

5 March 2026

Tipperary County Council  
Civic Offices  
Emmet Street  
Clonmel  
Co. Tipperary

Dear Sir/Madam,

**RE: SECTION 5 DECLARATION REQUEST – ROOF-MOUNTED SOLAR PANELS AT ALDI TIPPERARY.**

On behalf of our client, ALDI Stores Ltd, please find enclosed a request for a Section 5 Declaration submission for the proposed installation of roof-mounted PV Panels on the ALDI Tipperary Store located at Mitchell Street, Tipperary, Co. Tipperary, E34 D786

The question for which a declaration is being sought is:

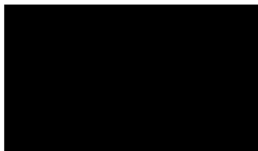
*"Whether the installation of photovoltaic panels at roof level is exempted development under the Planning & Development Act, 2000 (as amended)."*

Please find the following documents enclosed in support of this application:

- Cover Letter (prepared by Avison Young Ireland)
- Section 5 Application Form
- Planning Report (prepared by Avison Young Ireland)
- Architectural Drawings Pack (prepared by the Harris Partnership and Macroworks)
- Glint & Glare Assessment Screening Note (prepared by Macroworks)

We will pay the relevant application fee by card / over the phone after submission of this pack. Should you have any queries please do not hesitate to reach out directly to us to provide further clarification.

Yours faithfully,



**Brian Kelly,**  
Principal, Head of Planning  
(01) 676 2711

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



**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>	[REDACTED]
<i>E-mail</i>	[REDACTED]

**2. Agent's (if any) address:**

<i>Agent</i>	Eleanor Heagney, Avison Young
<i>Address</i>	86 Merrion Square S, Dublin 2, D02 YE10
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [ <input type="checkbox"/> ]      Agent [ <input checked="" type="checkbox"/> ]	

**3. Location of Proposed Development:**

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	ALDI Tipperary, Mitchell Street, Tipperary, Co. Tipperary, E34 D786
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**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.)

Installation of 640.45sq m of Panel to the floor of the ALD retail store.
Proposed floor area of proposed works/uses: 640.45sqm

**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	B. Occupier
	C. Other	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Address:	

Signature of Applicant(s) [REDACTED]

Date: 5 March 2026

**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.

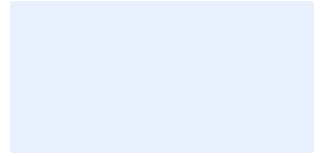
**This application form and relevant fee should be submitted to:**

<b>Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary</b>	<b><u>OR</u></b>	<b>Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary</b>
<b>Enquires:</b>		
<b>Telephone 0818 06 5000</b>		
<b>E-Mail <a href="mailto:planning@tipperarycoco.ie">planning@tipperarycoco.ie</a></b>		

**FOR OFFICE USE ONLY**

**DATE STAMP**

**Fee Recd. € 80.00** \_\_\_\_\_  
Receipt No\_135716\_\_\_\_  
Date\_\_9/3/2026\_\_\_\_\_  
Received by \_\_\_\_\_



# Request for a Section 5 Declaration

Aldi Stores (Ireland) Ltd

ALDI Tipperary, Mitchell Street, Tipperary, Co. Tipperary, E34 D786

March 2026

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

**Prepared by:** Eleanor Heagney

**Contributors:** Matt Golisti

**Status:** Rev 1

**Draft date:** 5 March 2026

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

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# 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 Council in relation to a property at Mitchell Street, Tipperary, 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 (640.45sqm) 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 Macroworks, and the related drawings prepared by Greenvolt and the Harris Partnership.

## 2. Site Context

### Site Location

- 2.1 The subject site covers an area of 0.77 hectares and is located within Tipperary town on the north side of Mitchell Street approximately 100m north of the town centre. The site is comprised of the single storey ALDI retail store, the associated car park and an area of landscaped public realm which includes the Former Town Hall Clock Tower (RPS 29). This area of public realm leads off Market Place which forms a link between the main street and the subject site. Vehicle access is separated from the pedestrianised public realm.

### Analysis of Surroundings

- 2.2 To the north and east of the site are dwellings along St Michael's Road. To the south the site is adjoined by Boston Villas, a terrace of protected residential dwellings (RPS refs. 23-28). To the west the site is abutted by the rear curtilage of further residential dwellings and businesses, as well as Tipperary Town cattle mart. The surroundings of the site can be described as having a town centre character due to the mix of

### Relevant Planning History

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

Application Ref.	Proposal	Outcome & Date
19600331	Development at the existing Aldi Discount foodstore, the former Town Hall Clock Tower, which is located on the site, is a protected structure (RPS Ref. 29). The development will consist of the extension of the existing single storey discount foodstore, including off-licence use, by 325 sq.m additional gross floor area. The gross floor area of the store will increase from 1,436 sq.m (net retail area of 990 sq.m) to 1,761 sq.m (net retail area of 1,315 sq.m). The proposed development includes a new canopy to replace existing, plant room extension (northern elevation), new entrance lobby within extension, new illuminated double board poster sign towards entrance lobby (eastern elevation), relocation of trolley bay from southern elevation to the eastern elevation, minor amendments of the car parking layout within the site including an increase in car parking spaces from 88 to 103; and all associated	Granted, 30/05/2019

	signage, landscaping and site development works on a site of approx. 0.78 hectares.	
12581909 <b>(parent)</b>	For development at this site at Mitchell Street. The former Town Hall Clock Tower which is located on the site, is a protected structure. The development consists of the construction of a single storey discount foodstore (to include off licence use) with a gross floor area of 1436sq.m.(net retail area 990sq.m.). It is proposed to retain and upgrade the former Town Hall Clock Tower, demolish the adjacent Tower Ballroom (GFA of 764.5Sq.m.) and the front facade of the former Gaiety Theatre in order to provide a new public open space, incl. an east & west screen wall, & vehicular & pedestrian access to the site from Mitchell Street (as permitted under Reg. Ref. 05/1647 & ABP Ref.PL80.220756). The development includes the erection of 2 free-standing double sided internally illuminated signs, one single sided internally illuminated gable sign and one single sided entrance glass sign. The proposed development will be served by 100 No. car parking spaces and 7 No. bicycle stands. The proposed development includes the provision of an ESB sub-station, assoc. landscaping & site development works	Granted, 11/01/2013
06581715 PL 80.229162	4 Storey building comprising 34 No.three-bedroom three storey dwellings over ground floor retail unit, 10 No. offices totalling 1356 sq.m., first floor Medical Centre totalling 477 sq.m., ground floor Pharmacy 157 sq.m., first floor Library 783 sq.m., 18 No. retail units totalling 5562 sq.m. with three storey car parking block, totalling 332 No. car parking spaces with public entrance at Mitchel Street and public exit and commercial traffic entrance/exit at Davis Street. All with ancillary works and services at Mitchell Street and cattle mart site Davis Street, Tipperary Town. Existing Protected Structure on site.	Granted, 24/04/2008 Refused on appeal, 08/04/2009
PD2/1647 PL 80.220756	Demolition of an existing protected structure, maintaining and refurbishing existing clock tower to facilitate new commercial/residential development	Granted, date unknown Granted on appeal, 17/12/2007

