



# The private in the public: The case of Norwegian private zoning plans

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## ABSTRACT

This paper investigates the Norwegian practice of private regulation planning (or private zoning plans), seeking to discern if and how the processes and resulting plans align with the acknowledged benefits of public private partnership (PPP). To assess the topic, we have employed a mixed-methods case-study approach, combining document studies with stakeholder interviews. Two cases were studied in two different municipalities in mid-Norway. We focused on the role of participation and the adaptation between private zoning plans and the holistic ambitions in the local comprehensive plans. Public participation is mandated by law in all municipal planning but the incentives to develop the role of participation might be neglected in private plans. Another observation is the challenge with aligning private initiatives with the overall ambitions phrased in the local comprehensive plan. As a general conclusion we state that these observations and the fact that the Norwegian planning system allows for private actors to take an active role in the planning process, could trigger more studies on the effects of the public-private partnership in the Norwegian planning system.

## 1. Background and problematisation

The development of post-war planning theory has included the importance of the private sector, particularly in urban renewal (Fainstein and DeFilippis, 2016) and urban development in general. During the last few decades, we have seen a wide range of urban renewal and infrastructure investments based on a partnership between private investors and public planning. In this narrative it is often mentioned that the traditional planner's role has changed, shifting towards a planning role as an intermediary in this process of partnership between private and public interests (ibid.).

An important factor in municipal planning and urban development is the initiative to make changes. In the Public Private Partnership (PPP) approach, the initiatives often come from private actors, particularly when it comes to infrastructure, housing areas and real estates (Eshun et al., 2020). The developers want beneficial projects but may not consider the general planning ambitions in the municipality (Jayasena et al., 2020). On the other side, Pellegrino et al. (2018) emphasize the cooperation between the public and private sector as a mechanism to deliver public infrastructure based on a contractual agreements (Amadi et al., 2018; Pellegrino et al., 2018).

A common PPP arrangement in planning relates to the funding or financing of larger housing areas, large infrastructural projects,

hospitals etc (Pellegrino et al., 2018, Eshun et al., 2020). In these situations, the whole planning process is governed by the public sector such that planning efforts, plans, and decisions are made by the public sector through more or less democratic and transparent processes. However, financing, carrying through, and ownership could involve private interests like investors, builders, and/or real-estate developers.

Public-private partnerships and private initiatives in the formal public planning process have been criticised from the perspective of power and justice as well as the transparency of the planning agenda and the planning process (Mäntysalo and Saglie, 2010; Hanssen, 2011; Fainstein, DeFilippis, 2016). There is also an ongoing discussion about the level of ambition in the planning process in relation to the development of participation and the consideration of the public interest in plans made by private actors (Fainstein and DeFilippis, 2016). Johannesson (2021) criticizes the sometimes unclear planning- and project responsibilities in larger projects based on contractual agreement between private investors and public planning.

Despite the potential problems discussed in the theory, the Norwegian planning system allows private actors to govern parts of the formal planning process through the use of private detailed zoning plans (*private reguleringsplaner*). The opportunity for private actors to initiate and submit plans for formal approval was originally meant as an additional democratic right for civil society actors, but soon became an instrument

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for market-actors (Hanssen, 2011 p 29; Holsen, 2020) and is today the most common form of zoning plan process in Norway.

It has been suggested that the Norwegian planning system, which allows for these private initiatives in the so-called private zoning plans, represent a market-oriented planning system that are rather uncommon from an international point of view (Fredricsson et al., 2013). In this study, we use two cases of Norwegian private regulation plans to discuss.

- 1) the actual degree of privatisation in the formal Norwegian planning system, and
- 2) how the Norwegian model considers the public interest and the balancing of different interests during the different planning steps.

## 2. Norwegian private zoning plans – background and status

Land-use planning in Norway is carried out according to the Planning and Building Act (PBA) of 2008 (Plan- og bygningsloven 2008). As its name suggests, the PBA contains rules about both planning and building standards. Although they are part of the same act, the land-use planning aspect and the building aspect are, in many ways, separate regimes. The division between the planning system and building regulations has existed ever since planning (beyond the property to be developed) became a practice. An illustration of this fact is that the two parts of the PBA were developed and suggested by two different commissions (Ot. Prp. Nr. 32 (2007–2008), 2008; (Ot.Prp. Nr. 45 (2007–2008), 2008).

The Norwegian Planning and Building Act (Plan- og bygningsloven 2008) allows private exploration interests to become a vital part of the planning process. The legal inspiration for this emanates partly from German legislation (Holth, 2018), in particular BauGB 12§, where planning and the realisation of a plan are framed. Here, it is suggested that private interests have the right to suggest a cooperative venture with the municipality in order to realise their plan (Holth, 2018). The overall purpose of giving private interests a formal status in the public planning process relates to the ambition to be effective and timely.

