**Strategies of responsibilization: Development contributions and the political role of property developers**

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**Abstract**

Deliberations over property development are so often typified by caricatures of the process, its actors and outcomes. The development process is generally portrayed as a ‘development game’ with planners and developers occupying opposing position. Drawing upon an examination with the engagement of property developers with development contributions in the London Borough of Southwark, this paper draws attention to the practices of these actors, by addressing how they assume responsibility for mitigating the impacts of their developments. By exploring property developers’ understandings of, attitudes towards, and interactions with development contributions, this paper examines how private property developers respond to and reflect upon this mode of state intervention. This paper argues that the attitudes and actions of property developers are neither technical or value free, but shaped by partialities that necessitate the conceptualization of the political role of property developers. It further contends that whilst developers inevitably conceptualize development contributions as financial costs, they ascribe a wider set of values to these contributions, as they mobilize these contributions to serve their own interest, often revolving around the building of reputational capital.

**1. Introduction**

Urban development is a continuous process in cities, yet as Guy and Henneberry (2002, p.5) highlight, “the physical building is the tip of the iceberg with much that is hidden beneath the surface”. Urban development not only symbolizes the physical manifestation of the urban landscape, it often acts as a tool to promote economic growth; all the while playing an important role in structuring the social relations of cities, by creating new communities and simultaneously segregating others (Fainstein, 2008).

Since the advent of Thatcher’s Government in 1979, successive British governments have promoted property-led regeneration as the way forward in securing investment in cities (Imrie and Dolton, 2014). With both national and local governments alike keen to see development, physical evidence of change has continued to be of great symbolic importance (Campbell, Tait and Watkins, 2014). As Fainstein (2001, p.1) remarked “governments have promoted physical change with the expectations that better looking cities are also better cities”.

Within the plethora of actors delivering city building, property developers lie occupy key positions in the production of urban spaces. As Rosen (2017, p.609) comments, ‘developers possess the power to alter not only the city’s form, but also to create unique urban images, visions and values’. Drawing upon a case study examination of the engagement of property developers in providing development contributions through section 106 agreements (hereafter s106) in the London Borough of Southwark (hereafter LBS), this article explores developers’ understandings of, attitudes towards and interactions with this mode of planning intervention operating in Bankside, Borough and London Bridge in north Southwark. Conceptualized as a strategy attempting to responsibilize developers to take responsibility for their developments’ impacts (Shamir, 2008), this article sheds light on the ways in which developers respond to this mode of intervention, and mobilize it to serve their own interests.

By considering how developers assume responsibility for mitigating the impacts of their developments by providing planning gains, the article considers the ethical considerations of developers. In doing so, it reflects on recent observations made by Rosen (2017) in his identification of “socially conscious developers” and Hyde’s (2018) interrogation of “giving back to get ahead” in Canada, within the context of this London case. By drawing attention to the motivations and behaviours of developers in relation to providing development contribution, it attends to the necessity of understanding the socio-political relations of developers within contemporary city building (Henneberry and Parris, 2013).

In the discussion that follows, I bring together literature across geography and urban planning exploring urban development processes and property developers, with organizational theories of the firm. Drawing attention in particular, to Scherer and Palazzo’s (2011) call to develop more nuanced organizational theories of the firm to conceptualize the role of private sector engagement in public sector activities. This latter body of literature seeks to elucidate better understandings of the public role of private firms, and provides useful conceptual tools to attend to and further debates on understanding the socio-political role of property developers. The article then contextualizes LBS, demonstrating how Southwark Council (hereafter SC) sought to embed entrepreneurial agendas to transform north Southwark. I then examine how s106 development contributions were understood by developers operating in north Southwark, exploring how they assumed responsibility for providing these contributions, before illuminating the ways in which developers themselves created value out of development contributions.

I argue that the attitudes and actions of property developers are neither technical or value free, but shaped by partialities that necessities the conceptualization of the actively political role of property developers. This article reveals that whilst developers inevitably conceptualize development contributions as financial costs, they ascribe a wider set of values to these contributions, mobilizing them to serve their own interests, often revolving around building reputational capital.

**2.1. Urban development processes and property developers**

Property developers are often characterized as rational, self-serving individuals intent on maximizing profits at the expense of others (Guy *et al.*, 2002). Their public personas are defined by Rachmaneque images of brashness and secrecy, confidence and greed, with little regard for the social and environmental impacts of their developments (Henderson, 2010). With deliberations so often typified by caricatures of the process, its actors and the outcomes, the development process is generally portrayed as a ‘development game’, with planners acting in the public interest and developers concerned with achieving short-term gains to maximize profits (Moore, 2012). Not only ignoring the fact that planners are themselves market actors, this perspective disregards the reality of developers’ decision-making processes, shaped by complex processes of interpretation, doubt and uncertainty (Campbell *et al.,* 2014).

Research on property development has historically been laden with orthodox economic perspectives of developers, proclaiming a mechanistic and deterministic understanding of their operations and behaviours (Guy and Henneberry, 2000). Fainstein’s (2001) seminal work charting ‘The City Builders’ in London and New York in the 1990s challenged such interpretations, demonstrating the uncertainty inherent to development cycles, illustrating that while economic and political dynamics shape these process, so too do social and cultural dynamics. Through the case of Olympia and York, Fainstein shed light on the role of heightened risk-taking personalities, religious beliefs, and a desire to play the game itself, in driving this commercial developer.