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### 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.

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

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## 4. Legislative Context

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

### Planning and Development Act, 2000 (as amended)

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

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

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

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

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

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

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

### Planning and Development Regulations, 2001 (as amended)

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

4.7 *"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*

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*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;*

4.8 *“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;*

4.9 *“solar safeguarding zone” has the same meaning as in the Planning and Development (Solar Safeguarding Zone) Regulations 2022;*

4.10 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.

4.11 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.*

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

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## 5. Grounds of the Exempted Development 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:
- 5.9 *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.*
- 5.10 It is considered that in the case of the proposed development at the ALDI Tipperary Retail Store, that the conditions set out in the grant of permission under Ref. 12581909 do not restrict the development of PV Panels at Roof Level. Therefore, Section 9(1)(a) does not apply to the proposed development.
- 5.11 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).
- 5.12 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
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.
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.
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 thresholds, refer to drawing 22602 THPK 003 XX DR A 0108.
The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres	The design does not exceed these size thresholds, refer to drawing G201.

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).	The design does not exceed this design threshold, refer to drawing 22602 THPK 003 XX DR A 0108.
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.
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.
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, refer to drawing 22602 THPK 003 XX DR A 0108.
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.
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.
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.
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.
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.
No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation	The design complies with this requirement.

shall be attached to or exhibited on such installation.	
Development under this Class shall only be exempted development where the solar photovoltaic 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.
Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photovoltaic 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 <b><i>Glint and Glare Screening Report</i></b> is submitted with this application which identifies that the site does not lie within any defined SSZ. There will be no hazardous glint and glare from the photovoltaic panels.

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

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## 6. Conclusion

- 6.1 The question before 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 Tipperary 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

Eleanor Heagney  
(01) 676 2711

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

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### Avison Young

86 Merrion Square South, Dublin 2, D02 YE10

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macroworks

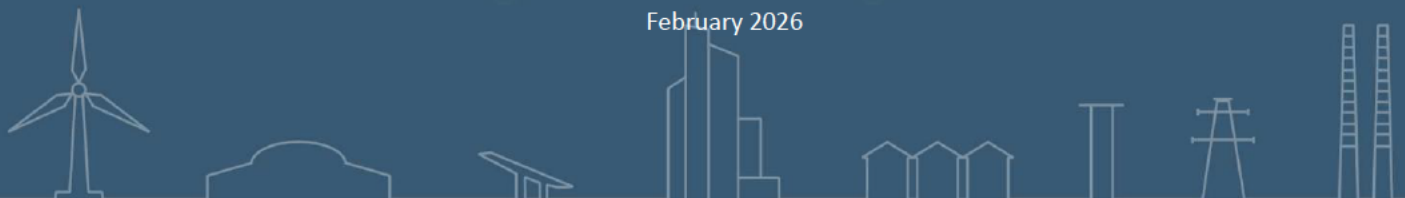
# AVIATION GLINT AND GLARE SCREENING ASSESSMENT

Proposed Solar PV Energy Development

Aldi Stores Ltd, 1 Mitchell Street,  
Carrownreddy, Tipperary.

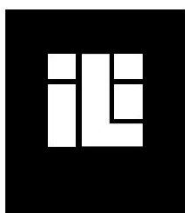
Prepared by Macro Works Ltd

February 2026



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<b>1.</b>	<b>AVIATION GLINT AND GLARE ASSESSMENT</b>	<b>3</b>
<b>1.1</b>	<b>Introduction</b>	<b>3</b>
<b>1.2</b>	<b>Methodology</b>	<b>7</b>
<b>1.3</b>	<b>Overall Conclusion</b>	<b>9</b>



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, Carrownreddy, Tipperary. Figure 1.1 and Figure 1.2 refer.

