



An  
Coimisiún  
Pleanála

## Decision-Making Procedures – November 2025





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## 1 Main Principles of the Decision-Making Process

Decisions on cases are made at a meeting of Planning Commissioners of An Coimisiún Pleanála. The Planning Commissioners consist of the Chief Planning Commissioner, the Deputy Planning Commissioner and up to 13 ordinary Planning Commissioners. Commissioners work in a full-time capacity and are the decision makers on case work. The Commission performs a quasi-judicial role. The unit of decision making is at a Planning Commissioner meeting with a minimum of 3 Commissioners.

In making decisions, the Planning Commissioner:

- Conducts their business in a fair, independent and open way,
- Seeks to ensure that there are no conflicts of interest or bias or perception of bias in the decision-making process,
- Acts impartially and consider all relevant points of view on cases that come before it for decision,
- Is consistent with relevant legislation and has regard to all relevant information and material on the case file and
- Bases all planning decisions on proper planning and sustainable development principles.

Commission decisions are made in the context of all of the requirements and obligations set out in its reviewed and updated Code of Conduct 2025 see **Appendix A**.

### 1.1 Decision Making Process – Overview

Case files are processed and prepared by administrative staff, and in most cases a written report is prepared by one of the Commission's planning inspectors. Reports contain an assessment of the case and provide a recommendation to the Commission. The Commission, as the decision maker, assesses the file in full and can decide to accept or to not accept an inspector's recommendation. The Commission must give reasons for its decisions and in cases where its substantive



decision to grant or refuse an application, differs from the recommendation of the inspector, the Commission must also explain in writing why it has reached a different conclusion. In certain cases, the Commission may decide to defer the case to consider the matter further, or to seek further information or request observations on new issues or to circulate particulars to the parties.

## **1.2 Stage 1 – Administrative Processing (Screening)**

1.2.1 Cases are validated/invalidated in accordance with the statutory requirements for each particular case type.

1.2.1 Public participation and right of reply are set out in the statutory schemes governing the Commission's functions.

1.2.2 Files are created by administrative staff containing application documentation and appeals and submissions. The files are then transferred to the Inspectorate staff.

This stage generally takes 5 weeks depending on the nature of the case.

Administrative staff manuals set out details of procedures involved.

## **1.3 Stage 2 – Inspection / Report & Recommendation (Analyse)**

1.3.1 The reporting Inspector assesses the file documentation in respect of each case which includes the application and may include an environmental impact assessment report and/or Natura Impact Statement and any appeals and submissions made in respect of the case.

In most cases a site inspection is carried out.

1.3.2 Depending on the nature of the case, or issues arising, the inspector may seek advice from specialist internal staff, (e.g ecologist, marine scientist, legal affairs, or from the external consultant panel set up or other consultants as appropriate).

The Inspector may seek additional information or circulate documentation.

1.3.3 Following assessment, the Inspector prepares a report and recommendation to the Commission on the case. A quality assurance process is also in place in the Inspectorate which includes effective mentoring of Inspectors, and the quality control



of Inspectors' reports. The file is then transferred to the Inspectorate support section for forwarding to Drafting section following internal control protocols in relation to recording the movement in the case management system and file cover.

In certain circumstances (for example an oral hearing request), the Inspector may send the file to the Commission for preliminary consideration of a particular matter(s), which may require a Commission direction. A memo to this effect will appear on the file and all internal controls in terms of file movement will take place.

- 1.3.4 Advice notes/Inspectorate manual sets out details of all procedures/guidance relating to the preparation of Inspectors' reports/recommendations. This stage, for normal planning appeal cases generally takes 9 weeks.

#### **Decision to hold an oral hearing or a meeting**

- 1.3.5 Participants in most types of cases can request an oral hearing. In complex cases or where there are significant national or local issues involved, the Commission may decide to hold an oral hearing chaired by the reporting Inspector. An oral hearing is a public meeting which allows relevant issues in a case to be discussed and examined. Oral hearings can be held in An Coimisiún Pleanála's office, in a neutral venue close to the location of the proposed development, or on-line, or a mixture of both. The Commission has an absolute discretion on whether to convene an oral hearing or not.
- 1.3.6 The Commission can also direct that an oral hearing takes place when no request has been made depending on the nature of the proposed development. A limited agenda oral hearing may also be directed depending on the issues involved.
- 1.3.7 The Commission has delegated the function to grant an oral hearing to Inspectorate Management in cases where the Inspector, following assessment of the request and the details of the case, recommends that an oral hearing be held.
- 1.3.8 In circumstances where an oral hearing request has been received and the Inspector, following assessment of the case, is recommending to **refuse** to hold an oral hearing, the file will go to the Commission for a decision. A Commission meeting will be convened in order to make a decision on the question of whether or not to grant an oral hearing.



- 1.3.9 The decision is recorded on the Commission's case management system (CMS)  
When an oral hearing request has been made by a party to the case, all parties and observers are notified of the decision on the oral hearing.

## 1.4 Stage 3 – Commission Decision – (Decide)

- 1.4.1 **In all circumstances** the Commission makes its decisions on the basis of the proper planning and sustainable development of the area.

The minimum number of Planning Commissioners required to be at a meeting to make a decision on a case is three. This is called a quorum. However, any case can be escalated to a meeting of all available Commissioners or a meeting of a larger number of Commissioners should it be considered appropriate by the Chief Planning Commissioner or Deputy Planning Commissioner as detailed in the note on escalation.

- 1.4.2 The Governing Board may direct that such number of divisions of the Planning Commissioners as it considers appropriate be constituted where it considers it necessary for the efficient and expeditious conduct of the business of the Commission.

Where a direction is given the Chief Planning Commissioner shall constitute the number of divisions stated in the direction and, following consultation with the chief executive officer, shall assign a sufficient number of Planning Commissioners to conduct such business.

