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Objection Overruled

- Understanding the Main Impacts of Circular Letter H-2/14 on Rogaland County Governor's Office and Sola Municipality through Multi-Level Governance and Logics of Decision-Making Perspectives

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Abstract

When the Solberg Coalition Government consisting of the Conservative Party and the Progress Party assumed power in 2013, they expressed a wish to limit the County Governors opportunity to overrule local self-governance in spatial planning matters. In February 2014 Circular Letter H-2/14 was introduced with focus on limiting the number of objections, making objections better justified and increased consideration for local self-governance in deciding on objections. Reports show that the number of objections has decreased, but how has Circular Letter H-2/14 impacted the relation between actors on the local level? The main question of this thesis is therefore:

How can we understand the main impacts of circular letter H-2/14 for the Objection Institute in the relation between the County Governor in Rogaland's Office and Sola Municipality?

From a governance perspective, findings show that Circular Letter H-2/14 has created a new legal custom in the Ministry of Local Government and Modernization, placing great emphasis on considerations for local self-governance. This has led to municipalities getting a significantly higher percentage of decisions on objections appealed to the Ministerial level decided in their favor. Through the center – periphery dimension of power provided by the Multi-Level Governance perspective the thesis concludes that there has been a decentralization in the power relation, shifting the power balance in Sola Municipality's favor.

The thesis uncovers Mediation Meeting procedures for Rogaland. Findings show that Rogaland has a custom for Discussion Meetings prior to mediation meetings where most objections are solved. Only 1-5 % of objections are mediated over. Findings also show that the logics of decision-making applied vary according to the design of the negotiation arena and the level of conflict within individual objections. Deliberation and Deliberative Negotiation are the most prevalent in Discussion Meetings, while Deliberative Negotiation and Strategic Bargaining are most prevalent in Mediation Meetings.

The thesis concludes that the integrity of the Objection Institute might be compromised based on the presented findings and recommends a revision of the Plan and Building Act.

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1 - Introduction

Climate change and loss of biologic diversity are two of the greatest challenges facing the world today. The members of the United Nations (UN) have committed to limiting global warming to well below 2°C above pre-industrial levels in the Paris Agreement, and in 2018 the Intergovernmental Panel on Climate Change released an alarming report on how the world, if it continues on its current path, will struggle to meet the target set by the Paris Agreement (Intergovernmental Panel on Climate Change, 2018; UN, 2015). In addition, a new post-2020 global biodiversity framework is being designed and is expected to be adopted at the 2020 UN Biodiversity Conference in October 2020, under the Convention on Biologic Diversity (CBD, 2020). Spatial Planning is one of the most important policy instruments to battle climate change and the loss biodiversity. Norway has a heavily regulated spatial planning system through the Plan and Building Act. The spatial planning authority in Norway have been the municipalities since 1985 (PBA, 2008). The central government oversees safeguarding of national interests in spatial planning through relevant directorates operating on behalf of Ministries and regional state administrative entities. One such regional state administrative entity is the County Governor's Office. The County Governor and its office is the central governments primary administrative representative in the regions and have a wide range of responsibilities on behalf of the central government including safeguarding overarching national interests in spatial planning with particular focus on environmental protection and agricultural interests.

To enable the safeguarding of national interests the Plan and Building Act chapter 5-3 allows state administrative authorities to raise objections to local plans if they are in violation of national interests. This is referred to as the Objection Institute (PBA, 2008). With the responsibility of overseeing environmental and agricultural interests the County Governor's Office is the state administrative entity that raises the most objections (Office of the Auditor General, 2019).

Prior to the 2013 parliamentary election the use of objections was a debated issue, and both parties of the new coalition government were in favor of limiting the use objections and it included it in the governmental policy platform (Office of the Prime Minister, 2013). However, the new government was a minority government and they did not have support in parliament for their policy on limiting objections. Therefore, the government instead used its constitutional instructional authority over the state administrative system to issue Circular Letter H-2/14 with guidelines for the use of objections (The Constitution, 1814; Ministry of Local Government and Modernization, 2014).

The introduction of Circular Letter H-2/14 represents a change in the governance of the Objection Institute with its increased focus on local self-governance. This thesis will provide empirical insight into the main impacts this form of governance has had on the relation between two opposing entities residing within Rogaland County: The County Governor's Office and Sola Municipality. It will also provide theoretical insight into the use of Multi-Level Governance within Norwegian Public Administration and new theoretic and empiric knowledge on the use of Logics of Negotiation and Decision-Making in Mediation meetings between Objection Authorities and Municipalities based on findings from the Rogaland County Governor's Office and Sola Municipality.

1.1 Problem statement

When reviewing the policy platforms of the parties that formed a new government in 2013 it is evident that the Conservative Party and the Progress Party each held a certain degree of resentment against the County Governors, how they exercised the objection authority and how the Ministry of Environmental Protection handled objection cases (The Conservative Party, 2013; The Progress Party, 2013). It is fair to assume that this was pushed forward by elected officials at the local level that have expressed that the County Governor obstructed the municipalities autonomy as the planning authority. In the new government's policy declaration, we find the following statement "The County Governor's right to overrule the decisions of elected representatives is reduced by limiting the possibility of reviewing municipal decisions to the legality control and appeal procedure." (Office of the Prime Minister, 2013). There was, and is, not a majority for this in parliament, however the government has authority to make changes in ministries' instructions and authority portfolio, and that is exactly what the Solberg government did through Circular Letter H-2/14 (Ministry of Local Government and Modernization, 2014, The Constitution, 1814). Circular Letter H-2/14 gave clear instructions that the number of objections were to be reduced, local self-governance was to be weighted more heavily and that the deciding authority at the national level was moved from the Ministry of Environmental Protection (now Ministry of Climate and Environment) to the Municipality of Local Government and Modernization . With this backdrop in mind this master thesis seeks to analyze the following:

How can we understand the main impacts of circular letter H-2/14 for the Objection Institute in the relation between the County Governor in Rogaland's Office and Sola Municipality?

1.2 Research questions

To delineate the problem statement, the following research questions are asked:

1. How has the introduction of Circular Letter H-2/14 impacted the number of objections annually?
2. How has the governance of the objection institute affected the power relations between the County Governor of Rogaland's Office and Sola Municipality?
3. How has Circular Letter H-2/14 impacted the negotiation dynamic in mediation meetings between the County Governor of Rogaland's Office and Sola Municipality?

Research question 1 is aimed at revealing the numerical impact of Circular Letter H-2/14 and is as such of an empirical nature. Research question 2 is based on the hypothesis that Circular Letter H-2/14 has had an impact on the power relations between actors. It is empirical in the sense that it will rely on interviews to assess how the power relations have been impacted, and theoretical in the sense that it focuses on governance to apply Multi-Level Governance theory to provide perspectives on how to understand the impact in the analysis. Research question 3 is also structured as partly empirical and partly theoretical. It is based on the hypothesis that Circular Letter H-2/14 has had an impact on the negotiation dynamic in mediation meetings. So, it is empirical in the sense that it will rely on interviews to assess how negotiation dynamics in mediation meetings have been impacted, and theoretical in the sense that it will rely on theory on Logics of Negotiations and Decision-Making to provide perspectives on how to understand the impact in the analysis.

1.3 Structure of the thesis

Chapter 2 provides a background for understanding how central aspects of the Norwegian spatial planning is designed with focus on the Objection Institute.

Chapter 3 provides the theoretical framework through which the data will be analyzed. As this thesis focuses on two main theories these will be presented in the theory together with a review

of relevant existing research on the Objection Institute and associated governance tools relevant for this thesis.

Chapter 4 elaborate the methodological approach will follow. This section will outline data sources and the collection process. Three main data sources have been utilized, these are official public documents, interviews, and statistics. Thus, the methods that will be used are document analysis, interviews and statistics generation from Statistics Norway's statistic bank. The chapter will also contain a description of how the interviews were conducted, and which approaches that was used.

In chapter 5 I present the empirical data chapter and account for findings from the data sources listed in method chapter.

Findings will then be subject to analysis and discussion in the chapter 6, followed by concluding remarks in the conclusion in chapter 7, where the main results of the thesis will be presented and reflected upon. Thoughts on policy implications and what could be fruitful for further investigation and research will also be presented.

2 - Background

The Norwegian spatial planning system is highly complex and rigorously regulated. Therefore, this section provides insight into the following key aspects of the system that are central to this thesis: The Objection Institute, Involvement regulations of the Plan and Building Act, National Expectation for Regional and Municipal Planning, the County Governor's (CG) role in Norwegian public administration and the political and tactical background of Circular Letter H-2/14.

2.1 The Objection Institute

The Norwegian spatial planning system is meticulously regulated, with the Plan and Building Act being revised or renewed several times since the first building act was introduced in 1965 (Hanssen & Aarsæther, 2018). The combined Plan and Building Act was introduced and adopted in 1985, and the most recent revision of the Plan and Building act took place in 2008, with smaller amendments in certain regulations within the law since then and in 1985 the Objection Institute was introduced together with the Plan and Building Act (Hanssen & Aarsæther, 2018; PBA, 2008). The intention of the Objection Institute was to have a state level surveillance and control function for local zoning plans, in order to ensure that national interests were maintained at the local level. There are a number of different directorates and agencies at state level that have objection authority towards local zoning plans, but the entity with the widest objection authority are the County Governor's, because they have been delegated authorities from different ministries and directorates.

Objections are currently regulated by chapter 5-4 in the Plan and Building Act (PBA, 2008) and was last updated in 2017. The regulation states that "Affected state entities can object to proposed municipal- or zoning plans in questions that are of national or significant regional interest or that for other reasons are of significant interest to an entity's field of responsibility." (my translation). This means that many different state entities such as ministries, directorates and regional state actors can object to plans. One entity that makes statements to all zoning plans and municipal sector and master plans is the County Governor, which has a variety of delegated responsibilities and authorizations from ministries and directorates. The delegated responsibilities and authorizations focus on protecting and preserving national interests at the

regional level. Consequently, the County Governor is the entity that is most involved in planning and development cases and makes the most objections (Office of the Auditor General, 2019).

2.2 Involvement and Consultation

The Plan and Building Act (PBA) is a comprehensive and complex law that regulates all planning, development and building activity in Norway. Chapter five of the Plan and Building Act which also includes the objection regulation contains several other aspects which are of interest to this project, and chapter 5-1 and 5-2 will be elaborated upon below.

Chapter 5-1 “Involvement” states that “Anyone who makes a plan proposal shall facilitate involvement” (PBA, 2008). Municipalities must make sure that this requirement is fulfilled in planning processes carried out by other public organs or private entities (individuals of companies)” (PBA, 2008, my translation). This regulation makes it clear that any party affected by a plan proposal has the opportunity to bring forward a statement about it. As the approving authority, municipalities are responsible for facilitating this in the best possible way so that the general public also has the opportunity to stay informed. The sub-chapter also states municipalities are obliged to “secure active involvement from groups that require special facilitation, including children and adolescents” (PBA, 2008) meaning that systems that are in place to facilitate involvement must be universally designed so that groups and interest that “are not capable of direct participation are ensured opportunities to participate otherwise.” (PBA, 2008).

Chapter 5-2 focuses on “Consultation and public scrutiny” (PBA, 2008). Each zoning plan independent of size, complexity or perceived public interest must according to chapter 5.2 be sent to all “state, regional and municipal authorities and all other public organs, private organizations and institutions that are affected by the proposal for a statement within a given deadline”. This means that a number of instances can give statements to plans, but there are two instances that are affected by and therefore give statements to almost every plan. These are the County Council, which is the regional authority, and the County Governor’s Office (CGO) which is the state’s regional representative in the counties and municipalities. These two branches of public authority have a particular responsibility to monitor planning, development and building activity and therefore follow zoning plans from beginning at the plan notice stage

until they are sent out for consultation and public scrutiny, and finally adopted by the municipality in question.

The sub-chapter also states that the plans must be available to the general public. In today's society, that means plans must be available online and there must be a possibility for electronic communication between the general public affected by the plan and the planning authority which is the municipalities (PBA, 2008). This effectively means that any inhabitant can make a statement regarding a plan that is under public scrutiny in their municipality. One might speculate that involvement regulations like this is why planning and development cases are one of the political fields that spark the most interest and debate in Norway.

2.3 The County Governors Role in Public Administration and National Expectations for Regional and Municipal Planning

National Expectation for Regional and Municipal Planning is regulated in the Plan and Building Act chapter 6-1 (PBA, 2008). National Expectations are compiled by the government every four years according to the municipal election cycle. They consist of the government's expectations for local planning and are a tool for the government to exercise its politics on spatial planning. The National Expectations are the basis for the state administrative authorities' involvement in spatial planning (Ministry of Local Government and Modernization, 2019).

The Norwegian government has a wide range of management tools at their disposal, in order to assist the country in achieving its climate change mitigation goals and ambitions. One of the most important managerial bodies at the regional and local levels is the government's representative in the counties, the County Governor (County Governor Directive, 1981)

The County Governor has been in existence as a branch of government in Norway since the 1660's (Flo, 2014). This type of governmental organ is referred to as a prefecture and finds its origin in France (Bjørnå & Jenssen, 2006). The prefectural system is the central governments regional branch and is part of the national level bureaucracy.

A prefectural system is, first and foremost, an institution that secures national goals and values. This implies that the prefect supervises local government actions and resolutions to ensure the legality of decisions. Thus, the prefect is generally

considered a tool for the central government and central control (Bjørnå & Jenssen, 2006, p. 310).

The prefectural role has developed differently among countries according to systems of public administration and form of governance. It is therefore worth noting that until the 1980s prefects had executive power and access to decision-making arenas as well as performing supervision of local decisions (Bjørnå & Jenssen, 2006). Some Scandinavian prefects presently have a role of performing legal and fiscal control of municipalities, while others are tasked with maintaining national and regional interests and being a link between local and central government in their district (Bjørnå & Jenssen, 2006).

The Norwegian prefectural system has ten offices that covers all eleven regions (Oslo and Viken share a County Governor) and unifies the central government, counties and municipalities through location and presence in the regions. The County Governor Offices (CGO) perform tasks on behalf of several ministries or directorates and receive instructions and funding according to the distribution of responsibilities. However, it is organized as subunits under the Ministry of Local Government and Modernization (MLM) for administrative and fiscal affairs, and they enjoy great autonomy to organize themselves. As the unifying and coordinating office of the government in the regions the CGO's handles oversees national interests in arenas such as environment, agriculture, and education and health, as well as making decisions on issues pertaining to civil and family law, and societal safety as well as playing a central role in spatial planning in the region (Bjørnå & Jenssen, 2006).

One of the core responsibilities of the County Governor is to be the government's consultative body in planning and development cases on the local and regional level, meaning that zoning plans and more overarching plans in municipalities and regional plans from the counties all come to the County Governor's Office. The County Governor's responsibility is to make statements to the plans and to try and prevent the plans from being in conflict with regional and national interests. If the County Governor finds that a plan is in substantial conflict with regional and national interests, they make an objection to the plan in question. This means that the plan's further progression is temporarily put on hold and the municipality in question and the County Governor must try to come to an agreement through mediation. If they do not come to an agreement, then the plan will get sent to the Ministry of Local Government and Modernization where the objection will either be sustained or overruled.

2.4 Municipal Master Plans and Planning Strategy

Municipal Planning Strategy is regulated in the Plan and Building Act chapter 10-1. Planning strategy was introduced as a requirement for municipalities in the revision of the Plan and Building Act in 2008 (PBA, 2008). The intention of the Planning Strategy is that Municipalities must reflect on what new plans they need, and which plans to revise within the current election cycle. They must also decide specifically whether or not to revise their Municipal Master Plan (PBA, 2008).

Another part of the Plan and Building Act that is of interest to this project is chapter eleven on municipal Master plans, because cases for the case study are taken from municipal master plans in Sola Municipality. We are going to elaborate on two chapters, 11-1 and 11-5.

Chapter 11-1 states that “The municipality shall have one collective plan that comprises a societal element, an action plan and an land-use element” (PBA, 2008). This means that the municipal master plan is the municipalities’ master plan for planning and development during the period in question. So overarching decisions and priorities made in the municipal master plan has wide implications for the long-term development of the municipality in question. Most municipal master plans have a time span of 30-40 years and are revised once every municipal election period which is four years. The process of revising is lengthy. First the municipality must make a planning strategy mapping out the main priorities for the revision of the municipal master plan, which is a separate chapter of the Plan and Building Act.

The part of the municipal master plan that is of interest to this project is the land-use element which is regulated in Chapter 11-5. The municipal master plans land-use element “must show the connection between future societal development and land-use.” (PBA, 2008) which means that regulations in the land-use element must be reflective of what has been mapped in the societal element of the municipal master plan. The main outcome of the land-use element is the plan map and the planning regulations. These must be reflective of the planning strategy and societal element of the plan as well as showing how national goals and guidelines and superior plans for land-use is safeguarded.

Through the presentation of the objection institute and the regulations regarding objections as well as regulations for involvement and municipal master plans the context for understanding

the planning landscape in which this project maneuvers are now in place. In the following the County Governor's role in Norwegian public administration will be explained.

The municipalities are the plan authority within their territorial borders, meaning that they have autonomy to make and adopt zoning plans within the framework of the Plan and Building Act.

2.5 Circular Letter H-2/14

Following the parliamentary election in 2013 the Norwegian parliament got a new majority consisting of the Conservative Party, the Progress Party, the Liberal Party, and the Christian Democratic Party. After rounds of probing around the possibility of creating a four-party government the parties decided that there was no sufficient political agreement between them that it would be appropriate for them to govern together. The parties reached an agreement that saw the Liberal Party and Christian Democratic Party rather support a minority government consisting of the Conservative Party and the Progress Party. Additionally, the government was committed to negotiate with the Liberal Party and Christian Democratic Party first, when trying to find political solutions in parliament (Grande, Hareide, Solberg & Jensen, 2013).

Both government parties in their respective policy platforms for the 2013-2017 period were clear advocates of limiting the County Governor's power to intervene in municipal planning processes (Høyre, 2013; Frp, 2013). This also became apparent in the Solberg government's policy declaration, where the following sentence is found "The County Governor's right to overrule the decisions of elected representatives is reduced by limiting the possibility of reviewing municipal decisions to the legality control and appeal procedure." (Solberg & Jensen, 2013).

During the government negotiations the Conservative Party was assigned the Minister of Local Government and Modernization. Given the clear goal of the government to give municipalities more power in spatial planning the minister now had to find a way to implement it. As there presumably was no majority in parliament for the changes mentioned above, it had to be implemented through other measures than parliamentary procedure. The government has instructional authority over all subordinate state administrative entities, meaning that the government can exert executive authority over these entities (The Constitution, 1814). There are different ways in which the government exerts this authority, but with regards to the County

Governors it is primarily done through yearly instructions, result expectations and circular letters. It is the latter that was used to give new instructions regarding objections (MLR, 2014; The Constitution, 1814; County Governor Directive, 1981).

A circular letter of instruction conveyed guidelines that the number of objections were to be reduced, local self-governance was to be weighted more heavily and that the deciding authority at the national level was moved from the Ministry of Environmental Protection to the Ministry of Local Government and Modernization (MLM, 2014). This signaled a change that the municipalities' interests of local self-governance were now to be weighted more heavily than other interests that state level bodies such as the County Governors are tasked with safeguarding.

The factors mentioned in the other subsections in this chapter form a background that I find central to understanding the empirical material of this thesis. But before the empirical data is presented the theoretical perspectives that will form the basis for understanding the empirical data, and thus the analysis, will be presented.

3 - Theory

This thesis will answer three research questions, two of which will apply different yet interconnected theoretical viewpoints. Research question two (R2) seeks to uncover the effect the Circular Letter H-2/14 had on the objection institute both in numerical terms and how it affected administrator's threshold for using objections as a tool. R2 will be looked at from a multi-level governance perspective in order to gain an understanding of how the Norwegian spatial planning system is governed and what tools the current government has used to implement its policies.

Any objections that municipalities disagree with must be resolved at the lowest possible level, normally through mediation administered by the County Governor (PBA, 2008). Given the instruction provided in the Circular Letter that municipal autonomy was to be given more careful consideration and that objection authorities should endeavor resolve objections at the lowest possible level, research question three (R3) will therefore study how the impact of the Circular Letter has had on mediations can be understood. R3 will be studied from a logic of decision-making and negotiation perspective to understand the depth of the instructions provided by the Circular Letter and if its effects were noticed in negotiations at mediation meetings.

3.1 Literature review

There are several fields of literature that are relevant to gain an understanding of the different components of this thesis, and in this literature review I will look focus on the Prefect in a Scandinavian setting and review the County Governor through an academic perspective. I will also review literature concerning the objection and mediation institutes in order to provide research within those respective fields.