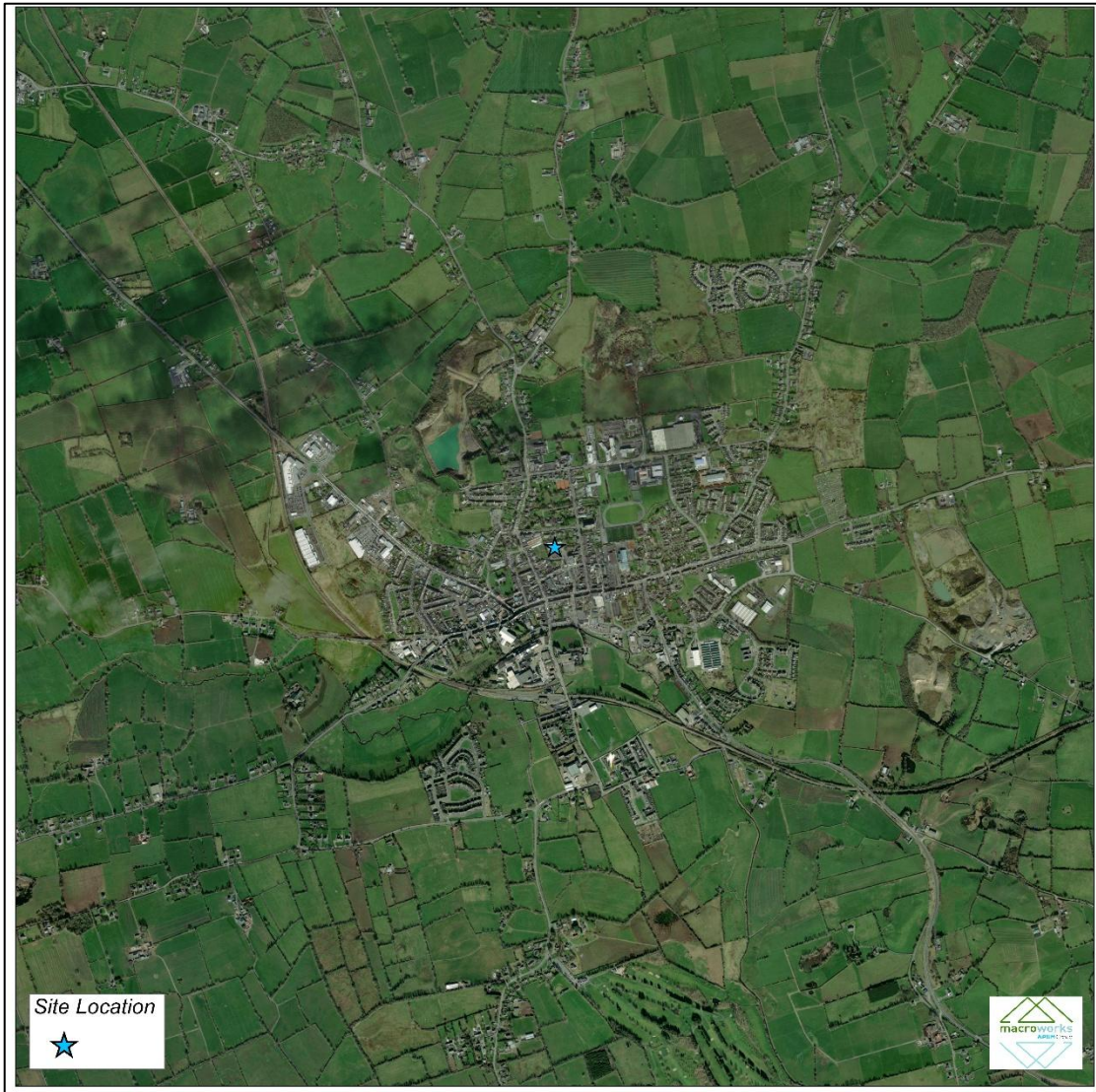


Figure 1.1 Aerial view indicating the location of the proposed PV panels

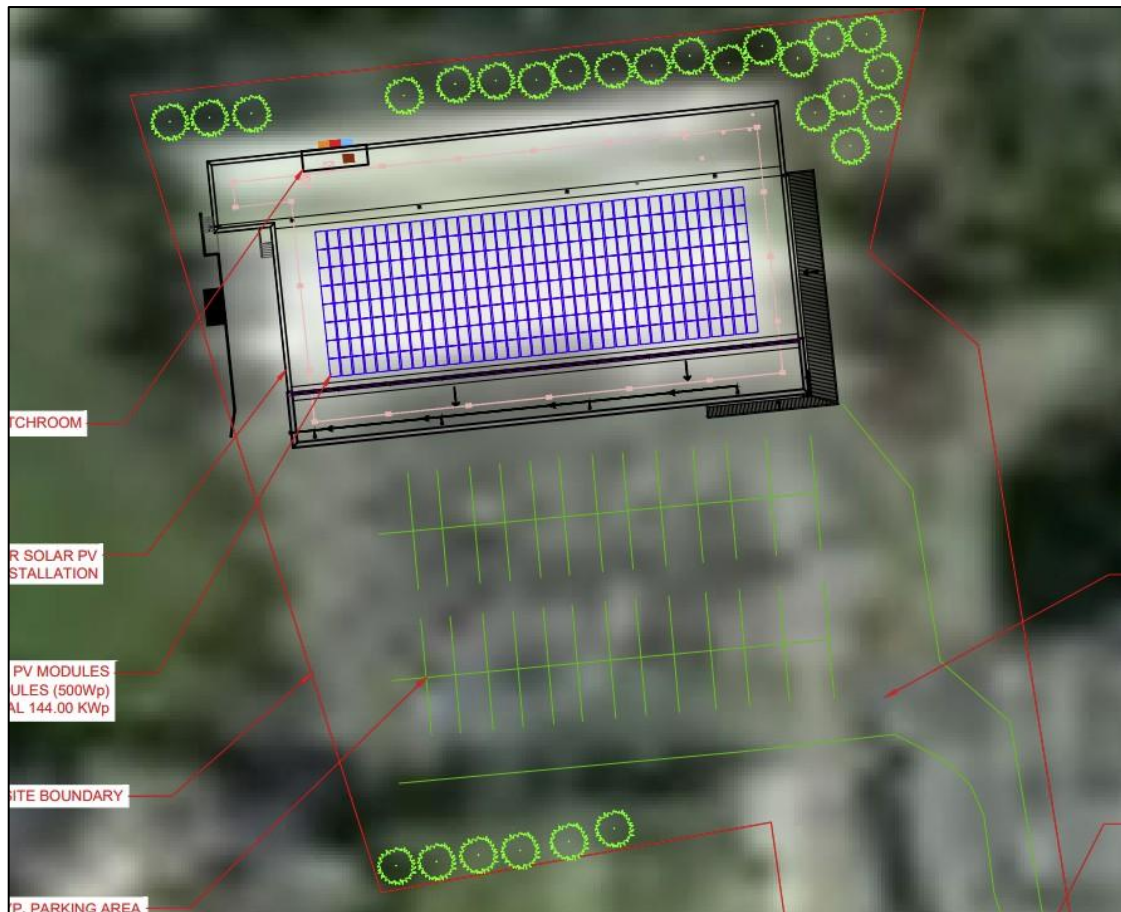


Figure 1.2 Extract from Overall Site Plan drawing showing the proposed site and panel layout.

### 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**

The Irish Aviation Authority (IAA) has not published any specific guidance on solar PV developments. The IAA identifies the need to ensure safety in relation to potential reflectance effects emitting from solar developments and highlights the potential for an ocular assessment to be requested.<sup>1</sup> The European Union Aviation Safety Authority (EASA) requires an assessment of the luminance of proposed PV panels, rather than by ocular irradiance, so as not to dazzle air traffic controllers to the extent of a reduction in visual perception of airport operations.<sup>2</sup> EASA found that 20,000 cd/m<sup>2</sup> was the maximum acceptable luminance value for solar PV arrays in the vicinity of an aviation receptor. As the IAA refer to the need for an ocular assessment, this analysis will focus on potential ocular effects.

