**Intermediary Organisations and the Liquid Regulation of Urban Planning in England**

**Mike Raco, Frances Brill and Jess Ferm (BSP, UCL)**

**Abstract:**

The chapter draws on recent writings in political studies examining he role of intermediaries in the development and implementation of development planning regulation. In particular it develops recent, but relatively abstract, arguments on liquid regulation and the growing power of non-governmental organisations and applies them to the English planning context. Drawing on a comparison and contrast of two of the most significant intermediary organisations in the English planning system, the RTPI and the RICS, the chapter critically assesses the organisation, roles and regulatory influences of intermediaries in shaping recent reforms. It argues that a stronger focus on intermediaries sheds light on the growing importance of softer, more liquid modes of regulation, organisational legitimation and authority-making in shaping policy practices and outcomes. The chapter concludes by highlighting directions for future research and conceptual-methodological approaches in urban studies.

Key Words: Liquid Regulation; Intermediary Organisations; Market-led Planning; Professionalism.

**Introduction**

In the wake of the 2008 financial crisis, governments across Europe and elsewhere have been re-focusing their planning systems on the promotion of economic growth, expedited development, and market-led regulatory reform (Gerber et al., 2018). In England especially a dominant narrative has emerged, reinforced by neo-liberal government advisers and think-tanks (*cf.* Airey & Doughty, 2020), that views overly restrictive planning regulation as a limit on new housing and infrastructure development and a brake on national and urban competitiveness (Rodríguez-Pose & Storper, 2020). Through reform, central government is seeking to establish new types of market-led state co-ordination, that in Le Galès' (1998) classic definition, mobilise and co-opt market processes, especially those of prices, values and transactions, in the wider policy objective of increased delivery. This has been achieved through a series of regulatory changes over the 2010s, in which there was been a marked shift towards target-based calculative governance practices and incentives for local authorities and communities to expedite development and open up spaces and places for growth (Ferm & Raco, 2020).

However, as this chapter will argue, within broader discussions over planning liberalisation there has been a lack of focus on the key role of professional *intermediary organisations* [IOs] and professional knowledge practices in shaping both regulatory environments and the implementation of policies in specific contexts. Abbott et al. (2017) define intermediaries as ‘any actor that acts directly or indirectly in conjunction with a regulator to affect the behaviour of a target’ (p.19). They can consist of private sector firms, professional representative organisations, civil society groups or even state agencies such as quangos and sector regulators. A growing body of writing in regulation studies and political science has focused on the role of IOs, especially those operating in transnational environments who play a central role in shaping corporate standards and accounting practices (van der Heijden, 2019). While much of this work is abstract in character and detached from the complex, place-specific governance processes associated with planning, its focus on the breaking down of traditional liberal separations between *rule-makers* and *rule-takers* (*cf.* Vogl, 2017), points to areas for further analysis. This is especially true for writings on market-led planning reforms in which the role of IOs is downplayed or simply ignored with a tendency to focus on broader national and policy ‘narratives’ and the ways in which they reflect and reproduce ‘neo-liberal’ logics (Lord & Tewdwr-Jones, 2014; Wacquant et al., 2014).

In this chapter, we focus on two professional IOs, the Royal Institute of Chartered Surveyors [RICS] and the Royal Town Planning Institute [RTPI] that have played a significant role in English regulatory reform. RICS has also developed a strong international influence on planning and development systems in multiple countries. We assess their roles, outlooks and legitimation practices and show where, how and why the two organisations have influenced planning reform differentially, and reveal the tensions and challenges they face in simultaneously managing the needs of diverse members, whilst seeking to engage with, and influence, policy-making and regulation. On a broader canvass, the chapter argues that the analysis of planning regulation needs to move beyond state-led regulations and practices and focus on more *liquid forms* of regulatory authority grounded in both formal laws and the acceptance of, and deference to, the rules set by multiple regulatory agencies (Black, 2017; Krisch, 2017). An emphasis on liquidity highlights the co-evolution of regulations and the processes in and through which multiple forms of knowledge and influence are brought to bear on both the formation of temporary regulatory fixes (in the shape of rules and statutory policies) and their broader legitimation and power in influencing actors and organisations. It also calls for greater attention to be paid to the ways in which professional knowledge is converted into regulatory demands and influences and the role that IOs play in mediating these processes. As will be shown in the discussion of RICS and RTPI, IOs seek to gain influence and build their wider legitimacy as professional organisations in multiple ways and forge alliances and assemble diverse forces in carrying out their political work (Newman & Clarke, 2018).

