

The impact of participatory decision-making on legitimacy in planning

Dilemmas and tensions in the Dutch municipal planning context

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Abstract: Participative decision-making can offer a route toward more democratic and legitimate decisions in spatial planning processes. Although more legitimacy is sometimes presented as a result of participative decision-making, this relationship is more complex and not necessarily causal. This paper explores the relationship between the forms of legitimacy and participation by utilising the input, throughput, and output conceptualisation. In our three cases, we find that participative methods impact legitimacy differently. Participation relates to either throughput or output legitimacy depending on the objective of the participative method and process. For instance, participation allows stakeholders to voice opinions and gain insight into which stakes are balanced in spatial projects. These are typical examples of throughput legitimacy.

Furthermore, in our analysis, we draw four conclusions. First, that participation often is a means to another end. For instance, it may be used to build support or attract investment in spatial projects. Second, municipalities switch between forms of legitimacy in their decision-making during participation processes. Third, timing and the long time span of projects have a major impact on participation. And finally, the municipality needs to balance multiple agendas. When this complex social, political and spatial context is not included in the equation of municipal participation, it can obstruct participation processes and delegitimise planning decisions.

Introduction

Designing democratic and inclusive strategies for urban development and decision-making is a challenging task that cities face. In the shift from more government-oriented toward more governance-oriented planning approaches legitimising these planning decisions, scholars point to pressing legitimacy dilemmas (Woestenburg et al. 2019). After all, there are multiple forms of legitimacy with their characteristics and conditions.

Participative decision-making presents a path toward more inclusive and democratic decision-making in planning. However, the academic debate is divided about the benefits of participatory planning to achieve more legitimate planning outcomes (Zakhour 2020). The challenge lies in the fact that more participative decision-making can have consequences for the legitimacy of those decisions and poses an opportunity and a threat to addressing legitimacy deficits (Alexander et al. 2017). Some scholars argue that participative models enhance the legitimacy of planning decisions. In the academic literature, participative models are often presented as a way to make legitimate planning decisions and ‘re-enchant’ our democracy (Boonstra 2011; Innes 2004; Healey 2012). Participative decision-making directly leads to consensus-based plans in which public consent and support for the plan are generated by the participative process. In turn, this enhances the legitimacy of those decisions (Boonstra 2011).

However, participation as a model is argued to diminish precisely the legitimacy of planning decisions (Day 1997). The discussion on the ‘democratic’ merits of participation appears to be a stalemate (Zakhour 2020; Swyngedouw 2005; Nuisll, Heinrichs 2011; Schmitt, Wiechmann 2018). Enhanced legitimacy via participation in spatial planning is a controversial claim and is, therefore, much debated in urban planning, political science, and policy science.

Although a long-standing debate on participation has created a formidable body of literature, the concept, applied in many different contexts, has become loaded with ideological, social, political, and methodological meaning, giving rise to a wide range of interpretations (Laurence 2006; Reed 2008; Cornwall 2008; Sprain 2016; Delgado 2018). How participative decision-making affects legitimacy, although sometimes presented as straightforward (Michiels et al. 2010; Healey 2003), is not clear-cut. Other scholars argue that the relationship between participation and legitimacy, however, as mentioned in participation literature, is often left implicit (Taylor 2019).

Alongside the latter debate, little empirical work on legitimacy in the context of participation is carried out (Zakhour 2020). The main literature on legitimacy focuses on regional, not local, governance (Taylor 2019; Levelt et al. 2013), environmental governance, and flood risk management (Buuren 2014; Alexander 2017). How to use participation in practice to enhance the legitimacy of planning decisions is shrouded in fog.

An in-depth exploration of the relationship between participation on the one side and legitimacy on the other can help with understanding the link between these concepts. By opening up the container concept of participation, we aim to filter the (municipal) objectives of participation and link them to forms of legitimacy. In doing so, we provide an insight into the following question:

How do the objectives of participation processes in planning projects at a local level relate to different forms of legitimacy?

Using the different forms of legitimacy in our exploration, we can paint a more colourful picture of the link between legitimacy and participation, which is often presented as straightforward in participation literature. Furthermore, a deeper understanding of the relationship between participation and legitimacy will allow practitioners to enhance the legitimacy of planning decisions via participative methods in planning practice. This understanding can lead to a more targeted application of participative methods in planning.

This paper illustrates the complex relationship between participation and legitimacy within three different spatial projects of the Dutch municipality Haarlemmermeer in which the municipality has experimented with different participative methods. The projects differ in terms of scale, abstraction, time span, and the objectives of the participation process. The remainder of this paper is structured as follows.

The debate on participation in planning is outlined in Section 2. Next, the concept of legitimacy is theoretically explored. Building on Scharpf's (1999) and Schmidt's (2013) models, participation is related to the different forms of legitimacy. This will serve as a conceptual model for analysing the three cases of the Haarlemmermeer participation programme. Section 4 empirically analyses the relationship between participation and legitimacy and shows how the different forms of legitimacy relate to one another. Finally, conclusions are drawn from this empirical analysis in Section 5, and points for discussion and future research are pointed out.

Planning, the public interest and participation

The introduction of participative methods started in the late 60s. Before this moment, planning actions were legitimated because they were based on professional judgment and expertise, carried out by the (local) government in the public interest (Alexander 2002). The public challenged expert-driven, deterministic, and technocratic planning for the lack of inclusiveness and for generating undesirable outcomes (Taylor 2019; Schmitt et al. 2018).

In response, a new body of literature appeared that argued and promoted more democratic deliberation, equalising power relations, and the politicisation of apolitical technocratic planning processes (Taylor 2019). Faludi's (1973) distinction between substantive and procedural theory highlights the shift in the academic debate on planning. Planning is not only about what a 'good' city should look like but also about how to organise and who to include in planning processes. This procedural take on planning also meant that the public interest is not only substantive, determined by professionals, but that its formulation is the result of a dialogue of involved actors (Alexander 2002).

