

Statement by the Chairperson of An Bord Pleanála regarding the Lorna Lynch (SC) Report

Background

Following media reports in April 2022 raising issues with potential conflicts of interest, the operation of two-person Boards and procedures in relation to the allocation of case files and amendments to inspectors' reports, An Bord Pleanála's then Chairperson, David Walsh, instructed three members of the Board's Senior Management Team to undertake an internal review ('the Internal Review Team'). The Internal Review Team examined approximately 300 case files ('the Case Files').

The issues were also considered separately, as follows:

- In May 2022, the Minister for Housing, Local Government and Heritage commissioned Remy Farrell SC to report on the management of conflicts of interest and relevant disclosures by the then Deputy Chairperson of An Bord Pleanála Paul Hyde in relation to certain decisions of the Board and related matters at that time.
- In June 2022, An Bord Pleanála's then Chairperson, David Walsh, commissioned Resolve Ireland to carry out an independent external investigation into certain allegations relating to a Board employee.
- In August 2022, the Minister referred the Remy Farrell Report to the Director of Public Prosecutions ('the DPP').
- In August 2022 the Office of the Planning Regulator ('the OPR') also began a review of certain systems and procedures used by An Bord Pleanála.
- An Garda Síochána investigated the matters raised by the Remy Farrell Report and submitted a file to the DPP who subsequently charged Paul Hyde on nine counts of breaches of s. 147 of the Planning and Development Act 2000 (as amended) ('the 2000 Act').
- As part of the OPR's review, it published two reports on 4 October 2022 and 20 December 2022 which contained a number of findings and recommendations intended to address strategic and governance issues within An Bord Pleanála.
- In June 2023 Paul Hyde pleaded guilty in the District Court to two counts of breaches of s. 147 of the 2000 Act.

The Lorna Lynch Investigation and Report

In January 2023 the interim Chairperson of An Bord Pleanála, Oonagh Buckley, instructed an independent investigator, Lorna Lynch SC, to carry out a scoping investigation into six governance areas. The purpose was to determine whether there were sufficient grounds to either refer a matter concerning a Board member to the Minister for stated misbehaviour within the meaning of section 106 of the 2000 Act, or to initiate disciplinary procedures concerning an employee of the Board. The terms of reference stated that the Chairperson, upon review of the report, was entitled to refer any matter to any other statutory authority. Ms Lynch's investigation considered the actions of Board Members and Board employees who were in office or employed at the relevant time. This included individuals who had departed the Board or their employment with An Bord Pleanála by the time the investigation commenced. The terms of reference for Ms. Lynch's scoping investigation can be found on the Board's website.

Ms. Lynch was given access to a very wide range of information. This included soft copies of documentation gathered by the Internal Review Team, hard copies of the Case Files that ranged between 2017 and 2022, and the relevant Board resolutions, policies and correspondence. Ms. Lynch carried out interviews with seventeen relevant people including

both past and current Board members and employees. The first interview took place in late April 2023 and the final interview took place in late February 2024.

Ms. Lynch determined the methodology for the scoping investigation. In this regard she carried out a preliminary analysis of the cases identified by the Internal Review Team. Having reviewed the methodology of the Internal Review Team and having engaged with them, Ms. Lynch then set parameters for the relevant Case Files to consider as part of this scoping investigation.

The report comprising Part 1 of Ms. Lynch's scoping investigation ('the Lorna Lynch Report') is clear that the scope of the Report was not to make final findings as to whether there was stated misbehaviour on the part of a Board member, but rather to assess whether there were breaches of the Board's Code of Conduct, or other acts or omissions that were not of a minor or trivial nature, that were sufficient to refer the matter to the Minister for consideration as to whether they amounted to stated misbehaviour. Similarly, the scope of the Report was not to make final findings regarding any disciplinary breach by an employee of the Board, but rather to assess whether there were sufficient grounds to initiate disciplinary procedures against such an employee.

Since the Chairperson received the Lorna Lynch Report, a small number of additional investigations have been undertaken on behalf of the Chairperson of the Board in relation to specific conclusions of the Lorna Lynch Report.

