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Complex planning landscapes: regimes, actors, instruments and discourses of contractual urban development

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Introduction

Increasing dependence on financial markets, global investment trends and private sector funding has brought about rapid and ongoing changes in the regulatory landscape of urban planning. The expansion of private sector involvement, especially with the involvement of property market dynamics in the planning and governance of cities, creates new forms of complexity in decision-making processes, mechanisms and tools in these complex planning landscapes, as elaborated by Raco et al. in this issue. In the wake of the global financial crisis of 2008, the need to develop a better understanding of the complexity of governing and planning cities with the involvement of the private sector became a necessity in urban planning literature as the diversity of actors, regulations and mechanisms of planning changed rapidly. Against this backdrop, planning scholars have already begun to call for a more sophisticated and constructive understanding of the pressures and priorities of the property industry to move beyond a one-dimensional critical analysis (Campbell, Tait, & Watkins, 2013). This special issue provides a collection of articles that contribute to a better understanding of the complex dynamics of property-led planning and urban governance, not only by providing empirical evidence to illustrate the sophisticated regimes, actors, instruments and discourses involved in it, but also by offering new ways to understand private sector involvement in public planning.

By using a range of regulatory instruments, the public sector has sought to create diverse ‘safeguarding mechanisms’ to reduce risk and ensure that public services are not compromised for the sake of private sector profits (Forrer, Kee, Newcomer, & Boyer, 2010). Planning has a crucial role to play in property-led urban development due to its part in facilitating investments in the built environment with the help of regulatory instruments, such as contracts. However, as we argue in this collection, the diversity within the private sector, and in particular within the property industry, creates a complex regulatory landscape which functions through diverse instruments in disjointed ‘pockets of micro-regulation’, creating ‘temporary entrepreneurial urban regimes’ as Tasan-Kok et al. and Atkinson et al. elaborates on in this collection. The ensuing

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complexity often creates opaque governance structures that form intricate individualized governmentalities through an assemblage of technologies, routines and modes of conduct (Peck, 2013). In this complex governance framework, we show how public interest is often framed through political agendas in line with the particular (i.e. context related) 'market logic', while public accountability co-exists in new, diverse and complex formats across different contexts. Both conditions make it difficult to objectively identify the consequences of this form of development for the city. Based on empirical evidence and research, this collection provides a platform to discuss the diverse conditions and consequences of regulation of private sector involvement and property market dynamics in urban development.

The articles in this collection are based on a successful special session accommodated by the *Planning, Law and Property Rights* track at the annual AESOP (Association of European Schools of Planning) conference in 2017 where we collected papers that looked specifically into the consequences and conditions of private sector involvement in urban development. The papers are based on case studies carried out in Brazil, the Netherlands and the UK that are mainly an outcome of a recently completed transnational research project called Public Accountability to Residents in Contractual Urban Redevelopment (PARCOUR).¹ The collection contains four research articles that are designed around the common framework of the project and a review article written by Korthals Altes. This final paper provides a synthesis of the findings around the idea of 'multiple land use planning', which provides a framework to understand the conditions and consequences of private sector involvement in urban development. This perspective provides us with the opportunity to articulate the common perception of the 'city as a place to invest' as opposed to a 'place to live' through the respective lenses of the diverse actors involved in urban development as Raco et al. elaborates in this collection, and to see how this perception actually translates into public planning frameworks that appear to be increasingly moving away from the values and norms of a greater public interest that have traditionally served as a benchmark for planners. Korthals Altes provides a detailed account on how this perception moves planning practice away from its normative aims through the use of instruments that aim to increase the legitimacy, effectiveness and efficiency of planning. In this form of governance, which Pierre would define as 'managerial' (1999), it is possible to frame certain areas of the city as 'problematic' and designate them as renewal or regeneration schemes with discourses of inclusive urban agenda to justify new projects, even though they may fail to realize their normative targets as Refinetti Martins and Pereira show in this collection. Moreover, instrumentalising the norms and regulations through contractual relations dictate the roles of public organizations, private sector actors and citizens through the use of legal instruments that transform them into legally accountable positions, such as *accountor* and *accountee*, as Tasan-Kok et al. demonstrates in this collection. The structuring logic of this governance framework creates ways of thinking and acting whereby it becomes 'natural' (i.e. a form of 'common-sense' or conventional wisdom) that urban land is seen by both the public and private sector, as well as by residents, as a place to invest, which facilitates and informs the market-dependency of planning today. At the same time, dependency on market conditions generate new forms of complexity in democratic decision-making processes and limit the influence and involvement of citizens (Atkinson, 2003; Raco, 2013), thereby creating, through a process of inculcation and internalization, an implicit risk that urban residents become part of this

market dependency by investing and co-developing properties through financial tools provided by the market. As Atkinson et al. elaborate in this collection, this form of development, even in relatively small cities, may bind actors together through very complex governance relations, which do not necessarily go beyond mutual self-interest.

