



**Public Access to Files  
under  
The Planning and Development Act 2000 as amended  
- A Guide To Procedures -**

### **1. General**

Under provisions in the Planning and Development Act 2000, any person may inspect files relating to appeals and certain other cases which are decided by the Board. Subject to the Copyright and Related Rights Act 2000, copies of documents on files may also be purchased. This guide sets out answers to commonly asked questions concerning access to these files.

### **2. Which files may I inspect?**

A file on an appeal and other case with which the Board is concerned can be inspected free of charge after the case has been determined. Each of these files can be inspected for at least a five year period starting on the third working day following the day on which the appeal or other matter is determined.

### **3. When can I inspect files?**

Files may be inspected at the Board's offices on weekdays between 9.15am – 5.30pm. except on public holidays and other days on which the offices are closed.

### **4. Will all files be available to inspect on demand?**

Generally, files will be available on the third working day following the day on which the appeal or other matter is determined. Files up to 2 years old are generally, but not always, available on demand. For example, the Board's Inspector may have a file out of the Board's offices for a few days in connection with an inspection relating to a current appeal. Files older than 2 years are generally stored off-site and may take a number of days to retrieve. Please telephone (01) 858 8100 or LoCall 1890 275 175 if you wish to check whether you may inspect a particular file without delay or if you wish to purchase copies of documents.

### **5. May I purchase copies of documents on files.**

Subject to the Copyright and Related Rights Act 2000 (see question 6 below), copies of any document on the files (including the report of the Board's inspector, the Board's direction and the Board's order) may be purchased during office hours referred to at 3 above. However, depending on the amount of copying involved and/or the backlog of copying requests, it may not always be possible to provide copies at the time of the request. In such cases, the copies will be forwarded to you as soon as possible at no additional cost.

The schedule of copying charges is set out in the attached table. Copies of documents may only be collected by or posted to you when the copying charge has been paid and, in appropriate cases, the declaration referred to in question 6 is received. The inspector's report, Board's direction and Board's order may be viewed and downloaded from the Board's website at [www.pleanala.ie](http://www.pleanala.ie) at no cost. This (self-service) facility is also available in our Reception area, again at no cost.

### **6. How does the Copyright and Related Rights Act affect the purchase of documents?**

The Copyright and Related Rights Act 2000 provides that where material is open for public inspection pursuant to a statutory requirement or is on a statutory register, the copyright is not infringed by the copying or making available to the public of that material for the purposes of enabling the material to be inspected at another time or place. However, the Copyright Act also

provides that where material is copied in those circumstances, the person granting access to the material should ensure that it bears a mark clearly indicating that it is provided for the purpose of inspection and that no other use may be made of the material without the licence of the copyright holder. The Act also requires that the person requesting such material must sign a declaration to the effect that the material is required solely for the purpose of inspection. Documents from files which are subject to the Act cannot be released without the signed declaration. Such documents would include drawings, plans and maps. They do not include the Board's decision, direction or the inspector's report.

### **7. Is the Board's decision final?**

Yes. In accordance with section 50 of the Planning and Development Act 2000, the validity of the Board's decision on a planning appeal cannot be questioned otherwise than by way of application to the High Court for judicial review within 8 weeks commencing on the date on which the decision is given. The Court will not reopen the planning merits of the case and leave to apply for a judicial review may not be granted unless the High Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and the person seeking the judicial review has a substantial interest in the matter.

### **8. Can I seek advice from the Board?**

The procedures for inspection and purchase of appeal documents are designed to provide better access by the public to the information on which the decision was based. It is not the practice of the Board's staff to discuss planning or procedural issues relating to an appeal which has been determined since the Board has no power to reopen these issues. Neither would it be appropriate for the Board to give advice on the legal procedures relating to an application for judicial review. While nominated staff may deal with general enquiries, Board members or inspectors should not be contacted in relation to any matter.

### **9. Who enforces the decision?**

Enforcement of planning decisions, whether made by the Board or a planning authority, and interpretation of conditions imposed in decisions are primarily the responsibility of your local planning authority. In accordance with enforcement provisions in Part VIII of the 2000 Planning Act, a planning authority must follow up on genuine complaints made to it by members of the public regarding unauthorised development including non-compliance with planning decisions. The Board has no powers of enforcement. Any person may apply to High or Circuit Court for an injunction in relation to unauthorised development in certain circumstances.

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**Note.** This document is intended as a guide and does not purport to be a legal interpretation of the law.

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**Guide to  
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