

**Comhairle Chontae na Mí**

Roinn Pleanáil,  
Teach Buvinda, Bóthar Átha Cliath,  
An Uaimh, Contae na Mí, C15 Y291  
Fón: 046 – 9097500/Fax: 046 – 9097001  
R-phost: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://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](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://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 Laytown, Strand Road, Laytown, Co. Meath A92 FP20**

**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 ☒

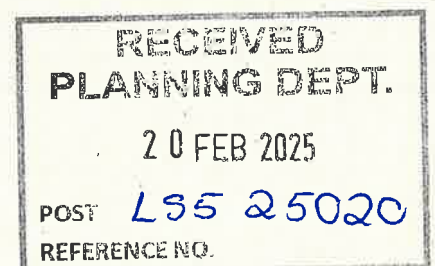
**6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2014, as amended, been requested or issued for the property by the Planning Authority?**

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**





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**9. List of plans / drawings etc. submitted:**

- 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:** \_\_\_\_\_



**DATE: 20<sup>th</sup> February 2025**

**NOTES**

**1. Application Fee of €80**

**2. Application shall be accompanied by:**



**Comhairle Chontae na Mí**

Roinn Pleanáil,  
Teach Buvinda, Bóthar Átha Cliath,  
An Uaimh, Contae na Mí, C15 Y291  
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- **2 copies of site location map to scale 1:2500** clearly showing the site outlined in red and the extent of the site boundaries, the position of existing structures, etc., and the proposed work.
- **2 drawings to scale (1:200)** of the proposed development (including floor plan and elevations), if appropriate.
- **Two site layout plans to scale 1:500** if appropriate. Please submit 2 copies of any additional plans/reports etc. you may wish to include as part of the application.

**Application shall be forwarded to: Meath County Council, Planning Department, Buvinda House, Dublin Road, Navan, Co. Meath.**

**Contact Details: Phone: 046 9097500 Fax: 046 9097001**

**Email: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)**



11<sup>th</sup> February 2025Meath County Council,  
Planning Department,  
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 LAYTOWN**

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 Laytown store, at ALDI Laytown, Strand Road, Laytown, 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)"*

Please find the following enclosed of the documents being submitted as part of this declaration:

- Cover Letter (prepared for by Avison Young Ireland)
- 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.

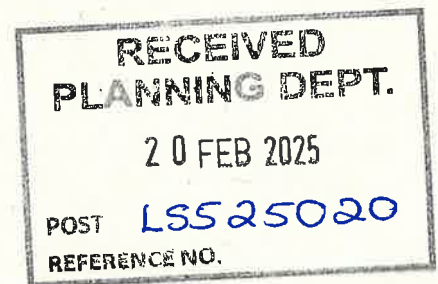
Yours faithfully



**Brian Kelly, Principal**  
(01) 676 2711

**Brian.Kelly@avisonyoung.com**

**For and on behalf of Avison Young Planning and Regeneration Limited**













**North**

The information contained on this plan is for guidance only and does not constitute a guarantee of accuracy. The planning authority is not responsible for any errors or omissions. The plan is for guidance only and does not constitute a guarantee of accuracy. The planning authority is not responsible for any errors or omissions.

Site Boundary Area: 7.85 acres / 0.85 hectares

0 5 10 15 20 25m

SCALE 1:500

**THE HARRIS PARTNERSHIP**

Architecture  
Masterplanning  
Interior Design

[www.harrispartnership.com](http://www.harrispartnership.com)