One of the most influential papers is *A ladder of participation* by Arnstein (1969) about the relationship between the state and other actors. However, participation is promoted by many authors, and the goals pursued with participative methods are numerous, namely: this approach enhances the quality of plans, raises support for plans, provides lessons and experience in citizenship, leads to a more open and diverse spatial planning process, builds trust between actors and ensures accountability (Calderon 2020; Zakhour 2020; Innes et al. 2004; Michels et al. 2010).

Scholars promoting participation point out that legitimacy's enhancing capacity tends to concern: the fairness of the process (Tyler 2003), the networks, the social capital gained from the experience (Putman 2001), and how mutual understanding (Habermass 1996) and moral agreement around political decision-making are expected to foster citizen engagement and public trust toward democratic institutions (Healey 1997; Innes, Booher 2010). Although not mentioned directly, trust, accountability, fairness of planning processes, and support and enhanced quality of plans can be described as elements of legitimacy (Buuren et al. 2011; Levelt et al. 2013; Needham et al. 2011: 139).

Collaborative and participatory models for planning brought promises of ‘re-enchanted democracy’ and the ability to enhance the legitimacy of planning decisions (Boonstra 2011; Innes 2004; Healey 2012). Participation by members of stakeholder groups is underpinned by the principle that this enables policies and strategies to be shaped through collaborative deliberation (Healey 1997). This also implies that the formulation of the public interest is a collective effort based on dialogue between the involved stakeholders (Alexander 2002). With consensus as an explicit goal, participation increases democratic legitimacy. This means legitimacy is enhanced by the ability of participants to make actual decisions via a form of deliberative democracy (Zakhour 2020).

Another group of scholars argues that participative methods are the cornerstone of social innovation to (re-)empower ordinary citizens in planning (Voorberg et al. 2015). With the introduction of market characteristics in planning systems, authors argue that the market-oriented discourse, values, and goals became dominant in planning and participative processes (Watson 2006; Calderon 2020). From this standpoint, the legitimacy of decisions from participative (governance) processes is questioned (Swyngedouw 2005). From their perspective, governance models in a neoliberal planning system do not empower citizens but rather reinforce institutions in-between market and state. These institutions are out of public sight and there is a lack of public control over these institutions (Swyngedouw 2005). An innovative bottom-up planning process can (re-)empower these groups, mainly citizens, that are otherwise excluded from decision-making. Therefore, they promote participative processes in which citizens can ‘co-produce’ or co-create to empower citizens. When empowered, policies that result from these open participation processes not only affect the local scale but have a wider effect. This process is described as social innovation (Moulaert 2013).

Over the years of this long-lasting academic debate, perspectives on participative decision-making and its objectives, applicability, and merits differ. Until this day, there is a lively academic debate on whether, how, and with whom participation in planning processes should take place. Participation can equally lead to more inequalities and injustice and be considered less legitimate (Zakhour 2020). Within these discussions, increasing legitimacy by participation is one of the most contested issues (Quick 2016). There is considerable dis-

agreement on the democratic merits of participation (Davy 1997). Who is represented, how much influence they have (legitimate or otherwise), and what tactics can be used to address exclusion – are central to the quality and legitimacy of public participation (Quick 2016).

From this perspective, participation is not a neutral, apolitical process (Sprain 2016). Outsiders can capture this process (Swyngedouw 2005), or exclude certain minorities. The capacity of participative decision-making for the enhancement of legitimacy is therefore not causal. Some studies show that participative methods improve the quality of decisions, but there is no clear-cut rule for what the level of involvement should be to achieve this improvement (Sprain 2016).

Therefore, participation can be used in different planning contexts, stages of the planning process, and with different actors or types of actors. This also means that the effect of participative instruments on planning decisions can vary. As a consequence, the use of participative instruments in itself is not a guarantee of (greater) legitimacy (Alexander et al. 2017). One could say that, when done poorly, participation can lead to less democratic and legitimate decisions (Sprain 2016). But even when done ‘right’, does participation enhance legitimacy? The capacity of participative instruments to enhance legitimacy, and the actual mechanisms to achieve that are often left implicit in participation literature (Taylor 2019).

To shed more light on the relationship between participation processes and their impact on the legitimacy of planning decisions, we need to know what legitimacy means in (participative) planning processes, because they often started aiming to enhance legitimacy. First, legitimacy needs to be conceptualised and related to participation.

Conceptualisation of legitimacy

Legitimacy has been a relevant theme in political, policy and social science. It focuses predominantly on legitimacy in the context of the state, and the relationship with its subjects, as well as on the legitimacy of institutions beyond the state, such as international organisations such as the European Union (Billerbeck 2017).

From this wider perspective, legitimacy is defined as the trust between the governing and the governed (Needham et al. 2011: 139). And consequently, the acceptance of decisions made by the governing, for the governed (Levelt et al.

2013). Legitimacy can find its source in either the legitimacy of authority, as enjoyed, for example, by divine rulers, or the legitimacy of consent. This consent can be based on rules, laws, regulations, and open democratic procedures (Fischer et al. 2007: 162). Legitimacy, therefore, has a close relationship with the concept of legality. Legal actions are often considered legitimate and vice versa (Needham et al. 2018: 140). But where laws and regulations are stable and robust, legitimacy is more flexible, depending on altering beliefs of/in society. The legitimacy of actions is, therefore, a quality to be earned. Therefore, legitimacy can conflict with legality. An action can, after all, be legal, but considered illegitimate.

Legitimacy encompasses various elements, and there is more than one way to enquire into the legitimacy of democratic decisions. The basis for the modern, normative definitions of legitimacy concepts is picked up from the dictum on democracy by Abraham Lincoln. He stated that government ought to be by the people (political participation, citizen representation) and government for the people (governing effectiveness) (Schmidt 2013). Legitimacy refers to the justifiability of a power relationship. It is related to trust and the relationship between the governing and the governed (Hartmann, Needham 2018). It also relates to a political system or regime. Finally, it may also concern particular political decisions, public institutions, or political actors (Follesdal 2006).

As a concept, scholars conceptualise legitimacy in different ways. A dominant conceptualisation of legitimacy was made by Scharpf (1970). This conceptualisation is based on systems theory on the one hand, merged with normative political theory on the other (Steffek 2020). Scharpf (1970) distinguished two forms of legitimacy, namely: input legitimacy and output legitimacy. Schmidt (2013) added a third form to this conceptualisation of legitimacy by introducing throughput legitimacy.