<sup>1</sup> Irish Aviation Authority. (2025). IAA - National Aviation Safeguarding Framework, Consultation Document, p. 30.

<sup>2</sup> European Union Aviation Safety Agency. (2025). Certification Specifications and Guidance Material for Aerodrome Design (CS-ADR-DSN). Issue 7. Page 161. [https://www.easa.europa.eu/en/document-library/certification-specifications/group/cs-adr-dsn-aerodromes-design?utm\\_source=chatgpt.com#cs-adr-dsn-aerodromes-design](https://www.easa.europa.eu/en/document-library/certification-specifications/group/cs-adr-dsn-aerodromes-design?utm_source=chatgpt.com#cs-adr-dsn-aerodromes-design).

The sequence of guidance developed by the United States Federal Aviation Administration (FAA) to address the potential hazards that solar developments may pose to aviation activities, is considered the most comprehensive for the purposes of assessment of solar developments near aerodromes. The initial guidance was prepared in 2010 (entitled 'Technical Guidance for Evaluating Selected Solar Technologies on Airports' (archived)), was subsequently updated in 2013<sup>3</sup> (entitled 'Interim Policy, FAA Review of Solar Energy System Projects on Federally Obligated Airports'). The most current version of the guidance (Version 1.1) 'Technical Guidance for Evaluating Selected Solar Technologies on Airports' was released in 2018.<sup>4</sup>

The SGHAT was developed in conjunction with the FAA in harmony with this guidance and is adopted as the standard for measuring the ocular impact of solar developments. Furthermore, it is commonly regarded as the accepted industry standard by aviation authorities internationally when considering the glint and glare effects upon aviation-related receptors.

There is currently no aviation-authority guidance from either the IAA, FAA or EASA that specifically addresses glint and glare impacts from solar installations in relation to helipads or heliports. Existing guidance and policy documents are primarily framed around fixed-wing aircraft operations at aerodromes, with a focus on potential ocular impacts to pilots and air traffic controllers during critical phases of flight. In the absence of helipad-specific criteria, it is best practice to apply the same underlying aviation safety principles to helicopter operations, namely that reflections from solar panels should not result in distracting or hazardous glare that could impair pilot vision during approach, landing, take-off or departure.

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 various Planning Authorities

### Federal Aviation Authority

Within the FAA's interim policy, a 'Review of Solar Energy System Projects on Federally Obligated Airports' 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*

---

<sup>3</sup> Interim Policy, FAA Review of Solar Energy System Projects on Federally Obligated Airports, Department of Transportation, Federal Aviation Administration, date: 10/2013

<sup>4</sup> Technical Guidance for Evaluating Selected Solar Technologies on Airports, Federal Aviation Administration (FAA), date: 04/2018

<sup>5</sup> 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. Available at: <https://www.federalregister.gov/documents/2013/10/23/2013-24729/interim-policy-faa-review-of-solar-energy-system-projects-on-federally-obligated-airports>

*No potential for glare or “low potential for after-image” (shown in green in Figure 1[ Figure 1.3 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.”*

An update of the policy in 2021<sup>6</sup> replaced this interim policy, with the key amendment of deprioritising 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).*

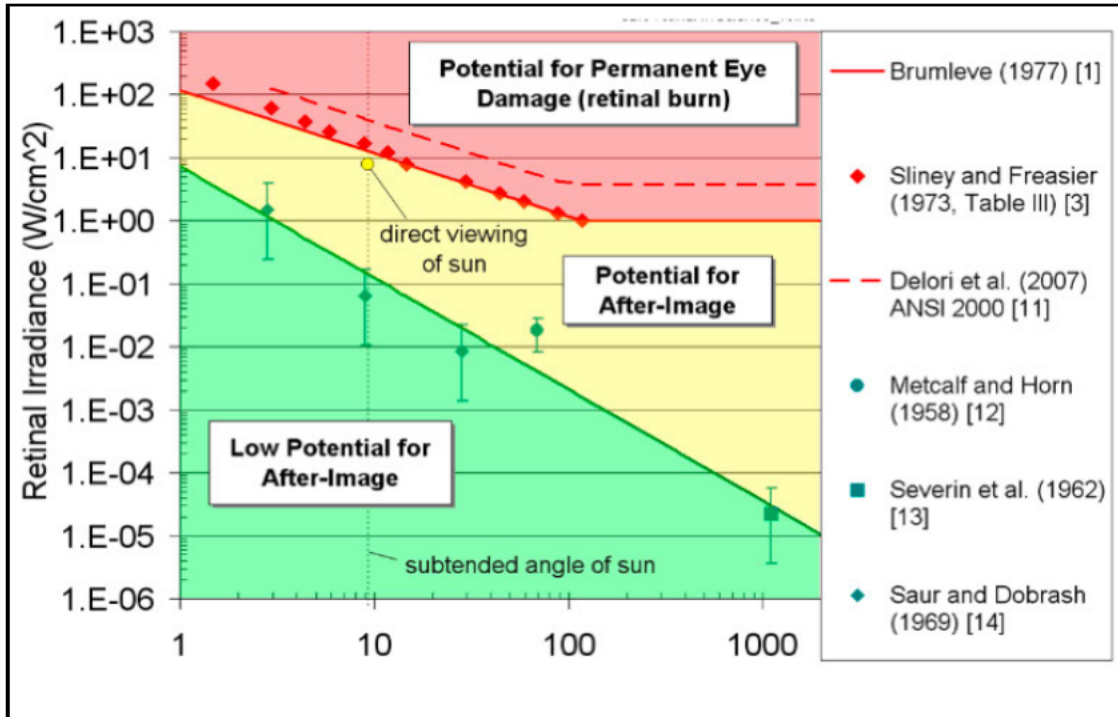
In summary, glare at an ATCT is not acceptable and while still relevant glare with a “low potential for after-image” is generally acceptable along final approach paths to runways in most instances.

### **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.

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<sup>6</sup> Federal Aviation Administration Policy: Review of Solar Energy System Projects on Federally-Obligated Airports; date: 11/2021



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.