Aldi Stores Ltd

**ALDI**

**Aldi PV Rollout Store 23**  
Strand Road  
Laytown  
A92 FP20

Drawing Title  
Existing Site Plan

Drawn	Checked	Scale	Rev	Date
JC	JP	1:500	HA	01/25

Drawing Sheet  
Planning

Project No	Client	Project Name	Project No
20984	THPK	XX DR A	0101

**MEATH COUNTY COUNCIL**

20-02-25 LS525020

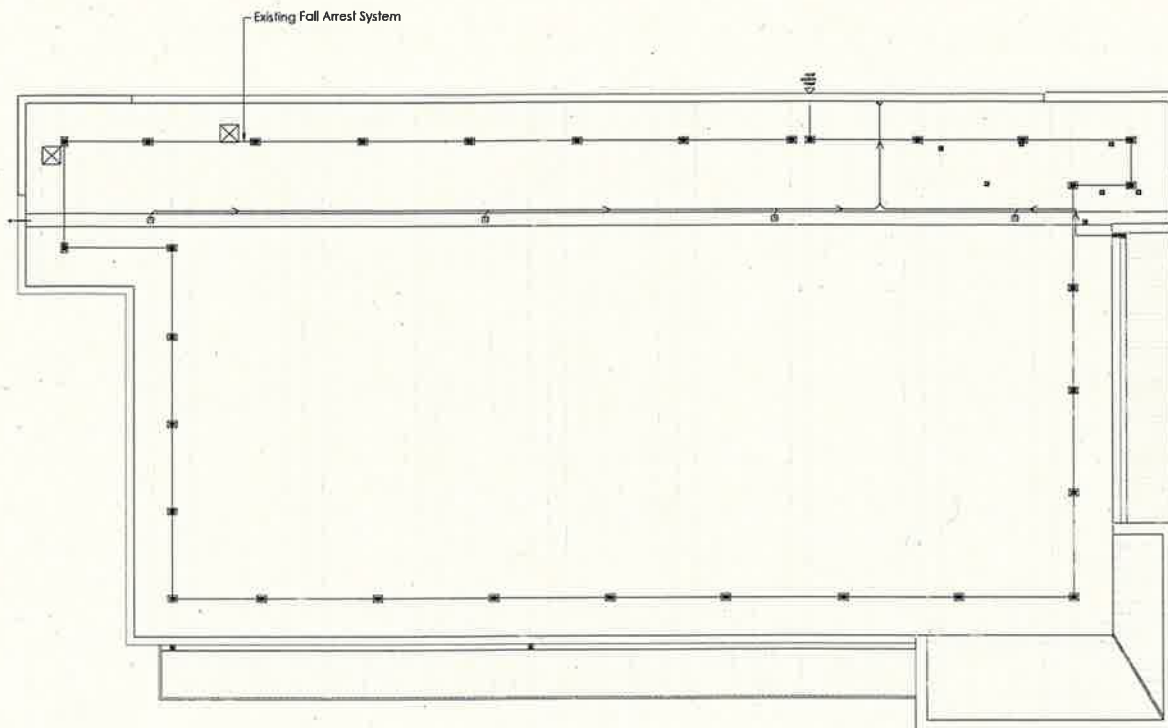
Date Received Ref











The north arrow is for reference only. It is not intended to be used as a guide for orientation. The drawing is not intended to be used as a guide for orientation. The drawing is not intended to be used as a guide for orientation.

**PLANNING DISCLOSURE**

This drawing is not intended to be used as a guide for orientation. The drawing is not intended to be used as a guide for orientation. The drawing is not intended to be used as a guide for orientation.

For detailed information, refer to the Planning & Development Department's website. For detailed information, refer to the Planning & Development Department's website.



Architecture  
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Interior Design

[www.harrispartnership.com](http://www.harrispartnership.com)

Aldi Stores Ltd



Project Info  
Aldi PV Rollout  
Store 23  
Strand Road  
Laytown  
A92 FF20

Drawing Title  
Existing Roof Plan

Drawn	Checked	Scale	Rev	Rev	Date
JC	PG	1:200	NA		01/25
Drawing Title	Rev	Rev	Rev	Rev	Date
Planning					20984
Project No.	Operator	Volume	Level	Type	Number
20984	THPK	23	XX	DR	A 0103

