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# Participation according to the law?

## The research-based knowledge on citizen participation in Norwegian municipal planning

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### Abstract

Citizen participation is enshrined in the Norwegian Planning and Building Act (PBA) 1985 and accentuated by the 2008 revision of the PBA. In this article, we ask if the research on participation in municipal planning is sufficient to draw conclusions on whether the Act is effective with regard to both the spirit and the letter of the law. The guiding framework for the analysis is based on the concepts of input and output legitimacy and the distinction between 'tidy' and 'untidy' participation. The analysis is based on scientific publications published after the 2008 revision of the PBA. We find that the majority of the research concentrates on zoning plans and municipality-initiated 'tidy' participation. As a result, there are gaps in the research with regard to both the planning context and the interconnectedness of different forms of participation. Therefore, the research reviewed can only partially inform the law-makers on the functioning of the Act.

**Keywords:** *participation, planning, framing, law, tidy, untidy*

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# 1. Introduction

Law-making is, and should be, informed by research. From time to time, it is necessary to review what research is available to law-makers on certain issues. One reason for undertaking such literature reviews is to determine whether there is a need to revise the law. Another reason is to find out if there are important themes that are missing from the body of research, and what consequences this might have. Both reasons have motivated this paper. The theme of the analysis is participation in Norwegian municipal planning.

Participation is a core value in the critique of any new developments in planning theory and practice. However, perspectives on participation change, as do the ways of practising participation. Participatory practices refer to the methods that the planning authorities have for involving, listening to and negotiating with people from outside the immediate institutional planning environment. Although planning participation is traditionally associated with hearings, public meetings and, sometimes, actions and insurgencies, a developing trend is to include and encourage cultural activities, such as city walks, exhibitions and performances, in the definition of planning participation. Sometimes such activities occur in their 'pure' form, whereas, at other times, they occur in combination with the workshops, public meetings and other more traditional forms of participation. As with other forms of participation, planning participation activities can be initiated both by the planning authorities and other actors. Digital platforms and social media have provided new opportunities for both the traditional and the less traditional forms of participation.

In Norway, participation in planning is enshrined in the Planning and Building Act (PBA). A number of participatory practices have been introduced and developed and their forms and effects have been documented and discussed, to varying degrees, in research-based publications. In this paper, we are interested in discussing to what degree the research on participation can inform the legislators on how the legislation works in practice. The data and discussion generated by the research contribute to framing participation and developing the understanding of what is regarded as participation, in a policy context as well as in a research context. Therefore, a review of the research on participation is helpful in two ways: it provides an overview of the accumulated knowledge of the forms and effects of participation, and it yields a picture of what the research community actually includes in the definition of participation. Empirical analyses of participation tend to concentrate on one particular form of and context for participation, and rarely present a broader picture. There is a need for greater knowledge on how different forms of participation are placed within a larger entity, such as a territory or a certain planning context. For this reason, we decided to analyse the research on participation in Norwegian municipal planning in the period after the 2008 revision of the PBA. In general, the research contributions from our period of analysis tend to focus on only one or a few forms and contexts of participation. Our intention is to examine multiple research studies to provide a broader picture, which

will enable us to assess the strengths and weaknesses of the studies with regard to informing law-makers.

This paper is part of a broader evaluation of the Norwegian PBA since its revision in 2008. Participation has been mandatory for many years and was emphasised by the revision of the Act. Mandatory participation is specified in Section 5 of the legal text, which concerns the ‘letter of the law’, and in the preparatory works, which discuss the ‘spirit of the law’. As will be pointed out in the next section, in some ways, the spirit of the law is more ambitious than the letter regarding participation, which results in a certain degree of ambiguity. It is interesting to examine how this is reflected in the literature on participation. In brief, the background for the main question that this paper addresses is as follows: *Does the literature on planning participation in Norway since the 2008 revision of the PBA enable us to draw conclusions on how different forms of participation work in different types of plans and, thus, on whether the intentions of the Act are met?*

The remainder of the paper is organised as follows. In Section 2, the intentions for citizen participation in public planning, as well as the formal requirements formulated in the PBA, are presented and discussed in relation to a modification of Arnstein’s ladder of citizen participation. Section 3 outlines our theoretical approaches, followed, in Section 4, by a discussion of the data on which this paper rests. The literature review is conducted in Section 5, and a discussion of the findings in the light of the framing of the research concludes the paper.

## **2. The spirit of the law and the letter of the law**

Since 1985, the Norwegian PBA has encouraged and required citizen participation at an early stage of the planning process. The principle of participation was explicitly enshrined in legislation in the PBA of 1985, and the new 2008 PBA is often presented as strengthening this principle (Hanssen 2013, Knudtzon 2015). The 2008 PBA §1.1 states that ‘planning should ensure transparency, predictability and participation for all affected parties’ (our translation). The argument for emphasising participation is that there is an advantage in opinions and concerns being identified as early as possible; it avoids the planning process coming to a standstill because vital points of view were presented too late in the process. The requirement is stated as follows<sup>1</sup>:

### §5.1

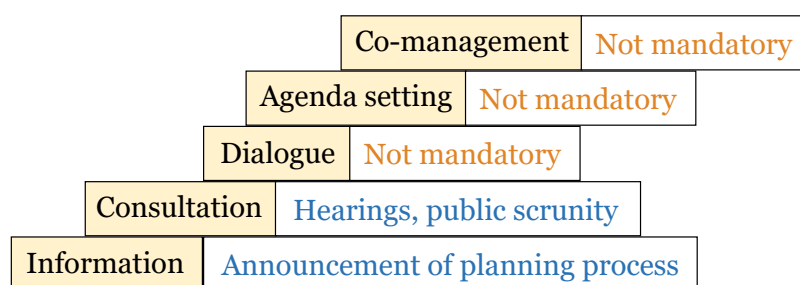
Anyone who puts forward a planning proposition shall facilitate participation. The municipality shall make sure that this requirement is fulfilled in planning processes carried out by other public or private actors.

The municipality has a particular responsibility to ensure active participation from groups that require special facilitation, including children and youth. Groups and interests that are not able to participate directly shall be offered good possibilities for participation in other ways.

Thus, it is clear that the PBA emphasises participation and gives the citizens rights as legitimate actors in planning. To a large degree, the local authorities have been delegated the task of defining and deciding who the affected are, but the 2008 revision specifically included *groups in need of particular facilitation*, such as children, people with foreign or indigenous backgrounds and disabled people. A second point of importance in the 2008 amendment is that the participation requirement is a responsibility for *all those who put a proposition for a plan* on the table, not solely the municipality. This is an important clarification, as the PBA allows private actors to prepare plans and submit them to the municipalities. However, it remains the municipality's responsibility to decide if the form and extent of participation are sufficient.

The committee preparing the PBA revisions proposed to clarify that *'all parties concerned and the authorities and the public shall be given the opportunity to participate and influence'* (NOU 2003: 14, p. 12), thereby specifying that democracy implies that the general public should have an influence. In the last draft legislation (Ot.prp. nr. 32, (2007–2008)) 'influence' is not included. In this draft, the term 'real participation' is used, implying that active measures should be taken to achieve the desired participation. However, the terms 'real' and 'active' are not defined in more detail (Knudtzon 2015). The text emphasises that *'the formal steps described in the rules on the treatment of the various types of plan are regarded as the minimum requirements for planning proceedings'* (Ot.prp. nr. 32, 2007–2008: 189, our translation). The Ministry of Local Government and Modernisation has issued guidelines for ensuring participation (KMD 2014), in which the municipalities are encouraged to carry out qualitatively effective participation, and different aspects and forms of participation are outlined.

Figure 1 below shows a version of Arnstein's ladder of participation (Arnstein 1969), modified to illustrate the minimum requirements for participation included in Norway's 2008 PBA.



**Figure 1.** A modified version of Arnstein's ladder of participation indicating the requirements in the Norwegian Planning and Building Act (2008)

The mandatory requirements of the PBA primarily belong on the bottom two steps of the ladder. The first step, information, is ensured by the statutory requirements for *advertising the establishment of the planning process*. It is required that the municipal planning strategy, a new planning instrument introduced in the 2008 revision of the Act, is made public 30 days prior to political consideration.

The PBA presents explicit requirements for consultation and public

scrutiny that correspond to the second step of the ladder. Consultation usually means sending a plan proposal to the actors from whom feedback is required, that is, those regarded as affected by the plan. Public inspection means that the plan proposal is made publicly available so that everyone has access to it and can provide feedback. The use of electronic media is one way of giving access. In the 2008 revision, the time frame for hearings was extended from 30 days to six weeks, allowing residents and communities more time to provide submissions. Another new planning instrument, area zoning, that was introduced by the revision results in greater public scrutiny by providing more consultation rounds. In addition, the revision included extended requirements for the use of a *planning program*, making such a program mandatory for all major planning processes<sup>2</sup>. Planning programs provide early consultation rounds.

In addition, the PBA revision introduced new rules for the presentation of comments on plan proposals. For both municipal plans (§11) and detailed zoning plans (§12), the PBA now more explicitly requires that the legal preparation shows how the comments received from the different actors in the hearings have been considered, and what significance they have been assigned in the decision.

The third step of the ladder, dialogue, can be carried out in several ways. Normally, we understand dialogue as a two-way communication—a discussion, debate or deliberation regarding an issue between the municipalities and interested parties. Usually, this happens through public meetings, information sessions and workshops. There are no legal requirements regarding the particular form of such a dialogue.

The preparatory work on the PBA revision recommended that councils should '*promote broad participation and public debate*' (NOU 2003: 14, ch. 3.4.1<sup>3</sup>) in preparing a municipal planning strategy, particularly if important choices need to be faced. However, the recommendation was not followed by concrete legislative requirements. Another recommendation was the establishment of a *regional planning forum*. These forums are primarily coordinating arenas for different public authorities, and participation is also open to affected parties outside the public sphere.

Agenda setting, the fourth step of the ladder, does not involve mandatory participation, and neither does co-management. These two steps are not explicitly addressed in the law, either before or after the 2008 revision of the PBA.

