

Annex 1 – Task and Finish Group Meeting Notes

Soil Analysis Task & Finish Group Meeting

Tuesday 15 April 2025 @ 2pm

ROOM 1.2 James House

Attendees:

██████████ FODC)

██████████ (N&M)

██████████ (NIEA)

██████████ (NIEA)

Rosemary Daly (DFI)

██████████ (DFI)

██████████ (DFI)

██████████ (DFI)

Apologies:

██████████ (ABC)

1. Welcome & Apologies

██████████ welcomed everyone to the meeting & indicated apologies (as above).

2. Minutes/actions arising from meeting of 7 March 2025

Some suggested amendments by ██████████ were discussed and incorporated into the 7 March meeting minutes (now agreed).

The three actions from the previous meeting have been initiated.

3. Partner Updates

Dfi

Fraud in planning Event

██████████ provided an update about the Dfi/NIAO/NIEA 'Fraud in Planning' event at Loghry College on 11 April 2025.

The feedback from the event was very positive. NIAO made it clear that responsibility for the planning applications relating to the falsified soil samples sits with the appropriate councils to resolve.

A matter raised at the event by one of the council representatives in attendance related to including other council members on to the Task and Finish Group, the Department has no issue with additional members, but advised it would be for councils to raise this with SOLACE.

█████ explained that this matter had already been discussed at SOLACE, who confirmed that they were content with the current nominations to the group.

Local Government

██████████ reiterated the need to clearly differentiate between issues related to fraud and planning decisions. ██████████

█████ advised the group that the detail of all the planning applications requires review to discover if they relate to falsified information or planning decisions.

█████ advised that responsibility for reviewing the planning applications rests with the councils and it should be evidence based. █████ reinforced this by advising that at the Fraud event, NIAO's position is that all the planning applications sit with the relevant determining councils to resolve.

Strategic Planning Group (SPG)

A general discussion took place about the role (if any) of the SPG in relation to fraud issues of a potentially regional nature. There was a consensus that the issue of fraud should in the main be kept separate from the SPG & instead should be dealt with primarily by the proposed 'Planning Fraud Response Team' (to be established).

4. Feedback from the workshop

As above under Item 3

5. Review of the Draft Protocol

██████████ advised that the draft Protocol to be discussed at the next HoP meeting. It has also been suggested that a workshop with local government legal representatives may be taken forward.

█████ advised that the DfI/T&FG is happy to attend any workshops. █████ also indicated that the Planning Fraud Response Team when established will take over from the TFG.

The group had a focused discussion on the draft protocol (including the original draft developed by Dfl and recent amendments proposed by the local government). Whilst comments and amendments were discussed, [REDACTED] advised the group that Dfl would consider the protocol in light of discussions and then recirculate to TFG members for further consideration.

6. A.O.B.

Revised protocol will be circulated to the HoP and when finalized shared with the Statutory Consultee Forum

Actions

- DfI to circulate revised Protocol
- LG to advise as soon as possible on the date of next HoP meeting/workshop
- Next TFG Meeting date to be agreed

Soil Analysis Task and Finish Group Meeting

Meeting Notes

Tuesday 24 June 2025: 2.00 – 3.30pm

MS Teams

Attendees	██████████ (NMD) ██████████ (ABC) ██████████ (FO - Chair) ██████████ (Dfl) Rosemary Daly (Dfl) ██████████ (NIEA)
Welcome	Chair welcomed everyone to the meeting of the Soil Analysis Task and Finish Group, which was essentially an update meeting following discussion of the draft protocol at the recent Heads of Planning (HOP) meeting.
Apologies	██████████ (Dfl) ██████████ (NIEA)
To agree Minutes of meeting on 15 April 2025 • Noted that all parties had an opportunity to review the minutes. • ██████ noted that a number of suggested changes had been proposed and sent across in advance of meeting. • No further changes noted	
Partner updates – if any	

- Councils provided an update on recent suspect fraud cases, involving various matters including [REDACTED], which had been investigated and determined to be local matters and were being dealt with in line with local procedures.

- [REDACTED]

Draft Protocol

- Councils updated the group on the discussion and feedback from the recent HOP meeting.

[REDACTED]

- It was noted that further comments were received from a Council by email following the meeting.
- Agreed that Council representatives would meet to update the draft protocol in light of the feedback and send through an updated version in advance of the next meeting.

Draft Terms of Reference (Regional Response Group)

- To be reviewed and discussed at next meeting.

Next Steps

- Councils to track changes to the protocol as discussed and send through updated version in advance of the next meeting.

Any Other Business

None

Confirm Date and Venue for Next Meeting

Provisionally 21 August 2025

TASK & FINISH GROUP - SOIL ANALYSIS

Monday 1 September 2025 @ 2.30pm

Attendees: [REDACTED] (ABC), [REDACTED] (FODC), [REDACTED] (NMDDC), [REDACTED] (NIEA), [REDACTED] (NIEA), Rosemary Daly (DfI), [REDACTED] (DfI), [REDACTED] (DfI).