3.1.1 Instructional Authority

The Constitution chapter 3 gives the government instructional authority over state administrative authorities (The Constitution, 1814). It is this instructional authority that allows Ministers to administer instructional letters and signals, such as the Circular Letter (Ministry of Local Government and Modernization, 2014). This authority is regarded as an important instrument for governments to impose their policies and principles on the state administrative system, and it is viewed as a central factor for democratic rule. In the context of this study

instructional authority is discussed in relation to procedural norms for policy change and implementation in Norwegian public administration with focus on the legal framework of the objection institute

3.1.2 The Coordination Project

In the same period as Circular Letter H-2/14 was issued, the government continued a trial project initiated by the previous administration, in 2013, named The Coordination Project. The project's purpose was to coordinate objections from all state objection authorities and to ensure better dialogue and cooperation between state objection authorities and municipalities and the coordinating organ was the County Governor (Buanes A, Nyseth T, & Nylund I, 2016). As the coordinating organ, The County Governor was given the authority to intercept objections from other state entities if they did not find that objections were reasoned well enough (Buanes A et al., 2016). The reception of the project was positive among County Governors. Twelve offices responded by signing up for the project and six (Vestfold, Aust-Agder, Rogaland, Hordaland, Sør-Trøndelag and Nordland) were initially selected to take part in the trial, followed by six more (Buskerud, Oppland, Møre- og Romsdal, Telemark, Troms, Vest-Agder) in an extension of the trial in 2015 (Buanes A et al., 2016).

In its essence spatial planning has been and still is a tool for political governance and an instrument for coordination both horizontally and vertically (Nyseth T & Buanes A, 2017). Since the introduction of New Public Management (NPM) -inspired reforms in a combined plan and building law in 1985, an increased focus on involvement and increased participation of market-based actors in the planning field, such as private property developers, has changed terms for traditional hierarchical steering and coordination. As such, the change of spatial planning into a multi-actor system requires increased and new forms of coordination (Nyseth T & Buanes A, 2017). Prior to the start of The Coordination Project, several actors pointed out the need for increased coordination between state entities. As an example, the term "the fragmented state", which was first introduced in Norway in the last power- and democracy report, is particularly relevant to the regional level according to Nyseth & Buanes (2017) (NOU 2003: 19, 2003). It is relevant because it created the context for the first report from the planning law commission in 2003, which laid the foundation for the new Plan and Building Act, adopted by parliament in 2008.

The Coordination Project together with the Circular Letter created a political context with strong pressure on regional state entities to only make objections to local plans "when necessary" and to resolve objections at the lowest possible level, meaning that they should be decided at the ministry-level. This is highlighted in the evaluation of the project conducted by Buanes, Nyseth & Nylund (2016) by referring to The County Governors' letter of allocation from The Ministry of Local Government and Modernization for 2014, which states: "The County Governor shall only make objections when

national and important regional interests are affected. Special emphasis shall be placed on consideration for local self-governance in the objection assessment.” (My translation).

In their article on the Coordination Project, Nyseth & Buanes (2017) points out that when regional state entities are in a situation of strong political instruction to make fewer objections, and resolve as many of them as possible locally, it creates a context for C.J. Friedrich’s “Law of expected reactions” (Friedrich 1937; from Nyseth T & Buanes A, 2017), “If a supposed weaker party (A) in a relationship expects that the stronger party (B) will neglect, ridicule or override the views A really wants to promote, then A would rather not articulate these” (My translation, Nyseth & Buanes 2017).

This implies that objection authorities raise fewer objections and strive to resolve a higher share of objections locally because they know from experience that there is a higher probability that the MLR will side with the municipalities in their decisions. This will be addressed in the analysis chapter in the light of statistics provided in the empirical data chapter.

3.1.3 The Objection Institute

The legal framework for the objection institute has been explained in the background chapter, and the purpose of this section is to place it into a research context. In the latest full revision of the Plan and Building Act in 2008 there was not made significant changes in access or authority to make objections even though it has been a longstanding political desire to reduce the number of objections. Several measures have been taken to reduce the number of objections, one of which is clearer political instructions, like Circular Letter H-2/14 (Ministry of Local Government and Modernization, 2014), that deem objections unwanted because they reduce the influence of local democracy and prolong the process- and increase the costs of planning (Buanes A & Nyseth T, 2018). The coordination project described in the above section is an example of another such measure (Buanes A et al., 2016).

In the Plan and Building Act the access to raise objection to a proposed plan is found in chapter 5-4:

A concerned state and regional organ may raise objections to proposals for the municipal master plan’s land-use element and zoning plans on issues that are of national or significant regional importance, or which for other reasons are of significant importance to the relevant organ’s field of responsibility (My translation: PBA, 2008, chapter 5-4).

As municipalities are the local planning authority it seems apparent that the access to raise objections to local plans can lead to disagreement or conflict between the levels of public administration. Because, even though the Plan and Building Act in its essence only covers one sector, this chapter opens connections to several other sector laws which gives the Plan and Building Act a coordinating function between sector interests (Buanes A & Nyseth T, 2018). Chapter 5-4 of the Plan and Building Act does not specify what national or significant regional interests are, meaning that regional state entities and their case workers are left to exercise professional judgement in deciding the threshold for when a plan is in a high enough degree of conflict with their sector interests to raise an objection. This has led to variety in how the objection authority is exercised between different regions and sectors which is one of the reasons why The Ministry of Local Government and Modernization has encouraged sector authorities to make guidelines for when objections should be raised to ensure predictability for planning actors (public, private, civil society) (Buanes A & Nyseth T, 2018). In their chapter on objections, Buanes and Nyseth (2018) point out several uncertainties in the spatial planning system: The threshold for objections, unpredictability in professional judgement within a state entity and uncertainty about the ministries decisions in objection cases. This will be clarified in the analysis chapter.

3.1.4 Office of the Auditor General's Report on the Objection Institute

In January 2019, the Office of the Auditor General (OAG) released an investigative report on processing of objections in planning cases. There are findings in the report that are of great interest to this study with regards to how many objections are raised, how many of the objections decided in the MLM are sustained, findings with regards to coordination of objections at the CG level and the quality of the number of objections reported to the central government database. The findings in the report are discussed in the governance subsection of the analysis chapter and are then related to interview findings.

3.1.5 Mediations

The Mediation Institute gets involved when state entities and municipalities cannot resolve objections below the political level. The municipality must request a mediation and regardless of which state entity owns the objection, it is the County Governor Office's responsibility to coordinate and facilitate the mediation meeting. The County Governor acts as the mediator in

the meeting. This means that the County Governor must also act as a neutral party when departments within the County Governor's Office have objections for mediation. The goal of the mediation is to reach an agreement and find a solution to the case at hand (MLR, 2014). If the parties cannot reach an agreement the case will, according to the Plan and Building Act, be sent to The Ministry of Local Government and Modernization to be decided (PBA, 2008).

Even though the mediation institute is mentioned both in the Plan and Building Act and in the Circular Letter (Ministry of Local Government and Modernization, 2014; PBA, 2008), there are no general guidelines as to how a mediation meeting is conducted. Individual County Governor Offices have the autonomy to create their own routines for how mediation meetings are conducted as long as the minimum legal requirements are fulfilled. Research shows that the ways in which mediation meetings are conducted will vary according to the mediator's conduct in the meeting. It also varies who represents the different parties in a mediation meeting (Bjørnå & Jenssen, 2006). This will be elaborated and discussed in greater detail in the analysis chapter.

3.2 Governing the Objection Institute in a Multi-level System

Public decisions are to an increasing extent made at the intersection between different levels of governmental administration (Helgøy & Aars, 2008). Multi-level Governance is a theoretical perspective that was first used by scholars studying the developing policy features of the European Union in the late 1980's and the 1990's with its complex relations between local, regional, national and over-national levels of government. The term Multi-level Governance (MLG), was first coined by Gary Marks in 1993 and describes the phenomenon as "a system of continuous negotiation between decision-makers at different territorial levels – over-national, national, regional and local – emerged through extensive processes of institutional development and decisional redistribution" (Marks, 1993; from Helgøy & Aars, 2008). MLG implicates a governance system comprised of several levels of governance that are conditionally autonomous which means that the different levels are covered by a certain legal framework and is equipped with a competence or jurisdiction over a given set of tasks (Helgøy & Aars, 2008). The different levels of governance do, however, not have sovereign authority because decisions on one level will be dependent on or affected by decisions on another level (Skelcher, 2005; from Helgøy & Aars, 2008)

3.2.1 Type of Multi-level Governance

The Object and Mediation institutes involves several levels of governance, it is therefore of essential to provide theoretical principles to better understand the dynamics of MLG. Hooghe and Marks (2003) differentiate between Type I and Type II of Multi-level Governance and describes the difference in the following way:

Type I governance is nonintersecting from the standpoint of membership; Type II governance is non-intersecting from the standpoint of tasks. The former is designed around human (usually territorial) community; the latter is designed around particular tasks or policy problems. (Hooghe & Marks, 2003, p. 241)

In the Norwegian context, Helgøy & Aars (2008) describes this as geographical (Type I) and functional (Type II) specialization principles. For the geography principle this implies a governance system divided into entities assigned a specific geographic area. Within its territory the entity in question maintains a wide set of functions, and as such it has a wide set of competences (Helgøy & Aars, 2008). Norwegian local governance is to a large degree founded on the generalist municipality principle and fits within the description of the geography principle (Flo, 2002, 2003; From Helgøy & Aars, 2008).

The functional principle (Type II) implies that units with limited jurisdiction, in some cases with only one assigned task or area of responsibility, are created. The Norwegian central government's administration model is organized in sectors, and the ministries are assigned sectors according to constitutional responsibilities. The Ministries can choose to delegate authority for certain responsibilities to subordinate directorates or to the County Governors and are, as such, an example of the functional principle (Helgøy & Aars, 2008).

Even though the central government administration is based on the principles of Type II systems it is important to underline that Type II can consist of a vast number of actors and jurisdictions that operate across territorial scales, outside of the central administration's realm (Rosales, 2019). In Type II systems independent jurisdictions and other parties of vested interests can come together out of shared interest to solve common problems. Examples include "conferences of city mayors, boards of regional planners, associations of local authorities and chambers of commerce." (Rosales, 2019, p. 29). Such jurisdictions are designed to respond to changing citizen preferences and are normally part of Type I governance systems (Hooghe & Marks, 2003; from Rosales, 2019). Membership in such Type II communities are voluntary and centered around the need to solve a common goal or make collective decisions, whereas Type

I system membership is not voluntary (Rosales, 2019). The analysis chapter will provide a discussion on what type of MLG system the Objection Institute is to ascertain the characteristics of its functionality and nature of membership.

It is also worth noting that this binary divide has received criticism. In their chapter on Multilevel-Governance, Bache, Bartle & Flinders argue for the need to go beyond it (Ansell & Torfing, 2016). One of their key criticisms is that the binary distinction contributes to inconsistency in the MLG literature, with regards to classification of for example governmental directorates and agencies, because these are task-specific and as such can appear as Type II, but in reality they are embedded as part of the Type I system and function as a part of the central government administration (Ansell & Torfing, 2016).

3.2.2 Dimensions of Multilevel-Governance

Multilevel-Governance is a governance system of continuous negotiation between the involved actors which according to Piattoni (2009) is a three-dimensional concept that

blurs and problematizes three analytical distinctions that have been central to the conventional reflection on the European modern state: (1) that between center and periphery, (2) that between state and society and (3) that between the domestic and the international (Piattoni, 2009, p. 2).

MLG was originally constructed to study the development of the EU as explained in 3.2. That is also the vantage point for Piattoni's article (2009). The reason why the article is still of interest, however, is that it points out the three dimensions of contention within a nation state, which is of relevance to this thesis. The three dimensions are center – periphery, state – society and the domestic – international dimension.

The center-periphery dimension is concerned with the central state and subnational units, and it is based on formal aspects such as legislative and economic competences. as well as informal aspects, such as cultural distinctiveness, administrative capacities and proactive politicians (Bukowksi et al., 2003; from Piattoni, 2009, p. 12). The state-society dimension highlights the increased share of public power gained by various expressions of civil interests, blurring the public and the private. Interest groups and NGO's are increasingly being involved in policy making, policy implementation, monitoring and evaluation (Ruzza, 2004; from Piattoni, 2009, p. 12). The domestic – international dimension shows national states increasingly subject

themselves to international regimes or organizations such as the EU, UN and OECD, and consequently, international relations become less anarchistic and more regulated, the conflict in this dimension concerns how much sovereignty states could or should refrain (Piattoni, 2009). The analysis section will provide a discussion on the center – periphery dimension in the Objection Institute in light of the introduction of the Circular Letter.

3.3 Logics of Decision-making and Negotiations

In public administration entities, like in companies or other organizations, decisions are continually made at all levels. It can be assumed that such decisions are normally made administratively by bureaucrats and that the decisions are based on institutional rules, norms and the laws that function as the framework for public administration (Rommetvedt, 2006). Occasionally, however, decisions made by bureaucrats have political implications (Rommetvedt, 2006), which is the case for objections raised by the County Governor's Office or (a) sector directorate(s) to plans at the municipal level. In such cases, the municipality and the regional state entity in question, enter a negotiation situation unless the municipality agrees with and accepts the objection. There are regional differences in how such negotiations are carried out and at which levels, but ultimately if the municipality and state entities cannot agree, the Plan and Building Act chapter 5-6 requires that the parties must meet for mediation about the objection(s) (PBA, 2008).

In his article “The Multiple Logics of Decision-Making”, Rommetvedt (2006) discusses eight different types of public decision-making processes (war, strategic bargaining, deliberative negotiation, deliberation, voting, trial, investigation and subsumption). War, strategic bargaining, deliberative negotiation, and deliberation are characterized as political strategic or political communicative decision-making processes. An important difference between war and strategic bargaining is that the latter has the possibility of sharing benefits and goods and the actors have the same preferences for the same goods (Rommetvedt, 2006).

“These goods are divisible. Divisible goods or material values can become an object for strategic bargaining aimed at achieving a compromise – a compromise that can, for example, be based on the actors sharing the goods 50/50 (Rommetvedt, 2006, p. 201).

While the goal of strategic bargaining is to reach a compromise that negotiating parties can accept based on a locked situation, the outset is different for deliberative negotiation and

deliberation. A negotiation situation where the preferences of the parties are not in direct conflict invites to deliberation, or sincere discussion and consideration where the aim is to reach a qualified consensus (Rommetvedt, 2006). Deliberative Negotiation is located between Strategic Bargaining and Deliberation. This typically occurs when a consensus is not possible, but the preferences of the negotiating parties is not in direct conflict, and there can be something to gain for both, a so-called variable-sum game in contrast to a zero-sum game. It is called deliberative negotiation because it has elements of both strategic behavior as well as discussion on how to reach an outcome that will benefit all parties (Rommetvedt, 2006).

Table 2: Public decision-making processes

Type:	I	II	III	IV	V	VI	VII	VIII
(1) Decision situation	Incompatible preferences, lack of fellowship	Similar preferences, divisible goods	Unclear and/or different but compatible preferences	Unclear preferences, assumed public good	Incompatible preferences, fellowship exists	Approved goals, unclear causal connection	Approved goals, clear causal connection	Approved rules
(2) Decision-making process	War	Strategic bargaining	Deliberative negotiation	Deliberation	Voting	Trial	Investigation	Subsumption
(3) Character of decision-making process	Political Strategic	Political Strategic	Political Communicative	Political Communicative	Political Aggregative	Administrative Instrumental	Administrative Instrumental	Administrative Standardised
(4) Result of decision	Victory	Compromise	Package deal	Qualified consensus	Majority decision	Experimental solution	Technical solution	Application of rules
(5) Decision problem	Static warfare	Bargaining deadlock	No opportunities for package deal	Disagreement on the public good	Cyclical majority	Failed trial	Unforeseen effects	Lack of/unclear rules
(6) Decision-makers	Military	Party representatives	Interest group or political party representatives	Representatives of the people	Political party representatives	Researchers	Technicians	Legal practitioners
(7) Decision arena	Battlefield	Bargaining committee	Investigatory committee	Parliamentary committee	Parliament in plenum	R&D institute/ expert committee	Professional bureaucracy	Classical bureaucracy
(8) Legitimacy basis	National sovereignty, holy war	Participation+ substantive reasonableness	Participation+ sincere argumentation	Arguments on the public good	Procedure – one person, one vote	Scientific	Efficiency	Laws and regulations
(9) Political system where the type of decision is dominant	Social Darwinism	Corporate pluralism	Deliberative corporatism/ Deliberative parliamentarism	Unitary democracy	Numerical democracy	Dynamic technocracy	Static technocracy	Constitutional state

Bold indicates words used in text as labels for each type I-VIII

Table I: Rommetvedt's (2006) decision-making categories

In their article about the County Governor's role in mediations, Bjørnå & Jenssen (2006) gives a description of how several different County Governors behave in mediations and base their analysis on a theoretical foundation of Ideal Types. Even though the theoretical foundation of this thesis differs from the referenced article, it still provides valuable findings and insight into mediations. It is based on data from this article and interviews that Strategic Bargaining, Deliberative Negotiation, and Deliberation (Type II, III and IV) have been chosen as relevant logics to be applied for analysis in this study. The following subsection will give further insight as to why.

3.3.1 Strategic Bargaining, Deliberative Negotiation and Deliberation

As explained above, the logic of decision-making and negotiation applied in mediation negotiations, is adapted according to the negotiation situation and the conflict landscape of the individual objection and interests that are at stake. This essentially means that the same negotiating parties could apply different logics for different mediation meetings or even in the same meeting if there are several objections being mediated in the same meeting.

Strategic Bargaining, which is considered a strategic type of negotiation by Rommetvedt (2006), is most relevant when the negotiating parties find themselves in a deadlock characterized by conflicting interests, but where compromise can be reached. This makes it a zero-sum game where one party's loss is the other party's win (Rommetvedt, 2006). In a mediation setting this may occur in a situation where both the municipality and objection authority consider the interests in the plan being mediated as too important to give up, but still try to find solutions that are acceptable to both parties.

Deliberative Negotiation is a communicative type of negotiation and decision-making logic (Rommetvedt, 2006). It normally occurs when the negotiation is a variable sum game where it is possible for both parties to win if they reach the right conclusion (Rommetvedt, 2006).

Deliberation, like deliberative negotiation, is a communicative type of negotiation logic (Rommetvedt, 2006). The difference between the two is that deliberation is typically used in situations where preferences are not clarified in advance or the negotiation arena is designed in such a way that there is room for sincere discussion and consideration to reach a consensus-based agreement (Rommetvedt, 2006).

3.4 Summary and Expectations

The theory chapter has provided a literature review and two theoretical perspectives that will make the foundation for the analysis chapter. The literature review provides the reader with insight into an important aspect of the legal framework of the government's power over the central state administration, as well as research within aspects that will be addressed in the analysis chapter. First, the literature review introduces the instructional authority of the government over central state administrative bodies provided by the constitution which is the

legal framework of the Circular Letter and other forms of administrative instructions. Secondly, it presents the evaluation report of the Coordination project, then give an introduction to research on the Objection Institute, presenting the Office of the Auditor General's report of the Objection Institute and then presenting existing research on mediations. Thirdly, MLG is then introduced as a theoretical concept we then present the different types of MLG and dimensions that will be discussed in the analysis with regards to how the governance of the Objection Institute has impacted its actors on the local level. Finally, the theoretical concept of logics of negotiations and decision-making and the types of logics that are most relevant to this study, which will be used to discuss impact of the Circular Letter on the dynamics of mediation meetings.

In the analysis I expect to classify the Objection Institute according to what type of MLG it is. I also expect to provide a discussion on what dimensions within MLG that are the most relevant to the Objection Institute and how the Circular Letter has impacted the balance of power within it. The balance of power within the Objection Institute is to a large degree decided by the outcome of mediation meetings and decisions made by the MLM in cases that are not agreed upon locally. Logics of Negotiations and Decision-making will therefore be analyzed and discussed in the light of the negotiations and decisions made in the negotiation arenas between municipalities and objection authorities with focus on the Rogaland CGO and Sola Municipality. Together with the findings from the Empirical Data chapter, I expect that these theoretical analyzes will provide a deeper understanding of the main impacts of the Circular Letter to relation between the Rogaland CGO and Sola Municipality.

4 - Methodology

This thesis is mainly based on qualitative method, but it will also include a portion of quantitative method, as statistics will be presented and analyzed to provide a supplement to the qualitative data in the analysis.

A mixture of theory, statistics and insight from local actors contribute to an understanding of the impact of Circular Letter H-2/14 with focus on the Rogaland CGO and Sola Municipality.

4.1 Research Design

This thesis is a qualitative study conducted with an abductive research strategy. According to Blaikie (2010) the abductive strategy “adopts a bottom-up rather than a top-down approach. It tries to present descriptions and understanding that reflect the social actors’ point of view rather than adopting entirely the research’s point of view.” (Blaikie, 2010, p. 91). This study attempts to understand the Circular Letter’s impact on the Objection Institute and the relation of the actors within. As such the Circular Letter is an independent variable and the system and actors it was introduced to are dependent variables.

