

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan Co Meath

046 - 9097500

Planning & Development Act 2000- 2022

DECLARATION

**To: Aldi Stores Ltd
c/o Brian Kelly (Principal)
Avison Young Ireland
86 Merrion Square S
Dublin 2**

PLANNING REFERENCE RS525038
NUMBER:

APPLICATION RECEIPT DATE: 24/03/2025

FURTHER INFORMATION DATE:

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2023, Meath County Council has by order dated 15/04/2025 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: Whether the provision of photovoltaic panels at roof level is or is not exempted development within the meaning of the Planning & Development Act, 2000 (as amended) at **Aldi Clonee, Main Street Clonee, Co Meath D15 WY84**

Date: 15/04/2025

Triona Keating
On Behalf of Meath County Council

NOTE:

1. Any appeal against a Declaration of a Planning Authority under Section 5, sub-section 3(a) of the Planning and Development Act 2000-2023 may be made to An Bord Pleanala by the applicant WITHIN FOUR WEEKS beginning on the date of issue of the Declaration.
2. Appeals should be addressed to An Bord Pleanala, 64 Marlborough Street, Dublin 1. An appeal by the applicant should be accompanied by this form. The fee for an appeal against a Declaration of the Planning Authority is € 220.

For more information on Appeals you can contact An Bord Pleanala at:

Tel: 01 - 8588100 or LoCall: 1890 275 175

Fax: 01 - 8722684

E-mail: bord@pleanala.ie Web: www.pleanala.ie

MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 655/25

Reference Number: RS525038

Subject: Declaration under Part 1, Section 5, Planning and Development Act 2000-2023

Name of Applicant: Aldi Stores Ltd

Address: c/o Brian Kelly (Principal)
Avision Young Ireland
86 Merrion Square S
Dublin 2

Nature of Application: Whether the provision of photovoltaic panels at roof level is or is not exempted development within the meaning of the Planning & Development Act, 2000 (as amended)

Location of Development: Aldi Clonee, Main Street Clonee, Co Meath D15 WY84

DECLARATION: This development is **EXEMPT** from Planning Permission.

ORDER:

Being satisfied that all requirements relating to the Application have been complied with and to consider the proper Planning and Development of the County Meath Health District, IT IS HEREBY DECIDED, in pursuance of the above Act to declare that this is **EXEMPTED DEVELOPMENT**.

SIGNED:



On Behalf of Meath County Council

DATE: 15/04/2025

Meath County Council



Planning Report

To:	Teresa O'Reilly, Senior Executive Planner
From:	Matthew Tully, Executive Planner
Date:	14 April 2025
MCC File Ref:	R/S525038
Applicant:	ALDI Stores Ltd
Development Address:	Aldi Clonee, Main Street, Clonee, County Meath.
Application Type:	Section 5 of the Planning & Development Acts 2000-2023 Declaration on Development/Exempted Development.
Development Description:	<i>'Whether the provision of photovoltaic panels at roof level is or is not exempted development within the meaning of the Planning and Development Act, 2000 (as amended)'</i>
Date Decision Due:	21 April 2025

1.0 Site Location & Description

The subject site (0.623 ha) is located in the townland of Clonee, within the settlement of Dunboyne/Clonee/Pace as identified in the Meath County Development Plan 2021-2027. There is an existing Aldi supermarket located at the subject site. Vehicular access to the site is off the R-147 which runs adjacent the sites southern boundary. The site is bounded generally by the M3 motorway to the north, a childcare facility to the east, the R-147 to the south and existing dwellings and commercial units to the west. The Applicant has been confirmed as the landowner via land registry search.

The subject site is located within an area designated Flood Zone A. The site is located within or adjacent to 2no. Seveso sites, Clarochem Ireland Ltd and Guerbet Ireland ULC. There are no national monuments or protected structures within or adjacent to the subject site. The site is located within the South East Lowlands landscape character area which is of very high value and moderate sensitivity.

The subject site is zoned as 'B1 – Commercial Town or Village Centre' as per the Meath County Development Plan 2021-2027.

B1 To protect, provide for and/or improve town and village centre facilities and uses.



Figure 1: Extract from Google Imagery with approximate site location (red).

2.0 Proposed Declaration

The Applicant describes the development in the completed application form as “*whether the provision of photovoltaic panels at roof level is or is not exempted development within the meaning of the Planning & Development Act, 2000 (as amended)*”.

The Planning Authority is considering this question as:

Whether the provision of photovoltaic panels at roof level is or is not exempted development.

The completed application form and submitted documents indicate the extent of works proposed.

3.0 Planning History

A review of Meath County Council’s planning records indicates the following planning history for the subject site:

RA/170104

Aldi Stores (Ireland) Ltd.

Granted with Conditions

- the development will consist of the extension of the existing single storey discount foodstore, including off-licence use by 264 sq.m. The existing store was permitted

under Reg. Ref. DA/101086. The gross floor area of the store will increase from 1,476 sq. m. (net retail area of 990 sq.m) to 1,740 sq.m (net retail area of 1,254 sq.m). The proposed development includes a new canopy to replace existing, new entrance, a minor relocation of the pole sign to Main Street, new illuminated double board poster sign towards entrance lobby (front/eastern elevation), minor amendments of the car parking layout within the site including reduction in car parking spaces from 99 to 97; and all associated landscaping and site development works on the 0.623 hectare site.

DA/110137 Shelman Properties Limited Granted with Conditions

- a three storey mixed use building with a gross floor area of 525sq.m & a maximum height of 11 metres. The building will contain the following: ground floor retail unit & GP's surgery, first floor office unit, & a second floor two bedroom residential unit with balcony, together with 8 no. car parking spaces, external open yard & all associated site works on the site. Access to the site will be provided via the proposed new vehicle access road from Main Street to the existing Clonee Court apartment buildings, this access road also proposed under Planning Ref Reference DA101086.

DA/101086 Shelman Properties Limited Granted with Conditions

- construction of a single storey Aldi Discount Foodstore (to include off licence use) and will amend the previously permitted mixed use development on the site (Planning Register Reference DA/802582). The development comprises of the demolition of existing substructures and foundations on site, demolition of the existing timber hoarding around the boundary of the site and the construction of a single storey discount foodstore (to include off licence use) with a gross floor area of 1,476sq.m. (net retail area of 990sq.m.). The development includes the erection of one free standing double sided internally illuminated double pole sign, one single sided internally illuminated gable sign, one single sided store entrance sign, 95 no. car parking spaces, associated landscaping and site development works on the 0.68 hectare (1.68 acre) application site. The development includes the construction of two new vehicular access points to the site from Main Street, one of which will accommodate revised access arrangements to the existing Clonee Court apartment buildings and the second will provide access to the proposed discount foodstore. The application site forms part of an overall site of 1.19 hectares (2.95 acres) and the proposed discount foodstore represents the first phase of a mixed use development on the entire lands. Future phases of development on the balance of these lands will accommodate residential and commercial development and will be subject to a separate planning application.

DA/900510 Shelman Properties Ltd Refused

- modifications (ref 2198/98) to increase site area, demolish 2 dwellings, the construction of 59 residential units, 6 retail units and site works.

DA/802582 Shelman Properties Ltd Granted with Conditions

- the demolition of existing substructures and foundations; the erection of timber hoarding around the overall site and along the footpath on Clonee Main Street; the construction of two new vehicular junctions; junction one; one way northern access road from the Main Street into the scheme, the underground car park and the existing Clonee Court apartment buildings, (there are no proposed works to the existing Clonee Court apartment buildings that accommodates 24 units); junction two; north / south access / egress from the Main Street serving the service yard and exit for overall scheme and Clonee Court apartments; the construction of Building A; five storeys,

consisting of four floors of offices (1,715m² gross) and 18 no. residential units over 5 no. ground floor retail/commercial units (945m² gross); Building B: five storeys consisting of four stories of residential apartments (38 no. units) incorporating a podium level landscaped courtyard, over ground floor convenience supermarket (1,797m² gross); Building C: three storeys, consisting of two stories of residential apartments (18 no. units) over 4 no. ground floor retail units fronting onto the Main Street (910m² gross). Buildings A, B & C are located above two levels of basement. The development incorporates, a total of 74 new residential units each with private balcony, consisting of 8 no. one bedroom units, 46 no. 2 bedroom units, a total of 359 car parking spaces provided as 32 no. surface spaces, 136 no. basement level - 1 and 191 basement level -2; service yard, vehicular ramp, plant rooms, bin stores, bicycle parking spaces; all associated site works, signage, drainage, infrastructure, hard and soft landscaping and an ATM. A total gross floor area of 13007.7m² above ground level is proposed in the scheme.

DA/70275 **Shelman Properties Ltd** **Granted with Conditions**
 - modifications (ref.2198/98) to increase site area, demolish two dwellings, construct 59 residential units, 6 retail units and site works.

DA/70090 **Shelman Properties Ltd** **Refused**
 - a; the demolition of existing structures including two existing houses (uninhabited), and existing substructures and foundations, b; the construction of a new vehicular junction and permanent access road to the existing Clonee Court apartment buildings, (there are no works to the existing Clonee Court apartment buildings). c; the construction of Block A; five storeys consisting of four floors over ground floor retail, d; the construction of Block B; a large block of (please see attached remainder of description).

00/2298 **Shelman Properties Ltd** **Granted with Conditions**
 - modifications to existing permitted development (reg ref 98/2189) to include increased site area, demolition of two no. dwellings & associated buildings, complete redesign of permitted mixed use block at Main Street, modifications to car parking, road & open space layout, & for the construction of a mixed use development with 59 no. residential units, 6 no. retail units with option to subdivide to 9 no. retail units all with optional restaurant / cafe use, 1 no. creche, 2 no. office units, semi-basement car parking & surface level parking, in two blocks, forming two private courtyards & urban space, all comprising of two storeys, plus habitable roof space, three storeys & three storeys plus habitable roof space, & one four storey at proposed urban space, & all associated landscaping, service rooms/buildings & site works at site adjacent to The Mill (Public House) with access from Main Street (circa. 2.77 acres).

98/2189 **Mr. M. Dwyer** **Granted with Conditions**
 - 2 no. two-storey dormer apartment blocks each incorporating 6 one-bedroom apartments and 6 no. two-bedroom apartments (total 24) also 1 no. retail/off.

4.0 Internal, External and Prescribed Bodies

None.

5.0 Relevant National Legislation

In order to assess whether or not the works described in Section 2.0 of this report is or is not development or is or is not exempted development regard must be had to the following national legislation set out below.

5.1 Section 2 of the Planning & Development Acts 2000-2023

Section 2 of the Planning & Development Acts 2000-2023 provides the following interpretations which are relevant:

“development” has the meaning assigned to it by Section 3, and “develop” shall be construed accordingly;

“exempted development” has the meaning specified in Section 4;

“structure” means *inter alia* any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situate; and

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

5.2 Section 3 of the Planning & Development Acts 2000-2023

Section 3(1) of the Planning & Development Acts 2000-2023 defines “development” as follows:

“Development means except where the context otherwise requires, the carrying out of any works on, in over or under land or the making of any material change in the use of any structures or other land.”