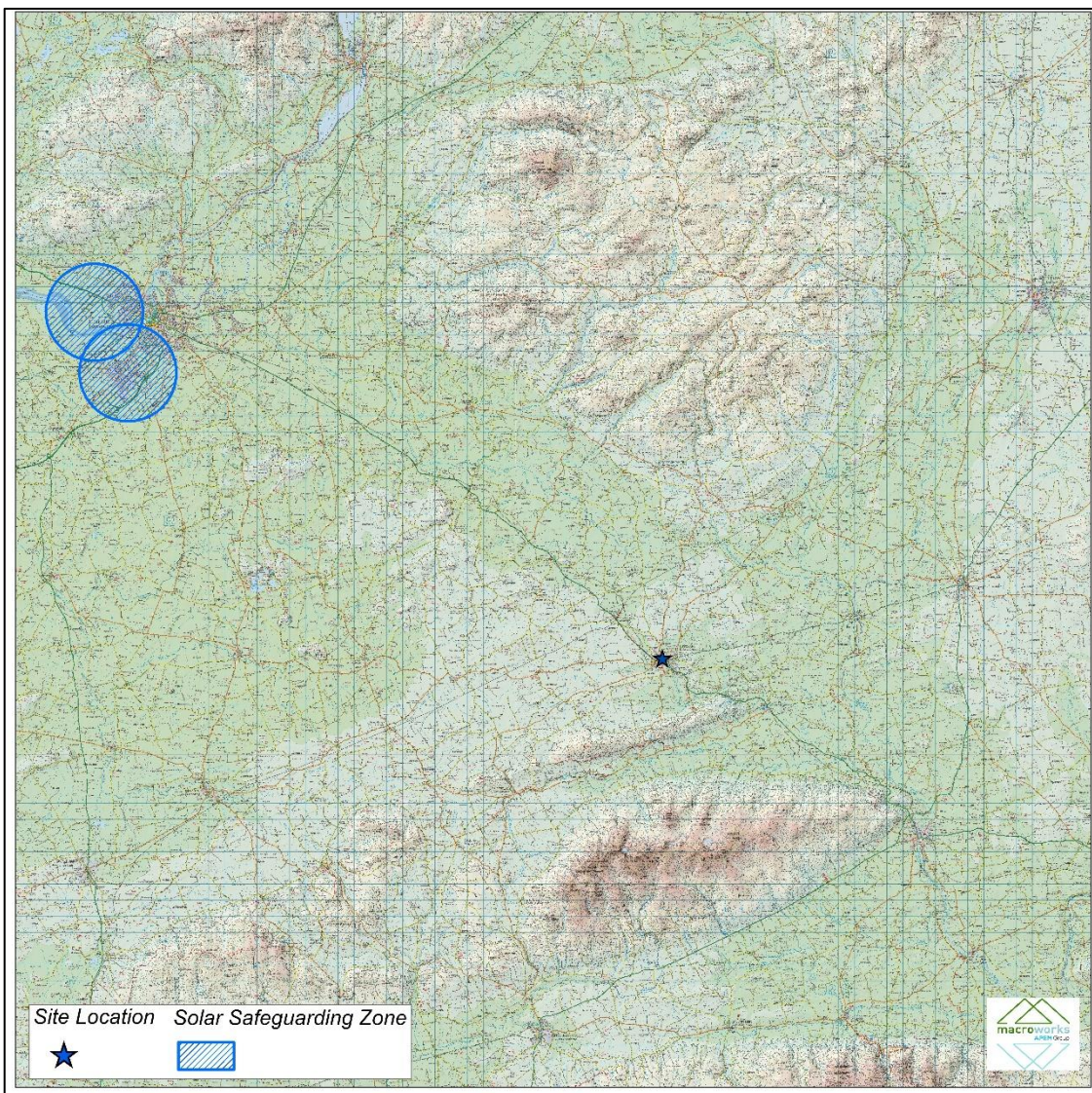
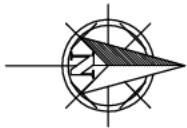


Figure 1.4 Map showing the approximate location of the proposed development relative to the nearest Solar Safeguarding Zone(s).

---

## 1.3 OVERALL CONCLUSION

The need for a SGHAT assessment was screened out as the proposed development at Aldi, Carrownreddy, 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.



# Cattle Mart

SITE PLAN  
SCALE 1:250



DO NOT SCALE THIS TO SQUARE DIMENSIONS ONLY  
ALL EXISTING DIMENSIONS TO BE CHECKED ON SITE  
DRAWN ON THIS DRAWING AT READY GAHAN ARCHITECTS  
LAYER ON THIS DRAWING CORNER WITH BS 1192: PART 5

LEGEND	
TOTAL CAR PARKING	88 SPACES
TOTAL SITE AREA	0.7800 Hc (1.927 Acres)
ACCOMMODATION SCHEDULE (INTERNAL AREAS)	
PROPOSED GROSS FLOOR AREA	1,438 sqm
PROPOSED NET RETAIL AREA	998 sqm
PROPOSED ANCILLARY AREA	448 sqm
DENOTES PLANNING APPLICATION BOUNDARY	
PROPOSED ALTERED RIGHT OF WAY	
FUTURE PEDESTRIAN ACCESS TO CATTLE MART SITE	
DENOTES HYDRANTS	
DENOTES SITE ENTRANCE	
DENOTES MAIN ENTRANCE	
LOCATION OF TACTILE SURFACES	

Project: ADJ RETAIL STORE AT THE CLOCK TOWER SITE, MITCHELL STREET, TIPPERARY TOWN, CO. TIPPERARY FOR A12 STORES (IRELAND) LTD.