This study is a mixed method study because it utilizes qualitative research interviews, statistics and public documents. The statistics were generated using Statistics Norway’s statistics bank, and consequently do not contain statistics gathered for the purpose of this study alone. Subsequently, the statistics do not serve as anything more than a source of data like the information found in public documents. Qualitative research interviews, statistics and public documents, legal documents are used to gather data and create and acquire complimentary background information on changes over time to provide a context through which the impact of the Circular Letter can be understood.

The analysis of this study will be conducted as an embedded single case study (Yin, 2014). This means that even though the project sticks to one case, there will be multiple units of analysis. This case study will include two units of analysis, meaning that the aim is to gain more in-depth knowledge on how Circular Letter H-2/14 affected one municipality (Sola) and the County Governor in Rogaland’s office. The units of analysis examined in the case study will be the number of objections between 2010-2018 through the theoretical lens of Multi-level Governance with the help of statistics generated by Statistics Norway’s statistics bank, and the dynamics of negotiations and decision-making in mediation meetings (Hooghe & Marks, 2003;

Rommetvedt, 2006). This is a longitudinal case study because it examines the case at hand over a period of time. Objections were picked as a unit of analysis because the number of objections per year that have been reported to the central authorities in the same geographical area of interest prior to and after the introduction of the Circular Letter are available is the primary indicator of the Circular Letters impact.

4.2 Data Collection

The data sources for this study are comprised of three main categories: Official public documents, interviews, and statistics. These data sources were selected because they provide the data necessary to answer the research questions.

4.2.1 Public Documents

This study has relied on a variety of official public documents for different purposes. Legal documents make up the backbone for the study, as they make up the judicial framework for the Objection Institute and how the Norwegian Public Administration as a whole operates. The most central legal document in the study is the Plan and Building Act, which contains the chapters that constitute the Objection Institute and the Mediation Institute, and other central aspects of the spatial planning system, that are referred to in the study. This study also comes into contact with is the Constitution in relation to the Circular Letter. Another type of documents that are of significant importance to this study are instructional letters, commonly referred to as circular letters, more specifically Circular Letter H-2/14 which this entire study is based on.

List of public and legal documents:

Name of document	Author/publisher	Year
Circular Letter H-2/14	Ministry of Local Government and Modernization	2014
The Constitution	Ministry of Justice and Public Security	1814
The Plan and Building Act	Ministry of Local Government and Modernization	2008
The Office of the Auditor General's Inquiry of the Processing of Objections in Planning Cases	The Office of the Auditor General	2019
Sola Municipality – Objection for the	Ministry of Local Government and Modernization	2020

Municipal Master Plan's Land-Use Element 2019-2035		
New Decision – Objection to Municipal Sector Plan 668 for Fv. 47 Åkra Sør – Veakrossen, Karmøy Municipality	Ministry of Local Government and Modernization	2018
National Expectations for Regional and Municipal Planning 2015-2019 and 2019-2023	Ministry of Local Government and Modernization	2015 2019
Coordination of State Objections Evaluation of the Trial with Coordination of State Objections to Municipal Planning	NORUT – Northern Research Institute for the Ministry of Local Government and Modernization	2016
The County Governor Directive	Ministry of Local Government and Modernization	1981
Sola Municipality – Objection to the Land-Use Element of the Municipal Master plan	Ministry of Local Government and Modernization	2020

Table II List of public and legal documents

Other documents of interest have been white papers, evaluation reports, a report from the Office of the General auditor, and decisions on objections by the MLR. Some of the documents were known to the author before the study started and others have been found through a form of snowballing method not unlike the one used in interviews where articles either investigated for or used in the theory section have referenced seemingly relevant documents. Documents referenced in other documents or mentioned by informants have been investigated. Documents have also been found through search engines such as the governments internal search engine, the CGO of Rogaland and Sola Municipality's internal search engines and Google and Google Scholar.

Documents have been analyzed through the use of the search function in reader software provided by the document's format, this has mostly been PDF. Seemingly relevant content has been highlighted and returned to for review when considered to be applicable. Some investigated documents were discarded because they were deemed irrelevant. The relevant findings from the document review were used in the sections of the study where it was deemed suitable.

4.2.2 Interviews

The outline of the interview process was made based on framework laid out by Kvale & Brinkman (Kvale & Brinkmann, 2017). In preparation for the interviews an interview guide was created and adapted following feedback from my thesis supervisor. The interview guide was structured to follow a chronological timeline in order to make it as intuitive as possible for the interviewees to follow the rationale behind the line of questioning. Interviewees were offered to receive certain questions by email a day prior to the interview. This was done in order for the interviewee to form an idea of what type of questions they would be asked and provide them with an opportunity prepare accordingly. The project was approved by NSD and all interviewees signed a consent form of which a blank copy is attached, a separate consent form was made for Informant 1 at NSD's request because he is a politician. The interviewees consented to interviews being recorded and transcribed, the audio file was deleted within a week after the interview as per the conditions of the consent form.

The type of interview chosen was a semi-structured interview, where I the interviewer ask questions and the interviewees are given the opportunity to answer any which way they want. The interview guide provides the main framework for the interview, but if an interviewees response is of particular interest for the project, it is possible for the interviewer to probe further once the initial question has been answered. The interview will often become more conversational during the probing part of the interview, before steering it back on track through the use of the interview guide. As interviews were carried out, my reliance on the interview guide declined, which resulted in a more conversational approach that was directed by the guidelines. The interview guide was divided into topics and the questions under each topic were designed to start off with general questions before developing into more specific questions concerning the subject matter that is of particular interest for this study.

Questions were structured by theme. The first theme was centered around the professional background interviewee and in what way their current/previous roles brought them into contact with the objection institute. This was designed to get a soft start to the interview and have the interviewee talking about something uncontroversial, in order to get the conversation started. For each theme, questions were general at the start before probing deeper into the issue at hand. To make sure that I understood interviewees correctly and to keep the data as valid as possible, I followed Drageset & Ellingsen's (2011) advice about asking follow-up questions to clarify the informant's stance, which became helpful during the analysis (Drageset & Ellingsen, 2011).

Informants were chosen based on their affiliation with the Objection Institute and at what point they had been connected to the CGO and Sola Municipality. It was a priority to interview informants that worked at the CGO or Sola Municipality in the period before, during and after the letter was introduced. It was critical for the purpose of this thesis that the interviewee been at the CGO or Sola Municipality for a period of time after the introduction of the Circular Letter, so that they could say something about the development over time. Seven informants were interviewed. From the CGO: The previous County Governor in office 2013-2019, one department director, one department assistant director and one former plan coordinator. From Sola Municipality: The previous Mayor 2011-2019, the previous municipal sector director for societal development 2009-2019, and a current caseworker. It turned out that the caseworker currently employed in Sola Municipality in 2017, and therefore could not provide insight in development over time from the issuing of the Circular Letter, this interview was therefore not found relevant to the study. This was unfortunate because it could have been a useful perspective to include in the interview material, however it is not believed to have had a negative of the overall interview material or the findings.

Informant Number	Role	Employer
Informant 1	Former Mayor	Sola Municipality
Informant 2	Former County Governor	Rogaland CGO
Informant 3	Department Director	Rogaland CGO
Informant 4	Deputy Department Director	Rogaland CGO
Informant 5	Former Planning Coordinator	Rogaland CGO
Informant 6	Former Municipal Sector Director	Sola Municipality
Informant 7	Planning Advisor	Sola Municipality

Informants 1-6 are all considered elite informants because they have all had central positions with regards to objections and mediations. Informant 2 had the executive responsibility for the use of objections at the CGO and acted as mediator in mediation meetings. Informant 5 acted as the County Governors secretary in mediations and was responsible for planning and coordinating mediation meetings, as well as coordinating the planning work at the CGO. Informant 3 and 4 represent the departments at the CGO with the most objections, and they participate in mediation meetings as representatives of the CGO. In addition, they both have decades of work experience within spatial planning. Informant 1 was the premier representative of Sola Municipality in mediation meetings. Informant 6 was the premier administrative representative of Sola Municipality in mediation meetings. This composition of informants has contributed greatly to provide insight about the objection- and mediation institute, from both sides of the table. One can argue that the selection is heavy on the CGO, this disproportion in informants is due to receiving a higher number of positive responses from possible informants at the CGO, compared with Sola Municipality. The planning director of Sola Municipality was approached for an interview but did not respond. Informant 7 started working in Sola Municipality after the Circular Letter was introduced and did not have historic knowledge about changes that may have come about as a result of the Circular Letter, and this person also had limited experience with mediation meetings. Based on this, the interview with informant 7 was as mentioned previously, discarded.

The interview with Informant 1 was the first interview conducted, and was therefore partly considered as a test interview, however, findings from this interview turned out to be solid. I therefore concluded that the interview guide was useable in the form that it had when the first interview was conducted and only made minor adjustments to it. The first interview was the only interview to be conducted face to face, the other interviews had to be conducted via telephone due to the COVID-19 outbreak, how this affected data quality will be discussed in section 4.5.

4.2.3 Statistics

In this thesis statistics are used to provide a numerical illustration of the effect of the Circular Letter. The statistics used are generated by processing statistics provided by Statistics Norway, through their website. On their website Statistics Norway provide two tables that show the

number of objections for the entire nation, but also which objection authority that raised objections and the justifications for them. The tables are:

- Table 12679: Number of plans with objections and number of objection grounds for municipal master plans, municipal sector plans and zoning plans, by region, objection authority, grounds used for objections, statistical variable, and year 2015-... (Statistics Norway, 2020).
- Table 10505: Land-use and societal planning. Objections to plans. Basis numbers, by region, justification, authority, statistical variable, and year 2010-2017 (Statistics Norway, 2017).

There are some differences between the tables, aside from the time periods they cover. The significant difference for this study is that Table 12679 provides a variable just showing how many plans received objections, and not just the number of objections raised as a whole. This is a sensible nuancing of the statistics; however, it is not an object of analysis in this study. The reason why this nuance is being mentioned is because I did not discover it at first and therefore came close to presenting misleading statistics in the study. Pictures will be provided in the attachments to show the difference in the statistics generator.

4.4 Data reduction and analysis

For the reduction of data from the transcribed interviews this study is inspired by Kvale & Brinkman's (2017) meaning concentration and meaning interpretation. As mentioned, interviews were audio recorded and transcribed. After transcription, the text of all interviews was reviewed in full and divided into dominant themes. Word documents were created for each of the dominant themes and text from the interviews copied into the correlating document and the meanings of interviewees concentrated (Kvale & Brinkmann, 2017). Text was color coded according to the informants, meaning that each informant assigned a separate color in order to differentiate which informant had different quotes. Based on this the meaning of the informant's statements are interpreted and presented in the empirical data chapter, according to theme, and further analyzed in the analysis chapter.

Public documents such as the Plan and Building Act, the Constitution, the evaluation report of the Coordination Project, white papers about the County Governor's role and the planning system, statements made by the County Governor Office of Rogaland and decisions made the Ministry of Local Government and Modernization and more were reviewed for the study.

Relevant sections of text were highlighted, and the documents returned to if the theme that they covered was being referred to in the writing process.

4.5 Assessment of data quality

4.5.1 External and Internal Validity

This thesis relies on data from qualitative research interviews. A common criticism of interviews is that their findings are not valid because interviewees information could be untruthful (Kvale & Brinkmann, 2017). Two common ways of measuring validity is by testing for internal and external validity. External validity denotes that the results from a study of a limited scope can be generalized and as such can be considered to be applicable to a larger amount of data than was studied (Dahlum, 2018). Internal validity is used to describe whether the findings of an experiment or study answer the research questions. Definitional validity is a type of internal validity that assesses whether the researcher actually measures what he wants to measure (Dahlum, 2018). In this study the definitional validity indicates how well theory bridges together with the empirical data.

Two thirds of the source material used in this thesis is generalizable as they are generic data; public and legal documents and statistics from Statistics Norway based on reported data. The external validity of this study therefore depends on the generalizability of the interview data. The Circular Letter applies to all 21 central state objection authorities of which many have several regional offices and of which there are 17 County Governor Offices, the 19 county municipalities and 422 municipalities (all pre 2019 and 2020 numbers). Even though the scope of this study has been purposely limited to keep the size of the project manageable within the master thesis requirement, the fact of the matter is still that representatives of one CGO and one municipality was interviewed. For this study to be considered as having external validity it must therefore be understood based on its local context.

However, the goal of a qualitative abductive study is not to produce research that is directly generalizable but to seek better understanding of a social world by incorporating the social actors' point of view (Blaikie, 2010). Through choosing this form of approach I accept the possibility that the relevance of the knowledge produced can be limited in terms of time and space but accepting and acknowledging that relativity of the knowledge produced does invalidate it (Blaikie, 2010).

Internal validity will be checked according to definitional validity, explained in the introduction to this subsection. I have tried to maintain the study's definitional validity by reflecting on key issues during interviews and during the writing process. Because semi-structured interviews were chosen, questions could be adapted during the interviews so that the information received was valid. As previously mentioned, follow up questions were also asked during interviews to confirm the information received or expose any misunderstandings. The interview guide was designed based on the problem statement and research questions. The information received from informants were to a large degree coinciding and provided a high degree of answers directly relatable to the problem statement and research questions.

4.5.2 Reliability

Reliability is of equal importance to research as validity. According to Jacobsen (2015) reliability implies whether the same results would be generated if the same inquiry was conducted again. The choice of data collection method can impact reliability to a large extent. The researcher's presence can impact the results, so called interview effect (Jacobsen, 2015). Therefore, I tried to create an equal relation between the informants and myself, to make sure that the information they provided would be as reliable as possible. A challenge when it comes to the selection of informants is that they are elite informants with a lot of experience within the field of planning, all of them have at least one decade of experience and most have held senior positions for a considerable number of years. This opens up to the possibility that they can use their experience and knowledge to not answer truthfully, and yet make the researcher believe that they do. I have therefore fact checked random bits of information given by informants to make sure that the information is reliable, and all sampled bits of information turned out to be factual.

There are also bits of information that are not verifiable through other sources, this is the information provided about how discussion and mediation meetings are conducted, because I have not been able to find written procedures on it and according to informants there are no written procedures. However, it is reasonable to assume that the same information would be generated on the matter if the same inquiry were to be repeated, as it is not sensitive information. This information could have been quality checked by the researcher attending one discussion meeting and one mediation meeting as an observer, but limited time and the COVID19 outbreak prevented it. The information provided by all informants on discussion and mediation meetings is fully coinciding. There are possible weaknesses in the information about discussion meetings. In hindsight further questions could have been asked about discussion meetings to get more

extensive information about them and the interview guide could have been adjusted to include questions about discussion meetings. The interview guide was, however, already quite extensive and interviews lasted between 45 and 75 minutes, and further questions could have extended the length of the interviews. All but two informants, were interviewed during work hours and could not spare more than one hour at the most.

Having a majority of informants from the Rogaland CGO could possibly weaken the reliability of the study because it makes findings from informants from Sola Municipality less quantifiable. Potentially relevant informants in Sola Municipality were approached but did not answer the interview request. The interview with the advisor in planning section of Sola Municipality was, as mentioned, discarded because the person in question started working in the municipality after the Circular Letter was issued, and as such could not provide information about the changes before and after 2014. Since there are multiple informants from both entities which allows for quality assurance of the information measured against each other the findings should be sufficiently reliable.

4.6 Reflections and challenges

One of the main ethical challenges of this study is possible researcher bias. As explained, I had a relationship of employment working in the planning section of the department of environmental protection at the Rogaland CGO in the semester prior to starting on the thesis and during the period in which the thesis was written. This puts my role as the researcher in a position of having a bias towards the viewpoints of provided by informants from the Rogaland CGO. This issue was on my mind continuously during the thesis writing process, during interviews and the analysis of interviews. This was particularly true in gathering information from informants from Sola Municipality to make sure that findings from these interviews were as sound as possible so that they could be used in the thesis text and source material. As such I was fortunate in my selection of informants as they were outspoken and truthful to their subjective opinions and perceptions in the interviews. As an employee at the Rogaland CGO I enjoyed the benefits of the insider effect, described by Jacobsen (2015). However, I also had to be aware of any blind spots (van Hecke, 2007; from Jacobsen, 2015) on my own behalf on how the Objection Institute is viewed and understood at the CGO, but I was aware of this and tested any assumptions I had with interviewees from Sola Municipality and was corrected on one occasion by informant 6, but it did not have an effect on the rest of the interview. As the idea

for the thesis was inspired by my time as an intern at the Rogaland CGO, I was welcomed by the informants affiliated with the CGO with openness and sincerity, and I was not suspected of having an ulterior agenda. Furthermore, I have not felt the need to sensor myself at any point in the process, as it is the information provided by the informants that forms the basis for answering the problem statement and research questions in accordance with the abductive research strategy.

Another key challenge to this thesis is the research ethical right to privacy for informants. All informants in this study hold or have held key positions in the spatial planning system or politics. As such identifying them according to their roles makes them easily identifiable for others working within the system. However, it could be argued that having such a role makes the person in question a public person and as such the degree to which they have the same right to privacy as a normal caseworker can be debated. Two consent forms were made, one for politicians and one for the other informants. All informants mentioned in this thesis signed the consent form and as such agreed to be identified according to current or previous positions affiliated with the Objection Institute, which has been adhered to.

Another ethical aspect is that I, as a researcher, knew four of seven informants prior to requesting an interview with them. The informants at the Rogaland CGO I knew professionally from having worked there, and the former mayor of Sola I know through common friends who are members of the Conservative Party. There is a slight possibility that my relations with specific informants may have affected the information they gave me. They may have provided me with more direct information compared to what they would give to a person they had no prior relation to. This may have impacted the reliability of the findings. But this is solely an ethical speculation. People of prominent roles, such as the informants in this thesis, normally have a high degree of professional integrity and as such it is more likely that my prior relation to them had no impact on the information provided.

5 - Empirical Data

This chapter presents findings from statistical data provided by Statistics Norway and interviews conducted with actors affiliated with the County Governor of Rogaland's Office and Sola Municipality. Findings will be presented under headlines and themes reflecting the research questions. As a disclaimer I therefore specify that specific findings presented in this chapter only applies to Sola Municipality and the County Governor in Rogaland's Office and cannot be viewed as general. Findings presented might provide ground for further research to test whether they are applicable or transferable to similar objects of research.

5.1 Changes in Number of Objections Annually (2010-2018)

To gain further understanding of the impact Circular Letter H-2/14 has had on the Objection Institute, it is useful to examine statistics on the number of annual objections at the national, regional and local levels with focus on Rogaland County and Sola Municipality. We will study the number of objections on national level, number of cases decided by the Ministry and their outcome and number of objections in Rogaland. Statistics on objections are available in the statistics bank database provided by Statistics Norway.

5.1.1 National Statistics

Both tables are used due to the time periods they cover. The most recent table (12679) does not cover any years prior to the issuing of Circular Letter H-2/14. Statistics are generated with help of databases at Statistics Norway and illustrates the development in number of annual objections nationally, from 2010-2018.

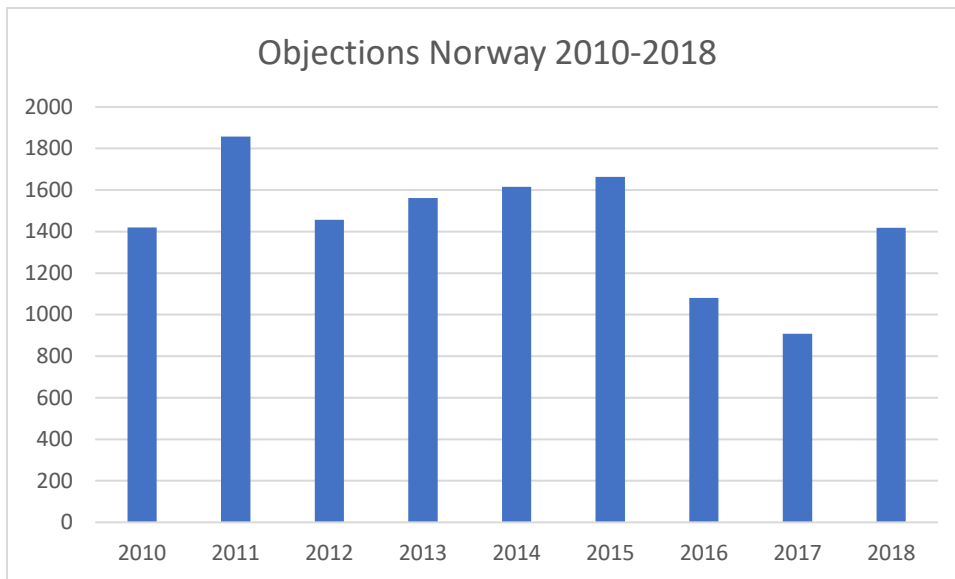


Figure I

Figure I demonstrate a clear decrease in the number of objections from 2010-2018, starting in 2014. In addition, Figure I also indicate an increase in the number of annual objections in year prior to and the year of local election years. The period of measurement has local elections in 2011 and 2015. There is, however, not enough data from local election years to ascertain whether this is a trend, but there is enough data to make a reasonable assumption that it is. Figure II shows the number of annual objections on average, in the period before and after the Circular Letter was introduced in 2014. According to the statistics from Statistics Norway there has been, a decrease of 17% in objections per year in 2014-2018 compared to 2010-2013.