MEATH COUNTY COUNCIL

20-02-25

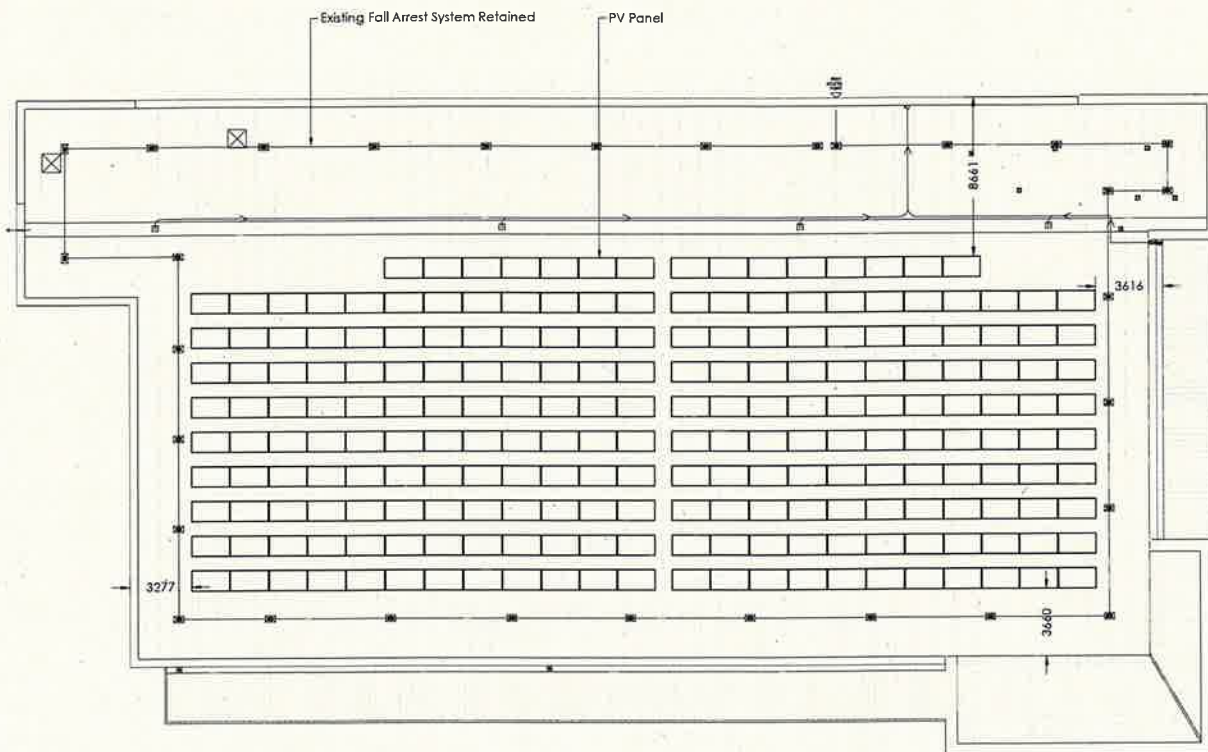
LS525020

Date Received

Ref





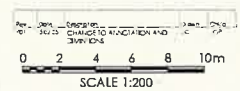


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ARCHITECTURE  
INTERIOR DESIGN

PLANNING DRAWING  
The drawing has been prepared for submission to the relevant planning authority. It is not intended to be used for any other purpose without the written consent of the architect.

For all information refer to the Planning & Construction Department of the relevant planning authority. For all information refer to the Planning & Construction Department of the relevant planning authority.

Number of solar panels: 3000 using 600mm x 1000mm panels generating 30kWp  
Total area of PV panels: 3000m<sup>2</sup>



THE HARRIS PARTNERSHIP  
ARCHITECTURE  
INTERIOR DESIGN

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Aldi Stores Ltd

Project File  
Aldi PV Rollout  
Store 23  
Strand Road  
Laytown  
A92 FP20

Drawing Title: Proposed Roof Plan

Drawn	Checked	Scale	NA3	NA	Date
JC	JPG	1:200	NA	NA	01/25

Drawing Status	Rev	Rev Project No
Planning	F01	20984

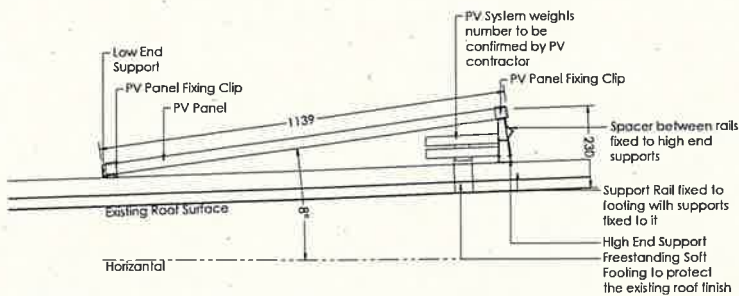
Project No.	Original Volume	Land Type	Role	Number
20984	THPK	23	XX DR A	0104

MEATH COUNTY COUNCIL

20-02-25 L5525020

Date Received Ref





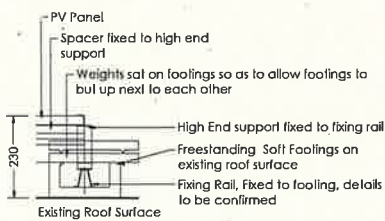
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Client  
Aldi Stores Ltd