An institutional turn in the 1990s called for property markets to be understood as social constructs (see Healey, 1998). Asserting that the behaviours, actions and operations of market actor networks, including developers, investors and occupiers, relate to the complexities of their social, institutional and political contexts, Guy and Henneberry (2000, p.2410) stressed the necessity to understand the development process as “dynamic, deeply contextual and contingent on the particular aims and objectives of the development actors”.

By highlighting the importance of local institutional milieus within Greater Toronto’s office market, Charney (2007) argues developers need to be locationally literate to undertake development projects. Furthermore, Adams, Leishman and Watkins (2012) emphasize the significance of networks for speculative housebuilders in the UK, essential for information sharing, partnership building, exchanging land, and building trust and reputation between developers and local government. Indeed, Leffers (2017) argues, developers can wield greater power than other stakeholders, with institutional relationships of co-dependency often existing between developers and local authorities, and through financial contributions paid to local government.

The property industry therefore is made up of multiple types of developers (Campbell *et al.*, 2014), yet as Coaicetto (2000; 2001) asserts, empirical research has often failed to address the diversity of developers’ motivations, strategies and approaches. Moreover, Adams, Croudace and Tiesdell (2012) suggest public policies often draw upon a ‘notional property developer’, shaped by imaginary conceptualizations of developers’ behaviours and motivations, rather than nuanced understandings of how their operations in reality. More recently, Rosen (2017) has identified “highly diverse and flexible place entrepreneurs” (p.62) in his interrogation of the strategies and motivations of condominium developers in Toronto. Within this, he considers the “socially conscious developer”, highlighting that not all condo-developers are entirely profiteering, but identifies examples whereby rezoning in return for public benefits, has resulted in developers delivering social housing developments.

Elsewhere, Hyde (2018) builds upon this work, by posing an essential question – “what is the relationship between altruism and profitability in the urban development industry?” (pp.2-3). Drawing upon a comparative analysis of the deployment of land value capture to deliver social and affordable housing through rezoning for condominium developers in Toronto and Vancouver, Hyde’s analysis of Toronto, suggests,

Meaning and symbolism are central to a process that converts altruism into a strategy of accumulation for private development companies. These arrangements cannot be reduced to pure economic calculations and instead rely on cultural framings and fictional expectations that work to mystify increases in profit-making through a language of reciprocity and gift-giving (p.8).

In a recent seminal account, Weber’s (2015) influential reading of Chicago depicts the complex intertwining of the real estate industry, capital, and the city’s entrepreneurial government in overbuilding commercial property during the Millennial Boom. The “co-production” between supply and demand resulted in speculative overbuilding, she suggest, as property markets were ““performed” through historically and locally specific professional practice” (p.36). While Weber argues “large-scale developers radically reimagine space and possess the ability to create and extract value from opportunities that few others see” (p.12), she asserts, “perhaps the most noteworthy agent of property financialization during this period was not a private actor at all, but rather the local government” (p.149), deploying policy instruments capturing future land value, and re-zoning areas to create favourable conditions for developers and financial markets to overbuild in Chicago.

Furthermore, in an emerging body of literature attending to the financialization of urban development, emphasis has been placed on the necessity to understand the growing interrelationships between financial and real estate markets (Halbert and Attuyer, 2016). Illustrating how financial markets, shape developers’ strategies and the geographies of urban developments, Halbert, Henneberry and Mouzakis (2014, p.549) suggest, “developers have become key intermediaries that contribute to the communication between the financial expectations of distance investors and the messy spatial and social materialities of cities and regions”.

With evidence of this is emerging globally, Halbert and Rouanet (2014) identify developers in Bangalore city-region as crucial actors in ‘transcalar territorial networks’, funneling remote funding into the regions’ urban development. In Brazil, the resonance of stock market community discourses with the strategic positions of developers shapes the production and geographies of housing development (Sanfelici and Halbert, 2016). Drawing on an analysis of the Peel Group in northern England, Ward and Swyngedouw (2018) illustrate how this developer is engaging in the assetization of land and infrastructure, operating as “transformative agents in the variegated processes of neoliberal territorial restructuring” (p.1078).

In the London context, Robin (2018) examines the re-development of King’s Cross to consider how urban expertise and real estate practices create particular urban spaces. Demonstrating the centrality of the developer to establishing what is considered urban expertise, the paper argues it is leveraged to perform the commercial and financial values that developers ascribe to urban spaces. Elsewhere, Brill’s (2018) comparative analysis of London’s Royal Docks and Modderfontein in Johannesburg, argues within internationalized cities developers must emerge themselves in local networks to mobilize localised knowledge in their endeavours of “learning to play the game”.

Henneberry and Parris (2013) recently remarked, “despite their status as the drivers and coordinators of the property development project, relatively little is known about the perspectives, actions and strategies of property developers”, warning that “this under-socialized treatment” (p.242) is of particular concern given the continued advocacy of private sector finance to promote the regeneration and economic transformation of cities. While considerable contributions are enhancing our understanding of developers, particularly stemming from accounts of the financialization of urban development, Henneberry and Parris’ assertion of the “under-socialized treatment” of developers nonetheless commands further attention. Focusing on developers’ understandings of and interaction with providing development contributions, this article attends to furthering our understandings of the socio-political relations of developers by attending to their ethical considerations.