Summing up, the mandatory participation requirements in the Norwegian PBA can be characterised as 'information' and 'consultation', the two lowest steps of the ladder. Thus, the statutory requirements do not give local actors a high degree of influence in the planning process. It is, however, not possible to assess how the legal requirements complies with the steps of the ladder just by judging from the law text. First, the quality of participation with regard to each of the steps may vary greatly between the municipalities and within different planning contexts. Second, there is not necessarily a sharp divide between each step. One example illustrate the challenge of separating between consultation and dialogue,

where a wider perspective on dialogue allows for meticulous answers to the comments arising from the hearing rounds during the consultation to be included in dialogue rather than in consultation. Agenda setting is another example of a step where the formal requirements could be an insufficient indicator. Although public participation in agenda setting is not mandatory, the process of developing a *planning strategy* leaves an opening for this. The planning strategy is the step in which it is expected that the most important societal challenges will be identified, and where the planning needs to meet these challenges will be defined. Quick-thinking actors have the opportunity to influence the agenda by putting forward themes that should be included in the planning strategy, and hence participation will in practice have taken place. In addition, the Municipal Act<sup>4</sup> allows for citizens' initiatives, which can be used to initiate new planning processes or revise old ones (Christensen et al. 2010, Klausen et al. 2013). Hence, only empirical analyses of how the participation takes place will accurately indicate what steps of the ladder are actually in use and for what planning purposes.

Part of the answer to our question lies in whether the accumulated research reveals whether it is the 'letter of the law' or the 'spirit of the law' that influences the way the municipalities practise participation in different planning contexts.

### **3. Framing participation**

Framing is a concept used to describe the perspectives that institutionalise a certain component of societal activity, for instance, citizen participation in municipal planning. The scientific discourse in different areas is also framed, in the sense that certain questions are asked and others are not, as well as in terms of the approaches that are used to answer these questions (Douglas 1986). Framing takes place through the use of mental filters and a scheme of interpretation (Goffman 1974). Thus, the analysis of what forms and contexts of participation the research consists of, and what perspectives of participation are considered important, will contribute to understanding the framing of this research.

A fundamental part of the framing is how participation in planning is defined. Another important component is the interpretation of the relevant foci and loci for researching participation; this involves determining what participation contexts should be researched and what questions are relevant. Such interpretations develop through the interconnectedness of different factors. Of course, such factors include planning theories and, more generally, democracy research. The practices that develop with or without theoretical anchorage naturally also feed into the framing. Another factor known in the scientific society to both maintain and shift foci as well as loci is the research funding system. Calls for funding applications may launch new questions and problems that spur the development of theoretical approaches and new interpretations. In addition, the mere practicalities of research funding can determine research foci and loci. The research questions must be answered within a certain time frame, the activities and deliverables must be predicted, often in detail, and the milestones achieved. The dynamics of such factors

are important in understanding why some research questions are asked and others are not.

There is a varied body of empirical and theoretical research on participation, with contributions found both in planning theory and in scholarly works on democracy outside the planning context.

Participation can be studied from a process or a policy angle, which are also referred to, respectively, as the input and output perspectives. Easton (1965) breaks this down further, into the input, throughput, output and outcome perspectives. The process perspective, which focuses on input and throughput, raises questions of democratic legitimacy, which is the input legitimacy, and of how the participants themselves experience the participation (Pateman 1970, Barber 1984, Geissel 2013). In contrast, the policy perspective, which focuses on output and outcome, examines the impact that participation has on the policy areas in question and the decisions connected to them (Arnstein 1969, Hillier 2002, Nyseth et al. 2010). This perspective is also connected to questions of legitimacy, but this output legitimacy, as it is known (Scharpf 1999), is based on assessing how decisions and their implementation are received by citizens.

Traditionally, the notion of participation has been closely connected to the steps of the planning process, and to developing forms of participation that correspond with the way the planning process is conducted. The issue of how to increase citizen participation in planning has been a major topic in planning theory. From the mid-1960s, participatory planning theory methods and practices have been developed that offer a rich variety of approaches to increasing citizen participation. To name a few, these include advocacy planning (Davidoff 1965), radical planning (Harvey 1973), equity planning (Sandercock 1998) and communicative planning (Healey 1997). Theories on empowerment should be added to the list, and the concept of insurgencies (Friedmann 2011). As the first wave of enthusiasm receded some years ago, more critical accounts of the deficits and the unintended consequences of participatory processes have been raised (Agger 2012). Mostly, these concern the input legitimacy. Representation has been one issue raised, as participants are often intermediary bodies of sub-elites between lay people and public authorities. Another issue related to representation concerns the mechanisms of exclusion of certain voices and interests (Young 2000). Some scholars claim that participatory planning processes are often used in tokenistic ways to create public support or to mask or even reinforce power inequalities (Innes & Booher 2004, Huxley 2000).

According to Innes and Booher, the traditional methods of public participation simply do not work: 'Most of these methods discourage busy and thoughtful individuals from wasting their time in going through what appear to be nothing more than rituals designed to satisfy legal requirements' (Innes & Booher 2004, 419). Partly as a consequence of this critique, new forms of participation that allow citizens to deliberate with one another and with officials regarding public challenges and policies are being deployed (Agger 2012). Examples of such practices in different countries include public consultations and user surveys, citizen juries and deliberative polling, workshops, charrettes (high tempo sessions in order

to create visions and innovative solutions), 'trials' and consultations, all of which are inspired by collaborative planning theory.