5.3 Section 4 of the Planning & Development Acts 2000-2023

Section 4(1) of the Planning & Development Acts 2000-2023 provides a list of statutory exempted development including:

“(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures”.

Section 4(2) of the Planning and Development Acts 2000-2023 provides for the making of regulations relating to exempted development. The Planning & Development Regulations 2001-2025 give effect to section 4(2).

Section 4 (2) (a) (i)

‘The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or..’

Section 4 (4)

'Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.'

5.4 Section 5 of the Planning & Development Acts 2000-2023

Section 5 of the Planning & Development Acts 2000-2023 provides *inter alia*:

- (1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.
- (2) (a) Subject to *paragraph (b)*, a planning authority shall issue the declaration on the question that has arisen and the main reasons and considerations on which its decision is based to the person who made the request under *subsection (1)*, and, where appropriate, the owner and occupier of the land in question, within 4 weeks of the receipt of the request.
(b) A planning authority may require any person who made a request under *subsection (1)* to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information.
(ba)
(c) A planning authority may also request persons in addition to those referred to in *paragraph (b)* to submit information in order to enable the authority to issue the declaration on the question.

5.5 Section 32 of the Planning & Development Acts 2000-2023

Section 32 of the Planning & Development Acts 2000-2023 sets out a general obligation to obtain planning permission in respect of any development of land, not being exempted development, and in the case of development which is unauthorised, for the retention of that unauthorised development.

5.6 Article 6 of the Planning & Development Regulations 2001-2023

Article 6 of the Planning & Development Regulations 2001-2025 provides (subject to the restrictions in article 9 of the Planning & Development Regulations 2001-2025) for the classes of exempted development under Column 1 of Parts 1, 2 and 3 of Schedule 2, subject, where applicable, to the conditions and limitations imposed upon such classes as set out in Column 2.

5.6.1 Class 56(e) of Article 6, Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2025

CLASS 56(e) The placing or erection on a roof of a business premises or light industrial building, or within the curtilage of a business premises or light industrial building, or on a roof of any ancillary buildings within the curtilage of a business

premises or light industrial building of a solar photo-voltaic and/or solar thermal collector installation.

Conditions and limitations:

1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.
2. Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.
3. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed: a. for a business premises, 1.2 metres in the case of a flat roof or 15cm in any other case. b. for a light industrial building, 2 metres in the case of a flat roof or 50cm in any other case.
4. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.
5. Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney).
6. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof.
7. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.
8. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.
9. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the business premises or light industrial building.
10. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.
11. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.
12. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.

13. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.
14. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.
15. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the business premises or light industrial building and shall not be considered a change of use for the purposes of the Act.
16. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.

5.7 Article 9 of the Planning & Development Regulations 2001-2025

Article 9 of the Planning & Development Regulations 2001-2025 imposes specific restrictions on development of classes specified in Parts 1, 2 and 3 of Schedule 2 and in effect de-exempts certain classes of development that would be exempt under normal circumstances.

6.0 Assessment

The question has arisen as to 'whether the provision of photovoltaic panels at roof level' is or is not development and is or is not exempted development'. In this regard it is necessary to consider the question of "development" and "exempted development" as provided for in statute and summarised above.

6.1 "Development"

It is considered that the proposed provision of photovoltaic panels at roof level falls within the statutory interpretation of works and therefore within the section 3(1) PDA 2000 definition of development.

6.2 "Exempted Development"

In terms of whether the development is exempted development, the Applicants propose the erection of photovoltaic panels at roof level.

From a review of Article 6 of the Planning & Development Regulations 2001-2025, the Planning Authority considers that the proposed development would be categorised under Class 56(e). To benefit from an exemption under this Class of the Planning & Development Regulations 2001-2025, the proposed structure must accord with the listed conditions/limitations.

The Planning Officer has reviewed the submitted documentation with this Section 5 declaration for exemption. In addition, the Solar Safeguarding Zones Map have been considered, and it is noted that the proposed site for the solar panels is located outside of

such zones. The nearest solar safeguarding zone (SSZ), Weston Airport Solar Safeguarding Zone, is located approximately 4.6Km to the southwest of the site. An Aviation Glint and Glare Screening Assessment prepared by Macro Works was submitted which also states that the site is not contained in a designated SSZ and it screened out the need for a Solar Glare Hazard Analysis Tool (SGHAT).

The area of the roof space required for the installation of the PV panels (645.9sqm) qualifies as exempted development as the site is not within an SSZ and therefore no coverage restriction applies. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted. The submitted drawings show a minimum distance of 3.344m at the closest point and 8.405m as the furthest point.

The proposed PV panels and fixing details show a max of 8 degrees elevation associated with the existing roof. The maximum height of the PV panels will be 0.23m as per the attached section which falls below the 1.6m buffer. The highest part of any roof that is not a flat roof will not be exceeded by the proposal. No ancillary equipment associated with the proposal will be placed or erected on a wall or any roof that is not a flat roof and such equipment on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted. No element is proposed forward of the front wall of the business premises and there are no other free-standing panels on the existing business. The installation is not proposed on any wall.

No signage, etc. is proposed to be attached and the site is not located in an ACA. The Applicant has also stated that the power generated by the PV panels will only provide electricity for use within the existing retail store.

Furthermore, having reviewed the submitted drawings the Planning Authority considers that the proposed development would comply with all relevant conditions and limitations set out under Class 56(e), Part 1, Schedule 2 of the Planning & Development Regulations 2001-2025.

On the basis of the details submitted with the application, the Planning Authority considers that the development proposed meets the Conditions and Limitations set out under Column 2 of Class 56(e) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2025 and is therefore exempted development.

Based on the foregoing, the provision of photovoltaic panels at roof level at Aldi, Main Street, Clonee, is development and is exempted development pursuant to Class 56(e) of Article 6, Part 1 of Schedule 2 Planning and Development Regulations 2001-2025.

7.0 Appropriate Assessment

Article 6(3) of Council Directive 92/43/EEC (as amended) on the conservation of natural habitats and of wild fauna and flora ('the Habitats Directive') requires that any plan or project that is not directly connected with or necessary to the management of the Natura 2000 site concerned but is likely to have a significant effect on it, on its own or in combination with other plans and projects, is to be authorised only if it will not adversely affect the integrity of that site. The application site is not within any designated Natura 2000 site. The nearest sites located within 5km of the subject site are as follows:

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) ~ 15km;
- South Dublin Bay SAC 000210
- North Dublin Bay SAC 000206
- North Bull Island SPA 004006
- Rye Water Valley/Carlton SAC (Site Code 001398) ~ 5.75km.

The Planning Authority considered the nature, scale and location of the proposed development and other plans and projects (where there could be potential for cumulative or in-combination effects), the conservation objectives/ qualifying interests of European Sites within the vicinity of the site and the distance to European Sites, any protected habitats or species, the WFD catchment location, the underlying aquifer type and vulnerability and the excavation works, emissions, transportation requirements and duration of construction and operation and cumulative impacts associated with the proposal.

The Planning Authority's Screening for Appropriate Assessment has considered the potential effects including direct, indirect and in-combination effects of the proposed development, individually or in combination with the permitted developments and cumulatively with other plans or projects on European Sites. The Planning Authority concludes that the proposed development (entire project), by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European Site(s). In light of this, it is considered that a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required in this instance.

8.0 Environmental Impact Assessment

The proposed development is not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations 2001-2025 nor is it considered a sub-threshold development for the purposes of Schedule 7 Planning & Development Regulations 2001-2025 and will not on its own or cumulatively with other projects result in significant effects on the environment and as such an EIAR is not required.

9.0 Conclusion and Recommendation

Having regard to the development proposed, I conclude that the provision of 645.9sq.m. of roof-mounted photovoltaic panels at Aldi, Main Street, Clonee, County Meath, proposed by ALDI Stores Ltd is development and is exempted development.

I recommend that the application for an exempted development certificate be **GRANTED** for the following reason:

WHEREAS the question has arisen as to whether '*the provision of photovoltaic panels at roof level*' at Aldi, Main Street, Clonee, County Meath is or is not development and is or is not exempted development.

AND WHEREAS the said question was referred to Meath County Council by the Applicant, Aldi Stores Ltd.

AND WHEREAS Meath County Council, in considering this reference, had particular regard to:

- (a) Sections 2, 3, 4, 5 and 32 of the Planning & Development Act 2000-2023 and articles 8 and 9 of the Planning & Development Regulations 2001-2025.
- (b) The definition of "development" in section 3 of the Planning & Development Act 2000-2023 and
- (c) The provisions under Class 56(e) of Article 6, Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2025

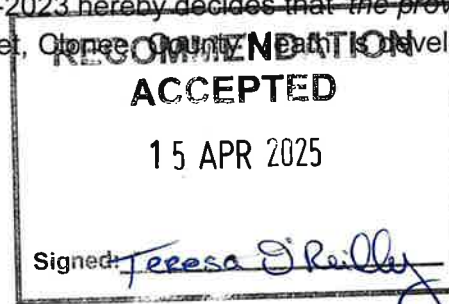
AND WHEREAS Meath County Council has concluded that:

- (a) *'The provision of photovoltaic panels at roof level'* at Aldi, Main Street, Clonee, County Meath comprises works and is development under section 3(1) of the Planning & Development Act 2000-2023 and
- (b) *'The provision of photovoltaic panels at roof level'* at Aldi, Main Street, Clonee, County Meath is exempted development under the provisions of Class 56(e) of Article 6, Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2025.

NOW THEREFORE Meath County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000-2023 hereby decides that *'the provision of photovoltaic panels at roof level'* at Aldi, Main Street, Clonee, County Meath is development and is **EXEMPTED DEVELOPMENT**.



Matthew Tully
Executive Planner
14/04/2025



Teresa O'Reilly
Senior Executive Planner
14/04/2025

Comhairle Chontae na Mi

Roinn Pleanáil,
Teach Buvinda, Bóthar Átha Cliath,
An Uainh, Contae na Mi, C15 Y291
Fón: 046 – 9097500/Fax: 046 – 9097001
R-phost: planning@meathcoco.ie
Web: www.meath.ie



Meath County Council

Planning Department
Buvinda House, Dublin Road,
Navan, Co. Meath, C15 Y291
Tel: 046 – 9097500/Fax: 046 – 9097001
E-mail: planning@meathcoco.ie
Web: www.meath.ie

APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

Part 1 Section 5 of Planning and Development Act 2000-2021, as amended

1. Name: ALDI Stores Ltd

Contact details: to be supplied at the end of this form (Question 13)

2. Name of person/ agent acting on behalf of the applicant, if applicable

Brian Kelly (Principal/Head of Planning) Avison Young Ireland

Contact details: to be supplied at the end of this form (Question 14)

3. Location of Development and/or Subject Site: Aldi Clonee, Main Street Clonee, Meath D15 WY84

4. Description of Development:

Whether the provision of photovoltaic panels at roof level is or is not exempted development within the meaning of the Planning & Development Act, 2000 (as amended)

5. Will the development take place within the curtilage of a dwelling house?

Please tick as appropriate: YES ☐ NO ☒

6. Will / does development take place in / on a Protected Structure or within the curtilage of a Protected Structure?

Please tick as appropriate: YES ☐ NO ☒

6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2014, as amended, been requested or issued for the property by the Planning Authority?