**2.2. Negotiating planning gains**

The British planning system has continued to be caught in an ongoing battle between planning policies and property rights, defined by tensions over the spatial organization of development and the distribution of financial gains created through its interaction with land and property markets (McAlistair, Wyatt and Coleman,2013). Planning gain, an ‘umbrella term to cover a multitude of issues whereby developers make contributions as part of the planning system’ (Ratcliffe, Stubbs and Keeping, 2009, p.155**)**, has continued to dominate planning debates, as successive governments have sought to grapple with the most effective way to capture the uplift in land value generated through granting planning permission. From the betterment levies of 1947 and 1967, the Community Land Act of 1975, to section 106 agreements and more recently through the introduction of the Community Infrastructure Levy (hereafter CIL).

From the 1990s onwards, s106 emerged as the instrument through which to deliver planning gains. Negotiated through section 106 of the Town and Country Planning Act 1990, local authorities were able to enter into legally binding agreements with developers (Punter, 1999). Originally intended to mitigate on-site development impacts, these development contributions terms planning obligations, evolved during the 1990s and 2000s to provide infrastructure and services to mitigate and support the demands of development (Campbell, Ellis, Henneberry, Poxon and Rowley, 2001). Deployed to tackle the social and environmental costs of development (Rydin, 2011), developers have been required to make contributions towards to affordable housing, education, health care, transport, employment and training, public realm and community facilities.

The expansion in contributions reflects broader transitions in shifting responsibilities for providing and funding infrastructure to the private sector (Haughton and McManus, 2012), as it has become increasingly common in Britain alongside other OECD countries to generate government revenues through user-charges or voluntary taxation mechanisms, rather than general taxation (Campbell *et al.,* 2001).

The capacity to deliver tangible returns from planning intervention has been at the heart of British planning agendas over the 1990s and 2000s (Raco, 2014). While arguably s106 can deliver social benefits, contributions nonetheless remain tied to the profitability of development projects and their market success, with the deployment of this intervention fundamental intertwined with and reliant on the market (Fainstein, 2008). As Campbell *et al.* (2001) previously warned, the financial ramifications of planning intervention in property development have never been adequately dealt with: “planning obligations by default [have] become a financial and hence market-oriented mechanism through which the social and environmental consequences of development can be determined and their cost met” (p.19).

Yet market-style principles and targets have continued to weave their way into local planning practices, acting as guidelines in the determination of planning decisions (Baeten, 2012). A profound illustration of this has been the deployment of economic viability assessments in negotiating both individual developments, along with local planning policies. The National Planning Policy Framework, the current governing framework in England, explicitly articulates the requirement to account for the viability for developments to ensure that the landowner or developer is able to generate competitive returns (MHCLG, 2018). As Colenutt, Cochrane and Field (2015) warn, the emphasis on viability testing is shifting its role as a tool for local authorities to assess a development’s strengths, to a limited conceptualization of viability understood in terms of profitability for developers and landowners.

Christophers (2014) contends that the performativity of economic viability assessments has been central to their increasing use in determining affordable housing provision within new residential developments in Britain, as a strategy to embed neoliberal ideologies. Elsewhere, Sagoe’s (2018) examination of the production of London Legacy Development Corporation’s affordable housing plans, illustrates while viability assessments are presented as offering value-free assessments for determining affordable housing requirements, their “objective” framing within planning processes operate as strategies of power seeking to prevent challenges to affordable housing plans.

Despite the increasing use of s106s to capture planning gains, concerns over the fairness, consistency and speed in negotiating s106s resulted in reforms to the process of extracting planning gains in 2010, through the introduction of CIL[[1]](#footnote-1) (CIL Review Team, 2016). Enabling local authorities to adopt locally fixed charges to fund strategic infrastructure to address the broader impact of development on the borough, while scaling back s106s to address site-specific impact of individual developers and to negotiate the provision of affordable housing. Initial uptake of CIL was slow, with 27 percent of authorities adopting CIL by August 2015, a recent upturn in adoption has been identified. Criticism have been made of the lack of similarity found between local authority approaches, and concerns as to the capacity of this mechanism in fully capturing planning gains (*ibid*). While broader reforms have taken place to capturing planning gains, much of the redevelopment of Bankside, Borough and London Bridge happened during the 1990s and 2000s, with development contributions negotiated through s106s, and is thereby the focus of this article.

**2.3. The public role of private firms**

By sharing powers, resources and responsibilities with local authorities, private sector actors have come to occupy the gaps created by the state’s withdrawal across a range of infrastructure and services. As Haughton and McManus (2012) highlight, the burden for funding infrastructure has increasingly been shifted to the private sector. Property developers have been increasingly engaged in public-private partnerships and growth coalitions with local governments (MacLeod, 2011). For Swyngedouw (2005) these formal and informal arrangements, whereby the private sector take on an increasingly prominent role in the delivery and implementation of policy-making, signifies the emergence of processes of governing beyond the state. As Raco (2014, p.92) articulates, ‘‘governance is…becoming more fragmented with a growing assemblage of global private sector actors having a direct stake in local policy-making and implementation’’.

A blurring of public/private lines and the increasing decentering of authority has therefore emerged, as private sector organizations contribute towards the regulation and provision of public goods and services (Neron, 2010). For Shamir (2008, p.4), ‘‘while obedience had been the practical master key of top-down bureaucracies, responsibility is the practical master key of governance’’. In this era of neoliberal governance predicated on enabling private modes of authority, private sector actors have become required to assume responsibility for their actions. Calling attention to the possibility of the assumption of socio-moral authority by private sector actors through such arrangements, Stehr, Henning and Weller (2006), along with Shamir have questioned the potential moralization of the market.