The case studies highlight how professional IOs differ markedly from characterisations of traditional ‘business associations’ (Valler et al., 2004) or of structurally-privileged elite interests or ‘lobbyists’ pushing for less regulation and more market, as found in more critical writings on contemporary planning and urban policy (Colenutt, 2020; Madden & Marcuse, 2016). Under certain conditions some types of IO play a more or less influential role and the discussion highlights how working in environments of greater liquidity makes them vulnerable to wider changes in policy environments and in a state of constant precarity and instability. We show that delivery-led reforms in the English planning system have given greater priority to those with more market-oriented knowledge (such as RICS) and marginalised more critical voices that have called for increased public sector spending and strengthened planning regulations (exemplified by RTPI). We begin with a discussion of the literature on IOs and planning regulation and reform, before moving on to the cases. We conclude with a call for more focus on IOs and the liquidity of regulatory reform in planning systems.

**Planning Reform and the Role of Intermediary Organisations**

Since the financial crisis of 2008 reforms to the planning system in England, as elsewhere, have become increasingly driven by a growth-centred approach (Ferm & Tomaney, 2018). The rationale for change is to boost housing supply and promote infrastructure development stalled by the imagined ‘burdens’ of regulatory obligations (McAllister, 2019). Traditions of area-based initiatives and community-focused urban planning have given way to an intensification and re-tooling of *market-led* arrangements. New regulatory fixes have been introduced that seek to both free-up and empower private sector actors and create financial incentives for local planning agencies and communities to encourage new development, rather than opposing it. The principal regulatory mechanism introduced to expedite these reforms has been an expansion of target-driven *financial viability criteria* *and quantitative metrics* and a growing focus on the conversion of places into spaces for economic growth and development. The most significant statutory intervention was the introduction of a *National Planning Policy Framework* [NPPF] in 2012 that formalised and rolled-out this approach across England. For the first time, central government identified private sector profits and returns as a ‘planning concern’, and required planners and place communities to be ‘mindful’ of ‘market realism’. Subsequent reforms were published (*cf.* MHCLG, 2018), that emphasised the importance of planning authorities taking into account – in policy making and planning decisions – the need for private developers and landowners to make ‘reasonable’ profits and generate planning gains for both social and physical infrastructure (Bradley, 2020).

The growing reliance of planning policy on market knowledge and valuation-based delivery mechanisms puts professional actors, and their representative organisations, in an influential *intermediary role*, albeit one shaped by the specific configurations of knowledge and expertise that they possess. Reforms have been underpinned by a ‘deficit model’ of knowledge in which government actors (including planners) and civil society publics, are seen to lack the necessary expertise to deliver and manage the shift towards market-driven policy and its more technical and calculative components (Bucchi, 2009). This in turn has opened-up what Newman and Clarke (2018) call ‘new conjunctures’ in which there is a regulatory demand for the incorporation of professional built environment IOs and the knowledge-practices they can provide at little or no direct cost to the state (Djelic & Sahlin-Andersson, 2006). IOs can, for instance, play a supporting role in both the development and implementation of market-led regulations and the ways policy-makers and market actors ‘interpret or clarify regulatory rules’ in diverse contexts ‘and then elaborate and adapt them for the circumstances of particular industries’ (Abbott et al, 2017: p.22).

The significance of IOs is institutionalised to differing degrees through the creation of *professional codes of practice* that members are required to follow but are formally ‘independent from the state to the extent that the state does not interfere’ (Michaels & Jansen, 2006: p.868). In drawing up codes and associated policy guidelines IOs can become indirect rule-makers and gatekeepers of regulatory authority in key policy fields ‘driven in part by governments’ lack of requisite technical expertise, financial resources, or flexibility to deal expeditiously with ever more complex and urgent regulatory tasks’ (Büthe & Mattli, 2013: p.5). In some instances IOs act as ‘trusted facilitators’ and are given legitimacy and authority by state organisations as guarantors of independence and ‘public values’ (Owen, 2019), especially in dealing with politically controversial interventions or the implementation of technically complex policies and programmes. Such gatekeeping roles are underpinned by the power of accreditation and its removal that, in turn, gives IOs the authority to exclude members from practice if they fail to conform with public and/or professional guidelines (Riles, 2018). And as Pistor (2019) notes, professional conduct, at multiple levels, is often policed by IOs so that authority for regulatory compliance and decision-making ‘lies in the hands of private parties, not the state’ (p.213). If individual members are seen to be conducting themselves in ways that stray from the legitimate practices accepted by communities of actors, then they can be excluded from practice for failing to comply with mutually-agreed professional norms, codes and practices, *rather than* those set down by state regulators.