However, in the Norwegian case, the right of private exploration interests to suggest regulatory or zoning plans can be traced back to the 1924 Building Act (Holsen, 2020). When land-use regulation was first enacted, Norway had only building codes (Reusch, 2019). Land-use planning was not considered a matter for the government. When the demand for centralised planning emerged, there was a significant debate about where to codify the rules. Should they become a separate act, or be included within the existing building code? Initially, planning rules were included in the 1924 and 1965 Building Acts (Lov om Bygningsloven 1924; Reusch, 2019). Under the 1980 revision, there was a broad push to create a separate planning act (Kleven, 2011). However, the result was to keep the combination of planning and building rules within the same formal document. This solution was maintained in the 2008 revision – despite the apparent need for separate commissions.

Planning in Norway consists of three layers – the national, the regional, and the municipal. Despite some hierarchical aspects within the system of authority, the Norwegian planning system is mainly municipal. All municipalities are obliged to have a municipal Master Plan (MP). This plan shall include two parts, the ‘social element’ (a strategic, comprehensive plan) and the ‘land-use element’. The social element shall discuss and determine overarching goals, strategies, and challenges for the municipality, while the land-use plan shall state the main aspects of activity allocation within its borders. The municipality has sole responsibility for the evaluation, preparation, and enactment of the plan.

Zoning plans (ZP) are the most common type of plan in the planning system, in absolute numbers. These are technically subordinate to the master plans, and intended to be in coherence with them, but municipal councils can legally enact ZPs that conflict with MPs. If there is inconsistency between two plans, the general rule is that the later one is valid (unless the latest plan explicitly states otherwise). In most cases, building activities require a ZP. Specifically, municipalities must assess

the need for zoning according with conditions listed in the PBA. If a ZP is mandated, no permits may be granted without it.(Fig. 1).

During 2019, only 72 municipalities enacted master plans, (Statistics Norway, 2020a) while over 1400 zoning plans were considered and adopted. (Statistics Norway, 2020c). Most of these were the results of private planning initiatives: At a national level, about 70% of all DZPs were the results of such proposals (see Table 1).

An important point to note is that all land-use plans have the same legal status, regardless of whether they have been developed by the municipality, other public authorities, or private actors. In the planning system, according to the Act there is no such thing as a ‘private plan’. However, the expression is used colloquially to define plans originating from proposals made by parties other than the municipality itself (Holth and Winge, 2019).

The content of private regulation plans is, however, governed by a regulation from 2017 (Forskrift 8. desember 2017). According to this regulation, any private initiative should be discussed with the municipality in a start-up meeting. The municipality has a responsibility to take minutes at the meeting and share them with the private actor. Such minutes should include the key points of deliberation and any conclusions that are reached. These notes are public and available to anyone who is interested, according to Norwegian transparency rules.

After the start-up meeting, the municipality can approve or reject the planning initiative. A rejection by the administration can be appealed to the municipal council (PBA § 12–8 Section 2). If it is approved, the private actor begins the formal planning process. The first step is an announcement of the planning process, made directly to particularly affected parties, and to the public (see PBA § 12–8). After the initiative has been announced, the actual development of the planning proposal begins. The proposer of the plan is in charge of facilitating dialogue with citizens and the relevant public authorities.

Usually, the practical aspects of planning are handled by trained planners. Some larger developers have their own planners on staff, while others contract the task out to consultants. When the proposal is finished, the private actor returns to the municipality. The municipality has 12 weeks to consider the proposal, and whether to send it for a hearing and public scrutiny. In principle, the municipal council should consider plans based on private proposals in the same way as its own proposals. Assessments and the evaluation of interests should therefore be the same. Whether or not this is the case in practice remains an open question.

## 3. Theoretical background and previous studies

### 3.1. The role of private public partnership in the planning process

The public-private partnership (PPP) is widely recognized as an innovative approach to deliver public services and public good in the transportation and infrastructure industry (Chowdhury and Charoenngam, 2009; Chowdhury et al., 2011; Le et al., 2019; Jayasena et al., 2020; Pellegrino, 2021). The PPP approach has later been applied in sectors such as health care, hospitals (Le et al., 2019) waste management (Lomoro et al., 2020), and social services (Eshun et al., 2020). In a systematic review (Eshun et al., 2020) show that a win-win situation is of great importance in terms of sharing risk and costs in large projects. Lack of public investment capital and the market interest to benefit from projects partly financed by public money has contributed to the development of the PPP-arrangements alongside with the increasing deregulation of the capital markets and the public sector (Eshun et al., 2020 2020).