Please tick as appropriate: YES ☐ NO ☐

7. State overall height of structure if applicable: N/A

8. State in square metres the floor area of the proposed development:

Proposed PV Panel Installation Roofspace – 645.9Sqm

RECEIVED
PLANNING DEPT

24 MAR 2025

Counter

Reference No **RS525038**

- **Site Location Map**
- **Existing Site Plan**
- **Proposed Site Plan**
- **Existing Roof Plan**
- **Existing Elevations**
- **Proposed Roof Plan**
- **Proposed Elevations**
- **Existing & Proposed Sections**
- **PV Fixings Details**
- **Planning Report**
- **Glint & Glare Report**

10. Please state applicants' interest in this site _____

Applicant is Owner

If applicant is not the owner of site, please provide name & address of owner:

11. Are you aware of any enforcement proceedings connected to this site?

Please tick as appropriate: YES _____ NO X

11 (b), If "YES" please supply details:

12. Are you aware of any previous planning application/s on this site?

Please tick as appropriate: YES X NO

12 (b), If "YES" please supply details:

Reg. Ref - 16/0330 (ABP 247835)

SIGNED: Billy

DATE: 18th March 2025

NOTES

- 1. Application Fee of €80**
- 2. Application shall be accompanied by:**

18th March 2025

Planning Department,
Meath County Council
Buvinda House, Dublin Road,
Navan, County Meath,

Dear Sir/Madam

RE: SECTION 5 DECLARATION SUBMISSION ON BEHALF OF ALDI STORES LTD FOR ROOF-MOUNTED PV PANEL DEVELOPMENT AT ALDI CLONEE

On behalf of our client, ALDI Stores Ltd, please find enclosed a request for a Section 5 Declaration submission in respect of the proposed installation of roof-mounted PV Panels on the ALDI Clonee store, at ALDI Clonee, Main Street, Clonee, Co. Meath.

The question being asked in respect of this request is as follows:

"Whether the provision of photovoltaic panels at roof level is or is not exempted development within the meaning of the Planning & Development Act, 2000 (as amended)"

In addition to this cover letter, please find the following documents enclosed as part of this declaration request:

- Section 5 Application Form
- Planning Report (prepared for by Avison Young Ireland)
- Architectural Drawings Pack (prepared for by The Harris Partnership)
- Glint & Glare Assessment Note (prepared for by Macroworks)

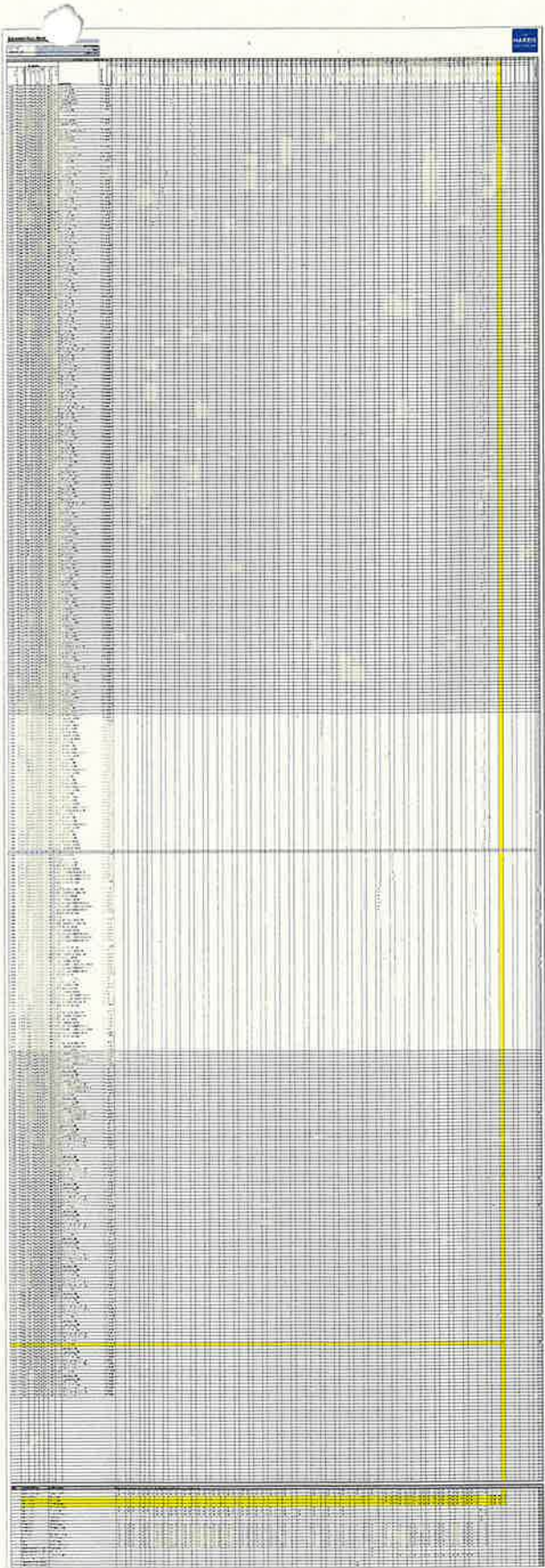
We intend to make payment over the phone for the Section 5 Fee following submission of this pack. Should you have any queries on the forementioned submission pack, please do not hesitate to reach out directly to us to provide further clarification on any aspects of the request.

Yours faithfully



Brian Kelly, Principal
(01) 676 2711

Brian.Kelly@avisonyoung.com**For and on behalf of Avison Young Planning and Regeneration Limited**





LANING DRAWING

This drawing has been prepared for submission to the relevant authority as part of a Planning Application. It is not intended to deal with the planning of any element of the proposed development. For structural details refer to the Structural & Civil Engineers detailed design drawings.

For M&E Information refer to the M&E Engineer and sub contractor design drawings.

For Health & Safety Information refer to the Designers Risk Assessments. This drawing is not intended to deal with the planning of any element of the proposed development. For structural details refer to the Structural & Civil Engineers detailed design drawings.



6.447 iacm / 1.59 acres / 0.644 hectares

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Aldi Stores Ltd

Project Title
Aldi PV Rollout
Store 86
Main Street
Clonoe
D15 WY84

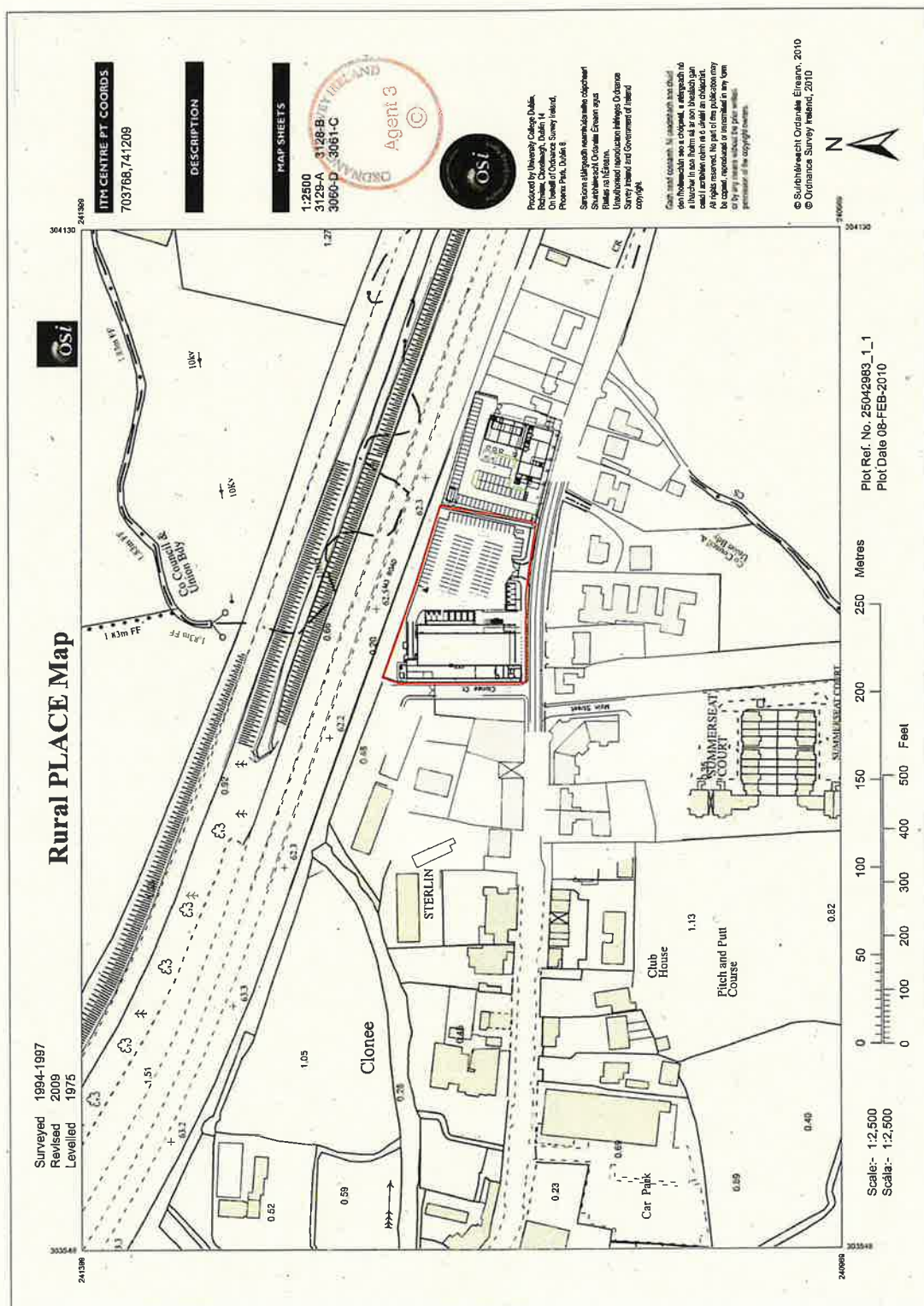
Drawing title

Location Plan

Drawn	Checked	Scale #A3	SW Status	Date
NS	JPG	1:2500	NA	01/25

Project No.	Original	Volume	Level	Type	Rate	Number
20984	THPK	86	XX	DR	A	0100

Growing Status	Rev	THP Project No
Planning	P01	20984





M3 ROAD

Clonee Ct

n Street

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For A&E information, refer to the A&E Engineer and use contractor design drawings & specifications.
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PLANNING DRAWING