Where the Chief Planning Commissioner considers for the purposes of the efficient and expeditious decision making of certain case types, the Chief Planning Commissioner may constitute such number of divisions as he or she considers appropriate and assign to each division the business to be transacted by it and a sufficient number of Planning Commissioners to conduct that business.

- 1.4.3 Each file at a Commission meeting is presented by the lead Commissioner to whom the file has been allocated. Depending on the case type, an Inspector may be invited to attend the Commission meeting to present on the case details and their



attendance is recorded as part of the meeting record. The Inspector leaves prior to the assessment of the case by Commissioners. See **Appendix F** Inspector Presentation Protocol.

When considering a case, the Commission will consider and assess all information on the case file.

- 1.4.4 For normal planning appeals the statutory provisions only allow the Commission to grant consent to a proposed development which has been refused by the planning authority on the basis that it would materially contravene a local planning authority development plan where specific circumstances, as set out in legislation, are considered to apply.
- 1.4.5 The Commission is normally required to treat a planning application the subject of an appeal as if it had been made to it in the first instance (de novo) and not by reference only to the local planning authority decision on the application.
- 1.4.6 In direct applications to An Coimisiún Pleanála, such as applications for proposed strategic infrastructure development, there is no prior local planning authority decision but any views of the local planning authority on the proposed development will have been submitted to it for consideration.

### **Time Limits for Deciding Cases**

- 1.4.7 The Commission has a statutory objective time period in which to decide cases. In most cases, including planning appeals, the statutory objective period is generally 18 weeks beginning on the date of receipt of the case. In some types of cases, no objective time period is set by law. Where the Commission cannot meet the statutory objective time period it must write out to all participants advising of that and giving a new date by which it intends to determine the case.

## **2 Conflicts of Interest**

- 2.2.1 Section 523 of the Planning and Development Act 2024, requires an annual standing declaration of certain interests by all serving Commissioners and Staff. In addition, section 574 of the Act requires a Commissioner, a member of staff and consultants to declare any financial or legal interest in a case that comes before the Commission for decision and to recuse themselves where this is identified.



- 2.2.2 Under Section 501 of the Planning and Development Act, 2024 An Coimisiún Pleanála is required to adopt a code of conduct for dealing with conflicts of interest and promoting public confidence in the integrity of the conduct of its business.
- 2.2.3 In line with this statutory requirement, the Code of Conduct sets out a written statement of An Coimisiún Pleanála's policies in respect of a number of areas which may give rise to a conflict of interest or a perception of conflict of interest, bias or objective bias. The Code also sets out the statutory requirements in relation to the specific declarations set out at sections 523 and 574 of the Planning and Development Act 2024 and the parallel requirements under the Ethics in Public Office Acts 1995 and 2001.

This document is to be read in the context of all of the requirements and obligations set out in the adopted Code of Conduct 2025 and the statutory declaration processes set out in the relevant Acts.

### 3 Specific Procedures in the Decision-Making Process

#### 3.2 Assignment of Case Files – Inspectorate

- 3.2.1 The principles of file assignment at Inspectorate level are based on principles of fairness, equity, impartiality and variety in the nature of assigned case work with due regard also to specialist skills and knowledge. Flexibility in terms of the overall management of case numbers across the Inspectorate, with reference to agreed prioritisation of cases, general performance and compliance with statutory objective periods as appropriate will all be key factors in determining the assignment of case files.

The nature of case files broadly falls into two distinct categories, normal planning appeals (NPA) and direct applications. Direct applications include Local Authority Projects (LAPS) and Strategic Infrastructure Developments (SID) and/or a combination of both (SID/LAPS) and applications (including pre application consultation cases) under the Maritime Area Planning Act, 2021. Teams within the Inspectorate are generally aligned to these categories.

Inspectorate teams dealing with Normal Planning Appeals are generally assigned files based on geographical areas. File assignment to Inspectors is carried out by the



Assistant Director of Planning (ADP) relating to the particular geographical area team. The ADP has overall responsibility for the management and performance of their team of Inspectors.

Depending on workload and the nature of case types, a team of Inspectors can be assigned specific case files based on their expertise within the context of overall operational needs.

3.2.2 No Inspector can ask to be assigned a particular case file.

3.2.3 Each Inspector assigned a case file must complete the required conflict of interest declaration form and this must be signed and kept on the case file. Each Inspector must also sign off their report with the relevant paragraph confirming that the report and recommendation is their own professional opinion and there has been no inappropriate influence relating to their recommendation.

Further details relating to the above are set out in the Inspectorate manual.

### 3.3 Assignment of Case Files – Planning Commissioners

3.2.1 The Chief Planning Commissioner or Deputy Chief Planning Commissioner, through the Senior Executive Officer (SEO) in the relevant Drafting Section is responsible for the coordination and general distribution of **all case files** to Planning Commissioners, having regard to, *inter alia*, an assessment of availability and caseload/workload of individual Commissioners.

3.2.2 In allocating files, the relevant administrative staff, where considered appropriate, will consult as necessary with the Chief/Deputy Chief Planning Commissioner. The allocation of files will be carried out in accordance with the principles of fairness, equity and impartiality in terms of an equal distribution of workload among Planning Commissioners.

In allocating files, the SEO will also have regard to the “allocation list” on which Planning Commissioners have nominated, in advance, locations or organisations where cases involving these may involve a conflict of interest or a perception of either real or objective bias under Section 523 and 574 of Act. This is provided for in the Code of Conduct which sets out the principles relating to such matters.