The Chairperson has received legal advice not to publish the full report. The Chairperson has therefore decided not to so publish, however, the Chairperson has decided that it is in the public interest to publish a summary of the main findings as follows.

Summary of Conclusions Reached

1. Conflicts of Interest and Actual or Objective Bias

Ms. Lynch reviewed 175 of the Case Files as to whether there were conflicts of interest and actual or objective bias. This was by reference in particular to the Board's 2011 Code of Conduct and to a number of versions of guidance on "Restrictions in relation to File assignments" for Board members issued between 2018 and 2020. The nature of the matters investigated are summarised as follows:

- a) A Board Member's involvement as a decision-maker in a number of planning applications when they had a familial relationship with a director of a company involved in aspects of the application.
- b) The same Board Member's involvement as a decision-maker in a planning appeal submitted by a relative of that Board member.
- c) The same Board Member's involvement in a planning appeal submitted by a company run by a former Board Member.
- d) A Board Member's involvement in Case Files when they had an interest in a company that was alleged to be linked to planning applicants or their agents.
- e) A Board Member's involvement in a number of Case Files concerning development at addresses in geographic proximity to their home.
- f) The involvement of an employee of the Board in pre-application consultations concerning applications submitted by an agent company, a director of which was formerly that employee's spouse.
- g) The involvement of an employee of the Board in preparing an Inspector's Report on a Case File concerning a development at an address which was in geographic proximity to their home.

- h) A Board Member's involvement as a decision-maker in Case Files concerning development at addresses in a geographic area listed on the Board's restrictions/allocation list for that Board member.

In respect of matters a) to h), Ms. Lynch concluded that based on the available evidence, there were not sufficient grounds to refer a matter to the Minister to consider whether there was stated misbehaviour on the part of the Board Members or for the Chairperson to initiate disciplinary procedures against the Board employees involved, as applicable. In respect of matter d) above, Ms. Lynch concluded that there was no evidence of any direct reference to and/or involvement on the part of the company concerned on the Case Files investigated.

- i) A Board Member's involvement as a decision-maker in respect of a planning application on lands adjacent to other lands in which the Board Member was alleged to have had a pecuniary or beneficial interest at the time the appeal was decided.

In respect of matter i), Ms. Lynch concluded that based on the available evidence, there were not sufficient grounds to refer a matter to the Minister to consider whether there was stated misbehaviour on the part of the Board Member involved. In relation to one aspect of i), Ms. Lynch made a conditional finding regarding a parcel of land in the ownership of a company where one of the directors was a family member of a Board member. This Board member participated in a Board decision-making process in respect of a housing development on an adjacent site to that parcel of land. The conditional finding was that there would be sufficient grounds to refer this to the Minister if the company owned the parcel of land at the time of the decision. Subsequent to receiving the Lorna Lynch Report, and arising from the conditional finding made, the Chair reviewed documents available to the public via the Land Registry which indicated that the parcel of land may have been in the ownership of the company at the time the Board made the decision in respect of the adjacent site. The Chairperson subsequently received further documentation from the Board Member's solicitor and the Chairperson is now satisfied that the company did not own the parcel of land at the time the Board made the decision in respect of the adjacent site. On that basis, the Chairperson concluded that there are not sufficient grounds to refer a matter to the Minister to consider whether there was stated misbehaviour on the part of the Board Member.

The Board's current Code of Conduct, which took effect on 1st September 2023 significantly strengthens the provisions relating to potential conflicts of interest. The Chairperson believes that if a situation arises in future where a Board member is involved in deciding a file affecting a parcel of land which was in the very recent ownership (as opposed to the current ownership) of a family member, there is an expectation that the Board Member would raise this as a potential conflict of interest and not participate in deciding such a case or at least seek a ruling from the Chairperson as to whether to participate, having regard to the precautionary approach outlined in the Board's current Code of Conduct.

- j) A Board Member's involvement as a decision-maker in Case Files where they were alleged to have been in a personal relationship with one or more employees of the Board who were also working on those Case Files.