**DEADY GAHAN ARCHITECTS**  
 54 BRISTOL VILLAGE, LIME KINGS COVA  
 7-8 BRYANSTOWN PARK, BRYANSTOWN  
 DUBLIN 15, IRELAND  
 TEL: 01 454 4444 FAX: 01 454 4445  
 EMAIL: INFO@DEADYGAHAN.COM

Rev	Name	Chk	Date
12.1.13	AB	ES	AS S.M.T

Scale	Drawn	Checked	Date
1:250 @ A1	ES	DO	12.1.13

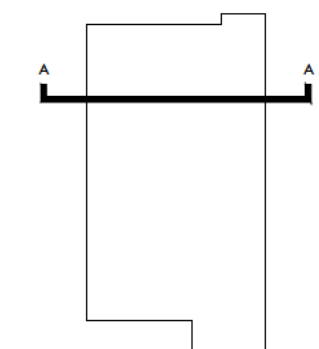
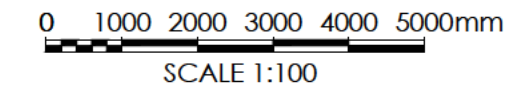
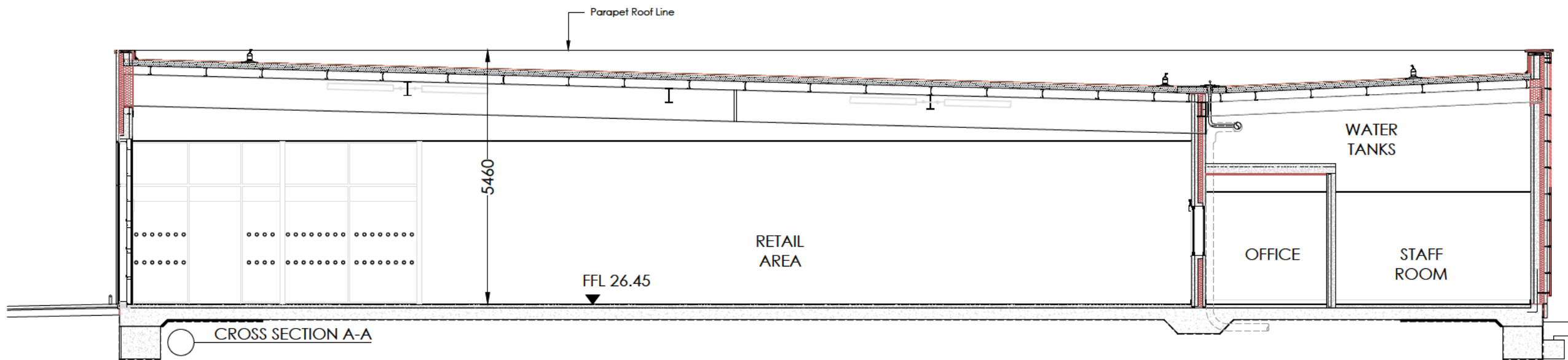
Project No.	Draw No.	Revision
1006	1006/04/01	AB

Author	Checker	Approver
AB	DO	AB

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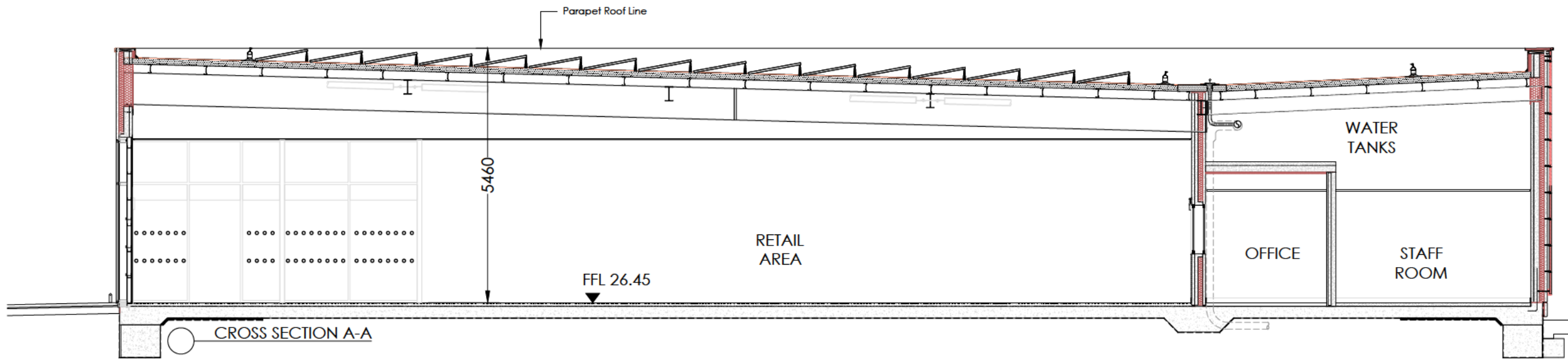
Rev	Date	Description	Drawn	Chkd
P01	17.04.25	Parapet heights added	AC	JG



EXISTING SECTION AA

KEY PLAN

**PLANNING DRAWING**  
 This drawing has been prepared for submission to the relevant Local Authority as part of a Planning Application. It is not intended to assist with the pricing of any elements.  
 For Structural details refer to the Structural & Civil Engineers detailed design drawings & specifications.  
 For M&E information, refer to the M&E Engineers and sub contractor's design drawings & specifications.  
 For Health & Safety information, refer to the Designers Risk Assessments. This drawing is copyright and may not be reproduced in whole or part without written authority.  
 For solar panel details, refer to sub contractor's design proposals