Apologies: N/A

1. Welcome & Apologies

- [REDACTED] welcomed everyone to the meeting.
- [REDACTED] informed the Group that DfI would look through the suggested amendments/comments presented by the LG Reps and NIEA on the Draft Protocol (Managing Fraud Risk in Planning) circulated previously by the Department and recirculate to the Group.
- It is hoped that both the Draft Protocol and the Draft TOR for the proposed Planning Fraud Regional Response Team (PFRRT) could be finalised/signed off at the next meeting. [REDACTED] raised the issues about the involvement in/agreement of the Heads of Planning (HoP) in the final documents.
- There was some discussion on the renaming of the proposed Planning Fraud Regional Response Team (PFRRT)

2. Minutes & actions arising from meeting of 24 June 2025

- Meeting Notes prepared by Fermanagh & Omagh District Council (FODC) were agreed with slight amendment to attendees.

3. Partner Updates

[REDACTED]
[REDACTED].

SOIL SAMPLE TASK & FINISH GROUP MEETING (TEAMS)

20 October 2025

Attendees:

[REDACTED]	-	ABC Council (Chair)
[REDACTED]	-	Fermanagh & Omagh District Council
[REDACTED]	-	NM&D District Council
Rosemary Daly	-	DfI Planning
[REDACTED]	-	DfI Planning
[REDACTED]	-	DfI Planning
[REDACTED]	-	NIEA
[REDACTED]	-	NIEA

1. Apologies

None

2. Minutes

[REDACTED] put forward the following amendment to the minutes:

[REDACTED]

3. Actions

Agreed

4. Partner Updates

DfI : Internal Audit of DfI welcoming of draft protocol.
DfI Audit amendments are aimed at enhancing clarity and effectiveness.

NIEA : [REDACTED]

[REDACTED]

[REDACTED]

Some discussion ensued around consultation arrangements with RoI authorities for applications involving transfer of litter across the border.

Local Govt: [REDACTED] advised that next steps were mapped out to Heads of Planning (HoP) at last meeting of HoP working group.

[REDACTED] updated the T&F Group on position regarding soil cases within [REDACTED]
[REDACTED]

5. **Matters to Finalise**

Agreed [REDACTED] and [REDACTED] meet to discuss and finalise the Terms of Reference and Protocol.

Subsequent to that :

- Circulate draft protocol to NI Heads of Legal Group and then share with NI Heads of Planning Group.
- Local Government reps to arrange for protocol and Terms of Reference to be included on the SOLACE Agenda for December 2025.
- Agreement was reached that the name of the new team will be: 'Planning Fraud Regional Response Team'.

6. **Date of Next Meeting**

20 November 2025 – N&M to Chair

SOIL SAMPLE TASK & FINISH GROUP MEETING (TEAMS)

5 February 2026

Attendees:

██████████	-	Dfl (Chair)
Rosemary Daly	-	Dfl
██████████	-	Dfl
██████████	-	Fermanagh & Omagh District Council
██████████	-	NIEA
██████████	-	NIEA

Apologies:

██████████	-	NM&D District Council
██████████	-	ABC Borough Council

Minutes

No comment from the Group. Minutes from meeting on 20 October 2025 agreed.

1. SOLACE Update

- On 21 January 2026 ██████████ confirmed by email that SOLACE had agreed the Protocol and Terms of Reference for the Planning Fraud Regional Response Team (PFRRT).
- Permission from SOLACE required on the use of their logo on the Protocol. Next SOLACE meeting is on 6 February 2026. Local government reps to seek a position from SOLACE and advise Dfl.

2. Protocol Launch

- There was some general discussion about the launch of the Protocol. Dfl advised that Dfl Graphics were currently working up a final version of the Protocol for publication.
- A link for the Protocol could be put into the next Chief Planners update. ██████████ would be keen to also put it on their website and also circulate to their Agents Forum.

3. Audit Office Engagement

- [REDACTED] advised that the agreed positions adopted through the TFG will provide an important contribution to DfI/NIEA update to the interim response to the recommendations of the July 2024 NIAO Report.

4. Membership of the Planning Fraud Regional Response Team (PFRRT)

- Initial discussions suggested convening the PFRRT 6 months after the TFG stands down. However, it was agreed to convene it sooner (even if no issues) to keep the momentum going.
- [REDACTED] agreed to sit on the first meeting to allow for the transition period. Agreement of [REDACTED] will be sought and the issue will be considered as part of the wider membership of a number of groups. Also agreed that [REDACTED] and [REDACTED] would also attend this first meeting.

5. TFG Wrap Up

- Draft minutes of this and previously agreed meeting records will be circulated to the Group to formalise closure of the Group.

6. Actions

- [REDACTED] - To seek permission of SOLACE to use their logo on the Protocol.
- [REDACTED] To circulate this and previous meeting minutes for information.
- **All** - Details of publication of Protocol to be discussed / agreed (can be done via email).