The role of IOs in shaping policy also raises broader questions over how best to conceptualise decision-making processes and regulatory systems. As Black (2017) argues, with the rise of global corporations, information technologies, and cross-national legal codes and frameworks, there has been a wider shift towards more *liquid and complex forms of regulatory production* than found in more traditional hierarchical understandings of policy-making and their formal, territorially-organised rules and procedures. Whilst historically regulatory development and compliance has always relied on types of co-production, Black argues that the degree of liquidity has increased markedly as regulatory environments have become more complex and relational. International private law codes and norms of professional conduct now play a growing role in shaping how regulations are developed at multiple scales, adding further layers of complexity and liquidity (Michaels & Jansen, 2006). As states ‘roll-back’ their direct activities in many countries, under the guise of neo-liberal reforms, governance has also become more indirect and based on the creation of new regulatory agencies to fill the governance gaps left behind (Levi-Faur, 2016). A new international class of private companies has emerged that specialises in providing governance and regulatory services to states (Braithwaite, 2008). In addition, states have become active players in private markets and their investment funds and real estate development firms make decisions based on geopolitical as well as market imperatives. They draw on regulations and rules established in source countries, such as China or the Middle Eastern Gulf States, adding further geographical liquidity and networks of responsibilities and power relations to markets (Hall, 2018; Raco et al., 2020).

Within such contexts, the position of professional IOs in influencing the development and implementation of regulations and the fixes that occur in specific policy fields is also subject to growing liquidity. They have to adopt tactics and strategies in order to generate a degree of authority and legitimacy both with professional members and within policy-making and regulatory networks. Black (2017) identifies four ways in which IOs increasingly operate to generate influence, whilst supporting members: (i) building and enhancing their ‘social credibility’ or legitimating their activities by recourse to high-quality professional norms and standards; (ii) identifying areas of pragmatic self-interest to attract members and encourage them to play an active role; (iii) appealing for morally or normatively based forms of legitimacy in which they promote notions of ‘justice’ and ‘fairness’ as the basis for influence; and (iv) drawing on a narrative of ‘cognitive inevitability’ in which it is claimed that the professional knowledge and skills that they represent are a necessary component in the drawing up of regulations and rules. The extent to which a particular IO draws on these forms of legitimation varies from context to context as is the subject of empirical investigation.

The growing liquidity of regulatory processes means that the position of IOs are always contingent and temporary arrangements subject to challenge and contestation (Newman and Clarke, 2018). Professional experts, including those in the planning and real estate sectors, acquire their legitimacy and authority through a permanent process of negotiation and legitimacy-building with state authorities, governments, citizens and other civil society bodies, in a constantly shifting regulatory environment (Robin, 2018). Their authority is shaped by reflexive forms of place-based performativity, negotiation, and practice, mediated by a range of organisations and representative bodies. Rather than thinking about regulation therefore as a set of binding, hierarchical formal rules, more liquid approaches ‘make it easier to conceive of authority in degrees, rather than in absolutes, and it shifts our view to sources of recognition that are not based on formal legal empowerment’ (Krisch, 2017: p.242). They draw attention to what Vogl (2017) terms the growing ‘zones of indeterminacy’ within regulatory systems in which the boundaries between regulators and the regulated are becoming increasingly porous and recursive.

It is in this wider context that the chapter now turns to a comparison of two of the most significant IOs in the planning and built environment sectors, RICS and the RTPI. It draws on a research project that has involved over 60 interviews with public and private actors covering the sector, including national and regional policy makers, investors, developers, civil society groups and multiple professional IOs. Both organisations deploy a range of legitimacy tactics and strategies through which they seek to influence the regulation of planning and development and develop their broader social and political credibility (*cf.* Black, 2017). There are two principal activities: regulating the *technical-professional* conduct of members who are tasked with implementing planning regulations under market conditions; and *generating knowledge and seeking to influence* policy-making processes. We show that as political agendas and approaches towards planning as a whole have become more delivery and market-focused, influence has shifted towards those IOs that shape professional conduct and implementation, rather than those that seek to shift policy thinking. This has put RICS in a particularly influential position as it specialises in the production of valuation techniques and practices. It is able to present itself as a pragmatic agency, mobilising the technical skills of members into the wider project of helping to deliver successful planning reform. However, this influence comes at cost, with the organisation acting as a political buffer for the tensions within planning policy and the implications for wider understandings of government and the political process. Its social credibility and professional appeal to members can be threatened if it is seen as being too close to government agencies. The section starts with an overview of the core priorities and structures of both IOs before moving to their roles in the implementation of core policy reforms and debates over the future of planning regulation.

**The Royal Institute of Chartered Surveyors and the Royal Town Planning Institute as Intermediary Organisations**

*Core Priorities and Structures*

The core priorities and structures of authority and accountability of both organisations are set out in Figure 1. There are some marked similarities. Both confer membership on individuals, rather than institutions, meaning that they simultaneously represent market actors, public planners, and those working in civil society groups, making it difficult to characterise them as one type of intermediary. This means that memberships are relatively diverse and wide and include big developers small, sole practitioners and SMEs, and others who work within the public sector*.*  RTPI have a stronger UK-focus and are less internationally-oriented than RICS. It strives to represent the planning profession as a whole rather than planners *per se.*  Charter status legally-mandates both to operate in the ‘public interest’, that is to try to ensure that regulatory changes work towards a ‘common good’ and are implemented effectively and in a highly regulated manner (The Privy Council, 2019). Maintaining this status by eliding public interests with government policy, is a core priority and challenge for both. RICS, in contrast, has a strong international membership working across more technical built environment professions, such as surveying, construction, and accounting.

