19th March 2026

Addressed to the Clerk

Oireachtas Join Committee on Justice, Home Affairs and Migration

General Scheme of the Civil Reform Bill 2025 – Conor O'Connell Address

Chair, Deputies, Senators – thank you for the invitation to address the Committee today on behalf of the Construction Industry Federation, hereby referred to as the CIF.

The CIF welcomes the opportunity to contribute to the Committee's consideration of the General Scheme of the Civil Reform Bill 2025. Our perspective is shaped by one fundamental reality: wasteful or technical legal challenges impose a real and measurable cost on society.

As highlighted in the Government's Accelerating Infrastructure Report and Action Plan of December 2025, every delay in delivering housing, infrastructure, energy, and water services increases costs for taxpayers, constrains economic growth, and ultimately limits the State's ability to deliver homes, schools, hospitals, and other essential public infrastructure. Ireland faces a disproportionate volume of legal challenges compared with other common-law jurisdictions. The consequences of that are now well understood.
For these reasons, the CIF broadly welcomes the reforms proposed in the Bill. We believe they are sensible, timely, and necessary to protect both the public interest and the integrity of the planning system.

On **Heads 4 and 5** of the Bill, we support the move to ensure that only documents material to the outcome of litigation must be produced. This will reduce unnecessary legal costs and delays for all parties, including the courts.

On **Head 8**, concerning Judicial Review, we welcome the enhanced reforms building on those in the Planning and Development Act 2024. We emphasise three points:

- Firstly, an applicant seeking to quash a decision should be required to request that remedy *expressly*. Other parties should not face uncertainty arising from relief that was never sought.
- Secondly, the requirement that applicants demonstrate harm or prejudice suffered is an essential safeguard against purely technical or trivial challenges.
- Thirdly, the public interest consideration is sensible but could be strengthened by anchoring it to Government policy, particularly in areas such as housing. This would help provide clarity and avoid disputes about the meaning of 'public interest'.

We strongly support a more robust 'no difference' principle – where an error would not have altered the outcome, the courts should be prohibited from granting relief. This principle is well established internationally and is increasingly recognised in Irish jurisprudence.

On Head 9, we respectfully suggest that transferring planning-related judicial reviews to the Circuit Court would be premature. The High Court's Planning and Environment List is now a specialised, highly efficient forum, and its expertise should not be diluted.

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Finally, on **Heads 10, 11, & 12,** we invite the Committee to consider greater alignment across the various consent regimes – planning, environmental licensing, maritime regulation, and utilities. The current procedural differences create unnecessary complexity. The reforms introduced under the 2024 Act provide a strong foundation that can and should be applied more broadly, including the removal of the leave stage and the adoption of clear and consistent limitation periods.

Chair, committee members – the CIF supports reforms that improve the efficiency, proportionality, and fairness of Ireland's planning and judicial review systems. These reforms matter – not for abstract legal reasons alone, but because they directly affect the State's ability to deliver the homes and infrastructure our communities urgently need.

We thank the Committee for its work and for the opportunity to contribute.