



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**ALDI Stores Ltd
C/o Brian Kelly (Principal)
Avison Young Ireland
86 Merrion Square
Dublin 2
Dublin
D02 YE10**

12th March 2025

Section 5 referral Reference R25-16 – ALDI Stores Ltd

Is the provision of photovoltaic panels at roof level development and if so, is it exempted development?

A Chara,

I refer to your application received on 24th February 2025 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to an Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie.

Mise, le meas

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúarthóireacht Forbairt Gheilleagrach

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



**DECLARATION ISSUED UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

Reference No.: R25-16



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R25-16

Is the provision of photovoltaic panels at roof level development and if so, is it exempted development?

AND WHEREAS, ALDI Stores Ltd has requested a declaration from Clare County Council on the said question.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 56(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The provision of photovoltaic panels at roof level at ALDI Killaloe, Abbey Street, Killaloe, Co. Clare constitutes “works” which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute “development” which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) The said provision of photovoltaic panels at roof level at ALDI Killaloe, Abbey Street, Killaloe, Co. Clare is development which is exempted development having regard to Schedule 2, Part 1, Class 56(e) the Planning and Development Regulations 2000 (as amended).

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

The proposed development consisting of the provision of photovoltaic panels at roof level at ALDI Killaloe, Abbey Street, Killaloe, Co. Clare **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

12th March 2025

CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No:

85117

Reference Number:

R25-16

Date Referral Received:

24th February 2025

Name of Applicant:

ALDI Stores Ltd

Location of works in question:

ALDI Killaloe, Abbey Street, Killaloe, Co.
Clare, V94 225X

Section 5 referral Reference R25-16 – ALDI Stores Ltd

Is the provision of photovoltaic panels at roof level development and if so, is it exempted development?

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 56(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

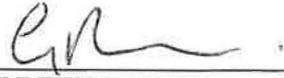
- (a) The provision of photovoltaic panels at roof level at ALDI Killaloe, Abbey Street, Killaloe, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) The said provision of photovoltaic panels at roof level at ALDI Killaloe, Abbey Street, Killaloe, Co. Clare is development which is exempted development having regard to Schedule 2, Part 1, Class 56(e) the Planning and Development Regulations 2000 (as amended).

ORDER: Whereas by Chief Executive's Order No. HR 46 dated 1st January 2025, Carmel Kirby, Interim Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Garreth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended)

and having considered the various submissions and reports in connection with the referral described above, I, Garreth Ruane, Senior Executive Planner, hereby declare that the provision of photovoltaic panels at roof level at ALDI Killaloe, Abbey Street, Killaloe, Co. Clare is **considered development** which is **exempted development**.

Signed:



GARRETH RUANE
SENIOR EXECUTIVE PLANNER

Date:

12th March 2025

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R25-16
APPLICANT(S):	ALDI Stores Ltd.
REFERENCE:	Whether the provision of photovoltaic panels at roof level is or is not development and is or is not exempted development.
LOCATION:	ALDI Killaloe, Abbey Street, Killaloe, Co Clare V94225X
DUE DATE:	21 st March 2025

Site Location

The site is located close to the centre of Killaloe on lands zoned Commercial. The site comprises a detached, single storey discount supermarket with adjoining public and private parking areas. The subject building is sited downslope from Abbey Street, with the associated parking areas located between Abbey Street and the main building.

Recent Planning History

P16/938 – Aldi Stores (Ireland) Ltd granted permission for development at Abbey Street, Killaloe, Co. Clare, Millstream Road, the L3088, forms the western boundary of the site. The application site falls within the curtilage of a Protected Structure, The Deanery (RPS NO. 445), which lies directly to the east. The development will consist of the construction of a single storey discount foodstore (to include off licence use) with a gross floor area of 1,610 sq.m (net retail area ,1140 sq.m) The development includes the erection of 1 no. free standing double sided internally illuminated sign, 2 no. internally illuminated gable signs, 1 no. internally illuminated poster sign and 1 no. entrance glass sign. The proposed development will be served by 87 no. car parking spaces. The proposed parking will serve the discount foodstore and accommodate public parking provision. Vehicular access to the site will be provided from Abbey Street. The proposed development includes the construction of an ESB substation, all landscaping, boundary treatment and site development works on a 0.998 hectare site.

P19/256 – Aldi Stores (Ireland) Ltd granted permission for development of a site at the existing Aldi Store, Abbey Street, Killaloe, Co. Clare. The Millstream Road (L3088) forms the western boundary of the site. The vestry of St. Flannan's Cathedral is located on the adjoining site to the east. The vestry is designated as a Protected Structure. Permission is sought to amend the opening hours of the Aldi Store permitted under Clare County Council Planning Register Reference P16-938 (An Bord Pleanála Ref. PL 03.248755). Specifically Condition No. 17 of the An Bord Pleanála Order which restricted the opening hours to 10.00 hours to 19.00 hours on Sundays and public / bank holidays. It is proposed to amend the permitted opening hours to 09.00 to 21.00 hours on Sundays and public / bank holidays

Background to Referral

This Referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Avison Young Ireland on behalf of ALDI Stores Ltd. who are the registered owner of the site.

The applicants are seeking a Section 5 Declaration as to whether the provision of photovoltaic panels at roof level is or is not development and is or is not exempted development.

Assessment

Planning and Development Act, 2000 (as amended)

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended*.

S.3.(1) In this Act, "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.

'Works' are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

"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.

Having regard to Section 2(1) of the *Planning and Development Act 2001 (as amended)*, I consider that the proposed development, come within the scope of "works" and hence constitutes development in accordance with Section 3(1) of the *Planning and Development Act 2001 (as amended)*.

The referral relates to the construction of a solar array on the roof of a business premises. The proposed development is therefore assessed in the context of Schedule 2, Part 1, Class 56(e) and Article 9(1) of the *Planning and Development Regulations, 2001 as amended*.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, 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 of the Exemption:

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 to this proposal. The site is not within 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. The site is not within a Solar Safeguard Zone.
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 subject building is a business premises with a flat roof. This limitation of the exemption is not exceeded.
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.
- This limitation of the exemption is not exceeded.
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).
- Not applicable. The subject building has a flat roof.
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.
- This limitation of the exemption is not exceeded.
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.
- This limitation of the exemption is not exceeded.
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 proposal complies with this limitation of the exemptions.
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 proposal complies with this limitation of the exemption.
10. The total aperture area of any freestanding solar photo-voltaic and solar thermal collector panels taken together with any other such existing freestanding panels shall not exceed 75 square metres.
- Not applicable to the current proposal.

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 to the current proposal.

12. The placing or erection of a solar photovoltaic or solar thermal collector installation on any wall shall not be exempted development.

- The proposal complies with this limitation of the exemption.

13. The placing or erection of any freestanding 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.

- Not applicable – the proposal site is not located within the Killaloe Architectural Conservation 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.

- The proposal complies with this limitation of the exemption.

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.

- All power generated by the development will be used within the retail store. No exporting of power to the national is proposed. The development complies with this limitation of the exemption.

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.

- Noted. An Aviation Glint and Glare Screening Assessment was submitted with the Section 5 referral document. The applicant will be informed of this condition / limitation of the exemption, when appropriate.

Under Article 9 (1) of the same Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(a) if the carrying out of such 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

The subject retail unit was granted permission under application P16/938. Condition 8 of that permission states:

8. No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials and antennas equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

Based on the submitted drawings, the proposed solar array will be constructed entirely below parapet level. The proposal will not contravene a condition attached to a permission or be inconsistent with a use specified under the Act.

(ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

Not applicable to this proposal.

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

Not applicable to this proposal.

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

The proposal site is not within a Solar Safeguarding Zone. The provisions of Schedule 2, Part 1, Class 56(e), Limitation 16 apply in respect of the proposal.

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

Not applicable to this proposal.

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

Not applicable to this proposal.

(vii) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.

The proposal site is located in the town of Killaloe. The subject building is sited downslope of Abbey Street and a substantial stone boundary wall largely screens the subject building from view from the public road. It is also noted that the proposed solar array will not project above the level of the parapet on the perimeter of the roof. The proposal will not impact negatively on the character of the local landscape.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

Not applicable to the current proposal. No new groundworks required to facilitate installation.