*Figure 1: Core Characteristics of RICS and RTPI*

|  |  |  |
| --- | --- | --- |
|  | RICS | RTPI |
| Founded | 1868 (granted Royal Charter 1881) | 1914 (granted Royal Charter 1959) |
| Core priorities | Aim to ‘secure the advancement and facilitate the acquisition of that knowledge which constitutes the profession of a Surveyor…and to maintain and promote the usefulness of the profession for the public advantage in the UK and in any part of the world’ | 4 ‘pillars’ of activity: promoting the value and membership of professionalism; supporting planning services; raising the profile of planning; and promoting equality, diversity and inclusivity. |
| Structure | Governing Council and 12 Committees and Sub-Committees under its direction; Strong international presence and membership for ‘a global profession’ | 5 Core Committees: Education and Lifelong Learning; International; Membership and Ethics; Policy Practice and Research Committee; and National Regions Panel and charity *Planning Aid*  |
| Income/Funds (2018/19) | £91.3million  | £9.2million  |
| Approximate Membership  | 125,000 (2018) | 25,000 (2019) |

Sources: RICS, 2019a; RICS, 2020; RTPI, 2019; RTPI, 2020b

There are also similarities in the attempt by both organisations to establish themselves as ‘learned societies’, or in the words of one RTPI officer ‘*using our expertise and research [to] bring evidence and thought leadership to shape planning policies and thinking, putting the profession at the heart of society’s big debates*’ (Kenny, 2019: p.2). RICS similarly portrays itself as a thought leader, but often commissions research of a much narrower and more technical nature. Like RTPI, their work includes independent studies by academics developing knowledge on topics that are of topical ‘concern’ to members[[1]](#endnote-1). The independence of such research serves to boost their political and social legitimacy but can create internal tensions, as findings may be critical of members’ practices such as recent work that challenges the activities of property developers, real estate professionals, and voluntary and government organisations. Alongside commissioning research, both IOs are also seen as important conduits, or cognitively important actors (*cf.* Black, 2017), through which members’ knowledge can be filtered directly into regulation-making processes. Representatives sit on advisory groups for national and international bodies advising on the reform of planning and housing legislation.

However, with the expansion of market-driven planning reform, structural differences in the positionality of the organisations are growing. RTPI’s activities focus principally on shaping the *qualitative political environments* within which regulations are developed, as reflected in their Core Committees and overall structure outlined in Figure 1. Their interventions draw on a series of ideological and political positions that outline a positive role for planning as a form of regulatory practice and draw repeatedly on the language of an earlier era of more ‘collaborative planning’, ‘sustainable community-building’, and planning expertise. Whilst such discourses are still significant in government statements, they have been re-interpreted through a more market-oriented lens, as being primarily concerned with what planning should do to deliver growth as the basis for enhanced market sustainability. Thought leadership on more ideological and philosophical debates over the foundational roles of public planning has been difficult to sustain in an increasingly hostile political context. In the next section we turn to the role of both organisations in the restructuring of the English government’s *National Planning Policy Framework* [NPPF], a document that now underpins the regulation of the planning system.

*The National Planning Policy Framework and Shifting Forms of Influence*

For the RTPI, its most significant recent achievements relate to its influence on revisions to the National Planning Policy Framework in 2018 (MHCLG, 2018) that, it claims, represented a softening of the original 2012 legislation. Areas of influence extended to the requirement for local organisations to be more accountable and transparent in their viability negotiations and insertion of a new statutory ‘duty’ to cooperate[[2]](#endnote-2). The revised Framework was launched by then Prime Minister Theresa May at an RTPI event in London, conferring a degree of legitimacy and showing members and others that it had had a substantial influence on government on behalf of the ‘planning profession’. However, as one interviewee commented, representations involving the NPPF were especially challenging as the organisation sought to steer a line so that it did “*not upset the membership but is trying to influence government*”. This balance has become increasingly difficult to strike as central government has become fiercely critical of some of the founding principles of the planning system, promoting it is an ‘unnecessary brake’ on development and urban, regional and national competitiveness.