Project Title  
Aldi PV Rollout  
Store 23  
Strand Road  
Laytown  
A92 P20

Drawing Title  
PV Panels & Fixing Details

Drawn JC	Checked JPG	Scale 1:10	SW Status NA	Date 01/25
Project No 20984				
Revision	Original	Volume	Level	Page
20984	THPK	23	XX DR A	0105



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Architect  
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Client  
Aldi Stores Ltd

Project Title  
Aldi PV Rollout  
Store 23  
Strand Road  
Laytown  
A92 P20

Drawing Title  
PV Panels & Fixing Details

Drawn JC	Checked JPG	Scale 1:10	SW Status NA	Date 01/25
Project No 20984				
Revision	Original	Volume	Level	Page
20984	THPK	23	XX DR A	0105

MEATH COUNTY COUNCIL

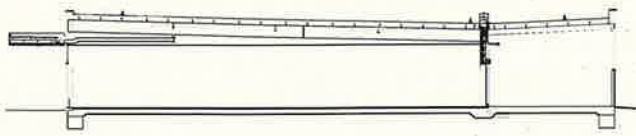
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Date Received Ref

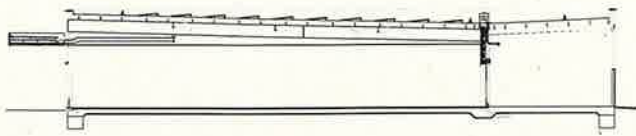




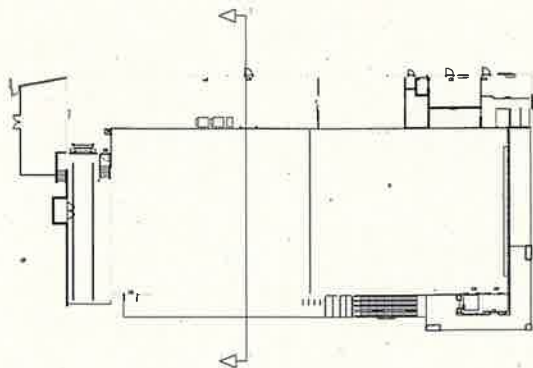




Existing Section



Proposed Section



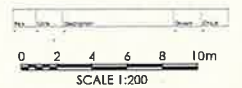
Plan

The Harris Partnership is not responsible for any deviation from the planning conditions. The planning conditions are the responsibility of the planning authority. The Harris Partnership is not responsible for any deviation from the planning conditions. The Harris Partnership is not responsible for any deviation from the planning conditions.

**PLANNING OF WORKS**

The proposed works are subject to the relevant local authority's planning conditions. The Harris Partnership is not responsible for any deviation from the planning conditions. The Harris Partnership is not responsible for any deviation from the planning conditions.

The Harris Partnership is not responsible for any deviation from the planning conditions. The Harris Partnership is not responsible for any deviation from the planning conditions. The Harris Partnership is not responsible for any deviation from the planning conditions.



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Architecture  
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Interior Design

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Aldi Stores Ltd



Project Title  
Aldi PV Rollout  
Store 23  
Strand Road  
Laytown  
A92 FP20

Drawing Title				
Existing and Proposed Section				
Drawn	Checked	Drawn by	Reviewed	Date
JC	JPD	1/250	N/A	01/25
Drawing Title	Notes	Project No		
Planning		20984		
Project No	Original	Volume	Sheet	Number
20984	THPK	23	XX DR A	0107

**MEATH COUNTY COUNCIL**

20-02-25

Date Received

Ref

L5525020





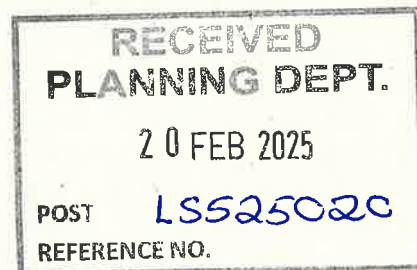
**AVISON  
YOUNG**

# Request for a Section 5 Declaration

**ALDI Stores (Ireland) Ltd**

ALDI Laytown,  
Strand Road, Laytown,  
Co. Meath, A92 FP20

February 2025



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**Report title:** Request for a Section 5 Declaration

**Prepared by:** Robert Molloy

**Contributors:** Brian Kelly

**Status:** D01

**Draft date:** 11 February 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 Strand Road, Laytown, 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 (645.9sqm) 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 0.78 hectares) is located north of the main village street fronting onto the seafront along Strand Road, about 200 - 300 metres by foot. The site is a relatively flat area, home to a former disused nursing home, with established residential developments located to the north, south and west of the site.