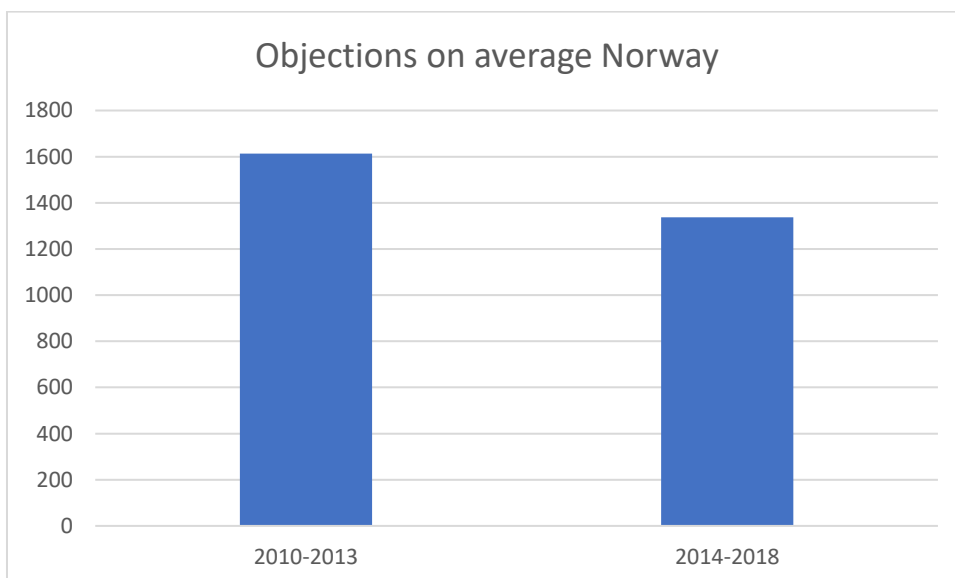


Figure II

5.1.2 Objections decided by the Ministry

When a municipality and an objection authority cannot agree on a solution for the objection it is sent to be decided by the Ministry of Local Government and Modernization, as is the procedure established by the Plan and Building Act chapter 5-6. According to the Ministry, they receive between one and two percent of all plans adopted annually for decision after mediations (MLM, 2018). In 2018 the Ministry posted an illustration and overview of the development in the number of cases received for their decision and the outcome of their decisions, from 2008-2018. At this point, it is important to remind the reader that the responsibility for deciding objections was moved from the Ministry of Environmental Protection to the Ministry of Local Government and Modernization when Circular Letter H-2/14 was issued.

Figure III shows (found below) that there has been a change in several factors since the Solberg-government assumed power, after the 2013 national election. The most noticeable change in Figure III is the number of cases where objections have been sustained (green), partly sustained (yellow) or overruled (red). In the 2010-2013 period decisions have according to the Ministry and the Office of the Auditor General, gone in favor of municipalities in 43% of cases, compromises have been found in 26% of the cases and decisions have gone in favor of objection authorities in 31% of the cases. In the 2014-2018 period 21% of objections were sustained by the Ministry, 30% were partly sustained and approximately 50% were overruled. The numbers also show that the Ministry assess fewer cases per year on average after 2014 with 32 cases per year on average from 2010-2013 to 25 cases per year on average from 2014-2018 which is a decrease of 22% fewer cases per year on average.

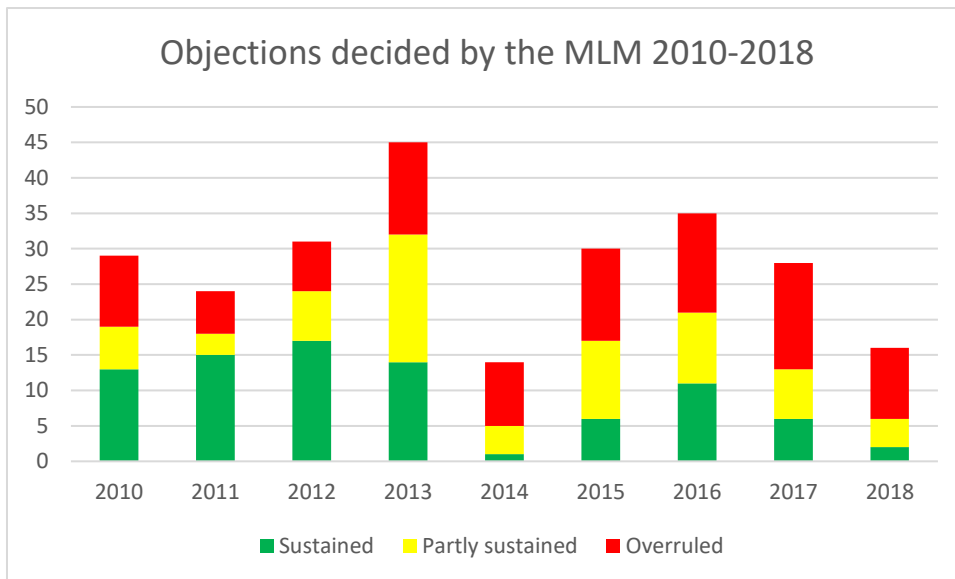


Figure III

5.1.3 Objections in Rogaland and Sola

It is also of interest to this project to study what effects the Circular Letter had on objections in Rogaland county in general, objections from the County Governor in Rogaland and objections in general and from county Governor against Sola Municipality.

The number of objections in Rogaland has varied substantially, both before and after the Circular Letter was issued. Figure IV indicates that the number of objections seem to vary in conjunction with local election cycles. The numbers provided in the statistics covers the period 2010-2018, and in this period, there has been two local elections: in 2011 and 2015, respectively. The years leading up to and the actual election years see a higher number of objections, which would explain the high number of objections in 2015 although the Circular Letter was issued the year before. From 2016, there is a clear decrease in the number of objections according to the Statistics. This may be due to the revision of municipal master plans that occur at the end of each election period, and which according to Informant 6, is a comprehensive process that extends over two to three years. Rogaland has seen a 22% decrease in number of annual objections, on average, since the Circular Letter was issued in 2014. Figure V also show that the County Governor has a big majority of objections in Rogaland.

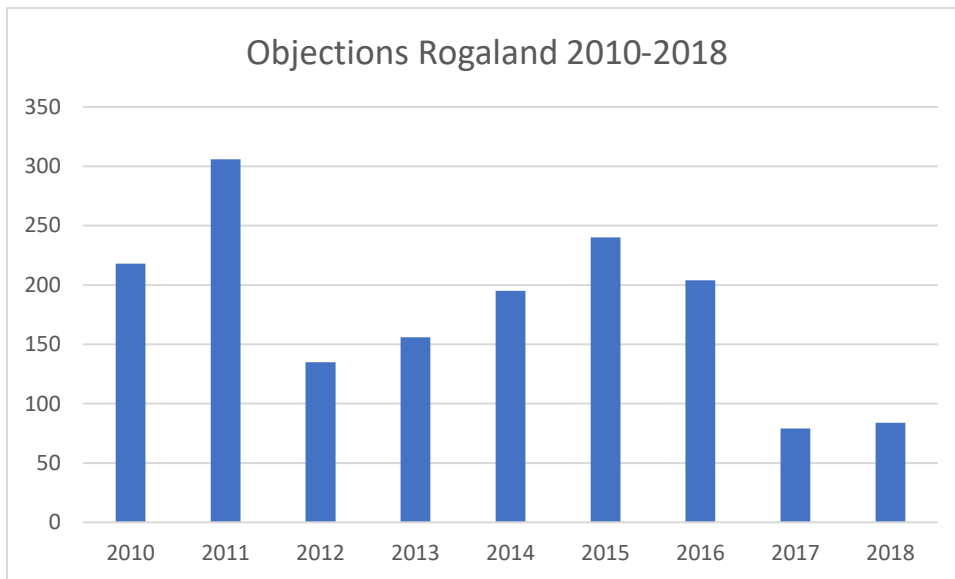


Figure IV

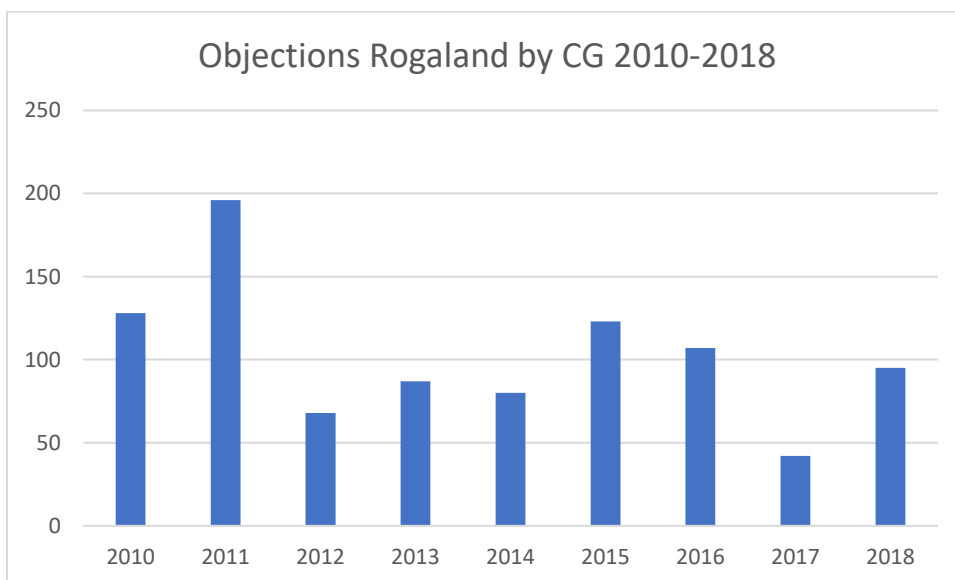


Figure V

The overall decrease in objections for Sola Municipality has been significant in the period. One factor in the overview for Rogaland County also asserts itself here, which is that objections spike in the year leading up to a local election and in the election year itself. The municipality has seen steadily low numbers of objections since 2014, but a rise in objections leading up to the end of election cycles.

The Figures show that are variations in annual objections between different years in the period leading up to the introduction of the Circular Letter and after. To provide a more nuanced picture I have therefore calculated objections received per year on average before and after the Circular Letter was issued. In the period 2010-2013, Sola Municipality received 29 objections

on average, annually, while in the period 2014-2018 they received 18 objections on average annually. This amounts to a reduction in objections of 38% per year on average since the Circular Letter was issued. It should be mentioned that numbers for objections in variable municipal master plans and municipal sector plans, for 2013, are lacking and were calculated as zero. This could possibly affect the average if there were objections in this variable during the year in question. It should also be mentioned that even though numbers are lacking when reviewing the County Governor’s objections in the same variable for 2018. The County Governor’s Department of Environmental Protection did, however, provide the numbers upon request and reported that there are registered 13 objections for 2018. As it is revealed that the County Governor has a majority of the objections in this variable on the county level in Rogaland, it is assumed that these numbers, which will be addressed shortly, have made it into the variable when it comes to objections raised by all authorities.

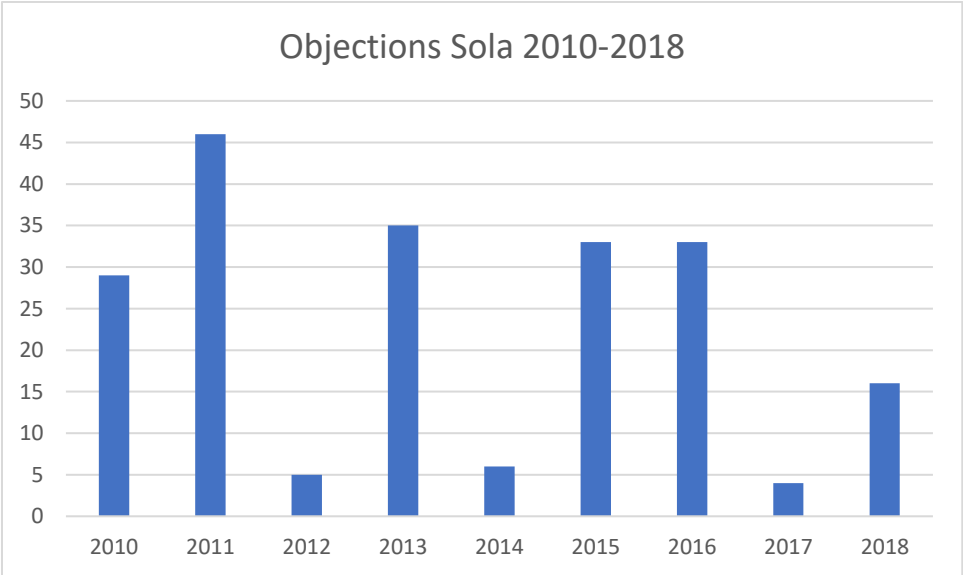


Figure VI

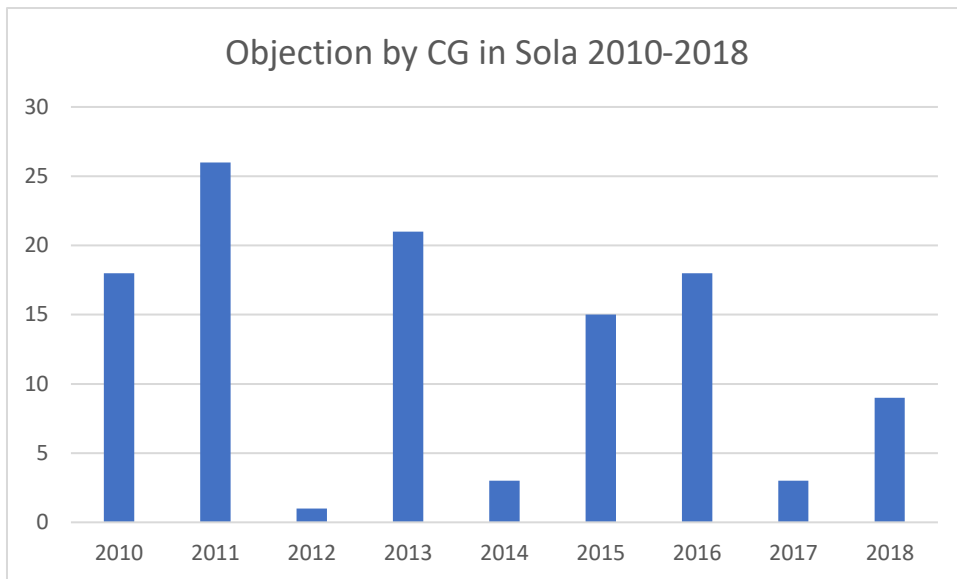


Figure VII

As is evident there are likely to be some deviance in the numbers reported and registered in the Statistics Norway's databases in different variables. It is also mentioned in the Office of the General Auditor's report that there are inaccuracies in the reporting of objections to central authorities (Office of the Auditor General, 2019).

It is common that municipalities revise their municipal master plans and municipal sector plans at the end of election cycles, which could possibly explain the spike in objections. The high number of objections in 2016 could possibly be explained the making of new and/or revision of old municipal sector plans.

5.1.4 Summary statistics

Findings from 5.1.1 indicate that the decrease in statistics on the national level has been modest at 17%, based on annual objections on average, in the periods before and after the introduction of the Circular Letter. 5.1.2 indicates that the Ministry sides with the municipalities more often after 2014, with an increase in objections overruled from 26% from 2010-2013 to 50% from 2014-2018. The numbers also express that the Ministry assesses 22% fewer cases annually, since the Circular Letter was issued in 2014. Numbers from both Rogaland County and Sola Municipality show that the Rogaland CGO has the majority of objections, it is also demonstrated that the number of objections tend to spike at the end of election cycles, which is also observed nationally. Rogaland has seen a 22% decrease in the number of objections per year on average and Sola has experienced a decrease of 38% in the number of objections per year on average since the Circular Letter was introduced.

Overall, there has been a modest but noticeable reduction in the number of objections per year on average on all levels of administration since the Circular Letter was introduced. The most significant change can be noticed in how cases are assessed in the Ministry where cases that have been overruled have nearly doubled from 26% to 50% after 2014.

5.2 Changes in Governance

When it was released in 2015, Circular Letter H-2/14 introduced several new aspects to the objection institute when it was. This section will present findings from interviews with regards to opinions expressed by informants on what they deem to be positive aspects of the Circular Letter, critical remarks to the letter and their opinions regarding the general governance of the Objection Institute following the introduction of the Circular Letter.

5.2.1 Positive Aspects of Circular Letter H-2/14

When the letter was issued it was generally well received both by the County Governor of Rogaland's Office and Sola Municipality. The letter was designed a guideline on the use of objections. The letter was, however, not a state planning guideline which is covered in the Plan and Building Act chapter 6-2 and must be sanctioned by parliament, but an instruction as covered by the Constitution chapter 3 (The Constitution, 1814), which provides the government and ministries with instructional authority over all other organs in the state administration. The letter has several sections and in the following chapters the findings regarding the various sections will be presented, followed by findings regarding the choice of governance tool by the government to implement its policy.

Section 2, of the Circular Letter, reviews and describes different aspects of the Objection Institute. Informants' view the letter as a clarification of aspects of the objection institute, which can be found in this section. For example, in section 2.1.3 it is stated that "an objection should not be raised simply to get into dialogue with the municipality in question, but only when there is a real basis for objection" (MLM, 2014; My translation). Informants, both present and former employees at the County Governor of Rogaland's Office consider this an important clarification on how objections should and should not be used. Informants at the CGO state that this has not been a big issue in Rogaland, but that it was nonetheless a useful clarification, to remove any doubts on the issue.

A common practice throughout Norway, prior to the introduction of the Circular Letter was that the County Governor and other objection authorities would notify municipalities of possible objections during the plan start phase, in their statements. In section 2.1.4 the letter states that “... the objection itself shall only be raised in connection to the hearing of the plan proposal...” (Ministry of Local Government and Modernization, 2014; My translation). After the letter was issued, the word *objection* could not be used in other statements than to the actual hearing of a plan. Informants at the County Governor’s office viewed this as an important clarification of how and when the word objection should be used.

Further clarification is also made in in section 2.3.2, concerning the justifications for objections and when an objection should be raised. The letter states that “... Objections should only be raised where it is necessary use this instrument to safeguard national or important regional interests...” (Ministry of Local Government and Modernization, 2014; My translation and underlining). Informants at the County Governor’s office points to this as an important clarification for the circumstances that constitutes the foundation for raising an objection.

The letter also contains an attachment that lists all the objection authorities at that point in time, namely February 2014. This list, together with elements mentioned above, caused Informant 5 to state that the letter was a useful reference work on the Objection Institute, with particular reference to the list of objection authorities. The same informant stated that the letter was a necessary clarification of how and when objections should be raised, particularly with reference to the wording “only when necessary” and in regard to “national and important regional interests”.

Informant 1 gave the impression of being especially pleased with the letters wording on local self-governance being mentioned as particularly important. It is mentioned several times in the letter, with one example being “It is assumed that objection authorities show great caution in overruling the municipal boards political discretion in local affairs” and another and perhaps most importantly “Objections shall strive to be resolved locally” (Ministry of Local Government and Modernization, 2014; My translation).

Another aspect of the Circular Letter according to informants is that it announced that the responsibility for deciding cases that were sent from mediations to be decided at the Ministerial level was moved from the Ministry of Environmental Protection (now Ministry of Climate and Environment) to the Ministry of Local Government and Modernization. The department that

held this responsibility was moved between ministries, meaning that the same people were still in charge of objections at Ministry-level, according to Informant 3. Among informants both from Sola Municipality and the County Governor's Office this was initially well received and viewed as a natural development of the Objection Institute, because it was moved to the Ministry that would also have the administrative responsibility for the County Governor's and that did not have responsibilities for any of the sector interests most often involved in objections against the municipalities (Ministry of Local Government and Modernization, 2014). Informant 3 described it as a natural maturation of the objection institute and the spatial planning system. Particularly with regards to all aspects of the spatial planning system being united in one Ministry, pointed out by Informant 2, as a long-awaited change.

5.2.2 Critical Remarks Against Circular Letter H-2/14

There were many aspects that were viewed as positive in the Circular Letter, however, informants also raised criticism about it. Informants at the County Governor's Office pointed out that if the government truly wants to see change in how objections are used over time, they should follow standard procedure and change state planning guidelines, regulations or the Plan and Building Act itself. According to informants, the Circular Letter puts case workers at the County Governor's Office in a conundrum. They are tasked with following the Plan and Building Act and certain sector laws, but the Ministry can still decide cases in the municipalities favor even though they support the County Governor's arguments, justifying their decision solely on municipal self-governance as a leading principle.