In this context, calls have mounted for the necessity to conceptualize the role of private sector engagement in public sector activities. Seeking to build more nuanced organizational theories of the firm, Scherer, Palazzo and Dirk (2014, p.143) emphasize, “as business firms are confronted with increasing social and environmental demands and are requested to take responsibility for issues of public concern…these developments challenge the received theory of the firm and its strict separation of public and private domains”.

This neat separation of the public and private, whereby the divisions of labour have shifted between the public and the private sector, Scherer and Palazzo (2011) suggest is no longer useful. Private sector organisations should not only be imagined as economic institutions, but as actors operating within a political arena through their regulation and delivery of public goods and infrastructure (Matten and Crane, 2005). This has given rise to the need to develop an understanding of the political role of private sector actors (Scherer and Palazzo, 2011). As Vallentin and Murillo (2012) articulate, we must politically re-embed the role of business in society. In turn, such conceptual framings provide a useful lens to illustrate how developers’ in north Southwark engaged with s106 development contributions.

**3. LBS – the entrepreneurial borough**

Located in inner-London, LBS runs along the South of the river Thames. Driven by ambitions to make Southwark a “player on the world stage” (LBS, 2009, p.7), SC’s regeneration narrative has centred on “Southwark [being] a borough of immense diversity and untapped potential. Helping to unlock this potential is what Southwark’s regeneration projects, some of the largest and most ambitious in Europe, are all about” (LBS, 2012, p.7). Significant levels of deprivation, however, characterize the borough. Ranked ninth in London and twenty-third nationally in the indices of multiple deprivation, the borough has approximately 12,270 households on their social housing waiting list (LBS, 2016).

Like other industrial areas, Southwark experienced the impact of industrial decline from the early 1970s. The north of the borough’s close proximity to the City of London resulted in growing pressures to develop office space, as Bankside became a battleground between development demands and community-led regeneration during the 1970s-1990s. Despite the attempt of the People’s Plan for Southwark in 1984 to adopt a participatory and community-based approach to planning, the London Docklands Development Corporation whose remit included parts of Southwark, objected to its failure to represent the views of developers, and was later called-in and rejected by the Secretary of State in 1986 for failing to reflect the Conservative government’s agenda of property-led regeneration (McCarthy, 1996).

Southwark’s approach was subsequently guided by their Land and Investment Strategy (1989), which proposed a coordinated approach to tackling the borough’s deprivation. Emphasizing the utilization of the borough’s high-level of council-owned land to attract private property development, it ushered in a transition towards “leverage planning” (McCarthy, 1996). As the borough’s objectives focused on “a more outward orientated stance designed to encourage and foster local growth and economic development” (Hall and Hubbard, 1996, p.153), SC’s agendas reflected Harvey’s (1989) well established commentary on the transition from post-war managerialism to urban entrepreneurialism, shaping urban governments.

As Weber (2015, p.14) asserts, “city governments…function as critical market makers”. Entrepreneurial modes of governing were embedded in subsequent plans in Southwark (LBS, 1995; LBS 2007a; LBS, 2008; LBS 2010), as the use of public-private partnerships and the adoption of private sector mentalities continued to shape the governing landscape in the borough. Fostering partnerships to attract investment and deliver infrastructure, and utilizing council powers over land ownership and development control to improve the local economy, were key pillars in promoting economic growth and supposedly addressing community needs. As the Council articulated, “Southwark will continue to change…Doing nothing is not an option. Yet public sector agencies on their own will not have sufficient resources to improve the borough. We have to work with private sector partners to find creative solutions to regeneration” (LBS, 2008, p.25).

The regeneration of Bankside, Borough and London Bridge (hereafter BBLB) paved the way for extensive transformations across the north of Southwark. Since the 1990s, approximately £4billion of regeneration projects has been undertaken in the area. Driven by private-led property development and cultural regeneration, its former industrial heritage is now a distant memory in the fabric of the built environment, dominated by office accommodation such as More London, cultural attractions, including Tate Modern, and swathes of luxury residential housing, including One Tower Bridge, Bankside Mix, and NEO Bankside.

A network of place entrepreneurs has been central to facilitating BBLB’s regeneration. Local government were motivated to shape and drive the agenda in BBLB, with their pro-growth policies seeking to create the conditions for the delivery of private-led developments. As Weber (2015, p.82) asserts, “local governments discursively code the meaning of place through policies and practices that can be highly advantageous to capital”. As much of north Southwark was privately owned, SC created a Frameworks and Implementation Team to “lead the regeneration in the area by smoothing the development process” (Dbrief Quarterly, 2009, p.1). As a project manager from the team (#20) articulated,

“In the north in London Bridge, Bankside there, there’s no sites in council ownership, it’s all being delivered by others. But there’s a substantial amount of regeneration, £4billion. So we have a coordinating role, where we work with developers to look how they can spend their section 106 funds to join up if you like where we can, to have schemes tying into one another, to manage the construction process”.

The assembly of this specialized team reflected the ways in which the Council sought to shape these practices, by actively creating the environment for delivery of urban change.

With multiple developers involved in delivering development projects, including More London Ltd, Native Land, Land Securities, the Sellar Group, Igloo Regeneration and Berkeley Homes, to facilitate coordination between the place entrepreneurs in the borough, the Bankside and London Bridge Logistics Groups was established:

[It] is all about partners cooperating to help make the development process work between for the local neighbourhood. Bringing the construction projects together with Southwark Council and the BIDs to help coordinate the developments in our area (Dbrief Quarterly, 2014, p.2).