Input legitimacy is conceptually tied to 'representational deliberation' and the inclusiveness and fair representation of different interests (Alexander 2017; Hartmann, Needham 2018). Input legitimacy flows from the system's responsiveness to public preferences (Taylor 2019).

Output legitimacy is constructed when policy decisions are publicly supported while solving public problems. A decision is legitimised when the performance of the policy is high (Steffek 2020; Taylor 2019).

In turn, throughput legitimacy refers to the decision-making process. Schmidt described

the policy- and decision-making process as a black box. What happens between the political input and policy output? A third form of legitimising decisions is the quality of this process. Actions by state bodies are considered legitimate when citizens and relevant stakeholders are enabled to contribute to an effective, accountable, and transparent policy process, disregarding the outcome (Hartmann, Needham 2018).

This particular conceptualisation is used in multiple contexts. Firstly, it is a framework for analysing European governance and European integration studies. Secondly, to study governance in waterworks and flood protection projects. It is also used in the field of local and regional policy and urban governance (Levelt et al. 2013; Alexander et al. 2017; Taylor 2019). In this regard, throughput legitimacy is associated with deliberation and cooperative decision-making.

Toward an analytical framework coupling participation objectives and forms of legitimacy

By defining input, throughput, and output legitimacy, multiple forms of legitimacy can be pursued. Participation can have a different impact on input, output and throughput legitimacy depending on the objective(s) of the participation process. After all, participation is a concept that can have different objectives and legitimacy is a concept with multiple attributes. In this section, we discuss which participation objectives correspond with input, throughput and output legitimacy. Input and output legitimacy is considered a clear dichotomy. Input legitimacy is about representation, and output is about effectiveness. These two can be considered substantive criteria. In addition, throughput legitimacy is the procedural criterion. However, the boundaries between input and output legitimacy are vague (Steffek 2020).

- Input legitimacy is defined as the quality of representation of the public interest in state decisions. First, these decisions must be made by elected officials on behalf of the electorate they represent (Taylor 2019). In this way, they serve the public interest. But what is the public interest? The public interest results from a public discussion in which multiple perspectives, stakes, and agendas are put forward. Information feeding the discussion can be the result of (scientific) research or expert knowledge, but also via participation. When a participative

process aims to enrich the public debate with new perspectives, stakes, agendas, or knowledge, taking a dialogic approach to determining the public interest, it strengthens the input legitimacy of policy decisions by filling knowledge gaps (Alexander 2017). A second element is when participation is initiated in the planning process (Delgado 2011).

- Throughput legitimacy refers to the quality of the decision-making process. It focuses on questions concerning whether all necessary steps are taken for a ‘good’ decision, connecting to a deontic approach to the public interest (Alexander 2002). This form of legitimacy is often linked with participation. Elements that are important in constructing throughput legitimacy are openness and transparency of the process, the ability for stakeholders to voice their opinion, accountability of decision-makers, procedural fairness, and equity of stakeholders (Iusman 2017; Steffek 2020; Haus et al. 2005). The debate on inclusiveness and participation is a good example of how participation relates to throughput legitimacy. However, inclusiveness and representation also have a relationship with input legitimacy (Steffek 2020).
- Output legitimacy is achieved if public problems are solved. To construct output legitimacy, support for policy decisions is needed, as well as the effectiveness of the policy. It can be described as value for (public) money, therefore, linked to the utilitarian translation of the public interest. In planning, local governments often cannot afford to tackle multiple complex spatial problems alone. In this case, governments need to make strategic alliances with third parties to trigger investment. Participation, or governance, aims to build partnerships of multiple

investors that help to solve public problems and enhance output legitimacy. Their plans are legitimised by the fact that they solve public problems effectively.

Participation can have different effects on all three forms of legitimacy depending on the objective of the participation process (Table 1). The analysis will focus on the following two steps to connect the participation process to form legitimacy. First, what is the initial objective and architecture of the participation process, and how did this develop over time? Second, how does that relate to either input, throughput, or output legitimacy?

Case selection and methods

As stated in the previous section, legitimacy and participation have multiple meanings. Therefore, an in-depth analysis of how legitimacy plays a role in municipal participation is needed. Our analysis required a municipality large enough to have a variety of projects and different types of processes. This diversity broadens the analysis and deepens the understanding of legitimacy and participation. For our analysis, we chose the municipality of Haarlemmermeer. This Dutch municipality has urban environments and rural parts within its borders. In preparation for the new Dutch planning law, in which participation has a more central role in planning processes, this municipality made participative policy-making one of its priorities. In 2014/2015, the municipality of Haarlemmermeer set up a four-year programme to experiment with more participation in policy-making : the Haarlemmermeer

| Form of legitimacy | Objective of the participation process |
|-----------------------|---|
| Input legitimacy | Quality of public participation in goal setting (Taylor 2019) Electoral process (Taylor 2019) Inclusiveness of deliberation (Taylor 2019) |
| Throughput legitimacy | Inclusiveness (Buuren 2014; Iusman et al. 2017; Schmidt et al. 2019) Voice (Buuren et al. 2014) Efficacy of the process (Iusman et al. 2017) Transparency of the process (Iusman et al. 2017; Schmidt et al. 2019) Openness of the process (Iusman et al. 2017; Schmidt et al. 2019) Accountability of the process (Iusman et al. 2017; Schmidt et al. 2019) |
| Output legitimacy | Governability/deliver socially valued outcomes (Alexander 2017) Participation objectives to implement policy decisions (Buuren 2014) Public support (Scharpf 1999) Trigger investment to enhance feasibility and effective implementation of plans. |

Tab. 1: Forms of legitimacy and objectives of participation processes.