PROPOSED SECTION AA


**Architecture Masterplanning Interior Design**

**THE HARRIS PARTNERSHIP**

www.harrispartnership.com

Wakefield Manchester Milton Keynes Reading London Harrogate Edinburgh

Client  
**Aldi Stores Ltd.**



Project Title  
**Aldi PV Rollout**

Store no. MIT 004  
 Tipperary,  
 Mitchell Street, E34 D786

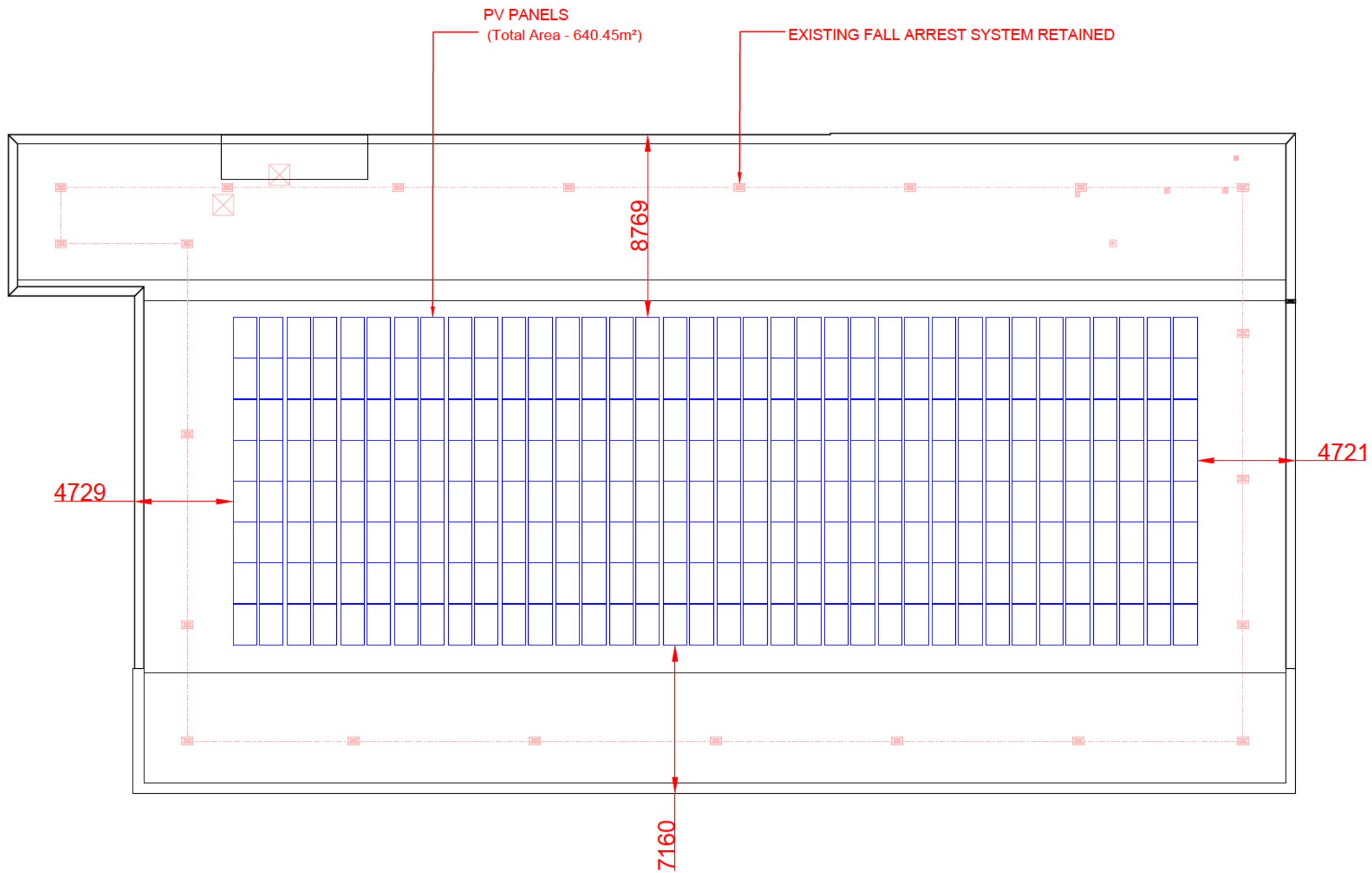
Drawing Title  
**Existing & Proposed Sections**

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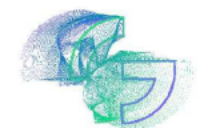
Drawing Status	Rev.	THP Project No
Planning	---	22602

Project No.	Originator	Volume	Level	Type	Role	Number
<b>22602</b>	<b>THPK</b>	<b>004</b>	<b>XX</b>	<b>DR</b>	<b>A</b>	<b>107</b>

Note: All PV units hidden behind existing facade



DESIGN AND ENGINEERING



ADDRESS: CONFEDERATION HOUSE, BLOCK C & D,  
WATERFORD BUSINESS PARK, CORK RD,  
WATERFORD, X91T449

WEBLINK: <https://next.greenvolt.com/ie/>  
OFFICE NUMBER: 051 364054  
EMAIL ADDRESS: [info@next.greenvolt.com](mailto:info@next.greenvolt.com)

NOTES

REVISION/RELEASE

NO	DESCRIPTION	DATE
#1	ORIGINAL	05/02/2026

**PROJECT**  
GRID-TIED SOLAR PV  
ROOFTOP MOUNTED SYSTEM  
144.00 KWp, 100.00 KWAC

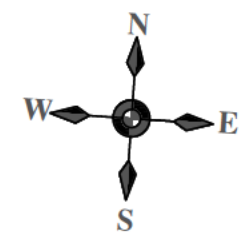
**ALDI TIPPERARY**  
1 MITCHELL ST,  
CARROWREDDY,  
TIPPERARY, E34 D786,  
IRELAND

DC SYS.SIZE: 144.00 KWDC  
AC SYS.SIZE: 100.00 KWAC  
MODULE TYPE: LEAPTON SOLAR LP182\*210-M-54-NB 500W  
MODULE QTY: 288  
INVERTER TYPE: (1) SUN2000-100KTL-M2

SHEET TITLE:  
**PROPOSED ROOF PLAN**

SHEET SIZE: A2  
PROJECT NO.:  
DATE: 13/02/2026  
DESIGN BY: AK  
CHECKED BY: MM  
PM/PE:

SHEET NUMBER:  
**G201**





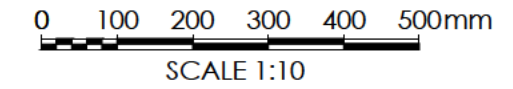
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**PLANNING DRAWING**