The definition of PPP as a partnership between the public sector and the private sector for a common good is widely recognised (Babatunde et al., 2016). Pellegrino et al. (2018) refers to PPP as a common tool that the government function can apply in order to facilitate and deliver public infrastructure. The use of the expertise and financial sources in the private sector combined with the legal matters and public

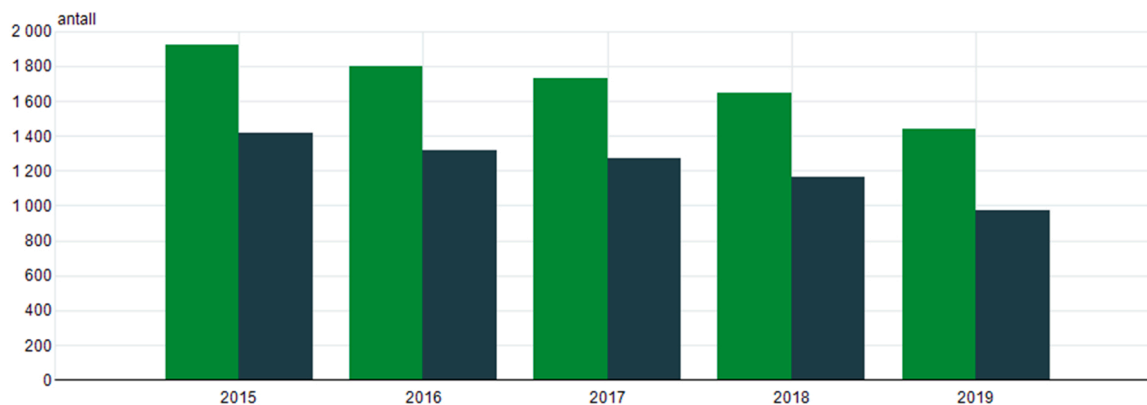


Fig. 1. Number of zoning plans enacted in Norway in total (light), and as a result of private proposals (dark) (see also Table 1).

Source: Statistics Norway, b (2020), <https://www.ssb.no/en/statbank/table/12987/chartViewColumn/>.

Table 1

The number of zoning plans enacted in total, the number of private zoning plans in total and the percentage of zoning plans that are private for 2015–2019. [ssb.no/en/statbank/table/12987/tableViewLayout1/](https://www.ssb.no/en/statbank/table/12987/tableViewLayout1/).

	Zoning plans resolved (number)	Detailed zoning plans filed by private interests (number)	% of total plans filed by private interests
2015	1924	1414	73%
2016	1800	1320	73%
2017	1731	1273	74%
2018	1644	1167	71%
2019	1440	975	68%

Source: Source: Statistics Norway 2020, (<https://www.ssb.no/en/statbank/table/12987/chartViewColumn/>).

investment sources in the public sector constitutes the cornerstones in a PPP arrangement (Pellegrino et al., 2018; Eshun et al., 2020). Babatunde et al. (2016) also mentions the planning function as an essential part in PPP, which also makes the public planning legal framework and practices in Norway interesting.

Leung and Hui (2005) criticizes the PPP approach for being a bit too much market orientated and more beneficial for the property owners than the general public in real estate planning and investment. It is also suggested that the social costs are overlooked in relation to more deprived areas. They also conclude that the bias of the private optimistic CBA:s must be balanced in relation to other interests and that private and social needs must be better balanced in the PPP projects (Leung and Hui, 2005). Wang et al. (2021) are studying the social sustainability in PPP-projects related to health care provisions in hospitals. According to the study there are mixed results depending of the used indicators and measurements. Not surprisingly the authors find a conflict between the private interest to benefit the private investors and the public interest of the project (Wang et al., 2021). Lomoro et al. (2020) studies the risk in PPP approaches in waste management where the mix of economic rationality between private and public stakeholders might endanger the project.

The public planning domain in PPP-projects is essential but somewhat under-researched. The agreement and contract conditions between stakeholders in a PPP-arrangement are essential. Relational governance as a mechanism to govern or regulate stakeholder relationships plays a critical role (Xue et al., 2017; Tian et al., 2021), and likewise for the project performance (Warsen et al., 2019). Tian et al. (2021) discusses the importance of the implementation of sustainability in PPP-projects and discusses in terms of relational or “contractual governance” (Tian et al., 2021).

The study also reveals that there is a positive correlation between the relational governance and the sustainable development outcome of the project (Tian et al., 2021). It is however interesting to see that in many of

the referred studies concerning PPP, the public planning process is hardly mentioned. Relational governance implies an involvement by the public planning functions which makes the study of Tian et al. (2021) interesting.

A rational planning process follows two principal steps. At its simplest, it consists firstly of the decision by the decisionmakers to formulate a goal for the development. After this, the experts or planners take over to investigate possible solutions and present a plan. This rational planning follows a scientific logic (Hermelin, 2005). The Nordic planning tradition during the early post-war period was characterised to a great extent by the rational and scientifically based approach of creating the “*folkehjemmet*”, the people’s home, which meant providing citizens with good planning, housing, infrastructure, socioeconomic security, etc. (ibid. 2005). However, later on, this rational planning approach was criticised for not meeting all demands, leaving individuals or groups of citizens behind, or not being able to meet global challenges. The rational planning approach, built on a positivist view, was partially replaced by a post-positivist approach, whereby knowledge about reality was not only related to observations, but also to the capability of the actors to read and understand that reality. This means, among other things, that the rationality being employed relates to how the planning actors define the concept of rationality (Flyvbjerg, 1991).

