<b>DDD</b>	314	<a href="https://www.coullinksgolf.com/home/news-archive/">https://www.coullinksgolf.com/home/news-archive/</a>	28/04/23

# End Notes

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## <sup>1</sup> A Note on the Concept of Historically or Previously Disadvantaged.

Apartheid in South Africa not only had the effect of disenfranchising the majority black population but it also limited where people could live and what work they could do (outside of designated “homelands” or “independent” states). Accordingly, steps were taken following the 1994 General Election (the first democratic election) to redress these ills as far as possible.

The Constitution of South Africa therefore provides that “To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.” (The Constitution of the Republic of South Africa, Act No 108 of 1996, as amended, para 9(2)), p4

However, as noted by the Independent Communications Authority of South Africa (2019) p19 in a review of the relevant legislation, “The Constitution does not provide a definition for the persons who are to be the recipients of the measures to protect or advance them. Consequently, there has been a lack of consistency with regards to the terms used and how the different terms are defined in different legislation.” (Independent Communications Authority of South Africa, Findings Document and Position Paper on: Inquiry into Equity Ownership by Historically Disadvantaged Groups and the Application of the ICT Sector Code in the ICT Sector, Notice 85 of 2019, No. 42234 Government Gazette, 15 February 2019)

Thus we find that the Preferential Procurement Policy Framework Act (2000) p4, uses the term “persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender or disability”. (Preferential Procurement Policy Framework Act, Act No. 5, 2000, Government Gazette No. 20854, 3 February 2000.)

And then later, in the promulgation of its regulations: ““Historically Disadvantaged Individual (HDI)” means a South African citizen – (1) who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No 110 of 1983) or the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993) (“the Interim Constitution”)” (Preferential Procurement Regulations, 2001, Pertaining to the Preferential Procurement Policy Framework Act: No 5 Of 2000, [http://www.treasury.gov.za/legislation/pfma/supplychain/gazette\\_22549.pdf](http://www.treasury.gov.za/legislation/pfma/supplychain/gazette_22549.pdf)), p3.

Similarly, the Mining Charter defined Historically Disadvantaged South Africans (HDSA) as “any person, category of persons or community, disadvantaged by unfair discrimination before the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993) came into operation.” (<https://www.westerncape.gov.za/Text/2004/5/theminingcharter.pdf>) p2.

This term “historically disadvantaged” was subsequently replaced by the term “black people” when it was noted that a number of white women were benefitting from the legislation on the basis that they too were historically disadvantaged. Thus “black people” was adopted. In terms of the Broad-Based Black Economic Empowerment Act, 2003 “ ‘black people’ is a generic term which means Africans, Coloureds and Indians” (Broad-Based Black Economic Empowerment Act, No. 53 of 2003, Government Gazette No. 258999, January 2004) p4

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Later, in response to the large number of black non South Africans claiming benefits, the term was restated in the Broad-Based Black Economic Empowerment Amendment Act No. 46 of 2013, Government Gazette No. 37271, January 2014 where the definition now reads:

“ ‘black people’ is a generic term which means Africans, Coloureds and Indians—

- (a) who are citizens of the Republic of South Africa by birth or descent; or
- (b) who became citizens of the Republic of South Africa by naturalisation”

Accordingly, as far as Loeriesfontein is concerned, the historically disadvantaged community comprises largely the coloured community living in the town and excludes the white community.