Department for Infrastructure

February 2026

Annex 2

Soil Task and Finish Group - Internal exchange

From: [REDACTED]
Sent: 10 December 2025 16:02
To: DFI Perm Sec
Cc: [REDACTED] Andrews, Judith; Daly, Rosemary; McFerran, Kathryn; [REDACTED]; [REDACTED]
[REDACTED]
Subject: Perm Sec Update - Soil Sample Analysis Reports Task and Finish Group - December 2025
Attachments: Perm Sec Update - Soil Sample Analysis Reports Task and Finish Group - December 2025.DOCX; Perm Sec Update - Soil Sample Analysis Reports Task and Finish Group - December 2025.tr5

Dear colleague,

Please find attached an update on the work of the Soil Sample Analysis Task and Finish Group for the attention of the Permanent Secretary.

Best regards

[REDACTED]



Department for

Infrastructure

An Roinn

Bonneagair

Department for

Infrastructure

Security mark when appropriate

Annex 2

From: Rosemary Daly
Regional Planning,
Governance and
Legislation

Your Ref:
Our Ref:

Tel:



Date: 10 December 2025

To: Denis McMahon
Permanent Secretary

UPDATE ON FALSIFIED SOIL SAMPLE REPORTS TASK AND FINISH GROUP

Decision Required



For Information Only



Issue:

This submission is to update you on the ongoing progress of the Task and Finish Group working to address relevant recommendations in the July 2024 NIAO Report 'Public Bodies' Response to Misrepresented Soil Analysis'.

Timescale:

Routine

Presentational Issues:

None at present as the sub is for information only however LTT can be prepared if we are approached for comment on the latest position- 9/12/2

Fol Implications:

An exemption might be sought for some of the information in the submission.

Financial Implications:

N/A

Legislative Implications:

N/A

Section 75 Implications:

N/A

External Referral:

N/A

Recommendation:

It is recommended that you note the contents of this submission and the progress of work through the TFG.

BACKGROUND

1. You will be aware of the general background to the issue of falsified soil sample reports having been submitted in support of applications for environmental permits and licences submitted to DAERA/NIEA and a total of 108 applications for planning permission submitted to 9 of the 11 local planning authorities (LPAs). None of the affected 108 applications were applications considered or processed by the Department. This issue was brought to the attention of the Department by NIEA in October 2022.
2. In March 2023 a complaint was made to the Northern Ireland Audit Office (NIAO) by a member of the public regarding the handling of the issue which led to the NIAO report [Public Bodies' Response to Misrepresented Soil Analysis](#), published in July 2024. As part of the efforts to address the recommendations set out in the NIAO report a Task and Finish Group (TFG) was established in agreement with NIEA and the Society of Local Authority Chief Executives (SOLACE). The TFG has three local government representatives from:
 - Fermanagh and Omagh District Council (FODC);
 - Newry Mourne and Down District Council (NMDDC); and
 - Armagh, Banbridge and Craigavon Borough Council (ABC).
3. The TFG has been operating since September 2024, being chaired on a rotational basis between each of the three local government representatives, NIEA and the Department. The TFG is intended to work towards an agreed position on input to relevant recommendations in the NIAO report. The agreed TFG terms of reference are attached at Annex A for information.
4. A key outworking of the TFG has been the development of draft, and now agreed, protocol on how potential fraud issues of a regional/sub-regional level should be dealt with in the future across the planning system. This work has also included agreement on the formation of, and terms of reference for, a Planning Fraud Regional Response Team (PFRRT). The aim of the proposed PFRRT is to provide the practical mechanism through which matters around potential fraud, and their impact on the planning system, can be raised and discussed in a collective and collaborative manner with the intention to address concerns. The draft protocol and PFRRT terms of reference, subsequently agreed through the TFG, are attached at Annex B for information.

5. You will be aware of the initial interim response to the NIAO report co-ordinated through DAERA (see [SCORR-0104-2024](#)). There has been no further request from NIAO for an updated position although NIAO did seek input from DfI on the reference in the NIAO annual report to the work currently underway in response to the July 2024 report. The progress on work to agree the draft protocol and TOR for the PFRRT address specific recommendations in the NIAO report.
6. Additionally, the Department has also worked with NIAO in organising a Planning Fraud awareness and training event held in Cookstown on 11 April 2025. NIEA was also presented at this event. This action again directly addressed one of the key NIAO recommendations.
7. At that event, NIAO Director [REDACTED] delivered a presentation on general fraud awareness and NIAO Deputy Director [REDACTED] delivered a presentation specific to the NIAO report of July 2024, which he had authored. [REDACTED] commended the work to date of DfI and DAERA/NIEA in responding to the report's recommendations and noted that NIAO was extremely pleased with the establishment of the TFG and work being progressed on a future protocol. A key message delivered by NIAO was the direct responsibility of relevant district councils to manage the applications made to them as determining authorities and to consider the impact of fraudulent activity on planning decisions. This has reinforced the position adopted by the Department through the work of the TFG and the responsibility on the affected LPAs in local government. However, the work of the TFG has provided experience and a benefit of shared information and understanding of potential fraud in the planning system through the partner updates.