In respect of matter j), Ms. Lynch concluded that based on the available evidence, there were not sufficient grounds to refer a matter to the Minister to consider whether there was stated misbehaviour on the part of the Board Member involved. In relation to one aspect of j), Ms. Lynch made a conditional finding dependent on the period of the relationship in question. The Chairperson has considered this conditional finding and has concluded that there are not sufficient grounds to refer this matter to the Minister to consider whether there is stated

misbehaviour on the part of the Board Member on the basis that the Chairperson is not in a position to investigate this any further and the Board Member in question is no longer a member of An Bord Pleanála.

The Board's current Code of Conduct makes provision for certain relationships to be disclosed on a strictly confidential/need to know basis so that any necessary mitigations to prevent conflict of interest and/or perception of objective bias can be implemented in respect of operational business matters. The Chairperson considers that if a Board Member is involved in deciding files that were worked on by an employee of the Board with whom that Board Member was, or had been, in a personal relationship this could give rise to a perception of objective bias. The current Code of Conduct provides an appropriate mechanism for managing such issues.

See actions taken by the Board relating to matters investigated under Section 1 below.

2. Statutory Declarations under Section 147 and Section 148 of PDA 2000

Section 147 of the 2000 Act requires Board members and employees to make annual declarations as to certain interests in land, or any business dealing in or developing land. Section 148 of the 2000 Act requires Board members and employees to declare any pecuniary or other beneficial interest in or material to anything that falls to be determined by the Board.

Ms. Lynch considered hard copies of s. 147 and s. 148 declarations completed by Board members and other individuals, including in relation to:

- a) A Board Member's interest in a company.
- b) A Board employee's former spouse's interest in a company.

Ms. Lynch concluded that based on the available evidence in the above cases there were not sufficient grounds to refer a matter to the Minister to consider whether there was stated misbehaviour on the part of the Board Member or for the Chairperson to initiate disciplinary procedures against the Board employee involved, as applicable.

Ms. Lynch also considered hard copies of s. 147 and s. 148 declarations completed by another Board Member. On the basis of that Board member's conviction in the District Court on 2 counts of making false or misleading declarations under s. 147, Ms. Lynch concluded that there were sufficient grounds to refer the matter to the Minister to consider whether there is stated misbehaviour on the part of the Board Member. Separate to the criminal process and on the basis of the Board Member's ownership of certain lands and their failure to declare same on s.147 declarations prior to the sale of those lands, Ms Lynch concluded that there were sufficient grounds to refer the matter to the Minister to consider whether there was stated misbehaviour on the part of the Board Member. The Board Member in question is no longer a member of An Bord Pleanála and thus a referral to the Minister for consideration under section 106(15) of the 2000 Act would serve no purpose.

See actions taken by the Board relating to matters investigated under Section 2 below.

3. Allocation of Files to Inspectors and Board Members

Ms. Lynch investigated issues relating to the Board's process for allocating Case Files to Inspectors and Board Members, in particular allegations in relation to:

- a) The allocation of files by a Board Member to a Board employee that they were alleged to have been in a personal relationship with.

- b) The allocation of all requests for oral hearings between July 2019 and December 2022 in the first instance to the same Board Member.
- c) An untracked movement of a file by the same Board Member.

Ms. Lynch concluded that based on the available evidence in the above cases that there were not sufficient grounds to refer a matter to the Minister to consider whether there was stated misbehaviour on the part of the Board Members involved. Specifically, Ms. Lynch concluded that based on the available evidence in the above cases there was evidence that the Board member in question: a) was not involved in allocating files to a particular Inspector, b) did not decide all or a majority of oral hearing requests, and c) did not adhere to the proper process regarding the tracking of one particular file movement and whilst this was unsatisfactory it was a single isolated incident.

See actions taken by the Board relating to matters investigated under Section 3 below.

4. The Use of two Person Boards

Ms. Lynch investigated issues of the use of two-person Board decisions during 2018 to 2022 insofar as they related to:

- a) A statistical anomaly showing a very significant number of two-person Board decisions being made by a specific combination of two Board Members.
- b) A statistical anomaly showing the vast majority of telecommunication mast files being decided by a specific combination of two Board Members and a greater level of overturning of inspectors' recommendations to refuse permission on those files.
- c) Board Members involved in two-person Board Decisions where three Person Board Decisions were required (including housing developments of 30 or more units, strategic housing developments and strategic infrastructure developments).

