

“That planning legislation would be amended to require all members of An Bord Pleanála appointed by the Minister to be qualified in a planning or planning-related field and to have demonstrated long-standing experience and interest in the planning system. This is to ensure that the Board can uphold its core function, i.e. to provide, in the interests of the common good, for proper planning and sustainable development”

An Bord Pleanála, the highest planning authority in the land, is responsible for the determination of appeals and other matters under the Planning & Development Act 2000. This Act has one main purpose: to provide for proper planning and sustainable development in the interest of the common good.

One would imagine, therefore, that members of the Board would have a long-demonstrated expertise in planning, both by qualification and practice. In fact though, this is not always the case.

The Board is made up of a chairperson appointed by the government and 9 ordinary Board members appointed by the Minister for the Environment. Those 9 are selected from nominations from organisations prescribed in secondary legislation. This appointments process is intended for the Board to represent a range of societal perspectives. But the legislation is written in such a way that none of the Board members have to be planners. Two members are to be chosen from prescribed organisations representative of professions in the fields of planning, engineering or architecture. That is as close as it gets. There are no qualifications as such for membership of the Board. The prescribed bodies are given no statutory guidance regarding how to go about selecting their nominees. In essence, the procedure for appointment of ordinary Board members is somewhat akin to the procedure for appointment of directors of state-sponsored bodies generally, in that the Minister is empowered to use his discretion as to whom he appoints.

The chairperson is not required to be a planner either. A person nominated as chair must have “special knowledge and experience and other qualifications or personal qualities” which the appointing committee considers appropriate to enable them to effectively perform as the chair. But the legislation doesn’t mention planning.

When the P&D Act was passed, we had a Board comprising a chair and 9 members all of whom had qualifications and experience in planning or architecture. At present, we have a Board of whom 3 ordinary members is a planner and 1 is an architect. That is 4 out of 10. That is not to say that all members are not experts in their fields but it seems to me imperative that for the highest planning authority in the land, at least a majority would have an expertise in planning.

When the Board is deciding on a planning appeal, the quorum for a meeting is 2. So it is entirely feasible that a decision is taken by two people who, although undoubtedly highly qualified in their own fields, are not planners. Planning applications made under the Strategic Infrastructure Act go directly to the Board. The Strategic Infrastructure Division of the Board comprises the Chair of the Board, the deputy Chair and 3 ordinary members. A quorum for a meeting of the Strategic Infrastructure Division is 3. So it is entirely feasible that for these generally big projects which can often have a long-term, significant impact on the neighbourhoods for which they are proposed, a decision on determining whether they are proper planning and sustainable development, can be taken in the absence of a planner.

Of course all Board decisions are informed by a planning inspector who will have examined the planning proposal in detail but the Board is at liberty to overturn the recommendation of that

planning inspector. The most recent high profile overturning of an Senior Planning Inspector's recommendation by the Board was in the granting of planning permission to the proposed incinerator at Ringaskiddy. In this case, the decision was taken by 7 members of the Board, only 2 of whom are planners or architects. The other two planners on the Board were excluded from taking part in any meetings pertaining to the application or to the final decision-making.

The Board is required to implement government policy but each proposal must be evaluated and considered in the context of proper planning and sustainable development. To do that, it is critical that Board members would have qualifications and experience in planning or at the very least, be capable of demonstrating long-standing experience and interest in the planning field. This request has been made previously by the Royal Town Planning Institute of Ireland, I echo it now and I ask that all Members would support me in that.