A communicative planning approach that allows different stakeholders and citizens to participate in a process built on mutual respect is, to a large extent, built upon the philosophical work of Jürgen Habermas and his Communicative Theory (Westin and Hellquist, 2018). Communicative planning also challenges the praxis of rational planning, and instead understands the social rationality of the actors within a society as socially constructed. Communicative planning is enabled in everyday life and social relations (Healey, 1997). Power and power relations are often criticised in public participation processes (Flyvbjerg et al., 2002), not only because the professional planners in a group of planners and citizens have more power due to their knowledge of the planning process, but also because these public participation processes are normally initiated by the municipality itself. On the other hand, public participation could contribute to decreasing the influence of older or traditional planning hierarchies, and could allow other interests within society to take part in the planning process (Westin and Hellquist, 2018).

The idea of planning as a rational process, with the power in the hands of elected politicians and professional planners executing the visions and decisions handed down from the politicians, is still a strong image. Power relations are considered to be rather unproblematic and structured (Storbjörk, Isaksson, 2005; Westin and Hellquist, 2018). The critical approach emanating from Habermas in his theory of communicative rationality, and developed by Innes (1995), Healey (1997), and Forester (1999), describes how rational bureaucracy creates power relations that result in the marginalisation of some groups in society

(Westin and Hellquist, 2018). The communicative planning approach includes citizens in the dialogue process with the ambition of reaching a consensus in the planning process. The bottom line is that the formal planning process can open the door to involvement and create conditions for inclusive communication between different social groups themselves and between citizens and the formal planning system (Innes, 1995, 2016).

All social relations or communications relate to power. In a planning dialogue, the professional planner has a certain power due to their formal position, formal knowledge, and, not least, their knowledge of formal planning procedure. Haugaard (2010) writes that power is a concept of family resemblances. Power could be expressed in many different ways, and these are contextual. In a planning process, it could therefore be interesting to start with a simplistic approach to power in the participatory planning process.

It is also important to understand, however, that there is not only a power relation between the planners and the citizens in a dialogue. It is also the case that, between actors among the citizens there are stronger groups, dominant individuals etc., who might overshadow other interests or expressions. In McGuirk (2001), the theory of communicative planning is criticised for not considering the importance of power in the planning context and for underestimating the importance of the expert's role as a planner.

It is sometimes also argued that the communicative planning praxis takes place in parallel with the more narrowly science-based rationalistic planning (Healey, 1992). However, the same author argues that a development away from the more rationalistic approach to planning results in a dilemma of relativism based on dichotomies in local development. Local economic development is good and globalisation and being under pressure from global trends are bad (ibid. 1992). Even though Healey's text was written as an argument in favour of Habermas' inter-subjective communication in the early 1990 s, this issue still causes discussions among planners and in planning practice. An example of this is the relation between participatory planning and traffic/parking planning. The latter is more closely related to an engineering rationale than to a discussion about the use and accessibility of urban spaces.

According to Amdam (2012), the paradigmatic shift from the traditional rational planning to a communicative form of planning has developed in three major directions. The first is collaborative planning that emphasises the planning context and its legitimacy. Collaborative planning aims to bring a fragmented society together in a process, a planning dialogue. The dialogue itself aims to strengthen the consensus, and thereby also the planning legitimacy. The second direction is deliberative planning, which means that the planner's task is to work as an intermediary in the planning process in order to bring actors within the planning framework to a mutual understanding and consensus. Here, the role of the planner is more like that of a moderator (ibid. 2012). The third direction is more pessimistic, in the sense that planning is about power. A strong actor in a dialogue process could mislead or use other kinds of power representations in order to legitimise their own agenda (Flyvbjerg, 1991; Amdam, 2012). Flyvbjerg (1991) uses the terms antagonism and antagonistic actors in a process. These are actors who have different viewpoints in a dialogue. This once again leads us to the process of power. Power is central to this third direction. In order to understand planning and the planning process, we also need to analyse the power relations within that process.

In the Norwegian case, participatory rights became more clearly included in the new Planning and Building Act 1985. Before that, rights were primarily guaranteed to individuals and their individual rights within the formal system (Falleth and Hanssen, 2012).

### 3.2. Private-public partnership and public participation

In most cases, PPP is preceded by a public planning process in terms of both comprehensive plans and detailed regulatory plans. In the Norwegian case, the public planning process also operates in relation to

private regulation or zoning plans. Even though, in the end, the Norwegian private zoning plan must be adopted by the municipal board in order to be legally binding, private interests normally hold the planning initiative and play a central role in the planning process, with obligations for participation and other formalities related to the planning process (Justvik, 2017).