Informant 3 criticized Circular Letter H-2/14's impact on the predictability and transparency of the objection institute. The informant claimed that the County Governor and other state regional authorities conduct their assessments of plans on the formal framework, which is provided by the Plan and Building Act, regulations, State Planning Guidelines and sector laws and provides clear guidance as to what should be prioritized. In a hierarchy of importance laws, regulations and state planning guidelines comes before instructions from a minister. However, since the Circular Letter was introduced the Ministry of Local Government and Modernization, greater emphasis on has been placed on municipal self-governance, which in many cases contradicts the interests of the aforementioned laws, regulations and guidelines.

Informant 3 used “Fylkesvei (FV) 47, Åkra sør – Veakrossen” in Karmøy Municipality as an example. In this case the municipality wants to build a bypass road to guide traffic away from the town center in the town of Åkrehamn, in order to develop the town center in the future (Ministry of Local Government and Modernization, 2018b). However, the preferred route transects a natural reserve containing several species that have been defined nationally important species for preservation. Additionally, the project invades a large area of uninvaded nature and natural landscape. These two points made the County Governor raise an objection. Based on these conflicts of interest the Ministry of Environmental Protection (that was responsible for deciding objections at the time) decided in favor of the County Governor’s objection, in 2012. However, in March 2014 the municipality decided to resume work on the municipal sector plan for the new FV 47, and the County Governor upheld its previous objection (Ministry of Local Government and Modernization, 2018b). The parties tried to resolve the case in mediation, but were unable to reach an agreement, consequently the case, in 2016, was sent to be decided by the Ministry of Local Government and Modernization. The ministry did not disagree with the County Governor’s arguments in the objection but stated that “Great consideration is given to local democracy and the goal of facilitating more local adaptation of land use policy.”. They overturned the objection on the basis that the municipality was familiar with the conflicts of interest and had taken these into consideration in the political assessment of the case (Ministry of Local Government and Modernization, 2018b). The case was tried again in 2018, after the Civil Ombudsperson had assessed the case and given the following statement:

The ombudsperson has concluded that the Ministry's decision does not meet the requirement in chapter 7 of the Nature Diversity Law, and that there is reason to doubt whether this error may have had a decisive effect on the content of the decision. Among other things, questions are being asked of the great importance the Ministry has placed on the consideration of local self-governance in a case in which there are national interests. The Ombudsman requests that the Ministry re-examine the case. (Ministry of Local Government and Modernization, 2018b)

The Ministry upheld their decision, with the stated that the requirements in Nature Diversity Law were met, but that they were not clear enough in the justification. Additionally, the Ministry suggested measures to preserve the natural interests somewhat, like constructing a culvert to create a natural pathway over the road (Ministry of Local Government and Modernization, 2018b). The point of illustrating the case flow in such detail is to show how the Circular Letter is a method of governance that is exercised through instructions and political

discretion, rather than by changing the judicial framework. For that reason, Informant 3 disagrees with the minister's choice of strategy in changing the practices and legal customs of the objection institute through hands on political governance, stating that: "It is the political decisions in the Ministry that I think shake our foundation. They should have had patience. They should have worked on the system so that they could change it. So that it became predictable." (My translation).

5.2.3 Changes in Practice for Raising Objections

When asked if the Circular Letter had an affect the threshold for raising objections, all informants except one (4) at the County Governor's Office, agreed that the threshold had been elevated for raising objections. Informants from Sola did not notice much change in the number of objections in their municipality. Two of the informants at the County Governor's Office pointed out that the change in the threshold for objections instigated by the Circular Letter needs be seen in the context of two other factors as well; the rhetoric from the Ministry such as mentioned in the example above and the Coordination Project (Nyseth & Buanes, 2017) referred to in the context chapter. Informant 5 was very insistent: "You can site me on saying that the threshold changed, but I do not want it to be pinned on the Circular Letter alone".

When asked whether the threshold for sending objections to be decided by the Ministry changed, the answers differed. All informants from the County Governor's Office agreed that threshold for sending objections to the ministry had been elevated for them. But it should be mentioned that the introduction of the Circular Letter coincided with the accession of a new County Governor in Rogaland which finished the tenure in 2019 and is Informant 2 in this study. Informant 2 made it clear that it was an important priority during the entire tenure to strive to find solutions to objections locally, and that it would have been just as important regardless of the Circular Letter. Other informants at the CGO stated that after they started receiving letters from the Ministry overruling objections because of considerations for local self-governance the threshold was raised. Informant 1 said that his threshold was not changed and that he was under the impression that Sola had a high number of cases decided by the Ministry before his term too. But the fact that the Ministry decided a higher number of objections in the municipality's favor in the period shortly after the Circular Letter was introduced gave him a sense of stronger confidence in mediations and an experience of a more leveled playing field between the municipality and the state. Informant 6 did not notice much

difference from the County Governor right away, but stated that he did notice that politicians in the majority in Sola, which had a mayor from the same party as the minister, had a stronger confidence that cases would be decided in their favor if sent to the Ministry. The informant did however state that the County Governor representatives in mediations showed bigger will to negotiate as time progressed after the Circular Letter was issued.

5.2.4 Summing up

Several aspects of Circular Letter were well received by all informants. Informants from the CGO saw it as clarifying as to when objections should be raised, the need for clear justification and the use of the word objection and that objections should not be raised just to get into dialogue with the municipality.

Informants were critical towards the use of a Circular Letter to create changes in how the Objection Institute was used. Informant 3 pointed out that the changes in how objections are assessed by the Ministry have had a negative impact on the predictability and transparency of the Objection Institute with reference to FV 47 in Karmøy Municipality. Both are important principles mentioned in the purpose statement of the Plan and Building Act (2008).

Informants from the CGO agree that the threshold for raising objections has been elevated. They also agree that the threshold for sending cases to be decided by the Ministry has been elevated. Informant 6 also agrees that there was a change in the will to negotiate in mediations sometime after the Circular Letter was introduced. The threshold for sending cases to be decided by the Ministry did not change for Sola.

5.3 Dynamics of mediations

When the County Governor's Office or another objection authority raises objections and municipalities disagree with the objection, they are required by the Plan and Building Act Chapter 5-6 to conduct a mediation. If the parties cannot reach an agreement in the mediation, the same section requires that the plan shall be sent to Ministry to be decided (PBA, 2008). The Circular Letter stresses that parties must strive to resolve objections at the lowest possible level (Ministry of Local Government and Modernization, 2014). How procedures commence after an objection is given varies slightly from county to county according to informants at the County Governor's Office. However, the Plan and Building Act chapter 5-3 require all counties

to have a regional plan forum where "... state, regional and municipal interests are clarified and sought coordinated for the work on regional and municipal master plans." (PBA, 2008). In Rogaland there is a procedure for discussion meetings between municipalities and the objection authorities before mediation meetings. Informants from both the County Governor's Office and Sola Municipality highlights these meetings as efficient and useful and say that most objections are resolved at this level. Usually only the most complicated and conflicted objections remain after these meetings, which must then be mediated over.

Having explained the judicial foundation for mediations as well as the procedure of discussion meetings, which is particular to Rogaland, attention can now be brought to findings concerning discussion and mediation meetings.

5.3.1 Discussion Meetings

Before a mediation meeting there is a discussion meeting between the municipality and the objection authorities. When an objection is raised the municipality usually requests a discussion meeting. Who is present at a discussion meeting is dictated by the municipality, and who they send, as the County Governor will attempt to match the hierarchical staff rank of whoever the municipality sends as their representative(s). In many cases it is case workers who are present in discussion meetings. Case workers or whoever is present will have authorization to make decisions and clear instructions on what can be accepted or not. Discussion meetings are not regulated by any procedures, but the present actors discuss the objections and try to resolve them. One informant at the CGO states that administrative representatives from the municipalities often have a feel for what is going to be acceptable to for the politicians and not as well. Informants from both Sola and CGO agree that this is an efficient way of resolving objections, and state that most objections are resolved at this level. Informant 4 at the CGO estimates that between 0-5% of objections go to mediation.

5.3.2 Mediation Meeting Procedures

According to informants there are no written rules, procedures, or guidelines on how mediations should be conducted. Procedures for how mediations are conducted may therefore vary between counties according to informants from the County Governor's Office, and the procedures that are in place have developed over time as customary procedures rather than written. Renditions of procedures for mediation meetings found and presented in this study might therefore only be

applicable to Rogaland and cannot be viewed as representative for how mediation meetings are conducted nationwide.

Mediations come into place when a municipality requests it, the municipality also decides which objections will be mediated over. Both municipalities and the County Governor have preparational routines for mediation meetings, such routines vary between municipalities.

As already mentioned, it is the municipality that formally decides which objections are mediated, and the CGO and the municipality will agree on an agenda for the mediation. According to informants it can be demanding to find a mediation date because there are several actors that must be present. It is the CGO's responsibility to coordinate and set a date and time for the mediation.

Informants at the CGO say that their preparations to a mediation meeting starts when the objection is written in the County Governor's statement to a plan. Case workers and leadership must think about whether the objection in question will be sustained if sent to be decided by the Ministry. Informants also say that this process have had the effect of rising the threshold for raising objections. Before a mediation meeting, the County Governor and department directors have internal preparation meetings. According to an informant the CG plays the role of the devil's advocate in these meetings to make sure that the department directors are properly prepared for the meeting and have thought through possible solutions for the objections in question, and have a clear opinion on how far they will go resolve the objections.

Informant 6 state that preparations starts at the developmental stages of the plan and that they know when to expect objections but might get caught by surprise by the magnitude of objections and that some objections might come as a surprise. Politicians, administrative leadership, and case workers meet prior to discussion meetings for briefings and to clarify how far they will go to resolve objections there. The same procedure is repeated before a mediation meeting.

Who is present at a mediation meeting varies according to the municipality in question and how many objection authorities are involved. However, there are always representatives from the political and administrative leadership in the municipality, one or more department director from the CGO (if they have objections), the County Governor which is the mediator and a mediation secretary, which are neutral parties. Who represents the other objection authorities

vary according to informants at the CGO. The County Council is always invited to send representatives and are often present, and if the County Council have objections the County Mayor participates as its representative. What is important is that all the top-ranking representatives of the present entities have or have been authorized with decision-making authority on behalf of their entity.

At the mediation meeting the municipality sits on one side of the table and objection authorities on the other. The County Governor and the mediation secretary sit at the end of the table. The procedural matters of a mediation meeting are heavily regulated. Firstly, who speaks in the meeting is dictated by hierarchical line of the entities present, meaning that the County Governor addresses the highest-ranking representative of the individual entities. So, if the County Governor for example addresses the municipality it is mayor that can speak and can choose whether to pass the word on to someone else from municipality's delegation.

The mediation usually starts with an introduction by the County Governor about the objection-and mediation institutes and that the ambition of the meeting is to come to an agreement. Parties then go on to negotiate about the individual objections according to the pre-agreed meeting agenda. Before negotiations about an individual objection starts there is a presentation about, then the municipality presents their view and the objection authority in question presents their justification. It then varies how makes a proposal to resolve it, sometimes it is the municipality, sometimes the objections authority and sometimes the County governor and/or the mediation secretary. Normally after a proposal has been presented there is a break for the delegations to discuss among themselves and then they get back to the table to discuss the proposal in more detail, dismiss it, come with a counter proposal or propose a compromise. If the atmosphere gets too heated, which it might, there is normally a break and where coffee, tea and snacks are served to lighten the mood.

5.3.3 Changes and Challenges

Informants from both the County Governor's Office and Sola Municipality agree that the County Governor herself is in a demanding position in mediations. On one hand she is the top executive of the Office as an objection authority and on the other she is a neutral party seeking to find solutions to complex issues and conflicts of interest in mediations. A former County Governor stated "... it was a demanding double role for me, but I tried as best I could to stay neutral throughout the meeting."

As well as the County Governor having a demanding double role, the County Governor's Office is under cross pressure. This situation is acknowledged by Informant 6:

The CGO is in a pressured situation. After all, they have a mandate from the state, and they probably feel that this is what they adhere to and steer and mediate accordingly. Meanwhile they may often have felt that the Ministry went a little far in favoring municipalities in their decisions, when at the same time they (CGO) had a clear state mandate to steer after.

The informant indicates through this quote that employees at the CGO have state mandates and judicial frameworks in the form of laws, regulations, and state planning guidelines that they are required to adhere to in their review of plans submitted for hearing by municipalities, while the MLM might have adhered more to the Circular Letter in their decisions of objections.

Informants state that in many mediations there is a give and take attitude among the involved parties if they do not have interests that are directly in conflict with each other. In a mediation with four objections the County Governor might for example waive three objections to have one, which is particularly important to them, accepted by the municipality. In other mediations, negotiations might reach a deadlock where a solution for an objection that cannot be agreed upon, in which case it is sent to be decided by the MLM. The former County Governor stressed in the interview that she and her employees showed great flexibility to find compromises and avoid sending objections to the MLM. Informant 3 stated that:

... We should celebrate not having to send cases to Oslo! ...Compromises are not always well received internally, sometimes coworkers ask; how could you agree to that!? And sometimes the compromises are really stupid, and other times they're pretty clever. But there is real mediation and in most cases a willingness to come to an agreement.

Informants at the CGO all agree that as time passed and they received objections back from the Ministry that had been decided in the municipality's favor because of the emphasis placed on local political discretion and self-governance, the threshold was elevated for sending cases to be decided by the Ministry.

Sometimes negotiations can get a heated atmosphere if there are strong conflicts of interest. The former County Governor had a trick of always having a bag of Twist (chocolate) and ready to be served in a break if tensions arose to lighten up the atmosphere in the room. Informant 4 tried to provide an example:

... they are knowledgeable and objective people most of the time, but sometimes it can get a little tense, with sharp statements from both sides of the table: You have to understand that this business interest is important, we're talking about 100 jobs and you're sitting here and nagging about 12 acres of cultivated farm land. Then I might say from the other side of the table: But hello, there are national interests related to this, we have to fight for every acre, it is as if it were protected even though it's not.

Informant 1 it clear that his strategy was most often to get confrontation as soon as possible in the meetings to get it out of the way on move on with negotiations with varied success in terms the municipality getting its way.

Sometimes if it is very clear that there are no grounds for agreements between the negotiating parties, they see it as positive to send an objection to the Ministry to be decided, because those types of cases are of a principal nature and contain difficult dilemmas that according to Informant 3 “It serves them right to decide on in Oslo... they should have to deal with those types of dilemmas...”.

In Rogaland, the Conservative Party has traditionally been strong and as a consequence they have had several mayors in the county. Informants at the CGO agree the there was a change in dynamic in mediation meeting where mayors from the Conservative Party were present after the Circular Letter was introduced.

5.3.4 Summing up

This subsection provides insight into discussion meetings, detailed insight into mediation meeting procedures and how the Rogaland CGO and Sola Municipality prepare for and act during mediation meetings. The challenging double role of the CG is also addressed as well as changes in the dynamic of the mediation meetings.

6 – Analysis

The analysis section will be centered around answering the three research questions. The purpose of the first research question is to ascertain if the Circular Letter has had any numerical impact on objections. Statistics generated by Statistics Norway from their tables (10505 and 12679) on objections that show a numerical impact since the Circular Letter was introduced, results will be analyzed and discussed in an MLG perspective. Statements provided by informants that have been presented in the empirical data section will be analyzed an MLG perspective, in light of the policy instruments in use in connection with the Objection Institute, that informants highlight as important to the Letters impact. Statements provided by informants that have been presented in the empirical data section will be analyzed in a Dynamics of Negotiation and Decision-Making perspective, to provide answers to the third research question.

6.1 Establishing Perspectives of Multi-level Governance

6.1.1 Type of MLG

In the Objection Institute there are 21 objection authorities (Ministry of Local Government and Modernization, 2014) and five levels of governance involved: State (Minister/ministry), Sector Directorates, Regional State (CG), County Municipality and Municipality. Three of the levels are organized under the central government while the County Municipality and the Municipality are autonomous entities and spatial planning authorities on the regional and local level, respectively. This study focuses as explained in detail earlier on the State governance levels and the Municipality.

As explained, Hooghe & Marks (2003) distinguishes between Type I and Type II MLG. To explain the main difference between the two we look to a quote used in the theory chapter:

- *Type I governance is nonintersecting from the standpoint of membership; Type II governance is non-intersecting from the standpoint of tasks. The former is designed around human (usually territorial) community; the latter is designed around particular tasks or policy problems.*

Pertaining to the context of Norwegian spatial planning it is therefore relevant to look at criteria for membership and tasks to ascertain whether it can be characterized as a Type I or Type II governance system.

As previously explained the Objection Institute is designed and governed through the Plan and Building Act as mentioned earlier. Municipalities have spatial planning authority and regional and national entities have objection authority provided to them either from other regulation or from ministries that have tasked them with protecting certain interests within their portfolio. As is evident both from this description and laws and regulations in the spatial planning system, all members affiliated with the Objection Institute are public authorities that are members of it by law and it is not open to private entities, meaning it is “nonintersecting from the standpoint of membership” (Hooghe & Marks, 2003).

But there are also elements of Type II as sector authorities mainly in the form of directorates and agencies are involved. The involved sector-interest authorities are organized according to specific tasks, and as such can be argued to be a Type II authority according to the functional principle (Hooghe & Marks, 2003; Helgøy & Aars, 2008). This also exemplifies the shortcomings of the binary divide (Ansell & Torfing, 2016), because Type II MLG is normally a classification used in a context where decision-makers and/or civil actors from alliances to promote common interests in order influence on or more levels of jurisdictions within Type I (Rosales, 2019). And that is precisely Bache, Bartle & Flinders point, in reality sector state authorities are embedded as part of the Type I system and function as a part of the central government administration, but can according to how one interprets the conditions of the binary divide legitimately be classified as Type II (Ansell & Torfing, 2016).

Having clarified the room for interpretation within the binary divide and its criticism with particular focus on shortcomings to the possible classifications of the sector authorities, the Objection Institute can be classified as a Type I MLG system and all of its members as Type I authorities given that they are public administrative entities (Hooghe & Marks, 2003; Rosales, 2019; Ansell & Torfing, 2017).

6.1.2 Dimensions of Power

Piattoni (2009) has expanded the MLG theory by introducing opposing dimensions of power as an analytical element. These dimensions imply continuous negotiation between parties involved over the balance, particularly in Type I systems. There three dimensions; center –

periphery, state – society and domestic – international were introduced in detail in section 3.2.2 (Piattoni, 2009). Given that access to the Objection Institutes arenas of negotiation is regulated by the Plan and Building Act and only allows access to implied government agencies, County Governors, county municipalities and municipalities, it is clear that it only involves different levels of Type I governance jurisdictions. There are both regional state, regional and local governance involved in the system. The regional state authorities have objection authority over both the regional and local level of governance. The regional level of governance has objection authority against the local level, and local levels have objection authority against each other if they are affected by a plan and/or if they border each other. It is, however, most commonly the regional state level or the regional level that have objections against the local level. As such the Objection Institute is a clear case of the center – periphery dimension at play because the higher levels of jurisdiction exert their authority over the local level and intervene in their area of jurisdiction as planning authority. The introduction of the Circular Letter was intended to clarify and change certain aspects the Objection Institute through the instructional authority the Minister and Ministry have over the state administrative entities organized under their constitutional responsibility.

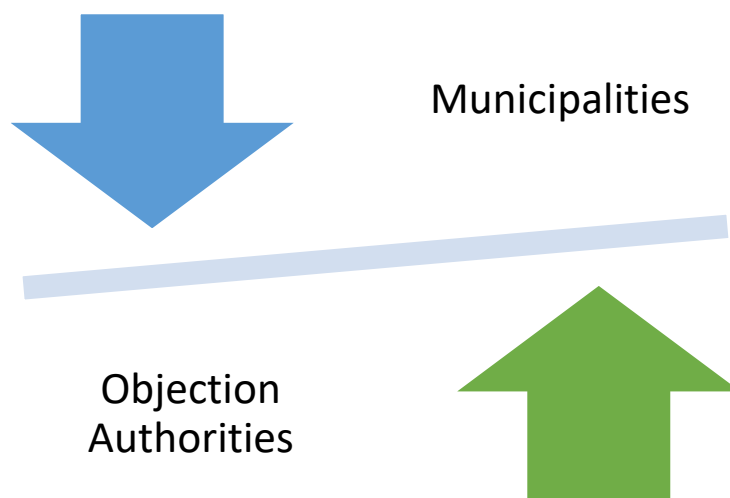


Figure VIII: Power balance in mediations

In the following subsections, aspects of the Circular Letter and policy instruments affiliated with the Objection Institute will be analyzed in the center – periphery dimension to see how they impacted the balance of power between the jurisdictions in the center – periphery dimension before summing up with a discussion on how it has impacted the relation between the Rogaland CGO and Sola Municipality.

6.2 Understanding Changes Through Multi-Level Governance

Having established that the Objection Institute is a Type I MLG system and that the most prevalent dimension of power relations within it is the center – periphery dimension as explained above, we will provide an analysis of the impact of the of Circular Letter on the most prominent policy instruments within an affiliated with it through a center – periphery perspective with focus on the Rogaland CGO and Sola Municipality.