Area	Size	Description	Owner	Notes
Site Boundary (Red Line)	4.47	acres / 0.44 hectares		

Site Boundary (Red Line) 4.47 acres / 0.44 hectares

Number of solar panels: 322w, using 320-360w solar panels generating 1400W
Total Area of PV Panel Array: 45.7sqm
While existing full ground system to be retained



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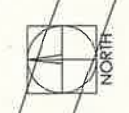


Aldi Stores Ltd

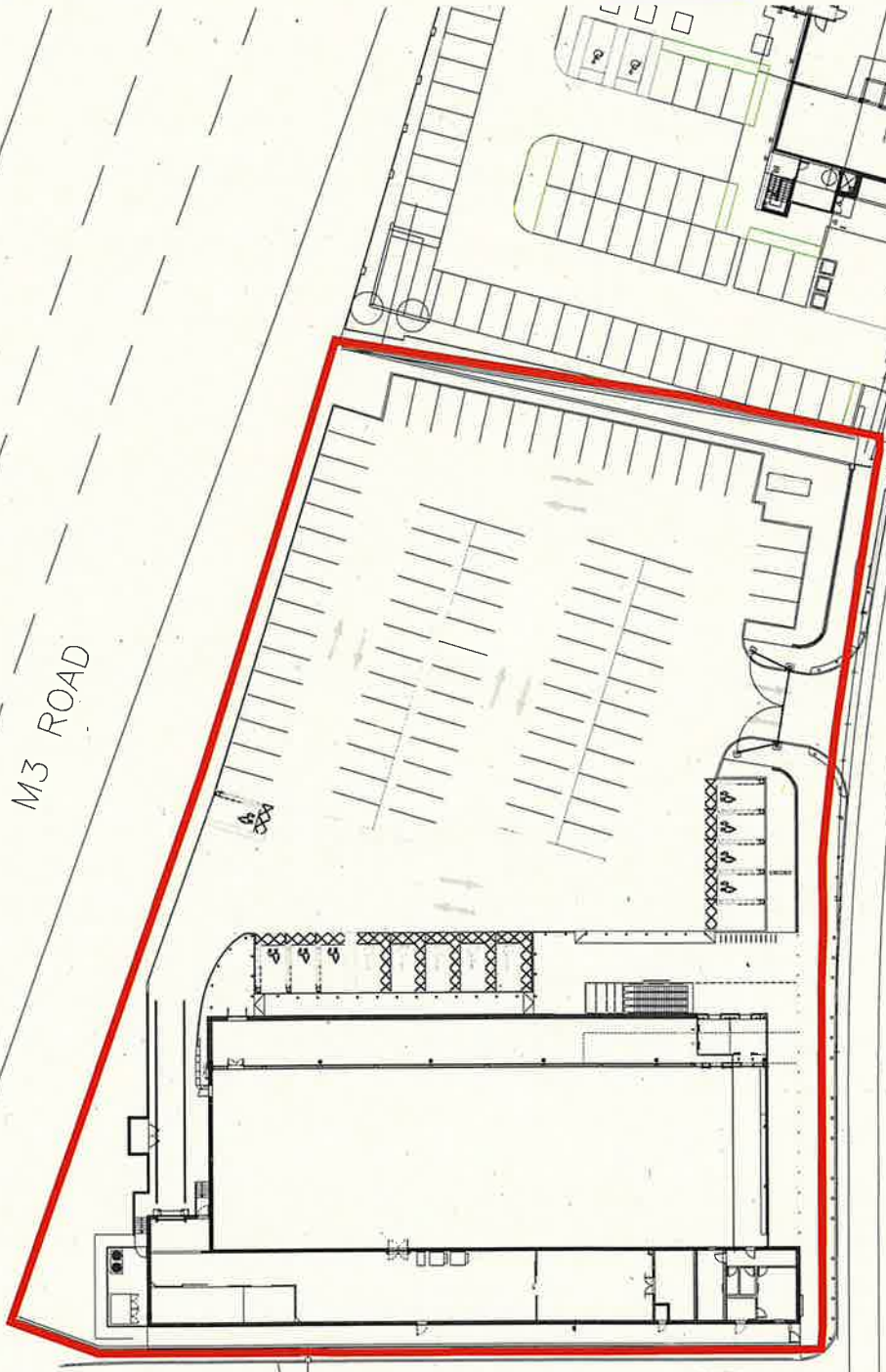
Project Title
Aldi PV Rollout
Store 86
Main Street
Clonee
D15 WY84

Drawing Title
Proposed Site Plan

Drawn	Checked	Scale	Sheet No.	Sheet Total
NS	JFG	1:500	NA	01/25
Drawing Status	Rev.	Type	Project No.	Rev.
Planning	-	-	20984	-
Project No.	Originator	Volume	Level	Type
20984	THPK	86	XX	DR A
Number	Role			
0102				



M3 ROAD



Clonee Ct

n Street

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Rev	Date	Description	Drawn	Checked

Site Boundary (Red line) 6.447 acre / 1.29 acre / 0.44 hectares



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Client
Aldi Stores Ltd



Project Title
Aldi PV Rollout
Store 86
Main Street
Clonee
D15 WY84

Existing Site Plan

Drawn	Checked	Scale	Sheet No.	Date
NS	JPG	1:500	NA	01/25
Drawing Status				
Planning				
Project No.				
20984	THPK	86	XX	DR A
Number				
0101				



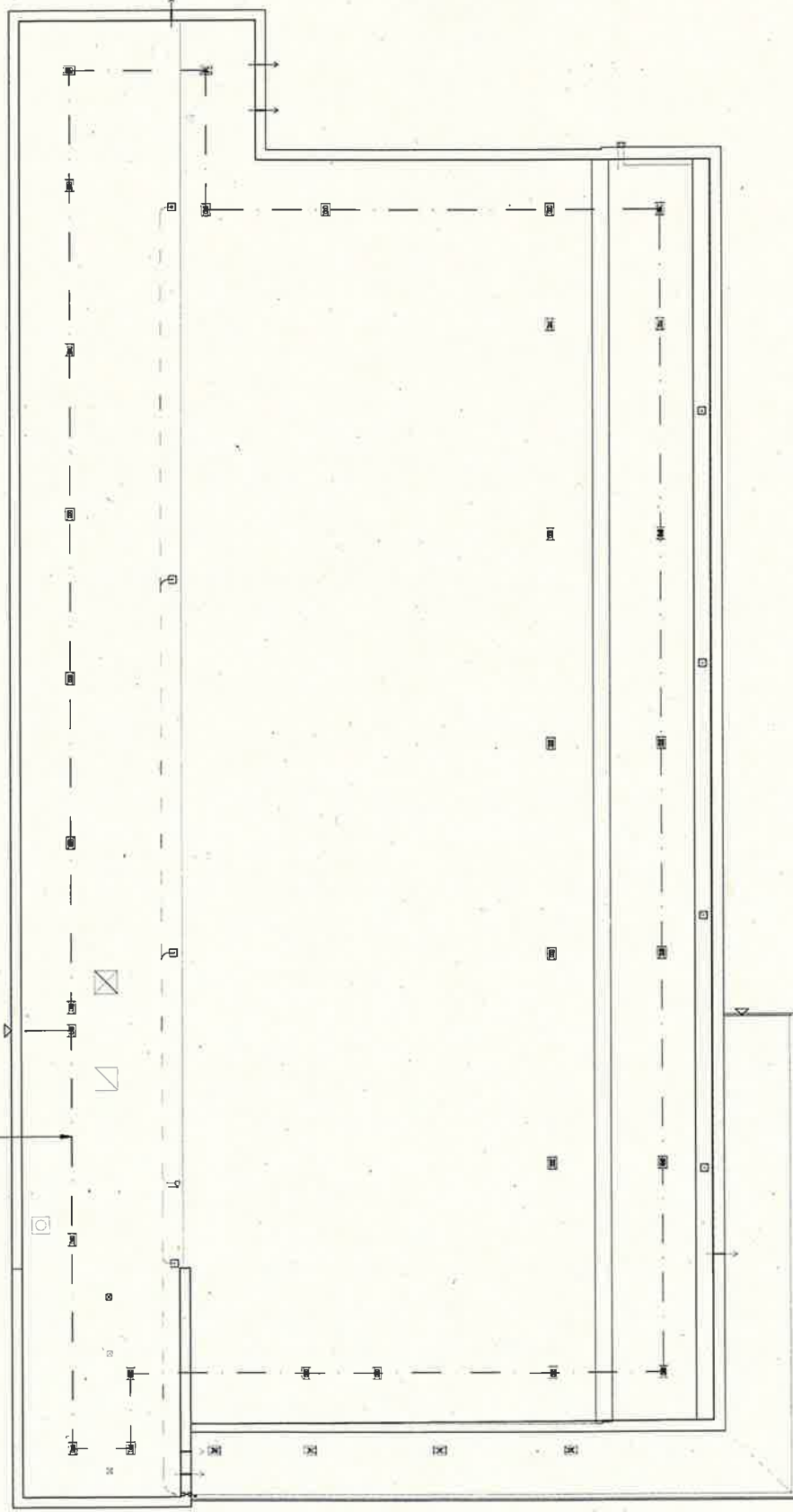
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Rev.	Date	Description	Drawn	Check

Existing Fall Arrest System



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Client

Aldi Stores Ltd



Project Title
Aldi PV Rollout
Store 86
Main Street
Clonree
D15 WY84

Drawing Title

Existing Roof Plan

Drawn	Checked	Scale	Rev	Rev	THP Project No
NS	JPG	1:200	NA	01/25	20984
Drawing Status					
Planning					