The organisational structure of a PPP involves many different actors with different logics and agendas (Yescombe, 2007). To some extent, this refers to the idea of multilevel governance (Pettersson et al., 2017; Stjernström et al., 2018; Kunas et al., 2019) or relational planning (Tian et al., 2021). This could be understood as a development of the early ideas of the more neoliberal version of "new public management" and how this general idea resulted in more developed frameworks for urban planning (Rhodes, 1997; Falleth et al., 2010). In accordance with the changes in Norwegian Planning and Building Laws of 1985 and 2008, the framework for cooperation and permission for private initiatives and plans was introduced.

In a study by Holsen (2020), private zoning plans in Norway were studied from a path-dependency perspective. Holsen concluded that, in the implementation of private zoning plans in 1985 and 2008, these plans were implemented in order to cope with rather rapid urbanisation within a structure consisting of small municipalities (ibid. 2020). Holsen also concluded that there is a difference between the participation ambitions of the Law Committee and the final text of the Planning and Building Act 2008. The participatory ambitions were greater in the Committee's work than the actual outcome (ibid. 2020) and public participation takes the form more of a consultation or information given to the public, rather than real participation.

Holsen finally concluded that the participation of planning stakeholders in a private zoning planning process is more important than public participation in general. In an earlier study by Falleth et al. (2010a); Falleth et al. (2010b), the participation process in private zoning plan processes was studied. They concluded that this PPP in the planning process follows the participation requirements stipulated by the legal framework, but also that the process of participation might be at risk because the early bindings or connections in the process between private interests and local politicians restrict the participation process at a later, formal stage (Falleth et al., 2010b; Falleth et al., 2010a). The same authors even conclude that this might lead to a democratic deficit (ibid. 2010). However, there is no strong desire in Norway to limit the ability for private actors to propose plans (Reusch, 2019).

Informal alliances and the power of co-operation and co-creation between private and public interests puts public participation in the formal planning process at risk. This is especially true because the first steps (and initiatives) in private zoning plans are not taken in public. Early agreements between private interests and municipal planners could be difficult to change later in the (participation) process (Falleth et al., 2010b; Falleth et al., 2010a). The key issue here is that the early process sets the framework and limits the space for negotiation of the public interest. This brings the planning process back to the intersection between market rationality and participative (social) rationality (Falleth et al., 2010b; Falleth et al., 2010a).

Consideration of the public interest (*allmenne interesser*) in Norwegian private zoning plans has been subjected to criticism. According to Hanssen (2013), Klausen et al. (2013), and Justvik (2017), there is an obvious risk that public participation during the initial phase of the planning process in private zoning plans only considers the public interest to a very minor extent. Private planners also tend to underestimate the importance of public participation during the initial phase (Hanssen, 2013). From a planning perspective it seems that the public interest is challenged by the PPP-process and it could look like that the importance of the relational governance (Xue et al., 2017) is an important task to develop when the public and the private sector interacts in plans, investments and in the operation of public goods. The Norwegian case offers an interesting opportunity to study this intersection.

#### 4. Method and material

To illustrate the results of private zoning plans in Norway, we have selected two cases from Trøndelag county, one from Steinkjer, a regional centre and one from Røros, a rural town in Trøndelag. Steinkjer is a regional centre, and the third most populated municipality in the county. Røros is a smaller, rural municipality in Trøndelag, originally established as part of mining efforts, but today celebrated as a tourism and culture hotspot with UNESCO World Heritage status built on its heritage from the old mining era.

The selection of cases was made in two steps - selection of municipalities and selection of regulation plan. The small cities of Røros and Steinkjer were chosen. The research group had previous knowledge of these two municipalities and knew that they have a certain land-use pressure due to the lack of accessible land for urban expansion. From the planning point of view, these two cases are rather typical and represents "most likely cases" of smaller cities in mid-Norway.

The selection of the two regulation plans is strategically based (Flyvbjerg, 2010). They are not chosen as the average or random cases but rather chosen as cases that could provide the project with information departing from our research questions. In the Steinkjer case the residential area of Jægtbyen was chosen, which is a new residential area localized in an industrial land-filled area at the waterfront. This area is poorly connected to the urban area in the city in general, which contributes it making this an interesting case in the municipal planning in Steinkjer. The Røros case relates to the localization of a supermarket in an area not designated for trade and rather far away from the small city center and other commercial activities.

In these two studied cases all available documents were collected and sorted in accordance to a number of categories; a) early suggestions/plans, b), the private investors plans, c), the private investors mandatory pre-investigations such as geological conditions, traffic analyses and consequence analyses, d), reports from the public meetings, e) the municipal plans such as the municipal comprehensive plan f) correspondence between the private investor and the municipality g) protocols from the initial meetings and h) news articles and debate articles from the local newspapers.