6.2.1 Positive aspects of Circular Letter H-2/14

As mentioned in the empirical data chapter there were several aspects of the Circular Letter that were well received by informants at the CGO and Sola Municipality. The letter served as a clarification for several issues that had been debated between, within and among authorities operating in the Objection Institute such as when to use the word objection, grounds to raise an objection and not to use objections as a tool to get into dialogue with a municipality. It also announced the move of the responsibility for deciding objections on ministerial level and contained an attachment on all objection authorities at the time. Informant 5 even said that the Circular Letter was so informative that he used it as an encyclopedia on the Objection Institute.

These aspects contributed to elevate the threshold for raising objections. Informants at the Rogaland CGO agree that formulations on justifications for raising objections made case workers rethink through whether or not they had a strong enough reason for raising objections in individual plans.

The move of responsibility for deciding objections from the Ministry of Environmental Protection to the Ministry of Local Government and Modernization seems logical. The spatial planning system in Norway is regulated by a single law, the Plan and Building Act, but responsibility for enforcing the law have been divided between two Ministries. The Ministry of Local Government and Modernization oversaw the building section of the law, while the Ministry of Environmental Protection oversaw the planning section of the law. As the Objection Institute is part of the planning section of the law this was therefore placed under the Ministry of Environmental protection. Having a Ministry with one of the strongest sector interests in charge of overseeing the Objection Institute meant that there was a risk for sector bias in the central state administration with regards to deciding on objections, which Informant 2 expressed a problematic view on during her term as Minister of Local Government and Modernization. Also, having constitutional responsibility for enforcement of a law spread on two Ministries

presents challenges of communication and coordination that could otherwise have been avoided. Given the fact that municipalities are the spatial planning authority within their territory it seems reasonable that the responsibility should sit with the Ministry that oversees them. At the same time as responsibility for the Objection Institute was moved into the MLM it also received the responsibility for the County Governors which had previously been overseen by the Ministry of Labor and Social Affairs. These appear as sensible measures to streamline the oversight of both the County Governors and the Objection Institute.

In the center – periphery dimension (Piattoni, 2009) these aspects signalize shift of power from a centrally minded administrative regime to a more decentralized regime. The fact that caseworkers at the Rogaland CGO had a more thorough process before raising objections and therefore raised fewer objections by the management's accounts, suggests a move of power from regional state level to the local level. Given that the responsibility for overseeing the Objection Institute was moved from the Ministry of Climate and Environment to the Ministry of Local Government and Modernization and as such gathered all central administrative functions affiliated with the Plan and Building Act in one Ministry, this suggests a centralization of power, particularly if it is taken into consideration that the same Ministry also overtook the responsibilities affiliated with the County Governors (Ministry of Local Government and Modernization, 2014). It seems reasonable to assume that such as centralization of power of the spatial planning system in the central government would also be reflected in more centralization in the lower levels of governance. But in the case of the Objection Institute the opposite happened because the Circular Letter instructs objection authorities and the Ministry to give greater consideration to local self-governance and strive to resolve objections locally (Ministry of Local Government and Modernization, 2014). Section 6.2.2 and 6.2.3 address criticized aspects of the Circular Letter.

6.2.2 Instructional Authority in the Constitution: Bypassing Parliament?

According to the Constitution chapter 3, Ministries have instructional authority over all state administrative entities within their portfolio (The Constitution, 1814). It is this authority that was used by the Minister at the time to issue the Circular Letter. In a democracy it is important that the governing regimes have the opportunity to exercise their policies. There are however some aspects of interest when taking a closer look into the political context at the time the Circular Letter was issued. The government, consisting of the Conservative Party and the Progress Party was a minority government that secured a majority in parliament through a

cooperation agreement with the Liberal Party and Christian Democratic Party, but they only needed the votes of one of the parties to secure a majority (Grande, Hareide, Solberg, & Jensen, 2013). As explained in the introduction neither of the government parties were particularly satisfied with the status when it came to the use of objections and how they were decided by the responsible Ministry. Both parties in their policy platforms wanted to change the design and function of the Objection Institute, but it is fair to assume that they knew that they would not be able to secure a majority in parliament to do so (The Conservative Party, 2013; The Progress Party, 2013). Supposedly knowing that a revision of the Plan and Building Act would probably not end up with the desired outcome, and be a lengthy process, the government turned to the instructional authority provided by the Constitution (The Constitution, 1814).

Informant 2 and 3 criticized the approach chosen by the Solberg-government to change the Objection Institute, because the state administrative entities that operate within the Objection Institute have clear judicial mandates that they adhere to in their operations. When the Rogaland CGO get decisions from the Ministry that agree with their arguments, but are overruled with reference to local self-governance, they experience the procedural integrity of the Objection Institute with particular reference to predictability and transparency, which are considered as key principles in the Plan and Building Act, to be threatened (PBA, 2008). This is because the consideration for local self-governance is not meant to be weighted as strongly in the judicial framework they adhere to, and because they are tasked with safeguarding vital national interests such as biological diversity and housing, land-use and transport planning which are both important in an environment and climate perspective.

The instructional authority is arguably one the most important policy instruments to assure that a governing regime is able to exert their policies even if they are in minority in parliament and contributes strongly to securing strong power in the central government administration (The Constitution, 1814). It can in many cases contribute to stronger centralization of power in the center – periphery regime and it can be argued that it did so to a certain extent in the case of the Objection Institute as well (Piattoni, 2009). The reason why is that by placing strong emphasis on consideration for local self-governance, the Circular Letter introduced a ground for justification that does not have a presence that is as strong in the Plan and Building Act or the sector laws (Ministry of Local Government and Modernization, 2014; PBA, 2008). This new justification basically equipped the MLM with the opportunity to overrule other justifications based on mandates from sector laws in favor of local self-governance. This means that the government used centralization of power through the instructional authority provided by the

constitution to change the balance of power in the favor of the local level and as such actually making the Objection Institute more decentralized because decisions in the Ministry are now to a larger extent going in favor of municipalities (Office of the Auditor General, 2019).

6.2.3 Procedural Norms for Policy Change: Changing the Law

When a government wants to make a policy change it normally requires a change in laws, regulations or guidelines sanctioned by the parliament. It is when a policy is approved as new official judicial document or legal provision by parliament that it is guaranteed to create changes in the executive branch that will last over time. However, any revision of a law is a time-consuming process that normally takes several years before completion. It is fair to assume that are main reasons why the government did not choose a revision of the Plan and Building Act for the policy change of the Objection Institute, the first has already been accounted for earlier, there was not a majority in parliament for it. Secondly, based on the experience from the last revision of the Plan and Building Act, this was so time-consuming that it was not completed within one parliamentary election cycle. Effectively meaning that the government could risk spending its entire term on revision of the law, loose the next election and have all their work thrown overboard by the next administration. Another important factor is that the Circular Letter did not imply a policy change for the entire Plan and Building Act, nor a change in any official legal documents, it was simply an instruction to state administrative bodies affiliated with the Objection Institute on how they should enforce it, which other administrations before the Solberg government also has issued.

Critics of the Circular Letter claims that it has had the effect of changing the legal custom for deciding objections at the Ministerial level because of the assessment requirements it introduced. Of particular interest are the formulations regarding local political discretion and self-governance and that objections should only be raised when necessary (Ministry of Local Government and Modernization, 2014). These formulations have apparently led to great consideration being placed on the size of the plan in question, meaning that if the plan is not of a certain size, objections will most likely not be sustained unless special circumstances dictates otherwise. Informant 4 used the placement of a grocery store in Sola Municipality as an example of how assessments have changed, and Informant 1 used the same case as an example of unnecessarily restrictive use of the objection authority from the CGO. There are in other words strong conflicting views on the matter. In its reason for not sustaining the objection from the Rogaland CGO in the case the MLM writes:

The location of a grocery store within the planning area is not favorable in relation to the intentions of State Planning Guidelines for Coordinated Housing, Land-use and Transport Planning and the Regional Plan for Jæren. However, the case is considered to have such limited effects that it should be within the municipality's room of self-governance to adopt the plan. The Ministry of Local Government and Modernization therefore approves the zoning plan for Kontinentalvegen 2 in the municipality of Sola. (Ministry of Local Government and Modernization, 2018a) (My translation).

There are more nuances to the case than what can be read from the summary presented above, but it serves as a good example of the squeeze the CGO faces when assessing cases at their level. Because, as is clearly seen in the reason from the MLM, they agree with the CGO's reasoning for raising the objection, meaning that they acknowledge that the CGO has adhered to the state mandates that they are given. This implies a dualism in the Objection Institute, the judicial framework that the objection authorities in principle are tasked with following requires one thing, while the political instructions from the Minister and the MLM requires something else. It seems sensible to get principle objections decided in the Ministry, because it could be argued that it requires political discretion and should therefore be done at a democratically elected political level and not by a bureaucrat. It could also be argued that which brings us back to initial criticism, decisions like the one used in the example bypass the legal framework of the Objection Institute to serve the governments political agenda as per the instructions in the Circular Letter. The numerical impact of the Circular Letter will be analyzed later, but it is of a magnitude that suggests it has a strong effect on administrative practices and legal customs of objection authorities as well as the Ministry.

6.2.4 The Coordination Project: Success or Failure?

The Coordination project was initiated by the Stoltenberg II government in 2013 and continued under the Solberg government. The project aims to coordinate objections from objection authorities organized under the state, which means that the County Municipalities are not part of it even though they are an objection authority (Ministry of Local Government and Modernization, 2014).

The reason why the Coordination Project was initiated was that state objection authorities often have coinciding or conflicting objections. The two reports "Innsigelses etter plan- og

bygningssloven” (Lund-Iversen, Hofstad, & Winsvold, 2013) and “Innsigelsesinstituttets påvirkning på lokalt selvstyre” (Asplan Viak & Agenda Kaupang, 2012) despite differences in design and data material these two common areas of improvement for the objection institute (Buanes A et al., 2016):

- Better coordination / coordination of regional state bodies (entities with objection authority).
- Stronger focus on clear justification for why an objection is raised.

Both reports preceded the Circular Letter. The second area of improvement is recognizable as a strong focal point the Circular Letter, and the first point is also mentioned with the reference that the County Governor should continue to coordinate objections (Buanes A et al., 2016; Ministry of Local Government and Modernization, 2014). Informant 6 stated that regional state objection authorities sometimes have coinciding or conflicting objections and that this makes the state, which is supposed to act as a cohesive authority, appear like a “many-headed troll” when facing them as a municipality. Feedback from a substantial number of municipalities together with the two reports presented above is what laid the foundation for the project. The County Governors were given the coordination responsibility and also the competency/authority intercept objections if they found that it was not sufficiently justified (Buanes A et al., 2016).

Findings from Buanes et al.’s. (2016) evaluation report are divided into two main categories, fortunate and less fortunate. Under fortunate findings it is reported that the threshold for objection has been elevated. In this there are two primary factors: One is that the instructional signals from the Circular Letter and the general rhetoric of the Ministry has had an effect. The other is that the increased consideration for local self-governance has had “the signal effect that municipalities to a larger extent can allow themselves not to accept an objection, and appeal the decision to the Ministry because they with a larger confidence than before can expect the objection to be overturned.” (Buanes A et al., 2016). Findings from the report also suggest that the Coordination Project has had a sharpening effect on the formulation and justification of objections and in that respect made objections qualitatively improved (Buanes A et al., 2016).

One negative finding that is of particular interest to this study which is that county municipalities were kept outside of the Coordination Project. This has ,according to the report, lead to municipalities not noticing the effect of the project that well, which is also reflected in the findings of this study from informants from both Sola Municipality and the CGO (Buanes

A et al., 2016). Informant 3 even stated that the County Municipalities not being included halted the potential positive outcome of the project a great deal.

The idea behind the Coordination Project was to make the Objection Authorities affiliated with the state to become cohesive and raise coinciding or conflicting objections. In a center – periphery dimension there are two main aspects at play. The project was initiated by the central government through the use of its power over the regional state objection authorities because it was a commonplace perception in political circles that the use of objections was out of control (The Progress Party, 2013). By letting the County Governors coordinate all objections and giving them interceptional authority the idea was that cohesive or conflicting objections would be intersected. So even though the responsibility for the implementation was given to the County Governor’s from the central state it can still be considered a centralization within the regional state to the County Governor, which is the premiere administrative organ of the central state on the regional level (County Governor Directive, 1981).

But the main ambition of the project was to make the Objection Institute easier to handle for the municipalities by avoiding conflicting objections from the objection authorities, which was a great source of frustration (Informant 1 & 6). So even though the Coordination Project did not affect municipalities directly it was instigated to ease their burden under strong pressure from the Municipal Sector’s Organization among other interests. So even though it might appear as a centralization policy on the surface it was in fact an attempt of a decentralization policy. However, as pointed out by Informant 3 the design of the project did not allow for it to fulfill its potential and ambition fully because it did not include the County Municipality and as such did not allow conflicting or cohesive objections from the regional level of governance to be coordinated.

6.2.5 National Expectations: A clear Direction?

As mentioned, National Expectations to Regional and Municipal Planning was introduced with the adoption of the Plan and Building Act in 2008 in chapter 6-1. National Expectations follow local election cycles and is a key instrument for the government and/or parliamentary majority to exercise political influence over the spatial planning system within the period. They also form the basis state authorities’ involvement in planning.

The current National Expectations are for 2019-2023, which were preceded by National Expectations for 2015-2019. It is interesting to find similar language as in the Circular Letter in both documents:

- NE 2015-2019: *The county governor, other state authorities, the county municipalities and the Sami Parliament emphasize local autonomy. Objections are raised only when it is necessary to safeguard national and important regional interests, and when early dialogue have been unsuccessful.* (Ministry of Local Government and Modernization, 2015) (my translation and underlining)
- NE 2019-2023: *The government is concerned that the objection authorities emphasize the consideration of local democracy. Objections should only be raised when it is necessary to safeguard national and important regional interests, where early dialogue and balancing of interests have be unsuccessful.* (Ministry of Local Government and Modernization, 2019) (my translation and underlining)

The underlined formulation is found with a high degree of consistency in documents concerning spatial planning from the Solberg Government despite several changes in personnel and government coalition partners, because the Ministry of Local Government and Modernization had remained within the portfolio of the Conservative Party. Language concerning local democracy, discretion and self-governance is also found with a high degree of consistency in superior documents as well as in decisions on objections from the MLM. What is interesting about the National Expectations is that it also reflects the dualism portrayed by the Solberg government about priorities and expectations within spatial planning as has been exemplified earlier. This dualism puts both objection authorities and municipalities in a difficult position. On one hand it is less predictable for municipalities when to expect an objection, which it in many cases does prepare for. On the other hand it is difficult for objection authorities to perform a proper balancing of considerations, because it can often be claimed that national or vital regional interests are at stake in a case, but it cannot be guaranteed that the Ministry shares that perception.

The NE's are fairly neutral in a center – periphery dimension. The main ambition of the policy instrument is to provide all involved actors in the spatial planning system be it, municipalities, county municipalities, objection authorities or property developers with predictability on what governments priorities are for the local election cycle. It can however be argued that there are strong elements of centralization in it, because it states in the introduction that the NE's lays

the foundation for how the objection authorities within the state will conduct their operations (Ministry of Local Government and Modernization, 2019).

6.2.6 Summing Up

Even though informants pointed out positive aspects of the Circular Letter some of them also voiced criticism against it. The use of the instructional authority to create change in legal customs within a system instead of adhering to procedural norms raises debate on how a government should go about implementing its policy. On the one hand it can be argued that the government as the top executive branch of the state administration should be able to implement its policies through the use of the apparatus and the authority they have at hand. On the other hand an instruction from a minister is not considered to be equal to a law, yet the Circular Letter is argued by Informant 3 to have created a legal customs change in the Ministry that trumps the legal framework of the Objection Institute. It is done with the intent decentralizing the power balance within the Objection Institute and it has clearly worked in a center – periphery dimension. But what the cost is to national and vital interests has not been studied.

6.3 Understanding Dynamics of Negotiations

There are three types of negotiation logics that are prevalent in negotiations over objections based on Rommetvedt's (2006) multiple logics framework; strategic bargaining, deliberative negotiation and deliberation which are Type II, III, and IV from the table presented in the article. In this subsection mediation and negotiation situations that are best suited for each of these logics will be exemplified and analyzed.

An aspect that could show an impact on the dynamic of negotiations and the type of logic applied to a negotiation by negotiation parties is the design of the negotiation arena in question. In Rogaland there are two arenas for negotiations over objection, discussion meetings which is an arena that the CGO and municipalities have designed themselves that is not sanctioned by law, and mediations which is required by the Plan and Building Act chapter 5-6 if municipalities and objection authorities cannot resolve objections at another level.

Additionally, there is the Regional Plan Forum required by the Plan and Building Act chapter 5-3. The Regional Plan Forum will not be a subject of analysis in this study because findings show that informants place most emphasis on discussion meetings and mediation meetings when asked about mediations. One could argue that questions might have been leading, but I operate under the assumption that the informants would have mentioned the Regional Plan

Forum if they meant it was an important arena in connection with objections. Informant 2 was the only informant that mentioned the Regional Plan Forum and stated that even though it was a useful forum it was underutilized by the municipalities in Rogaland.

This subsection will provide analysis and discussion on how Rommetvedt's (2006) logic of negotiations and decision-making are used in the two different negotiation arenas in Rogaland based on the characteristics of the individual logics and the negotiation arenas (Nygaard & Holmen, 2020; Rommetvedt, 2006).

6.3.1 Strategic bargaining

As explained in the theory section, Strategic Bargaining most often takes place when negotiation parties are in a deadlock where they have a direct conflict of interest that makes the negotiation a zero-sum game where one party's victory is the other party's defeat (Rommetvedt, 2006). The aim of negotiations that constitute this type of logic and decision-making is therefore to reach a compromise that is acceptable to both parties.

An example of an objection where strategic bargaining was applied by the negotiation is the last mediation Sola Municipality's Municipal Master Plan, where the municipality wanted to make use of an area with cultivated farm land called Tjora to expand the industrial area in connection to Risavika Harbor. The disagreement between the CGO and the municipality was not whether the area should be used because it has been deposited for that purpose in the municipal sector plan for Risavika Harbor in 2012, but that it was not supposed to be opened for use before 2040. The disagreement, and conflict point was how far into the future the municipality must wait before they can regulate and build on the land (Ministry of Local Government and Modernization, 2020).

Both the CGO and Sola Municipality came with separate proposals for compromise. The CGO which is tasked with overseeing agricultural interests proposed that the area could be opened for use in 2030, ten years before the municipal sector said. Sola Municipality's proposal was that the area could be opened for use in 2023. So, both parties made proposals that they, according to informants, felt were generous to accommodate the views of the opposing party, which shows Strategic Bargaining (Rommetvedt, 2006). However, the parties were not willing to negotiate further than their respective proposals, so the objection was sent to the MLM to be decided. One can only speculate if the parties would have found compromise if they were forced

to do so, but with a willingness to propose compromises in the first place it could perhaps be possible.

6.3.2 Deliberative negotiation

Deliberative Negotiation is a type of negotiation and decision-making logic used in settings where it is possible for both parties to win, a so called variable-sum game where the parties have different interests that are compatible (Rommetvedt, 2006). In such situation parties will discuss to try to figure out how they can reach an agreement that will benefit both without having a negative impact for any of them.

In a mediation setting this is the logic of negotiation that is mostly considered as the ideal type, because it opens for an outcome that all parties can accept; with a so-called give and take dynamic. According to informants from the CGO they always try to apply this logic and say that they “try to go the extra mile” to find solutions through deliberative negotiation. Informants from Sola Municipality also prefer this type of negotiation logic, and state that it is the weight of the arguments put forward that should ideally decide the outcome of the mediation and that present parties should be prepared to leave their initial stance and find solutions through exchange of arguments.

In some mediations it could also be the case that if the parties are mediating over many different objections, they might not be equally committed to stand their ground in all of them. As Informant 6 puts it

If there are five objections being mediated, we might only be really interested in not conceding in one or two of them, because they are particular importance to us. Under such circumstances we will therefore often concede three or even four objections that are not that important, in hopes that we will then get acceptance for our views in the objections that are important to us.

What Informant 6 describes is a typical example of a variable-sum game where both parties can feel satisfied by the outcome of the negotiation because they both benefit from the agreement that they have reached (Rommetvedt, 2006).

6.3.3 Deliberation

As mentioned in the theory section Deliberation is a type negotiation logic best suited for situations where the preferences of the negotiating parties are of a nature that allows for sincere discussion and consideration with the aim of reaching a consensus (Rommetvedt, 2006). This type of negotiation logic is in all likelihood not that common in mediations. However, informants give the impression that the arena in which municipalities and objection authorities meet in Rogaland called discussion meetings applies this logic to a large extent. As mentioned in the empirical data section, informants state that a large majority objections are resolved at this level, and according to a rough estimate by Informant 4 only 5% of the objections are of a character that requires mediation after a discussion meeting. Given the high degree of objections resolved in these meetings and the positive way it is referred to by informants from both the CGO and Sola Municipality suggests that these meetings to a large extent allow for deliberation.