The establishment of this group reflected how developers perceived their role in relation to one another and other place entrepreneurs. Demonstrating that developers saw the benefits of working together, developers here positioned themselves alongside other developers in delivering the regeneration of the area.

Priority s106 development contributions for Southwark included, affordable housing, children’s play facilities, open space, sports and recreation, community and health facilities, education contributions, strategic transport projects, employing initiatives and legal and monitoring costs (LBS, 2007). Reflecting strategic infrastructure required by the borough, such as education and transport, and softer infrastructures such as community facilities and open spaces. Between 2007-2013, SC negotiated 252 s106s with a total value of £201,326,302 in financial contributions. Nearly fifty percent of these were negotiated in BBLB, reflecting the development demand in north Southwark.

This article is part of a research project that examined the changing role of s106 as part of the planning process, and what these practices revealed about the changing interrelationships between local planning practices and private property development interests. Drawing upon a case study of the LBS, the research critically interrogated how this mode of state intervention was constructed, deployed and mediated in Southwark by both public and private sector actors, in order to examine the deployment and mobilization of s106. The research draws upon extensive analysis of planning documents and supporting evidence, contractual analysis, and 41 in-depth semi-structured interviews conducted with planners, elected members, developers, lawyers, and planning and property consultants, conducted between 2011-2013. By examining the evolution of planning practices in Southwark, the analysis explored the evolution of the approaches deployed by SC to negotiating development contributions. Alongside this, the analysis examined the negotiation and deployment of the negotiation and deployment of s106s in the north of the borough, in Bankside, Borough and London Bridge (hereafter BBLB), an area that has undergone significant regeneration, and acted as a catalyst to regenerate swathes of Southwark.

**4.1. Strategies of responsibilization**

Developers interviewed generally understood development contributions as reflecting their responsibilities to mitigate the impacts of their development projects in BBLB. This responsibility related to the requirement to address the impacts of development projects, and the necessity to make developments acceptable in SC’s planning terms. Developers spoke of the changing landscape of contemporary property development, whereby a greater emphasis had been placed on the necessity to consider the broader impacts of their development projects. As a commercial developer (#25) remarked,

“You’ve had a widening in the scope of section 106, so once you think about section 106 for health, on what basis to assess the increase in health demands for your development…Developers have had to start to understand these sorts of things”.

While the increase in scope and scale of developer contributions has been commonly noted elsewhere (see Healey *et al.*, 1995; Campbell *et al.*, 2001), what is echoed here Campbell *et al.* (2014) assertion, that the language in which developers now communicate has shifted. However, as will be discussed later on, the willingness to assume responsibility for infrastructure provision did not extend across all types of contributions required by Southwark.

The increasing scope and scale of development contributions required by SC was reflected in two key development projects in Bankside, More London delivered by More London Ltd, negotiated in 1999, and One Tower Bridge delivered by Berkeley Homes, negotiated in 2012. The former, representing one of the largest s106 negotiated in Southwark, required the redevelopment of Tooley Street, building a new cultural attraction called Union Theatre, regenerating Potters Field Park along with seven other public realm projects, and the More London Social Inclusion Programme delivering employment and training programmes during the construction of the development (LBS, 1999). The latter required Berkeley Homes to provide 13 affordable homes on site, develop a cultural space with a value of £13million, and pay £13,825,549 in financial payments to SC, including: affordable housing contribution (£10,510,000), education contribution (£319,282), community payment (£500,000), community facilities (£43,676), administrative costs (£94,808), employment and training programmes (£351,869), health contribution (£300,820), and a Crossrail contribution (£369,620) (LBS, 2012b).

When discussing the concept of developer responsibilities, the multiplicities of understandings of responsibilities that existed with regard to the mitigation of development impacts in north Southwark came to the fore. Their responsibilities not only related to making contributions to SC, but also pertained to the ways developers themselves sought to assume responsibility for the delivery of these contributions. Maintaining control over the delivery of development contributions was articulated by several of the developers interviewed, as they asserted their capacity to deliver these contributions in more efficient ways than SC. As a commercial developer (#27) remarked,

“It’s all about control actually, and you could say, umm, how well equipped are local authorities to manage and spend money wisely to produce the best outcome, and how, and are there times when it could be argued than they not do that particularly efficiently or expediently, or to the best quality, because other demands upon them…We would prefer to involved in delivering the projects rather than just paying the money. There were some cases where it just didn’t make sense for us to deliver the projects, because it’s areas outside our reach, expertise and resources. But there are lots of things where we would rather”.

Due to their perceived ability to ensure efficiency and effectiveness, developers actively imagined themselves to be better equipped at delivering infrastructure funded by development contributions, positioning themselves as having particular expertise and capacity to deliver infrastructure and services.

Central to assuming responsibility for development contributions was the requirement that SC established particular conditions for developers to operate within. This related to: (i) the transparency of contributions required of developers, (ii) the tangibility and visibility of contributions provided by developers to SC, (iii) the certainty of contributions requested by the Council, and (v) the equality of contributions required of all developers. Several developers interviewed wanted to understand where their contributions to SC were going, what they were providing, and that there was a clear and demonstrable link between the contributions provided and their development site. Development contributions for the developers interviewed not only reflected expectations that were placed on them by SC, in this case developers too had expectations of the local authority in the mobilization of this mode of planning intervention.