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

Not applicable to the current proposal.

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

Having regard to the nature and scale of the proposed development and the established use of the site, no Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site. An appropriate assessment screening report and determination is attached to this report.

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."

No applicable to the current proposal.

(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,

Not applicable to the current proposal.

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

Not applicable to the current proposal.

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

Not applicable to the current proposal.

(xi) obstruct any public right of way,

Not applicable to the current proposal.

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

Not applicable to the current proposal.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the provision of photovoltaic panels at roof level at ALDI Killaloe, Abbey Street, Killaloe, Co. Clare is or is not development and is or is not exempted development.

The Planning Authority in considering this referral had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 56(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

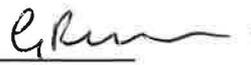
And whereas Clare County Council (Planning Authority) has concluded:

- (a) The provision of photovoltaic panels at roof level at ALDI Killaloe, Abbey Street, Killaloe, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) the said provision of photovoltaic panels at roof level at ALDI Killaloe, Abbey Street, Killaloe, Co. Clare is development which is exempted development having regard to Schedule 2, Part 1, Class 56(e) the Planning and Development Regulations 2000 (as amended).

Now therefore Clare County Council (Planning Authority), hereby decides that: the provision of photovoltaic panels at roof level at ALDI Killaloe, Abbey Street, Killaloe, Co. Clare is development and is exempted development.


Executive Planner

Date: 11/03/25


Senior Executive Planner

Date: 11/03/25

Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	R25-16
(b) Brief description of the project or plan:	The provision of photovoltaic panels at roof level. At ALDI Killaloe Co Clare .
(c) Brief description of site characteristics:	Existing supermarket with flat roof. Located close to Killaloe town centre.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
(e) Response to consultation:	N/A.

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Shannon SAC	<u>Annex I habitats:</u> <ul style="list-style-type: none"> • Sandbanks which are slightly covered by sea water all the time [1110] • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • *Coastal lagoons [1150] • Large shallow inlets and bays [1160] • Reefs [1170] • Perennial vegetation of stony banks [1220] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • <i>Salicornia</i> and other annuals colonizing mud and sand [1310] • Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] 	0.28km	Site is in close proximity to the SAC.	Yes

	<ul style="list-style-type: none"> Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260] <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] <p><u>Annex II species:</u></p> <ul style="list-style-type: none"> Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> [1029] Sea Lamprey <i>Petromyzon marinus</i> [1095] Brook Lamprey <i>Lampetra planeri</i> [1096] River Lamprey <i>Lampetra fluviatilis</i> [1099] Atlantic Salmon <i>Salmo salar</i> (only in fresh water) [1106] Bottlenose Dolphin <i>Tursiops truncatus</i> [1349] Otter <i>Lutra lutra</i> [1355] 			
Lough Derg (Shannon) SPA	<ul style="list-style-type: none"> Cormorant <i>Phalacrocorax carbo</i> [A017] breeding + wintering Tufted duck <i>Aythya fuligula</i> [A061] wintering + breeding Goldeneye <i>Bucephala clangula</i> [A067] wintering + breeding Common tern <i>Sterna hirundo</i> [A193] Breeding Wetlands and Waterbirds [A999] 	1.7km	No identified pathway between the proposal site and the SPA	No

¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

² If the site or part thereof is within the European site or adjacent to the European site, state here.

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> Vegetation clearance Demolition Surface water runoff from soil excavation/infill/landscaping (including borrow pits) Dust, noise, vibration Lighting disturbance Impact on groundwater/dewatering Storage of excavated/construction materials 	Installation works are confined to the roof of an existing building. No additional groundworks required. No potential for contamination of surface water. No likely construction phase impacts

<ul style="list-style-type: none"> • Access to site • Pests 	
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	No possible operational phase impacts.
In-combination/Other	No potential in-combination effects

(b) Describe any likely changes to the European site:

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	No likely changes to European sites as a result of the proposed development.
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(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

Step 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

No likely direct or indirect effects on European sites as a result of the proposed development.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:		
Signature and Date of the Decision Maker:	11/03/2025	



Boundary wall screening view of the building from
Abbey Street.



View from entrance gate on Abbey Street.



Clare County Council
Aras Contae an Chláir
New Road
Ennis
Co Clare



25/02/2025 10:09:36

Receipt No. : L1CASH/0/375699
***** REPRINT *****

ALDI STORES LTD
C/O BRIAN KELLY
Avison Young Ireland
86 Merrion Square, Dublin 2
D02 YE10. REF. R25-16

COMHAIRLE
CONTAE
AN CHLÁIR

SECTION 5 REFERENCES 80.00
GOODS 80.00

VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change : 0.00



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P07

CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR

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Economic Development
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Clare County Council,
New Road, Ennis, Co. Clare.
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R25 - 16

REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))
FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.	
(a) Name and Address of person seeking the declaration	ALDI Stores Ltd Holly Lane Atherstone CV9 2SQ United Kingdom 
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Brian Kelly (Principal) Avison Young Ireland 86 Merrion Square S, Dublin 2 Dublin ,D02 YE10

2. DETAILS REGARDING DECLARATION BEING SOUGHT

(a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT

Note: only works listed and described under this section will be assessed.

Sample Question : *Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted 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)

(b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.

Question being put to the local authority is whether the installation and operation of PV Panels at Roof Level of an ALDI Retail Store, complies with the relevant guidelines and legislation issued in October 2022, under the Planning and Development Act (Exempted Development) (No.3) Regulations 2022 (S.I. No. 493 of 2022), which provides for a range of exemptions for such development.

(c) List of plans, drawings etc. submitted with this request for a declaration:

Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)

Site Location Map, Existing & Proposed Site Layout Plan, Existing & Proposed Roof Plan, Existing and Proposed Elevations, Existing & Proposed Sections, PV Panels & Fixing Details, Section 5 Application Form, Planning Report, Glint & Glare Assessment Note

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	ALDI Killaloe Abbey St, Clare, Killaloe, Co. Clare, V94 225X
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	No, not applicable
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Owner of Lands
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	N/A
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	N/A
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	N/A
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	Yes, App. Ref 15465, 16938, 19256
(h) Date on which 'works' in question were completed/are likely to take place:	May - July 2025

SIGNED: Billy

DATE: 07/02/2025

GUIDANCE NOTES

This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

(v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question. The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

FOR OFFICE USE ONLY

Date Received:	.....	Fee Paid:	.....
Date Acknowledged:	.....	Reference No.:	.....
Date Declaration made:	.....	CEO No.:	.....
Decision:	.....	

10th February 2025

Clare County Council
Áras Contae an Chláir
New Road, Ennis
Co. Clare
V95 DXP2

Dear Sir/Madam

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

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 Killaloe store, at ALDI Killaloe, Abbey Street, Killaloe, Co. Clare,

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

**AVISON
YOUNG**

Request for a Section 5 Declaration

ALDI Stores (Ireland) Ltd

ALDI Killaloe,
Abbey Street, Killaloe,
Co. Clare, V94 225X

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: 7 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 Clare County Council in relation to a property at Abbey Street, Killaloe, Co. Clare.

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 (629 sqm) 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, which covers an area of 0.998ha., is located on Abbey Street within the town of Killaloe, opposite to the existing Convent Hill Shopping Centre where Supervalu is located. The site is accessed off Abbey Street which continues towards the R463 which connects south to Limerick City.

Analysis of Surroundings

- 2.2 To the east is the R463, (A route to O'Brien's Bridge and Limerick) to the north is Abbey Street off which there is gated access and to the west the site adjoins Convent Hill Road (L3088) at the lower end of which is Millstream Road where there is residential development.
- 2.3 There is a laneway at the rear of the houses to the south west of the site. Houses on individual plots with frontage onto the R463 are located to the south east. St Flannan's Cathedral and Killaloe Bridge are to the north west. The principle commercial and mature residential areas are to the north side of Abbey Street where the ground level rises northwards.