Conversely, the shift to more valuation-driven, calculative planning in the NPPF since 2012 has put RICS in a key intermediary position in helping to establish *quantitative professional-technical* viability metrics for regulators, whilst also normalising and legitimating its professional standards. RICS presents itself to government agencies and private sector developers and investors as a legitimate global regulatory actor, whose principal role is to promote the ‘*maintenance of professional standards…the monitoring of compliance, the investigation of complaints, compensation of loss and redress*’ (paragraph 4). ‘*RICS not only embraces such standards by requiring RICS members to follow them, but also proactively supports their continued development and adoption by others around the world*’ (p.2). Members are mandated to follow the *Ethical Codes of Conduct* underpinned by ‘a well-established system of regulation and where necessary, enforcement’ (RICS, 2016: p.3). In order to back this up, RICS have quasi-judicial procedures for dealing with misconduct, with independent tribunals empowered to strike off members and exclude them from the market opportunities opened up by regulatory reform[[3]](#endnote-3). Its policies are set out in its *Valuation- Global Standards* statement that aims to: ‘*successfully combin[e] professional, technical and performance standards in order to deliver high quality valuation advice that meets the expectations and requirements of clients; of governments, regulatory bodies and other standard-setters; and of the public*’ (RICS, 2017: P.3). The rules it sets on valuation, in turn, are referenced back to a core document, known as the *Red Book*, which acts as a standard-setting code book that directly influence judgments and outcomes in the English planning system (Colenutt, 2020).

More specifically, alongside the introduction of the NPPF in 2012, RICS published a dedicated *Guidance Note* on *Financial Viability in Planning* (RICS, 2012) that was ostensibly designed to establish ‘best practice’ across the sector and set out a ‘*definitive and objective methodology framework and set of principles that can be applied mainly to development management*’ (p.4). The Note represented an attempt to co-produce and support the implementation of policy reform. Whilst it is not a formal, legal document, it makes clear to members that failure to conform has serious consequences for those implementing viability valuations: ‘*when an allegation of professional negligence is made against a surveyor, a court or tribunal may take account of the contents of any relevant guidance notes published by RICS in deciding whether or not the member had acted with reasonable competence*’ (p.1). Compliance, it is claimed, provides a partial defence in any subsequent legal cases, along with potential expulsion from RICS as it is ‘*fundamentally grounded in the statutory and regulatory planning regime as it should operate in England*’ (p.3). The Note also reinforces the organisation’s wider claims towards ‘objectivity’ by helping governments at all levels to implement policy in the wider public interest. In this way, RICS defines itself as a vehicle for the implementation of the ‘public interest’, defined uncritically as public policy.

The role of RICS members is to help deliver such policies, the outcomes and priorities of which are not for them or their members to question. As the organisation’s Chair makes clear, ‘*transparency, consistency and the avoidance of conflicts of interest have never been more important. Nor has technical expertise and practical ability ever been more in demand*’ (RICS, 2019: p.1). Broader political concerns over questions of equity are put to one side, or given meaning only through the correct, pragmatic, application of policy. For instance, it makes clear that the effective delivery of viability-led plans requires a ‘*shared understanding…by all those involved*’ that will ‘*achieve consistency in both approach and assessment*’ (p.2) and that its influence will ‘*enable all participants in the planning process to have a more objective and transparent basis for understanding and evaluating financial viability in a planning context*’ (p.2). The knowledge base and capacities of members are presented as being an asset in the effective implementation of policy for regulators, whilst also opening up bounded and exclusive market opportunities for members. The most notable example is the inclusion of quantitative evidence to support applications, so that as RICS has long argued, local decisions should be taken ‘having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force’ (p.16). These changes became formalised through negotiations over appropriate metrics for viability calculations.

RICS’ approach has also created difficulties and put the organisation in an ambivalent position as both an indirect regulator and a direct participant in politically charged, locally oriented planning negotiations and debates over place development. RICS’ frameworks have been partially co-opted by the UK government and the wider state system but, as an intermediary, it has often been left with responsibility for justifying broader regulatory reforms and their application. It has been exposed to potentially damaging political criticisms, with challenges to its professional-technical legitimacy and authority. Interviewees claimed that critical academics and practitioners confused their roles and responsibilities and criticised them for being influential and too close to the real estate sector. The Planning Inspectorate, some local authorities, and civil society groups have become especially critical, seeing the RICS viability guidelines as overly generous to developers and investors and therefore an important part of a wider ‘property lobby’ (Colenutt, 2020). Legal challenges have been made to its valuation codes, as though the codes themselves are representative of government regulation, rather than acting only as independent guidelines for good practice. In two landmark cases, one in Islington, London and another in Reading, in the South East of England, RICS’ *Guidance Note 2012* on valuation and planning reform was criticised by judicial authorities, for being too favourable to landowners and for failing to stipulate reasonable amounts of affordable housing to meet local needs (Crosby, 2019; Mulhall, 2016). In its judgement on the Islington case, the High Court (2018) made clear for instance that the Note was an essential frame of reference ‘*because it has been relied upon in certain planning policy documents*’ (p.14) relating to the case. The Court criticised ambiguities and called for ‘*an opportune moment…for the RICS to consider revisiting the 2012 Guidance Note, perhaps in conjunction with MHCLG and the RTPI, in order to address any misunderstandings about market valuation concepts and techniques, the "circularity" issue and any other problems encountered in practice over the last 6 years*’ (p.36). Rather than addressing concerns directly to central government regulators, RICS was asked to act as the co-ordinator of meaningful regulation. In response, RICS has launched an on-going consultation over how *it* should amend its own guidance and shape the future implementation of planning policies, exemplifying the liquidity of its position.