Project No	Originator	Volume	Level	Type	Role	Number
20984	THPK	86	XX	DR	A	0103



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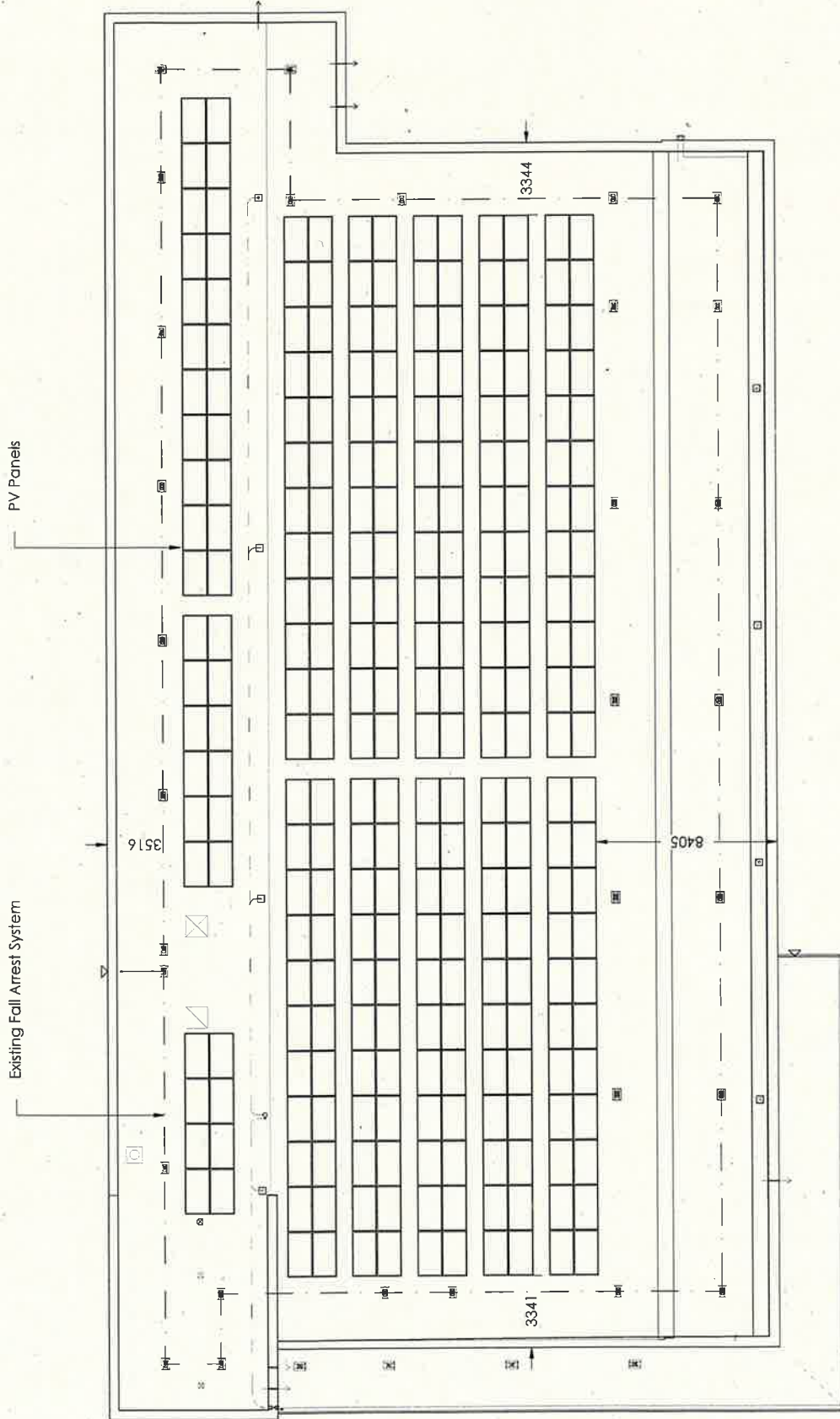
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For Health & Safety information, refer to the Diagrammatic Assessment. This drawing is copyright and may not be reproduced in whole or part without written authority.



Rev.	Date	Description	Drawn	Checked



Number of Solar Panels: 272m, using 250-500w Solar Panels generating 14KW
Total Area of PV Panel Array: 445 Sqm
Notes: existing fall arrest system to be retained



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Aldi Stores Ltd



Project Title
Aldi PV Rollout
Store 86
Main Street
Clonee
D15 WY84

Drawing Title

Proposed Roof Plan

Drawn	Checked	Scale	Rev	Status	Date
NS	JPG	1:200	NA	NA	01/25
Drawing Status	Rev	THP Project No	Original	Volume	Level
Planning	-	20984	THPK	86	XX DR A
Project No	Original	Volume	Level	Type	Role
20984	THPK	86	XX DR A	0104	Number

The main client has agreed to accept liability for any deviation in our drawings or specifications and may not be reproduced without written authority.

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For A&S information, refer to the A&S Engineers and sub-consultant design drawings & specifications. For Health & Safety information, refer to the Designers' Risk Assessment. This drawing is copyright and may not be reproduced in whole or part without written authority.



Rev.	Date	Description	Drawn	Check

Note: All PV units hidden behind existing facade



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Walsley Manchester M20 1KX
Client Aldi Stores Ltd

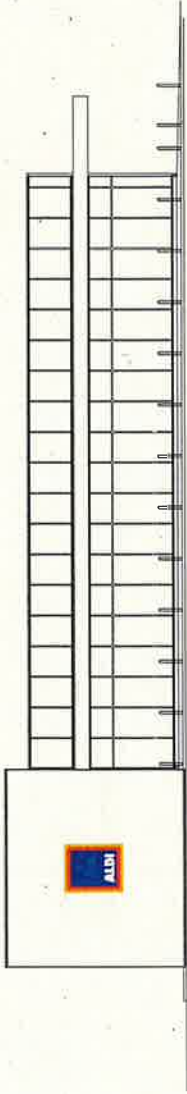


Project Title
Aldi PV Rollout
Store 86
Main Street
Clonee
D15 WY84

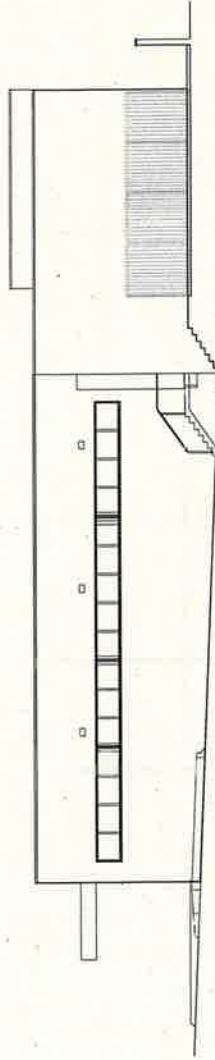
Drawing Title

Existing and Proposed Elevations

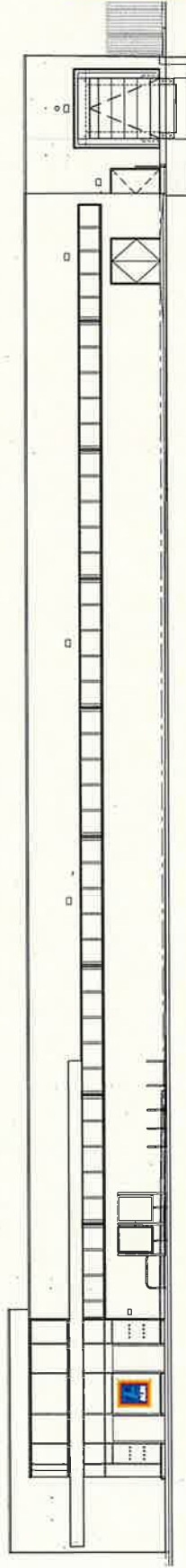
Drawn	Checked	Scale	Rev	Date
NS	JPG	1:200	NA	01/25
Drawing Status				
Planning				
Project No.	Original	Volume	Level	Type
20984	THPK	86	XX	DR A
				Number
				0106



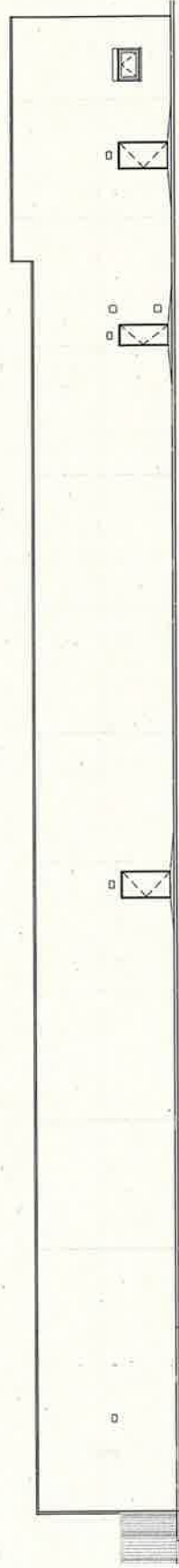
South Elevation



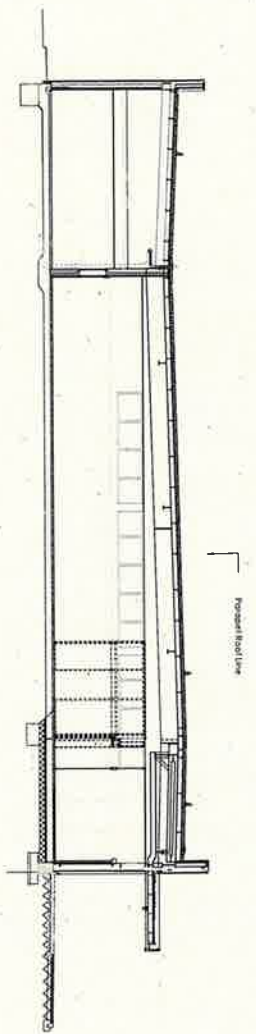
North Elevation



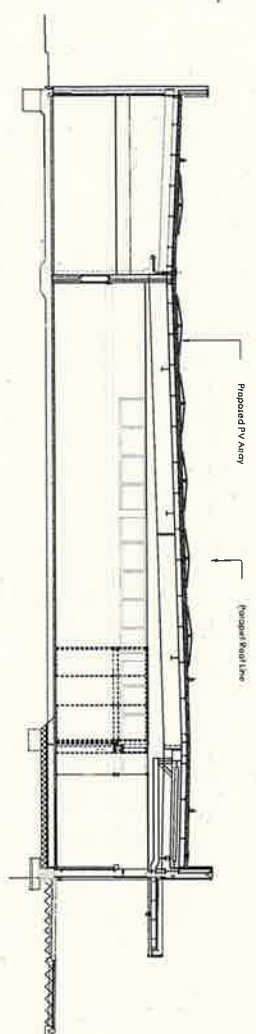
East Elevation



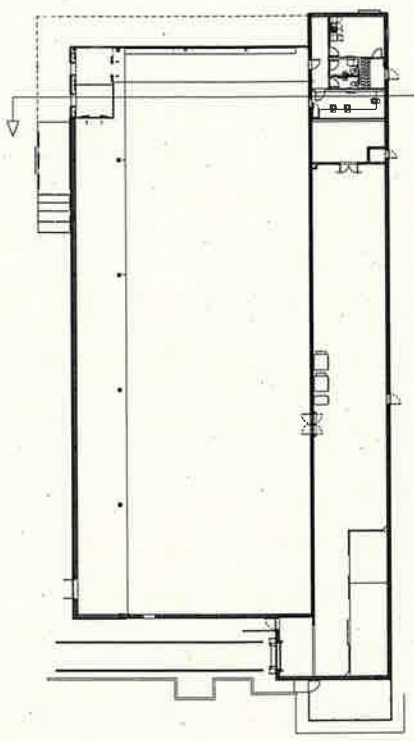
West Elevation



Existing Section



Proposed Section



Plan 1:500

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For more information, refer to the M&E Engineers and sub-contractor's design drawings & specifications. This drawing is a preliminary drawing and is not intended to be a final design. It is not intended to be used for construction without written approval.