WAY AHEAD

8. The draft protocol and draft TOR for the PFRRT has been considered by local government Heads of Planning as well as the Heads of Legal Services in local government (with only a minor query raised which can be addressed when the PFRRT is convened). The protocol and TOR is now due to be considered by SOLACE, in January 2026.
9. It is hoped that agreement by SOLACE will support the departmental response to relevant recommendations in the NIAO report to be co-ordinated through DAERA when requested by NIAO. Local government representatives have been advised that the Department's response to NIAO will be decided in line with your responsibilities as Accounting Officer and is not subject to their consideration or agreement. It is hoped that the work of the TFG will conclude early in 2026 and that arrangements will be made shortly thereafter regarding the establishment of the PFRRT.

RECOMMENDATION

10. It is recommended that you note the contents of this submission and the progress of work through the TFG.

ROSEMARY DALY
Chief Planner & Director

cc:

Judith Andrews
Kathryn McFerran



DfI Press Office
PS to the above

ANNEX A

Agreed Terms of Reference for Soil Sample Analysis Reports Task and Finish Group

ANNEX B

(i) TFG Agreed Protocol

(ii) TFG Agreed Terms of Reference for the Planning Fraud Regional Response Team

Annex 3 - Soil Task and Finish Group - External exchange

From: [REDACTED]
Sent: 07 May 2025 10:45

To: [REDACTED]
 [REDACTED]
 [REDACTED]

Cc: Daly, Rosemary [REDACTED]
 [REDACTED]

Subject: Soil TFG - Draft Protocol

Morning All

Following discussions and comments from you at the last Soil Task & Finish Group (TFG) meeting in April, we have been amending/updating the draft protocol. We intend to circulate this to you all very soon. At the same time, we hope to circulate a draft Terms of Reference (TOR) for the proposed Planning Fraud Response Team which has been discussed and is referenced in the draft protocol.

If you have any further queries do not hesitate to contact me.

Kind Regards

[REDACTED]

Regional Planning Governance and Legislation
 Department for Infrastructure
 James House, 2-4 Cromac Avenue, The Gasworks, Belfast, BT7 2JA
 [REDACTED]

From: [REDACTED]
Sent: 08 May 2025 15:22
To: [REDACTED]
Cc: Daly, Rosemary; [REDACTED]
Subject: FW: Soil TFG - Draft Protocol
Attachments: 2025-04-30 DRAFT Protocol FMcG comments - Version April 2025 (002).DOCX

Dear All

Further to my email yesterday, please see attached a copy of the amended draft protocol for your consideration/comment. As indicated, we are working up a draft Terms of Reference (TOR) for the Planning Fraud Regional Response Team. This will be issued as soon as possible for your consideration.

Kind Regards

[REDACTED]

From: [REDACTED]
Sent: 20 May 2025 10:22
To: [REDACTED]
Cc: [REDACTED]
Subject: For Information: Planning in Fraud event Presentations - 11 April 2025
Attachments: Presentation - 1 - for planning forum April 2025.pdf; Presentation - 2- to DfI NIEA Council Planners 11.04.25.pdf; NIEA Powerpoint Presentation - Fraud Awareness Seminar 11 April 2025.pdf

Dear All

I forwarded copies of the attached presentations to your colleagues who attended the 'Fraud in Planning' event held on 11 April 2025 in Loughry Campus, Cookstown. As members of the Soil Task & Finish Group (TFG) I thought it would be useful for you also to have sight of these presentations which were kindly delivered by the Northern Ireland Audit Office (NIAO) and the Northern Ireland Environment Agency (NIEA).

Please do not circulate these presentations outside of your organisation without the consent of the NIAO/NIEA.

Kind Regards

[REDACTED]

Regional Planning Governance and Legislation
Department for Infrastructure
James House, 2-4 Cromac Avenue, The Gasworks, Belfast, BT7 2JA

[REDACTED]

From: [REDACTED]
Sent: 16 June 2025 11:57
To: [REDACTED]
Cc: Daly, Rosemary; [REDACTED]
Subject: Draft Meeting Note - Soil TFG - 15 April 2025
Attachments: Draft Meeting Note - TFG - 15 April 2025.DOCX

Morning All

Please see attached for your consideration, a copy of the Draft Note from our meeting on 15 April 2025. As per Action 2 from the last meeting, we hope to get a copy of the Draft Terms of Reference (TOR) for the proposed Regional Fraud Response Team to you in advance of our next meeting on 24 June.