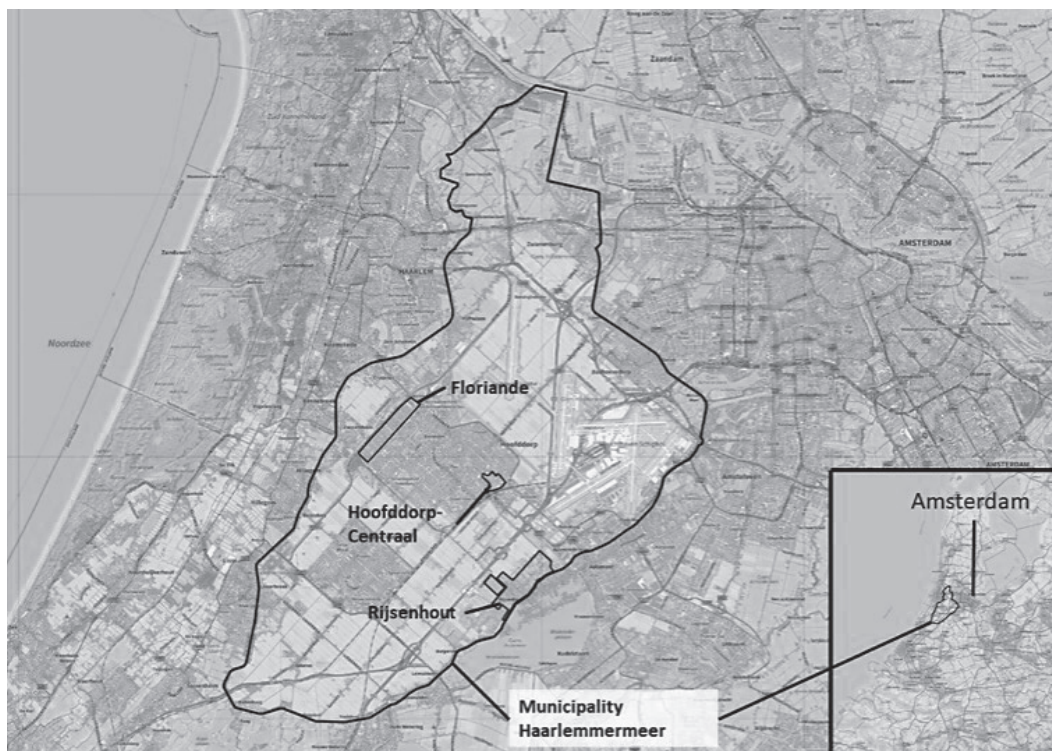
Participation Action Plan. Therefore, this particular municipality had a lot of different participative projects. The selected participation processes are done and so could be subjected for this ex-post evaluation.

The main goal of this action plan was to experiment with participative instruments in different forms. Not only did the initiators of the programme try to enhance the quality of the plans, but they also tried to find a way of involving more citizens in municipal policy-making. Indirectly, the programme aimed to better legitimise the policy decisions of the municipality. All the chosen cases were part of the Haarlemmermeer action plan, but they differed in participation method, planning phase (process), and complexity and abstractness (object). These differences can impact the objective of participation (Berman 2017) and, therefore, the way it impacts legitimacy.

The selected cases were part of a wider evaluation of the participation policy programme of the municipality. This evaluation consisted of nine cases, 34 semi-structured interviews with 27 respondents, and extensive document analysis. These were used to reconstruct all participation processes and create timelines for all nine projects. The analysed documents consisted of policy papers, letters, accounts of participation events, articles from local newspapers, and written correspondence with participants.

This analysis is based on policy documents and 11 semi-structured interviews. The interviews were first held with project leaders and then with participants to establish the objective and development of the participation process. Interviews focussed on four topics: the course of events, the aim of the participation process, a reflection on decision-making and legitimacy, and finally, the effect of the participation process. All interviews were conducted after the participation processes were finished. Based on the analysis of the documents and the interviews, we could reconstruct a timeline, and participants were able to reflect on the participation process. The documents used for the analysis were the finalised and official spatial plans, such as the spatial and economic strategy for Rijsenhout and Hoofddorp Centraal. Also, written recordings from participation events, the participation policy paper of the municipality, and formal municipal correspondence were used. The final step was to use the forms of legitimacy as an analytical lens for each participation process. How did the participation process aim to enhance either input, throughput and output legitimacy? Did the participative efforts raise dilemmas concerning legitimacy? And how did this affect the outcomes of these specific cases?

We used three different types of cases, namely: a brownfield development (Hoofddorp



Map 1; Municipality of Haarlemmermeer and the location of the three cases.

Centraal), the design of public space and parking places (Floriande) and the spatial and economic strategy Rijsenhout. All cases were situated in the municipality of Haarlemmermeer (Map 1).

All three cases were projects defined by the municipality as part of the Haarlemmermeer action plan and, therefore, in theory, had a clear beginning and end. In practice, however, the discussions on the transformation of these areas had a longer history than the particular projects. This historical context impacted the participation processes and, therefore must be part of the analysis. For this reason, we chose to do an ex-post evaluation and include the context to paint a fuller picture of the participation processes. Furthermore, it gives more insight into why events unfolded in this way.

Cases and discussion

The case studies are structured as follows. First, we reconstruct the participation process as part of the planning process. This will provide not only a description of the participation process, but also the wider context in which the participation process was set. After that, we focus on the objectives of the municipality regarding participation by using the analytical framework (Table 1). This will allow us to relate the participation objective to the different input, throughput, or output legitimacy forms.

Spatial and Economic Strategy Rijsenhout

Timeline

Rijsenhout is a small town on the east side of the Haarlemmermeer polder, dominated by horticulture as part of the Greenport Aalsmeer. This town needed a new spatial and economic strategy for its future development. Due to foreign competition, a lot of small-scale greenhouses are out of use, and many entrepreneurs are not able to upscale their businesses. As a consequence, many of the small-scale greenhouses are dilapidated. This process resulted in a lack of investment in this area and the decline of the town.