All documents were registered and sorted into different categories and thereafter studied. The first step was to describe the chronological order of the planning process in each case. Thereafter the process in the two cases were compared with the required steps in the planning legislation. The third step was the comparison with the comprehensive plans to investigate the coherence between the planning of the cases and the overall ambitions in the comprehensive plans. As a last step an identification of important stakeholders in the respectively process was identified (Yin 2018). The stakeholders' inputs in the planning processes were later coded as negative, neutral and positive (to the respectively project). This coding process has a weakness in terms of confirming the hypotheses on beforehand but could also, quite the contrary, falsify the same hypotheses (Tjora 2018).

The interview guide was based on the findings and categorization from the document review.

In addition to this, we also conducted two informant interviews with the responsible planning officer in charge in each municipality. One of the interviews took place at the location (Røros), which enabled us to also make a visit to the actual site. The other informant interview took place in an online meeting (due to Covid-19 restrictions). During these interviews, we took notes. Since there were three of us, we kept the interviews rather informal in order to create a good discussion climate and avoid an interrogation situation. The interviews lasted around one hour each. After the interviews, the notes were transcribed and organised thematically in relation to our research questions and the categories from the document analysis. The results of the interviews are analysed in a thematic way, which transforms this into more of a thematic analysis. However, two cases mean that the explorative aspect must be added and the results from this study suggest circumstances and findings that

should be discussed and confirmed in broader and more extensive studies.

#### 5. Results

##### 5.1. Case one, Jæktbyen, Steinkjer

At first glance, the residential area of Jæktbyen has a somewhat more exclusive appearance than many other parts of the small city of Steinkjer. Jæktbyen, with its location at the outermost part of the filling in the inner stretch of the Trondheim Fjord, is a typical waterfront area with good-quality apartments having excellent fjord views with the Follahøia Mountains in the background. However, a walk through the area or a look at the map raises some questions about planning and the issues of sustainability and urban contextuality. The residential area, Jæktbyen, is more or less isolated from the rest of the small town with its city centre and the closer commercial centre. Jæktbyen is located within a designated industrial and trade and services area. Any organic contextuality or relationship with the rest of the city is missing, which is obvious when one observes that there are no walking connections between the area and the rest of the town, the lack of streetlights, and the nearest neighbour being a single-story car and agricultural machinery dealership. It is an exclusive housing area (with only one exception, a sushi restaurant). The promenades in the area are beautiful but poorly connected with rest of the city's promenades. The housing designs are rather traditional, with no fancy landmarks, no colours, and the built area is characterised by stone and artificial gardening. From a sustainability point of view, planning today must consider climate change and plan for rising sea-levels. This area lagged behind such considerations, which resulted in the addition of a one and a half metre stone wall close to the sea to protect the area from floods and stormy conditions. This makes the sea promenade a bit claustrophobic. The sea view is replaced by a stone wall. The newly built area has 340 apartments, populated mostly by older middle-aged or retired people. There are no children. So what happened? What was the idea behind this residential area, why was it built in this location, and why does it not connect with the rest of the urban environment?

Development started here in the late 1990 s, when the area was filled with grey stone from a nearby hydropower development. In late 1999, an option agreement was put forward between a group of construction firms and one architects' bureau (developers) on the one hand and the municipality of Steinkjer on the other. In the proposal submitted by the developers, the presentation was made rather simple and filled with catchphrases and illustrations. The bottom line was the location (waterfront) and the fact that there was a shortage of housing in the municipality at that time. The agreement was signed in January 2000. In September 2001, the revised physical plan for the municipality was approved. In it, the proposed ideas for Jæktbyen were included, along with some additions. The municipality pointed out that the general public should have free access to the shoreline and the sea.

In February 2003, the private zoning plan form was sent to the municipality (from the same group of developers as in the option agreement). From that point in time, things moved rapidly. After the initial mandatory meeting between the municipality and the developers, the development agreement and the private zoning plan were confirmed by the municipal council (March 2003). In this case, the private zoning plan was produced by an architectural consultant (Lyngstad arkitekter) and consisted of an area map, planning regulations, and a description of the plan. The plan also gives an account of statements from the public, nearby stakeholders, and the municipality. Most of the opinions expressed in this initial participation process are positive, but many stakeholders observe that walking and cycling facilities need to be better. The municipality states that the suggested residential area, Jæktbyen, does not fit into the comprehensive plan for Steinkjer municipality and that the suggested area will be isolated from many areas and functions of the city. No statements came in from private

individuals, and only a few statements from stakeholders, public authorities, etc. came in during the process of creating the private zoning plan for Jæktbyen.

The major criticism during the planning process and the result after the construction of the residential area, Jæktbyen, is the lack of coordination with and adaptation to the rest of the built environment in Steinkjer. An attractive prospect with arguments to contribute to the attractiveness of the municipality might endanger the normal planning process and the public interests to overlook vital issues in the planning process in itself and the outcome of the plan.

In the Steinkjer municipality today, a representative from the planning office state that the initial private zoning plan “*was not particularly detailed compared to plans for similar areas in and around Steinkjer that are being prepared today. Had the initiative been raised today, there would probably be much stronger expectations from the municipality*” (Interview 2).