Relevant Planning History

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

Application Ref	Proposal	Decision Outcome
16/938	For development at Abbey Street, Killaloe, Co. Clare, Millstream Road, the L3088, forms the western boundary of the site. The application site falls within the curtilage of a Protected Structure, The Deanery (RPS NO. 445), which lies directly to the east. The development will consist of the construction of a single storey discount foodstore (to include off licence use) with a gross floor area of 1,610 sq.m (net retail area ,1140 sq.m) The development includes the erection of 1 no. free standing double sided internally illuminated sign, 2 no. internally illuminated gable signs, 1 no. internally illuminated poster sign and 1 no. entrance glass sign. The proposed development will be served by 87 no. car parking spaces. The proposed parking will serve the discount foodstore and accommodate public parking provision. Vehicular access to the site will be provided from Abbey Street. The proposed development includes the construction of an ESB substation, all landscaping, boundary treatment and site development works on a 0.998 hectare site	Grant Permission May 2017 3 rd Party Appealed June 2017 Grant of Permission upheld by ABP December 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

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 Killaloe Retail Store, that the conditions set out in the grant of permission under Reg. Ref 16/938 (ABP – 248755), 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
<p>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.</p>	<p>Not applicable, site is outside a solar safeguarding zone.</p>
<p>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.</p>	<p>Not applicable, as above.</p>

<p>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.</p>	<p>The design does not exceed these size thresholds.</p>
<p>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.</p>	<p>The design does not exceed these size thresholds.</p>
<p>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).</p>	<p>The design does not exceed this design threshold.</p>
<p>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.</p>	<p>The design complies with this requirement.</p>
<p>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.</p>	<p>The design complies with this requirement.</p>
<p>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</p>	<p>The design complies with this requirement.</p>
<p>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.</p>	<p>The design complies with this requirement.</p>
<p>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.</p>	<p>Not applicable, as this is a proposal for rooftop photovoltaic panels.</p>

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 <i>Glint and Glare Screening Report</i> 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 in compliance 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 Killaloe would constitute development but is considered exempted development based on compliance with each of the threshold requirements.

6. Conclusion

- 6.1 The question before Clare 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 Killaloe 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

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Avison Young

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macroworks

AVIATION GLINT AND GLARE SCREENING ASSESSMENT

Proposed Solar PV Energy Development

Aldi, Abbey Street, Killaloe, Co. Clare.

Prepared by Macro Works Ltd

February 2025





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**Registered
Landscape
Architect**



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, Abbey Street, Killaloe, Co. Clare. Figure 1.1 & 1.2 refer.



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

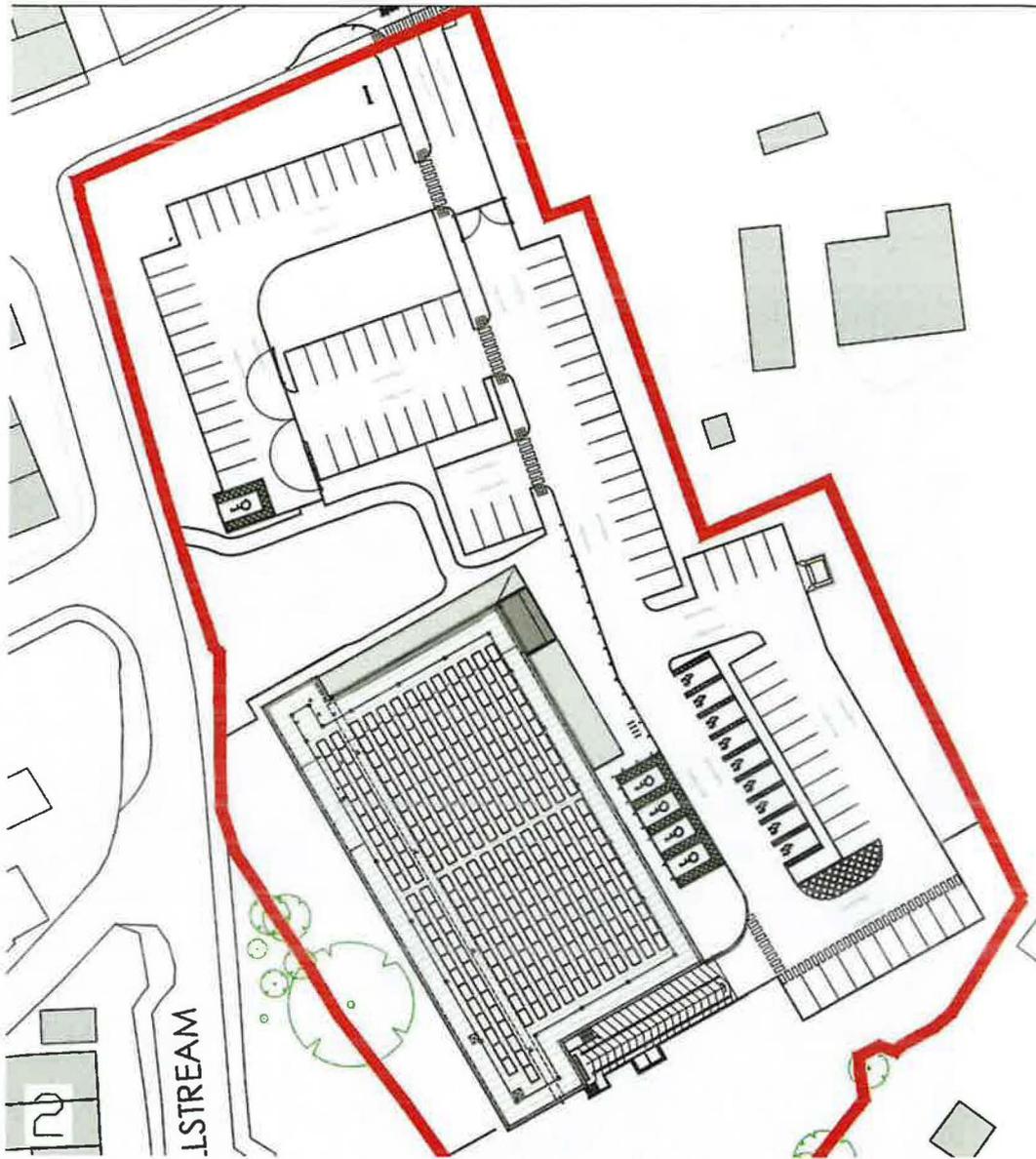


Figure 1.2 Extract from drawing no. 20984-THPK-32-XX-DR-A-0103 "Proposed Site Plan" showing the proposed site and panel layout.

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.

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 1[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.

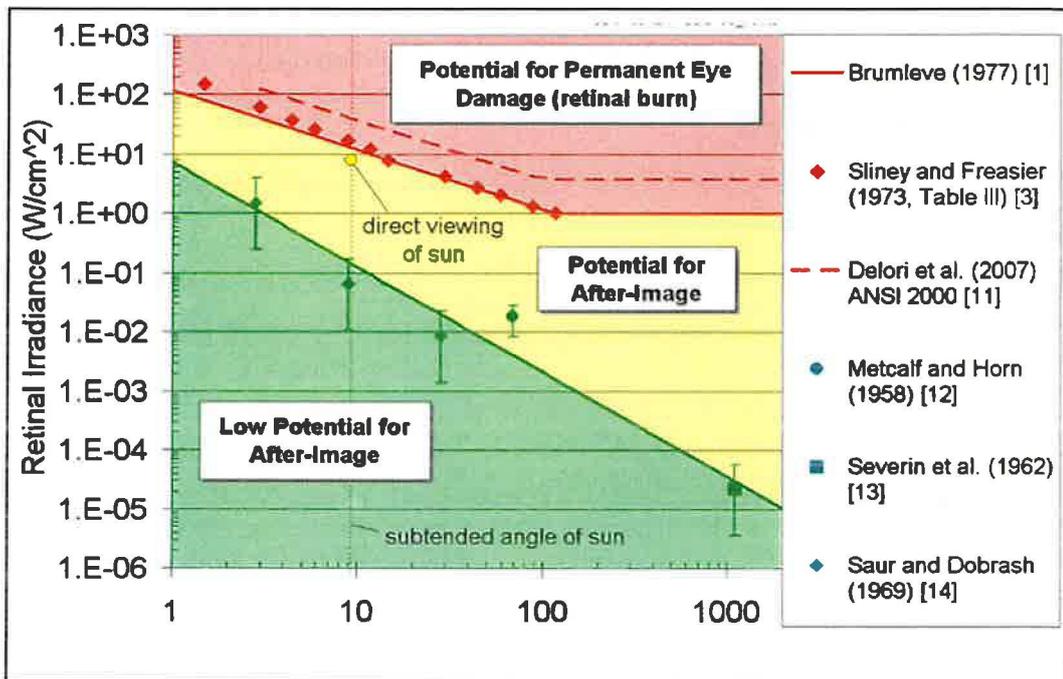
¹ Harris, Miller, Miller & Hanson Inc.. (November 2010). Technical Guidance for Evaluating Selected Solar Technologies on Airports; 3.1.2 Reflectivity. Technical Guidance for Evaluating Selected Solar Technologies on Airports. Available at: https://www.faa.gov/airports/environmental/policy_guidance/media/airport-solar-guide.pdf

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 Ocular 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. Ghanbari, and R.B. Diver, 2011, Methodology to Assess Potential Glint 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.

