



30th November 2023

Re: Planning and Development Bill 2022

Dear Oireachtas Member,

I am writing to you on behalf of Fórsa Trade Union members, employed in An Bord Pleanála, in the context of the Oireachtas consideration of the Planning and Development Bill 2022. Fórsa represents all grades and professions in An Bord Pleanála, following extensive engagement with our members, we are writing to highlight concerns with the proposed legislation and to convey the strongly felt views of our membership. These concerns are listed in full below. In brief, they relate to the proposed name change, the lack of consultation with staff, the proposed statutory deadlines and the potential reputational impact.

Proposed Name Change

The proposed legislation that has been tabled, proposes a significant number of changes in the operation of the organisation which will have a direct consequence and material change for our members. Section 396 of that Bill proposes that An Bord Pleanála shall be renamed as An Coimisiún Pleanála. This change is not welcomed by the staff body. Fórsa's members in An Bord Pleanála passed a motion expressing their opposition to this proposed name change at their Branch Annual General Meeting in 2023. The members believe that this proposed name change reflects negatively on all who work in the organisation and is an unwarranted change for the organisation. The committed staff who work diligently and conscientiously in accordance with public sector values of impartiality and integrity derive a significant amount of pride working in An Bord Pleanála.

Furthermore, consideration should also be given to the practical and financial cost implications to the proposed name change, which are unnecessary and avoidable. This organisation has existed for nearly 50 years where the work that has been completed by our members has always held an excellent reputation. Our members are of the fundamental view that the name of the organisation holds important standing in respect to its purpose and is reflective of the strong commitment to public sector value and duties. The consistent view is that the credibility of the name should not be changed considering actions that are in no way reflective of the organisation.

Lack of consultation

The proposed legislation also includes significant changes to the organisational structure of An Bord Pleanála. To date, there has been zero engagement with Fórsa Trade Union on any proposed changes which will have a substantial impact in respect to the duties and responsibilities carried out by our membership. The total lack of meaningful consultation with the staff body via Fórsa on significant changes affecting members is resulting in a unilateral foisting of the proposals on the staff who will then be expected to carry out the changes. The staff body has legitimate interest in this and its rights under industrial relations protocols must be respected. The current staff structure was put in place following industrial relations discussions and agreements in 2007 and any notable changes to the structure must be subject to the same processes. Furthermore, public service agreements enshrine the principles of meaningful consultation and engagement which are not being adhered to in this instance.

Statutory Deadlines

Thirdly, the proposed legislation aims to impose strict statutory deadlines on decision making for cases under appeal with the Bord. Our membership would be strongly opposed to this for numerous reasons. Primarily, our concern lies with balancing timelines and deadlines with maintaining a high quality of report and thorough decision-making process. Each case is entitled to be, first and foremost, treated and decided based on the information presented to the Bord. To put a defined time on this process, or a punishment for failure to meet the allotted time, risks undermining the

whole process. Questions also arise, given the fact the Bord is still currently dealing with a backlog of cases, as to whether the appropriate amount of resources are in place to meet demands, and how this can be overcome in the current climate given the skills shortage. We would also view financial sanctions for failure to meet allotted deadlines as somewhat counterintuitive. Quality cannot be compromised and this restriction and threat of penalisation may put this at risk.

Reputation

Given the level of political influence being exerted through these proposed changes, without adequate consultation with all relevant stakeholders, there is a genuine fear among our membership that our status as an independent quasi-judicial organisation is being reduced to an adjunct of the Department. These changes have the potential to undermine the staff commitment to previously stated public service values and could erode the public's confidence in the ability of An Bord Pleanála to operate free from political influence.

Fórsa is now asking you to consider the views of our members in respect of these matters in the context of the consideration, debate, and Oireachtas decision on the Bill as it moves through the final legislative stages.

I would welcome an opportunity to discuss this matter with you directly.

Yours faithfully,



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