



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	ALDI Stores Ltd
<i>Address</i>	Holly Lane Atherstone CV9 2SQ United Kingdom
<i>Telephone No.</i>	+44 (1827) 890-604
<i>E-mail</i>	NationalProjects@aldi.co.uk

2. Agent's (if any) address:

<i>Agent</i>	Brian Kelly (Principal) Avison Young Ireland
<i>Address</i>	86 Merrion Square S, Dublin 2, D02 YE10
<i>Telephone No.</i>	(01) 676 2711
<i>E-mail</i>	brian.kelly@avisonyoung.com

Please advise where all correspondence in relation to this application is to be sent;

Applicant [☐] Agent [☒]

3. Location of Proposed Development:

*Postal Address or
Townland or
Location
(as may best
identify the land or
structure in
question)*

ALDI Cashel, Boherclogh St, Cashel, Co. Tipperary,
E25 V448

4. Development Details:

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

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)

Proposed floor area of proposed works/uses: 612.6 sqm

5. Legal Interest of Applicant in the Land or Structure:

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	A. Owner X	B. Occupier
	C. Other	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		

If you are not the legal owner, please state the name and address of the owner

Name:
Address:

Signature of Applicant(s)



Date: 07 February 2025

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - Floor Plans & Elevations at a scale of not less than 1:200
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

Planning Section,
Tipperary County Council,
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary

OR

Planning Section,
Tipperary County Council,
Civic Offices,
Emmet Street,
Clonmel,
Co. Tipperary

Enquires:

Telephone 0818 06 5000

E-Mail planning@tipperarycoco.ie

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € _____

Receipt No _____

Date _____

Receipted by _____

10th February 2025

Planning Department,
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary, E45 A099.

Dear Sir/Madam

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

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 Cashel store, at ALDI Cashel, Boherclough Street, Cashel, Co. Tipperary

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

Request for a Section 5 Declaration

ALDI Stores (Ireland) Ltd

ALDI Cashel
Boherclogh St, Cashel,
Co.Tipperary, E25 V448

February 2025

Contents

1. Introduction 3

2. Site Context 4

3. Proposed Development 5

4. Legislative Context 7

5. Grounds of the Exempted Development Declaration Request 9

6. Conclusion 13

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 Tipperary County Council in relation to a property at Boherclogh St, Cashel, Co. Tipperary.

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 (612.6 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, (with a given site area of 1.3697 hectares), formerly part of that of Old Court is located to the south-west of Cashel with frontage onto Boherclough Street, the R639 (formerly the N8) and is that of the ground to the north and east and south-east of Indaville, an early nineteenth century single-storey five bay over half basement villa with a bowed bay at the rear which is set in its own grounds partially enclosed by high walls and limestone gate piers.

Analysis of Surroundings

- 2.2 "Adjacent development comprises a number of residential properties to the north and south of the site along Boherclough Street, Our Lady's Hospital to the south, HSE buildings and existing residential properties on William Street to the east and a number of residential/commercial properties on Lower Gate Street to the north."
- 2.3 The eastern end of that boundary and the southern end of the eastern boundary adjoin the site of a hospital. The northern end of the eastern boundary adjoins the back gardens of houses, while the eastern end of the northern boundary adjoins the site of a recent four-storey mixed use development

Relevant Planning History

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

Application Ref	Proposal	Decision Outcome
13/57002	Development at Indaville House, Boherclough Street. Indaville House, which is located on the site, is a protected structure (RPS Ref.19). The Cashel Town Walls which are also located within the site, are included in the Record of Protected Structures (RPS Ref. 7) and they are also a National Monument. The proposed development consists of the construction of a single storey discount foodstore (to include off licence use) with a gross floor area of 1.435sqm (net retail area 990sqm) to the rear of the site. The development includes the erection of a free standing double sided internally illuminated sign, two single sided internally illuminated gable signs and one single sided entrance glass sign. The proposed development incorporates a new access from Boherclough Road and internal access road and will be served by 107 no. car parking spaces. The proposed development includes the provision of an ESB substation, associated landscaping and site development works on a 1.3697 hectare site. The proposal provides for the retention of the entrance gates and piers and the removal of the remainder of the boundary wall along Boherclough Street and the provision of a new boundary wall with railings and a pedestrian footpath. The proposal provides for alterations to the immediate setting of Indaville House, including the provision of an entrance, wall and railings to the south of the proposed access road and west of the house. The proposal provides for the demolition of the summerhouse/ shed on the northern boundary and the shed on the western boundary. The Gate Lodge on the north western part of the site will be retained and upgrade works to this structure are proposed.	Grant Permission September 2013 3 rd Party Appealed October 2013 (ABP-242579) Decision to Uphold Grant of Permission by ABP May 2014

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 Cashel Retail Store, that the conditions set out in the grant of permission under Reg. Ref 13/57002 (ABP-242579), do not restrict the development of PV Panels at Roof Level. Therefore, Section 9(1)(a) does not apply to the proposed development.

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

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

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

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

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

5.12 It is considered that the proposed development, when assessed against the threshold requirements of 56(e), as set out above, is 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 Cashel would constitute development but is considered exempted development based on compliance with each of the threshold requirements.

6. Conclusion

- 6.1 The question before Tipperary 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 Cashel 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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Visit us online

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Avison Young

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macroworks

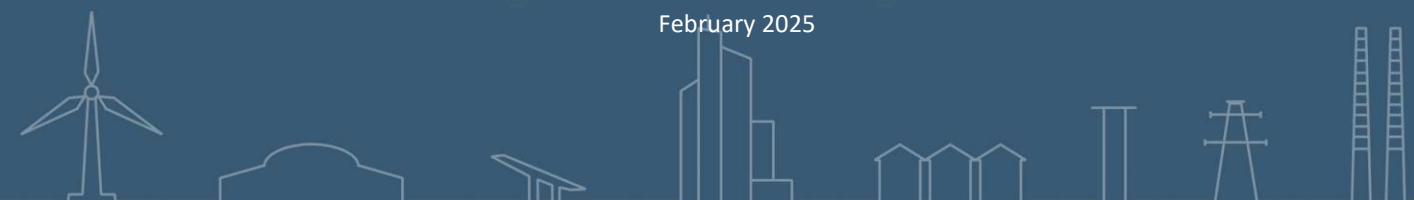
AVIATION GLINT AND GLARE SCREENING ASSESSMENT

Proposed Solar PV Energy Development

Aldi, Boherclogh Street, Cashel, Co.
Tipperary.

Prepared by Macro Works Ltd

February 2025



1.	AVIATION GLINT AND GLARE ASSESSMENT	C
1.1	Introduction	C
1.2	Methodology	F
1.3	Overall Conclusion	7



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, Boherclogh Street, Cashel, Co. Tipperary. Figure 1.1 & 1.2 refer.



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

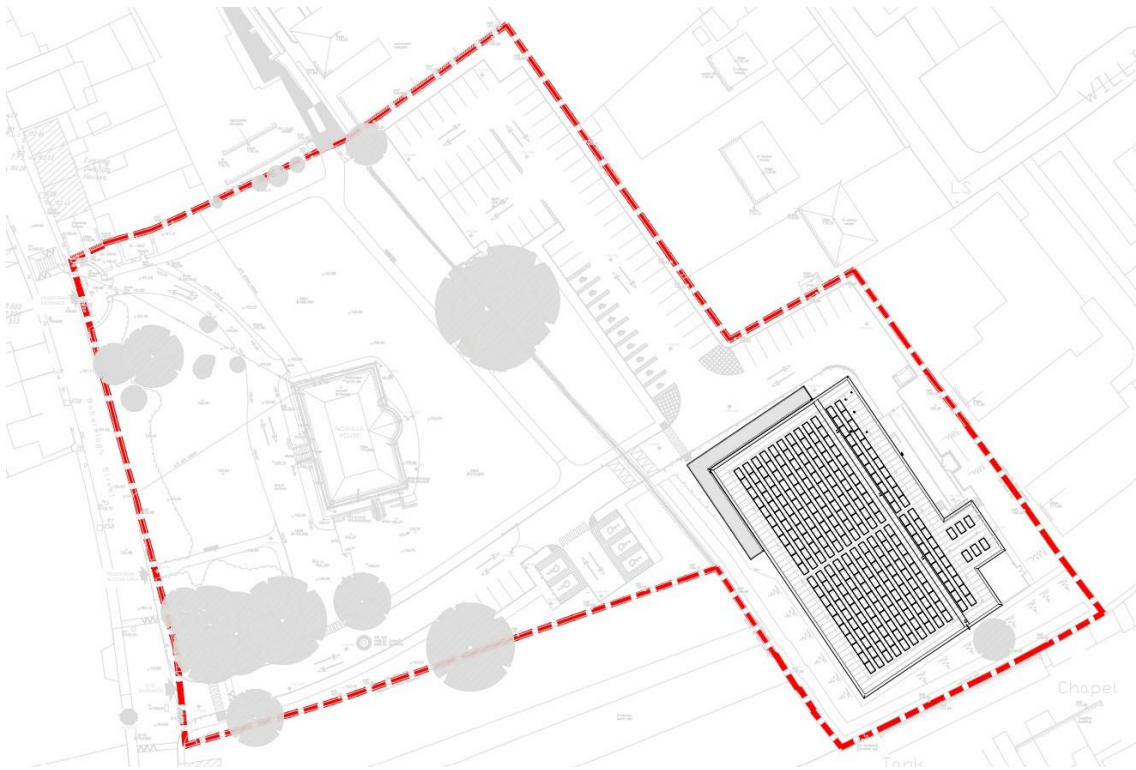


Figure 1.2 Extract from drawing no. 20984-THPK-17-XX-DR-A-0103 "Proposed Site Layout Plan" showing the proposed site and panel layout.