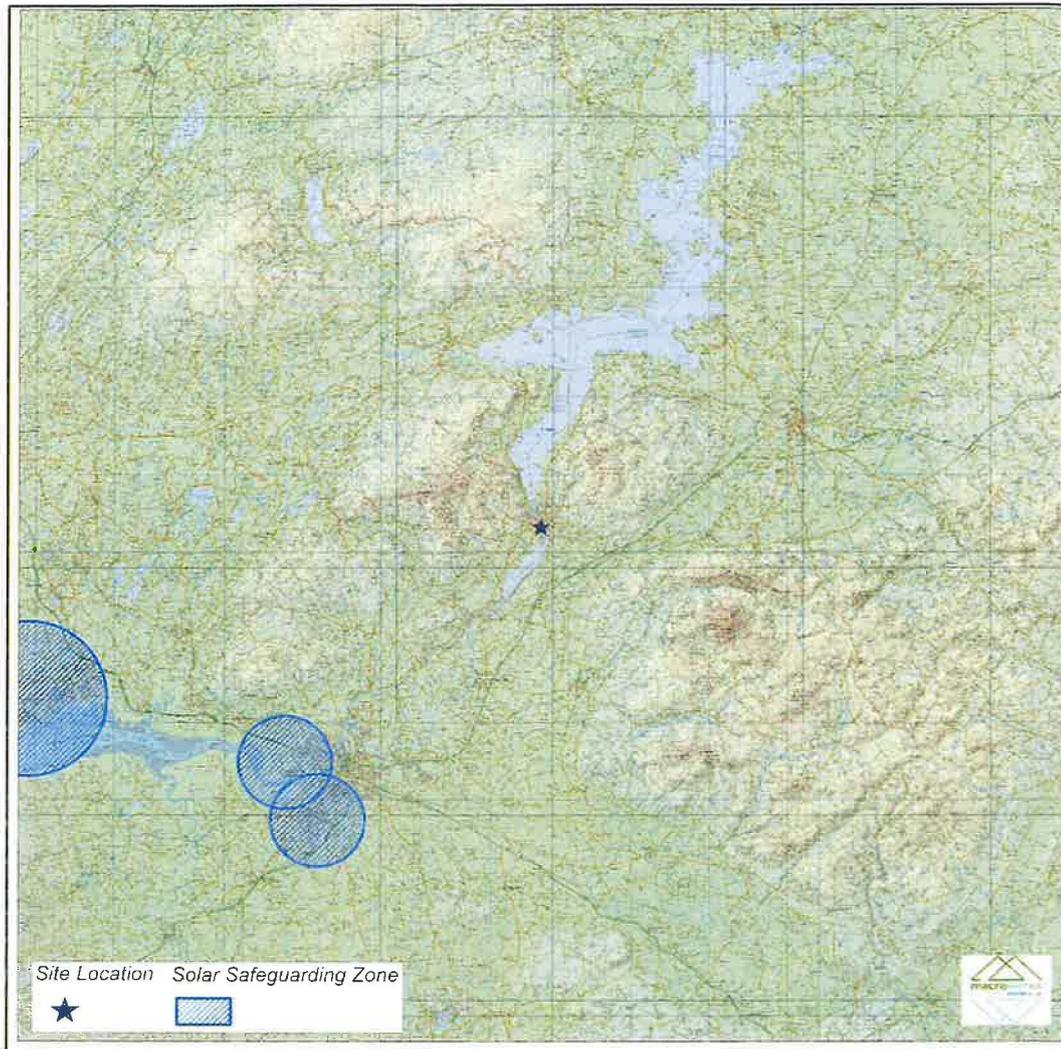
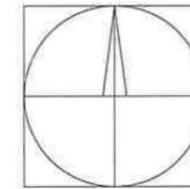


Figure 1.4 Map showing the approximate location of the proposed development relative to the nearest Solar Safeguarding Zone(s).

1.3 OVERALL CONCLUSION

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

Planning Pack Map



NORTH

Rev.	Date	Description	Drawn	Chk'd
P01	21/02/25	CS data added and drawing file rev'd	TG	JG



Site Boundary (Red Line) 10,001 sqm / 2.47 acre / 1.00 hectare



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Aldi PV Rollout

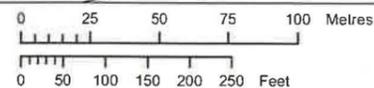
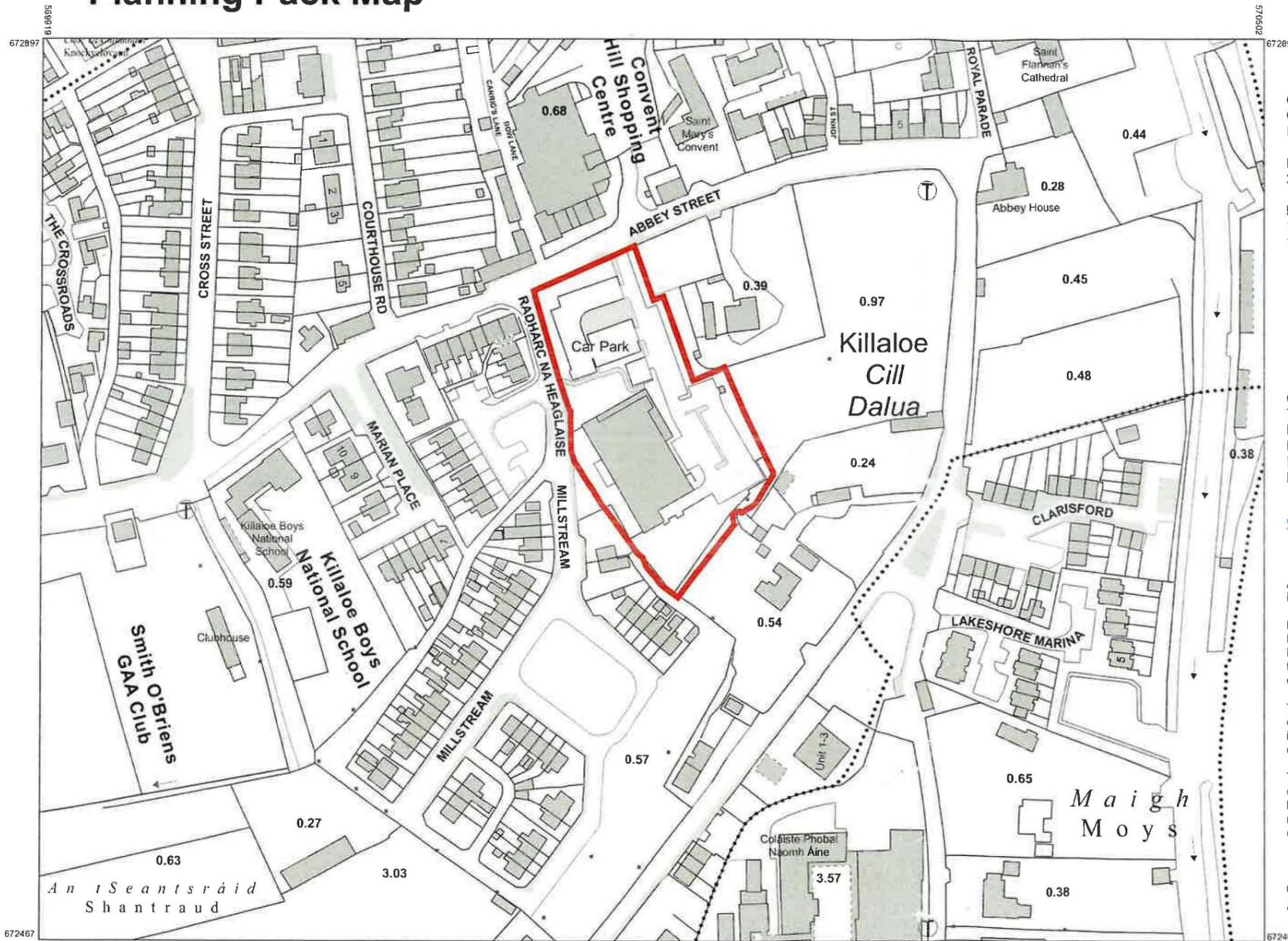
Store no. 32
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Drawing Title
Site Location Map