A weakness of private initiatives in planning in general is the problem of “island-thinking”. Strong architectural ideas with remarkable landmarks and exclusive housing is on the one side of the coin, while on the other hand there is a risk of overlooking the necessary adaptation to the rest of the urban development. Private plans easily result in a formal PPP that might put aside some of the general aspects of local planning. The political system could be tempted by expressive ideas and plans to deviate from applying the general guidelines set out in the municipality’s comprehensive plan. In this case, it is obvious that, ten years after completion, Jæktbyen still has a problem with integration and how the area connects with the rest of the urban area. The waterfront is still hidden behind the industrial area, and there are still no natural walkways through the area for pedestrians, there is a lack of streetlighting and unhappy adaptations to climate change, such as the newly built stone walls.

The problem of “island-thinking” is also visible in the initial proposal from the developer. In this proposal, the uniqueness of Jæktbyen is put forward in terms of “restoring the city connection to the waterfront, a new and more attractive entrance to the city from the south, an interesting canal town with artificial islands, pleasure boats and other sea-oriented attributes. The prospect gives an impression of a seaside town with attractive promenades and exclusive housing” (Lyngstad Arkitekter prospect 2003).

The participation process in this case was conducted in accordance with the previous Planning and Building Act of 1985. Since then, participation has been reinforced in the reformed 2008 Act. The final proposal for the zoning plan from the developers was confirmed by the Steinkjer municipal board in February 2003. Participation was limited to a public presentation of the plan in the city hall and the municipal library for a period of 30 days. During this time, citizens had the opportunity to read the plan and react to it. The plan was also sent out in a referral process to a number of regional and local authorities.

## 5.2. Case two, supermarket in Røros

The case of Røros relates to both the importance of participation and the planning in or in relation to a major historical urban artefact. A large proportion of Røros municipality is a living cultural heritage area based on the remains of the old copper mine and the well-preserved wooden town of Røros. Planning in a UNESCO World Heritage Area and remaining in line with national regulations and guidelines for preservation gives the planning an extra dimension. Røros is not a museum, it is a living small city with an economy based on services and tourism and specialised food production. Røros area also hosts a south Sami population engaged in active reindeer herding. Building regulations for the urban environment in Røros are restrictive. The ambition is to retain the older structures and buildings and to be very careful about changes and modernisation. Among many other things, this means that it is very difficult to make modern chain-stores, supermarkets, and storehouses fit into the existing environment, both physically and from an exterior

design point of view. Neither local building regulations nor the national regulations and guidelines allow tangible changes in the built environment. But still the municipality has an obligation to provide the town with modern facilities and space for private services and industries.

In this case, one of the largest actors in the Norwegian grocery store market, COOP, here represented by the COOP Midt Norge SA, plans to establish a new supermarket. The developer COOP drew up a private zoning plan for a site just outside the city centre. In the municipal plan, the proposed area was designated for small-scale industries, but in this case the COOP’s plan was not seen as a major deviation from the municipal plan. In addition, COOP owns a property in the historical part of the town which could be traded with the municipality for a public-service facility (library).

The first meeting between the developers and the municipality took place in 2017. The discussion was then partly about the planning principles and the risks associated with externally located services. One major objection came, not from the heritage interest, but from the railway interest. They felt that the security measures around the railway lines had not been sufficiently considered. A new initial meeting (*oppstartsmøte*) took place in 2019. The local politicians could not completely agree. Some were afraid of the cumulative effects, allowing one externally located supermarket could lead to another and then, all of a sudden, a shopping mall would arise.

A major objection (*innsigelse*) also came from the Directorate for Cultural Heritage about a problem with the draining of services from the town centre. This objection was later redrawn. According to the interviewed planner in Røros, this might be related to the difficulties of defining a World Heritage Site.

After this second initial meeting with the developer, the political board of Røros municipality approved the plan. Some of the local planning officers expressed a different opinion but the politicians decided to approve it. A circumstance that might have had an impact on the positive decision in favour of the developer is the above-mentioned trading of properties. The developer owned a property in the city centre that was of great interest to the municipality for establishing a new library. The new location for the supermarket was a rather simple decision, but first a minor formality in the existing plan had to be changed, related to the designated land-use.

On the issue of participation in the process of drawing up the private zoning plan, the local planner expressed no further worries as long as the developer was following the regulations in the Planning and Building Act (Interview 1). Participation is here understood as a checkbox, fulfilling the formal requirements. “*For us planners, this issue was rather simple and average. It was a bit more complicated for the politicians because of the regulations and coordinating tasks in the municipal plan regarding trade areas and city-centre development*” (Interview 1).

The case of Røros is interesting in terms of the relation between strong interests, the local ambition for public participation, and the observation about the danger of the cumulative effects of smaller decisions, which is how private zoning plans can be seen.

