

# Resign, Mr Walsh!

## Lack of responsibility and weak inquiries necessitate resignation of An Bord Pleanála's insider chair

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Challenging the endemically complacent and others by the acute promotion of equality, sustainability and accountability

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**D**avid (Dave) Walsh was appointed Chairperson of An Bord Pleanála (ABP) for seven years in October, 2018. Significantly, like so many of his predecessor chairperson, he previously served as Assistant Secretary in the Department of Housing, Planning and Local Government, with primary responsibility for planning policy. The name of that Department keeps changing but we'll just refer to it as the Department. If you like the Department's influence you'll really like Irish planning because it is everywhere in the system. That is to say the Department of Housing's influence is everywhere in the Planning System. In his time Walsh had responsibility for development and delivery of the National Planning Framework and housing market and rental policy. In a civil service career spanning 23 years in the Department, he also had policy responsibility for waste policy, environmental legislation, spatial planning policy and local government.

In other words he was everywhere within the Department: inhaled its very Planning essence.

As is not unusual for Bord Pleanála chairs, he doesn't have a planning qualification: Departmental induction is more important. A graduate of Trinity College in Ancient Greek and Latin, Walsh also has a Higher Diploma in Education (TCD) and an MSc in Economic Policy (TCD/IPA).

In May 2022, an impressive investigation by the *Ditch*, compiled into a complaint to ABP by *Village's* editor, showed that there were issues with ABP's deputy chairperson, Paul Hyde: conflicts of interest and how he dealt with them; his failure to declare interests in the first place and 'compositions and arrangements' (i.e. compromised litigation or debts) that may have negated his very membership of ABP.

The Housing Minister, Darragh O'Brien quickly appointed senior counsel to look into the matters. Two subsequent investigations, one by the Planning Regulator (OPR) and another one by An Bord Pleanála itself were also instigated.

They are not enough and their terms of reference were stitched up to avoid apportioning blame to individuals.

There are five problems with Walsh:

### 1. He is an insider

He was a departmental 23-year lifer.

Then he was parachuted into the Bord after an admittedly careful interview process.

The dynamic in the interview panel which selects the chairperson of ABP

— including the fact that preparation for and hosting of meetings is in the hands of the Department of Housing — conduces to the selection of the Department's favoured candidate, whatever their qualifications.

Moreover the board which Walsh chairs is notably constrained by edicts from the Department that he was involved in formulating, for example on height and apartment size.

If the Bord gets really out of hand, as it has with Paul Hyde, it is the Department and its Minister who intervene to assert some accountability. Not surprisingly Darragh O'Brien seems to have encountered and withstood significant institutional inertia from Walsh's old Department in handling Hyde once he had "stepped aside".

Alternatively, if anything goes wrong with Planning in Ireland, the Planning Regulator, Niall Cussen, formerly an active Chief Planner in the Department and indeed a former ABP employee, can intervene. It was Cussen who decided the OPR needed to address the Hyde problem in a most forgettable and non-inculpatory report.

The relationships between all these passionless bodies and their colourless leaders are incestuous.

ABP has been brought into disrepute. It needs to be extracted from its ignominy by outsiders, not insiders pre-eminently the ultimate Departmental insider.

### 2. He had a bad record in the Department

- We document in this edition of *Village* (p26) Walsh's mishandling of allegations from Gerard Convie about planning delinquency in Donegal.
- More generally, according to the Irish Planning Institute, which represents professional planners, fast-track planning laws to speed up delivery of large housing schemes through Strategic Housing Developments (SHDs) have "compromised" ABP. They were introduced in 2016 when Dave Walsh would have been the official in the Department of Housing responsible. As of July 2022, 91 challenges to SHDs had come before the High Court since 2018, with 32 out of the 44 that had reached conclusion winning the challenge.

### 3. His performance as chairman of the Bord is tainted

Every successful judicial review bespeaks a procedural failure in the Bord. The Chairperson is best placed to ensure the Bord's decisions are properly taken and he is failing abjectly

In 2012, 17 decisions by ABP were subject to judicial review. This rose to 41 in 2018, when Walsh took office, 83 in 2020 and 95 last year.



David Walsh