6.3.4 Discussion Meetings: Taking Care of Business

So, on that basis the two arenas that will be subject to analysis are the discussion meetings and mediation meetings. Interviews provide more specific data on mediation meetings because the original intention was to focus solely on them, however, as informants also placed great emphasis on discussion meetings they will be covered as well.

We start of by analyzing discussion meetings because it is the first negotiating arena between the municipalities and objection authorities after an objection has been raised. When an objection has been raised it is the municipality which is the recipient of the objection that decides how they would like to proceed with the rest of the process. Meaning that the municipality could request a mediation directly or even send the objection directly to the MLM for decision if they have a good enough justification to do so. However, the procedural norm in Rogaland is as mentioned that municipalities request a discussion meeting. If there is more than one objection, the municipality also decides which objections will be on the agenda for the meeting.

As mentioned in the empirical data section, municipalities decide who they would like to send to the discussion meetings. In Sola Municipality's case they would send the Municipal Sector director for societal development, the planning manager, and the case worker assigned to the plan. The CGO would always try to match the rank of whomever the municipality decided to

send, however, they would try to avoid sending the County Governor if the municipality sent their mayor because the County Governor also acts as mediator in a potential mediation meeting. In most cases it would be administrative representatives from the municipalities and the CGO that met, and on many occasions the case workers which all have a high planning competence.

According to informants from Sola Municipality, there are preparational meetings in the municipality attended by the administrative representatives that will attend the discussion meeting and the political leadership. In these meetings it is decided what authorizations will be given to the discussion meeting participants. Some objections are more controversial than others because there might be strong political interests involved, the room for maneuver will also be clarified for such objections. When given authorizations the administrative representatives have authority to make decisions on behalf of the municipality at the discussion meeting, but they must always be politically approved afterwards.

These meetings have no set norms for how they are conducted, but they have an agenda that participants work their way through. What is important about these meetings is that because it for the most part is administrative workers with a high degree of planning competence there is mutual respect and a genuine will to resolve the solutions within the judicial framework for the spatial planning system, according to informants. As such because there is an informal setting not affected by procedures for the meeting and a high degree of mutual respect and understanding, and not a strong political presence as there is in mediation meetings, these meetings are conducted in the spirit of professional understanding and will to resolve the matters at hand (Informants 3-4-5 and 6). It seems reasonable to assume that that is the reason why most objections are resolved at this level.

Based on the design of this negotiation arena there is a higher probability for deliberation and deliberative negotiation being the main logics of negotiation and decision-making applied for two reasons: the setting is informal and the attendants share the same professional background, and if an agreement is not within sight for a particular objection it is sent to mediation, meaning that the need for strategic bargaining is small (Rommetvedt, 2006; Nygaard & Holmen, 2020).

6.3.5 Mediation Meetings: The Battlefield

Objection authorities and municipalities are required by the Plan and Building Act chapter 5-6 to conduct mediation meetings to attempt to resolve objections locally, and send objections for

decision at the MLM if they cannot reach an agreement (PBA, 2008). Informants at both the CGO and Sola Municipality have provided detailed information about mediation meetings in interviews, presented in the empirical data section.

A mediation meeting is a strongly formalized meeting and negotiation arena. The meeting is organized and coordinated by the CGO and chaired by the County Governor him- or herself. According to Informant 5 it is a demanding effort to find a date for the meetings, because they are attended by high level officials such as the mayor of the municipality in question and the County Governor. Once the meeting date is set, other preparations begin. One of the key preparatory elements is for the municipality and objection authorities to agree on an agenda to make sure that they have a blueprint for the meeting and agree on what will be the actual subject(s) of negotiation.

As described by the informants at the CGO, there is arranged seating as the mediations normally takes place in the same room. The municipality is on the right side of the table and the objection authorities on the left. The County Governor and the mediation secretary, which is normally the planning coordinator at the CGO sits on one end of the table. The Mayor of the municipality in question and the highest-ranking representative from the County Municipality, in most cases the County Mayor sits closest to the County Governor on their separate side of the table. On the objection authority side, all the objection authorities have their place, but it varies who is present based on which authorities' that have objections. As explained the County Municipality Mayor always sits closest to the County Governor and is succeeded by representatives from the regional state objection authorities, representatives from the County Governor's Office sits the furthest away from County Governor, according to Informant 2.

The pre-agreed agenda is followed systematically, and each objection is mediated separately. Each objection presented and the different parties present their arguments. It then varies who comes with proposals on how to resolve the objections. It can be the municipality, objection authority or the County Governor. Who is addressed by the County Governor follows the hierarchy, meaning that when the municipality is given the word, the mayor is addressed and can choose to speak himself or give the word to someone else in his delegation. The same applies to the objection authorities. Breaks are common during mediation meetings, sometimes to discuss proposals and sometimes to lighten tension around the table, The former County Governor would always have some Twist readily available if tensions rose in the meeting, to lighten up the mood.

Mediation meetings are reported by informants to have a higher conflict level than discussion meetings. This comes as no surprise, as only the most controversial objections end up in mediation meetings. The type of negotiation used by the parties largely depends on how strong the conflict of interest is in the individual objection and varies between strategic bargaining and deliberative negotiation. The conflict level in most objections that are mediated over is too high to open for deliberation, the preferences of the negotiating parties are simply too locked for it to be possible.

The design of mediation meetings as a negotiation arena does not open for deliberation. The conflict level is too high because the objections have strong conflicts of interests within them. We can use the Case of Tjora, and when the area should be opened for zoning as an example. On the one hand, the extension of the Risavika Harbor industrial area will likely create a significant number of new jobs. On the other hand, the area today is cultivated farm land of such a high quality that it is among the best in Norway and there are strict measures put in place to protect cultivated farm land from being reallocated for other uses. This particular area is intended to become part of the Risavika Harbor Industrial Area, but not until 2040. Sola Municipality wanted to start regulating the area from 2019 in the revision of its municipal master plan while the CGO wanted to stick to the original time of 2040. Both parties tried to make proposals to compromise but neither party were willing to accept the proposal presented by the other party or extend any further than what they had already done in their own compromise proposals (Ministry of Local Government and Modernization, 2020).

This indicates an arena dominated by formalities and high level of conflict, which was already the case prior to the introduction of the Circular Letter in 2014. When asked whether the informants of the Circular Letter have changed the dynamic in mediations, all informants agree that it has. The general tone in the informants' response is that municipalities has gotten increased confidence that the Ministry will take their side decisions, and therefore see the mediations as a more level playing field than what it used to be.

6.3.6 Summing Up

There are three logics of negotiation and decision-making that is prevalent in the negotiation arenas of the Objection Institute in Rogaland: Strategic bargaining, Deliberative Negotiation and Deliberation (Rommetvedt, 2006). What type of logic is applied depends on what arena the negotiation is happening within, the degree conflict and the design of the negotiation arena

(Rommetvedt, 2006; Nygaard & Holmen, 2020). As discussion meetings are more informal and attended by administrative staff with a common professional backgrounds the level of conflict is lower than in mediation meetings, and Deliberative Negotiation and Deliberation are most likely the prominent logics being used for negotiation. Mediation meetings are highly formal and attended by high level executive officials such as the County Governor and the Mayor of the municipality in question. The formality and conflict level of the objections being mediated means that this arena opens up for the use Strategic Bargaining where the conflict level is highest though the all informants state they prefer a type negotiation the fits better with Deliberative Negotiation where they can agree on a compromise.

6.4 Understanding Changes in the Number of Objections

6.4.1 Statistics: Seeing the Decentralization of Power

Statistics were applied in this study to provide a numerical illustration of the effect/impact of Circular Letter H-2/14. Findings presented in section 5.1 of the empirical data chapter show a clear reduction in objections since 2014. The number of objections sustained by the MLM since the Circular Letter was issued in 2014 has also decreased significantly. According to informants the reduction in objections cannot all be pinned on the Circular Letter alone and they point the Coordination Project, National Expectations and decisions from the MLM all containing rhetoric that can also recognized in the Circular Letter. The objection chapter in the Plan and Building Act chapter 5-4, was also revised in 2017 to reflect the rhetoric, with its particular focus on objections having to be justified.

It is reflected in statistics when there are periods with a higher pressure of plans for political processing. These periods of more intensive planning pressure are normally found in years leading up to and during local elections. It is well known that there is a higher pressure on certain plans in the end of election cycle, such as municipal master plans. However, planning pressure appears to be higher because of the increase in objections, but there is also the possibility that planning in the year before or the same year as an election might be used as a tool for political marking and that plans therefore have a higher risk for obtaining objections. Most likely it is a combination of the two.

Another important aspect with regards to the statistics on objections is that it is pointed out in the Office of the General Auditor's report that the quality of the reporting from the County Governor's to the MLM vary, which makes it difficult to say anything certain about the

development of use of objections over time (Office of the Auditor General, 2019). According to the Office of the Auditor General, this problem is twofold. Firstly, the County Governor's annual reports does not contain comparable numbers with regards to objections because it has been unclear what needs to be reported. Secondly, the Ministry reports having trouble being precise in the formulation of questions regarding reporting to the County Governor's (Office of the Auditor General, 2019). As it appears the County Governors and the Ministry have shared blame for the lack of precise reporting on the numbers of objections. But the ultimate responsibility for the questionable quality in reporting of the number of objections fall on the Ministry as they have the administrative responsibility for both the County Governors and the Objection Institute.

In modern governance systems, such statistical reporting is of great importance to how a system is governed and what measures are put in place to achieve desired results. The MLM and County Governors should therefore strive to make a reporting scheme that is as universal and accurate as possible.

In an MLG-dimension of power the statistics show a decentralization of power from the objection authorities to the municipalities with orchestrated by the MLM. As pointed out in subsection 6.2.2 this happened through the central governments use of the instructional authority provided by the Constitution (The Constitution, 1814). This shows that the MLM has centralized power from the regional state objection authorities onto itself and used its increased power base to decentralize the power balance within the Objection Institute (Piattoni, 2009; Rommetvedt, 2006).

6.4.2 The Office of the Auditor General's Report: Is the Integrity of the Objection Institute Under Pressure?

The Office of the Auditor General released the report "Processing of Objections in Planning Cases" in January 2019 regarding the MLMs processing of objections (Office of the Auditor General, 2019). As already explained the Office of the Auditor General is an independent auditing institution that oversees the central governments operations on behalf of the parliament. When the Office of the Auditor General audits the processing of objections in planning cases it is to ensure that the Ministry and the adjacent regional state authorities are processing cases in accordance with the relevant judicial framework and instructions, and in the report in question with particular focus on the processing of objections in the MLM.

The report is of interest to this study because it is the only source found for document analysis that provides information about how objections are processed in the MLM and the possible ramifications that could come as a result of its processing. As the reports section concerning reporting of the number of objections have already been covered the previous subsection this subsection will focus on how the report assess the Ministry's instructional signals and their decisions on objections.

The Office of the Auditor General state that they find it positive that MLM updated the guidelines for the use of objections in Circular Letter H-2/14 in 2014, so that the use of objections do not vary too much between regions (Office of the Auditor General, 2019). They also find that the guidelines in the Circular Letter have contributed to elevating the threshold for raising objections and making them better justified. The report also highlights that there is a difference between the CGO's in how many plans are met with raising objections but that this could have a number of explanations that are all natural, or that the CGO's interpret the instructional signals differently. They therefore find that the CGO's variation in practice can lead to relatively similar cases having different outcomes in different regions (Office of the Auditor General, 2019).

When it comes to the processing of objections in the Ministry the report finds that even though there are fewer objections and that they are better justified the Ministry sustains fewer objections than they did prior to the introduction of the Circular Letter. The report states:

A review of objections decided by the Ministry of Local Government and Modernization in the period 2015–2017 shows that the Ministry in several cases has placed decisive emphasis on local self-government without giving any justification for weighting local self-government more than the national interests in the objections that are overruled. (Office of the Auditor General, 2019, p.9)

The Office of the Auditor General concludes that the consequences of a too strong restriction on raising and sustaining objections could lead to national and essential regional interests not being safeguarded in the way that the Objection Institute was designed to do and that planning therefore violate the national goals for societal development (Office of the Auditor General, 2019). The Office of the Auditor General's conclusion in this particular matter reflects the many of same the worries that are put forward by the informants in this thesis that are affiliated with County Governor's Office, and states clearly that the restrictions put forward and practiced by the MLM risks hurting the integrity of the objection institute. Another point not put forward by

the Office of the Auditor General in this section of the report is that is in conflict with the principles of the Plan and Building Act because it does not maintain principle of openness and involvement as long as proper justification for decisions are not given, because the public is then not given the proper insight into the considerations assessments that support the decision.

The conclusion in the Office of the Auditor General's report about the integrity of the Objection Institute being compromised as the expense of national interests show changes in power dimensions come at a cost. In this case it is because municipal interests and national interests do not always coincide. It also highlights the statements of Informant 3 about how Circular Letter shook the foundations of the system based on the decision in the MLM.

6.4.3 Summing up

Since the introduction of the Circular Letter statistics show a clear reduction in objections on all levels including in Sola Municipality and Rogaland County. Statistics also show that numbers vary based on the units of analysis in this thesis with an on average reduction of 17% of objections annually since 2014 and a 34% reduction in Sola Municipality. The inquiry report from the Office of the Auditor General and its conclusion that the integrity of the Objection Institute is under pressure, legitimizes the point raised by Informant 2 and 3 about the use of the instructional authority to change legal customs instead of adhering to the procedural norms for policy change. It also shows that changes in the power balance within a system comes with external costs, in this case for national interests such as environmental protection.

7 - Conclusion

This thesis attempts to understand the impact of Circular Letter H-2/14 on the objection institute with focus on the number of objections annually, Multi-level governance of the Objection Institute and Logics of Negotiations and Decision-Making in mediation and discussion meetings with the Rogaland County Governor's Office and Sola Municipality being the main subjects of analysis. To provide the perspectives and information necessary to understand the impact the thesis ask three research questions:

1. How has the introduction of Circular Letter H-2/14 impacted the number of objections annually?
2. How has the governance of the objection institute affected the power relations between the County Governor of Rogaland's Office and Sola Municipality?
3. How has Circular Letter H-2/14 impacted the negotiation dynamic in mediation meetings between the County Governor of Rogaland's Office and Sola Municipality?

Statistics generated to answer research question 1 show that the number of objections nationally has been reduced by 17% on average per year between 2014-2018 compared to 2010-2013. Findings additionally show that the number of objections sustained by Ministry of Local Government and Modernization has been reduced from 43% to 27% between 2014-2018. Findings also indicate that the number objections rise in periods leading up to during local elections both before and after the Circular Letter was issued. For Sola Municipality there has been a decrease of 34% on average in the number of objections annually since the Circular Letter was introduced. The County Governor's Office has most of the objections in Sola and Rogaland and is the Objection Authority with the most objections nationally as well (Nyseth T & Buanes A, 2017).

Findings from interviews used to answer research question 2, show that the new governance instructions introduced by the Circular Letter impacted the relations between actors within the system by elevating the threshold for raising objections. It also reveals some frustration among the informants at the Rogaland County Governor's Office because of the conflicting signals sent by the central state administration. As there has been no change in laws of significance to the Objection Institute the planning workers are expected to follow the same laws as before the Circular Letter was issued, but not raise as many objections. Findings in this thesis also support the findings in the Office of the Auditor General's report (2019) that the Ministry of Local

Government and Modernization does provide proper justification for not sustaining objections. Several informants from the Rogaland CGO pointed out that a decision from the Ministry of Local Government and Modernization could support their justifications for raising an objection but then overturn it with reference to local self-governance without providing any further justification. Sola Municipality are happy that stronger emphasis has been placed on local self-governance and they have had good fortunes in cases sent to be decided by the Multi-Level Governance.

Having several objections overruled has made the Rogaland County Governor's Office more eager resolve objections on the local level. The County Governor and its representatives in mediations try to go the "extra mile" to resolve as many cases as possible without sending them to be decided by the Ministry of Local Government and Modernization (Informant 2 and 3). The majority of objections are resolved in discussion meetings where deliberation and deliberative negotiation are the most prominent types of negotiation logics being applied, and only the most controversial objections are sent to mediation (Rommetvedt, 2006; Informant 4). Mediation parties strive to make compromising proposals through Deliberative Negotiation, but in some cases the parties are too far apart and end up in strategic bargaining situations; sometimes ending with objections being sent to be decided by the Ministry of Local Government and Modernization. Sola Municipality's perception is according to Informant 1 that the Circular Letter has contributed to making a more leveled playing field between national and local interests and in mediations as well which has given them a stronger confidence in mediation meetings.

Summing up:

The problem statement asks, "*How can we understand the main impacts of circular letter H-2/14 for the Objection Institute in the relation between the County Governor in Rogaland's Office and Sola Municipality?*". The main impacts are that the threshold for raising objections have been elevated, which is also reflected in the decrease in number of annual objections. Actors at the Rogaland County Governor's Office struggle with the balancing act of safeguarding national interests according to the legal framework they operate within and not raising too many objections. Bigger efforts are being made to resolve cases at the local level and findings show that Sola Municipality feel more confident in mediation meetings after the Circular Letter was introduced, with Informant 1 stating to even have brought a printed version of the Circular Letter into mediation meetings as a bargaining card.

The investigative report from the Office of the Auditor General expresses concern that the current practice by the Ministry of Local Government and Modernization of not sustaining a high number of objections might weaken the integrity of the Objection Institute so that is not able to safeguard the national interests it is designed to protect. Based on the findings in this thesis I support the Auditor General's concern. Spatial planning is vital to achieve the Sustainable Development Goals and to mitigate global warming and preserve biodiversity. If interests such as housing and transport planning or environmental protection are not safeguarded properly it will make achieving these goals more difficult for Norway.

In their 2018 report, the Intergovernmental Panel on Climate Change calls for more Multi-Level Governance (Intergovernmental Panel on Climate Change, 2018). The Objection Institute is a Multi-Level Governance system by nature, but the Intergovernmental Panel on Climate Change calls for a more network oriented MLG approach to solve the challenges set out by the Paris Agreement and the Sustainable Development Goals. The Objection Institute has limitations in terms of membership and is organized according to territorial jurisdiction rather than task specific voluntary membership, meaning that for the Objection Institute to function the way the Intergovernmental Panel on Climate Change deems best it needs to be adjusted (Hooghe & Marks, 2003; Intergovernmental Panel on Climate Change, 2018).

In light the of Intergovernmental Panel on Climate Change's recommendations and for the Objection Institute to function according to its intentions new adjustments should be made for it to protect the national interests (Intergovernmental Panel on Climate Change, 2018). Given that Circular Letter has contributed to new legal customs in the Ministry to weighting local self-governance strongly in their decisions on objections it would be appropriate for this balancing act to be more clearly featured in the Plan and Building Act, and as such based on the findings from this study I recommend that the Plan and Building Act is revised (Ministry of Local Government and Modernization, 2014; PBA, 2008). A lot has happened since 2008, the Paris Agreement and introduction of the Sustainable Development Goals being among the most important. The Sustainable Development Goals should have a stronger presence throughout the Act and create the premise for how the different jurisdictions within the Objection Institute and spatial planning conduct their operations if Norway is to meet its Paris Agreement targets.

This thesis has uncovered new knowledge on how Circular Letter H-2/14 has impacted the relations within the Objection Institute based on research on the relation between the County Governor of Rogaland's and Sola Municipality. From a Multi-Level Governance perspective, a decentralization of power from the regional state objection authorities to the municipalities has been uncovered. In mediation meetings there is seemingly greater will to negotiate in order to reach compromises on objection from the County Governor of Rogaland's Office, and as such Deliberative Negotiations have become prevalent. Findings also indicate that are differences on how mediations are organized between counties. Further research on how Circular Letter H-2/14 has impacted the relationship between the regional state objection authorities and municipalities on larger scale would therefore of interest, to compare findings from this thesis to other regions or the whole country.