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.

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

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;

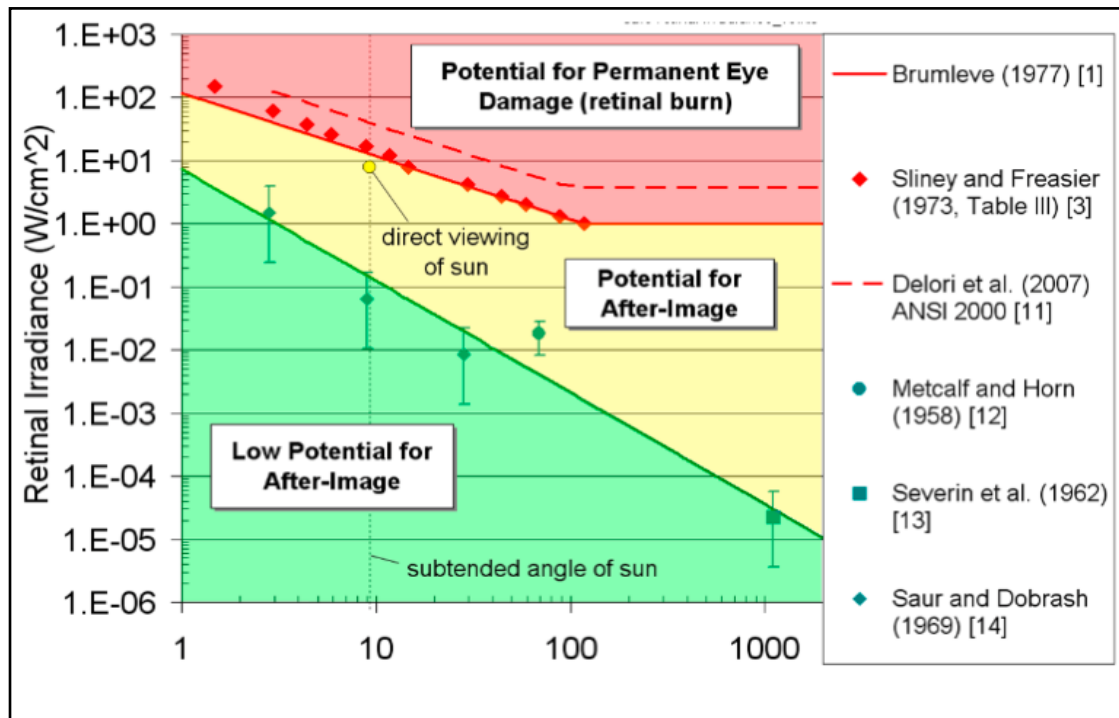
"Initially, FAA believed that solar energy systems could introduce a novel glint and glare effect to pilots on final approach. FAA has subsequently concluded that in most cases, the glint and glare from solar energy systems to pilots on final approach is similar to glint and glare pilots routinely experience 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.

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.

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 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.

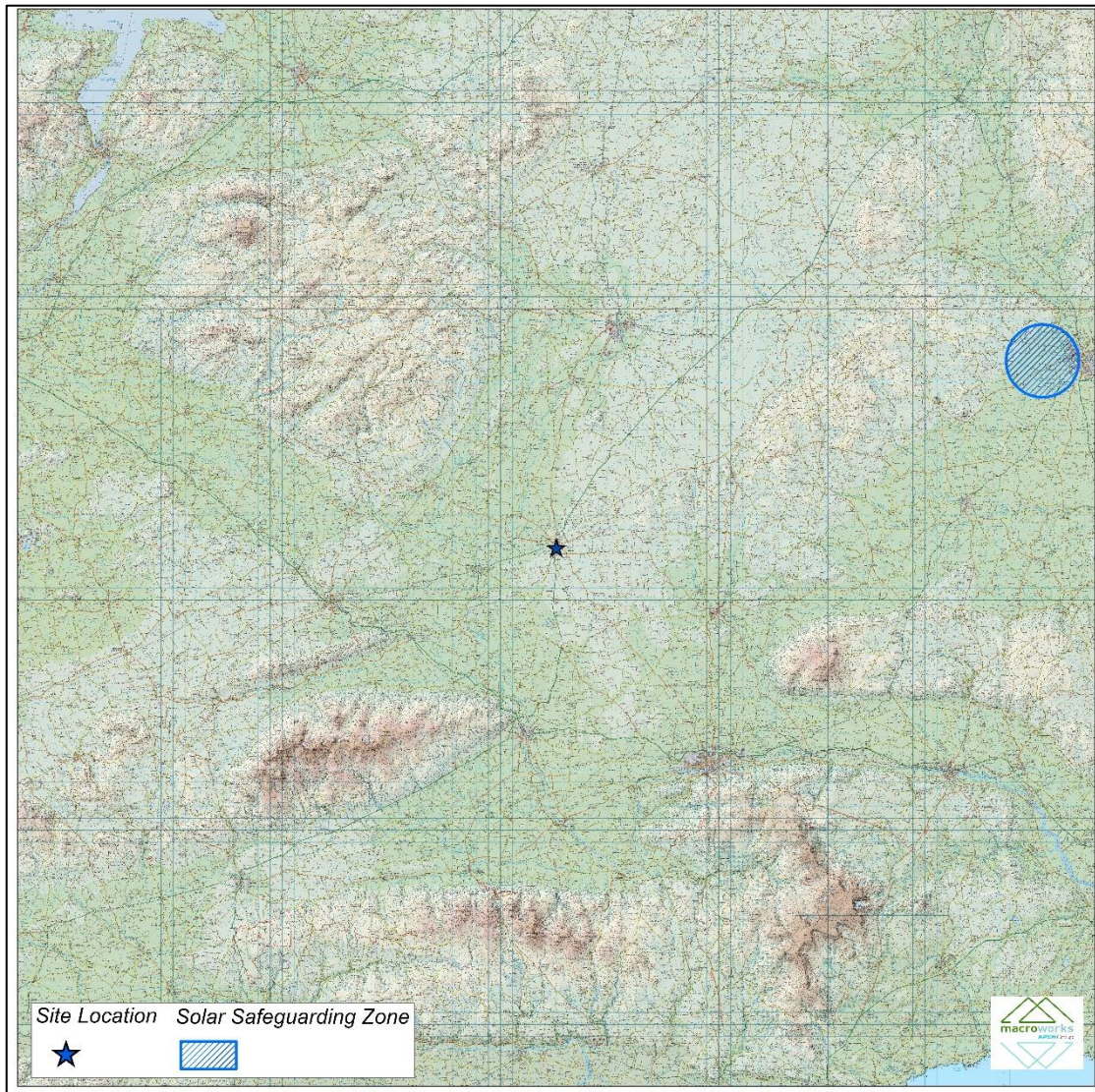
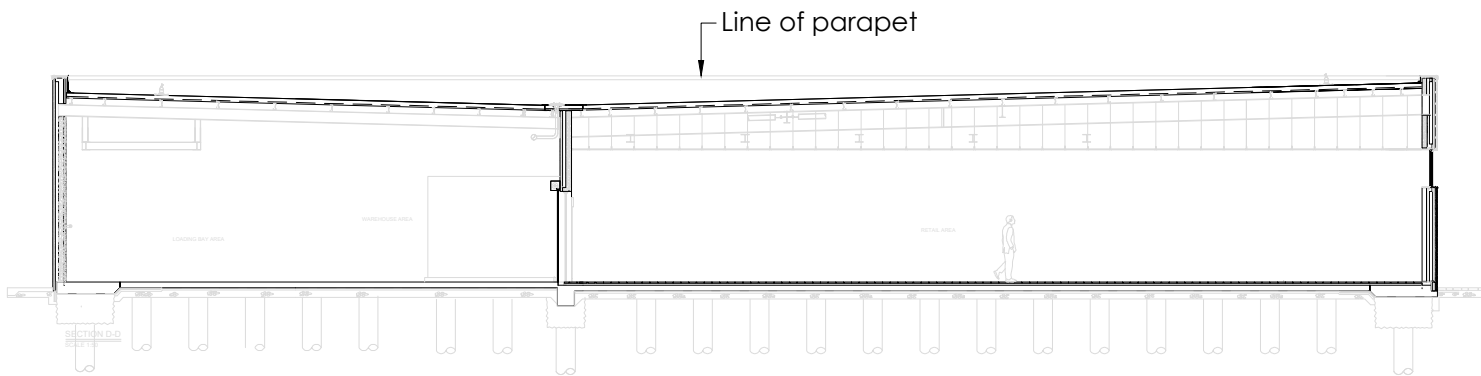