Despite this, the participative practice has remained relatively static (Coaffee & Healey 2003, MacCallum 2008). The institutional control and the formal procedures of the planning process seem to offer only a very limited space for direct public participation. There is a question of whether this space provides an adequate framework to fulfil the ambitions of the law or whether it is too narrow for both analysis and practice. Do we need new approaches to grasp new developments regarding the implementation of participation?

A number of new approaches have been offered, although they are not empirically based on planning studies. For example, Clark et al. (2014), in their book 'Can Tocqueville Karaoke', claim that, in particular, there has been a shift in young people's participatory modes compared with the past; today, young people communicate through video games, smartphones and the Internet. The terms 'scene' and 'buzz' indicate that where and how this form of engagement takes place is outside the political parties and classic hierarchical institutions in which the planning authorities reside. 'Scene' and 'buzz' are symbolic resources generated by arts and cultural activities and, in some instances, it rivals more classic resources, such as money and jobs (Clark et al. 2014: 7).

The new social movements described by Clark et al. (2014) resonate with ideas about fluid planning (Nyseth 2012). In the last few years, it has become important for cities to be 'open' to multiple ways of living, diverse interests and ethnic differences, and to open up the planning process to 'experiments' involving the public and stakeholders in new ways. Healey regards the challenge as understanding the contingencies that make it appropriate 'to challenge fixities in one context and seeking to stabilize fluidities in another' (2007: 15). According to Dovey, planning should include 'a proactive context', where 'flexibility is built into the planning schemes' (2005: 134) because cities are fluid in the sense that they are dealing with 'a confluence of flows of different forces' (2005: 2).

Such ideas seem to have been adopted by planning authorities. In Norway, some municipalities have arranged 'City-lab' (By-lab) in connection to an ongoing planning process (<http://www.norskform.no/Gamle-nettsider/Byutvikling/Bylab/Bli-kjent-med-bylab/>, Norconsult 2016). The 'city-lab' may consist of a variety of activities, and focus of these efforts is the creation of meeting points between citizens, planners, politicians and others, located in everyday settings, for example, a shopping area or a city walk. Cultural expressions, such as art exhibitions, performances, theatre or music, are included. Such expressions also occur as single events and not necessarily under the City-lab umbrella. They are also practised in several other counties, in connection with local developments of different kinds (Sjollema & Hanley 2013, Grant-Smith & Matthews 2015, Christensen 2015, Sim 2017).

These participatory initiatives are not necessarily instigated by the planning authorities. They may originate from residents in areas where planning or spatial development is planned, or be initiated by people who do not live or work in the area, but who nevertheless have an opinion



regarding the area's future. Of course, citizen's initiatives also occur in the more traditional forms of, for instance, meetings and protests.

Thus, the international theoretical and empirical studies point towards a division in the practices of participation, contrasting the established, sometimes ritualised, participation forms, involving the formal procedures, with the more creative and experimental forms that tend to escape formal procedures. In the latter forms of participation, no minutes are taken, it is virtually impossible to calculate the numbers and alloy of participants and the question of consensus or disagreement becomes irrelevant. In other words, both 'tidy' and 'untidy' forms of participation exist, and there are examples of both categories being initiated and employed by both the planning authorities and by citizens and other actors outside of the planning organisations.

Knowledge of all these forms of participative practice is required to inform the law-makers on the successes and shortcomings of the law regarding how the practice corresponds to the letter and spirit of the law, and to provide knowledge that is relevant for future revisions of the law. Therefore, our literature review is organised around the following three questions, which aim to shed light on both the input and output qualities of the participation:

- 1) How does the recent research literature elucidate the forms of participation that are in use, and in what planning contexts?
- 2) How do the different forms of participation score in terms of perceived legitimacy?
- 3) To what degree do different forms of participation affect the planning decisions?

First and foremost, the review will provide insights into the accumulated findings of the research on participation in Norwegian municipal planning since the 2008 revision of the PBA. Hence, it will also point to gaps in the existing knowledge. Together, these insights will inspire reflections on the framing of both the practice of and the research on participation.

## **4. Method**

The literature review is based on studies of citizen participation in municipal planning in Norway, published between 2009 and 2016, the period following the revision of the PBA in 2008. First, we mapped all the studies of planning carried out in this time period. From this mapping, we selected studies that deal with citizen participation in municipal planning. We chose to focus on the municipal level because it is associated with the largest variety of plans and it is the level at which citizens are most obviously participants. In regional level planning, participation tends to include businesses, municipalities and regional organisations rather than citizens. Therefore, planning at other levels is excluded from the study.

The publications were selected on the basis of a literature search carried out by a project team of 12 researchers. The team supplied a list of publications involving research on the PBA after the 2008 revision. Then,

the list was compared with a literature databases' search. We found that the first list, compiled by the project team, was more comprehensive than the one we were able to compile through searches in library databases using *citizen participation, planning, municipal, Norway* as keywords. The full list of contributions was circulated among the researchers, who scrutinised it to reject irrelevant publications and add any relevant ones that were missing. Then, we selected those scientific publications that yield empirical findings and/or a theoretical discussion of participation in one or more types of *municipal planning*. Altogether, this presented us with 24 scientific publications. The full list of publications dealing with citizen participation in planning is longer than this; however, most were not peer-reviewed publications but students' theses and articles in non-scientific journals.