### Analysis of Surroundings

- 2.2 Access to the site is currently off of the Strand Road to the east, with connections from Laytown further north to Bettystown and to the south via Station Road to Julianstown. The village area of Laytown comprises a mix of residential dwellings, retail units and basic services, with the village having access to a train station located to the west of the site.

### Relevant Planning History

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

Application Ref	Proposal	Decision Outcome
16/0330	the proposed development will consist of: the demolition of the existing building on site with a floor area of 1,115.4 sq. metres and the construction of a single storey discount foodstore (to include off licence use) with a gross floor area of 1,729 sq. m (net retail area 1.254 sq. m.). The development includes the erection of 1 no. free standing double sided internally illuminated sign, 1 no. internally illuminated gable sign on the east elevation, 1 no. poster sign at entrance and entrance glass sign on south elevation. The proposed development will be served by 104 no. car parking spaces. Access to the site will be provided from Strand Road (R150). The proposed development includes all engineering works, landscaping works including revisions to bus lay by, bicycle parking, boundary treatments and site development works on the 0.78 hectare site (Screening for Appropriate Assessment submitted). Significant further information/revised plans submitted on this application	Grant Permission  December 2016  3 <sup>rd</sup> Party Appealed January 2017  Decision to Grant by An Board Pleanála (ABP-247835)  September 2017

---

### 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

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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.

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## 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 Laytown Retail Store, that the conditions set out in the grant of permission under Reg. Ref 16/0330 (ABP247835), 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.	<b>A Glint and Glare Screening Report</b> 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 Laytown would constitute development but is considered exempted development based on compliance with each of the threshold requirements.

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## 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, 2022), 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 Laytown 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](mailto:Brian.Kelly@avisonyoung.com)

**Visit us online**  
[avisonyoung.com](http://avisonyoung.com)

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#### Avison Young

86 Merrion Square South, Dublin 2, D02 YE10

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**MEATH COUNTY COUNCIL**

**CHIEF EXECUTIVE ORDER**

**Chief Executive Order Number:** 1339/25

**Reference Number:** LS525020

**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  
D02 YE10

**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 Laytown, Strand Road, Laytown, Co Meath

**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:** Alan Russell  
On Behalf of Meath County Council

**DATE:** 07/08/2025





**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  
D02 YE10**

**PLANNING REFERENCE NUMBER:** LS525020

**APPLICATION RECEIPT DATE:** 20/02/2025

**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 07/08/2025 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 Laytown, Strand Road, Laytown, Co Meath**

Date: 07/08/2025

Triona Keating  
**On Behalf of Meath County Council**

**NOTE:**

1. Any appeal against a Declaration of a Planning Authority under Section 5, subsection 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](mailto:bord@pleanala.ie) Web: [www.pleanala.ie](http://www.pleanala.ie)



# Meath County Council



comhairle chontae na mí  
*meath county council*

## Planning Report

<b>To:</b>	Alan Russell, A/Senior Planner
<b>From:</b>	Stephen O' Brien, Assistant Planner
<b>Date:</b>	31/07/2025
<b>MCC File Number:</b>	LS525020
<b>Applicants:</b>	Aldi Stores LTD
<b>Development Address:</b>	Aldi Laytown, Strand Road, Laytown, Co. Meath
<b>Application Type:</b>	Section 5 of the Planning & Development Acts 2000-2023 Declaration on Development/Exempted Development.
<b>Development Description:</b>	Erection of photovoltaic panels at roof level.
<b>Date Decision Due:</b>	07/08/2025

### 1.0 Site Location & Description:

The subject site is located in the townland of Ninch, within the settlement of Laytown Co. Meath. It lies within the Bettystown/Laytown/Mornington East/Donacorney/Mornington Written Statement settlement boundary in the Meath County Development Plan 2021-2027. There is an existing Aldi located at the subject site. Vehicular access to the site is formed off the Strand Road which is a regional road (R150-45). The existing Aldi store is located to the west of the regional road and is bounded by residential development on other sides. The subject site is located along the Irish Sea coastline and close to the estuary of the River Nanny. The subject site is located 30m from the River Nanny Shore and Estuary SPA. The subject site is zoned B1 – Commercial Town or Village. The applicant is the landowner.