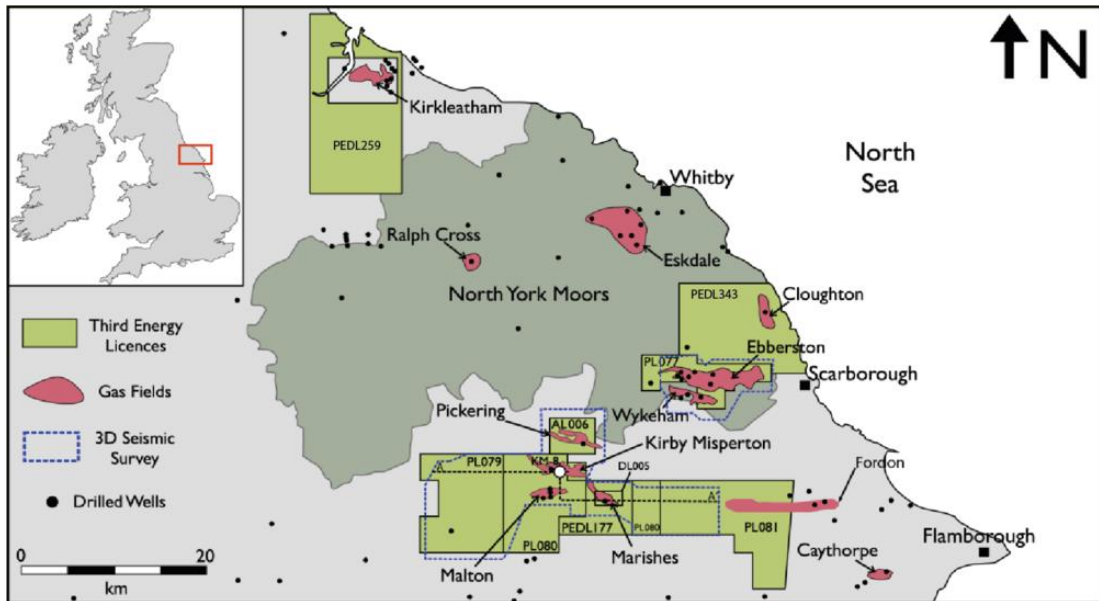
## <sup>2</sup> **Drugs in South Africa**

South Africa is particularly well known for the creation of a drug by the name of Nyaope, Ungah or Whoonga - a combination of heroin, cannabis and other substances such as sugar, baby powder, washing powder, pool cleaner, rat poison and in some instances crushed ARV's. The drug is highly addictive and is regarded as the cause of many of the drug wars in the Cape Flats region of the Western Cape (SADAG, Recovery Direct, Health 24). As one addict notes: “nyaope can put you in hell - when you are high with it, you do things that put you in danger. You don't care if you get caught or killed; when you are in cravings, you do whatever it takes to get money.” (<https://www.dailymaverick.co.za/article/2023-05-10-the-nyaope-boys-there-is-one-way-in-your-way-out-its-only-when-you-are-dead/> Accessed 17 May 2023)

Traditionally, drug use in Loeriesfontein has been restricted to cannabis (or dagga) which is commonly used throughout South Africa and has recently (2019) been legalised for home use. However, it appears that use of harder drugs such as heroin or Nyaope is gaining traction in Loeriesfontein, along with continued alcohol abuse.

