

Harrow
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More power, less scrutiny? The corruption risk at the heart of England's planning reforms

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Foreword

Planning decisions shape the places in which we live, work and invest. They can also create enormous financial gains for landowners and developers, making the planning system one of the areas of public administration most vulnerable to attempts at improper influence. The overwhelming majority of planning officers and councillors carry out their responsibilities with honesty, professionalism and integrity. Yet effective governance has never been about assuming everyone will always act properly. It is about recognising that wherever decisions involve substantial financial rewards, attempts to exert improper influence are inevitable, and designing systems that actively deter misconduct, detect irregularities at an early stage and maintain public confidence.

As Government proposes to transfer more planning decisions from elected committees to professional officers, the question is not whether planning officers can be trusted. The question is whether concentrating greater decision-making power in fewer hands is being matched by proportionately stronger safeguards to protect the integrity, transparency and accountability of the planning system.

While existing safeguards, such as codes of conduct, declarations of interests, audit processes, whistleblowing procedures and the criminal law, remain important, they are not new. They are the safeguards upon which the current system already relies. Yet there appears to be little evidence that the proposed reforms will introduce additional measures specifically designed to deter, detect and investigate corruption as decision-making powers become increasingly concentrated.

This paper considers whether the balance between efficiency and accountability has been properly struck, and whether the reforms risk creating greater opportunities for improper influence without corresponding enhancements to public oversight.

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Why greater delegated powers demand greater accountability

England's planning system is being reshaped around a promise of speed. Ministers argue that more planning applications should be determined by professional officers rather than elected planning committees, reducing delay, increasing certainty and helping to deliver the homes and infrastructure the country needs. Efficiency is a worthwhile objective. But efficiency should never come at the expense of accountability, particularly where planning decisions can add millions of pounds to the value of land overnight.

Recent events demonstrate that corruption within local government planning is not a theoretical concern. Police investigations in Leeds into suspected bribery, misconduct in public office and money laundering involving planning staff, together with the long-running Liverpool corruption investigation that has resulted in charges against former senior council officials and a former planning officer, are reminders that the planning system is vulnerable to abuse. These cases do not stand in isolation. Earlier scandals, including corruption investigations involving planning officers and developers in Doncaster and controversies over gifts and hospitality connected with planning decision-makers in Westminster, show that concerns about improper influence have surfaced repeatedly over many years. While not every investigation or controversy has resulted in criminal convictions, the pattern illustrates an uncomfortable reality: wherever planning decisions can generate enormous financial gains, there will be incentives for individuals to seek improper influence.

Planning has always represented fertile ground for corruption because the financial incentives are enormous. A single planning permission can transform agricultural land worth tens of thousands of pounds into development land worth millions. Every planning officer understands the commercial pressures surrounding major applications. Most carry out their duties with integrity, but public policy cannot be designed on the assumption that every individual will always act honestly. Good governance assumes that temptation exists and builds safeguards accordingly.

Historically, one of the principal protections against improper influence has been the public planning committee. Committee decisions are made collectively, in public, by elected councillors who must declare interests, debate applications openly and vote in full public view. The committee process is imperfect and can be political, but it creates transparency. Multiple decision-makers, public scrutiny and recorded votes make corruption more difficult to conceal.

The proposed reforms move many more decisions into the hands of individual officers. Supporters argue that officers already determine the majority of applications and that committees should concentrate on genuinely contentious proposals. There is merit in ensuring committees are not overwhelmed by routine cases. The concern arises if increasingly significant decisions, including those involving substantial financial gains for developers, are removed from democratic oversight without equivalent safeguards being introduced.

An individual officer, however experienced and conscientious, is inherently more vulnerable to external pressure than a committee of elected members. Confidential meetings, informal discussions with applicants, repeated contact with agents and the sheer complexity of planning negotiations can all create opportunities for undue influence. Even where no wrongdoing occurs, concentrating decision-making authority in fewer hands risks undermining public confidence. In planning, public trust depends not only on decisions being fair but on them being seen to be fair.