In 2006, the municipality decided that restructuring and modernisation of the town's horticulture were needed. The municipality made a deal with a third party specialised in restructuring these areas to achieve this. Partly, this project would be financed by land revenue

from a new modern horticulture project at the borders of the town of Rijsenhout. The municipality decided to start an extensive participation process between 2009 and 2011 to find new functions for the obsolete greenhouse areas. The results of this process were formulated in a policy called the 'Spatial Development Framework Rijsenhout'. One of the decisions in this policy was to reallocate land reserved for the new horticulture project and convert it into a park. *Policy officers worked with a 'feedback' group of enthusiastic and committed residents during the participation process.*

In the wake of the global economic collapse, poor market conditions and a lack of interest caused this development and, therefore, the associated revenue, to stall in the early stages of the project. And so, in 2013, the municipality started to work on an economic policy paper called the 'Spatial and Economic Strategy Rijsenhout'. Policy officers were instructed to formulate a new policy with the local residents.

The objectives of the municipality in this participation process were twofold. First, the municipality lacked the resources to finance a large-scale revitalisation of the declined horticultural area. Due to this lack of resources, the municipality hoped to spark initiatives from entrepreneurs and landowners by starting this participative vision-making process. In this way, the municipality hoped to revitalise Rijsenhout while spending minimal financial resources.

To achieve this, the second objective was to build consensus between key stakeholders. To this end, the members of the feedback group were invited to fulfil the role of advisor and, to a certain extent, 'broker a deal' with key stakeholders and the municipality.

In 2015, two 'inspiration sessions' were organised. Residents, landowners, and entrepreneurs from Rijsenhout were invited. In those two sessions, approximately a total of five hundred people showed up. A third session was organised specifically for landowners. Based on these sessions, the municipality formulated, together with residents, different scenarios. All the input and scenarios from the participation process were used to develop the new economic and spatial strategy, finalised in 2016. This strategy is formulated in collaboration with the third party involved earlier and with the provincial government. Finally, in 2017, the new strategy was publicly discussed at a participation event and was sent to the municipal council. All involved participants were positive about this participation process. Involving landowners, entrepreneurs and resi-

dents led to a new policy that was widely supported.

However, in 2016, the participation process was disrupted by a new development in the horticulture project. The land was previously designated to be transformed into a public park and sold to a new external horticulture company. This development completely contradicts the Spatial Development Framework Rijsenhout set out by the municipality itself. Many participants were frustrated and disappointed and felt their input and interests were not taken seriously when financial municipal interests were also at stake. A participant reflected: “Every time a financial interest of the municipality is at stake, in this case when the horticulture company was interested in settling in Rijsenhout, the interests of our town are no longer the top priority. It feels like the municipality has a hidden agenda when also participating with us residents.” (participant)

Previous arrangements were altered to benefit the municipality, without public consultation. This incident led to severe protests in the municipal council and distrust in all ongoing participation processes in which the feedback group played a prominent role.

Legitimacy and participation

The municipality’s most important aim was to revitalise the obsolete horticulture. Due to the lack of financial resources, it had no substantive planning agenda for the area. Therefore, the participative approach that was chosen aimed to generate as many creative ideas as possible and a plan supported by stakeholders. In this, the municipality succeeded. A participant commented: “the public hearings, organised by the municipality, were a great success. In my opinion, the municipal project leader did a good job. Everyone who would like to contribute to the discussion was able to make their point, and this resulted in a rich and valuable input for the spatial development framework.” (participant) In this sense, the participation process contributed to determining the public interest of the Spatial and Economic Strategy Rijsenhout by starting a dialogue on the main spatial issues of the town.

However, the main objectives of the municipality were legitimated via throughput legitimacy. In the participation process, which started in 2015, the municipality tried to build a consensus with all (key) stakeholders, especially landowners, without having clear substantive goals in mind. According to participants, the re-

sults of the participation process were promising. Participation initially enhanced throughput legitimacy by including participants and giving them a voice, and output legitimacy by building a coalition that re-used or replaced the outdated greenhouses (table 1). However, participants mistrusted the municipality because of the major disturbance in 2016. This resulted in public protests at council meetings to prevent the horticulture complex, and a temporary stop of cooperation between the feedback group and the municipality.

On the pretext that developing horticulture was in accordance with older municipal plans, the municipality allowed the development of the new horticulture complex without the participation or consultation of participants. In doing so, it was breaking its promise to the active participants in Rijsenhout. The decision was legitimated via input legitimacy but disrupted the formally separate participation process. Participants distrusted municipal officers and politicians, complained about a lack of accountability and felt “betrayed”.

The complexity of all the different interests of the municipality, representatives of the horticulture association and the residents of Rijsenhout proved to be entangled and interrelated. A municipal policy officer states: “The relation of the municipality and these two processes is diffuse. Multiple aldermen are involved with their conception of the situation. On top of that, the municipality failed to make clear arrangements of the scope and influence of the participation process, which backfired over time.” (municipal policy officer) This ‘back firing’ meant, in practice, that carefully built trust between participants and the municipality evaporated. By using input legitimacy in allowing the horticulture company to settle in Rijsenhout, it affected the previously gained throughput legitimacy in the participation process concerning the Spatial and Economic Strategy Rijsenhout.

Hoofddorp Centraal

Timeline

In the strategic plan for a district of Hoofddorp 2030 (2013), which contained a station, an office area, a park and an old orchard, the municipality formulated three core objectives for an area between the city centre and the station. First, there had to be a clear and green route from the station to the city centre. Second, the station area needed to develop into a transport hub; third, the office area had to be revitalised.

The area, containing obsolete offices, struggled with a lot of vacant office space in the aftermath of the economic crisis of 2008–2012.

This strategic plan was a cause for the residents of the area to organise a walk with local politicians in 2013. During this walk, the idea arose to organise an *open planning process*. The latter three core objectives, formulated and accepted by the municipal council, were to be the framework of this process. The main objective of the open process was to create a framework for new initiatives and developments within this area.

An open process was seen by the municipality as an opportunity to spark a new creative and diverse set of ideas and initiatives. Hopefully, it would also attract new investors willing to invest in the area. At that time, market conditions for spatial development were poor, the municipality lacked resources to invest in the area and the development of housing and offices stalled.

In 2014, the first participation event was hosted by the municipality. Participants were told that in this new ‘open process’, all participating actors would explore how to achieve the predefined strategic objectives. Participants came from various backgrounds. For instance, there were residents, real estate developers, representatives of the local tennis club, policy officers from the Dutch railway service and representatives of a nearby shopping centre. The project leader described: “Everyone who had, or took an interest in this project was welcome to join.” Stakeholders were free to join or quit their cooperation to the open process at any time.