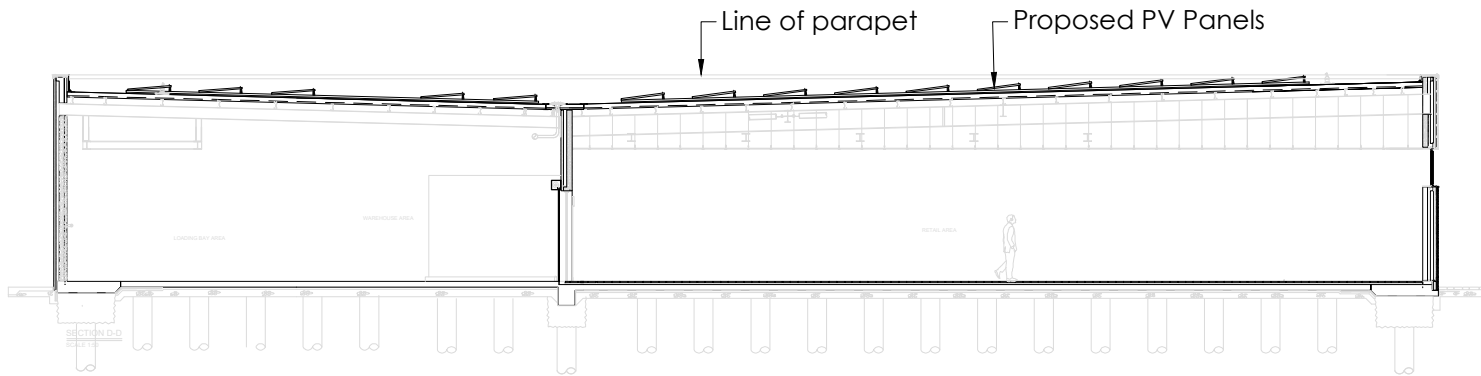
Figure 1.4 Map showing the approximate location of the proposed development relative to the nearest Solar Safeguarding Zone(s).

1.3 OVERALL CONCLUSION

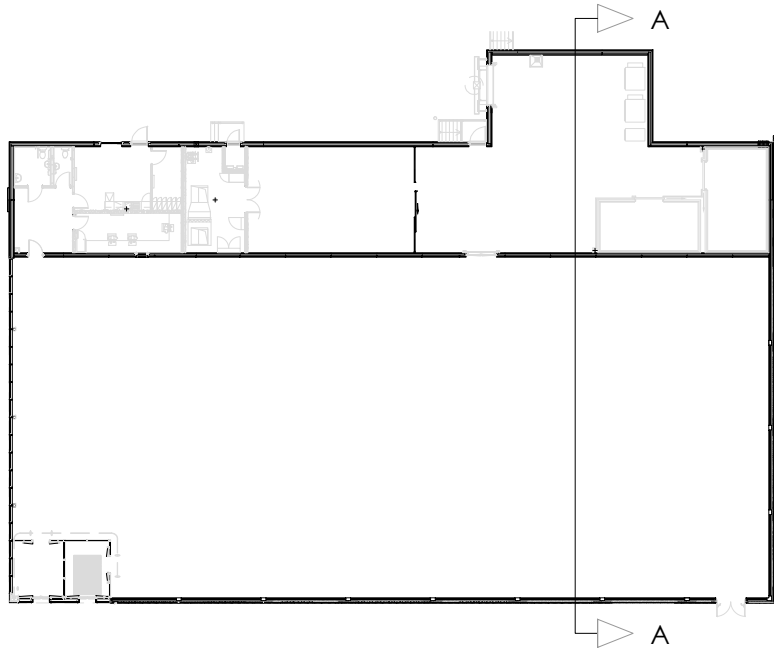
The need for a SGHAT assessment was screened out as the proposed development at Aldi, Cashel, Co. Tipperary, is not contained within a designated Solar Safeguarding Zone. On review of the PV panel and roof layout, no further investigation was deemed necessary.



EXISTING SECTION A-A



PROPOSED SECTION A-A



PLAN

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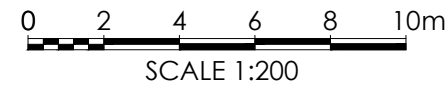
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Number of Solar Panels: 258no. using 520-540kw Solar Panels generating 137KW

Note: existing fall arrest system to be retained



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Client

Aldi Stores Ltd

Project Title
Aldi PV Rollout
Store 17
London Road
Bishop Stortford
CM23 3EE

Drawing Title						
Existing and Proposed Section						
Drawn	Checked	Scale @A3	BIM Status	Date		
AC	JPG	1:200, 1:500	NA	12/24		
Drawing Status			Rev.	THP Project No		
Planning				20948		
Project No.	Originator	Volume	Level	Type	Role	Number
20984	THPK	17	XX	DR	A	0108

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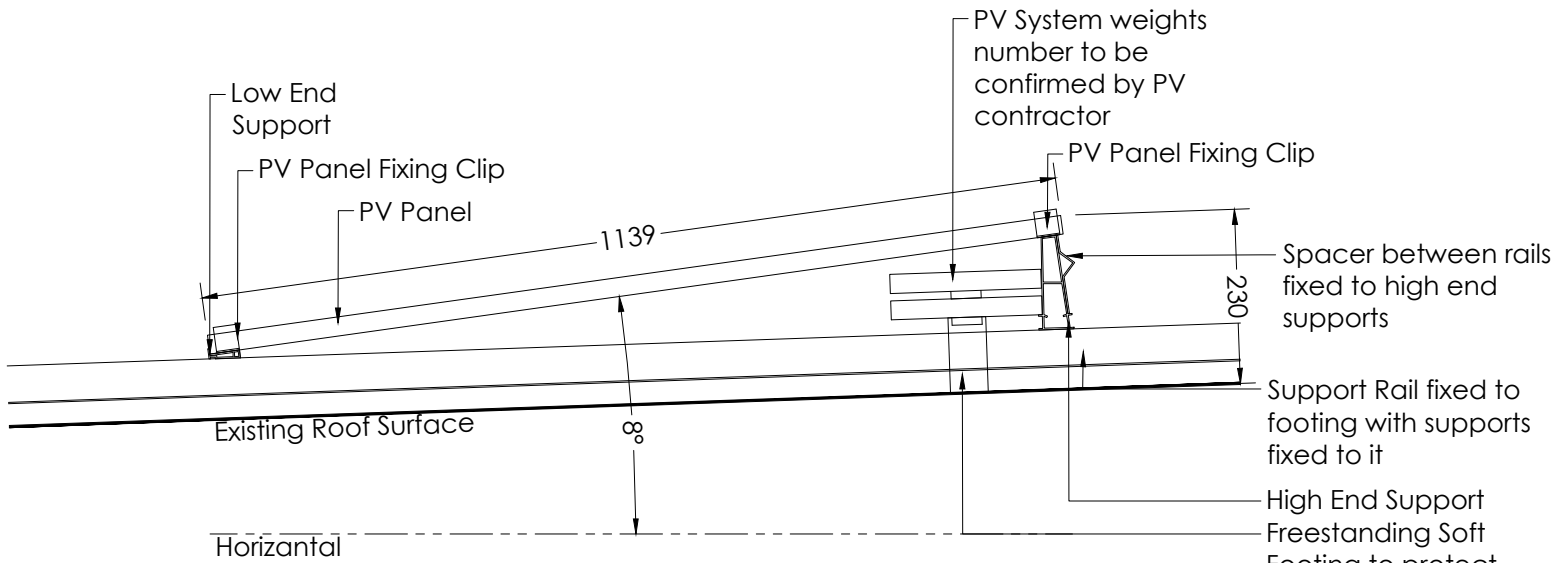
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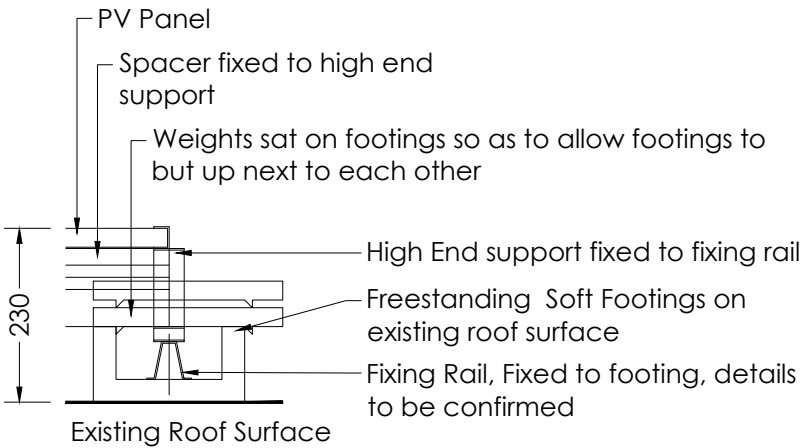


SCALE 1:10

Rev	Date	Description	Drawn	Chk'd
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Side View
Scale 1:10



Cross View
Scale 1:10



Image of typical PV array (south facing)



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Client

Aldi Stores Ltd.