Kind Regards

[REDACTED]

Regional Planning Governance and Legislation
Department for Infrastructure
James House, 2-4 Cromac Avenue, The Gasworks, Belfast, BT7 2JA

[REDACTED]

Sent: 23 June 2025 14:33
To: [REDACTED]
Cc: Daly, Rosemary; [REDACTED]
Subject: Soil TFG - Draft TOR for Planning Fraud Regional Response Team
Attachments: DRAFT Terms Of Reference - PFRRT - June 2025.docx

Dear All

Please see attached a draft Terms of Reference (TOR) for the proposed Planning Fraud Regional Response Team for your consideration and discussion at our TFG meeting tomorrow afternoon.

Kind Regards

[REDACTED]

Regional Planning Governance and Legislation
Department for Infrastructure
James House, 2-4 Cromac Avenue, The Gasworks, Belfast, BT7 2JA

From: [REDACTED]
Sent: 25 July 2025 13:05
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Soil TFG meeting
Attachments: 2025-04-30 DRAFT Protocol FMcG comments - Version April 2025.docx

Hi [REDACTED]

Hope you are well.

We reviewed the draft protocol today and tracked a number of suggested changes (see attached), but nothing fundamental.

This also reflects the feedback from HOP. Hopefully we can get agreement on this at the next T&F meeting.

We will aim to review the draft TOR in advance of the next meeting and send across any comments/feedback.

Thanks

[REDACTED]

From: [REDACTED]
Sent: 06 August 2025 10:11
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: FOR INFORMATION: Soil TFG meeting - draft protocol comments
Attachments: 2025-04-30 DRAFT Protocol FMcG comments - Version April 2025.docx

Hi [REDACTED]

I have added some comments to the paper. Apologies for the delay in responding.

Best Regards

[REDACTED]

From: [REDACTED]
Sent: 29 August 2025 15:54
To: [REDACTED]
Subject: Soil TFG - Agenda - Protocol - TOR
Attachments: TFG Agenda - 1 September 2025.docx; Draft Minutes Soil Analysis Task and Finish Group Meeting June 25.docx

Dear All

Please see attached an Agenda for our Soil TFG meeting on Monday. Also included are the meeting notes kindly provided by [REDACTED] from our last meeting in June.

Thanks

[REDACTED]

Subject: Soil Task and Finish Group
Location: Microsoft Teams Meeting

Start: Mon 01/09/2025 14:30
End: Mon 01/09/2025 16:00

Organizer:
Required Attendees:

[REDACTED]
[REDACTED] Daly, Rosemary; [REDACTED]

Morning All

If possible, it would be good to get a date in our diaries for the TFG meeting. Apologies for the cancellation of our last scheduled meeting.

Many Thanks for you suggested amendments and comments on the Draft Regional Response Protocol. It would be great if we could also take some time to look through the Draft TOR for the Planning Fraud Regional Response Team (PFRRT) before the next meeting.

Happy to discuss.

[REDACTED]

Tel: [REDACTED]

From: [REDACTED]
Sent: 25 September 2025 14:34
To: [REDACTED]
Subject: Soil Task and Finish Group
Attachments: DRAFT Terms Of Reference - PFRRT - June 2025 (3).docx

Hi [REDACTED] - hope you are well.

LG met earlier to discuss the TOR attached.

We are broadly content with detail subject to some minor suggested inclusions in red - and the wording can be refined when we next meet.

Thanks

[REDACTED]

From: [REDACTED]
Sent: 17 October 2025 17:00
To: Daly, Rosemary; [REDACTED]
[REDACTED]
Subject: FW: Soil TFG - 20 October 2025
Attachments: DRAFT Protocol - September 2025 (002).docx; DRAFT Terms Of Reference - PFRRT - June 2025 (3).docx; DRAFT Minutes - Task and Finish Group meeting - 1 September 2025.DOCX; Agenda - Soil Sample Task and Finish Group.pdf

Good afternoon all
Please see attached Agenda and papers ahead of Soil TFG scheduled for Monday 20 October.

Kind regards

[REDACTED]
On behalf of [REDACTED]
Head of Planning
[REDACTED]

From: [REDACTED]
Sent: 29 October 2025 09:02
To: [REDACTED] Daly, Rosemary; [REDACTED]
Subject: Minutes 20-10-25, Protocol and Terms of Reference
Attachments: 2025-10-24 TFG Agreed Protocol.docx; 2025-10-24 TFG Agreed Terms of Reference - Planning Fraud Regional Response Team.docx; SOIL SAMPLE TASK.docx

Dear All

Please see attached for your consideration the minutes of the T&F Group meeting on 20 October 2025. Also find attached the latest draft Protocol and Terms of Reference.

Grateful to receive any comments by close of business on 5 November.
Once everyone is content local government will share the protocol and ToR with the Local Govt Heads of legal Group and Heads of Planning Group and aim to have them included on the December agenda of SOLACE.