To start initiatives and interest possible investors, willing entrepreneurs were invited. Sometimes, when specific knowledge was needed, professionals also joined the participation process for their particular expertise. Residents mostly brought local knowledge to the table. Finally, special sessions with young people were organised.

The open process had no predefined design, structure or deadlines. Instead, it followed five basic steps. First, to generate new ideas; second, to formulate those ideas into one piece of advice to local politicians (‘outside advice’). The third step was to develop a spatial plan and a strategy for implementation. The fourth and fifth steps were centred around implementation in two stages. All of the stages consisted of about five workshops. The results of each step were then to be discussed and adopted by the municipal council.

When the results of the second step of the process were discussed in the municipal council in 2015, participants and council members were disappointed. Councillors felt that the process toward a comprehensive consensus between all actors was not transparent. Besides this, it was unclear who had participated and who had not. Although this process only resulted formally in ‘outside advice’, the councillors felt obliged to adopt this advice. Participants felt unvalued and unappreciated. To solve this, ‘speed dates’ between participants and council members were organised, and council members were given the ability to listen in during workshops.

In December 2016, when the participation process was focused on how to realise the new green route, market conditions were significantly improved. Real estate developers bought empty office buildings to convert them into housing. The municipality responded by changing the zoning plan. In turn, developers requested a separate participation process to plan the transformation. A developer reflected: “It is tricky to talk about our (business) interests in an open setting/process with residents. That is a bad match. Introducing this new separate process was the right step to bring the right people together”. (real estate developer)

This resulted in splitting the open process of Hoofddorp Centraal (i.e. the railway station area). The open process would continue without focussing on the office area. The conversion of the vacant offices was defined as a new project called ‘Hoofddorp Hyde Park’. This separation led to uncertain residents who feared the participation process for the area as a whole would stop.

In 2017, the open process ended even though ambitious ideas, such as creating a new spot for restaurants, or a new tennis park, were not realised. The municipality invested in a new route and restructuring of the park.

When the scale of the new housing project became apparent, participating residents started to protest. Although they favoured converting the office area into new apartments, they had not imagined a small new neighbourhood dominated by high apartment blocks. Despite the protest, the building of the new *Hyde Park* neighbourhood started in 2020.

Legitimacy and participation

In this case, all concepts of legitimacy – input, throughput and output – are present. The main objective of organising this open process was

to spark new initiatives that could count on the support of (all) actors in the project area. Second, the municipality pushed for a development strategy which aimed not only to produce new ideas but also to implement the new plans through third-party investment. In this sense, the municipality, by organising this open planning process, aimed to increase output legitimacy, namely, socially valued solutions and a direct focus on implementation (table 1). Underlining this main objective, the municipality changed the zoning plan to allow conversion and spark development in the office area. To facilitate this conversion even further, it separated the participation process into two processes.

The open process also facilitated many elements of throughput legitimacy (table 1). It allowed all kinds of actors, residents, entrepreneurs, developers and others to enter into an open discussion and voice their ideas for this particular area in Hoofddorp. A participant states: “at first, everybody had their interests, obviously. However, over time we learned of the interests of other parties, and everyone understood that concessions were needed. Collectively we try to formulate a common plan. For years we, as residents, think: this process can be a success.” (participant) Within the abstract framework of the municipality, the participants were allowed to design and set the agenda for the participative planning process. These attributes can be seen as an effort to enhance throughput legitimacy.

Common legitimacy issues in participation processes, such as in- and exclusion, accountability and trust were present in this case. Trust was one of the most important elements of this case. By organising participation with as many actors as possible and the ability to join or quit at any time, it was unclear who was part of the presented results to the municipal council. As elected politicians, they were hesitant to ratify the results after the first two process steps. After complaining to the alderman, they were granted the ability to listen in on the participation process. Establishing the link between the municipal council and participants allowed for mutual understanding of each other’s role in the planning process.

Vice versa, due to previous attempts to develop the area, residents and the tennis club mistrusted the municipality. In their mind the Hoofddorp centraal project was one of many attempts over time to develop the area. As they stated: “I started participating in this project the moment my house was built in 1999.” (resident) In order to get the residents to participate, the

project leader had to invest a lot of time and a personal approach. As a participant reflected: “when this particular project leader started there was a lot of opposition, I was a bit cynical as well. But, he came over for coffee, brought cookies, and instead of presenting a plan he asked me to explain my perspective on this area. This felt like a good start. He did that very well.” (participant) Through this approach, the project leader gained the trust of the residents.

When the first piece of advice from the participation process was discussed by the municipal council, it was met with criticism. Residents mistrusted the municipality when they heard the critical response of local politicians. The trust issue was eventually solved by organising speed dates between municipal council members and participants.

A third trust issue, although not explicitly interpreted as such within the process, was the reluctance of project developers to put all their cards on the table in an open discussion with the municipality, residents and other actors alike. This was eventually solved by creating a separate planning process aimed at converting the obsolete office area. This separation led to uncertainty and mistrust among the residents. They felt as if they were no longer necessary.

In the Hoofddorp Centraal case, decisions were legitimised via output and throughput legitimacy. At the start of the participation process, throughput legitimacy was the dominant concept. The legitimacy of the planning decisions was derived from the participation process and in order to come to legitimate decisions, questions of in- and exclusion, accountability and trust arose.

Later, in order to achieve the transformation of the offices, the municipality legitimised their actions based on output legitimacy. The best illustration of this switch is the separation of the transformation and the Hoofddorp Centraal project. Ultimately this separation resulted in protests by participating residents against the new housing project.

Parking Floriande

Timeline

The residents of the Floriande neighbourhood experienced a lack of parking places for their cars. Together with residents, in 2013 the municipality decided to provide extra parking by restructuring public space. This was done in two stages. The first stage consisted of the creation of extra parking and the reservation of

additional space that could be used in a second stage if necessary. In the first half of 2015, 700 households received a municipal survey about parking. In addition to this survey, the municipality asked for advice from the neighbourhood council, a group of active residents.