Ms. Lynch concluded that based on the available evidence in the above cases that there were not sufficient grounds to refer a matter to the Minister to consider whether there was stated misbehaviour on the part of the Board Members involved. Specifically in relation to the telecommunication mast decisions, Ms. Lynch stated that the level of statistical anomaly was not desirable but she relied upon the evidence of one Board Member that there was a change in policy emphasis to a view that it was important to have mobile phone mast infrastructure, where possible.

See actions taken by the Board relating to matters investigated under Section 4 below.

5. Amendments to Inspectors' Reports

Ms. Lynch investigated issues of amendments to Inspectors' reports after a Case File had been sent to the Board for consideration, insofar as they related to:

- a) Requests for amendments/clarifications to Inspectors' reports communicated orally between Board Members and Inspectors.
- b) Requests for amendments/clarifications to Inspectors' reports communicated orally between Board Members and Inspectorate management, and in turn the communication of those persons with Inspectors in particular whether there was any pressure on Inspectors to change a recommendation.

Ms. Lynch concluded that based on the available evidence in the above cases that there were not sufficient grounds to refer a matter to the Minister to consider whether there was stated

misbehaviour on the part of the Board Members involved or for the Chairperson to initiate disciplinary procedures against the Board employee involved in respect of paragraph b) above, as applicable.

See actions taken by the Board relating to matters investigated under Section 5 below.

6. Communication With External Parties Outside of Formal Statutory Or Administrative Channels

Finally, Ms. Lynch investigated issues of communications with external parties outside of formal statutory or administrative channels insofar as they related to:

- a) A Board employee making statements about the performance of the functions of the Board at a webinar event.

Ms. Lynch concluded that based on the available evidence in the above case that there were not sufficient grounds for the Chairperson to initiate disciplinary procedures against the Board employee involved.

See actions taken by the Board relating to matters investigated under Section 6 below.

Conclusion

The Lorna Lynch Report does not report any ground concerning a current Board member that is sufficient to refer to the Minister for consideration and does not report any ground concerning any current or former employee of the Board that is sufficient to initiate disciplinary procedures. The Report concludes that there were grounds to refer one matter to the Minister as stated misbehaviour. This is in respect of a now-former Board member.

The terms of reference for the Lorna Lynch Report included a further report “Part 2”. This was to consider the recommendations made by the OPR insofar as they related to the matters considered in Part 1 of Ms Lynch's scoping investigation. “Part 2” was intended to report to the Chair on whether any additional measures beyond those identified in the OPR reports are needed to mitigate as far as possible a risk to the integrity and fairness of the Board's future decision-making processes.

In the last 24 months the Board has worked closely with the OPR to implement the recommendations of the Ministerial and OPR reviews. Significant procedural and governance safeguards were introduced in that period. The Board has also undergone considerable changes in personnel at Board and senior management levels. When the relevant provisions are commenced, the Planning and Development Act 2024 will introduce corporate and governance restructuring in the Board (or An Coimisiún). This includes a fulltime CEO, a new Governing Board and fulltime planning Commissioners. For these reasons the Chairperson has concluded that Part 2 is no longer necessary as these measures and legislative changes will enhance and safeguard the integrity and fairness of the Board's (or An Coimisiún's) decision making processes.

Actions taken by the Board relating to matters investigated in Sections 1 – 6 above