The critical question therefore becomes whether the new arrangements introduce additional measures specifically designed to deter, detect and investigate corruption. The answer appears to be that they largely do not.

Existing safeguards remain. Planning officers are subject to codes of conduct, declarations of interests, local authority employment rules, audit processes, whistleblowing policies, standards regimes and criminal law. Councils are expected to maintain registers of gifts and hospitality, while decisions remain capable of judicial review where unlawfulness is alleged. Serious corruption can be investigated by the police or the National Crime Agency where appropriate.

However, these mechanisms are not new. They are the safeguards that already exist within the current system. The reforms appear to rely upon them rather than recognising that increased concentration of decision-making authority may itself increase risk. There is little indication that additional anti-corruption infrastructure will accompany the transfer of power.

That raises obvious questions. If individual officers are expected to exercise greater authority over decisions carrying enormous financial consequences, why are there no proposals for mandatory independent auditing of a sample of officer decisions? Why is there no requirement for enhanced publication of all meetings and communications relating to major applications? Why is there no nationally consistent register of contacts between planning officers and applicants? Why are there no routine integrity testing programmes, enhanced financial disclosure requirements for senior planning officers or stronger mandatory rotation arrangements for officers dealing with major strategic developments? In sectors where regulatory capture presents recognised risks, enhanced monitoring commonly accompanies increased delegated authority. Planning appears to be moving in the opposite direction.

Government may argue that the answer lies in professional ethics. The vast majority of planning officers are dedicated public servants whose integrity should not be questioned simply because a handful of individuals become the subject of criminal investigation. That argument deserves respect. Yet robust anti-corruption systems are designed precisely because institutions cannot rely solely on personal integrity. Banking regulation does not assume every trader is honest. Financial services regulation does not assume every adviser is beyond temptation. Procurement law does not assume every purchasing officer is incorruptible. Planning should be no different.

Another concern is the reduction in democratic visibility. Committee meetings are public. Decisions are debated. Objectors and applicants can observe proceedings. Local media can report on controversial cases. Officer decisions, even where fully lawful and properly reasoned, inevitably receive less public scrutiny. The more decisions migrate away from public forums, the greater the importance of compensating transparency elsewhere.

Supporters of reform will point out that planning committees have themselves been associated with allegations of misconduct over many years. That is true. Corruption is not confined to officers, and councillors have also faced investigation and prosecution. The answer, however, is not simply to move power from one group to another. It is to ensure that wherever planning power resides, equally strong mechanisms exist to expose improper conduct before it becomes systemic.

Public confidence in planning depends upon more than faster decisions. It depends upon confidence that decisions are made independently, transparently and free from improper influence. Speed may help deliver homes more quickly, but if the public comes to believe that major development decisions are increasingly being made behind closed doors by individuals exercising substantial discretion without proportionately enhanced oversight, confidence in the legitimacy of the planning system will inevitably suffer.

Planning reform is an opportunity not only to modernise decision-making but also to strengthen public trust. If ministers are prepared to give planning officers greater authority, they should also be prepared to introduce stronger safeguards that actively deter corruption, detect misconduct early and reassure communities that planning decisions are being made solely in the public interest. Without that parallel investment in transparency and accountability, the reforms risk creating the perception that efficiency has been prioritised over integrity. In a system where planning permission can be worth millions, that is a risk no government should be willing to take.

Conclusion

The success of planning reform should be measured not only by how quickly decisions are made, but by whether the public continues to have confidence that they are made fairly, transparently and free from improper influence. Delegating greater authority to planning officers may deliver efficiency, but efficiency alone is not a substitute for accountability.

If Government believes that wider delegation is necessary, it should also introduce proportionately stronger safeguards, including enhanced transparency, independent oversight and more robust mechanisms for detecting and deterring corruption. Public confidence in the planning system depends as much on the integrity of the process as on the speed of the outcome. Reforms that strengthen one while overlooking the other risk undermining the very legitimacy upon which the planning system depends.

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