#### Appendix B.



- 3.2.3 Any Commissioner who realises they have been inadvertently allocated such a file, will return it for re-allocation and send a note/memo to the Ethics Officer setting out the reason why. Sample wording is set out in **Appendix D**.
- 3.2.4 All file movements must be recorded on the file cover and in the electronic case management system database, indicating the name of the Planning Commissioner to whom the file is initially assigned upon receipt of a complete and discharged inspector's report.
- 3.2.5 In the event that the SEO has a concern that they are being subject to influence or allocation bias this concern must be escalated to the Ethics Officer and in the absence of the Ethics Officer to the Chief Officer/Chief Executive Officer. In the absence of the SEO the Executive Officer (EO) with the most experience in the Drafting section will be responsible for the coordination and general distribution of the case files
- 3.2.6 As is the case for all matters involving conflicts/risk of objective bias, it is the responsibility of each individual Planning Commissioner to ensure that the process is followed in all such cases.
- The file allocation list is in addition to other processes and procedures in respect of identifying and managing potential conflicts of interest that are covered under sections 523 and 574 of the Planning and Development Act and An Coimisiún Pleanála's Code of Conduct.
- 3.2.7 Coordination of discussions involving the Chief Planning Commissioner and/or Deputy Chief Planning Commissioner and the relevant administrative staff manager responsible for the coordination and allocation of files, will take place on a regular basis. These discussions can include overall assessment of workload and availability of Planning Commissioners in the context of allocation of files including priority cases and compliance with statutory objective periods using appropriate data.
- 3.2.8 Under the Code of Conduct, other than the Chief Planning Commissioner or Deputy Planning Commissioner, no Commissioner shall request that a particular case file be allocated to them, or to any other Commissioner. In the event that any such request is received, the staff member, or Planning Commissioner, who is approached should record same and transmit the information to the Ethics Officer. The Ethics Officer will then inform the Chief Officer/Chief Executive Officer.



- 3.2.9 When a file has been allocated to a lead Planning Commissioner there are occasions when, for operational reasons, the file may need to be dealt with by the processing section i.e. an appeal has been withdrawn, or a submission or other documentation needs to be attached to the case. Any movement of the case file must be recorded as per internal control procedures, i.e. marked on the file cover and on the case management system. In these circumstances this must be brought to the attention of the lead Planning Commissioner prior to any such movement/addition of documentation taking place. If necessary, the matter can be discussed with the Chief Planning Commissioner/Deputy Planning Commissioner or CEO/CO.

### 3.3 Record Keeping, Monitoring/Accuracy Checks

For monitoring purposes, reports will be generated which capture details of the allocation of files to Commissioners, the composition of Commission meetings, and details of case types and other relevant information. These reports will be sent to the Chief Executive Officer/Chief Officer every quarter for review in order to ensure that there are no significant irregularities/unusual patterns in distribution of files and decision making.

Commission meeting records (CMR) will be checked by staff in secretariate on an ongoing basis to ensure accuracy of data capture, to ensure that no errors have occurred in the completion of data fields, and that all relevant details/fields have been completed, as appropriate prior to publication on the website.

### 3.4 Composition of Commission Meetings

- 3.4.1 Staff in Secretariat in consultation with the Chief Planning Commissioner/Deputy Planning Commissioner prepare a weekly schedule of Commission meetings based on Planning Commissioner availability, taking account of particular case types which may require a meeting of all available Commissioners, a meeting of a previously composed Commission to deal with a deferred file, or a meeting of a larger composition (more than 3).
- 3.4.2 Each meeting scheduled sets out the names of each Commissioner to attend, together with the date, time and room location.



- 3.4.3 Records of the weekly schedules are kept on the Commission systems and hard copies are also given to all Commissioners in advance of the weekly schedule.
  - 3.4.4 The schedule is updated as required with a record of all changes kept and made available.
  - 3.4.5 The weekly schedule is also available on the An Coimisiún Pleanála's intranet.
- Further details of procedures are set out in the Secretariat manual.

## 4 Procedures at Commission Meetings

### 4.1 The Commission Meeting – Conflict of Interest

- 4.4.1 When deciding case files at Commission meetings, each Planning Commissioner is required to complete a form which refers to every case file under consideration at each meeting held. The form “Confirmation regarding Conflicts of Interests in Commission consideration of case files” is attached at **Appendix C**.
- 4.4.2 At a Commission meeting, the key details of a case (location and participants including all parties who made appeals or submissions), are identified to each Planning Commissioner by the lead Planning Commissioner. Each Planning Commissioner is required to consider this information and determine whether a conflict of interest exists, prior to consideration of each file at the meeting. If a conflict of interest is identified at this stage the case file will not be presented at the meeting. At the conclusion of the meeting, the conflicts form must be signed by each Commissioner who attended the meeting to confirm that to the best of their knowledge, there was no conflict of interest or question of objective bias arising in relation to any of the case files which were dealt with. This signed record for each case file considered is then returned to the Ethics Officer for filing and retention.
- 4.4.3 On any occasion where a Planning Commissioner declares an interest in relation to a particular case, or considers there is potential for objective bias during the presentation of a case at a meeting, and this is considered to warrant recusal of that Commissioner from the case, then the case file must be removed from the particular meeting and will be considered instead at another Commission meeting. This will be



recorded on the case management system and a note will also be sent to the Ethics Officer.

- 4.4.4 Where a question arises of a potential conflict of interest, and the chairperson of the meeting considers that recusal is not warranted, (or upon referral of such a question to the Chief Planning Commissioner or Deputy Planning Commissioner of the Commission, the Chief Planning Commissioner or Deputy Planning Commissioner considers that recusal is not warranted), then this must be recorded in memo format and forwarded to the Ethics Officer. A note to that effect must be prepared by the chair of the meeting and the information must also be recorded on the case management system and the Ethics Officer notified as per the Code of Conduct. See sample wording attached in **Appendix D**.
- 4.4.5 If a conflict of interest or a question of bias or objectively perceived bias has been identified and it is determined that recusal or removal of a file is warranted, then the Planning Commissioner recused must not access the case management database records for the case file, at any time during the lifetime of that case. They may only do so after the case decision has been notified to the parties.
- 4.4.6 Where it is determined that recusal is warranted, the Planning Commissioner in question shall not thereafter participate in or attend any meeting (or part thereof) at which the case is discussed or determined. Commission documents on any deliberations regarding any matter in which a Planning Commissioner has a conflict or material interest will not be made available to or accessed by the Commissioner concerned during the lifetime of that case.
- 4.4.7 No Planning Commissioner who has declared an interest in a case and has been recused may discuss the case with other Planning Commissioners during the lifetime of the case. In the event that this occurs inadvertently, the conflicted Commissioner must immediately discontinue the conversation. Any such incident should be reported to the Chief Planning Commissioner and the Ethics Officer. For clarity, the declaring Planning Commissioner must not enquire as to the nature of any emerging decision and any person who is approached with such a query (e.g. staff in Drafting) must not provide the information and must inform the Ethics Officer of the enquiry made.