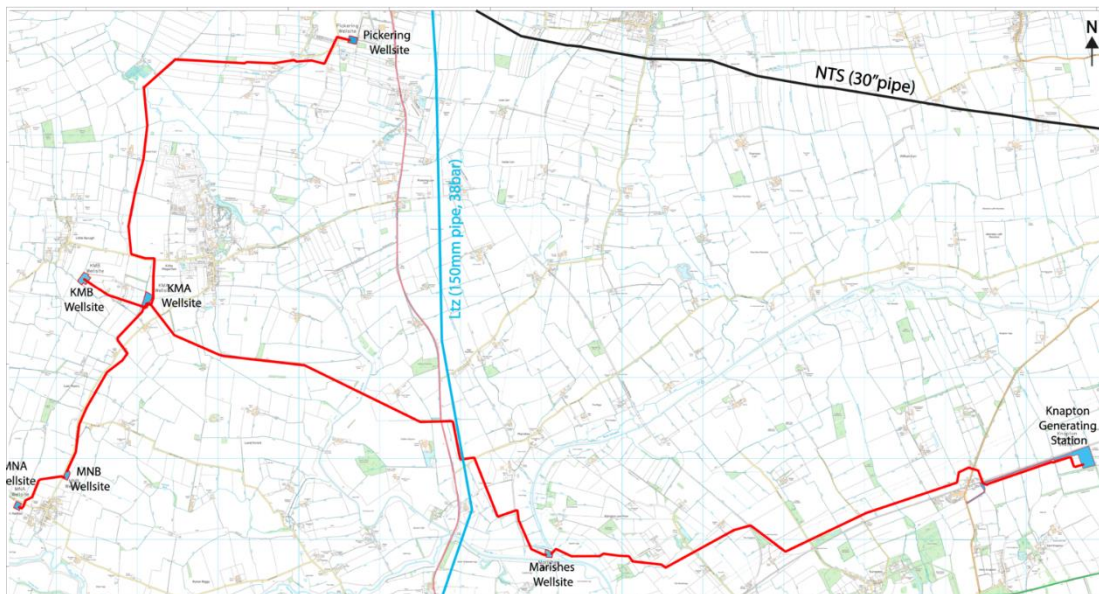
## <sup>3</sup> **Petroleum Exploration and Development Licence (PEDL) licences owned by Third Energy in the Ryedale area**

Third Energy own a number of PEDL in the Ryedale area (Figure 59 below). While Third Energy had a number of gas wells in the area connected by pipeline (Figure 60) to the Knapton generating plant, these were of no concern to the community. At issue was the potential to frack in their other licensed areas if this initial test frack proved successful. It was this threat that elicited response from the Ryedale community.



**Figure Error! Main Document Only. Third Energy Petroleum Exploration Licences**

Source: <https://third-energy.com/licences>



**Figure Error! Main Document Only. Third Energy Interconnecting Pipelines**

Source: <https://third-energy.com/wellsitesandpipeline>

#### 4 Knowledge and Attitudes to Fracking in the UK

The Department for Business, Energy and Industrial Strategy in the United Kingdom surveys public attitudes on a variety of topics ever quarter. BEIS PUBLIC ATTITUDES TRACKER –



WAVE 1 – 30, produced in July 2019 reported opinions on shale gas extraction or fracking for the period covered by the Kirby Misperton case study. The results are from a UK-wide survey but the few quarters in which data was produced for Yorkshire & Humberside revealed little difference from the UK-wide results.

The first question asked was: "Before today, how much, if anything did you know about hydraulic fracturing for shale gas, otherwise known as 'fracking'?", with the following results:

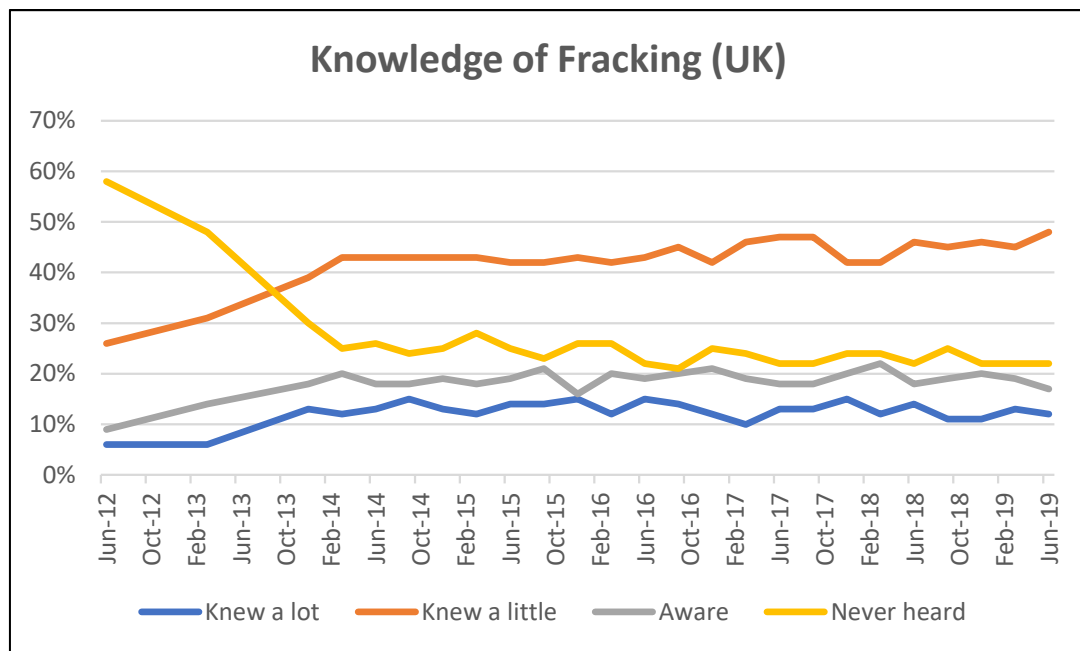


Figure 6.20: Knowledge of Fracking

(Created from: BEIS PUBLIC ATTITUDES TRACKER – WAVE 1 – 30, July 2019)

In July 2013 the then Chancellor, George Osborne, announced special reduced tax rates to encourage Britain to become "a leader of the shale gas revolution". (Macalister, Terry; Harvey, Fiona (19 July 2013). "George Osborne unveils 'most generous tax breaks in world' for fracking: Environmental groups furious as chancellor sets 30% rate for shale gas producers in bid to enhance UK energy security". The Guardian. <https://www.theguardian.com/politics/2013/jul/19/george-osborne-tax-break-fracking-shale-environment>, Retrieved 14 February 2022). It is evident that this announcement and the subsequent publicity caused a substantial drop in the "Never heard" group and the parallel rise in the "Knew a little" group over the period surrounding this date. It is also apparent that the most informed group, those that claimed to know a lot about fracking remained at between 10% and 15% of the population over the period of the case study, while those who were simply aware or had never heard of were constantly about 40% of the population. It is suggested that this 40% would have had no firm opinion on fracking, one way or the other. This is borne out in the graph below which shows that approximately 50% of the population were neither for nor opposed to fracking.

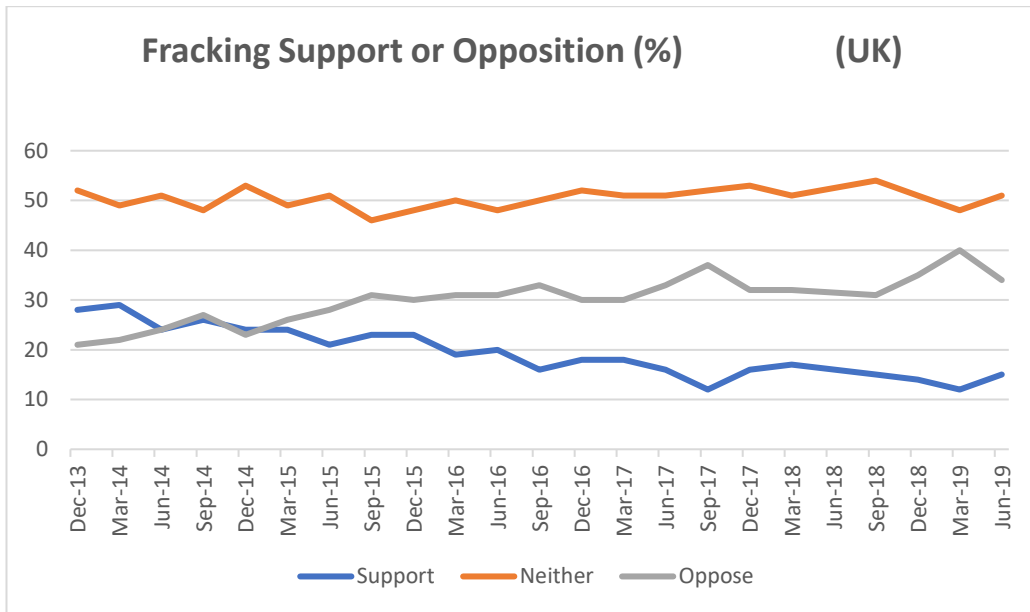


Figure 6.21: Support for or Opposition to Fracking

(Created from: BEIS PUBLIC ATTITUDES TRACKER – WAVE 1 – 30, July 2019)