Many thanks
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 08 December 2025 21:04
To: [REDACTED] Daly,
Rosemary; [REDACTED]
Subject: RE: Soil sample task and finish group

Folks

[REDACTED]

We are aiming to bring this all to SOLACE meeting in early January, there hasn't been any issues flagged by HoP and the LG Legal group I believe met on Friday past,

[REDACTED]

Regards,

[REDACTED]

Oifig an Lúir

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]



Public Bodies' Response to Misrepresented Soil Analysis

Published 5 July 2024

Agenda

- ❖ Introduction
- ❖ Overall Assessment
- ❖ Key findings
- ❖ Recommendations

Introduction

- ❖ Oct 2022 – NIEA discovered misrepresented soil analysis results
 - ❖ 108 planning applications across 9 councils
 - ❖ 19 environmental authorisations
 - ❖ 3,461 false soil sample results
 - ❖ Cases dated back to 2015
-
- ❖ Concern raised by member of the public
 - ❖ No active investigation into planning application fraud aspect

Overall Assessment

- ❖ Collaboration poor between a number of public bodies
- ❖ Lack of clarity re roles and responsibilities
- ❖ Some issues not new - lessons not learned from previous NIAO and PAC reports
- ❖ More proactive steps could have been taken
- ❖ Concerns raised appeared to have substance
- ❖ Public confidence undermined

Key Findings

1. Lack of effective collaboration between NI public bodies in response to notification of potential planning fraud
2. There was a failure by councils to initiate an investigation of potential planning fraud on a timely basis
3. Lessons were not learned from a similar case in 2021
4. Ineffective controls failed to prevent or detect on a timely basis the reporting of false soil analysis results
5. Potentially more effective arrangements for minimising the impact of excessive levels of nutrients are in place in England

Recommendations

- ❖ 13 recommendations were made under the following themes:
 - More effective collaboration
 - Planning fraud investigations
 - Learning the lessons
 - More effective controls
 - Additional environmental protection
- ❖ [Link to NIAO report](#)
- ❖ 2 of the 13 recommendations were not accepted
- ❖ Caveat from Dfl – accepted “commensurate with the statutory responsibilities in the two-tier planning system”

Recommendations

– More Effective Collaboration

1. As recommended in the Northern Ireland Audit Office (NIAO) February 2022 report on Planning in Northern Ireland, all statutory bodies involved in the planning system should play their part and fully commit to a shared and collaborative approach going forward
2. All bodies involved in the planning system in NI should review the self-assessment checklist contained in the 2019 NIAO report “Making Partnerships Work” and, as a matter of urgency, develop a protocol that clarifies the roles and responsibilities of all stakeholders and ensures effective collaboration

Recommendations

– Planning fraud investigations (1)

3. We recommend that councils review the scope of their fraud policies, procedures and response plans to ensure that any alleged submission of misrepresented or falsified information in planning applications is treated as potential fraud and investigated accordingly
4. Councils should ensure that all officers involved in the planning process understand the scope of their organisation's fraud policy and response plan, as well as their role in identifying indicators of planning fraud and dealing with allegations of potential fraud should they arise
5. We recommend that DfI should take a more active role in ensuring that a consistent and co-ordinated approach is taken by councils where sector-wide potential planning fraud issues arise in future

Recommendations

– Planning fraud investigations (2)

6. Dfl should put arrangements in place to nominate a point of contact to act as a liaison between councils and PSNI as a means of securing an efficient and effective outcome in future cases of sector-wide potential planning fraud (This recommendation was rejected by Dfl)
7. Dfl should co-ordinate sector-wide training and awareness sessions as a means of promoting greater consistency in this area

Recommendations

– Learning the lessons

8. We recommend that Dfl and councils, with the support of NIEA, should initiate a full review of the circumstances surrounding the 2021 case, together with the current issues highlighted in this report
9. Dfl should ensure that any relevant lessons identified from the above review are disseminated to all planning authorities and it should subsequently seek assurances from councils regarding implementation of measures to ensure that any future misrepresentations in the planning system are discovered and investigated at an early stage.

Recommendations

– More effective controls

10. We recommend that independent substantive retesting of reported soil analysis results should be undertaken at a level that will provide adequate assurance over the integrity of all soil analysis reports submitted in future, as part of either agricultural planning applications or agricultural authorisations. We recommend that NIEA should carry out this independent sample testing.
11. We recommend that there is an accelerated roll out of sample testing for Zones 3 and 4 under the Soil Nutrient Health Scheme (This recommendation was rejected by DAERA)
12. We recommend that councils and other public bodies involved in the planning process refamiliarise themselves with the NIAO March 2023 report on Planning Fraud Risks and ensure that, so far as possible, the mitigating controls recommended therein are put in place as a matter of urgency

Recommendations

– Additional environmental protection

13. We recommend that DAERA and DfI jointly review existing planning regulations and determine whether they are sufficient to protect the environment from the impact of diffuse pollution. This review should also consider other potentially more effective approaches such as the “nutrient neutrality” approach adopted for protected Habitats Sites in England.



Questions?



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Northern Ireland
Audit Office

Anti fraud in Planning

11th April 2025



Fraud definition

“The intentional distortion of financial statements or other records by persons, internal or external to the organisation, which is carried out to conceal the misappropriation of assets or otherwise for gain”.