Project Title

Aldi PV Rollout
Store 17
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Boherclogh Street
E25 V448

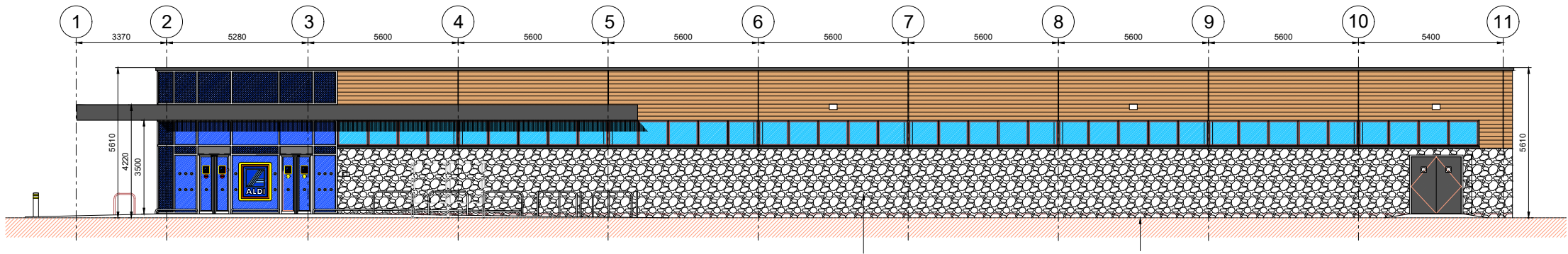
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PV Panels & Fixings Details

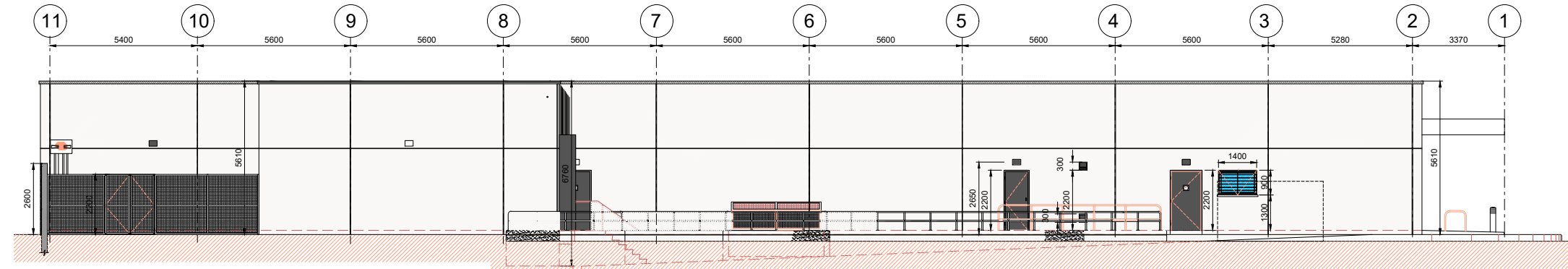
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Planning	-	20984

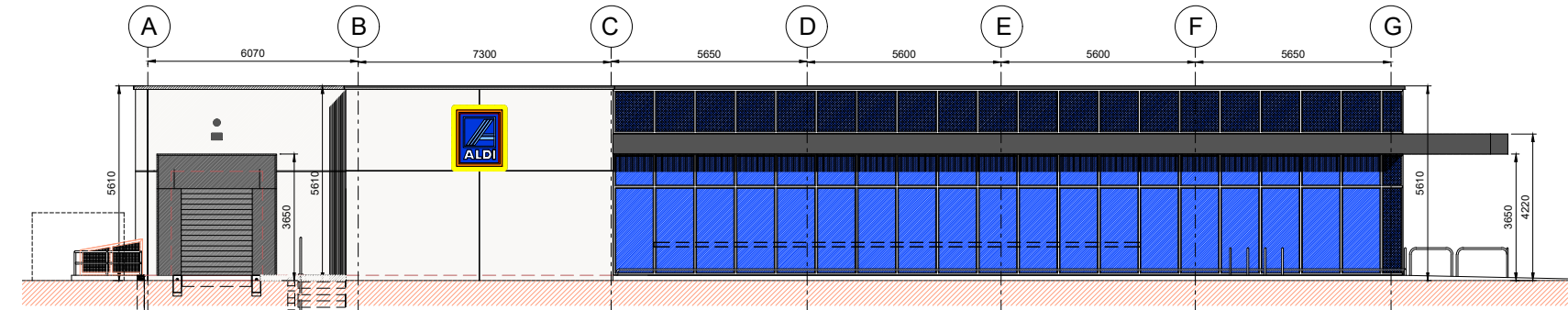
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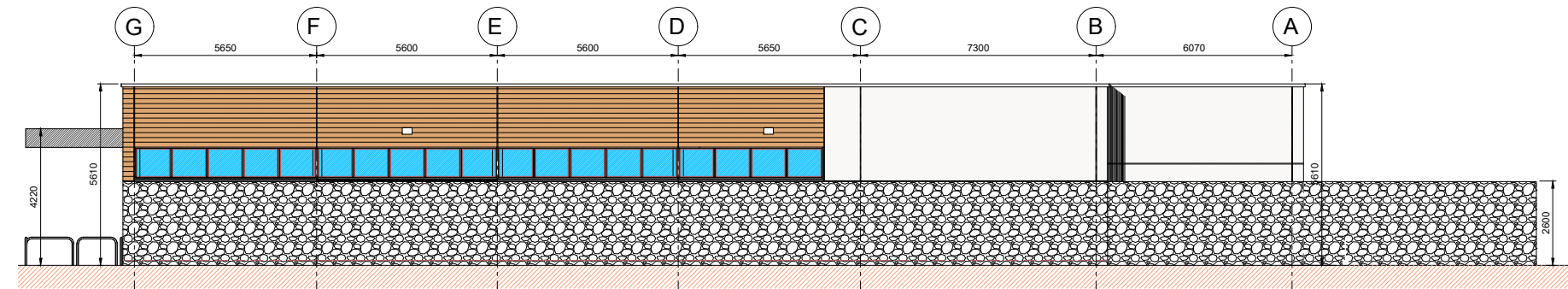
SOUTH WEST ELEVATION (FRONT) - Elevation 1
SCALE 1:200



NORTH EAST ELEVATION (REAR) - Elevation 3
SCALE 1:200



NORTH WEST ELEVATION (SIDE) - Elevation 2
SCALE 1:200



SOUTH EAST ELEVATION (SIDE) - Elevation 4
SCALE 1:200

Note: All PV units hidden behind existing facade

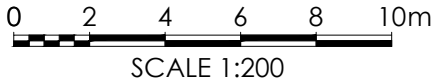
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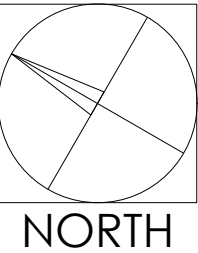
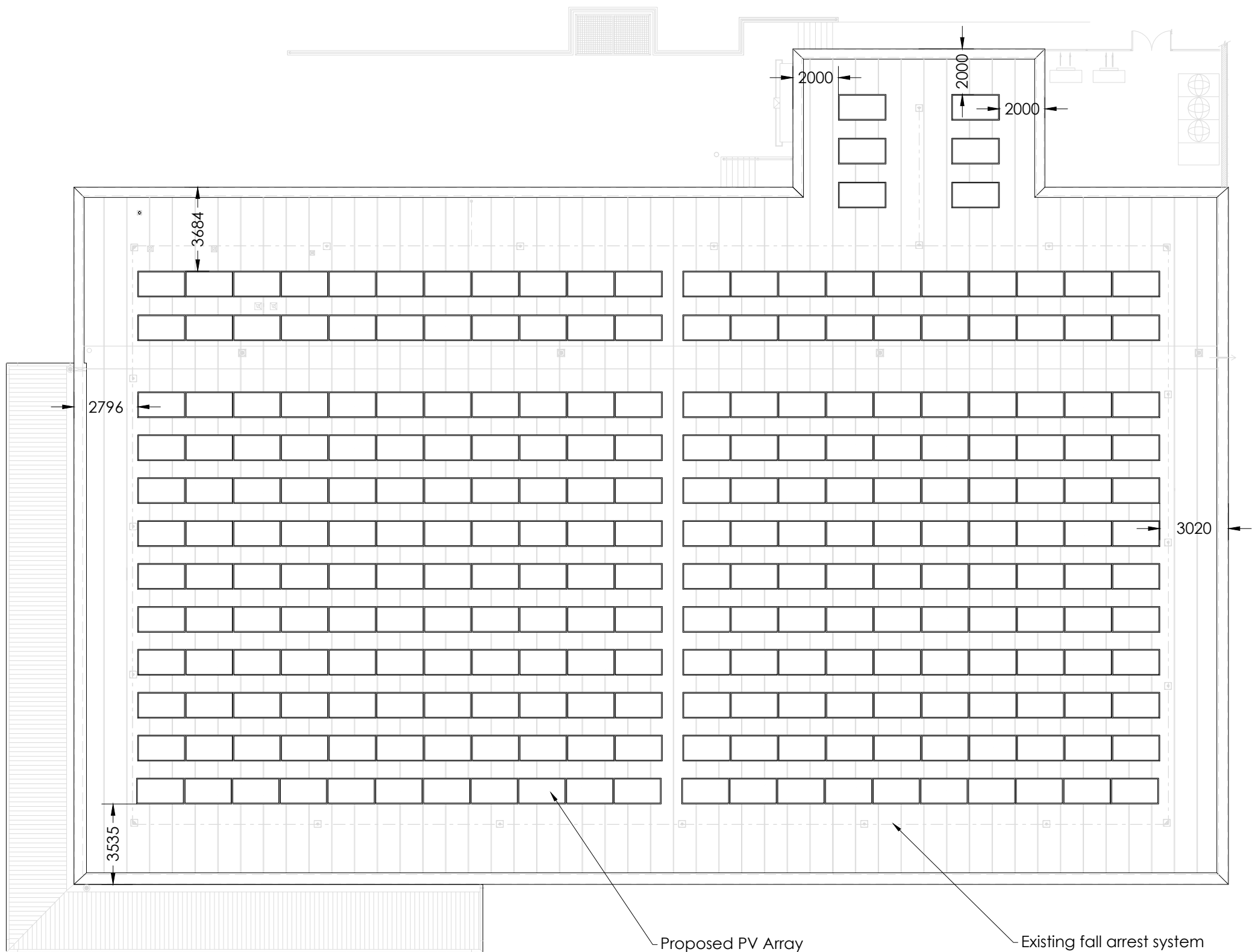
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Client