Rev.	Date	Description	Drawn	Check

Number of Solar Panels: 2720 using 520x560mm Solar Panels generating 144kW
 Total Area of PV Panel Array: 444.8sqm
 Water, electricity and other systems to be retained

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Walsfield Manchester Aldi Stores Ltd
 Client:
 Aldi Stores Ltd



Project Title
 Aldi PV Rollout
 Store 86
 Main Street
 Clonoe
 D15 WY84

Existing and Proposed Sections

Drawn	Checked	Scale	Rev.	Date
NS	JPG	1:200	NA	01/25
Drawing Status				
Planning			Rev.	THP Project No
			*	20984

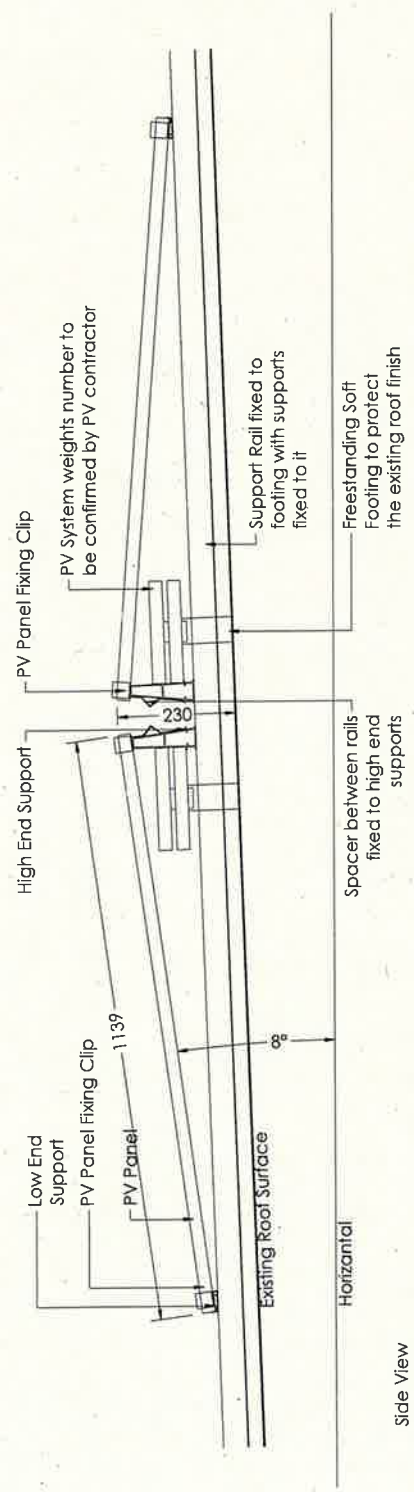
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PLANNING DRAWING

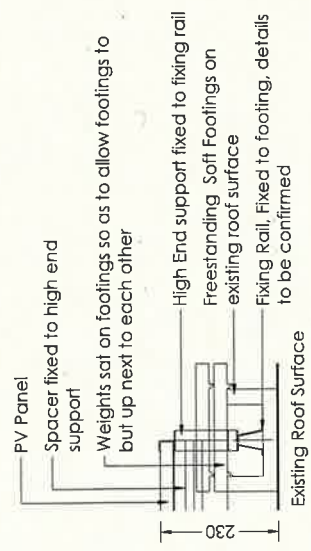
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Side View
Scale 1:10



Cross View
Scale 1:10

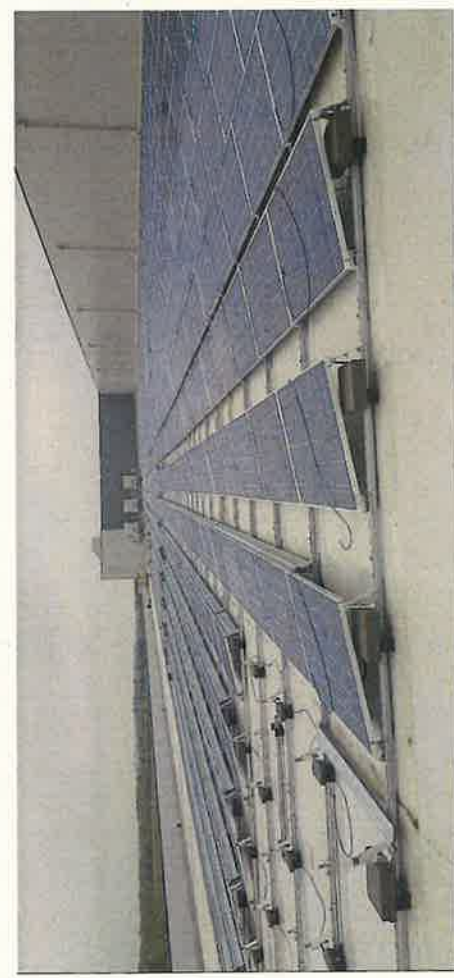


Image of typical PV array (south facing)

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ALDI

Aldi Stores Ltd

Project Title
Aldi PV Rollout
Store 86
Main Street
Clonace
DI15 WY84

Drawing Title: **PV Panels & Fixing Details**

Drawn	Checked	Scale	Alt	Date
NS	JPG	1:10	NA	07/25
Drawing Status	Rev	TRF Project No	Rev	TRF Project No
Planning				20984
Project No.	Original	Volume	Level	Type
20984	THPK	86	XX	DR A
Number				
0105				

**AVISON
YOUNG**

Request for a Section 5 Declaration

ALDI Stores (Ireland) Ltd

ALDI Clonee,
Main Street, Clonee,
Co. Meath, D15 WY84

March 2025

Contents

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4.	Legislative Context.....	7
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Report title: Request for a Section 5 Declaration

Prepared by: Robert Molloy

Contributors: Brian Kelly

Status: D01

Draft date: 18 March 2025

For and on behalf of Avison Young Planning and Regeneration Limited

1. Introduction

1.1 Avison Young is instructed by ALDI Stores (Ireland) Limited to request a Declaration of Exempted Development, under Section 5(1) of the Planning and Development Act 2000 (as amended), from Meath County Council in relation to a property at Main Street, Clonee, Co. Meath.

1.2 The question being asked is:

Whether the provision of photovoltaic panels at roof level is or is not exempted development within the meaning of the Planning & Development Act, 2000 (as amended)

1.3 In this regard, our client proposes to install photovoltaic (PV) panels at roof level of its retail store, as part of a wider roll-out of renewable energy infrastructure nationwide. This investment will deliver upon Aldi's corporate sustainability strategy and improve the energy efficiency of its operations.

1.4 It is considered that the area of roof space required for the installation of PV Panels (645.9m) qualifies as exempted development, under the Planning & Development Act, 2000 (as amended), as the site is not within a Solar Safeguarding Zone (SSZ) and therefore no coverage restriction applies.

1.5 BS6229:2018 describes design and construction best practice for flat roofs. It defines a flat roof as a roof at a pitch of not greater than 10 degrees to the horizontal. The accompanying drawing entitled *PV Panels & Fixing Details* shows the pitch of the roof that will accommodate the proposed PV panels as being less than 8 degrees to the horizontal, therefore it is considered flat for the purposes of assessment against the exemption criteria stated under Class 56(e), Part 1 of the Exempted Development Regulations S.I 493, 2022, as referenced under Article 6(1) of the Primary Planning and Development Regulations, 2001 (as amended).

1.6 This request for a declaration of exempted development will describe the nature of the proposed development and consider the proposals against the relevant legislative context, to establish the grounds for this declaration. This request should be read in conjunction with the Section 5 Application Form, the *Glint & Glare Screening Report* prepared for by Macro Works, and the related drawings prepared by The Harris Partnership.

2. Site Context

Site Location

- 2.1 The subject site (site area given as 0.623 hectares) is located at the south eastern end of the Main Street in Clonee, in the vicinity of a crèche and primarily single residential dwellings.
- 2.2 The site backs onto the N3 National Road, which later becomes the M3 Motorway. Access from the site is via the R147 which connects into the Blanchardstown area to the south and north towards Dunshaughlin and Navan on what was the original N3 road.

Analysis of Surroundings

- 2.3 The site is in the vicinity of the main street in the village, which comprises a variety of uses and tenure types, predominately that of local restaurants and takeaways, commercial and service based businesses, in addition to a number of residential duplex and apartment blocks leading off the street.

Relevant Planning History

- 2.4 The subject site has the following planning history associated with it:

Application Ref	Proposal	Decision Outcome
10/1086	Construction of a single storey Aldi Discount Foodstore (to include off licence use) and will amend the previously permitted mixed use development on the site (Planning Register Reference DA/802582). The development comprises of the demolition of existing substructures and foundations on site, demolition of the existing timber hoarding around the boundary of the site and the construction of a single storey discount foodstore (to include off licence use) with a gross floor area of 1,476sq.m. (net retail area of 990sq.m.). The development includes the erection of one free standing double sided internally illuminated double pole sign, one single sided internally illuminated gable sign, one single sided store entrance sign, 95 no. car parking spaces, associated landscaping and site development works on the 0.68 hectare (1.68 acre) application site. The development includes the construction of two new vehicular access points to the site from Main Street, one of which will accommodate revised access arrangements to the existing Clonee Court apartment buildings and the second will provide access to the proposed discount foodstore. The application site forms part of an overall site of 1.19 hectares (2.95 acres) and the proposed discount foodstore represents the first phase of a mixed use development on the entire lands. Future phases of development on the balance of these lands will accommodate residential and commercial development and will be subject to a separate planning application. Significant further information/revised plans submitted on this application	Grant Permission March 2011

3. Proposed Development

- 3.1 As outlined above, ALDI (Ireland) Stores Ltd is seeking to install PV Panels at roof level of this retail store, to provide a new sustainable energy supply.
- 3.2 The extent of the proposed works will be limited to the roof level of the store and connected to the stores electricity system and not the main electricity grid.
- 3.3 The proposal is in line with Aldi's wider Corporate Responsibility Strategy (2030), and the underpinning strategies for improving sustainability across all aspects of its business operations. The strategy themes are focussed on:
- Human Rights;
 - Resource efficiency;
 - Zero Carbon;
 - Employer of Choice;
 - Customers; and
 - Community.
- 3.4 Aldi has adopted an Energy Policy Statement, with the objective of making sustainability affordable for its customers and to achieve net zero carbon across all their operations by 2035. The significant energy users (SEU's) for ALDI include Refrigeration, Lighting, Heating, Fleet Diesel & Electrical Appliances. Energy commitments made within the Energy Policy Statement include:
- Continuous improvement of their Energy Management System and energy performance.
 - Meet legal and other requirements relating to energy efficiency, energy use and energy consumption.
 - Support the purchase of energy efficient products and services.
 - Consider energy performance in building design activities and operations.
 - Ensure all the information and resources required to meet energy objectives and targets are made available.
 - Regularly track progress against energy targets, including electricity, gas, and fuel use, and review these targets annually.
 - Promote and encourage policy awareness amongst employees.
- 3.5 In order to achieve these commitments, a number of key energy saving measures have been introduced, including: to transition to low carbon fuels for HGV's; convert store lighting to LEDs; and install electric vehicle charging points at new and refurbished stores; along with the transition to

100% renewable electricity through the installation of solar panels on over 400 stores across the UK & Ireland.