As a result, the municipality decided that this issue was not solved in four areas of the neighbourhood. Therefore, a participation meeting was organised in August 2015 where the additional parking measures were presented to residents of the four neighbourhood areas. For each area, the municipality presented two variants. Furthermore, they said that every household in those four areas could log on to a digital platform. The reason for using this platform was to involve as many residents as possible. The project leader described: “people in this neighbourhood are very busy. So mobilising more participants via online platforms is an improvement compared to talking to the usual suspects at a regular participation event”. On the online platform, residents were asked two questions:

- 1) Do you agree that additional parking measures should be taken?
- 2) If the majority of the vote is in favour of additional measures, which variant holds your preference?

On the platform, residents were told that the variant with the most votes would be implemented. And if a majority did not approve of additional parking measures, none would be taken. There was no minimal turn-out requirement. The platform had a forum that could be used by residents for discussions on the different variants. The substance of these discussions was considered extra by the municipality and would not determine the outcome of this participative process.

Between 30–40% of the households voted and in three of the four areas the majority variant was executed. In all cases, there were comments that had not-in-my-backyard attributes, such as: “If this solution was implemented in front of my door I would have voted differently”. Only in one case did the forum lead to a significant change in municipal policy. Because of the NIMBY characteristics of the chosen solution, which the forum revealed, the policy officer responsible decided to implement the minority variant.

Legitimacy and participation

The relationship between digital participation and legitimacy is twofold. By voting, de-

cision-making is delegated to all selected households. Decisions are made via a local referendum. This relates to input legitimacy. Conditions for a referendum were good because there were clear geographical boundaries and, therefore, a clear voting population. The digital referendum is also related to elements of throughput legitimacy. The voting was transparent, the rules of the process were pre-determined and clear and, finally, determining the voting population was geographically clear.

However, the introduction of the forum into the voting process had a negative impact on throughput legitimacy. First, the goal of the forum was unclear. Residents used it to post different types of comments. For example, they commented on either of the two options, commented on each other’s parking behaviour in the neighbourhood, added new suggestions, or commented on the result of the vote. Second, although the forum had no (official) role within the decision-making process, in one case it was used by the project leader to implement the minority variant. This decision led to confusion among participants.

Using the forum to alter the voted decision can be seen as using input legitimacy to make a good decision *for the people*. In doing so, the project leader disrupted his own participation process and diminished throughput legitimacy. Despite the confusion among participants, the minority variant was implemented without further protest from residents of the neighbourhood.

Discussion

In all cases, all perspectives of legitimacy were visible in parts of the municipal decision-making. The importance of each perspective varied. The clearest impact participative instruments have on decision-making is throughput legitimacy. In all cases, participation instruments gave actors a voice, were able to build trust between actors and the municipality, and allowed participants insight into which stakes are to be balanced within these projects. The cases also showed that participation does not necessarily enhance legitimacy, but also diminishes legitimacy. And, that more perspectives than throughput legitimacy were present in all cases. The discussion is structured around five conclusions.

1. Often, participation is a means to an end

Participation was an instrument to pursue other municipal goals (Buchy et al. 2000; Cornwall 2008). Therefore the municipality balanced different perspectives of legitimacy. The three cases can be categorised into two categories, in which participation had a different objective and, therefore, participation affected legitimacy in a different way. In the first category, the municipality had a substantive goal and a picture of what the result of the process should be. In part, decisions were legitimised on the basis of input legitimacy and decided before the participation process. The participation process, in turn, allowed residents to mould municipal decisions. In the case of the parking places, this meant that the two options presented were in line with municipal policy. One could argue that it is a contribution to throughput legitimacy (table 1).

In the other category, i.e., the other two cases, the municipality had no clear substantive goal in mind (spatial and economic strategy Rijsenhout and Hoofddorp Centraal). Instead, participation was used to gather all knowledge, creativity and resources available in the local community to start new spatial initiatives. At first sight, the public interest was formulated on the basis of dialogue with participants. The main objective of the participation was to come up with a consensus-based spatial development strategy. In the case of Hoofddorp Centraal, this was called the 'open process'. Although in both cases there wasn't a clear substantive goal, the municipality started this participation process to spark new spatial development and investment. In this way, they tried to hit two birds with one stone: first, to solve spatial problems with supported solutions and second, to develop areas with a minimum of public spending. This desire led to some decisions being legitimised based on output legitimacy (table 1). In doing so, it diminished the throughput legitimacy of the planning decisions within these processes.

2. Interplaying forms of legitimacy in the public interest(s)

During the planning process, within the complex political, social and planning context, tensions and dilemmas arose, primarily between formulating a new plan and ensuring effective implementation of that plan by third-party investment. In the Rijsenhout case, this related to the sanctioning of the new horticulture com-

plex, although other promises to participants were made. In the Hoofddorp Centraal case, splitting the process into two processes is an example of interplaying forms of legitimacy. All decisions can be legitimated by one of the forms of legitimacy and meet (one) of many public interests that coexist, by engaging in participative processes in which a dialogue is started to establish what the (public) stakes and interests in a project are, on the one hand. However, for reasons of effective implementation and finding private investment in municipal planning projects, a utilitarian approach to public priorities and interests is required on the other. Prioritising the latter affects the mode of legitimacy in which the municipality is operating. Decisions can be considered legitimate on the basis of input and output legitimacy and, in these cases, these decisions diminish throughput legitimacy.

3. Switching legitimacy perspectives

In two cases, the municipality switched between perspectives to legitimise planning decisions. Switching was carried out by means of a unilateral decision by the municipality, motivating this on the basis of input, or output legitimacy. In the Floriande case, in order to ensure a fair outcome, the policy officer made the decision to choose the minority option. This led to confusion among participants. In the case of Hoofddorp Centraal, the participation process was split into two processes in order to speed up the transformation of the office area. Switching perspectives led to disturbances in both participation processes. In these two cases, switching the basis for the legitimacy of decisions resulted in diminished throughput legitimacy (table 1). Managing expectations and establishing rules of the game can help to prevent the confusion and sometimes frustration of participants as witnessed in these two cases. In this way, one can also prevent the loss of throughput legitimacy. How to deal with (legal) certainty on one hand and flexibility on the other is a long-standing dilemma in planning (Buitelaar et al. 2011).