Aldi Stores Ltd

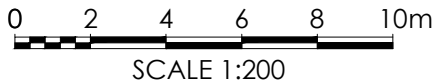
Project Title
Aldi PV Rollout
Store 17
Cashel
Boherclogh Street
E25 V448

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Existing and Proposed Elevations						
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AC	JPG	1:200		NA		01/25
Drawing Status				Rev.	THP Project No	
Planning					20948	
Project No.	Originator	Volume	Level	Type	Role	Number
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Number of Solar Panels: 258no. using 520-540kw Solar Panels generating 137KW

Total Area of PV Panel Array - 612.6sqm

Note: existing fall arrest system to be retained



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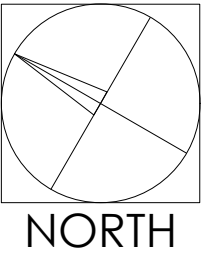
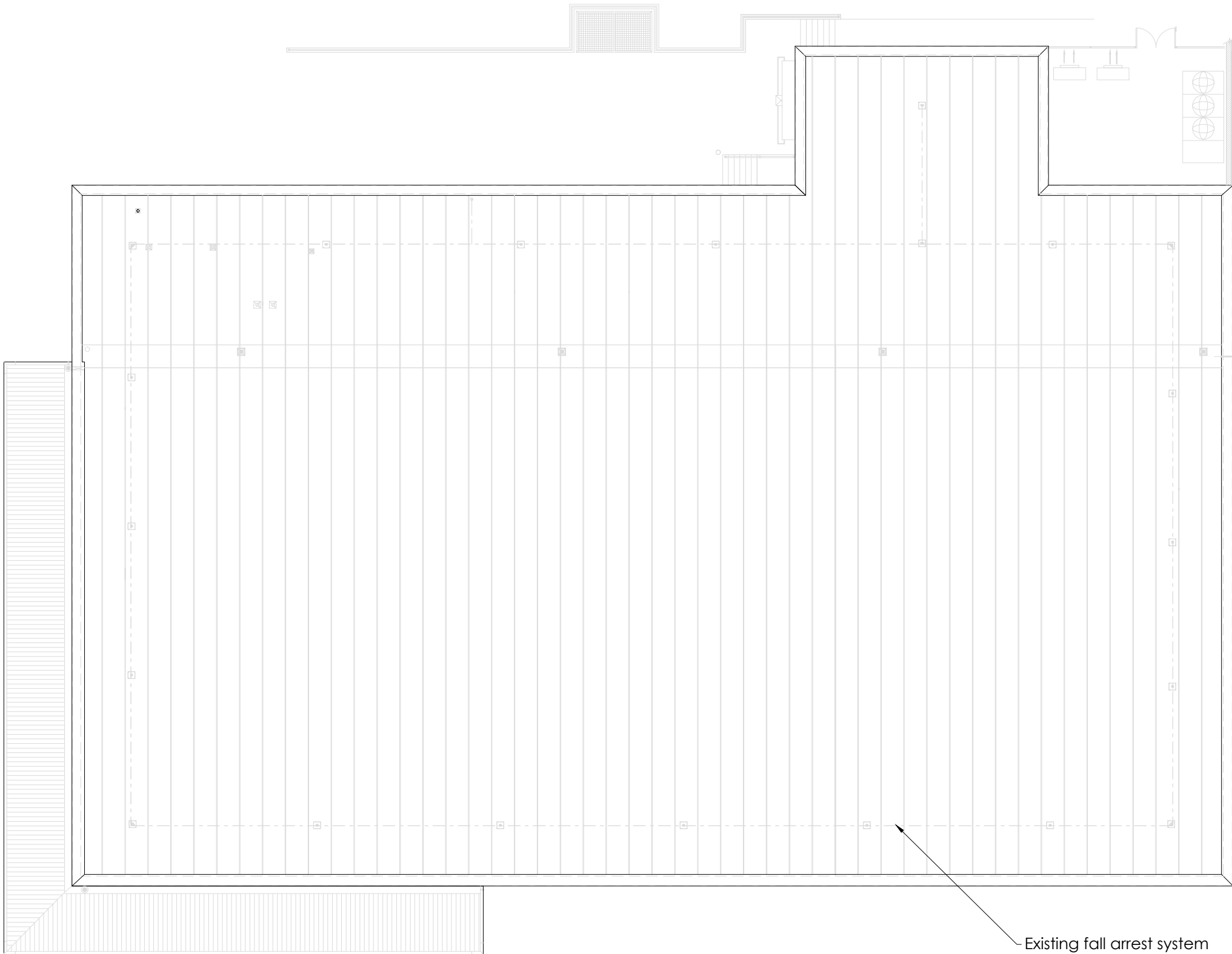
Aldi Stores Ltd.



Project Title

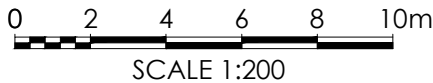
**Aldi PV Rollout
Store 17
Cashel
Boherclogh Street
E25 V448**

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	Role	Number
20984	THPK	17	XX	DR	A	0105



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Boherclogh Street
E25 V448

Drawing Title						
Existing Roof Plan						
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Planning				-	20984	
Project No.	Originator	Volume	Level	Type	Role	Number
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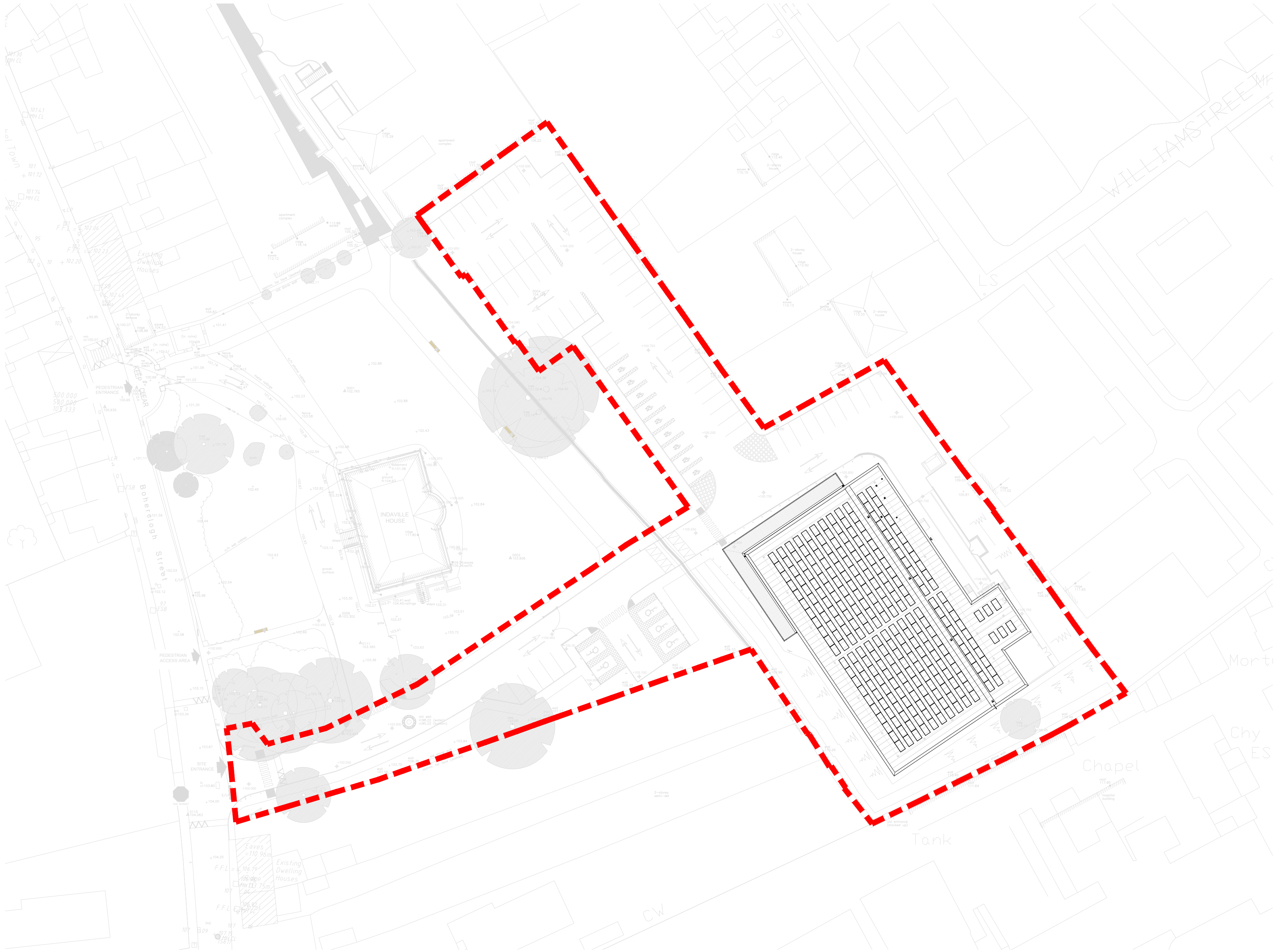
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Rev	Date	Description	Drawn	Chkd
P01	06.02.25	Site Boundary amended	AC	JPG