- 3.6 The installation of these PV Panels will enable the store operations to be energy self-sufficient, for day-to-day operations, and minimise the need to draw off the electricity grid. Utilising low cost sustainable electricity will contribute positive net-benefits to Aldi's consumers and the local community.

4. Legislative Context

- 4.1 Relevant sections in legislation, that provide the context for considering this declaration of exempted development, are referenced in this section.

Planning and Development Act, 2000 (as amended)

- 4.2 'Development' is defined in Section 3 (1) of the Planning and Development Act 2000, as amended (hereafter referred to as the 'Act'), as follows:

"...the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."

- 4.3 Section 2(1) of the Act describes "works" as:

"...any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or form the surfaces of the interior or exterior of a structure".

- 4.4 Section 4 of the Act refers to 'Exempted Development', and subsection (1) sets out the categories of development that shall be exempted development for the purposes of the Act. Section 4(1)(h) of the Act identifies that:

*"development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being **works which affect only the interior of the structure** or which **do not materially affect the external appearance of the structure** so as to render the appearance inconsistent with the character of the structure or of neighbouring structures..."*

- 4.5 Section 4(1) of the Act sets out various forms of development that are exempted development. Section 4(2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development

Planning and Development Regulations, 2001 (as amended)

- 4.6 Article 5(1) of the Planning and Development Regulations 2001, as amended (hereafter referred to as the 'Regulations'), relating to 'exempted development', provides the following definitions that are relevant in considering this to be exempted development:

- *“ancillary equipment” for the purpose of rooftop solar photo-voltaic or solar thermal collector panels in classes 56(d), 56(e), 60 or 61 of Part 1 of Schedule 2 and class 18(c) of Part 3 of Schedule 2 does not include any equipment which must be placed or erected on a wall, or a rooftop allow a solar photo-voltaic or solar thermal collector installation to function;*
- *“business premises” means—*
 - (a) any structure or other land (not being an excluded premises) which is normally used for the carrying on of any professional, commercial, or industrial undertaking or any structure (not being an excluded premises) which is normally used for the provision therein of services to persons,*
 - (b) a hotel, hostel (other than a hostel where care is provided) or public house, or*
 - (c) any structure or other land used for the purposes of, or in connection with, the functions of a State authority;*
- *“solar safeguarding zone” has the same meaning as in the Planning and Development (Solar Safeguarding Zone) Regulations 2022;*

4.7 Article 6(1) of the Regulations provides that development of a class, as specified in Column 1 of Part 1 in Schedule 2, shall be exempted development for the purposes of the Act, provided that such development complies with the conditions specified in Column 2, and subject to Article 9 of the Regulations which outlines certain restrictions on exempted development.

4.8 Class 56(e), Part 1 of the Exempted Development Regulations is relevant to consideration of the current proposal, as it refers to the following works:

The placing or erection on a roof of a business premises or light industrial building, or within the curtilage of a business premises or light industrial building, or on a roof of any ancillary buildings within the curtilage of a business premises or light industrial building of a solar photo-voltaic and/or solar thermal collector installation.

4.9 A comparison of the proposed development with the Conditions and Limitations of Class 56(e) is provided in Section 5 below.

5. Grounds of the Exempted Development Declaration Request

- 5.1 Consideration of whether the installation of Solar PV Panels at Roof Level of a Retail Store, is or is not 'development', and whether it subsequently constitutes 'exempted development', as defined under the Planning and Development Act, 2000 (as amended), is addressed in a series of questions as follows.

Is it Development?

- 5.2 The matter of whether the installation of Solar PV Panels at Roof Level constitutes development, is assessed against the definition of development under Section 3(1) of the Act.
- 5.3 The term "development" constitutes the carrying out of works or the making of any material change in the use of any structure.
- 5.4 The term "works" refers to any act or operation of construction, excavation, demolition, extension, alteration, repair, or renewal.
- 5.5 The proposed installation of Solar PV Panels at Roof Level will involve the alteration of the roof to provide for the ancillary equipment needed to support the PV Panels and connect internally to the Retail Stores Electrical Grid System. The physical installation of the Panels is considered to be "works" and it is therefore accepted that the process involved constitutes "development". It is then to be considered if the proposals constitute 'exempted development'.

It is Exempted Development?

- 5.6 Under Section 4(1)(h) "exempted development" includes:

'development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.'

- 5.7 Accordingly, under the Planning and Development Regulations 2001 (as amended) Article 6 (1), it states that:

'Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with

the conditions and limitations specified in Column 2 of the said Part 1 opposite the mention of that class in the said Column 1.'

5.8 Section 9(1)(a) sets out restrictions on exempted development, where the development would:

- (i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act, or*
- (viii) *consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.*

5.9 It is considered that in the case of the proposed development at the ALDI Clonee Retail Store, that the conditions set out in the grant of permission under Reg. Ref 10/1086, do not restrict the development of PV Panels at Roof Level. Therefore, Section 9(1)(a) does not apply to the proposed development.

5.10 The Planning and Development Act (Exempted Development) (No. 3) Regulations 2022 (S.I No. 493 of 2022) amends the solar energy infrastructure planning exemptions in the Planning and Development Regulations 2001 (the Principal Regulations).

5.11 Class 56(e) of the Exempted Development Regulations S.I 493, 2022, as referenced under Article 6(1) of the Primary Planning and Development Regulations, 2001 (as amended) outlines the relevant conditions and limitations that apply to photovoltaic panels. The table below provides the thresholds and considers each against the current proposal.

Condition & Limitation Thresholds	Applicant Response to Thresholds
1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.	Not applicable, site is outside a solar safeguarding zone.
2. Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.	Not applicable, as above.

3. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed: a. for a business premises, 1.2 metres in the case of a flat roof or 15cm in any other case. b. for a light industrial building, 2 metres in the case of a flat roof or 50cm in any other case.	The design does not exceed these size thresholds.
4. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.	The design does not exceed these size thresholds.
5. Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney).	The design does not exceed this design threshold.
6. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof.	The design complies with this requirement.
7. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.	The design complies with this requirement.
8. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted	The design complies with this requirement.
9. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the business premises or light industrial building.	The design complies with this requirement.
10. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.	Not applicable, as this is a proposal for rooftop photovoltaic panels.

11. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.	Not applicable, as this is a proposal for rooftop photovoltaic panels.
12. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.	The design complies with this requirement.
13. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.	The design complies with this requirement.
14. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.	The design complies with this requirement.
15. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the business premises or light industrial building, and shall not be considered a change of use for the purposes of the Act.	Power generated by the photovoltaic panels will only provide electricity for use within the retail store.
16. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.	A Glint and Glare Screening Report is submitted with this application and demonstrates there will be no hazardous glint and glare from the photovoltaic panels.

- 5.12 It is considered that the proposed development, when assessed against the threshold requirements of 56(e), as set out above, is compliant with the conditions and limitations relating to the erection of photovoltaic panels at roof level. In this regard it is considered that the installation of PV Panels at the roof level of the ALDI Clonee would constitute development but is considered exempted development based on compliance with each of the threshold requirements.

6. Conclusion

- 6.1 The question before Meath County Council is whether the proposed installation of PV Panels at Roof Level is, or is not, exempted development. Having examined the relevant provisions of the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001, as amended, this report demonstrates that the proposed development is exempted development, when compared with the constraints and limitations in the relevant legislative regulations and guidelines.
- 6.2 The development proposed is accepted to fall under the definition of 'works' but is considered to be exempt under the provisions set out under Section 4(1)(h) of the Planning and Development Act, 2000 (as amended).
- 6.3 The conditions & limitations set out within the exemption thresholds under Schedule 2 Part 1 Class 2 of the Planning and Development Regulations, 2001 (as amended) (referred to under the Exempted Development Regulations S.I 493, 2002), clearly define the restrictions that are imposed on the erection of PV Panels at roof level.
- 6.4 An assessment to compare the proposals with each of the requirements of Class 56(e) demonstrates the proposals are below threshold.
- 6.5 In this regard, the proposed installation of PV Panels at roof level of the ALDI Clonee retail store is considered **to be development** but is **exempted development** for the purposes of the Act.
- 6.6 It is respectfully requested that the Planning Authority has regard to this submission, and the analysis therein, in making a determination on the request for a Declaration of Exempted Development.

Contact details

Enquiries

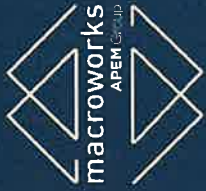
Brian Kelly
(01) 676 2711
Brian.Kelly@avisonyoung.com

Visit us online
avisonyoung.com

Avison Young

86 Merrion Square South, Dublin 2, D02 YE10

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macroworks

AVIATION GLINT AND GLARE SCREENING ASSESSMENT

Proposed Solar PV Energy Development

Aldi, Main Street, Clonee, Co. Meath.

Prepared by Macro Works Ltd

March 2025



WMA | TMA | Landscape Design | Viability Analysis | Glint and Glare | Weathered Photomontages | CGI | Shadow Flicker Analysis



1. AVIATION GLINT AND GLARE ASSESSMENT

1.1 Introduction

1.2 Methodology

1.3 Overall Conclusion

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1. AVIATION GLINT AND GLARE ASSESSMENT

1.1 INTRODUCTION

This Glint and Glare Screening Assessment was carried out by Macro Works Ltd to determine the potential for solar reflectance effects upon aviation receptors in respect of proposed roof-mounted solar PV installations on the roof of a building at Aldi, Main Street, Clonee, Co. Meath. Figures 1.1 & 1.2 refer.



Figure 1.1 Aerial view indicating the approximate location of the proposed PV panels.

