An Coimisiún Pleanála

Memorandum
ABP-324687-26

To: Commission

From: Conor McGrath ADP

Re: ACP-324687-26

Request to enter into pre-application consultation pursuant to Section 37L 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.37L(9) of the 2000 Act, as amended, has been received from Soleire Renewables SPV Alpha 2 Limited.

The request relates to alterations to a development granted planning permission in 2023 under reference VA92.314024. That development related to the construction of a 110kV loop-in substation, overhead lines and associated works. The alterations the subject of the pre-application consultation request comprise the redesignation of previously consented temporary construction access tracks as permanent tracks.

A concurrent request for pre-application consultations under S.177E(1A) has also been received under ref. ACP-324611-26 in respect of 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.

Section 37L(1) of the 2000 Act, as amended, provides that where a person applies for substitute consent under section 177E, the person may also apply for permission for the following:

(a) development of the land the subject of the application for substitute consent;

(b) development of land adjoining the land the subject of the application for substitute consent.]

Section 37L(9) provides for pre-application consultations as follows:

(9) *The Board, at its own discretion and at the request of a person intending to make an application under subsection (1), may enter into consultations with the person before that person makes an application under subsection (1)*.

There are no legislative provisions or other guidance or 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.

I refer to my memo in respect of the S.177E pre-application consultation request under ref. **ACP-324611-26**, wherein it is concluded that it does not appear that the development satisfies S.177E(1C), in respect of the requirement for EIA and / or AA in order to constitute a valid application for Substitute Consent. It therefore recommended that the request to enter into S.177E pre-application consultations be refused.

On this basis, there does not appear to be any basis to consider an application under S.37L and it is therefore recommended that the request to enter into pre-application consultations under S.37L(9) also 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. An application for retrospective consent may include an application for permission for the development of the land, or adjoining lands, the subject of the retrospective consent. In this regard, a separate Section 37L application is no longer needed.

There is no provision under the transitional arrangements for a PAC held under section 177E or S.37L of the 2000 Act to satisfy the requirements of section 116 of the 2024 Act.

It is therefore recommended that the prospective applicant be advised that the Commission does not consider that the holding of pre-application consultations under S.37L would be appropriate at this time.

Reasons and Considerations

Section 37L(1) of the Planning and Development Act 2000, as amended, provides for the making of an application for permission for development where that person also applies for substitute consent under section 177E in respect of the development of those lands, or of adjoining lands.

In this regard and on the basis of the information provided, the Commission is not satisfied that the requirements of the Act under S.177E(1C) would be satisfied to constitute a valid application for Substitute Consent, and therefore the requirements of S.37L(1) would not be met in this instance. The holding of pre-application consultations under Section 37L(9) 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 Section 37L(9) of the 2000 Act as amended, would not be appropriate at this time.

Conor McGrath ADP
08/10/2026