Site Boundary Area - 7567 sqm / 1.86 acres / 0.8 hectares



0 5 10 15 20 25m
SCALE 1:500



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Drawing Title

Proposed Site Layout Plan

Drawn	Checked	Scale @A2	BIM Status	Date
AC	JPG	1:500	NA	01/25

Drawing Status	Rev.	THP Project No
Planning	P01	20948

Project No.	Originator	Volume	Level	Type	Role	Number
20948	THPK	17	XX	DR	A	0103

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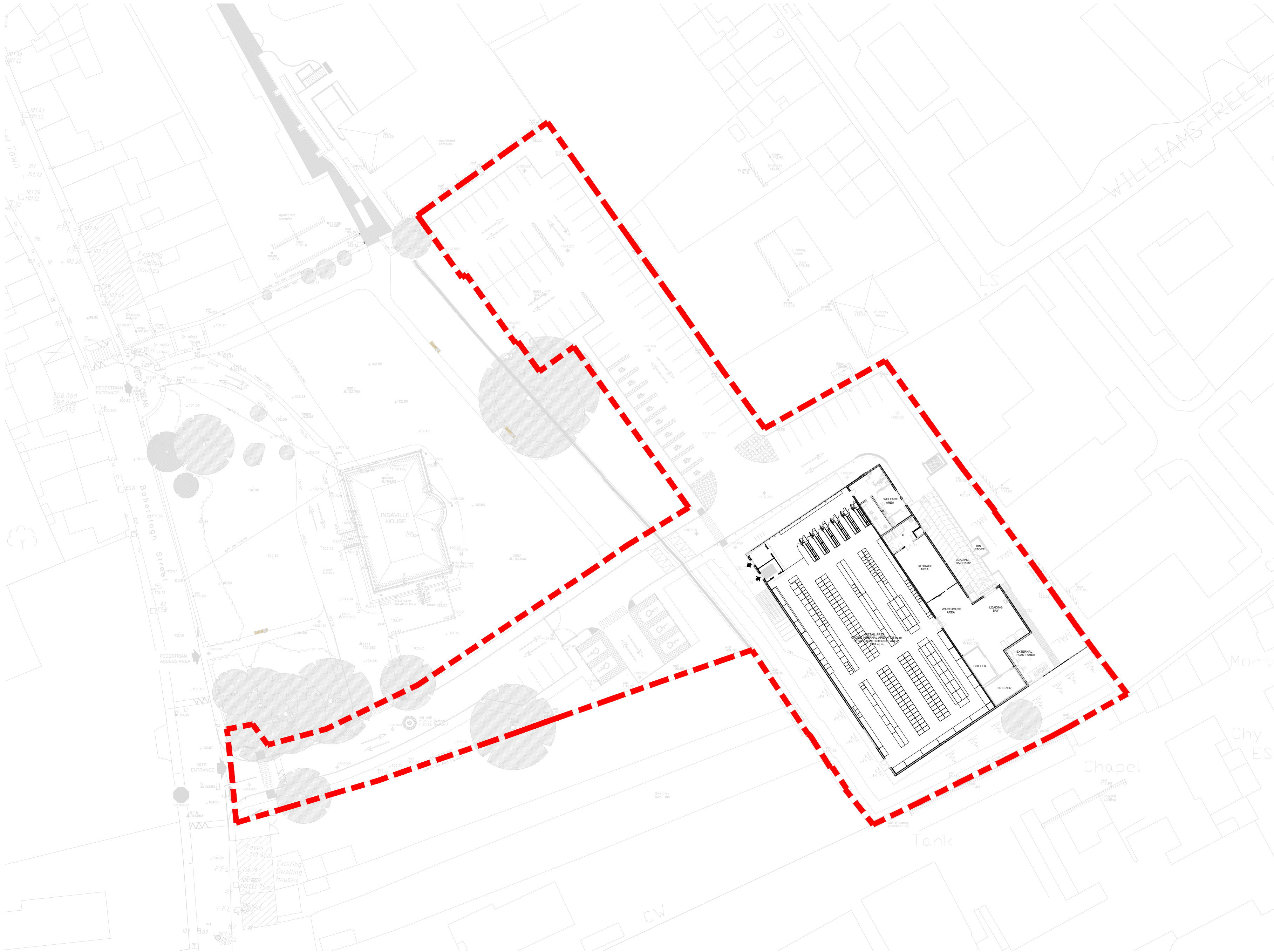
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Rev	Date	Description	Drawn	Chkd
P01	05.02.25	Site Boundary amended	AC	JPG

Site Boundary Area - 7567 sqm / 1.86 acres / 0.8 hectares



0 5 10 15 20 25m
SCALE 1:500



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Aldi PV Rollout
Store 17
Cashel
Boherclogh Street
E25 V448

Drawing Title

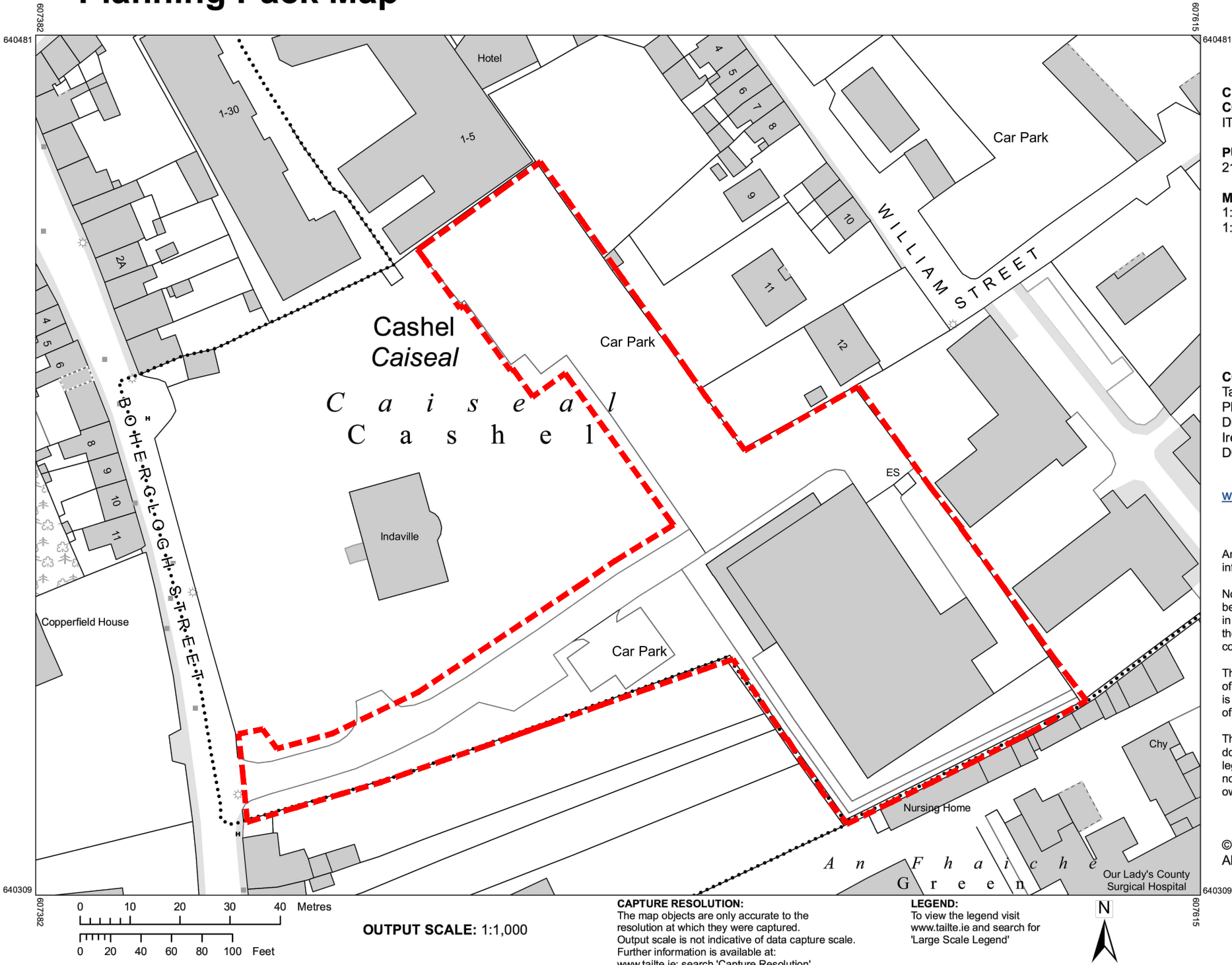
Existing Site Layout Plan

Drawn	Checked	Scale @A2	BIM Status	Date
AC	JPG	1:500	NA	01/25

Drawing Status	Rev.	THP Project No
Planning	P01	20948

Project No.	Originator	Volume	Level	Type	Role	Number
20948	THPK	17	XX	DR	A	0102

Planning Pack Map



CENTRE COORDINATES:
ITM 607499,640395

PUBLISHED: 21/02/2025
ORDER NO.: 50450366_1

MAP SERIES: 1:1,000
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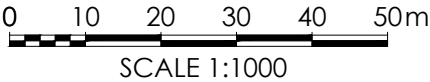
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Rev	Date	Description	Drawn	Chk'd
P01	06.02.25	Site Boundary amended	AC	JPG
P02	21.02.25	OS data added	NS	JPG