One commercial developer emphasized the importance of understanding this mode of state intervention not as a one-way agreement from SC to them, but as a two-way agreement between them and SC. For this developer, not only did they have a responsibility to provide contributions to SC, but also firmly maintained that SC had a development responsibilities in implementing the services and infrastructures funded by these financial contributions. As they remarked:

“The council has an obligation because it’s a development agreement between two parties, so they had obligations as well, and their obligations were to use that, those commuted sums on specific projects and delivery specific outcomes which were identified as well. So it wasn’t just a slush fund…This cuts both ways, this is a legal agreement between two parties and therefore it’s not about use giving you and being able to insist. It’s about you being able to perform equally. And that’s what we’ve always said, you’ve got to be able to make your side of the bargain. And also, be able to be seen to do it and be monitored” (#26).

This developer asserted that s106 should be understood as spaces of reciprocal regulation between local authorities and developers, whereby both parties seek to regulate and monitor each other’s actions of SC in the delivery and implementation of services and infrastructures.

The willingness to assume responsibility for mitigating the impacts of developments in north Southwark did not of course extend across all types of contributions, with concerns expressed over the provision of contributions considered to be less tangible. A common theme articulated in the narratives of the developers operating in north Southwark related to concerns that everything had appeared to become “fair game” in relation to development contributions. As a commercial developer (#26) remarked,

“Providing education or a training programme, yes, provided that it’s focused, there is a beginning, there is a middle, there is an end, there is an outcome. Umm…providing money to support certain initiatives which are part of a broader thing where you can’t say where it goes, its impact, less happy about those sorts of things”.

A scale of responsibilities emerged in the narratives of developers interviewed about the ways they would be expected to operate and engage with this mode of state intervention. A central concern stemming from these developer narratives was their perception of them as a ready source of income from which to extract resources. The developers interviewed were quite clear about the necessity for them not to be considered as a way to tackle the gaps created central government’s withdrawal of funding for infrastructure and services (Haughton and McManus, 2012).

Important to the partial assumption of responsibility by developers in relation to development contributions has been the process of normalization. Processes of normalization, Shamir (2008) argues, are instrumental in ensuring that private sector actors assume a socio-moral authority within contemporary strategies of responsibilization. As the provision of development contributions became common practice in Southwark, and similarly across other London boroughs, attempting to normalize the responsibility for mitigating the impact of development projects has been fundamental to the enactment of this mode of state intervention. As a commercial developer (#24) articulated, “we understand our responsibility to do it, it just becomes the norm doesn’t it, so yeah, it’s just general acceptance”.

Prompted by the high development demand in the borough, stemming from the development-led regeneration of north Southwark and concerns about the effectiveness of the Council in deploying development contributions, SC restructured their approach to deploying development contributions in 2007. As a senior planner (#21) commented, “we realized we weren’t using them as effectively as possible”. Instrumental to normalizing the deployment of s106s was the establishment of a number of institutional infrastructures, including appointing a s106 manager, supplementary planning documents, standardized charges, an online developer toolkit, model s106, annual s106 reports, quarterly financial reports to SC departments, and Community Project Banks. This reflected Southwark planning department’s attempt to ensure the governability and manageability of development contributions in the borough.

Acknowledging the impacts of new growth opportunities created through urban development projects, the 2007 plan stipulated the role of development contributions for addressing these:

While Southwark supports regeneration and growth, new development has the potential to create significant adverse effects. The negative impacts of developments may be environmental, social or economic, and is most often a combination of the three…Planning obligations can be used to address matters outside of the development site, to protect specific uses such as affordable housing, employment floorspace or small business units, or to regulate groups who are not involved at planning application stage (LBS, 2007a, p.40).

The Plan was also accompanied by the publication of the first Supplementary Planning Document for Planning Obligations. Recognized as “a milestone in the section 106 journey” (Senior planner, SC, #21), its objective was to formally establish Southwark’s approach and ground it in policy. It acted as the main guidelines for development contributions in the borough, which sought to develop a strategic plan-led approach to the mobilization of development contributions, rather than undertaken on a project-by-project basis. By delineating the type and scale of development contributions required of developers, subject to the nature and the size of individual development project, it set out to address the overall impact of development on the borough, by considering both the direct and cumulative impacts of development projects (LBS, 2007b).

Central to this was the deployment of techniques of standardization by SC, seeking to embed calculative technologies into the everyday operation of development contributions (Callon and Muniesa, 2005). As Rose (1991, p.678) illustrates, ‘‘standardization is not just a matter of the imposition of a system of bureaucratic regulation…something that will provide a certain ‘translatability’…[it is] a means by which widely dispersed activities can be made commensurable with one another’’. Underpinning this was the use of techniques of quantification, as part of SC’s agenda to communicate development contributions in a market-friendly language to developers (Elsmore, 2016). As Lemke (2007) has previously suggested, economic domains increasingly encode social spheres, whereby SC’s practices were already shaped by the viability landscape that has sought to firmly embed itself in planning practices post 2010 (Colenut *et al.*, 2015; Sagoe, 2018).

Creating a common language between SC and developers was central to the process of seeking to normalize developer responsibility for providing development contributions. What has emerged in Southwark was a malleability of the language through which SC and developers have come to understand and communicate development contributions. As Lee (2014, p.143) contends, “part of the process of making an object legible is to incorporate this object into a system of commodification where different metrics of value can be translated between the planners and the private sector”. The aims and objectives of the developers operating in north Southwark were being facilitated by SC’s creation of market friendly discourses, as developers and SC co-created development spaces in the borough.