## **5. Studies of participation**

The general picture presented by the research studies is that participation has been a regular, although not a very large, theme in planning studies carried out after 2008. In this section, we systematise the publications to obtain an overview of the forms of participation that are performed in different municipal planning contexts.

### **5.1 Form and context**

According to the law, the planning authority needs to inform the public and affected actors about planning activities by publishing an announcement when an area is to be zoned. In the 2008 PBA amendment, this requirement was reduced to publication in one rather than two newspapers, but notices in electronic media were explicitly required. The general impression from the studies (Klausen et al. 2013, Hanssen & Falleth 2014, Falleth et al. 2011) is that, at the lowest level of land-use planning, detailed zoning plans, primarily, only the minimum information requirements are met. For the municipal master plans, more information than the minimum requirements is often provided. The studies indicate that, in the case of private zoning plans, 67% of Norwegian municipalities reported that they did not facilitate the provision of other forms of information beyond the mandatory requirements (Hanssen & Falleth 2014, Klausen et al. 2013). Some municipalities require that private developers arrange dialogues or public meetings with citizens and other affected parties during the early phases of planning when they are formulating their private plan proposal. As this is not mandatory, very few developers seem to initiate it on their own. For it to occur, the municipality must explicitly require it, which they have the authority to do under the PBA.

A second requirement of the law is consultation procedures involving mandatory hearings. The research shows that hearings, in either a traditional or a digital form, are precisely the way in which consultations are normally conducted. The lowest level of planning, the detailed zoning plans, are often initiated and produced by private actors<sup>5</sup>. The shaping of the plans occurs through closed negotiations between market actors and the planning authority. Neither politicians nor citizens are

given a formal role in these negotiations (Falleth & Saglie 2010). The formal participation rights are predominantly related to the second stage of the zoning plan process when the market actors submit the plan to the planning authorities. At this stage, the planning office prepares a consultation round with other public agencies and makes the plan available for public scrutiny through ordinary hearing procedures.

Giving hearings statements in consultation rounds has become the most common means of participation, particularly in urban land-use planning. It is, first and foremost, a channel used by civic associations, rather than by individual citizens. In one study, 66% of local associations reported that they had delivered hearing statements regarding zoning plans one or more times (Hanssen & Falleth 2014). The most active participants in the hearings are environmental organisations, councils of commerce and organisations for the disabled. Neighbourhood organisations are less active. In practice, these hearings take place late in the planning process.

*The area zoning plan*, introduced in the 2008 PBA, gives municipalities the opportunity to regulate larger areas than allowed for under the detailed zoning plans; for instance, area zoning plans may cover the area of an urban neighbourhood or a small town. This type of plan is appropriate when, for example, a whole urban neighbourhood is going to be transformed or redeveloped. The number of directly affected citizens is potentially large and, therefore, such planning could open to broader forms of participation, such as dialogues, meetings and consultations. However, there is little evidence of such practices. There is one study showing that the area zoning plan model may increase the probability of thorough discussions in all affected sectors and of early dialogue with the local community (Nordahl & Falleth, 2011), which would enable identification of difficult issues or potential conflicts at an early stage.

Dialogue in the form of public meetings seems to be quite common. One study found that 79% of the 16 municipalities surveyed reported that they used this form of participation as part of their municipal planning processes (Klausen et al. 2013, Hanssen 2015). The general impression from these studies is that dialogues usually take place through public meetings during the public hearing phase.

In a review of a number of studies on participation in municipal planning (Hanssen 2015, Hanssen & Falleth 2014, Klausen et al. 2013), it was found that 51% of municipalities reported the use of workshops or other forms of invitation to discuss issues of public concern related to municipal master plans, land-use plans and zoning plans. In addition, some forms of charrettes are used. The involvement of participants in these forms of participation is more varied than in public meetings. Very few examples of such forms are described in the research literature. One exception is a particular form labelled the 'dinner party' model, which was applied only in one municipality, but with great success and subsequent attention (Hanssen 2015). This model was used in the process of formulating the societal part of an overall municipal plan. A broad range of inhabitants were given the task of inviting friends and

neighbours to their home to discuss a subject in the overall plan. Then, they sent the notes from the 'dinner party' discussions to the municipal planner, who integrated the input into the plan.

Studies of municipal master plans, in particular, show that the municipalities attempt to stimulate participation in overall planning processes (Hanssen 2013, Hanssen et al. 2015). They arrange participatory arenas beyond the minimum requirements specified, including public meetings and workshops. However, the municipalities find it difficult to engage citizens and ensure their attendance at the public meetings, as, often, the themes being discussed are too broad to gain particular attention (Hanssen et al. 2015). When it comes to the *planning strategy* and the *planning program*, we have not found any study where participation is the focus.