It is apparent that support for fracking halved between December 2013 and June 2019 while at the same time opposition virtually doubled. It is suggested that this coincided with the rise in climate awareness over that period.

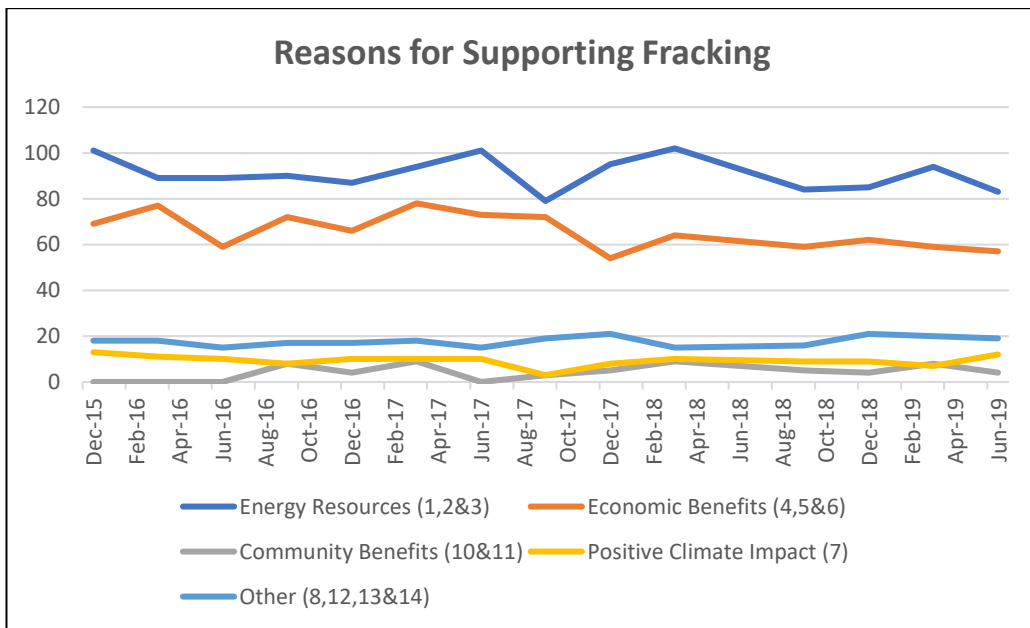


Figure 6.22: Reasons for Supporting Fracking

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(Created from: BEIS PUBLIC ATTITUDES TRACKER – WAVE 1 – 30, July 2019)

The survey suggested a number of possible reasons for supporting fracking, as detailed in the table below, and these are being combined and summarised in the graph above. It is apparent that for the supporters of fracking making the best use of national energy resources and the potential economic benefits of fracking were the prime drivers of their support over the full period of the case study, and beyond.

<b>No.</b>	<b>Reason</b>
1	Need to use all available energy sources
2	Reduces dependence on fossil fuels (coal, oil)
3	Reduces dependence on other countries for UK's energy supply
4	May result in cheaper energy bills
5	Good for local jobs and investment
6	Will have positive impact on UK economy
7	Will have positive impact on climate change / meeting carbon reduction targets
8	Won't affect me/my local area so no personal impact
9	Positive reports in the media
10	Community Benefits
11	Shale Wealth Fund
12	No specific reason
13	Other (specify)
14	Don't know

In the same way, the reasons for opposing fracking were predominantly to do with the environmental impact and risk, particularly health risk, as detailed in the graph and table below.