A monthly report capturing the number of cases where a conflict of interest arose at the meeting, is generated as part of the normal monthly reporting to the CEO, Management Committee and the Chief Planning Commissioner/Deputy Chief Planning Commissioner.

## 4.5 The Commission Meeting – Decision Making

- 4.5.1 A chairperson is appointed at each decision-making meeting to chair the meeting. This role will fall to the Chief Planning Commissioner or the Deputy Planning Commissioner if they are attending the meeting. The Planning Commissioner who has been allocated the file is responsible for presenting the file at a Commission meeting. During deliberations, all relevant Planning Commissioner inputs must be heard and in this regard, the chairperson of the meeting will facilitate open discussion and fair contributions from all Commissioners. Planning Commissioners at the meeting must come to a reasoned and balanced conclusion and decision. Each Commissioner has a vote at the meeting. The outcome of the vote in numerical terms is recorded in the Commission meeting record (CMR) which is then available to the public.
- 4.5.2 In certain cases, the Inspector who reported on the case may be invited to present the case to the Planning Commissioners at the meeting. Planning Commissioners will focus on asking questions on case details/legislation/policy context. Commissioners must **not** engage with the Inspector on the content of the Inspector's assessment and recommendation which do not form part of the presentation. The Inspector presenting the case does not participate in any deliberations of the case and leaves the meeting prior to the deliberations of the Commissioners. The assigned Planning Commissioner remains responsible for the overall management of the case at Commissioner level. (See Inspectors Protocols/Manual and **Appendix F**).
- 4.5.3 On occasion, if the Chief Planning Commissioner/Deputy Planning Commissioner becomes aware of a significantly complex case arriving at Commissioner level, they may determine in advance of any Commission meeting that the case should be escalated for determination at a meeting of all available Planning Commissioners, or at an enlarged quorum of Commissioners, rather than the normal quorum of three.



Also, during the course of a Commission meeting, any attending Commissioner who is of the opinion that the case in question would warrant determination at a larger constituted Planning Commissioner composition, can request that the case be considered/escalated to a meeting with a larger composition of Commissioners and bring this matter for decision to the Chief/Deputy Chief Planning Commissioner. In these situations, the decision to 'defer' is recorded on the Commission Meeting Record on the case management system, and a Commission direction is completed setting out the reason for the deferral and that the matter is now for consideration by an enlarged quorum of Commissioners. This may arise, for example, where the Commissioner considers that the case raises an issue of broader consequence for decision making possibly on foot of policy complexity, or due to the detail within the case, and that the discussion and determination would benefit from a greater range of input at Planning Commissioner level.

4.5.4 The Commission can decide to accept or not accept the Inspector's recommendation on a case. In the event that the Commission does not decide to accept the Inspector's recommendation to grant or refuse permission for an application, the Commission by law must explain the **main reason(s)** for not accepting the Inspector's recommendation. Such reasons must address the relevant particular circumstances of the case and explain the commissions rationale.

4.5.5 At Commission decision meetings, issues may arise which may give rise to the decision on the case being deferred. This may include situations where the Commission requires additional time for consideration, further information on the case, circulation of documentation, a request for a submission from a prescribed body or publication of public notices. In some instances, the Commission may require legal advice or further clarification on a point in the Inspector's report and may seek an addendum report to assist in their understanding of the issue(s) arising. In these situations, the decision to 'defer' is recorded on the Commission Meeting Record on the case management system, and a Commission direction is completed setting out the reasons for the deferral. It is also open to the Commission to explain its own conclusions on matters covered/not covered, in the Inspector's report in its direction/decision rather than going back to an Inspector. See **Appendix E** setting out protocols relating to issues which may arise in Inspectors' Reports and the non-acceptance of an Inspector's recommendation.



## 4.6 The Commission Direction

The Commission Direction is an administrative tool to communicate internally within the organisation the decision of the Commission and in order for the Commission Order to be drafted. The wording of the Order may differ from that used in the Direction.

- 4.6.1 When the Commission makes a decision at a convened Commission meeting, the decision is recorded on the Commission meeting record on the case management system. The lead Planning Commissioner who was assigned and is responsible for the case will, following the meeting draft the decision made at the Commission meeting. This drafting document is called a “Commission Direction” and is used to prepare **the Commission Order** which sets out the **formal decision** of the Commission. (**Appendix H**). The lead Planning Commissioner may during the drafting process consult with the other attending Planning Commissioners, the Chief Planning Commissioner/Deputy Chief Planning Commissioner, and/or with specialist senior staff on points of detail (e.g. Directors of Planning or when not available the ADP/Legal/Senior Admin).
- 4.6.2 Drafting staff may also liaise with the lead Planning Commissioner in finalising the wording of the Commission Order in relation to reasons and considerations, refusal reasons and/or conditions. An order setting out the decision will then be prepared and returned to the Planning Commissioner responsible for signature. The file movement is recorded on the case management system and the file cover. The case management system also contains template directions and orders to assist in the preparation of these documents.
- 4.6.3 In the event that the decision has been deferred due to the requirement for further information, circulation of documentation or clarification from the Inspectorate on a particular matter, the lead Planning Commissioner will record the reason for deferral on the case management system, in the Commission Meeting Record, and in the Commission Direction including the action to be taken. The administrative personnel



who then receive the file will assign it to the relevant person/section to deal with the direction.