Summing up, we find that the forms of participation scrutinised in this body of research are largely, with very few exceptions, information, hearings and meetings on the formal and 'tidy' end of the scale. However, beyond this general picture, initiatives are being taken and experiments conducted to include citizens in other ways to enhance their influence, such as the 'dinner party' model (Hanssen 2015, Klausen et al. 2013). In addition, we find examples of innovative involvement of citizens in urban development and urban governance processes (Kristiansen 2011, Nyseth et al. 2010). One example of a municipality implementing a wide-ranging educational initiative to raise the general consciousness about spatiality and culture is 'place-based learning' (Skår et al. 2010), which is also used to obtain knowledge on the use of recreational areas. Another method that is becoming more widespread is the so-called 'children's path' (Barnetråkk) (Klausen et al. 2013), under which school children in class register how they perceive their spatial surroundings on a digital map; they can register where they walk to school, where they play after school, how dangerous they find different places and so on.

By far, the detailed zoning plans are the planning contexts for which we have the most knowledge about participation. Other, more extensive contexts are largely left unexplored in the research. At the same time, it is in the context of other plans, such as the municipal and area zoning plans, that the findings indicate participation with 'untidy' features. We notice that citizen-initiated participation does not appear in any of the publications. However, we do not know why such participation is absent from the studies; it may be because it does not occur or because questions are not asked about it.

## **5.2 Perceived legitimacy of participation**

As discussed above, participation can be studied both from a process (input) perspective and from a policy (output) perspective. The conclusions developed on the basis of the two perspectives need not concur, as people may be content with the way the participation is conducted without being content with the decisions of the plan (Ringholm & Angell 2012).

Few of the studies included in the review explicitly ask questions regarding legitimacy. In the study carried out by Nordahl and Falleth

(2011), one finding was that, despite significant amounts of information being provided to residents in the neighbouring areas of a planning development, there remained a widespread feeling that citizens had not been informed or included. In other words, the input and throughput legitimacy was low in this case.

Most of the studies concentrate on spatial planning processes, which are increasingly being characterised as negotiated planning, dominated by private developers (Hanssen & Falleth 2014: 18, Hanssen 2010). In general, more than 80% of zoning plans (in urban areas, more than 90%) are initiated, drafted and submitted by private actors. Efficiency is emphasised as a reason to limit participation to shareholders, landowners, developers and planning authorities (Falleth et al. 2010). Hanssen and Falleth (2015) and Hanssen and Saglie (2010) claim that local associations, in particular, experience being excluded from the planning process by effective structural and discursive closure mechanisms. They report that there is a lack of official avenues to engage in the early phases of zoning plan processes, and that hearings are considered to take place too late in the process, when important decisions have already been made. In addition, these authors claim that the legal requirements for direct participation by civil society actors are too diffuse. This means that civil society seldom represents a critical challenge to the developers (Falleth et al. 2010). The analysis concludes that the narrow participation and the lack of transparency in these stages of the planning process constitute a severe democratic deficit in urban planning.

Another aspect that has been discussed is the 'spatial fit' of the planning units (the municipalities) and of those who have the right to participate in planning processes. An example of such a discussion is a study concerning second home residents engaging in local planning processes (Ellingsen et al. 2010).

First, these findings show a rather limited knowledge of the input legitimacy of the mainly 'tidy' forms of participation that are studied. There is agreement in the studies that the degree of legitimacy is low, largely because the participation comes too late in the planning process for the participants to have a say. We consider that this is similar to the concept of the tokenism of traditional participation pointed to by other authors (e.g. Innes & Booher 2004). The new and less 'tidy' form of participation examined, the 'dinner party' (Hanssen 2015), appeared to result in more positive experiences with regard to input legitimacy. Unfortunately, however, there are no other studies of the legitimacy of 'untidy' participation. Thus, there is only very weak evidence to assist in drawing any conclusions about the legitimacy of 'untidy' participation.

### **5.3 Impact on planning decisions**

Several studies raise questions regarding what influence the different forms of participation have, and of who has influence. A critical perspective emerges by discussing the different forms of participation from a theoretical point of view (Falleth et al. 2010, Higdém & Hanssen 2014). For example, in a survey of local politicians, planning executives

and developers, the respondents were asked to what degree the input from the different actors influenced the output of the detailed regulation process. All three groups evaluated citizens and local communities as the actors having the least influence on the output (Hanssen et al. 2015). The likely explanation for this is the general experience that participation occurs either too early or too late in the planning process to have any real effect on the plan proposal.

Public hearings often take place late in the planning process, so late, in fact, that the proposal appears to be finalised and, in reality, the planning process is complete. Often, the main content of the plan has already been agreed upon between planning officers, politicians and market actors, through a series of time-consuming negotiations, and the public participation is often reduced to opposition to the plan. Therefore, civil society actors seldom represent a critical challenge to developers because of their relatively scarce resources and lack of organisation and because there are few, if any, formal channels for direct participation in the phases when the planning decisions are actually made (Hanssen et al. 2015).

Such conclusions can be drawn from the research on the 'tidy' types of participation, which are arranged by the planning authorities and meet the minimum standards of the law. The research that deals with participation leaning to the 'untidy' side has not asked questions regarding the impact of participants on the decisions.

In the existing research, there is very little documentation of the connections, let alone the causality, between citizen participation and planning decisions. What data there are points to rather disappointing conclusions, indicating that the shortcomings regarding input legitimacy, as pointed out in the previous section, extend to the output legitimacy, for the same reasons; participation comes too late, or too early, in the process. Again, however, it should be pointed out that the research data are far from sufficient and that they are based only on studies of 'tidy' participation.