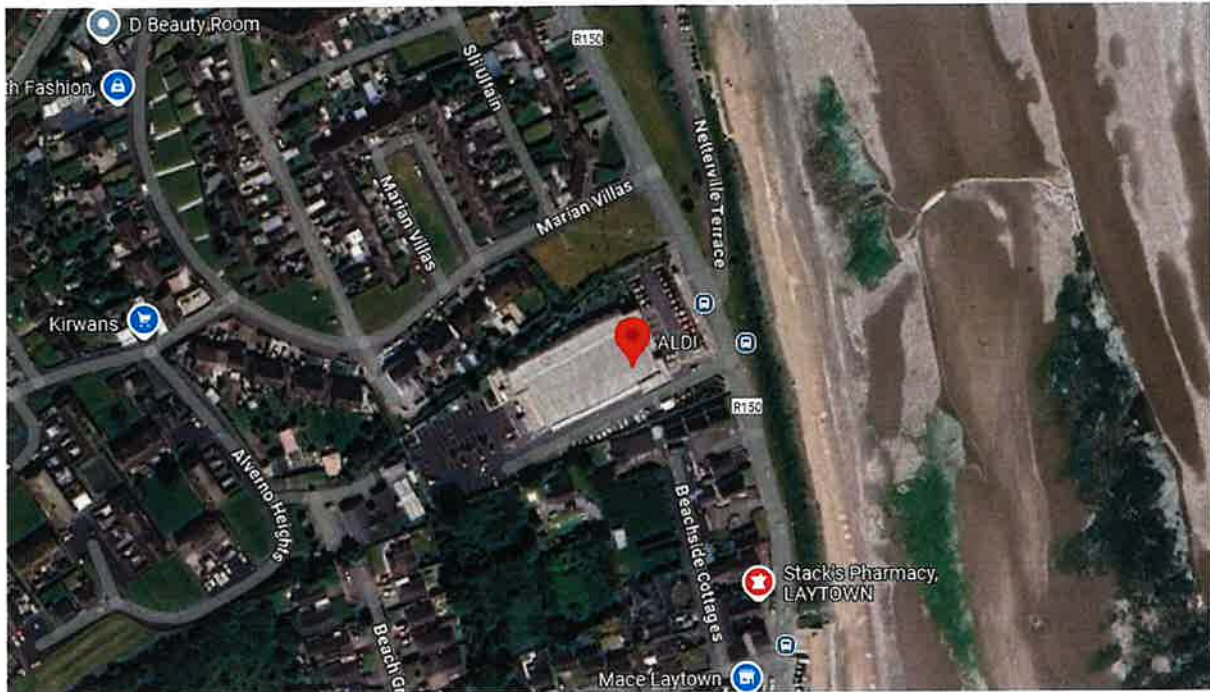


Fig. 1.0: Aerial image of the subject lands to which the application relates.

## 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:

**23485** Permission **granted** to Aldi Stores (Ireland) Limited for the construction of a single storey Deposit Return Scheme (DRS) kiosk (Gross Floor Area: 17 sq. m), including 2 no. signage panel areas for branding on the side elevation of the DRS Kiosk (1.0m x 2.0m), and all associated site development works. The development will result in the removal of 3 no. existing car parking spaces in the car park that serves the existing Aldi Store.

**LB/160330** Permission **granted** to Aldi Stores (Ireland) Limited for the demolition of the existing building on site with a floor area of 1,115.4sqm and the construction of



a single storey discount food store (to include off licence use) with a gross floor area of 1,729sqm (net retail area 1254sqm). The development includes the erection of 1. no free-standing double added internally illuminated sign, 1 no. internally illuminated gable sign on the east elevation 1 no. poster sign at entrance and entrance glass sign on south elevation. The proposed development will be served by 104 no. car parking spaces. Access to the site will be provided from Strand Road (R150). The proposed development includes all engineering works, landscaping works including revision to bus lay by, bicycle parking, boundary treatments and site development works on the 0.78 hectare site.

**ABP.247835** ABP **granted** the decision.

**92/589** Permission **granted** for a new roof replacement to part of existing structure and variation and extension of approved plans for extension.

**SA/901329** Permission **granted** for partial demolition of bedroom accommodation on the west side, the construction of a two-storey extension comprised of 50 no. bedrooms with ancillary accommodation, a single storey staff accommodation extension, an extension to the existing dining room, a single storey plant room, retention of existing conservatory to inner courtyard, additional car parking and all associated site works.