Section	Actions taken by Board (by reference to OPR Recommendations in Phase 1 (P1) and Phase 2 (P2) Reports
1. Conflicts of Interest and Actual or Objective Bias	<p><u>Recommendation P1(5a)</u> - <i>An Bord Pleanála should establish a new Governance, Ethics & Compliance Unit, to develop and oversee its ethical framework. An appropriately experienced senior individual, who would report directly to the Director of Corporate Affairs and the Chairperson, should be appointed as Ethics Officer to lead the new Unit.</i></p> <ul style="list-style-type: none"> • <u>ABP Action</u> - A Governance Ethics & Compliance Function has been set up with two Senior Administrative Officers appointed. One is the Ethics Officer/Board Secretary and the other is the Governance & Compliance Officer, who will monitor compliance with internal procedures & policies and data monitoring. <p><u>Recommendation P1(5b)</u> - <i>In reviewing and updating its current Code of Conduct, An Bord Pleanála should provide sufficient unambiguous guidance (based on guiding principles identified in this report) to allow all individuals consider any matters that could influence their impartiality, or the perception of their independence, in respect of the duties they perform.</i></p> <ul style="list-style-type: none"> • <u>ABP Action</u> - New code of conduct adopted by the Board at the end of July 2023. Communication element to staff and the commencement of the new code in September 2023. <p><u>Recommendation P1(6)</u> - <i>Noting that a process has recently been put in place, An Bord Pleanála should continue to develop its procedures for ensuring that board members are informed in advance of the key details of cases and are thereby aware of all potential conflicts of interest in advance of decision-making. This more-rigorous procedure should be formalised into an adopted written procedure.</i></p> <ul style="list-style-type: none"> • <u>ABP Action</u> - Written procedure document in place from March 2024 <p><u>Recommendation P1(7)</u> - <i>In accordance with section 111(5) of the 2000 Act, it is recommended that An Bord Pleanála adopt a written decision-making procedure informed by the guiding principles set out in Part 5 of this report.</i></p> <ul style="list-style-type: none"> • <u>ABP Action</u> - The Board is following the procedures set out in the "Written Decision-Making Procedures" document finalised in March 2024 <p><u>Recommendation P1(8)</u> - <i>An Bord Pleanála should cease the general practice of a board member being responsible for presenting a casefile at a board meeting. This practice should be replaced by a process whereby a casefile shall be allocated to an inspector or an appropriately delegated person, who will present the relevant casefile details of the inspector's report and associated recommendations to the board meeting.</i></p> <ul style="list-style-type: none"> • <u>ABP Action</u> - Inspectors present on certain case types, mainly SID cases and some LRD. A protocol is in place in relation to this. It is not the Board's intention that Inspectors will present to the Board on every case as this is not considered an efficient use of the Inspectors/Board member's time. <p><u>Recommendation P2(7)</u> - <i>An Bord Pleanála should enhance its record keeping of board meetings including decision-making outcomes. This should include the recording of any actual or potential conflicts of interest raised in relation to a casefile, whether or not it was determined by the chair of that meeting to constitute a conflict, and confirmation that the appropriate minimum quorum is in place for the casefile subject to decision. Meeting records should be quality checked on a regular basis by the appointed secretariat support to ensure that all details are noted:-</i></p> <p><u>ABP Action</u> - The revised code of conduct has additional provisions in relation to recording conflict of interests should they arise at a meeting. They also form part of the</p>