Drawn	Checked	Scale @A3	BIM Status	Date
TG	JG	1:2500	NA	01/25

Drawing Status	Rev.	THP Project No
Planning	P01	20984

Project No.	Originalator	Volume	Level	Type	Role	Number
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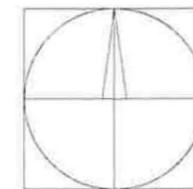
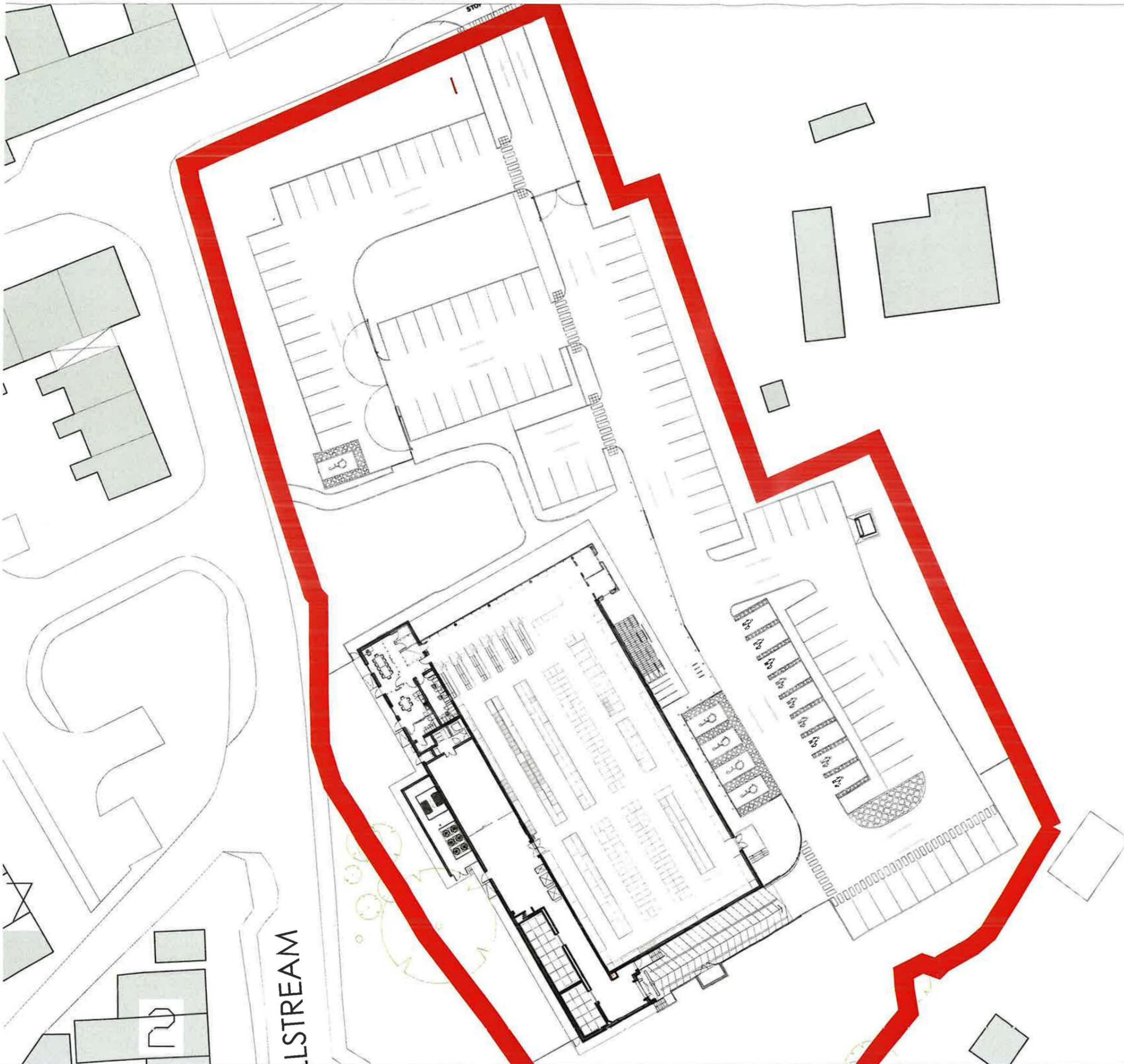


OUTPUT SCALE: 1:2,500

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.tailte.ie; search 'Capture Resolution'

LEGEND:
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NORTH

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Rev	Date	Description	Drawn	Check

0 5 10 15 20 25m
SCALE 1:500
 Site Boundary (Red Line) 10,001 sqm / 2.47 acre / 1.00 hectare

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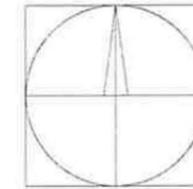
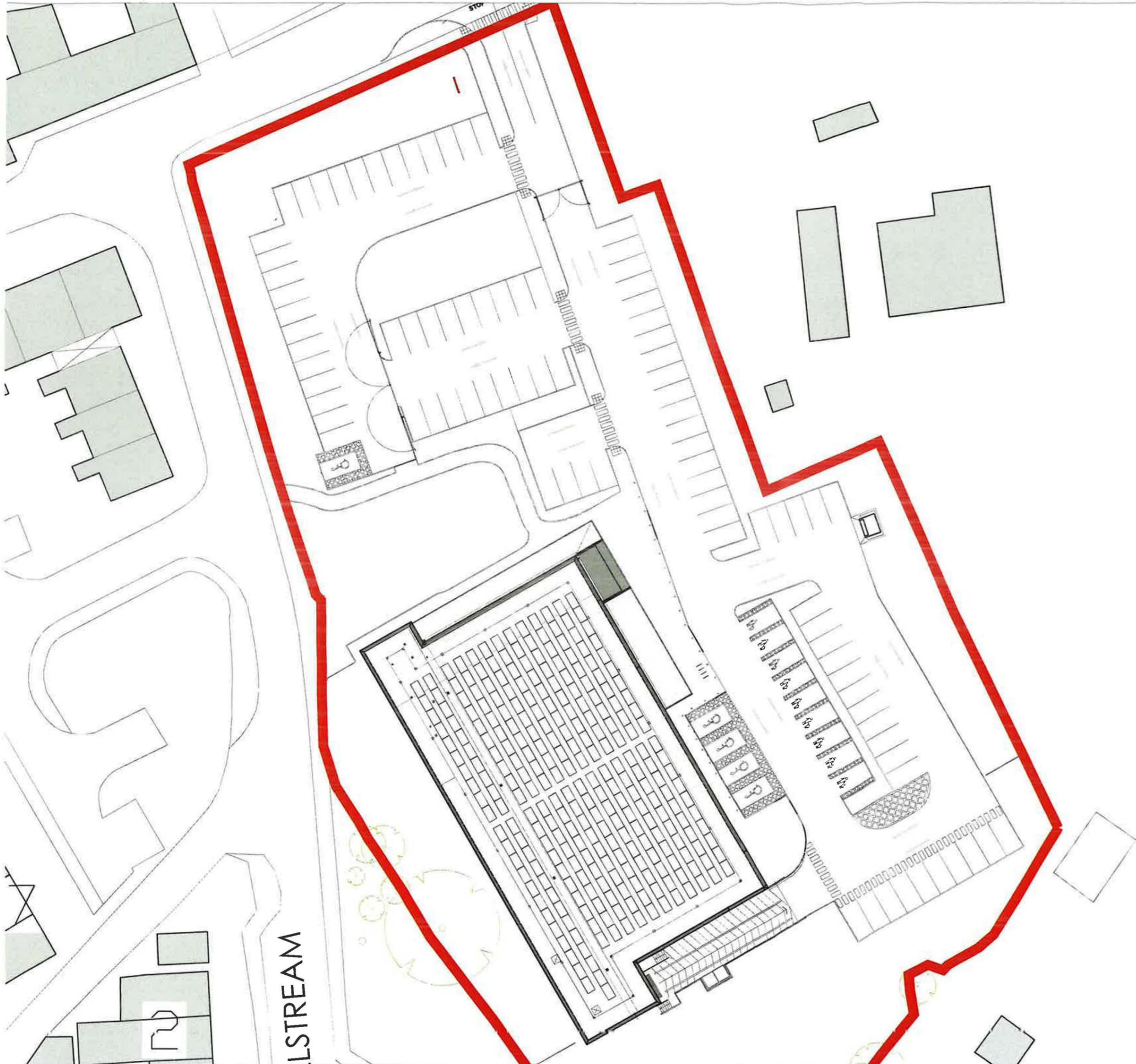
Project Title
 Aldi PV Rollout
 Store no. 32
 Abbey St, Clare, Killaloe
 Co. Clare, V94 225X, Ireland