Site Boundary Area - 7,567 sqm / 1.86
acres / 0.8 hectares



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Client

Aldi Stores Ltd



Project Title

Aldi PV Rollout
Store 17
Cashel
Boherclogh Street
E25 V448

Drawing Title

Site Location Map

Drawn	Checked	Scale @A3	BIM Status	Date
AC	JPG	1:1000	NA	01/25

Drawing Status	Rev.	THP Project No
Planning	P02	20984

Project No.	Originator	Volume	Level	Type	Role	Number
20984	THPK	17	XX	DR	A	0100

From: [Golisti, Matt \(Avison Young - IE\)](#)
To: [Planning Group](#)
Cc: [Kelly, Brian \(Avison Young - IE\)](#); [Molloy, Robert \(Avison Young - IE\)](#)
Subject: [External] Section 5 Declaration Request Submission on behalf of ALDI Stores Ltd
Date: 24 February 2025 14:37:04
Attachments: [image001.png](#)
[20984 Issue Sheet\(3\) 06.02.25.pdf](#)
[20984-THPK-17-XX-DR-A-0100 P02 Site Location Map \(A3\).pdf](#)
[20984-THPK-17-XX-DR-A-0102 P01 Existing Site Layout Plan-0102.pdf](#)
[20984-THPK-17-XX-DR-A-0103 P01 Proposed Site Layout Plan-0103.pdf](#)
[20984-THPK-17-XX-DR-A-0104 Existing Roof Plan.pdf](#)
[20984-THPK-17-XX-DR-A-0105 Proposed Roof Plan.pdf](#)
[20984-THPK-17-XX-DR-A-0106 Existing and Proposed Elevations.pdf](#)
[20984-THPK-17-XX-DR-A-0107 PV Panels and Fixing Details.pdf](#)
[20984-THPK-17-XX-DR-A-0108 Existing And Proposed Sectiond.pdf](#)
[20250213 Cashel Aviation GG Screening.pdf](#)
[ALDI Cashel Section 5 Declaration Report 28.01.2025 FINAL.pdf](#)
[Cover Letter ALDI Cashel Section 5 Application 10.02.25.pdf](#)
[TipperaryCoCo Section 5 Application Form SIGNED.pdf](#)

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Good afternoon,

On behalf of our client, ALDI Stores Ltd, please find attached a Section 5 Declaration Request Submission Pack relating to whether or not 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).

With regard to payment of the application fee, please contact my colleague Brian Kelly on the following phone number to take the payment over the phone - 086 191 3178.

I trust the contents of the submission is sufficient for validation, however please let me know if there are any queries.

Kind Regards,

Matt

Matt Golisti (he/him/his)

Associate Director

MRTPI



avisonyoung.com

86 Merrion Square South, Dublin 2, D02 YE10



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From: [Ryan, Siobhan Anne](#)
To: [Cooney, Claire](#)
Subject: FW: [External] Section 5 Declaration Request Submission on behalf of ALDI Stores Ltd
Date: 25 February 2025 10:24:06
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Hi Claire,

The payment was made here in Nenagh, I have the receipt. Will I email it to you.

Receipt number is NENAM1/0/126638

Kind regards
Siobhan

From: Golisti, Matt (Avison Young - IE) [REDACTED]
Sent: 25 February 2025 10:13
To: Planning Group <planning@tipperarycoco.ie>
Subject: RE: [External] Section 5 Declaration Request Submission on behalf of ALDI Stores Ltd

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Hi Claire

Thanks for your email. I have just paid the fee over the phone - the receipt number is 126638 and I asked for the receipt to be forwarded to the planning email address.

Kind regards

Matt

Matt Golisti (he/him/his)
Associate Director
MRTPI

[REDACTED]

From: Planning Group <planning@tipperarycoco.ie>
Sent: 24 February 2025 14:57
To: Golisti, Matt (Avison Young - IE) [REDACTED]
[REDACTED] of ALDI Stores Ltd

CAUTION: External Sender

Dear Matt

I wish to acknowledge receipt of your email and advise to make payment for this section 5 application please contact our cash desk on 0818 06 5000/6000 , you can quote PLN040 fee €80.00, once payment is made you can ask the cash desk to forward the receipt to planning@tipperarycoco.ie in order for the application to be processed

Kind Regards

Claire Cooney,
A/Assistant Staff Officer, Planning
Civic Offices, Clonmel, Co. Tipperary.
Telephone: 0818 06 5000
E-mail: planning@tipperarycoco.ie
Website: www.tipperarycoco.ie

From: Golisti, Matt (Avison Young - IE) [REDACTED]
Sent: 24 February 2025 14:36
To: Planning Group <planning@tipperarycoco.ie>
Cc: Kelly, Brian (Avison Young - IE) [REDACTED]; Molloy, Robert (Avison Young - IE) [REDACTED]
Subject: [External] Section 5 Declaration Request Submission on behalf of ALDI Stores Ltd

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Good afternoon,

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With regard to payment of the application fee, please contact my colleague Brian Kelly on the following phone number to take the payment over the phone - [REDACTED]

I trust the contents of the submission is sufficient for validation, however please let me know if there are any queries.

Kind Regards,

Matt

Matt Golisti (he/him/his)
Associate Director
MRTPI

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Tipperary County Council

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Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary
E91 N512

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Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie
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Date: 26th February, 2025 Our Ref: S5/25/15 Civic Offices, Clonmel

**ALDI Store Ltd
C/O Brian Kelly (Principal)
Avison Young Ltd
86 Merrion Square S,
Dublin 2,
D02 YE10**

**Re: Application for a Section 5 Declaration – Provision of
photovoltaic panels at roof level at ALDI Cashel, Boherclogh St.,
Cashel, Co. Tipperary**

Dear Mr Kelly,

I acknowledge receipt of your application for a Section 5 Declaration received on 24th February, 2025, in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours sincerely

for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

Planning & Development Act 2000, as amended
Planning & Development Regulations 2001, as amended

Planning Reference:	S5/25/15
Applicant:	Aldi Stores Ltd
Development Address:	ALDI Cashel, Boherclogh Street, Cashel, Co. Tipperary
Proposed Development:	Whether the provision of photovoltaic panels at roof level is or is not exempted development.

1. GENERAL

On 24th February 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Aldi Stores Ltd c/o Avison Young Ireland as to whether or not the following works constituted development and if so, whether same was exempted development:

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

The application was accompanied by the following documentation;

- Section 5 Application Form
- Cover Letter
- Planning Report
- Glint and Glare Screening Report
- Proposed Site Layout Plan
- Existing Site Layout Plan
- Site Location Map
- Existing and Proposed Sections
- PV Panels & Fixing Details
- Existing and Proposed elevations
- Existing & Proposed Roof Plan

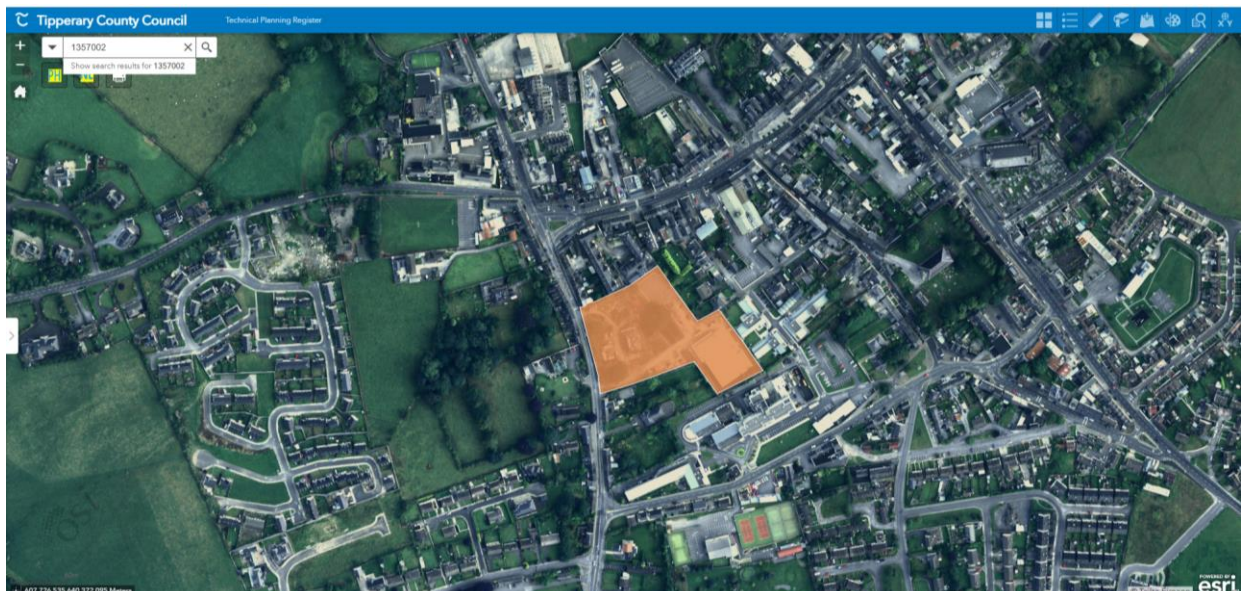


Figure 1 Site Location

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this case;

Planning and Development Act 2000, as amended

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land."