	written decision-making procedures. Quality checking will be a duty of the increased secretariat support staff.
2. Statutory Declarations under Section 147 and Section 148 of PDA 2000	<p>Recommendation P1(5a) - <i>An Bord Pleanála should establish a new Governance, Ethics & Compliance Unit, to develop and oversee its ethical framework. An appropriately experienced senior individual, who would report directly to the Director of Corporate Affairs and the Chairperson, should be appointed as Ethics Officer to lead the new Unit.</i></p> <ul style="list-style-type: none"> ABP Action - A Governance Ethics & Compliance Function has been set up with two Senior Administrative Officers appointed. One is the Ethics Officer/Board Secretary, and the other is the Governance & Compliance Officer, who will monitor compliance with internal procedures & policies and data monitoring. <p>Recommendation P2(5) - <i>To reinforce a high degree of public confidence in the probity of An Bord Pleanála's decision making in the manner of a court, on taking up office, all board members (or commissioners) should sign a declaration that they will fulfil their duties faithfully, honestly, impartially, without respect to person and to the best of their ability and understanding. The declaration should be based on wording to be determined by the Department of Housing, Local Government & Heritage. This formal obligation should equally apply to existing board members, those to be appointed on a temporary basis and all future appointments.</i></p> <ul style="list-style-type: none"> ABP Action - Forms part of T&C of Board member - implemented by the Department.
3. Allocation of Files to Inspectors and Board Members	<p>Recommendation P1(7) - <i>In accordance with section 111(5) of the 2000 Act, it is recommended that An Bord Pleanála adopt a written decision-making procedure informed by the guiding principles set out in Part 5 of this report: -</i></p> <ul style="list-style-type: none"> ABP Action - The Board is following the procedures set out in the "Written Decision-Making Procedures" document. <p>Recommendation P2(3) - <i>To support the statutory function of the Chairperson in arranging for the appropriate scheduling of casework to board meetings, An Bord Pleanála should, as soon as legislative provisions allow, appoint an appropriately senior member of staff to allocate such casework to board members with statutory recognition and protection to that person that they must undertake that task following the principles of fairness, equality and impartiality. The appointed person should be guided by a protocol, to be developed by An Bord Pleanála, setting out the factors informing the application of those principles (including the desirability of rotational case allocation). The protocol should be published and provision made in arrangements under the new Compliance, Governance & Ethics Unit to provide protection for the independence of that role and an escalation model if challenged: -</i></p> <ul style="list-style-type: none"> ABP Action - The protocol for the allocation of files to Board members is set out in the written procedures and an administrative staff member is assigned that task. <p>Recommendation P2(13) - <i>To reinforce a high degree of public confidence in the probity of planning case assignment to inspectors, An Bord Pleanála should assign (or continue to assign) duties to employed members of staff as area co-ordinators to take on the duties of case allocation to inspectors on the application of principles of fairness, equality and impartiality. A protocol should also be developed to guide the assigned area co-ordinators in relation to the application of those principles (including the desirability of rotational case allocation). The protocol should be published and provision made in arrangements under the new Compliance, Governance & Ethics Unit to provide protection for the independence of that role and an escalation model if challenged.</i></p> <ul style="list-style-type: none"> ABP Action - Written procedure document in place from March 2024
4. The Use of two Person Boards	<p>Recommendation P1(3) - <i>The practice of utilising two-person quorums of the board to make decisions must be ended and should be formally effected by a resolution of the board of An Bord Pleanála. Furthermore, to ensure the practice is removed with</i></p>

	<p><i>finality, the Minister should give consideration to the permanent removal of the relevant provisions of subsections 108(1A) to 108(1D) of the 2000 Act by way of legislative amendment.</i></p> <ul style="list-style-type: none"> • <u>ABP Action</u> - No two person quorums permitted since April 2023 <p><u>Recommendation P1(4)</u> - <i>It should be directed that, where the board of An Bord Pleanála is at full-complement, a minimum quorum of five board members would be required to make decisions on the following categories of planning cases: (i) Strategic Housing Development; (ii) Strategic Infrastructure Development; (iii) Large Scale Residential Development; and, (iv) any appeals concerning the making of or amendments to Strategic Development Zones:-</i></p> <ul style="list-style-type: none"> • <u>ABP Action</u> - The Board is committed to ensuring that all decisions on all cases are considered at an appropriate composition of Board members. All significant Strategic infrastructure Cases can also be determined at a full Board and all Boards can escalate to a larger composition, if necessary, as per the written procedures document. The Board is committed to complying with legislation which may dictate the composition of Boards in certain cases. The Board also commits to the regular monitoring of case decision data in terms of Board composition, overturns of inspectors reports and general patterns of decision making. <p><u>Recommendation P1(5a)</u> - <i>An Bord Pleanála should establish a new Governance, Ethics & Compliance Unit, to develop and oversee its ethical framework. An appropriately experienced senior individual, who would report directly to the Director of Corporate Affairs and the Chairperson, should be appointed as Ethics Officer to lead the new Unit: -</i></p> <ul style="list-style-type: none"> • <u>ABP Action</u> - A Governance Ethics & Compliance Function has been set up with two Senior Administrative Officers appointed. One is the Ethics Officer/Board Secretary, and the other is the Governance & Compliance Officer, who will monitor compliance with internal procedures & policies and data monitoring.
5. Amendments to Inspectors Reports	<p><u>Recommendation P2(8)</u> - <i>An Bord Pleanála should develop formal arrangements, which will be reflected in a new protocol, to regulate the interim or preliminary matters that may need to be considered in advance of the discharge of inspectors' reports to meetings of the board. The protocol will confirm procedures, including the manner in which such determinations are documented and recorded on the planning file and range of reasons for which an inspector may seek a ruling from the board on such matters (e.g. in relation to scoping under European Directives or categorisation under strategic infrastructure provisions, etc.).</i></p> <ul style="list-style-type: none"> • <u>ABP Action</u> - Written procedures/manuals have been developed and adopted both at Inspectorate level and Board level. <p><u>Recommendation P2(9)</u> - <i>To reinforce a high degree of public confidence in the integrity of the decision-making process, An Bord Pleanála's updated Code of Conduct, and relevant staff / procedural manuals, must make explicitly clear the importance of clear and transparent lines of communication between board members and planning inspectors (including their managers) in relation to any planning cases that are live.</i></p> <ul style="list-style-type: none"> • <u>ABP Action</u> - This is reflected in the updated code of conduct. • <u>ABP Action</u> - The Board liaison committee has met and will meet every two months and will be the formal communication platform between the Board and the inspectorate. Both management and members of the Inspectorate will be on this committee to allow for open and constructive discussion. Outcomes will be relayed to the whole inspectorate at their monthly meeting. <p><u>Recommendation P2(10)</u> - <i>An Bord Pleanála should put administrative systems in place to the effect that all requests from board meetings seeking additional detail,</i></p>