Drawing Title
 Existing Site Plan

Drawn	Checked	Scale @A3	BIM Status	Date
TG	JG	1:500	NA	01/25

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Project No.	Originator	Volume	Level	Type	Role	Number
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Rev	Date	Description	Drawn	Check

0 5 10 15 20 25m
SCALE 1:500
 Site Boundary (Red Line) 10,001 sqm / 2.47 acre / 1.00 hectare

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Number of Solar Panels: 265no. using 520-540kw Solar Panels generating 144KW
Total PV Area - 629sqm
 Note: existing fall arrest system to be extended

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Store no. 32
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Drawing Title
Proposed Site Plan

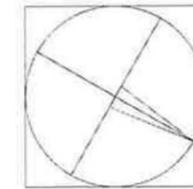
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Planning	-	20984

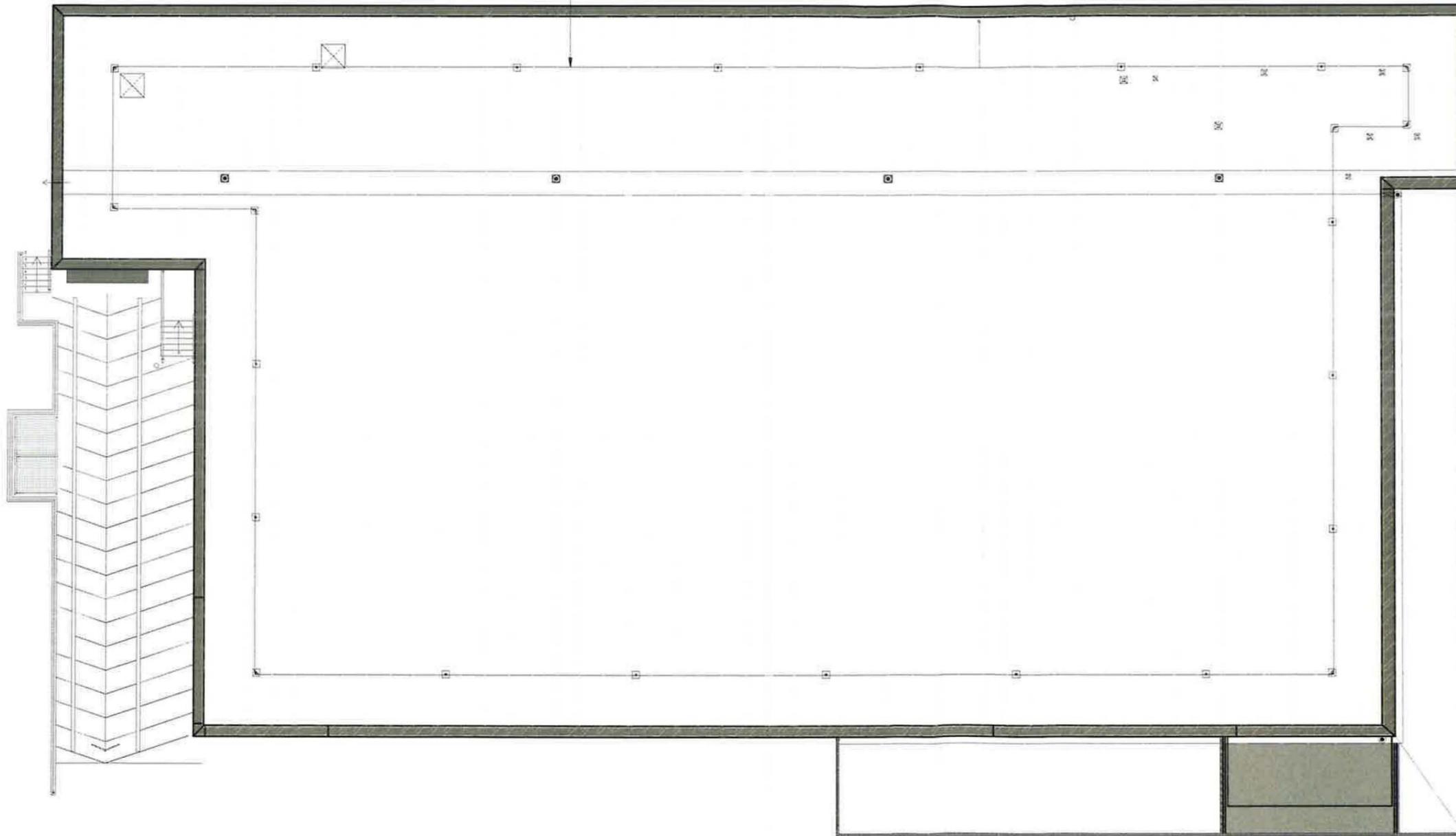
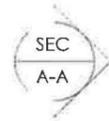
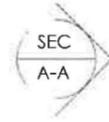
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20984	THPK	32	XX DR	A	103

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Rev	Date	Description	Drawn	Chk'd



EXISTING FALL ARREST SYSTEM TO BE RETAINED



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Aldi PV Rollout

Store no. 32
Abbey St, Clare, Killaloe
Co. Clare, V94 225X, Ireland

Drawing Title

Existing Roof Plan

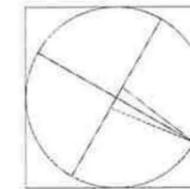
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Planning	-	20984