**4.2. The value(s) of development contributions**

As Stark (2009) highlights, ‘what counts?’, ‘what is valuable?’, and ‘by what measures?’, are questions that all organizations have to grapple with. In considering how private property developers assume responsibility to mitigate the impacts of developments in north Southwark, a key part of the discussion focused on developers’ conceptualizations of the value(s) of development contributions. As I illuminate here, the attitudes and actions of private property developers are neither technical nor value free. Whilst developers inevitably conceptualize development contributions as financial costs, they ascribe a wider set of values to these contributions, as they mobilize these to serve their own interests and gains, often revolving around the building of reputational capital.

Several of the interviewees, highlighted the value of development contributions as a tool to aid and enhance the quality of developments in north Southwark. A commercial developer (#27) reflected on their importance for ensuring the longevity and quality of their development, “[it] leaves a lasting legacy…we don’t want to be known as the developer that kinds of jumps in, develops something, and is off”. Whilst numerous developers spoke candidly about their desire to generate profits, they drew attention to the capacity of development contributions to facilitate and contribute towards the financial value of their development projects in BBLB. As a commercial developer (#26) remarked,

“Yes it’s mitigating the impact on an area, but it’s also about if you improve and maintain the improvements, then the benefit comes back in the long-term value of the site…In order to maintain that, the value of that, if you can improve the outlying areas which aren’t in your control, you’re going to improve that yet further, you’re going to get growth and growth”.

Henderson (2010) has previously argued in the case of Paddington Basin in West London that developers operating in regeneration area made up of multiple development sites, are not concerned with other development sites or the cumulative impacts of multiple developments. Developers in north Southwark however, did not reflect this position. Instead, they acknowledged the cumulative value of development contributions for improving the wider area of BBLB, which in turn, would serve to enhance the value of individual developments. This was further reflected in the aforementioned creation of the Bankside and London Bridge Logistic Group, acting as a network to facilitate the coordination of development projects between the place entrepreneurs in north Southwark.

Alongside this, the developers interviewed repeatedly highlighted the importance of the local context within which they were operating, commenting in particular on the nature of the local institutional milieu of Southwark. Characterized by its pro-development stance, one residential developer described SC as,

“They are very pro-development and pro-regeneration, we find them a positive borough to work with. I think it’s partly due to the personalities in the planning department, and partly to do with the personalities of the politicians and the chief executive…It’s enjoyable working with them compared to some other London boroughs where you feel like you’re hitting your head against a brick wall sometimes” (#28).

Reflecting Weber’s (2015) claim that local governments are “critical market makers” (p.14), SC was central to encouraging growth, as developers’ positioning was enhanced due to the pro-development stance of SC. Whilst not denying the adversarial nature of negotiating with SC, developers were able to immerse themselves within and facilitated by SC’s culture of welcoming private sector property development. The institutional arrangements whereby both SC and developers operating in BBLB were intertwined in a shared set objectives to deliver development-led regeneration across north Southwark, demonstrated that developers can be understood as “[a] malleable and potentially compliant partner with shared objectives to the state” (Adams *et al.*, 2012).

Alongside contributing to the value of development, developers spoke openly about the usefulness of development contributions in facilitating their relationship with SC. Contributions were understood to aid the process of working with the Council. As a commercial developer (#25) commented,

“We know we are going to be working in the borough for a long time, and we want to have a good relationship with the local authorities we work with”.

A residential developer illustrated the utility of s106 for reassuring SC, both in relation to the quality of the development, but also for the specific nature of the development contributions themselves to “ give reassurance to the Council that you’re going to deliver on your promises” (#28). The s106 for Bermondsey Square in London Bridge, for example, stipulated that the developer Igloo Regeneration, were not allowed to sell the final twenty-five percent of their open-market residential units until they had begun constructing the affordable housing units.

This fed in directly to the notion and importance of developer reputations. A commercial developer remarked on the often-poor reputations of private property developers, “there is an attitude isn’t there, where umm, residents will think that [the developers] will try and get away with as much as they possibly can” (#26). As Ball (2002) asserts, reputations exist as vital tools for developers, acting as an instrument to facilitate both the rolling out of agreed development project, and to permit developers to undertake future development projects. Reputations then, operate as a complex relational concept, dependent on the perceptions of actors’ behaviours and practices by other actors (Power *et al.*, 2009). As reputational capital serves as an all-encompassing logic of organizational behavior (*ibid*), developers here can be seen to utilize development contributions as part of their endeavours to produce their reputations. Developers in north Southwark deployed these contributions as part of their efforts to build reputational capital and manage their reputational risk with SC.

**4.3. The political role of property developers**

As Scherer and Palazzo (2011) assert, a neat separation between the public and private sector is not useful. In BBLB the malleability of SC’s agenda along with developers operating in the borough, demonstrates how these actors worked actively together to foster the pro-development culture in north Southwark. While developers delivered the urban change in the borough, SC’s framing of BBLB as a pro-development area was instrumental to enabling its redevelopment.

As developers were required to contribute towards a range of broader public goods, as outlined in section three, this reflects a broadening in the concept of mitigation and the funding sources of infrastructure to service urban areas. With shifting boundaries between SC and developers, divisions of labour between the public and private sector in north Southwark were delineated. Along with the entrepreneurial strategies adopted by SC, developers must not only be understood as economic institutions, but as actors also operating within political arenas. Developers then can be conceptualized as having an actively political role alongside their economic function (Scherer *et al.*, 2014). Imrie and Dolton (2014) observed similar practices in Bromley-by-Bow in East London, with the governance of the area’s regeneration defined by a blurring in boundaries between the local authority and the private sector company, Tesco, who were given a greater role in providing public infrastructure.