## 6. Discussion

According to Ringholm et al. (2018), participation in accordance with the Norwegian Planning and Building Act 2008 is limited to information and consultation. These activities represent the first two basic steps in the Arnstein ladder of participation (Arnstein, 1969; Ringholm et al., 2018). The legal requirements for participation could thus be seen as rather modest. The law sets a minimum standard of participation under restricted conditions.

However, a developer making a private proposal and a private zoning plan might be more concerned about its own interests rather than those of the general public. It is more reasonable to suppose that a developer works with different market segments rather than the public interest. The regulated participation is then modest in relation to the rational ambitions of the detailed zoning plan.

In the Steinkjer case, it is clear that the first proposal, which led to the option agreement between the developer and the municipality, was a tempting version filled with catchphrases and interesting drawings. In order to attract the interest of the municipality, a developer needs to present something that is interesting. This can be seen in many other national planning systems. It is also part of the negotiation structure in many PPPs involving large investments.

What makes Norway a relatively unique case is the planning process after the first meeting. If the municipality agrees, the developer can proceed with the planning process by producing (all but the final decision of) a private zoning plan. This means that some of the formal steps in the planning process are carried out by the developers. This arrangement could arguably be understood as a Norwegian version of PPP encompassing the planning process. The ability to propose plans drives the planning efforts in the municipality, and thus perhaps forces the municipality to work within a structure that is not optimal.

E. Falleth et al. (2010a); Falleth et al. (2010b) argue that this relation between private, market-oriented developers and the public interest has resulted in new forms of planning procedures and more informal contact patterns. In this study, we have found that participation is mostly carried out at a basic level and comes rather late in the process of creating the zoning plans. Participation is part of a ritual to satisfy legal requirements (Ringholm et al., 2018; Innes and Booher, 2004). The risk of this arrangement is that participation can be experienced as rather unnecessary, and without any real opportunity to create full participation. This could also lead to a lack of interest in participating among the public when they could experience it as meaningless. A lack of participation and deliberation could also result in more legal complaints made to the courts and national authorities (Falleth et al., 2010b; Falleth et al., 2010a).

The Røros case in this study is less controversial as a planning process and the proposed zoning plan is also much smaller. The plan concerned the location for a new supermarket. However, this plan also illustrates the shortcomings of private zoning plans regarding the justification, the wider picture, or the holistic view of the planning. A city or a municipality is not just a jigsaw of individual zoning plans, it is also an area with a comprehensive plan and a more general idea of the function and design of the city/municipality.

Two other interesting observations in Røros concern how a smaller municipality is supposed to act and the preparedness of a smaller municipality to encounter large market-orientated interests. In this case, the supermarket zoning plan was proposed by one of the major Nordic players on the grocery consumer market. But it must be said immediately that in this case the proposal was not controversial. The public and private interests very soon came to a mutual understanding. Another important issue in Røros is the overarching cultural preservation of the vast majority of the built environment and surrounding area. The National Cultural Heritage Agency and the heritage plan limit the degree of freedom from an exploitation point of view. Røros is also a World Heritage Site on the UNESCO World Heritage List. For a place like Røros, it would be problematic to endanger this heritage and lose its place on the UNESCO list, since heritage tourism is important. (Table 2).

## 7. Conclusions and limitations

To sum up, based on the discussion of these two cases and the literature, we can suggest that private zoning plans are.

- An interesting case of private–public partnership in a formal planning process.
- That Norway is, if not unique, at least rather unusual in inviting market-orientated actors into the formal planning process as actors.
- That private zoning plans increase the risk of jigsaw planning, risking a lack of holistic perspectives in the planning outcome.

**Table 2**  
Public private partnership in the Norwegian planning system.

Positive aspects	Negative aspects
Delimited projects	Jigsaw planning
Fast process	Lack of transparency
Clearly identified stakeholders	Lower ambitions in public participation
Shared funding/investment	Lack of holistic perspectives in planning
Private capital interest	Ad-Hoc planning initiatives related to the market

- That strong market interests could affect the formal planning process if they participate as formal planning actors in the creation or co-creation of a zoning plan.
- That the system of private zoning plans does not in itself encourage active public participation. Participation is often seen more as something that has to be done in accordance with the legal requirements. This study reveals many questions about and issues with the system of private zoning plans in Norway. It is not a marginalised system. The majority of all zoning plans produced in Norway are in fact private initiatives. This leads us to the more general conclusion that this situation needs to be studied more systematically and to include many more cases. Participation, power relations, and holistic planning could be parameters within a broader study.

This study is not without limitations. With these two planning cases from Norway with the special arrangements in the Norwegian Planning Legislation offers an initial analyse of the intersection between public planning and private planning initiatives which to a certain degree equals the public-private partnership (PPP) approach. Further studies are needed to more systematically study the topic of PPP in public planning processes based on private planning initiatives and how the public interest is considered in a planning process characterized by a public-private partnership arrangement.

## Declaration of interest

None.

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