- 4.6.4 If, following a meeting where a decision has been taken on an appeal or direct application, and prior to the signing and sealing of the Commission Order, a matter arises of a technical or administrative nature that was not considered at the meeting and may have warranted consideration, the lead Planning Commissioner shall consider reconvening the original quorum of the Commission to consider the matter further. If the original quorum of the Commissioners is not available, a new Commissioner composition may be agreed with the Chief Planning Commissioner/Deputy Commissioner. In this event, internal control protocols must be followed in terms of the file movement on the case management system/file cover and new Commission meeting record etc.

## 4.7 The Commission Order – The Formal Decision

The Commission Order is the statutory document which gives effect to the decision of the Commission:

- It explains the reasons for its decision, including reasons when not following the recommendation of an inspector.
- It lists what, if any, conditions or modifications must be followed if the decision is to grant permission.

When completed, the lead Commissioner, or in the absence of the lead Commissioner, another Planning Commissioner of the relevant decision-making quorum, will examine the Commission Order to make sure it correctly corresponds to the decision made, and that it includes the reasons and considerations for the decision. They will then sign the document and initial each page. Each page of the Commission Order is then sealed with An Coimisiún Pleanála's seal. This completes the decision-making process.

The date of decision, type of decision and the date the Commission Order was notified to all parties is recorded on the case management system. The decision is also recorded on the file cover.



- 4.7.1 Copies of the Commission Order are generally sent to all participants in the case by post or in larger cases, participants are notified that the decision is available on the Commission website.
- 4.7.2 The decision documents, direction(s) and decision order(s) are published on An Coimisiún Pleanála's website.

## 5 After The Decision Is Made

### 5.1 Public Access

Within three days of the decision being made (the signing of the Commission order) the full case file is made available for public access and copies of any documents from the file can be purchased.

- 5.1.1 A copy of the Commission Order and Direction and the Inspector's report are also available on An Coimisiún Pleanála's website.

The full case file is available to view for at least five years.

## 6 Judicial Review

The Commission's decision is the final planning decision on a case. A person wishing to challenge the validity of a Commission decision may do so by way of judicial review only. There are detailed provisions set out in the Planning and Development Act 2000 as amended concerning judicial review one of which provides that any application for leave to apply for judicial review must generally be made within 8 weeks of the date of the decision of the Commission. The High Court may however extend this period in certain circumstances.



7 Appendices A-H

- Appendix A: Code of Conduct
- Appendix B: Principle of file allocation list to assist in appropriate allocation to a Planning Commissioner.
- Appendix C: Form at Commission meeting - Confirmation of conflicts of interest
- Appendix D: Sample wording for Planning Commissioners regarding conflicts at and before meetings
- Appendix E: Inspector Reports – Protocols at Commission level
- Appendix F: Inspector Presentation Protocol at Commission Meetings – SID & Major Cases
- Appendix G: Journey of a file - Process Map
- Appendix H: Commission Direction

Revision History

| Date Reviewed | Changes Made | Updated/Approvedby |
|---------------|--------------|--------------------|
|               |              |                    |



## 7.1. Appendix A: Code of Conduct

Available on our website: [https://www.pleanala.ie/getmedia/0dda9e05-0814-49cf-8d8d-42c6c4385c9a/An-Coimisiun-Pleanala-Code-of-Conduct-2025\\_1.pdf?ext=.pdf](https://www.pleanala.ie/getmedia/0dda9e05-0814-49cf-8d8d-42c6c4385c9a/An-Coimisiun-Pleanala-Code-of-Conduct-2025_1.pdf?ext=.pdf)

## 7.2. Appendix B: File assignment list, Planning Commissioners potential conflict of interest

- On appointment, Planning Commissioners are requested to nominate to the Ethics Officer and CEO/Chief Planning Commissioner, locations or close relationships / organisations / companies where cases/files involving these may lead to a potential conflict of interest or a perception of real or objective bias.
- Section 574 of the Planning and Development Act 2004, as amended, requires a Planning Commissioner to avoid involvement in any case or matter, where the Planning Commissioner has a pecuniary or other beneficial interest (as defined in the legislation).
- Section 3 of the Code of Conduct for Planning Commissioners, Employees and Certain Other Persons, as adopted by An Coimisiún Pleanála on xxx, relates to 'Assignment of Files or Other Work' and sets out requirements on Planning Commissioners not to deal knowingly with certain files.
- As part of ensuring adherence to avoidance of conflict of interest or any perception of objective bias, Planning Commissioners are asked to nominate any areas or organisations /companies which they consider might trigger conflict of interest/objective bias concerns so that cases that fall within such listings may not be allocated to them in the first instance.
- This list is consulted as part of the administrative process for case assignment and used as a guide to avoid the allocation of files in a manner which may potentially cause a conflict of interest or any perception of objective bias.
- The early identification of these potential conflicts assists with the efficient allocation of files by the relevant administrative staff.



