An Coimisiún Pleanála

Memorandum
ABP-324611-26

To: Commission

From: Conor McGrath ADP

Re: ACP-324611-26
Request to enter into pre-application consultation pursuant to Section 177E(1A) of the Planning and Development Act 2000, as amended.
The Sheehys, Monaincha and Corville, Roscrea, Co.Tipperary

Date: 08/10/2026

A request for a Substitute Consent Pre-Application Consultation (PAC) meeting under S.177E(1A) of the 2000 Act, as amended, has been received from Soleire Renewables SPV Alpha 2 Limited.

The request relates to the regularisation of the alignment and layout of temporary construction access tracks, which deviate from that approved under the original planning permission granted in 2023 under reference VA92.314024. That permission related to the construction of a 110kV loop-in substation, overhead lines and associated works.

A concurrent request for pre-application consultations under s.37L(9) has also been received under ref. ACP-324687-26 in respect of the redesignation of the originally consented temporary construction access tracks as permanent tracks.

Section 177E of the 2000 Act, as amended, provides for pre-application consultations as follows:

(1A) *The Board may, at its own discretion and at the request of a person who intends to make an application for substitute consent, enter into consultations in respect of the application with that person before he or she makes the application*.

There are no legislative provisions or other guidance with respect to whether to enter into consultations, which remains entirely at the discretion of the Commission. An applicant is entitled to lodge an application for Substitute Consent / S37L without a S.177E or S.37L(9) PAC meeting.

Section 177E(1C) provides that the Commission shall only consider an application for substitute consent in respect of development of land where —

(a) subject to subsection (1D), the Board is satisfied under section 172 that an environmental impact assessment was required or is required for the development,

(b) subject to subsection (1E), the Board is satisfied under section 177U that an appropriate assessment was required or is required for the development, or

(c) subject to subsections (1D) and (1E), the Board is satisfied under sections 172 and 177U, that both of the assessments referred to at paragraphs (a) and (b) were required or are required for the development.

The subject development relates to amendments to a permitted development (VA92.314024) which was subject to Stage II Appropriate Assessment. The subject request to the Commission under S.177E describes the proposed amendments and includes a Natura Impact Screening Note. This brief screening note concludes that the proposed alterations will not give rise to likely significant effects on European Sites, either alone or in combination with other plans or projects and that Stage 2 Appropriate Assessment is not required. There is no evidence that the planning authority have completed a Screening Determination in respect of the proposed alterations.

On the basis of the information before the Commission, it does not appear that the development satisfies the requirements of S.177E(1C), in respect of the requirement for EIA or AA. It is therefore recommended that the request to enter into pre-application consultations be refused in this instance.

Further provisions under the 2024 Act:

Retrospective Consent under Part 4 of the Planning and Development Act, 2024, replaces and introduces significant changes to the procedures under S.177E. Under Section 116, all applicants are now required to request a consultation with the Commission prior to submission of an application for Retrospective Consent, and the Commission has to make a number of decisions prior to issuing its Opinion Notification. There is no provision under the transitional arrangements for a PAC held under section 177E of the 2000 Act to satisfy the requirements of section 116 of the 2024 Act.

Notwithstanding the above recommendation in respect of Section 177E(1C), having regard to the imminent commencement of Part 4 of the 2024 Act, as amended and the provisions therein relating to Retrospective Consent, it is recommended that the prospective applicant be advised that the Commission does not consider that the holding of pre-application consultations under S.177E would be appropriate at this time.

Reasons and Considerations

Having regard to the requirements of S.177E(1C) of the Planning and Development Act, 2000, as amended, and the information provided in respect of the subject development, in particular the Natura Impact Screening Note, the Commission is not satisfied that the development as described would meet the requirements of the Act in order to constitute a valid application for Substitute Consent. The holding of pre-application consultations would not therefore be warranted.

Part 4 of the Planning and Development Act 2024, as amended, sets out new provisions in respect of applications for Retrospective Consent, including a requirement for an applicant to enter into a new pre-application consultation process for any application lodged after commencement of those provisions. Having regard to the imminent commencement of Part V, the holding of pre-application consultations under S.177E of the 2000 Act as amended, would not be appropriate at this time.

Conor McGrath ADP
08/10/2026