*Planning for the Future and Further Reform*

At the time of writing, both organisations are facing new challenges as central government adopts an even more transformative approach to the regulation of the planning system across England. Its *Planning for the Future* White paper, published in August 2020, places additional emphasis on measurements of quantitative, economic ‘value’ and whilst it does not refer to RICS directly, the type of professional knowledge and metrics that the organisation possesses are central to the reforms. For example, in some sections the new proposals claim that:

‘*The value captured will depend on a range of factors including the development value, the existing use value of the land, and the relevant tax structure – for instance, whether capital gains tax applies to the land sale. Increasing value capture could be an important source of infrastructure funding but would need to be balanced against risks to development viability*’ (MHCLG, 2020: p.61).

There are proposals for new forms of zoning that will be based on the writing of planning codes to shape what and where development is permitted. For IOs, such reforms represent a threat to the wider existence of a publicly-oriented, rights-based planning system (with severe repercussions for some members), whilst also opening up opportunities to apply their professional knowledge directly into future planning deliberations (to the benefit of others).

RTPI’s response to the proposals have been generally cautious with an initial claim to ‘*welcome many of the proposals and support the vision of a resilient, well-resourced system ready to deliver nationally and for communities*’. It has limited its criticisms to ‘concerns’ that ‘*some of the proposed reforms are influenced by an incorrect diagnosis of the problems, and accordingly will not help deliver the government’s objectives*’ (RTPI, 2020a: p.4). The placatory tone is taken further in highlighting that ‘*we observe that…government recognises the need for a properly-resourced and improved planning system*’ while conceding that‘*it can also portray planning as a regulatory barrier to delivery*’ (p.4)*.* In order to counter this perception, the RTPI has tried to initiate a series of ‘thought leadership’ responses and ‘*provide evidence that demonstrates the risks of market failure from uncontrolled development, and recommendations for how better planning can be part of the solution to both our housing crisis and the government’s wider objectives*’ (p.4). However, it is increasingly difficult to equate such concerns with the aggressive language of central government towards the planning system and its view on it as a brake on development that must be tackled and reformed. The RTPI is implicitly seen as one of the defenders of the existing system, or part of a wider constellation of elites (*cf*.Newman and Clarke, 2018) whose approaches run counter to the core objective of market-led regulatory reform, that is to generate new development and housing through the freeing up private sector actors from ‘restrictive’ regulatory demands.

RICS’ response, conversely, has been to highlight how it can continue to play a regulatory role in co-producing the more calculative elements of the proposals in relation to value capture and claims that:

‘*RICS has been engaged with [the Ministry/government] in producing professional guidance to apply government’s current polices and practice advice. We will now review the completion of this work in the context of the timing of the new reforms and any transition periods Research has already been completed on ‘Land value capture’ and will be released shortly which will contribute to government’s understanding of potential policy initiatives*’ (RICS, 2020c: p.1).

In an extension of its existing approach, it seeks to support members and wider publics to *apply* government policy, rather than overturn it or challenge its core aspects. Vertical relations of power and decision-making are presented as a ‘given’ and debates become focused on horizontal modes of delivery and local management/organisation. But at the same time, it is implicitly admitted that the organisation’s future professional guidance would have no power at all, if it didn’t comply with government policy, indicating a degree of mutual inter-dependence that limits the scope of criticism and the application of professionally mediated forms of flexibility.The role of an intermediary is therefore more complex than wanting to be seen as an ‘insider’ in policy-making circles, but involves a complex and liquid positionality in which authority is generated as much by being seen to be independent both horizontally amongst members and vertically by policy-makers.

**Conclusions**

The chapter has used the examples of RICS and RTPI to document, describe and analyse the role of professional IOs in the governance and regulation of contemporary built environments. It has argued that much of the literature on urban governance and on the regulation of the built environment especially, draws on analytical separations between rule-makers and rule-takers and underplays the liquidity of policy-making and implementation systems (*cf.* Black, 2017). Commentators on the marketisation of planning reform, for instance, have paid little attention to the role of intermediaries, their practices, or ways of working in documenting reform and focus on policy changes and central government ‘intentions’, with little reflection on where and how professional knowledge practices and institutionalised structures influence the direction of change (e.g. Lord and Tewdwr-Jones, 2014). At the same time, much of the writing in regulation studies and political science on intermediaries is overly concerned with abstract conceptions of policy-making systems (*cf.* Abbott et al, 2017), and draw limited insights into how specific examples operate in different contexts, whilst also under-playing the recursive interactions between broader political-ideological contexts.