	<p><i>explanation, further information or other consideration should be made by direction in a prescribed format to the inspector setting out the detail of the request and timescale for response. Any such direction, and its response, including an addendum or amended discharged report, should be recorded and be publicly accessible on the casefile.</i></p> <ul style="list-style-type: none"> • <u>ABP Action</u> - Written procedure document in place from March 2024. <p>Recommendation P2(14) - <i>To reinforce public confidence in the integrity of the decision-making process, it is recommended that when discharging their reports to board meetings, inspectors should include a statement confirming that the report reflects their professional judgement. The recommendation should be to the following effect:</i></p> <p><i>"I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way"</i></p> <ul style="list-style-type: none"> • <u>ABP Action</u> - Since April 2023 all report templates include this paragraph just before Inspector signature. <p>Recommendation P2(15) - <i>An Bord Pleanála should urgently review performance management systems, with a renewed commitment to significantly improving and strengthening the performance management system across the Planning Operations Directorate in particular. In tandem (but from a quality assurance, rather than performance management perspective) a formal procedure should be put in place in relation to the finalisation of inspectors' reports prior to their discharge to the board for decision-making.</i></p> <ul style="list-style-type: none"> • <u>ABP Action</u> - Commenced - meeting with FORSA end of July 2023, detailed training to be rolled out and further communication to take place at Inspectorate meetings. Performance management to be fully rolled out across Inspectorate in line with business plans from 2024. Quality assurance approach to be considered following appointment of new Director of Planning. • <u>ABP Action</u> - In addition to the response of the previous report, Assistant Directors of Planning have been meeting with Inspectors to prepare for the Performance Management and Development System (PMDS) cycle which has now been changed to annually (rather than related to increment). Email which issued to staff attached together with PMDS framework use in ABP.
6. Communication With External Parties Outside of Formal Statutory or Administrative Channels	<p>Recommendation P2(12) - <i>Given the risk that could be posed to the fairness of the planning process should communications occur with external parties (outside of the standard administrative or formal statutory channels), An Bord Pleanála should update its ethical framework, including the Code of Conduct, to make clear that any such communications would be unacceptable. With particular regard to any communication involving advance disclosure of any substantive part of a live planning case, including in advance of an inspector discharging their report, it should be made clear that such action is contrary to statutory provisions and would be a disciplinary matter and subject to significant sanctions.</i></p> <p><i>Furthermore, to ensure that planning-decisions are at all times made with the benefit of having received full independent planning analysis, a procedure should be in place to ensure that inspectors are made aware of any further information received to assist the board's decision making in the period after the discharge of a planning report. Inspectors should have the opportunity to provide analysis to the deciding board as necessary. This arrangement should be incorporated into the written decision-making procedure identified as necessary in Recommendation 7 of the OPR's Phase 1 Report.</i></p> <ul style="list-style-type: none"> • <u>ABP Action</u> - Revised code of conduct and written procedures in place to deal with these issues.