Bibliography

- Ansell, C., & Torfing, J. (Eds.). (2016). *Handbook on Theories of Governance*. Cheltenham, UK Northampton, Massachusetts, USA: Edward Elger Publishing.
- Asplan Viak & Agenda Kaupang. (2012). *Innsigelsesinstituttets påvirkning på lokalt selvstyre SLUTTRAPPORT*. Retrieved from https://www.ks.no/contentassets/01ab86081ab04819b6b4a3d2d1dc8a9a/3105_114014_innsigelsesinstituttet_rapport.pdf
- Bjørnå, H., & Jenssen, S. (2006). Prefectoral Systems and Central–Local Government Relations in Scandinavia. *Scandinavian Political Studies*, 29(4), 308-332. doi:10.1111/j.1467-9477.2006.00154.x
- Blaikie, N. (2010). *Designing Social Research* (2 ed.). Cambridge, UK: Polity Press.
- Buanes A, & Nyseth T. (2018). Innsigelser. In G. S. Hanssen & Aarsæther N (Eds.), *Plan- og Bygningsloven 2008 - fungerer loven etter intensjonene?* Oslo, Norway: Universitetsforlaget.
- Buanes A, Nyseth T, & Nylund I. (2016). *Evaluering av forsøk med samordning av statlige innsigelser til kommunale planer etter plan- og bygningsloven*. Retrieved from <https://www.regjeringen.no/no/dokumenter/samordning-av-statlige-innsigelser/id2507441/>: https://norceresearch.brage.unit.no/norceresearch-xmlui/bitstream/handle/11250/2650500/Norut_rapport_11-2016.pdf?sequence=1
- CBD. (2020). Preparations for the Post-2020 Biodiversity Framework. Retrieved from <https://www.cbd.int/conferences/post2020>
- County Governor Directive. (1981). *Instruks for fylkesmenn*. (FOR-1981-08-07-3642). Retrieved from <https://lovdata.no/dokument/INS/forskrift/1981-08-07-3642>
- Dahlum, S. (2018). Validitet. Retrieved from <https://snl.no/validitet>
- Drageset, S., & Ellingsen, S. (2011). Å skape data fra kvalitativt forskningsintervju. Retrieved from <https://sykepleien.no/forskning/2011/02/skape-data-fra-kvalitativt-forskningsintervju>
- Grande, T., Hareide, K. A., Solberg, E., & Jensen, S. (2013). *Avtale mellom Venstre, Kristelig Folkeparti, Høyre og Fremskrittspartiet*. Retrieved from https://www.venstre.no/files/sentralt/politikk/2013_avtale_v_h_frp_krf.pdf
- Hanssen, G. S., & Aarsæther, N. (Eds.). (2018). *Plan - og Bygningsloven 2008 - fungerer loven etter intensjonene?* Oslo, Norway: Universitetsforlaget.

- Helgøy, I., & Aars, J. (Eds.). (2008). *Flernivåstyring og demokrati*. Bergen, Norway: Fagbokforlaget.
- Hooghe, L., & Marks, M. (2003). Unraveling the Central State, but How? Types of Multi-level Governance. *American Political Science Review*, 97(2), 233-243.
doi:10.1017/S0003055403000649
- Intergovernmental Panel on Climate Change. (2018). *Summary for Policymakers. In: Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty*. Retrieved from <https://www.ipcc.ch/sr15/chapter/spm/>
- Jacobsen, D. I. (2015). *Hvordan gjennomføre undersøkelser? Innføring i samfunnsvitenskapelig metode* (3 ed.). Oslo, Norway: Cappelen Damm Akademisk.
- Kvale, S., & Brinkmann, S. (2017). *Det Kvalitative Forskningsintervju* (T. M. Anderssen & J. Rygge, Trans. 3 ed.). Oslo, Norway: Gyldendal Norsk Forlag.
- Lund-Iversen, M., Hofstad, H., & Winsvold, M. (2013). *Innsigelser etter plan- og bygningsloven*. (NIBR-rapport 2013:10). Retrieved from <http://www.hioa.no/extension/hioa/design/hioa/images/nibr/files/2013-10.pdf>
- Ministry of Local Government and Modernization. (2014). *Retningslinjer for innsigelse i plansaker etter plan- og bygningsloven*. (H-2/14). Retrieved from <https://www.regjeringen.no/no/dokumenter/retningslinjer-for-innsigelse-i-plansaker-etter-plan--og-bygningsloven/id751295/>
- Ministry of Local Government and Modernization. (2015). *Nasjonale forventninger til regional og kommunal planlegging 2015-2019*. Retrieved from https://www.regjeringen.no/contentassets/2f826bdf1ef342d5a917699e8432ca11/nasjonale_forventninger_bm_ny.pdf
- Ministry of Local Government and Modernization. (2018a). *Avgjørelse av reguleringsplan 0574 Kontinentalvegen 2 i Sola kommune*. Retrieved from <https://www.regjeringen.no/no/dokumenter/avgjorelse-av-reguleringsplan-0574-kontinentalvegen-2-i-sola-kommune/id2610977/>
- Ministry of Local Government and Modernization. (2018b). *Nytt vedtak - Innsigelse til kommunedelplan 668 for Fv. 47 på strekningen Åkra sør - Veakrossen, Karmøy kommune*. (Deres referanse: 2014/11564 Vår referanse: 14/3197). Retrieved from <https://www.regjeringen.no/no/dokumenter/nytt-vedtak---innsigelse-til->

[kommunedelplan-668-for-fv.-47-pa-strekningen-akra-sor---veakrossen-karmoy-kommune/id2621681/](https://www.regjeringen.no/contentassets/668-for-fv.-47-pa-strekningen-akra-sor---veakrossen-karmoy-kommune/id2621681/)

- Ministry of Local Government and Modernization. (2019). *Nasjonale forventninger til regional og kommunal planlegging 2019-2023*. Retrieved from <https://www.regjeringen.no/contentassets/cc2c53c65af24b8ea560c0156d885703/nasjonale-forventninger-2019-bm.pdf>
- Ministry of Local Government and Modernization. (2020). *Sola kommune - innsigelse til kommuneplanens arealdel 2019 - 2035*. Retrieved from [file:///C:/Users/Admin/Downloads/Sola%20kommune%20-%20innsigelse%20til%20kommuneplanens%20arealde\(1196396\).pdf](file:///C:/Users/Admin/Downloads/Sola%20kommune%20-%20innsigelse%20til%20kommuneplanens%20arealde(1196396).pdf)
- NOU 2003: 19. (2003). *Makt og demokrati - Sluttrapport fra Makt- og demokratiutredningen*. Retrieved from <https://www.regjeringen.no/contentassets/316f4765f7c44a2c8def9dcdb5da8f30/no/pdfs/nou200320030019000dddpdfs.pdf>
- Nygaard, S., & Holmen, A. K. T. (2020). Understanding Negotiation Arenas Through Perspectives of Social Order and Logics of Negotiation. *Scandinavian Political Studies*, 43(1), 46-64. doi:<https://doi-org.ezproxy.uis.no/10.1111/1467-9477.12159>
- Nyseth T, & Buanes A. (2017). Når staten skal samordne seg selv: samordning av statlige innsigelser til kommunale planer *Kart og Plan*, 77 (1-2017), 14.
- Office of the Auditor General. (2019). *Riksrevisjonens undersøkelse av behandling av innsigelser i plansaker Dokument 3:7 (2018-2019)*. Office of the Auditor General Retrieved from https://www.riksrevisjonen.no/globalassets/rapporter/no-2018-2019/innsigelser_plansaker.pdf
- Office of the Prime Minister. (2013). *Politisk plattform for en regjering utgått av Høyre og Fremskrittspartiet*. Retrieved from <https://www.regjeringen.no/contentassets/a93b067d9b604c5a82bd3b5590096f74/plattform.pdf>
- PBA. (2008). *The Planning and Building Act*. (LOV-2008-06-27-71). Retrieved from <https://lovdata.no/dokument/NL/lov/2008-06-27-71>
- Piattoni, S. (2009). Multi-level Governance: a Historical and Conceptual Analysis. *Journal of European Integration*, 31(2), 163-180. doi:10.1080/07036330802642755
- Rommetvedt, H. (2006). the multiple logics of decision-making. *European Political Science*, 5(2), 193-208. doi:10.1057/palgrave.eps.2210077

- Statistics Norway. (2017). 10505: Areal- og samfunnsplanlegging. Innsigelser til planer, etter begrunnelse og myndighet. Grunnlagstall (K) (avslutta serie) 2010 - 2017. Retrieved from <https://www.ssb.no/statbank/table/10505/>
- Statistics Norway. (2020). 12679: Antall planer med innsigelser og antall innsigelsesbegrunnelser til kommuneplaner, kommunedelplaner og reguleringsplaner, etter innsigelsesmyndighet og begrunnelser brukt for innsigelser (K) 2015 - 2019. Retrieved from <https://www.ssb.no/statbank/table/12679/>
- The Conservative Party. (2013). *Høyres stortingsvalgprogram 2013-2017*. Retrieved from file:///C:/Users/Admin/Downloads/program_2013-2017%20(2).pdf
- The Constitution. (1814). *Kongeriket Norges Grunnlov*. (LOV-1814-05-17). Retrieved from <https://lovdata.no/dokument/NL/lov/1814-05-17-nn>
- The Progress Party. (2013). *Fremskrittspartiets handlingsprogram 2013-2017*. Retrieved from <https://nsd.no/polsys/data/filer/parti/10374.pdf>
- UN. (2015). *Paris Agreement*. Paris, France: United Nations Retrieved from https://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf
- Yin, R. K. (2014). *Case Study Research Design and Methods* (5 ed.). Thousand Oaks, California, USA. London, UK: Sage Publications, Inc.

Interviews

Interview 1 (2020, 2 February). Personal interview with former Mayor of Sola Municipality

Interview 2 (2020, 20 March). Telephone interview with former Planning Coordinator at Rogaland County Governor's Office

Interview 3 (2020, 26 March). Telephone interview with former County Governor of Rogaland

Interview 4 (2020, 1 April). Telephone interview with former Municipal Sector Director in Sola Municipality

Interview 5 (2020, 4 April). Telephone interview with Department Director at Rogaland County Governor's Office

Interview 6 (2020, 15 April). Telephone interview with Deputy Department Director at Rogaland County Governor's Office

Interview 7 (2020, 23 April). Telephone interview with planning advisor in Sola Municipality

Figures

Figure I: Objections Norway 2010-2018. Generated from table 10505 and 12679 at Statistics Norway's statistics bank.

Figure II: Objections on average Norway. Generated from table 10505 and 12679 at Statistics Norway's statistics bank.

Figure III: Objections decided by the MLM 2010-2018. Made using numbers from the table at: <https://www.regjeringen.no/no/tema/plan-bygg-og-eiendom/plan--og-bygningsloven/plan/kommunal-planlegging/motsegner-avgjorde-av-departementet-i-2018/id2625130/>

Figure IV: Objections Rogaland 2010-2018. Generated from table 10505 and 12679 at Statistics Norway's statistics bank.

Figure V: Objections Rogaland by CG 2010-2018. Generated from table 10505 and 12679 at Statistics Norway's statistics bank.

Figure VI: Objections Sola 2010-2018. Generated from table 10505 and 12679 at Statistics Norway's statistics bank.

Figure VII: Objections Sola by CG 2010-2018. Generated from table 10505 and 12679 at Statistics Norway's statistics bank.

Figure VII: Power balance in mediations.

Annex

Begrunnelser brukt for innsigelser *

✓ - i

Totalt 28 Valgte 0

- 1 Planer med innsigelser
- 2 Begrunnelse brukt for innsigelser
 - 2.a Plankrav i alt
 - 2.a.1 Utbyggingsmønster, herunder SPR BATP
 - 2.a.2 Regional/kommunal planavklaring
 - 2.a.3 Transport (vei, bane, sjø, luft)
 - 2.a.4 Kraftutbygging, ledningsnett
 - 2.a.5 Universell utforming

Søk 🔍

Starten av ord

Picture II: Variables for justifications in table 12679 (Screenshot from SN statistics generator)

Begrunnelse

✓ -

Totalt 25 Valgte 0

- 1 Begrunnelser i alt
 - 11 Krav til innhold i planer
 - 111 Utbyggingsmønster inkl. RPR areal and transport
 - 112 Regional/kommunal planavklaring, plankvalitet
 - 113 Transport (vei, bane, sjø, luft)
 - 114 Kraftutbygging, ledninger
 - 115 Universell utforming
 - 116 Barn og unges oppvekstforhold

Søk 🔍

Starten av ord

Picture III: Variables for justifications in table 10505 (Screenshot from SN statistics generator)

Vil du delta i forskningsprosjektet

” Analyse av effektene av Rundskriv H-2/14 for innsigelsesinstituttet”?

Dette er et spørsmål til deg om å delta i et forskningsprosjekt hvor formålet er å *analysere effektene av Rundskriv H-2/14 for innsigelsesinstituttet*. I dette skrivet gir vi deg informasjon om målene for prosjektet og hva deltakelse vil innebære for deg.

Formål

Dette er en masteroppgave i «energi, miljø og samfunn» ved Universitetet i Stavanger.

Det innebærer en dokumentanalyse og statistisk måling av effektene av Rundskriv H-2/14. Problemstillingen (tentative) som skal belyses er

"What are the main effects of circular letter H-2/14 for objection institute with focus on the County Governor in Rogaland and Sola Municipality?"

Det innebærer en gjennomgang av tilgjengelig statistikk fra Fylkesmannen i Rogaland når det gjelder antallet innsigelser i en periode før og etter Rundskriv H-2/14 trådte i kraft og en kvalitativ case-studie av utvalgte saker fra Sola kommune sin kommuneplan for å se på effekten i en bestemt kommune. Hovedformålet med å gjennomføre intervjuer er for å få utfyllende informasjon knyttet til case-studien og prosesser og praksiser knyttet til innsigelser.

Hvem er ansvarlig for forskningsprosjektet?

Universitetet i Stavanger.

Hvorfor får du spørsmål om å delta?

Din kontaktinformasjon er hentet fra hjemmesidene til arbeidsplassen din eller gjennom felles bekjente i mitt private nettverk.

Du blir spurt om å delta på grunn av din involvering (evt. gjennom organisasjonen/institusjonen/etaten du jobber for) innenfor offentlig planlegging.

Hva innebærer det for deg å delta?

Metoden som brukes er intervju som tas opp med lydopptak til formål transkribering:

- Hvis du velger å delta i prosjektet, innebærer det at du deltar i intervjuet og svarer på aktuelle spørsmål. Intervjuet inneholder blant annet spørsmål om «din institusjon/organisasjon/arbeidsplass' rolle i offentlig planlegging», «andre aktører», «Din tolkning av offentlige dokumenter (st.meld., rapporter osv.)», «din forståelse/opplevelse av aktuelle saker og innsigelsesinstituttet», «Ditt/deres forståelse av innholdet i Rundskriv H-2/14», «implikasjoner av innsigelser», «implikasjoner av rundskriv H-2/14», «gjennomgang av din eventuelle rolle i meklingsmøter»
- Dine svar blir (med din tillatelse) tatt opp med lydopptak til formål å transkribere det, for så å bli slettet umiddelbart (lydopptaket slettes senest én uke etter intervjuet fant sted). Dersom du ønsker full anonymisering vil det likevel være aktuelt å intervjuer deg

Det er frivillig å delta

Det er frivillig å delta i prosjektet. Hvis du velger å delta, kan du når som helst trekke samtykke tilbake uten å oppgi noen grunn. Alle opplysninger om deg vil da bli anonymisert. Det vil ikke ha noen negative konsekvenser for deg hvis du ikke vil delta eller senere velger å trekke deg.

Ditt personvern – hvordan vi oppbevarer og bruker dine opplysninger

Jeg vil bare bruke opplysningene om deg til formålene jeg har fortalt om i dette skrevet. Jeg behandler opplysningene konfidensielt og i samsvar med personvernregelverket.

- *Det er i hovedsak bare jeg som vil ha tilgang til materialet fra intervjuet. Det som blir med og kommentert i oppgaven vil bli lest av veileder og sensor – dersom det blir aktuelt vil oppgaven publiseres i universitetets register for masteroppgaver.*
- *Dersom det er usikkerhet knyttet til hva som blir aktuelt for min oppgave vil jeg be veileder kommentere innholdet. Dette vil forbli mellom meg og veileder – personopplysninger vil holdes konfidensielt også i denne prosessen – det vil bare være jeg som har tilgang til det*
- *Lydopptak vil slettes etter transkribering. Dokumentet vil beholdes på en minnebrikke inntil oppgaven er vurdert og eventuell «klage på sensur» er behandlet. Deretter vil det slettes. Det vil ikke lagres noen personopplysninger om deg utover navn og stilling. Dersom det er ønskelig kan jeg også bare bruke stillingen i oppgaven.*
- *Det vil bli gjennomført en sitatsjekk der du vil få muligheten til å avstå fra å bli sitert og muligheten til å endre sitatet*

Det vil bli mulig å gjenkjenne deg i oppgaven dersom jeg bruker navn og/eller stillingen din. Dersom det er ønskelig kan jeg anonymisere det ved å kalle intervjuobjektet for «representant/informant fra [arbeidsplass]». Det vil likevel være mulig å gjenkjenne deg i publikasjonen gjennom kommentarer knyttet til arbeidet du er/har vært en del av.

Hva skjer med opplysningene dine når vi avslutter forskningsprosjektet?

Prosjektet skal etter planen avsluttes 15. juni 2020 + sensur periode på 6 uker. Opplysningene/datamaterialet vil dermed bli slettet, men oppgaven vil nødvendigvis bevares.

Dine rettigheter

Så lenge du kan identifiseres i datamaterialet, har du rett til:

- innsyn i hvilke personopplysninger som er registrert om deg,
- å få rettet personopplysninger om deg,
- få slettet personopplysninger om deg,
- få utlevert en kopi av dine personopplysninger (dataportabilitet), og
- å sende klage til personvernombudet eller Datatilsynet om behandlingen av dine personopplysninger.

Hva gir oss rett til å behandle personopplysninger om deg?

Vi behandler opplysninger om deg basert på ditt samtykke.

På oppdrag fra *Universitetet i Stavanger* har NSD – Norsk senter for forskningsdata AS vurdert at behandlingen av personopplysninger i dette prosjektet er i samsvar med personvernregelverket.

Hvor kan jeg finne ut mer?

Hvis du har spørsmål til studien, eller ønsker å benytte deg av dine rettigheter, ta kontakt med:

- *Meg: Magne Bartlett* – e-post: magnebartlett23@gmail.com – tlf. 47609320
- *Veileder for oppgaven* ved Ann-Karin Tennås Holmen annkarin.holmen@uis.no
- NSD – Norsk senter for forskningsdata AS, på epost (personverntjenester@nsd.no) eller telefon: 55 58 21 17.

Med vennlig hilsen
Magne Bartlett

Prosjektansvarlig
(Forsker/veileder)

Eventuelt student
Magne Bartlett

Samtykkeerklæring

Jeg har mottatt og forstått informasjon om prosjektet «**Analyse av effektene av Rundskriv H-2/14 for innsigelsesinstituttet**», og har fått anledning til å stille spørsmål. Jeg samtykker til:

- å delta i *intervju*
- at opplysninger om meg publiseres slik at jeg kan gjenkjennes [*navn*]
- at opplysninger om meg publiseres slik at jeg kan gjenkjennes [*stilling*]
- at opplysninger om meg publiseres slik at jeg kan gjenkjennes [*involvering i arbeid*]

Jeg samtykker til at mine opplysninger behandles frem til prosjektet er avsluttet, ca. *15. juni 2020*

(Signert av prosjektdeltaker, dato)

Intervju guide (variasjon avhengig av informant)

1. Presentasjon av prosjektet
2. Formaliteter (inforskriv/samtykkeskjema)
3. Informering om lydopptak (blir informert om i infoskriv, men også muntlig)
4. Spørsmål

Kan du fortelle litt om:

- Din bakgrunn
- Rolle som gjør at du kommer, eller har vært i befatning med innsigelsesinstituttet, når og hvor lenge?

Innsigelser

- Hvilke tanker har du om funksjonen til innsigelsesinstituttet?
- Hvordan opplevde at du innsigelsesinstituttet ble brukt fra den nye plan og bygningsloven ble iverksatt i 2009 og fram til 2014?
- Hvordan opplevde du/dere innholdet i rundskrivet i din organisasjon?
- Hvordan var prosessen rundt implementeringen av rundskrivet i din organisasjon?
- Hva synes du/dere om at ansvaret for å avgjøre innsigelser på nasjonalt nivå ble flyttet fra et departement til et annet?
- Har terskelen for å fremme innsigelse etter din oppfatning endret seg?
- Har terskelen for å sende innsigelser til avgjørelse på nasjonalt nivå etter din oppfatning endret seg?

Mekling

- Hvordan forbereder du/dere til meklingsmøte?
- Kan du ta meg gjennom et meklingsmøte? (prosedyrer, hvem er tilstede, hvilke roller har de og hvilke beslutninger fattes)
- Er du kjent med om det finnes det skriftlige retningslinjer eller instruksjoner på hvordan et meklingsmøte skal foregå?
- I den grad du/dere har vært i en forhandlings situasjon under et meklingsmøte, kan du beskrive hvordan det foregår?
- Opplever du at det er noen forskjell på denne prosessen før og etter rundskrivet?

Tjora:

- Hvordan jobber kommunen med rullering av kommuneplanen?
- Hvilke interesser ligger til grunn for den foreslåtte utvidelsen av Risavika næringsområde?
- Hvordan vurderer du styrkeforholdet mellom interessene i denne saken, gitt at Fylkesmannen fremmet innsigelse?

Hestholmen:

- Hvorfor ble denne saken løftet inn på nytt?
- Hvilke interesser veier tyngst for kommunen i utbyggingssaker?
- Hvordan er styrkeforholdet mellom administrasjon og politikere i plansaker?