Contributions to the special issue

The special issue opens with an article by Raco et al., which describes and analyses the complexity of planning today's cities from the point of view of the property industry. They argue that by presenting London as a 'polymath city', which is framed by policy agendas focused on a 'premier global city', this enables the property industry to navigate their property investment projects through the complex planning landscape of the city, which involve complex regulations for redeveloping land. By utilizing social relations embedded in policy networks property industry actors can easily bypass formal and informal institutions that impede redevelopment. The paper expands on the practices of investors who help to 'co-produce the differentiated planning landscapes in which they are making investment decisions' by relying on both quantitative calculations and multiple understandings of place-based regulation.

In this respect, the following paper from Atkinson et al. continues the same line of thinking about the complexity of governing and planning by turning attention to relatively smaller cities to show how, even in relatively small-scale development projects, a complex array of multi-level actors is involved. That is reflected in the institutional structures that are developed along with a correspondingly diverse range of planning and regulatory instruments that are deployed to regulate public-private urban development partnerships in urban regeneration. The paper illustrates variegated neoliberalism in practice by focusing on how 'temporary entrepreneurial urban regimes', bound together by a mutual self-interest in developing a project, embodied by a complex web of relationships in which the projects were embedded in. Although there were 'key local actors' throughout the process, even relatively small places became connected to a wider set of multi-level governance relationships and flows of (public and private) resources, which have to be combined and focussed at the local level through public-private partnerships. Moreover, this complex web of relationships did, at times, make it difficult to identify where decisions were being made and by whom.

Picking up the discussion on the growing complexity of governance and regulation of urban development from the perspective of how these regulations operate, the findings of Tasan-Kok et al. shifts the discussion to another level: how these complex relations are actually regulated through contracts. They argue in the article that this form of planning creates fragmented planning processes and they investigate how, through legal instrumentalization, this fragmentation and complexity influences the conflicting dynamics created by the complex contractual relations between public and private sector actors on the fundamentals of urban planning practices. They do this by focusing on the mutating forms of public accountability mechanisms created by contractual relationships between public and private sector agencies.

And finally, in the Brazilian context, the Refinetti Martins and Pereira article focuses on discourses that portray urban regeneration as beneficial to society as a whole. They do this by deciphering the impact of the instruments created by public-private sector interaction in the form of PPPs (Public Private Partnerships) for the 'public interest'. They discuss

projects in Rio de Janeiro and São Paulo because of the important roles they play as test beds and thus in defining (national) urban policy paradigms, which became applicable in other Brazilian cities. These urban regeneration projects articulate discourses that present such areas as problematic, and then provide 'appropriate' solutions for them defined by a profit-seeking logic. In this way they are able to create a policy agenda that justifies the assertion that these projects are in the 'public interest' through concepts such as 'sustainable', 'just', and 'inclusive city'. However, the instruments that are deployed to implement these concepts (PPPs and Urban Operation Consortium) are far from fulfilling the expectations of a wider public interest as more fragile groups such as low-income residents usually suffer the consequences.

The final article aims to wrap up this special issue by providing a synthesis written by Korthals Altes. This focuses on the legitimacy, effectiveness and efficiency of the institutional relations developed between public and private sector actors in urban development in order to discuss changes in the normative aims of planning. The synthesis provides a discussion by using '*multiple land use planning*' as a frame of analysis and invites the reader to look beyond the regulatory targets of policy agendas to question the consequences of this form of market-dependent planning for a wider urban society.

This collection offers three main contributions to urban planning scholarship: first, part of our collection illustrates how, and in what ways, the private sector, mainly through the property industry actors and through contractual instruments, is involved in and practice property-led urban planning and governance. Second, part of the collection operationalizes fuzzy concepts such as public interest or public accountability. And finally, one of the main contributions of this collection is to illustrate the extent to which governance forms related to the involvement of the private sector in urban development through the use of contractual approaches and policy agendas have further increased the existing inequalities in the city. Considering the complex web of relations, instruments and actors it becomes clear that contractual relations create new forms of accountability, legitimized through regulatory instruments and mechanisms, which also add to the complexity of governance. Although it was questioned decades ago whether the governability of cities is under threat (Rose, 1979), with our findings we can argue that 'ungovernmentality' clearly becomes an issue in contemporary cities not only because of this complexity, as we have illustrated in this collection, but also because of the conflicts over the 'values and objectives' of the public sector (Pierre, 1999). Governance of cities is not just translucent, but also the link between economic-financial arrangements, regulatory forms and the urban spaces they produce is too complex to comprehend. Regulatory arrangements involving the private sector as a facilitator of urban regeneration schemes make local governments partners in property speculation. Moreover, this complex and fragmented way of shaping cities does not allow the citizen to control the built environment being produced.

Under these conditions it is not easy to hold one party accountable even if data, planning processes or transaction numbers are made publicly available, translated into facts and figures, and open to the public through participatory measures (Flyvbjerg, Holm, & Buhl, 2002). And it is not possible to safeguard a 'wider public interest' in a context that is incomprehensible and unpredictable. However, our research also shows in diverse ways that a good comprehension of the property industry, its actors and mechanisms, mapping of complex landscapes of governance, and the accurate coding of accountability mechanisms in contracts and regulatory mechanisms provide the fundamentals to

establish ‘transformative practices’ (Albrechts, 2017) that will help to identify the mechanisms that may be missing, or that need to be enhanced, in urban planning practice.

Note

1. <http://parcourresearch.com/>

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