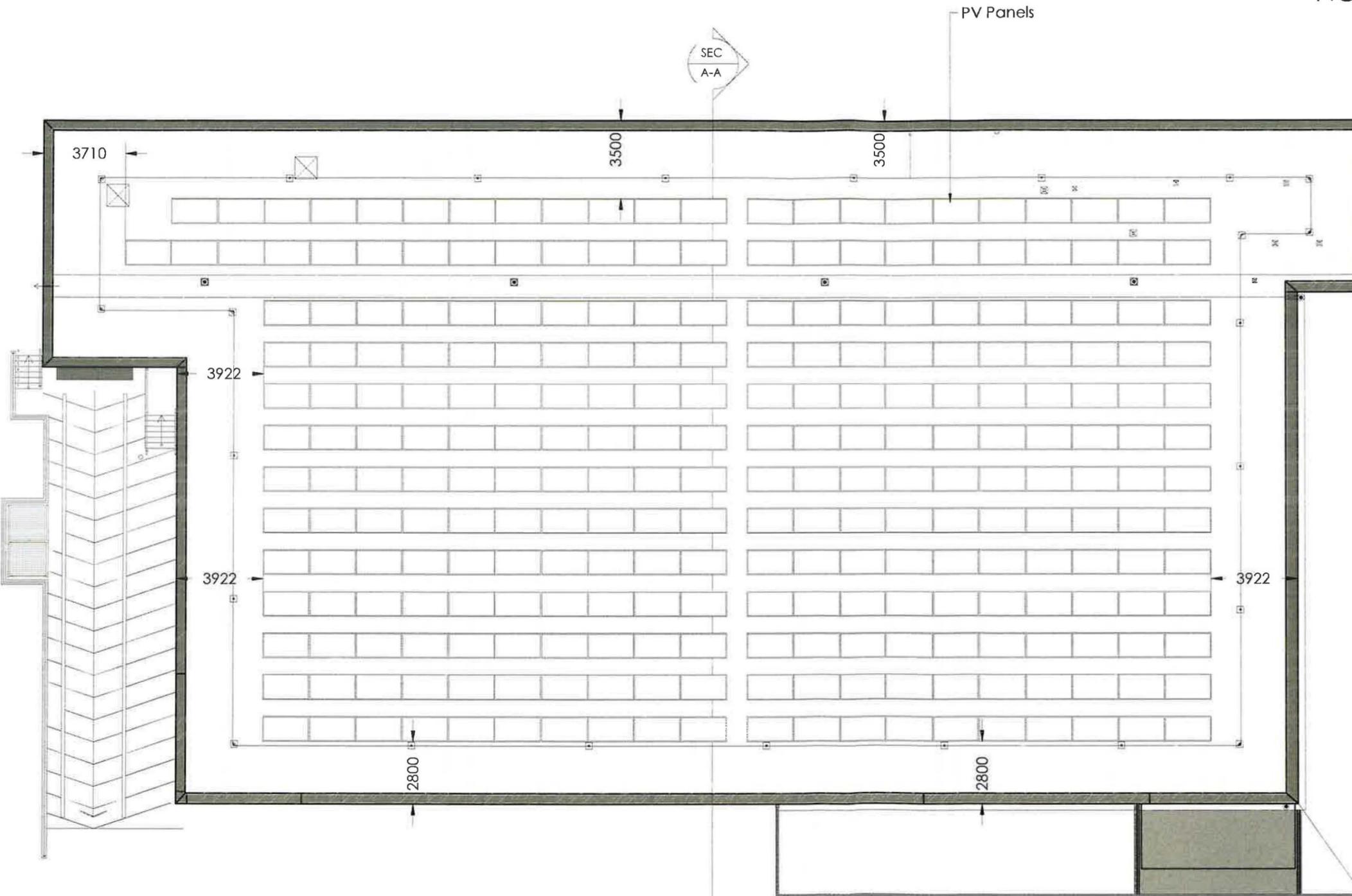
Project No.	Originator	Volume	Level	Type	Role	Number
20984	THPK	32	XX	DR	A	104

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Number of Solar Panels: 265no. using 520-540kw Solar Panels generating 144KW

Total PV Area - 629sqm

Note: existing fall arrest system to be retained



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Drawing Title

Proposed Roof Plan

Drawn	Checked	Scale @A3	BIM Status	Date
IMN	JG	1:200	NA	01/25

Drawing Status	Rev.	THP Project No
Planning	-	20984

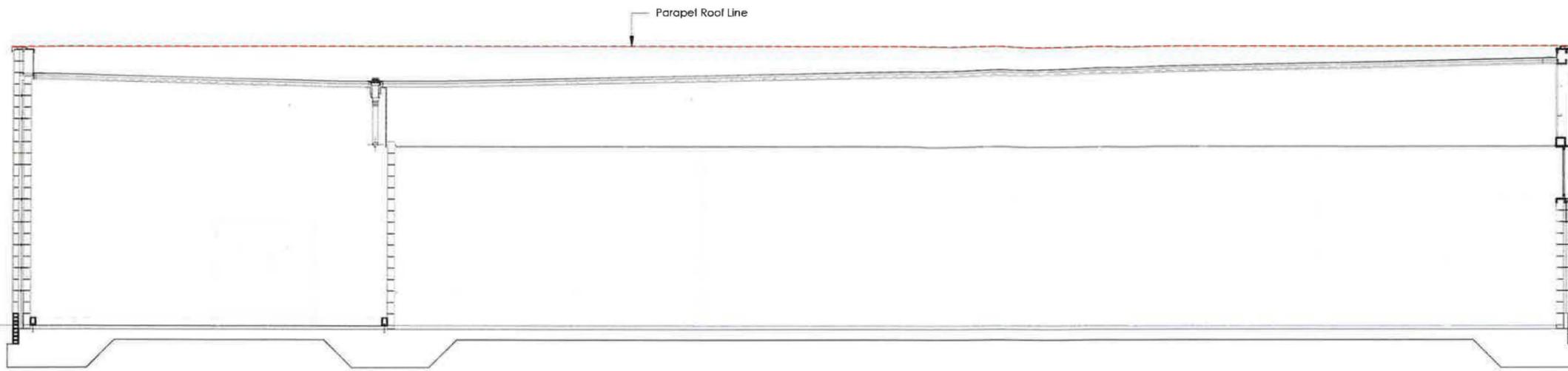
Project No.	Originator	Volume	Level	Type	Rate	Number
20984	THPK	32	XX	DR	A	105

NOTE: EXISTING FALL ARREST SYSTEM TO BE RETAINED

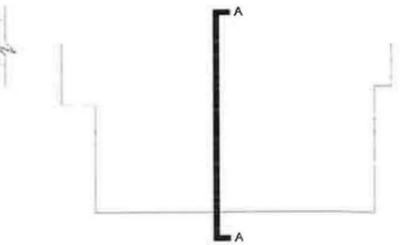
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Rev.	Date	Description	Drawn	Chkd

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SCALE 1:100



01. EXISTING SECTION A-A



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Number of Solar Panels: 265no. using 520-540kw Solar Panels generating 144KW

Total PV Area = 429 sqm

Note: existing fall arrest system to be extended

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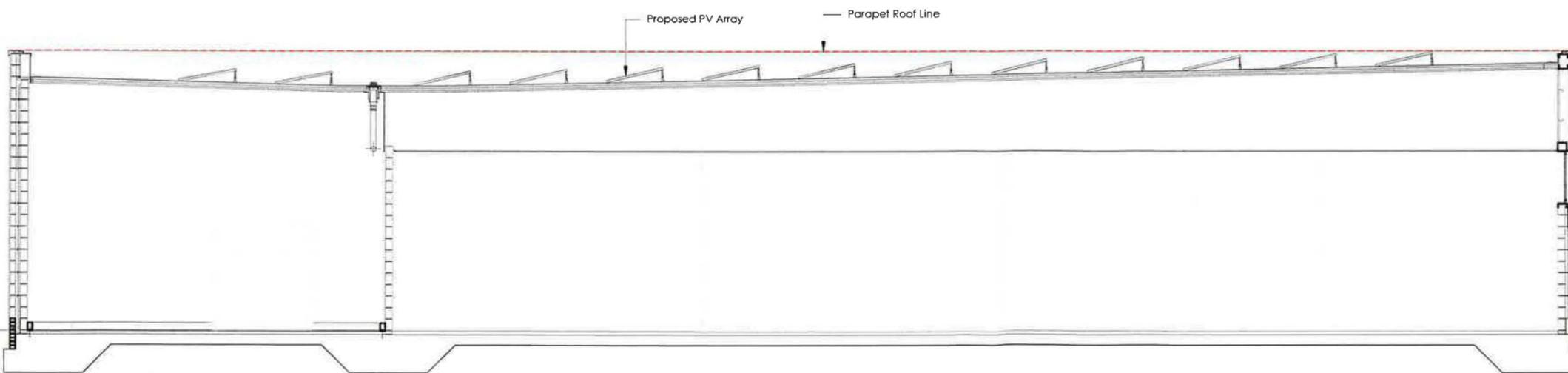
Store no. 32
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Drawing Title
Existing and Proposed Sections

Drawn	Checked	Scale @A3	BIM Status	Date
IMN	JG	1:100	NA	01/25

Drawing Status	Rev.	THP Project No
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02. PROPOSED SECTION A-A

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Rev.	Date	Description	Drawn	Chk'd