#### **4.0 Further Information Response & Assessment:**

The Further Information Request (R.F.I.) was issued on 19/03/2025. The Further Information Response was received on 18/07/2025. As such, the following should be read in conjunction with the initial Planning Report.

Based on the information submitted and having regard to the initial Planning Report, I consider that the applicant has formally responded to the Request for Further Information and that the proposed development must now be fully assessed. The following provides the items of the Request for Further Information; the applicant's response; and the assessment of the Planning Authority.

##### **4.1 Further Information Request Item No. 1**

In accordance with Article 6 of the Habitats Directive which is implemented in Ireland through the Planning & Development Act 2000-2023 and European Communities (Natural Habitats) Regulations (2011), the applicant is advised to provide information to the Planning Authority to enable it to identify if the development is likely to have direct, indirect or 'in combination' impacts on the habitats and/or species for which the following sites are designated (or any other relevant sites):

- Nanny Estuary and Shore SPA (Site Code 004158)
- North-West Irish Sea SPA (Site Code 004236)
- Boyne Coast and Estuary SAC (Site Code 001957)





- Other European Sites of relevance

This information should be provided in the form of a Habitats Directive Screening for Appropriate Assessment which shall contain sufficient information to allow the Planning Authority to screen the application and to fully assess the potential impacts of the proposal on the designated sites.

The applicants are advised that the Habitats Directive Screening for Appropriate Assessment should be prepared by a suitably qualified ecologist(s) and where appropriate hydrologists and/or other experts. Such statements should follow the DoEHLG guidance 'Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, 2009' and be in accordance with the templates provided in the EU Guidance document 'Assessment of plans and projects significantly affecting Natura 2000 sites - Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC' and updated guidance. A Screening for Appropriate Assessment should include the following:

- details relating to the size, scale and location of the proposed development to include information relating to proposed construction methods and timescales and the treatment of any wastes arising;
- map identifying the proposed site and location of relevant Natura 2000 sites (information available to download at [www.npws.ie](http://www.npws.ie))
- full list of plans or projects considered in relation to 'in combination' impacts;
- information relating to the ecology of the Natura 2000 site(s) within the identified impact zone to include reference to the habitats and species for which the site(s) is/are designated; the relevant conservation objectives; detailed description of the area of the Natura 2000 site likely to be impacted to include information on the presence of key habitats or species; and description of the key structural and functional relationships that maintain the sites integrity;
- assessment of the likely effects of the proposed project on Natura 2000 sites within the impact zone, including an assessment of any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site, and an evaluation of the significance of these using the indicators set out in the EU Guidance document referenced above;
- the cumulative impact of the proposed development in combination with the recent adjoining developments to the southwest should be fully assessed;
- avoidance of any likely significant effects through relocation, redesign or other avoidance measures which would avoid negative effects;
- full list of organisations consulted and a copy or summary of the consultation responses;
- any potential impact on the Natura 2000 site as a result of 'cumulative impacts' of individual wastewater treatment plants adjoining the proposed development.



Having regard to the outcome of the Screening assessment, **a Natura Impact Statement shall be submitted if required.**

*Please Note: The relevant qualifications and experience of the persons preparing these should be cited within these reports. Field surveys of habitats and species may be required to complete these reports. These should be carried out in accordance with recognised standard best practise methodologies and at the appropriate time of year.*

#### **4.1.1 Applicants Response to Item No. 1**

In response to the further information request the applicant has submitted an Appropriate Assessment Screening Report for the proposed development. This report was prepared by Altermar Marine & Environmental Consultancy. The proposed works consist of the installation of photovoltaic (PV) panels on the Aldi, Laytown roof. The area of roof space required for the installation of PV Panels is 645.9sqm. The array is to be constructed using non-reflective/anti-glare PV panels with anti-reflective coating on the front glass of the panels.

The proposed development is not within a European Site. The nearest European Site is the River Nanny Estuary and Shore SPA, located approximately 27metres to the east of the site boundary on the far side of the R-150. The nearest watercourse to the proposed development is a section of the River Nanny located approximately 300m west of the boundary. It is stated that there is no hydrological connection to this waterbody. The proposed works are approximately 30m from the Laytown estuarine environment, but given the scale of the proposed works, there is no hydrological connection to this environment.