- The list will be formally reviewed by the Ethics Officer and agreed by the CEO/Chief Planning Commissioner at least annually, in conjunction with the annual declarations process under section 523 of the Planning and Development Act 2004.
- The entries in this list are subject to on-going review and any appropriate amendment by the Planning Commission is subject to final agreement of suggested entries or amendments to the list by the CEO/Chief Planning Commissioner

Revision History

| Date Created/Reviewed | Changes Made | Updated/Approved |
|-----------------------|--------------|------------------|
|                       |              |                  |



7.3. Appendix C: Confirmation regarding Conflicts of Interests in Planning Commissioners’ consideration of case files

Meeting Date:

Meeting Start Time:

Commission Meeting Ref No.:

CM-00

Commissioners Present:

(Chair)

Case(s) considered at meeting:

NOTE: A copy of the summary front page of the Inspector’s Report or memorandum/front cover of casefile in the case of leave to appeal/oral hearing request (and any appendices listing names of parties / observers, etc.) for each case(s) to be circulated to each Planning Commissioner present for consideration and a copy of each to be attached to this form as a record.

|          |          |          |
|----------|----------|----------|
| ABP/ACP- | ABP/ACP- | ABP/ACP- |
|          |          |          |
| ABP/ACP- | ABP/ACP- | ABP/ACP- |
|          |          |          |
| ABPACP-  | ABP/ACP- | ABP/ACP- |
|          |          |          |
| ABP/ACP- | ABP/ACP- | ABP/ACP- |
|          |          |          |

At the Commission Meeting, each Commissioner present confirmed that, to the best of their knowledge, they did not have a conflict of interest in the cases listed above, within the meaning of the relevant codes applicable to Planning Commissioners, namely the provisions of section 523 to 150 of the Planning and Development Act, 2024 as amended and the Ethics Act 2001, as amended.

Signed by each Planning Commissioner present:

This completed form is to be returned to the Chief Planning Commissioner for retention.





## 7.4. Appendix D: Conflict of Interest Item 4 of Code of Conduct - Commissioner level

### 1. Conflict of interest arises outside of a Commission meeting

A Planning Commissioner may raise a concern with the Chief Planning Commissioner (CPC) or Deputy Planning Commissioner (DCPC) in relation to a potential conflict of interest in a case. If this scenario arises the CPC/DCPC will make a ruling on the matter and a note is also required to be sent to the Ethics Officer for record purposes.

Sample wording – note to Ethics Officer and CC to CPC/DCPC

“In accordance with section 4.1.5 of the Code of Conduct, a potential conflict of interest was raised by a Planning Commissioner (NAME) outside of a Commission Meeting, in relation to a file which was formally allocated to that Commissioner. The potential conflict of interest was by reference to Section 2.3 (objective bias) Having considered the issue, I determined that a conflict of interest potentially exists under an abundance of caution.

As my determination confirmed a potential conflict of interest under an abundance of caution, I instructed the Planning Commissioner to return the file for reallocation to a separate Commissioner and I confirmed to the Planning Commissioner that they must not deal with or participate in the determination of this case.

In accordance with section 4.1.6 of the Code of Conduct, I have completed this written memo of the outcome of my determination and I am sending it to you for record purposes”.

### 2. Conflict of interest arises at a Commission meeting –

During a Commission meeting it may arise that a Planning Commissioner considers that they may have a conflict of interest in relation to a particular case. This must be recorded on the case management system for full transparency.



The sample wording below relating to 4.1.6 of the Code of Conduct 2025 is to be inserted into case management system on the Commission Meeting Record (CMR) depending on the particular issue that arises

- A. A potential conflict of interest was raised by a Planning Commissioner at this Commissioner meeting, by reference to:

*(delete as appropriate)*

- (a) Section 2.2 (disclosure of interests)
- (b) Section 2.3 (objective bias)

- B. The Chairperson of the Commission Meeting determined that:

*(delete as appropriate).*

- (a) a conflict of interest does not exist,
- (b) a conflict of interest does exist,
- (c) a conflict of interest potentially exists under an abundance of caution.

- C. *(delete as appropriate)*

- (a) As the determination confirmed no conflict of interest, the Commission Meeting continued to deal with the file.

- (b) As the determination confirmed a conflict of interest/potential conflict of interest under an abundance of caution *(delete as appropriate)*, the file was withdrawn from the meeting and the relevant Commissioner will not deal with or participate in the determination of this case. The Ethics Officer will be advised in writing accordingly, by the Planning Commissioner.\*

### 3. Note to be sent to the Ethics Officer – sample wording

Where a conflict/potential conflict under an abundance of caution is confirmed at a Commission Meeting and noted in the CMR, the following text should be placed in correspondence sent by the relevant Planning Commissioner to the Ethics Officer. The Ethics Officer will retain the correspondence for record purposes.



**To the Ethics Officer**

The intention to present file ACP X was indicated at a Commission Meeting held on the XX/YY/ZZ, where I was an attendee.

In accordance with the provisions of the Code of Conduct, I disclosed a conflict/potential conflict of interest under an abundance of caution (*delete as appropriate*) by reference to Section 2.2 (disclosure of interests)/Section 2.3 (objective bias) (*delete as appropriate*) to the chairperson of the Commission Meeting.

The chairperson of the Commission Meeting determined that such a conflict of interest/potential conflict under an abundance of caution (*delete as appropriate*) did exist in this instance.

The **file** was therefore withdrawn from the meeting.

I confirm that I will not deal with or participate in the determination of this file and will not access any records relating to this case prior to the completion and issuing of the decision to the parties and/or observers. “

**Revision History**

| Date Reviewed | Changes Made | Updated/Approvedby |
|---------------|--------------|--------------------|
|               |              |                    |



## 7.5. Appendix E: Inspectors' Reports (revisions, addendums and not accepting an Inspector's recommendation)

1. A core feature of An Coimisiún Pleanála's operations is that almost every planning or related case which comes before it is subject to a process where a Planning Inspector makes a written report with a recommendation on the case having regard to all relevant planning considerations including consideration of any submissions from the public.
2. Inspectors are employed to use their own professional judgement in assessing cases and reach a conclusion and recommendation based on exercise of their independent personal professional judgement.

### 3. Revisions to Inspectors' Reports

- 3.1 It is recognised that there are scenarios where an error or omission may occur in an Inspector's report. It is also recognised that amendments or an addendum to a report may be required by the Commission. All of these scenarios must be documented in a fully transparent fashion on the case file.