RICS and RTPI are part of wider community of built environment IOs, each of which possesses varying resources, outlooks, memberships and political agendas and objectives. Both seek to act as ‘thought leaders’ or learned organisations, commissioning independent research as a way of entrenching a wider strategy of being seen to be working in the public interest. Their presence has played a key role in influencing regulations and shifts in emphasis towards the numerical/calculative logics that market-led reform inculcates. But their influence has diverged. In the case of RICS, the technical professional knowledge of valuation and codes that they possess, have increased their influence on built environment regulation both because their presence establishes a platform for reform, and governments since 2010 have sought to expand the scope and scale of market-led knowledge practices in the planning systems. Conversely, intermediaries such as the RTPI continue to advocate a role for more interventionist modes of planning, but their arguments have become less influential as the legitimacy of the planning system comes under concerted attack from central government and neo-liberal think-tanks (Airey & Doughty, 2020).

The chapter has also highlighted the constant liquidity, precarity, and vulnerability of such intermediaries. Their authority and legitimacy to act are constantly being re-shaped by the wider political environments and the regulatory spaces in which they operate. The chapter has noted that they establish and develop unstable coalitions and constellations of expertise but these are alwaysvulnerable to policy reforms, especially in the fields of planning in which governments have consistently criticised the role of ‘bureaucracy’ and over-regulated professional conduct in slowing development. More nuance is therefore required in critical writings on the role of professional lobbyists in influencing housing regulation for whom IOs such as RICS, in particular, represent part of a powerful elite-based property development lobby or ‘an obvious vested interest group’ that serves the wider needs of money-making for investors, land-owners, and developers (Colenutt, 2020). Conversely, we have shown that where IOs are able to exert influence, they are also subject to a degree of politicisation and legal contestation, even though they represent indirect actors (*cf.* Levi-Faur, 2011), acting *with* the state rather than *as* formal regulatory organisations.

**Acknowledgements**

The research discussed in the paper was supported by the Economic and Social Research Council UK [Grant Number: ES/S015078] under the project ‘WHIG What is Governed in Cities: Residential investment landscapes and the governance and regulation of housing production’.

References

Abbott, K. W., Levi-Faur, D., & Snidal, D. (2017). Theorizing regulatory intermediaries: The RIT model. *The Annals of the American Academy of Political and Social Science*, *670*(1), 14–35.

Airey, J., & Doughty, C. (2020). *Rethinking the Planning System for the 21st Century*. Policy Exchange: London.

Black, J. (2017). ‘Says who?’ Liquid authority and interpretive control in transnational regulatory regimes. *International Theory*, *9*(2), 286–310.

Bradley, Q. (2020). The financialisation of housing land supply in England. *Urban Studies*, 0042098020907278. https://doi.org/10.1177/0042098020907278

Braithwaite, J. (2008). *Regulatory capitalism: How it works, ideas for making it work better*. Edward Elgar Publishing.

Bucchi, M. (2009). *Beyond technocracy: Science, politics and citizens*. Springer Science & Business Media.

Büthe, T., & Mattli, W. (2013). *The new global rulers: The privatization of regulation in the world economy*. Princeton University Press.

Colenutt, B. (2020). *The Property Lobby: The Hidden Reality Behind the Housing Crisis*. Policy Press.

Crosby, N. (2019). Development viability assessment and the provision of affordable housing: A game of ‘pass the parcel’? *Town Planning Review*, *90*(4), 407–428.

Djelic, M.-L., & Sahlin-Andersson, K. (2006). *Transnational governance: Institutional dynamics of regulation*. Cambridge University Press.

Ferm, J., & Raco, M. (2020). Viability Planning, Value Capture and the Geographies of Market-Led Planning Reform in England. *Planning Theory & Practice*, 1–18. https://doi.org/10.1080/14649357.2020.1754446

Ferm, & Tomaney, J. (2018). *Conclusion: Beyond Reflective, Deliberative Practice*. Routledge.

Galès, P. L. (1998). Regulations and Governance in European Cities. *International Journal of Urban and Regional Research*, *22*(3), 482–506.

Gerber, J.-D., Hartmann, T., & Hengstermann, A. (2018). *Instruments of land policy: Dealing with scarcity of land*. Routledge.

Hall, S. (2018). Regulating the geographies of market making: Offshore renminbi markets in London’s international financial district. *Economic Geography*, *94*(3), 259–278.

High Court. (2018). *Case Between: Parkhurst Road Limited—And—Secretary of State for Communities and Local Government and The Council of the London Borough of Islington No: CO/3528/2017*. High Court of Justice: London.

Kenny, T. (2019). *An Agenda for Planning Research*. Royal Town Planning Institute, London.

