

To whom it may concern,

Cork Chamber represents 1,200 members together employing 100,000 people throughout the city, metropolitan area and county. Our vision is to be a world-leading Chamber of Commerce, delivering on a progressive economic, social and sustainability agenda at the heart of a vibrant business community. As such, we are determined to ensure that our 202-year-old Chamber leaves a legacy into the future, and that our future direction is guided by our formal pledge to uphold the United Nations Sustainable Development (SDG) goals.

I am pleased to respond to this consultation on behalf of our membership. Specifically, Cork Chamber is a key stakeholder in the region working collaboratively with business, government, and stakeholders to support advocacy, planning and delivery of critical infrastructure projects and commercial investment. Directly related to this consultation are our concerns related to efficiencies in case management and improving services- essentially how the planning system interacts with the judicial review process.

A risk to achieving our 2030 climate targets are the weaknesses of our planning system. The Irish planning system, coupled with the sharp rise in judicial review cases being taken against planning decisions on large projects has long been documented. In particular, the protracted nature of the judicial review process has become an area of reputational risk and threatens international investment and critical infrastructure programmes.

Business and investors require certainty in relation to the timelines for delivery for planned capital projects and associated investments. A case in point is the infrastructure projects outlined in the recently launched National Development Plan (NDP) 2018-2027. Fit for purpose infrastructure outlined in the NDP will enable and facilitate economic growth. However, the NDP can only be a success if it is delivered. Planning, objection, and speed in our courts must be streamlined, or the NDP will remain a to-do-list rather than the investment it intends to be.

There are many additional instances such as the M28 Cork to Ringaskiddy road which lost time in the courts following an already lengthy planning process. Locally, our cities and towns need major investment in our public realm, vacant buildings, and transport networks. Nationally, infrastructure for energy generation and transmission networks need to be put in place. These changes can only occur if we have a planning and judicial system which is strong enough to support our ambitions.

Recent experience would show that simply getting projects to final investment decision is akin to the rolling of dice. The culture of objecting to projects post consultation improves a project on rare occasion but always adds time. The act of challenging in courts adds nothing to the detail of a project, but does offer a chance to test the laws upon which trust in our state is based and creates jurisprudence along the way. In principle this is all very appropriate, but it falls down in practice with inadequate resource and elastic timelines to process appeals at an Bord Pleanála and in the courts. Objections can take years to resolve for no reason other than poor resources and lack of binding timelines. Nationally significant infrastructure projects cannot languish in this manner. It undermines the institutions, the economy, the environment, and the vision.

Cork Chamber advocates for and fully supports public participation and the need for robust consultation and appropriate checks and balances within Ireland's planning processes and courts. However, it is critical that judicial review should not be perceived as a de facto additional step in Ireland's planning process for strategically important projects.

We wholly support investment and capacity building in the courts and judicial system so that it can quickly adjudicate on any planning decisions that may come before it. It must be

resourced sufficiently so that it can deliver quality decisions fairly and in an efficient timeframe. There needs to be expanded capacity to ensure that important infrastructure projects can be completed on a more reasonable timescale.

The Programme for Government agreed between Fine Gael, Fianna Fáil and the Green Party includes provision for the establishment of a dedicated Planning and Environmental Law List as a separate division of the High Court. This represents a very significant potential way to achieve this aim of reduced timeframes.

It was initially proposed in 2012 that environmental and planning law as a particularly technical area of the law might benefit from having its own separate jurisdiction similar to that of Family law. There is merit in this as we see a significant increase in the volume of environmental and planning cases coming through the court system in line with investment and economic growth. This will only increase as we move through the NDP and our climate targets.

In summary, Cork Chamber supports the delivery of shorter timelines for cases related to planning and infrastructure as an absolute priority.

Yours sincerely,



Conor Healy
CEO



Margaret Kelly
Public Affairs & Sustainability Executive

Mobile: 087 467 3922
Email: mkelly@corkchamber.ie

Fitzgerald House, Summerhill North,
Cork, T23 TD90, Ireland
www.corkchamber.ie