4. Impact of time and context on participation and legitimacy

All cases had a time span of multiple years. The dynamic context in which participation processes take place can have a profound effect on these processes (Ploger 2001; Damar et al. 1971). The changing economic climate or another participative project has an effect on par-

ticipation projects. In the case of Hoofddorp Centraal, it meant that the transformation of obsolete offices into housing became a feasible ambition. In the Rijsenhout case, failed participation in one project meant the disturbance of another. The changing environment in which the participation was set can result in opportunistic behaviour from the municipality, and so, lose the throughput legitimacy initially gained by participating. Participants didn't accept the legitimisation other than via the participative route. This eventually resulted in conflict between participants and the municipality. The impact of context and the timespan of participative processes is a subject that is less prominent in participation literature. Although some authors comment on the extent to which participants are willing to invest time in planning processes (Irvin et al. 2004), changing planning contexts are less present in the debate (Lubbacaro et al. 2019).

5. Balancing the municipal agendas

The municipality pursues not just one goal and does not just have one project but is in itself a multi-headed organisation with conflicting interests, goals, and ambitions. Every step municipalities take in participative processes is always embedded in a local institutional and political context (Ploger 2001). This means the municipality has to balance this variety of internal and external stakes that are legitimated in different ways.

Making legitimate planning decisions requires the municipality to carefully consider which decisions or parts of the planning process require a basis of input and/or output legitimacy. In this way, participative decision-making can make a valuable contribution to either input, output, or throughput legitimacy. However, when legitimacy as part of a participation process is ill-considered, participation can have a delegitimising effect on municipal planning decisions as shown in all cases. Lessons learned in multilevel- and multi-stakeholder governance on legitimacy are, therefore, applicable to participation on a local scale. Questions on inclusion, power, representation, and transparency that are apparent in governance arrangements without one representative body (Levelt et al. 2013; Straalen et al. 2018) also play a major role on municipal scales that have this body.

Knowing that different forms of legitimacy can be pursued via different participative methods, the debate on how participation can give a valuable contribution to the re-enchantment of

local democracy requires a nuanced debate on when, how, and with whom to use participation methods in planning processes. A more careful consideration of what legitimacy means in different stages of planning processes can help to sharpen our understanding of traditional participative issues such as inclusion and accountability.

Conclusion

In this paper, we have explored how participative decision-making affects legitimacy. Although this relationship, in participation literature, is often presented as clear-cut, our in-depth analysis shows that, when linking participation and legitimacy, the relationship is more complex.

Building on the input, throughput and output legitimacy model (Schaprf 1999; Schmidt 2013), we were able to shed light on the effect that participation has on either form of legitimacy (Table 1). In this analysis, we were able to retrace participation processes over the course of the several years that the processes took and analyse them in their social context. By analysing municipal policy documents and interviews with municipal project leaders and participants, we were able to paint a diverse picture of how the municipal aims in participation processes relate to legitimacy. By unravelling the planning processes, we were able to determine how key decisions were made and how this affected the legitimacy of the planning processes examined. The contribution this paper makes to the academic debate is the finding that, when using a wide perspective on legitimacy, tensions between different forms of legitimacy can arise. Although municipalities can make use of participation to build legitimacy, they should be aware of the form/mode of legitimacy they are operating in. This should, furthermore, be in line with the purpose and timing of planning interventions.

In all cases, participation was linked to throughput legitimacy. Participative instruments enabled actors to voice their beliefs and exchange knowledge and attributes related to throughput legitimacy (Buuren 2014; Iusman et al. 2017). But in all cases, this is only part of the story. Participation is often only a means to an end. Democratising decision-making and improving (throughput) legitimacy were not the sole purpose of the municipal projects researched. However prominent they are in academic literature on participation, a striking

observation is that participative methods were initiated to spark new spatial developments and private third-party investment (Hoofddorp Centraal and Rijsenhout). This meant that some of the decisions taken were legitimised on the basis of input or output legitimacy. This study shows that when an opportunity for implementing spatial development arose, the municipality chose another form (input or output) to legitimise decisions. Using a different argument for legitimation and, therefore, switching between these different forms of legitimation, gives rise to confusion among participants and can, eventually, lead to political protest.

Participation can make a contribution to all forms of legitimacy and, therefore, participation has an enhancing capacity toward legitimacy as the literature implies (Michiels et al. 2010). But this analysis has also shown that, depending on the aim of the municipality, different public interests compete and are not equally prioritised, and relate to different forms of legitimacy. This can also create tensions within participative processes and the loss of other forms of legitimacy, as they can compete. In order to prevent these tensions within participative processes, a stand needs to be taken in the dilemma of certainty and flexibility and, therefore, careful consideration of the perceived (municipal) objectives and the relationship of these objectives with legitimacy (Buitelaar et al. 2011). More research is needed on the conditions under which switching between legitimacy modes occurs.

The impact of external, contextual circumstances on participation processes is not to be understated (Ploger 2001; Damar et al. 1971). After all, the municipality is a multi-level institution with multiple ambitions that need to be balanced and can change over time (Woestenburg et al. 2019). Additionally, differing economic climates can change the context in which participative decision-making is set. Although apparent in two of the cases, the impact of time, timing of participation and context is less present in academic literature on participation and legitimacy than, for instance, the political context in which the participative processes are set. The complex relationships among participation processes and representative institutions is less explored as a field in planning literature. More research in this field and how to navigate these uncertainties is, therefore, needed.

Although this analysis provides a basis for a nuanced discussion on legitimacy and participation in planning projects, this paper uses only one (common) conceptualisation of legitimacy, and there are multiple (Matti 2009).

Participation literature often presents enhanced legitimacy as one of the positive effects of participative decision-making. Indeed, participative methods can play a valuable role in enhancing the legitimacy of planning decisions. But this relationship is not as causal as it is presented. Strengthening input legitimacy requires other conditions and methods than output legitimacy. This research shows that there are multiple participative routes to different forms of legitimacy.

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