The case of BBLB has illuminated the active role played by developers in their own-subject building, as they constructed particular images of themselves in relation to their public responsibilities through providing s106 development contributions (Banerjee, 2008). Focusing on this mode of planning intervention has drawn attention to the ways in which commercial enterprises come to dispense social goods alongside profits for their shareholders (Shamir, 2008). Inevitably governed by the profitability of their development projects, the north Southwark case has also demonstrated the potentially advantageous nature of development contributions for developers themselves. Such contributions do not always necessarily reflect private loses to developers, but can operate to generate private gains for developers. As Porter and Kramer (2011) assert, engaging in socially responsible behaviour can create strategic advantages for business, creating the conditions for further economic growth and competitiveness.

What emerges here then is the ways in which developers can produce and carve out spaces for development contributions to operate to serve their own interests. Strategic values can be created in order for developers to enhance the overall financial value of their developments, whilst facilitating their relationships with SC, particularly in relation to building reputational capital. This calls into very question then the necessity to question the very nature of the public gains created through this mode of planning intervention. These so-called gains do not belong solely to the public sector, but as the BBLB case has exemplified, create gains for the private sector by increasing the quality and delivery of their development projects. Obligations, therefore, can create ways for the private sector to profit (Leffers, 2017), with a fluidity in these gains, which can transcend across the public sector into the hands of developers. As Hyde (2018, pp.2-3) asserted in his examination of land value capture in Toronto and Vancouver,

The use of altruism…depends on the cultural framing of rezoning for benefits, through which developers see themselves as creating “value” for the state. This framing conceals the fact that it is the state’s orientation to land-use policy that ultimately leads to increases in surplus profits, and subsumes social welfare into the accumulation process.

In turn, the very nature of the development projects that have come to dominate the urban landscape must be attended to. The regeneration of BBLB has largely focused on commercial, high-end, luxury residential developments, delivering swathes of grossly unaffordable housing. Whilst s106 in theory should have enabled developers to mitigate the impacts of their development projects, this mode of state intervention did not enable us to challenge or consider alternative modes of city building. Rather the capturing of development contributions became embedded within what has become a status quo for urban development not only in Southwark, but also across London. Properties in One Tower Bridge in Bankside, for example, range from between £1million-£8million. This model of planning appears to be favouring economic growth and development, at the expense of more just cities, delivering of affordable housing and providing good quality public goods.

**5. Conclusions**

As Moore (2012, p.578) remarks, “the convenient distinction between public interest and market forces in explanations of urban change and land transformation is often an exaggerated one”. Indeed the interrelationships between the social and economic motivations of developers are complex. Attending to the ethical consideration of developers in BBLB, this article has addressed how developers understood and interacted with the provision of s106 development contributions. The article draws out three important observations from the north Southwark case. Firstly, the article responds to Scherer and Palazzo’s (2011) observations about conceptualizing the role of private sector engagement in public sector activities. This article suggests the provision of development contributions, reflects the ways in which developers operate not only as economic institutions, but occupy actively political roles through the delivery of public goods and infrastructures.

Secondly, the centrality of the normalization of s106 contributions has been highlighted here. Partly relating to the gradual acceptance of developers to provide contributions, but furthermore, encouraging normalization also essentially stemmed from SC agenda to embedding calculative regimes through techniques of standardization to facilitate private forms of authority in delivering development contributions (Shamir, 2008). In the late 1990s, Ennis (1997) importantly highlighted how socio-political contexts are inherent to the negotiation of development contributions. What is argued in the analysis of s106 in this case is the centrality of SC’s attempt to professionalize its deployment of development contributions in order to normalize their mobilization. This existed within the entrepreneurial landscape established and fostered by SC, which was fundamental to the malleability that emerged between themselves and developers operating in north Southwark.

Thirdly, developers sought to carve out spaces within these contributions to create value in order to enhance their legacy, to increase the growth of their developments, and to facilitate the mobilization of reputational capital. When reflecting upon Rosen’s (2017) observations about whether capitalism and idealism can be mixed in his questioning of “socially conscious developers”, this case exemplifies how developers themselves sought to enhance their own interests, by capturing the gains created through this mode of planning intervention in BBLB.

While reforms discussed in section two through the introduction of CIL have sought to further standardize development contributions within development projects, the focus on developers delivering s106 contributions ahead of the adoption of CIL here, has importantly addressed how developers in BBLB engaged with and navigated this public policy instrument. Despite these reforms, urban development agendas must still be questioned and indeed, in Weber’s (2015) term, “dismantled”. As renewed attention focuses on enabling a fairer distribution in the uplift of land value from granting planning permission to fund infrastructure, including affordable housing (see Centre for Progressive Policy, 2018), the capacity of current modes of planning intervention to challenge the growth-centered status quo in contemporary practices of city building must continue to be scrutinized. This article suggests that while s106 development contributions were supposed to mitigate the impacts of developments in north Southwark, this mode of state intervention, nonetheless provided additional socio-political capital to developers.

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1. CIL was first introduced through the Planning Act 2008, which gave planning authorities the power to adopt this from April 2010. Southwark adopted CIL in April 2015. [↑](#footnote-ref-1)