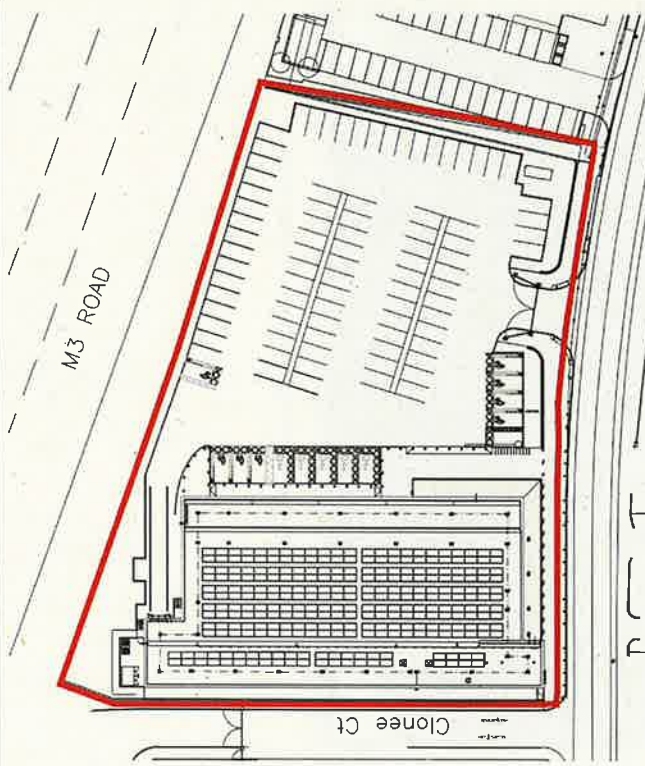


Figure 1.2 Extract from drawing no. 20984-THPK-086-XC-DR-A-0102, "Proposed Site Plan" showing the proposed site and panel layout.

1.1.1 Statement of Authority

Macro Works' relevant experience includes twenty years of analysing the visual effects of a wide range of infrastructural and commercial development types. This experience includes numerous domestic and international wind and solar energy developments.

1.1.2 Guidance and Best Practice

Guidance has been prepared by the Federal Aviation Authority¹ to address the potential hazards that solar developments may pose to aviation activities, and this has been adopted for use by the Irish Aviation Authority. SGHAT was developed in conjunction with the FAA in harmony with this guidance and is commonly regarded as the accepted industry standard by aviation authorities internationally when considering the glint and glare effects upon aviation related receptors.

¹ Harris, Miller, Miller & Hanson Inc. (November 2010). Technical Guidance for Evaluating Selected Solar Technologies on Airports: 3.1.2 Reflectivity. Technical Guidance for Evaluating Selected Solar Technologies on Airports. Available at: https://www.faa.gov/airports/environmental/policy_guidance/media/airport-solar-guide.pdf



By virtue of their efficiency, the intensity of reflected light from modern PV solar panels is deliberately low and currently equates with that of the reflection from still water. Recent studies generally agree, however, that there still exists the potential for hazard or nuisance upon surrounding receptors. Macro Works' glint and glare analysis methods and determination of effects are based on a combination of available studies and established best practice. This methodology has been successfully implemented on numerous previous solar farm projects that met with the approval of both Planning Authorities and An Bord Pleanála.

Federal Aviation Authority

Within the FAA's interim policy, a 'Review of Solar Energy System Projects on Federally Obligated Airports'² it states:

"To obtain FAA approval to revise an airport layout plan to depict a solar installation and/or a 'no objection' to a Notice of Proposed Construction Form 7460-1, the airport sponsor will be required to demonstrate that the proposed solar energy system meets the following standards:

No potential for glint or glare in the existing or planned Airport Traffic Control Tower (ATCT) cab, and

No potential for glare or 'low potential for after-image' (shown in green in Figure 11 Figure 1.2 refers) along the final approach path for any existing landing threshold or future landing thresholds (including any planned interim phases of the landing thresholds) as shown on the current FAA-approved Airport Layout Plan (ALP). The final approach path is defined as two (2) miles from fifty (50) feet above the landing threshold using a standard three (3) degree glidepath."

Furthermore, in November 2021 the FAA deprioritised runway approaches as critical aviation receptors, citing the following:

"Initially, FAA believed that solar energy systems could introduce a novel glint and glare effect to pilots on final approach. FAA has subsequently concluded that in most cases, the glint and glare from solar energy systems to pilots on final approach is similar to glint and glare pilots routinely experience from water bodies, glass-façade buildings, parking lots, and similar features. However, FAA has continued to receive reports of potential glint and glare from on-airport solar energy systems on personnel working in ATCT cabs. Therefore, FAA has determined the scope of agency policy should be focused on the impact of on-airport solar energy systems to federally-obligated towered airports, specifically the airport's ATCT" (Federal Aviation Administration 05/11/2021).

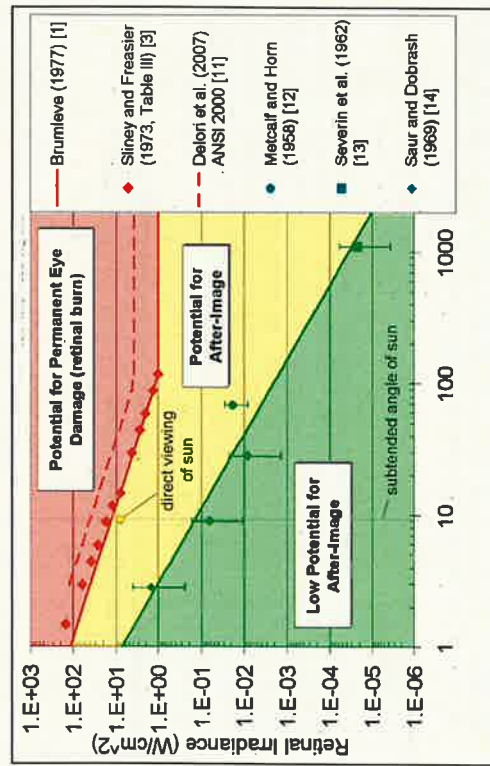
In summary, glare at an ATCT is not acceptable and while still relevant glare with a "low potential for after-image" is generally acceptable along final approach paths to runways in most instances.

² Federal Aviation Administration (FAA) (2013) Department of Transportation - Federal Aviation Administration, Interim Policy, FAA Review of Solar Energy System Projects on Federally Obligated Airports, Vol 78 (No 205), 63276-63279.



Solar Glare Hazard Analysis Tool

The SGHAT was designed to determine whether a proposed solar energy project would result in the potential for ocular impact as depicted on the Solar Glare Hazard Analysis Plot (Figure 1.3 refers). SGHAT analyses ocular impact over the entire calendar year in one minute intervals from when the sun rises above the horizon until the sun sets below the horizon. One of the principal outputs from the SGHAT report is a glare plot per receptor that indicates the time of day and days per year that glare has the potential to occur. SGHAT plot classifies the intensity of ocular impact as either Green Glare, Yellow Glare or Red Glare. These colour classifications are equivalent to the FAA's definitions regarding the level of ocular impact e.g. 'Green Glare' in the SGHAT is synonymous to the FAA's 'low potential for after-image', and so forth. The various correlations are illustrated on the Solar Glare Hazard Analysis Plot.



Solar Glare Hazard Plot: The potential ocular hazard from solar glare is a function of retinal irradiance and the subtended angle (size/distance) of the glare source. It should be noted that the ratio of spectrally weighted solar illuminance to solar irradiance at the earth's surface yields a conversion factor of ~100 lumens/W. Plot adapted from Ho et al., 2011.

Chart References: Ho, C.K., C.M. Ghahani, and R.B. Dyer, 2011, Methodology to Assess Potential Ocular and Glare Hazards from Concentrating Solar Power Plants: Analytical Models and Experimental Validation, J. Solar Energy Engineering, August 2011, Vol. 133, 031021-1 – 031021-9.

Figure 1.3- Figure 1 from the FAA Interim Policy, FAA Review of Solar Energy System Projects on Federally Obligated Airports

1.2 METHODOLOGY

The process for dealing with aviation receptors is as follows:

1. The Federal Aviation Administration (FAA) approved Solar Glare Hazard Analysis Tool (SGHAT) is used to determine if any of these aviation receptors has the potential to theoretically experience glint or glare. This tool also calculates the intensity of such reflectance and whether it is acceptable by FAA standards.



2. SGHAT does not account for terrain screening or screening provided by surface elements such as existing vegetation or buildings; therefore the results of the SGHAT may need to be considered, in conjunction with an assessment of existing intervening screening that may be present, to establish if reflectance can actually be experienced at the receptors.

3. Finally, if necessary, additional assessment is undertaken using Macro Works' bespoke model which would into account any screening provided by any proposed mitigation measures.

1.2.1

Identification of Relevant Receptors

In accordance with current IAA and DAA protocol 10 km and 15 km radius study areas were established for the identification of IAA registered aerodromes and main airports respectively, that might require testing for glint and glare impacts. However, there are no IAA registered aerodromes within the 10 km aviation study area and neither of DAA's Dublin or Cork airports occur within 15 km of the proposed solar development. For these reasons, no further aviation analysis was undertaken.

Furthermore, the Planning and Development (Solar Safeguarding Zone) Regulations 2022 set out 43 Solar Safeguarding Zones (SSZs). A SSZ is an area around an airport, aerodrome or helipad in which there is a potential for glint or glare from solar panels to impact aviation safety. The proposed development is not located within any of the defined SSZs, and therefore, an aviation-based glint and glare analysis was scoped out for further assessment.

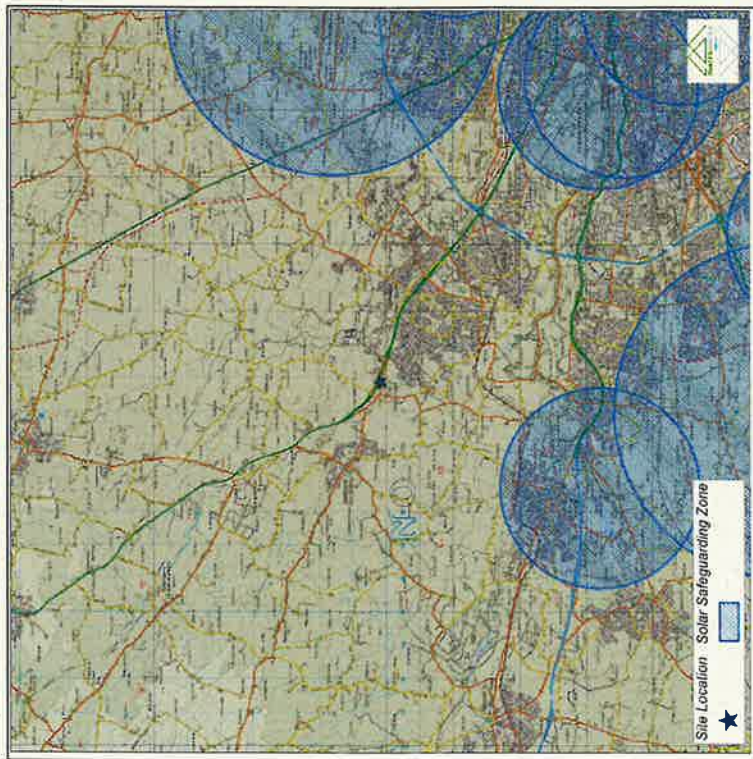


Figure 1.4 Map showing the approximate location of the proposed development relative to the nearest Solar Safeguarding Zone(s).

1.3

OVERALL CONCLUSION

The need for a SGHAT assessment was screened out as the proposed development at Aldi, Clonee, Co. Meath, is not contained within a designated Solar Safeguarding Zone. On review of the PV panel and roof layout, no further investigation was deemed necessary.