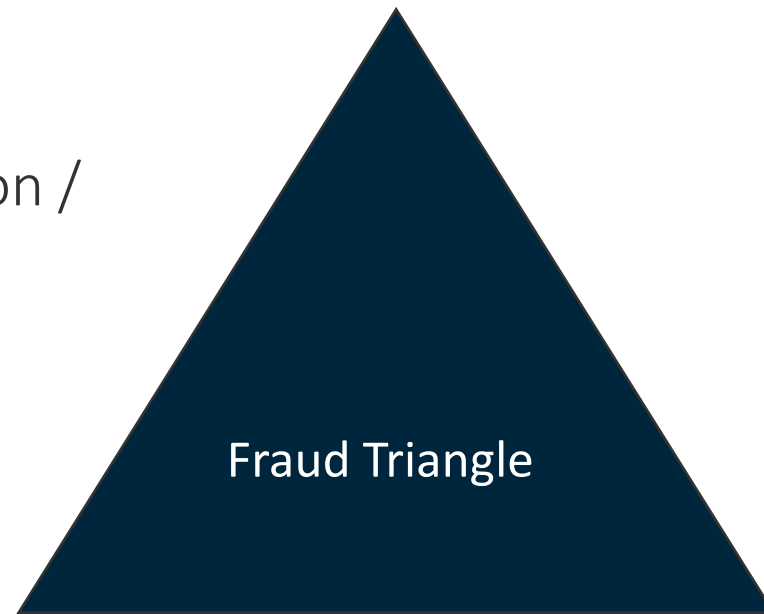
Why do people commit fraud?

Pressure:

Motivation /
Incentive

Opportunity:

Ability to carry out
fraud



Fraud Triangle

Rationalisation:

Justification of dishonest actions



Instilling an anti-fraud culture

- Senior managers setting the right 'tone from the top' regarding ethical behaviour
- Cultural measures: having a clear statement of ethical values & zero tolerance to fraud
- Code of conduct
- Promoting awareness of fraud
- Personnel policies – screening of employees



Fraud policy- key elements

- A commitment to zero tolerance of fraud
- A commitment to deter, detect, investigate, seek sanctions and redress
- Clear roles and responsibilities
- Avenues for reporting suspicions of fraud
- Should be simple, focused and easily understood



Fraud response plan- key elements

- Procedural guide to dealing with suspected fraud
- What should be reported
- Safeguards re confidentiality, victimisation etc
- What an employee should do if they suspect fraud or corruption
- What a member of the public should do if they suspect fraud or corruption



Other key policies

- Bribery and Corruption Policy
- Conflict of Interest Policy
- Gifts and Hospitality Policy
- Raising Concerns Policy
- Code of Conduct (Nolan principles)



NIAO Good practice guides

- Conflicts of Interest : A Good Practice Guide (March 2015)
- Managing Fraud Risk (Nov 2015)
- Managing the Risk of Bribery and Corruption (Nov 2017)
- Raising Concerns: A Good Practice Guide for the Northern Ireland Public Sector (June 2020)
- COVID-19 Fraud Risks (Aug 2020)
- Procurement Fraud Risks (Nov 2020)
- Grant Fraud Risks (Oct 2021)
- Internal Fraud Risks (Feb 2022)
- Planning fraud risks (March 2023)



NIAO Planning Fraud Risks Guide

Planning Fraud Risks



March 2023



Northern Ireland
Audit Office



Purpose of the guide

To raise awareness across local government in NI about;

- what planning fraud might look like,
- the conditions that might give rise to planning fraud risks,
- and the controls that can be put in place to combat the risks.



What is planning fraud?

The planning system is susceptible to potential fraud and corruption. For example:

- developers or individuals wishing to advance their own interests may attempt to influence planning decisions;
- planning applicants may make false or misleading statements in planning applications, or provide false supporting documentation;
- planning officials and decision-makers may manipulate the planning process to the advantage of themselves or a third party; or
- planning officials and decision-makers may be subject to undue influence from third parties in relation to planning decisions.



Key risk areas for planning fraud

- Elected representatives-the possible risks and red flags which may impact those decision makers such as undue influence and not declaring interests
- Planning officials-again as decision makers risk / red flags such as any undue influence, conflict or acceptance of gifts which may impact
- Third parties-mostly relating to applicants/ supporters/ objectors. Risk / red flags – false information being presented



Planning fraud risk “red flags”

- Not having a robust system of internal controls in relation to planning function
- Planning decision-makers may be subject to undue influence, either directly or indirectly
- Planning decision-makers may not be provided with adequate and effective training for their role
- Planning decision-makers may be subject to undue influence from third parties



Example planning fraud risks

Planning official Risk

- A planning official may be subject to undue influence if they accept generous gifts, hospitality or other benefits from developers or planning applicants.