## **6. Informing the law-makers**

What knowledge can law-makers derive from the research on participation in Norwegian municipal planning after the 2008 revision of the PBA?

The review shows that the studies of citizen participation in planning following the 2008 PBA have concentrated on detailed planning, mostly zoning plans, whereas very few focus on strategic or comprehensive municipal planning<sup>6</sup>. Therefore, in the research articles examined for this study, the conflicts and tensions are generally articulated at the zoning plan level. With only a few exceptions, the other types of municipal plans remain unexplored in robust, scientific studies. The zoning plan research that is the focus of the literature leads to the conclusion that citizen participation has a rather limited impact on the outcome of the plans. According to the existing research, citizens are often given only a reactive role in the planning process. Therefore, the studies reveal a gap between the spirit of the law and the reported practices regarding participation

when it comes to zoning plans.

The Norwegian practice of delegating planning initiatives to private developers ensures that the developers have an influential position and proactive role (Nordahl & Falleth 2011). Conversely, civil society actors often have a reactive role only, in that they are not involved until the later phases of the planning process, when all the decisions have been made (Falleth & Hanssen 2009, Hanssen & Falleth 2014: 17). The experience of local citizens is that detailed zoning plan processes in urban areas are non-transparent and inaccessible. This is particularly the case in the first stage of the planning process, which takes the form of closed negotiations between market actors and the planning authority about the framing of the planning problem, as well as the content of the plan and the cost sharing in development agreements. Neither citizens nor politicians have a formal role in these negotiations. The formal participation rights are predominantly related to the second, formal stage, when the market actors submit the plan to the planning authorities (Falleth et al. 2010). The second phase is a consultation round with other public sector actors, following which the plan is made available for public scrutiny through ordinary hearing procedures. Therefore, formal participation is largely confined to opposition, as the main content of the plans has already been agreed on by planning officers and the market actors.

Participation practices also reflect the forms of plans being made and the profile of the planning system. In this type of development planning, market actors and the planning authorities set the terms for the plans without input from the citizens, long before the formalised planning process takes place. In their role as plan initiators, private developers act as door-keepers against early citizen involvement. Falleth and Saglie (2011) claim that there is a gap between the building part, and the planning part of the PBA, which influences project planning and the planning system with regard to the practice of democracy. They conclude that the efficiency discourse has influenced planning more than has the discourse related to democracy. Their conclusion is supported by our review.

The research on participatory practice in Norwegian municipal planning shows that a limited spectrum of actors is included in the process. The scientific publications reviewed indicate that citizen participation is first and foremost orchestrated by the planning authorities, in accordance with the minimum standards required by the PBA, and sometimes barely so. The participation examined in the studies occurs through public hearings and meetings and, to some degree, workshops of various types, which are initiated and arranged by the planning authorities as part of specific planning processes. Thus, one potential conclusion is that, based on the research, the municipalities answer to the letter of the law, but only marginally comply with the spirit of the law in relation to participation.

However, this conclusion is contestable. In the Introduction, we pointed to the fact that new and 'untidy' forms of participation are being utilised. This variety of participation is not a focus of the scientific publications. Knowledge regarding 'untidy' participation is fragmented; it stems from conversations with planners and other relevant actors, and from occasional case descriptions in non-scientific journals and students'

papers (Hanssen 2014). In other words, there are strong indications that participation is more varied than the types covered by the scientific publications. Therefore, there is limited insight into the nature of it or of the possible mechanisms for linking the different varieties of ‘untidy’ participation to the planning process.

This leads us to the conclusion that research on citizen participation in Norwegian municipal planning is sufficient to inform the law-makers with regard to zoning plans and the forms of participation organised by the developers and municipal authorities. This is not a small achievement, given the volume of this type of planning and the importance that zoning plans have for citizens. However, the lack of investigation of participation in important planning contexts such as master plans and area zoning plans means that many of our research questions remain unanswered. We need to keep the door open to the possibility that data on participation in other planning contexts may shed new light on the interconnectedness of the contexts and forms of participation.

It is possible that greater knowledge of the scope and role of the ‘untidy’ forms of participation will bring even more nuances into the participation picture developed so far. Do initiatives to organise informal gatherings, art-based expressions or another form of ‘untidy’ participation contribute to the common understanding of the purpose of an area prior to the plan proposal? How is ‘untidy’ participation assessed in terms of spatial fit, understood as the congruence between inhabitants of an area and the participants on the ‘scene’? Are there certain types of plans that are particularly interesting in this connection? It is important to raise these and other questions to obtain a more complete picture of citizen participation in planning. These are also questions that challenge the framing of both participation and participation research.

## **7. Reframing the research on participation**

Participation is a contested concept, both in the literature and in practice, and it is characterised by dilemmas, paradoxes and ambivalences. Most of the studies in our review focus on the municipally initiated participation, the form of which belongs to the category of ‘tidy’ participation. Nevertheless, there are indications that new forms of participation are arising that have yet to be examined in the planning research. We are likely to find both ‘tidy’ participation forms initiated by citizens and ‘untidy’ forms initiated by both municipalities and citizens among these new forms of participation.