#### **Following Discharge of Report and Prior to Consideration of a Case at a Commission Meeting**

It may become apparent after an Inspector discharges a report that it contains errors or omissions that could be remedied by minor amendments. These might be noticed by the Inspector themselves following the discharge of the report, or brought to their attention by another employee or member of the Commission.

In such cases (prior to consideration at a Commission meeting), where the Inspector wishes to correct these errors/omissions, the report can be updated by the reporting Inspector by **replacing** the original discharged report with the corrected version of the report. The corrected version should then be signed and dated on the day the final report (i.e. the amended/updated version) was made. A memo **must** be put on the file setting this out in order to ensure full transparency on the file.

A memo template is attached in Appendix 1.

Reports should not be back-dated. A note should also be placed in the case narrative area of the case management system relating to the particular case.



This note should indicate that the Inspector made their final report to the Commission on the day which the **updated/replaced** version was dated. The **final** Inspector's report signed, dated and placed on file will be the report considered by the Commission at its meeting (**Sections 134A, 146(2) PDA**).

3.2 Where any such issue arises while a Commissioner is reviewing a file prior to its consideration at a Commission Meeting, a Commissioner may attach a written memorandum to the file setting out the issue at hand to be addressed by the Inspector. The file should then be returned formally to the Inspector through Inspectorate Management to be corrected.

#### 4. **Consideration of a Case at a Commission Meeting**

At a convened Commission meeting at which a case is being considered, a Commission may decide that it wants an Inspector to cover some aspect of the case in greater detail, to clarify some matter, to address a new issue or correct an error. This is entirely legitimate, but must be transparently carried out in the following way:

- The Commissioner in charge of the file must record the decision formally on the Commission Direction reflecting the decision made at the meeting and captured on the Commission Meeting Record (CMR) i.e. deferred and then set out (in the Direction) the nature of the issue at hand e.g. supplemental/addendum report, or in rare instances a revised report (where quality issues may have arisen).
- The original report before the Commission is retained on the file in these instances, and the Direction should follow the report date in chronological order.
- Report dates are not to be changed following discharge of the supplemental/addendum report.
- This is also to be recorded on the Commission meeting record.
- All such formal Directions are placed on the file and returned formally to the Inspector through Inspectorate Management.
- All internal protocols relating to file movements to be completed.

It is also open to the Commission to address its concerns in its decision **rather** than going back to an Inspector.



5. If a Commission Direction seeks a supplemental/addendum report, a further Commission meeting must be held to consider it as part of the decision-making process.
  - **Directions** must record decisions taken at meetings reflecting sequence of events.
  - All Inspectors' reports before the Commission at its meetings must be referred to in its Directions and remain on file as documents which were before it and considered by it (Section 146(5) PDA).
  - No change can be made to final Inspector's report after the Commission meeting to determine the case.
  - There is an obligation from the Act, to record all decisions accurately as implied under the Act (Section 111(7) PDA).

### **Not Accepting an Inspector Recommendation**

6. The Commissioners as decision makers are entitled to depart from an Inspector's recommendation. Where the Commission's decision to grant or refuse permission differs from the Inspector's recommendation, the Commission is under a statutory obligation to indicate the main reasons for not accepting the Inspector's recommendation to grant or refuse permission.

Examples of some possible scenarios where this may arise are set out below, however, each case is dealt with on its own merits so other scenarios may be more appropriate. Examples include:

- inconsistency with national planning policies or local development plan policies of local planning authorities;
- failure to consider or properly apply international obligations under EU law or the Aarhus Convention;
- failure to consider matters submitted by all parties to the planning case;
- failure to comply with procedural requirements of fair process;
- inconsistency with other analogous decisions (unless objectively justified and explained);
- obvious omissions or errors of fact or policy;



- other manifest error;
- where the Commission has and exercises a different overall planning judgement and
- failure to have proper and due regard to the jurisprudence of the Courts (in terms of advice provided by the Legal Services Unit).

Revision History

| Date Reviewed | Changes Made | Updated/Approvedby |
|---------------|--------------|--------------------|
|               |              |                    |



## Appendix 1: Memo Template



## Memorandum to File

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**From:**

**Re:**

**Date:**

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My report originally discharged on xxx has been updated as there were some errors and omissions in my report.

My revised report dated (new date) is now the final corrected version of my report.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.



## 7.6. Appendix F: Protocol 1 Presentation to Commissioners – SID and other significant cases



### **Protocol 1 Presentation to Commissioners – SID and other significant cases**

This note provides guidance / procedural advice to Inspectors in relation to formal presentations on a SID or Major Case to the Commission.

#### **General Principles**

It is important to maintain a neutral position while presenting the material to ensure objectivity.

A balance should be struck between brevity/efficiency and ensuring that all relevant information is covered particularly for large cases with substantial volumes of material.

The presentation should be based on Inspector's report up to the Assessment Stage, with no new information/analysis.

No reference should be made to any information not available on the file.

Powerpoint presentations may be used in certain cases, if used a copy of the presentation is to be placed on the file.

#### **Presentation Content**

The presentation should generally contain the following information:

##### **Introduction**

- A Foreword slide should make clear:
  - » These slides have been prepared to assist the Reporting Inspector in the presentation of this case to the Planning Commissioners at a Commission meeting.



- » The slides are intended purely as an aid in the presentation of a large volume of complex material. They do not and should not be taken to comprise a comprehensive or complete record of materials presented to the Commission.
- » The complete file and Inspector's report on this case are before the Commission for its consideration.

### **Preliminaries**

Details of the case type *e.g.* Normal Planning Appeal, Seventh Schedule SID, Electricity SID, etc.

Development location and description of development in brief (is description accurately reflected in public notices, any related issues arising in submissions on file)

Note as relevant PCI status/ EPA Licensable activity/ HSA Seveso issues/ transboundary issues arising and confirm procedures adopted

EIS lodged Yes/No

NIS lodged Yes/No

Other supporting Statements/Documents lodged.