Controls

- Planning officials must ensure they do not accept frequent and/or generous gifts or hospitality, to avoid the reality or perception of undue influence.
- Planning authorities must establish clear guidelines/thresholds for the acceptance of gifts and hospitality.
- Registers of gifts and hospitality should be published on the planning authority's website, in an accessible format, to promote transparency.



Key controls

- Awareness and scepticism
- Fraud risk analysis
- Good internal control system
- Transparency in decision making
- Training of decision makers to include fraud training
- Codes of conduct
- Take reasonable steps to verify key documents
- If alerted consider impacts



Elected representative case study



Case example – undeclared interest

A councillor was suspended from the planning committee for three months because he had spoken against an application for a snack bar but had failed to declare that he had a non-financial interest because he was an office bearer at the church which objected to the proposal.

Source: *Application of the Councillors' Code of Conduct with Regard to Planning Matters*, Department of the Environment, February 2015



Third party case study



Case example – third party fraud (objector)

A woman objecting to a planning application forged letters which were accepted as genuine by a local government ombudsman. She sent letters to the former Teesdale District Council (objecting to planning permission and purporting to be from a local parish council) which formed the basis of a report by the ombudsman into possible maladministration.

The prosecuting barrister said the forgery....was tantamount to perverting the course of justice. He said: *"She persisted with the lie that these were genuine documents, and her behaviour threw suspicion on a large number of people. Planning officers were investigated and people working for the parish council came under suspicion."*

The woman received a nine-month sentence, suspended for 18 months.

Source: Media reports, November 2015



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What Does (Potential) Fraud Look Like?

An NIEA Perspective



An Agency within the
**Agriculture, Environment
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www.daera-ni.gov.uk

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**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

An Agency wi'in the Depairtment o
**Fairmin, Environment
an' Kintra Matthers**

Presentation Outline

1. Submission of False Information Case Studies:

- False Percolation Tests.
- False Teagasc Letters.
- False Soil Sample Analysis Results.

2. Environmental Implications:

- Water Quality (Pollution).
- Air (Ammonia) Quality (Pollution).

False Percolation Tests

- What is a percolation test?
- How was it discovered?
- 17 consent to discharge applications submitted with false test results.
- What was the outcome?
 - File submitted to PPS.
 - June 2024 Court Case.
 - Planning agent found guilty and fined £4250, plus £15 offenders Levy.

False Teagasc Letters

- What is a Teagasc letter?
- How was it discovered?
- False letters used to support 23 planning applications.
- What was the outcome?
 - NIEA undertook Cross Compliance inspections of those sites built and operational.
 - 13 Farm businesses breached.
 - £3632 Reduction in Single Farm Payments applied (Ranging from £22 to £1887).

False Soil Sample Analysis Results



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Norlin Airlan Environment Agency

What are soil samples? How was it discovered?



Sign In

Analysis Results (SOIL)

Customer [REDACTED] **Distributor** [REDACTED]

Sample Ref [REDACTED] **Date Received** 08/12/2021 (Date Issued: 10/12/2021)

Sample No [REDACTED]

Crop [REDACTED]

Analysis	Result	Comments
pH	6.8	
Phosphorus (ppm)	4	(Index 0.4)
Potassium (ppm)	32	(Index 0.5)
Magnesium (ppm)	600	(Index 8.0)

Please Note
Whilst every care is taken to ensure that the Results from Analysis are as accurate as possible, it is important to note that the analysis sample received by the laboratory, and is representative only of that sample. No warranty is given by the laboratory that the Results from analysis relates to any part of a field or growing area not covered by the sample received. It is important to ensure that any soil, leaf, silage or fruit for analysis is representative of the area requiring analysis and that samples are obtained in accordance with established sampling techniques containing instructions on how to take soil, leaf, herbage, silage and fruit samples for analysis is available from the laboratory on request.

This report has been generated by [REDACTED]™ software.

Released by [REDACTED] Laboratory Manager on behalf of [REDACTED]

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Date Print [REDACTED]

False Soil Sample Analysis Results

- 3461 false soil analysis Lab Reports discovered, affecting:
 - 18 Environmental Applications (Permits, Licences).
 - 108 Planning applications.
- What was the outcome?
 - 18 Environmental Applications – Criminal Investigation undertaken and file prepared for PPS.

Environmental Implications

- Potential Impacts on Water Quality Not Assessed.
- Potential Impacts on Air Quality Not Assessed.
- Habitats Regulation Assessments undermined.

Water Pollution



Air (Ammonia) Pollution





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Thank You For Listening



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[Example Agenda]

TASK & FINISH GROUP - SOIL ANALYSIS

Monday 1 September 2025 @ 2.30pm

AGENDA

1. Welcome & Apologies
2. Minutes & actions arising from meeting of 24 June 2025
3. Partner Updates
 - Planning Fraud Regional Response Team (PFRRT) - Draft Protocol
 - Planning Fraud Regional Response Team (PFRRT) - Draft Terms of Reference
 - TFG position on the Northern Ireland Audit Office recommendations – report back
4. A.O.B.