Some studies indicate that these more informal forms of local engagement are not uncommon (Nyseth et al. 2010, Hanssen 2015). They appear in the form of actions, such as demonstrations, petitions, self-initiated charrettes and creative arrangements, such as city walks and art-inspired events or exhibitions. So far, it is rare for these forms of activities to be translated into the participation forms utilised by the formal planning process. Therefore, they have seldom been able to influence planning proposals (Nyseth et al. 2010), but there are some exceptions in terms of single policy issues where such actions have been found to be very effective forms of participation.



The fact that we have little research-based knowledge of this type of participation might be explained by the fact that the municipality-initiated tidiness is more accessible for research than the spontaneous forms and aligns better with the goals and requirements of the application forms for research and evaluation projects. In the case of ‘tidy’ participation forms, it is possible to plan what participation contexts will be studied, which actors will be interviewed or surveyed and, not least, when the research should be conducted. The ‘untidy’ forms of participation are more unpredictable with regard to how and when they take place. Given this unpredictability, the ambition of increasing knowledge of the nature and impact of ‘untidy’ participation on planning decisions represents a challenge to the institutions of the research system, as well as to the mainstream understanding of participation in planning.

We argue that to assess whether both the letter and the spirit of the law are being met in municipal planning practice, we require more research on both the nature of the ‘untidy’ participation and of the interconnectedness between the ‘tidy’ and the ‘untidy’ forms. This is particularly important because the ‘untidy’ forms have the potential to compensate for the shortcomings of the ‘tidy’ participation with regard to input and throughput legitimacy and, possibly, with regard to output legitimacy.

## Endnotes

- <sup>1</sup> In Norwegian: Enhver som fremmer planforslag, skal legge til rette for medvirkning. Kommunen skal påse at dette er oppfylt i planprosesser som utføres av andre offentlige organer eller private.  
  
Kommunen har et særlig ansvar for å sikre aktiv medvirkning fra grupper som krever spesiell tilrettelegging, herunder barn og unge. Grupper og interesser som ikke er i stand til å delta direkte, skal sikres gode muligheter for medvirkning på annen måte.
- <sup>2</sup> Regional plans, municipal plans and zoning with significant impacts on society and the environment.
- <sup>3</sup> <https://www.regjeringen.no/no/dokumenter/nou-2003-14/id382097/?q=medvirkning&ch=4#KAP3-4>
- <sup>4</sup> Norwegian: Kommuneloven
- <sup>5</sup> After being granted the right to submit plans in 1985.
- <sup>6</sup> There are, however, several examples of students’ masters theses that address, or at least touch upon, participation in overall planning. These masters theses are not included in this review, and we list them below: Bongo, M. A. J. (2012). *Reindriftas medvirkning i en kommuneplanprosess—en casestudie av planlegging i Alta*. [Participation in a municipal plan process by the reindeer husbandry – a case study of planning in Alta] Masters thesis 12/2012. Høgskulen i Volda. Granmo, I. M. T. (2015). *Vi på Saupstad. Ungdoms medvirkning og bomiljø i Områdeløftet på Saupstad-Kolstad*. [Us at Saupstad. Participation and living environment for the youth connected to area development at Saupstad-Kolstad] Masters thesis in Physical Planning. Trondheim: Norges tekniske og naturvitenskapelige universitet (NTNU). Henriksen, S. G. (2014). *Barn og unges medvirkning i planprosesser gjennom Ungdomsråd—en kvalitativ casestudie av to norske kommuner* [Participation by children and youth in planning processes through Youth councils – a qualitative case study of two Norwegian municipalities]. Masters thesis, Institutt for landskapsplanlegging,

Norges miljø- og biovitenskapelige universitet (NMBU). Horten, A. S. V. (2013). *Involvement av innbyggere i kommuneplanens samfunnsdel—erfaringer å lære av?* [Involvement of inhabitants in the societal part of the municipal plan – experiences to learn from?] Masteroppgave, Institutt for landskapsplanlegging, Norges miljø- og biovitenskapelige universitet (NMBU). Håkonseth, I. G. (2014). *Gamle damer skal helst ikke blande seg for mye ...: Eldreråds opplevelse av medvirkning i den kommunale planprosessen.* [Old ladies should rather not intervene too much...: Experiences of participation in planning by the councils for the elderly] Masters thesis, Institutt for landskapsplanlegging, Norges miljø- og biovitenskapelige universitet (NMBU). Kristiansen, R. (2011). *Kritisk-alternative initiativ i Norsk byplanlegging. En analyse av Byutviklingens år I Tromsø og Nyhavna-Regjeringen i Trondheim.* [Critical-alternative initiatives in Norwegian urban planning. An analysis of the City-development year in Tromsø and the Nyhavna government in Trondheim] Doctoral thesis. Tromsø: Norges arktiske universitet Uit. Røhme, A. (2013). *Medvirkning i kommunal planlegging: en studie av Orkdal 2014.* [Participation in municipal planning: a study of Orkdal 2014] Master thesis, Institutt for landskapsplanlegging, Norges miljø- og biovitenskapelige universitet (NMBU).

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