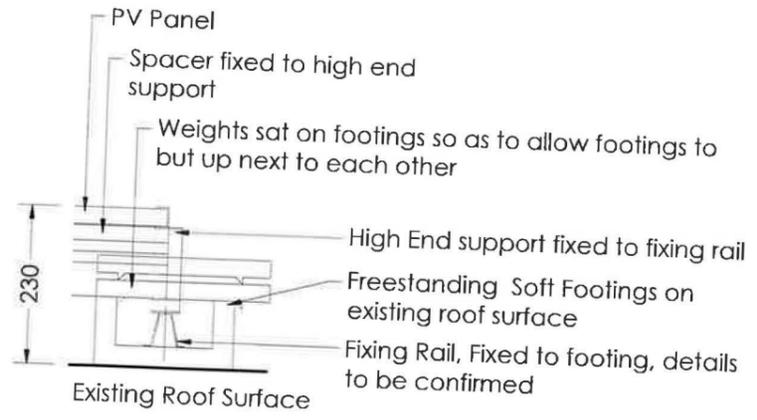
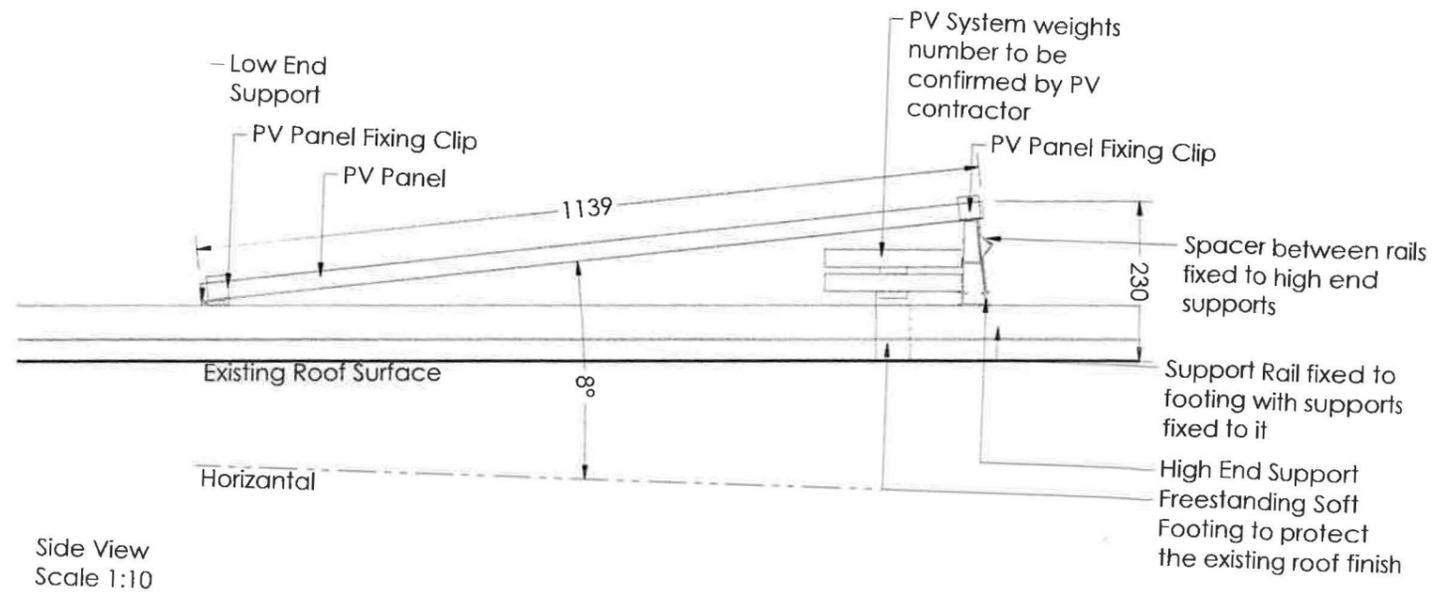


Image of typical PV array (south facing)

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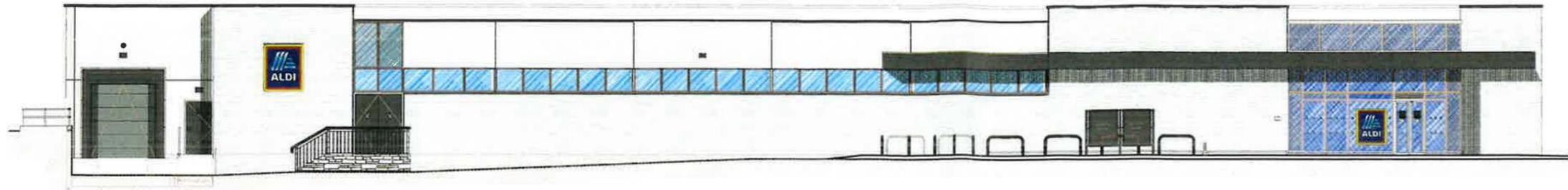
Store no. 32
Abbey St, Clare, Killaloe
Co. Clare, V94 225X, Ireland

Drawing Title
PV Panels & Fixings Details

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TG	JG	1:10	NA	01/25		
Drawing Status			Rev.	THP Project No		
Planning			-	20984		
Project No.	Originator	Volume	Level	Type	Role	Number
20984	THPK	32	XX	DR	A	107

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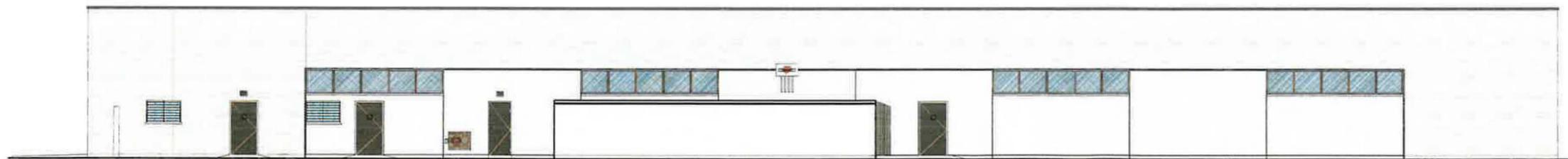
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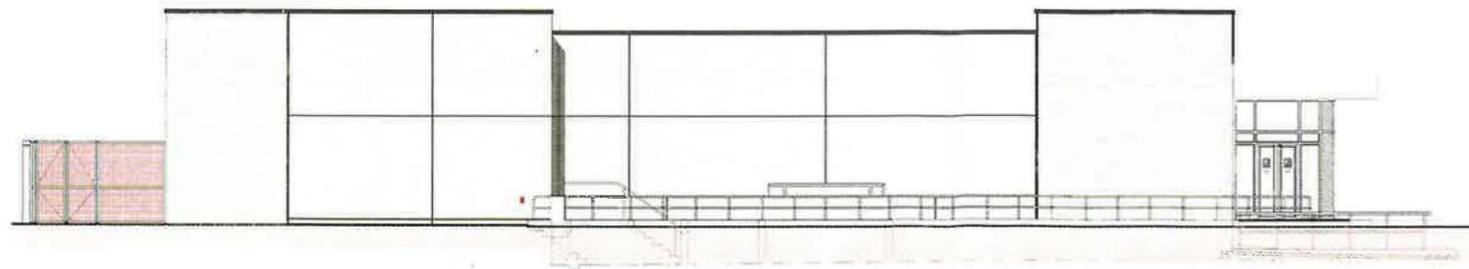
SOUTH-EAST ELEVATION (FRONT)



NORTH-EAST ELEVATION (SIDE)



NORTH-WEST ELEVATION (REAR)



SOUTH-WEST ELEVATION (REAR)

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Number of Solar Panels: 265no. using 520-540kw Solar Panels generating 144KW

Total PV Area = 427 sqm

Note: existing fall arrest system to be extended



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Co. Clare, V94 225X, Ireland

Drawing Title

Proposed & Existing Elevations

Drawn	Checked	Scale @A3	BIM Status	Date
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Drawing Status	Rev.	THP Project No
Planning	-	20984

Project No.	Originator	Volume	Level	Type	Role	Number
20984	THPK	32	XX	DR	A	108

Note: All PV units hidden behind existing facade