The applicant has stated 10 European Sites within a 15km radius. These have been checked in detail and the Planning Authority can confirm that on the basis of the content of the attached Appropriate Assessment Screening Report, in view of best scientific knowledge and in view of the conservation objectives of the relevant European Site, the proposed development, individually or in combination with other plans or projects is not likely to have a significant effect on any European Site.

#### **4.1.2 Further Assessment of Item No. 1**

The Planning Officer has reviewed the submitted response and consider this to be acceptable. Having regard to the scale of the proposed works, the glint and glare from the PV panels, the lack of drainage and hydrological pathways or biodiversity corridor link to conservation sites, it is concluded that the proposed development would not give rise to any significant effects to designated sites. Such developments, located outside of an SSZ, are able to erect unlimited rooftop solar panels subject to certain conditions such as minimum distances from the edge of the roof and the general restrictions on exempted development set out in the Planning Act and the Principal Regulations. The applicant has also stated in their report that works are due to be carried outside of the wintering bird period. This is to the satisfaction of the Planning Authority.



## 5.0 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:

- Nanny Estuary and Shore SPA (Site Code 004158) – c.27 metres east.
- North-West Irish Sea SPA (Site Code 004236) – c.460 metres east.
- Boyne Coast and Estuary SAC (Site Code 001957) – c.2.2km north.

The Planning Authority considered the nature (**proposed PV installation**), 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 applicant has submitted an Appropriate Assessment Screening Report for the proposed development. This report was prepared by Altamar Marine & Environmental Consultancy. The proposed works consist of the installation of photovoltaic (PV) panels on the Aldi, Laytown roof. The area of roof space required for the installation of PV Panels is 645.9sqm. The array is to be constructed using non-reflective/anti-glare PV panels with anti-reflective coating on the front glass of the panels. The proposed development is not within a European Site. The nearest European Site is the River Nanny Estuary and Shore SPA, located approximately 27m to the east of the site boundary on the far side of the R-150. The nearest watercourse to the proposed development is a section of the River Nanny located approximately 300m west of the boundary. It is stated that there is no hydrological connection to this waterbody. The proposed works are approximately 30m from the Laytown estuarine environment, but given the scale of the proposed works, there is no hydrological connection to this environment.

The applicant has stated 10 European Sites within a 15km radius. These have been checked in detail and the Planning Authority can confirm that on the basis of the content of the attached Appropriate Assessment Screening Report, in view of best scientific knowledge and in view of the conservation objectives of the relevant European Site, the proposed development, individually or in combination with other plans or projects is not likely to have a significant effect on any European Site.

## 6.0 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 (PDR) 2001 - 2025 nor is it considered a sub-



threshold development for the purposes of Schedule 7 PDR. Based on information provided and having considered the nature, size and location of the development, there is no real likelihood of significant effects on the environment and as such as EIS/EIAR is not required.

## **7.0 Recommendation:**

It is therefore recommended that a declaration of Exemption be **GRANTED** for the development set out hereunder.

**WHEREAS** the question has arisen as to whether the proposal is or is not exempt development.

**AND WHEREAS** Meath County Council in consideration of this question has had regard particularly to:

- (a) Sections 2(1), 3(1), 4 & 177U of the Planning and Development Act 2000-2023
- (b) Article 6 & 9 of the Planning and Development Regulations, 2001-2025.
- (c) Class 56 (e) of Article 6, Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2025
- (d) Information provided.

**AND WHEREAS** Meath County Council has concluded: -

- (a) The application of the erection of photovoltaic panels at roof level constitutes works which are development as per Section 3 of the Planning and Development Act 2000, as amended.
- (b) The installation of photovoltaic panels at roof level constitutes "works 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.
- (c) The works at Aldi Laytown, Strand Road, Laytown, Co. Meath would not materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure and adjoining structures and would therefore come within the scope of Section 4 (1) (h) of the Planning and Development Act 2000, as amended.

**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 said development as detailed on plans and particulars submitted on 20<sup>th</sup> February 2025 and 18<sup>th</sup> July 2025 is development and is exempted development.





Stephen O'Brien

**Stephen O' Brien**  
**Assistant Planner**  
**Date: 31/07/2025**

**RECOMMENDATION  
ACCEPTED**

- 7 AUG 2025

Alan Russell

Signed: \_\_\_\_\_

**Alan Russell**  
**A/Senior Planner**  
**Date: 06/08/2025**

