



Date: 17/04/2025

To:

Rt Hon Damian Hinds MP

House of Commons

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Request to Forward To:

- Matthew Pennycook MP
Minister of State for Housing and Planning
- Angela Rayner MP
Secretary of State for Levelling Up, Housing and Communities

Supplementary Note – Legal Reform to Prevent Developer Deception in Planning

Dear Rt Hon Damian Hinds,

Thank you once again for your engagement on the issue of developer manipulation and fraud within the planning system. I am grateful that your office has offered to pass my original proposal to the relevant Minister, and I write now to formally support that referral — but also to expand upon it.

I respectfully request that this letter be forwarded not only to Matthew Pennycook MP, Minister of State for Housing and Planning, but also to Angela Rayner MP, as Secretary of State. Given the systemic nature of the issue, I believe ministerial awareness must extend beyond technical planning processes to questions of legal integrity and public accountability at the national level.

The Legal Gap Exists — and Its Effects Are Ongoing

As set out in my original letter and one-page proposal, enclosed with my previous correspondence, there is a growing body of evidence that developers are exploiting a regulatory void — one that allows them to:

- Fragment large sites to bypass EIA thresholds
- Suppress deliverable sites to influence housing land supply
- Submit misleading viability appraisals
- Misrepresent or neutralise public consultation input

Currently:

- The Fraud Act 2006 requires narrow, provable intent
- Planning law is civil and lacks prosecutorial enforcement
- Police and CPS avoid intervention, even in cases of clear coordination

The result: behaviour that would be considered market abuse in finance is, in planning, routine and consequence-free.

The Precedent: Financial Regulation as a Model

The evolution of UK financial legislation provides a proven structure. The FSMA 2000, the EU Market Abuse Regulation (MAR) (retained in UK law), and related enforcement tools were introduced to address widespread systemic distortion.

These reforms were not born of one scandal — they arose from repeated, visible patterns of behaviour that eroded market integrity.

If we do not tolerate market distortion in finance, why do we still allow it in planning — a system that allocates land, housing, infrastructure and public trust?

A Framework for Reform

To build on the originally proposed offence of “Planning Fraud by Misrepresentation or Omission,” I now outline the following expanded structure:

1. Statutory Duty of Candour in planning submissions — applying to developers, landowners, agents, and consultants.
2. Criminal Offence for submitting material information that is false, misleading, or incomplete — where the party ought reasonably to have known its significance.
3. Mandatory Reporting protocols for Local Planning Authorities to refer suspected coordination or misrepresentation to a national enforcement body — akin to FCA Suspicious Transaction Reports.
4. Whistleblower Protections for planning professionals, consultants, and officers who identify systemic misconduct.

These proposals are rooted in existing legislative tools — particularly from financial law — and could be adopted without fundamentally altering the structure of the planning system.

Request for Ministerial Consideration and Parliamentary Support

I would be grateful if:

- You would forward this letter and the enclosed materials to both Matthew Pennycook MP and Angela Rayner MP for their formal consideration;
- You would continue to support the issue in Parliament — through questions, statements, or sponsorship of a potential Private Member's Bill;
- You would confirm whether a formal review of this legal gap may be pursued within DLUHC or through the Select Committee in the future.

I remain committed to working constructively on this issue and would welcome the opportunity to provide further detail or consultation as needed.

Yours sincerely,

A black rectangular box redacting the signature of the sender.