Section 2(1) of the Planning and Development Act, 2000, as amended, defines "works" as:

"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.

Section 4(1)(h) of the Planning and Development Act, 2000, as amended states:

4(1) *The following shall be exempted developments for the purposes of this Act—*

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

4.- (2) (a) of the Planning and Development Act 2000, as amended, states as follows:

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

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

(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

Section 4 (4) of the Planning and Development Act 2000, as amended, states as follows:

4(4) *Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.*

Planning and Development Regulations 2001, as amended

Article 5 of the Planning and Development Regulations 2001, as amended states:

Interpretation for this Part.

5.(1) *In this Part—*

"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;

Article 6 of the Planning and Development Regulations 2001, as amended states:

Exempted Development.

6. (1) 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.

Class 56(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Description of Development	Conditions and Limitations
(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.	<ol style="list-style-type: none"> 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. 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. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed: <ol style="list-style-type: none"> for a business premises, 1.2 metres in the case of a flat roof or 15cm in any other case. for a light industrial building, 2 metres in the case of a flat roof or 50cm in any other case. 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. 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). 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 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. 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. 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>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>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.</p> <p>12. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
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Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

9. (1) 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,

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

(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.

(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.

3. ASSESSMENT

a. Site Location

The subject site is located at Boherclough Street within the centre of Cashel and occupied by an Aldi Store. The wider sites included for Indaville House which is a protected structure (RPS Ref.19) and the Cashel Town Walls (RPS Ref. 7) and also a National Monument.

b. Relevant Planning History

13/57002 Permission GRANTED for development at Indaville House, Boherclogh Street. Indaville House, which is located on the site, is a protected structure (RPS Ref.19). The Cashel Town Walls which are also located within the site, are included in the Record of Protected Structures (RPS Ref. 7) and they are also a National Monument. The proposed development consists of the construction of a single storey discount foodstore (to include off licence use) with a gross floor area of 1.435sqm (net retail area 990sqm) to the rear of the site. The development includes the erection of a free standing double sided internally illuminated sign, two single sided internally illuminated gable signs and one single sided entrance glass sign. The proposed development incorporates a new access from Boherclogh Road and internal access road and will be served by 107 no. car parking spaces. The proposed development includes the provision of an ESB substation, associated landscaping and site development works on a 1.3697 hectare site. The proposal provides for the retention of the entrance gates and piers and the removal of the remainder of the boundary wall along Boherclogh Street and the provision of a new boundary wall with railings and a pedestrian footpath. The proposal provides for alterations to the immediate setting of Indaville House, including the provision of an entrance, wall and railings to the south of the proposed access road and west of the house. The proposal provides for the demolition of the summerhouse/ shed on the northern boundary and the shed on the western boundary. The Gate Lodge on the north western part of the site will be retained and upgrade works to this structure are proposed.

Granted by (ABP-242579)

c. Assessment

A. "Is or is not Development"

Having considered all of the details and documentation on file with regards the question asked, I am satisfied that the proposal would involve "works" and such works would constitute "development" within the meaning of Section 3 of the Planning and Development Act 2000, as amended.

B. "Is or is not Exempted Development"

The proposal is assessed relative to Class 56(e) of Part 1 of Schedule 2 below.

(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.

The proposal for Solar Panels is located on a building which is considered a business premises as defined under Article 5(1) of the above cited Regulations.

Subject to the following conditions and limitations;

1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.

The 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.

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.*

The panels do not exceed this requirement

b. for a light industrial building, 2 metres in the case of a flat roof or 50cm in any other case.

Not applicable.

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 panels are laid out so that they are 2m or more from the edge of the roof.

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.

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.

Not applicable.

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.

Not applicable.

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.

Not applicable.

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.

Not applicable as the proposal includes for roof mounted panels.

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 the proposal includes for roof mounted 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 the proposal includes for roof mounted panels.

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

Not applicable as the proposal includes for roof mounted panels only.

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 lands are located at a remove from the Cashel ACA.

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.

Not applicable as the proposal do not include for any sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation

15. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the business premises or light industrial building, and shall not be considered a change of use for the purposes of the Act.

The Planning Report confirms via writing that power generated by the photovoltaic panels will only provide electricity for use within the retail store.

16. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.

A Glint and Glare Screening Report is submitted with this application concludes that there will be no hazardous glint and glare from the photovoltaic panels. Noting the distance to the public road and owing to the nature of the building and the flat roof design I am satisfied there would be no hazardous glint and/or glare

It is considered that the development DOES come within the criteria as set under Class 56(e) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001, as amended, as all Conditions and Limitations are satisfied.

C. Restrictions under Article 9

I am satisfied that the proposal would not be restricted by Article 9(1)(iiiia) *endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*

I note no restrictions that would apply in the event an extension satisfied the available exemption.

D. Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

Screening for AA is not required in respect of the proposal which is not considered to constitute development.

EIA

Screening for EIA is not required in respect of the proposal which is not considered to constitute development.

4. RECOMMENDATION

WHEREAS a question has arisen as to whether the provision of photovoltaic panels at roof level at Aldi Stores Boherclough Street, Cashel, Co. Tipperary, is development and is or is not exempted development:

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to -

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 5, 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

AND WHEREAS Tipperary County Council has concluded that –

The provision of photovoltaic panels at Aldi Stores Boherclough Street, Cashel, Co. Tipperary is development and is exempted development as same satisfies the exemption available under Class 56(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal to which the Section 5 Declaration Application relates is **development and IS exempted development.**

District Planner:

L. Butler-Lynn

Date: 04/03/2025

C. Conway

Senior Executive Planner:

Date: 12.3.2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/15
(b) Brief description of the project or plan:	The provision of photovoltaic panels at roof level is or is not exempted development at Aldi Stores Boherclough Street, Cashel, Co. Tipperary
(c) Brief description of site characteristics:	Existing business premises in an urban serviced area
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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
002137 Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	Within 10km	None	No

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 Access to site Pests 	No potential impacts. No changes to surface water arrangements.
Operational phase e.g. <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 	No potential impacts. No changes to surface water arrangements.

abstraction <ul style="list-style-type: none"> • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 													
In-combination/Other	No potential impacts												
(b) Describe any likely changes to the European site:													
Examples of the type of changes to give consideration to include: <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 potential impacts												
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?													
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.													
The proposed development is not likely to have significant effects.													
Conclusion:													
	<table border="1"> <thead> <tr> <th></th> <th>Tick as Appropriate:</th> <th>Recommendation:</th> </tr> </thead> <tbody> <tr> <td>(i) It is clear that there is no likelihood of significant effects on a European site.</td> <td><input checked="" type="checkbox"/></td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> <tr> <td>(ii) It is uncertain whether the proposal will have a significant effect on a European site.</td> <td><input type="checkbox"/></td> <td> <input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission </td> </tr> <tr> <td>(iii) Significant effects are likely.</td> <td><input type="checkbox"/></td> <td> <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission </td> </tr> </tbody> </table>		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
	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											

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	The provision of photovoltaic panels at roof level is or is not exempted development at Aldi Stores Boherclough Street, Cashel, Co. Tipperary
Development Summary:	No changes to surface water arrangements.
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory
	No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory
	No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required



Date: 18th March, 2025

Our Ref: S5/25/15

Civic Offices, Nenagh

ALDI Stores Ltd.,
C/o Brian Kelly (Principal) Avison Young Ireland,
86 Merion Square South,
Dublin 2, D02 YE10

Re: Declaration under Section 5 of the Planning and Development Act 2000

Dear sir/madam,

I refer to your application for a Section 5 Declaration received on 24th February, 2025 in relation to the following proposed works:

**provision of photovoltaic panels at roof level at Aldi Store,
Boherclough Street, Cashel, Co. Tipperary**

WHEREAS a question has arisen as to whether the proposed development is or is not exempted development:

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 5, 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

Tipperary County Council has concluded that the provision of photovoltaic panels at Aldi Stores Boherclough Street, Cashel, Co. Tipperary is development and is exempted development as same satisfies the exemption available under Class 56(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000

as amended, it is hereby decided that the proposal to which the Section 5 Declaration Application relates is **development and IS exempted development.**

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely

Geraldine Quinn

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/15** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Sharon Kennedy, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 40781 dated 2nd January, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from ALDI Stores Ltd., C/o Brian Kelly (Principal) Avison Young Ireland, 86 Merion Square South, Dublin 2, D02 YE10, re: provision of photovoltaic panels at roof level at Aldi Store, Boherclough Street, Cashel, Co. Tipperary, is development and is exempted development.

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 5, 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

Tipperary County Council has concluded that the provision of photovoltaic panels at Aldi Stores Boherclough Street, Cashel, Co. Tipperary is development and is exempted development as same satisfies the exemption available under Class 56(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal to which the Section 5 Declaration Application relates is **development and IS exempted development.**

Signed:


Sharon Kennedy

Director of Services

**Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District**

Date: 18/03/2025