### **Application Process Overview**

Brief review incl. overall timeline and summary of key stages of case including pre application consultation (any relevant issues arising from Commission's SI status Direction), FI requests, new public notice requirements and associated further submissions, no OH recommendation decision, length of OH etc.

Note the appointment of any specialist consultants and their area of expertise.

### **Location/ Context**

Location plans, route alignment, site layout with reference to maps on file, site photo's/Google maps etc. as necessary

Pattern of existing (and permitted) development and features of note.

### **The Project/ Application**

Drawings: route alignment, site layout, followed by any key plans, elevations, sections etc.

Refer to availability of Photomontages / Model if included



Key characteristics of development (e.g. nature, scale, area, length, design, technology, inputs/outputs as relevant).

**Submissions**

Number of submissions and summarise briefly issues arising in support and objecting to development  
PA(s) submissions  
Prescribed Bodies submissions of note.

**Policy / Planning History**

International/National guidelines/policy where relevant  
Regional Planning Guidelines  
Development Plan Policy  
Planning history, focusing on relevant recent decisions on the site or in the vicinity.

**Commission Consideration**

Respond to questions based on file content and analysis and assessment  
Inspector to leave the meeting prior to the Planning Commissioners deliberations

**Revision History**

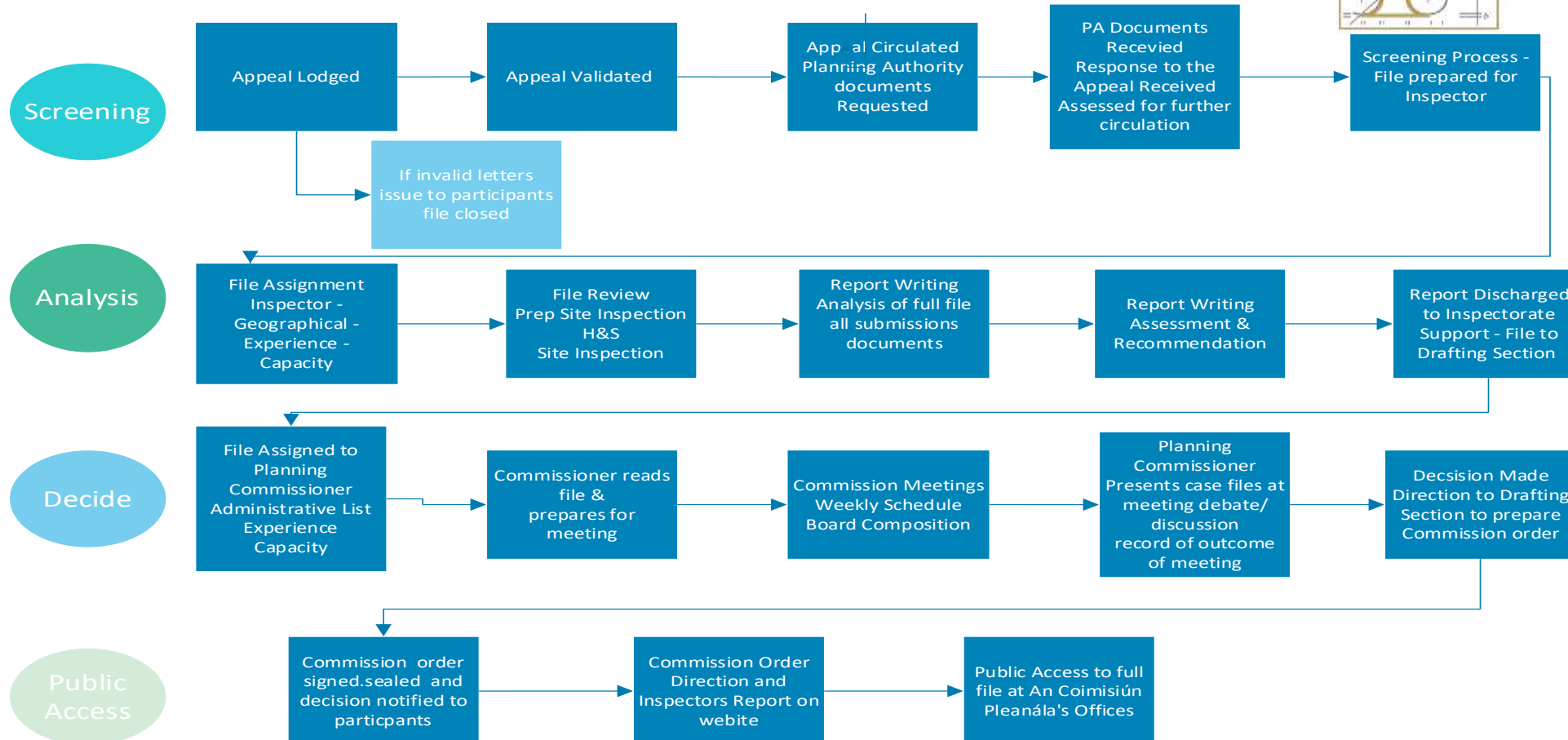
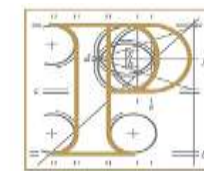
| Date Reviewed | Changes Made | Updated/Approvedby |
|---------------|--------------|--------------------|
|               |              |                    |

November, 2025



## 7.7. Appendix G: Journey of a file – Process Map

Journey of an appeal file - Process Map



Monitoring and Records

Code of Conduct

## 7.8. Appendix H: Commission Direction



### Commission Direction

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#### Decision

The submissions on this file and the Inspector's report were considered at a meeting of the Commission held on XXXXX

The Commission decided to xxxxxx permission, generally in accordance/not in accordance with the Inspector's recommendation, for the following reasons and considerations.

Planning

Date:

Commissioner

\_\_\_\_\_

#### DRAFT WORDING FOR ORDER

#### Reasons and Considerations