Krisch, N. (2017). Liquid authority in global governance. *International Theory*, *9*(2), 237–260.

Levi-Faur, D. (2016). The Global Diffusion of Regulatory Capitalism. *The Annals of the American Academy of Political and Social Science*, *598*(1), 12–32. https://doi.org/10.1177/0002716204272371

Lord, A., & Tewdwr-Jones, M. (2014). Is Planning “Under Attack”? Chronicling the Deregulation of Urban and Environmental Planning in England. *European Planning Studies*, *22*(2), 345–361.

Madden, D. J., & Marcuse, P. (2016). *In Defense of Housing: The Politics of Crisis*. Verso.

McAllister, P. (2019). The taxing problems of land value capture, planning obligations and viability tests: Some reasonable models? *Town Planning Review*, *90*(4), 429–451. https://doi.org/10.3828/tpr.2019.28

MHCLG. (2018). *What next for planning in England? The National Planning Policy Framework*. HMSO: London.

MHCLG. (2020). *Planning for the Future*. HMSO: London.

Michaels, R., & Jansen, N. (2006). Private law beyond the state? Europeanization, globalization, privatization. *American Journal Of Comparative Law*, *54*(4), 843–890.

Mulhall, T. (2016). *Home Truths*. RICS Land Journal, March-April, RICS: London.

Newman, J., & Clarke, J. (2018). The instabilities of expertise: Remaking knowledge, power and politics in unsettled times. *Innovation: The European Journal of Social Science Research: Expertise and the Moral Economy of Austerity*, *31*(1), 40–54. https://doi.org/10.1080/13511610.2017.1396887

Owen, D. (2019). Private facilitators of public regulation: A study of the environmental consulting industry. *Regulation & Governance*.

Raco, M., Sun, Y., & Brill, F. (2020). Relational regulation and Chinese real estate investment in London: Moving beyond the territorial trap. *Territory, Politics, Governance*, 1–23.

RICS. (2012). *Finance Viability Guidance Note*. Royal Institute of Chartered Surveyors: London.

RICS. (2016). *Ethical Code of Conduct*. Royal Institute of Chartered Surveyors: London.

RICS. (2019). *RICS Valuation Global Standards—Global Red Book*. Royal Institute of Chartered Surveyors: London.

RICS. (2020a). *Disciplinary Panel Hearing—Case of Countrywide Residential Lettings Ltd United Kingdom*. RICS: London.

RICS. (2020b). *Royal Charter—Royal Institute of Chartered Surveyors*. Royal Institute of Chartered Surveyors: London.

RICS. (2020c). *‘Tear it down and start again’—Prime Minister on the planning system.* https://www.rics.org/uk/news-insight/latest-news/news-opinion/tear-it-down-and-start-again---prime-minister-on-the-planning-system/

Riles, A. (2018). *Financial Citizenship: Experts, Publics, and the Politics of Central Banking*. Cornell University Press.

Rodríguez-Pose, A., & Storper, M. (2020). Housing, urban growth and inequalities: The limits to deregulation and upzoning in reducing economic and spatial inequality. *Urban Studies*, *57*(2), 223–248.

RTPI. (2019). *Annual Report and Accounts 2018-2019*. RTPI: London.

RTPI. (2020a). *Priorities for Planning Reform in England*. RTPI: London.

RTPI. (2020b). *RTPI Corporate Strategy 2020-2030*. RTPI: London.

The Privy Council. (2019). *Royal Charters*. https://privycouncil.independent.gov.uk/royal-charters/

Valler, D., Wood, A., Atkinson, I., Betteley, D., Phelps, N., Raco, M., & Shirlow, P. (2004). Business representation and the UK regions: Mapping institutional change. *Progress in Planning*, *61*(2), 75–135.

van der Heijden, M. (2019). Agencies without borders: Explaining partner selection in the formation of transnational agreements between regulators. *Regulation & Governance*.

Wacquant, L., Slater, T., & Pereira, V. B. (2014). Territorial stigmatization in action. *Environment and Planning A*, *46*(6), 1270–1280.

1. In 2019-2020 RTPI funding recipients included the University of Aberdeen, RMIT University Melbourne, the University of Reading, Western Sydney University, and University of New Brunswick. [↑](#endnote-ref-1)
2. In 2018 the NPPF was revised in order, it was claimed, to make the system of valuations work more efficiently and effectively to meet planning objectives. [↑](#endnote-ref-2)
3. Between July 2019-April 2020 there were 20 Disciplinary Hearings that resulted in the expulsion of 11 members, plus a range of other sanctions, including a fine of £100,000 against Countrywide Properties owing to its ‘*serious and prolonged disregard towards the Firm's professional obligations as set out in the RICS' client money guidance document (Clients' money: General advice for firms (v2 w/e from 4 April 2011*)’ (RICS, 2020b: pp.1-2). [↑](#endnote-ref-3)