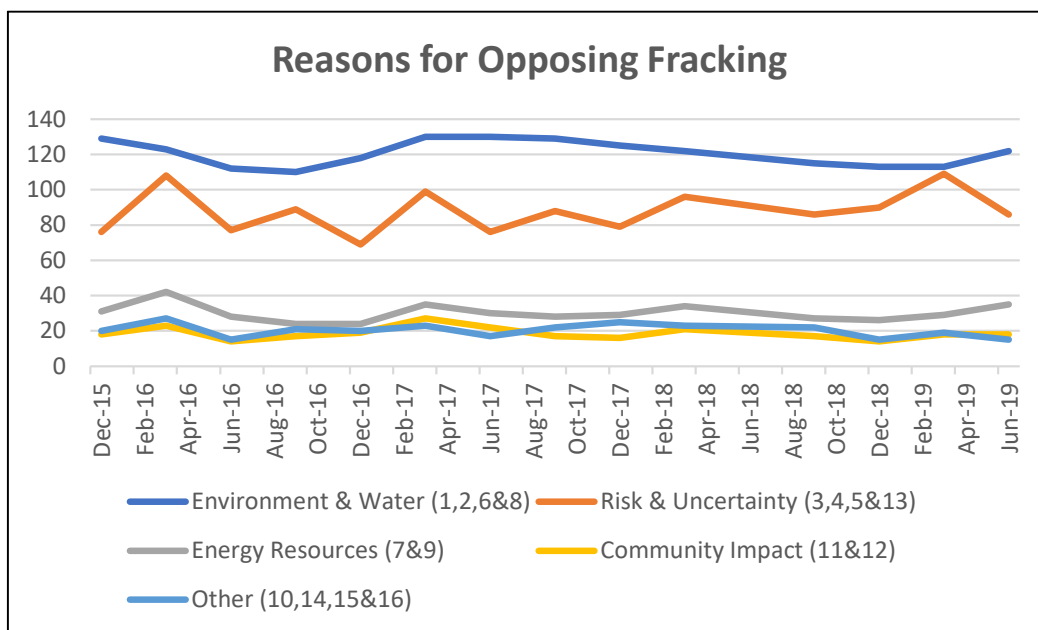


Figure 6.23: Reasons for Opposing Fracking

(Created from: BEIS PUBLIC ATTITUDES TRACKER – WAVE 1 – 30, July 2019)

- 1 Loss/destruction of natural environment
- 2 Risk of contamination to water supply
- 3 Too much risk / uncertainty to support at present
- 4 Risk of earthquakes
- 5 Not a safe process
- 6 Use of chemicals in the process
- 7 Should focus on developing renewable energy sources
- 8 Negative impact on climate change / meeting carbon reduction targets
- 9 Should focus on developing other energy sources
- 10 Negative reports in the media
- 11 Increased traffic/noise/disruption
- 12 Local house prices will fall
- 13 Will not be regulated effectively
- 14 No specific reason
- 15 Other (specify)
- 16 Don't know

<sup>55</sup> It is perhaps important to pause briefly here and consider some of the history of shale gas protest in the United Kingdom. In his book “The Road to Kill the Bill” (Boyd 2021), Joseph Boyd states that fracking came to the public’s attention in 2011 following two earthquakes at Cuadrilla’s operations at Preese Hall near Blackpool. This led to the formation of Frack Free Lancaster and the start of much of the Frack Free protest movement. Boyd describes encountering the protests against Cuadrilla at Barton Moss in 2013 and watching the Green Party MP, Caroline Lucas, being arrested, and eventually deciding to join the protests

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himself. In a highly entertaining and informative book Boyd recounts stories of setting up community camps, the Knitting Nannas, camps in East and North Yorkshire, court action, infiltration, sell-outs and gaslighting, leading eventually to his opposition to the Police, Crime, Sentencing and Courts Bill.