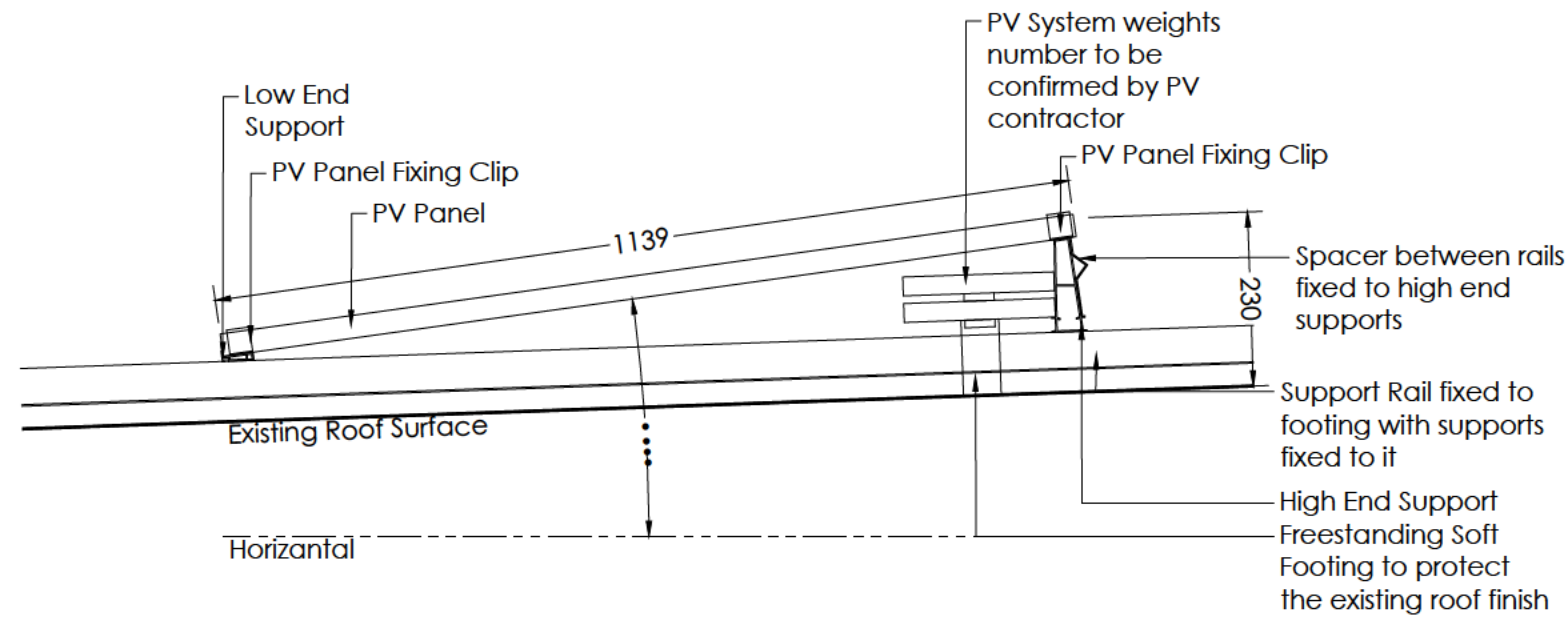
This drawing has been prepared for submission to the relevant Local Authority as part of a Planning Application. It is not intended to assist with the pricing of any elements. For Structural details refer to the Structural & Civil Engineers detailed design drawings & specifications.

For M&E information, refer to the M&E Engineers and sub contractor's design drawings & specifications.

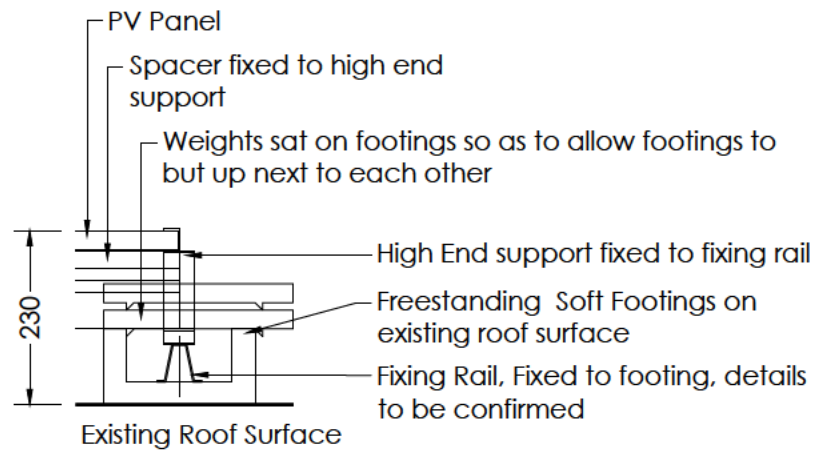
For Health & Safety information, refer to the Designers Risk Assessments. This drawing is copyright and may not be reproduced in whole or part without written authority.



Rev	Date	Description	Drawn	Chk'd



Side View  
Scale 1:10



Cross View  
Scale 1:10



Image of typical PV array (south facing)

**Architecture  
Masterplanning  
Interior Design**

**THE HARRIS PARTNERSHIP**

www.harrispartnership.com

Wakefield Manchester Milton Keynes Reading London Harrogate

Client  
**Aldi Stores Ltd**

Project Title  
**Aldi PV Rollout**

Store MIT 004  
Tipperary,  
Mitchell Street, E34 D786

Drawing Title  
**PV Panels & Fixing Details**

Drawn	Checked	Scale @A3	BIM Status	Date
JPG	---	1:10	NA	02/26

Drawing Status	Rev.	THP Project No
Planning	-	22602

Project No.	Originator	Volume	Level	Type	Role	Number
<b>22602</b>	<b>THPK</b>	<b>004</b>	<b>XX</b>	<b>DR</b>	<b>A</b>	<b>0108</b>



Cash Office  
Tipperary County Council  
Civic Offices  
Nenagh  
Co Tipperary

=====

09/03/2026 15:59:34

Receipt No. : NENAM1/0/135716

AVISON YOUNG - MR. BRIAN KELLY

REF: ALDI STORES LTD.  
MITCHEL STREET, TIPPERARY

SECTION5 EXEMPTION DECLARATION 80  
GOODS 80.00  
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :  
Credit Card 80.00

Change : 0.00

Issued By : DEIRDRE O BRIEN  
From : TIPP CC NENAGH CASH DESK  
Vat reg No.3259712MH



Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

t 0818 06 5000/601  
e customerservice  
@tipperarycoco.ie

[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 10<sup>th</sup> March 2026

Our Ref: S5/26/26

Civic Offices, Nenagh

**Aldi Stores Ltd  
C/O Avison Young  
Eleanor Heagney  
86 Merrion Square  
Dublin 2  
D02 YE10**

**Re: Application for a Section 5 Declaration – Installation of 640.45sqm of pv panels to the flat roof of the Aldi Retail store at Aldi Tipperary, Mitchell St, Tipperary Town, Co Tipperary E34 D786.**

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 9<sup>th</sup> March 2026, 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

---

<b>Planning Reference:</b>	S5/26/26
<b>Applicant:</b>	Aldi Stores Ltd
<b>Development Address:</b>	Mitchell Street, Tipperary, Co. Tipperary, E34 D786
<b>Proposed Development:</b>	Whether the provision of photovoltaic panels at roof level is exempted development. Installation of 640.45sqm of PV Panels to the flat roof of the ALDI retail store.

---

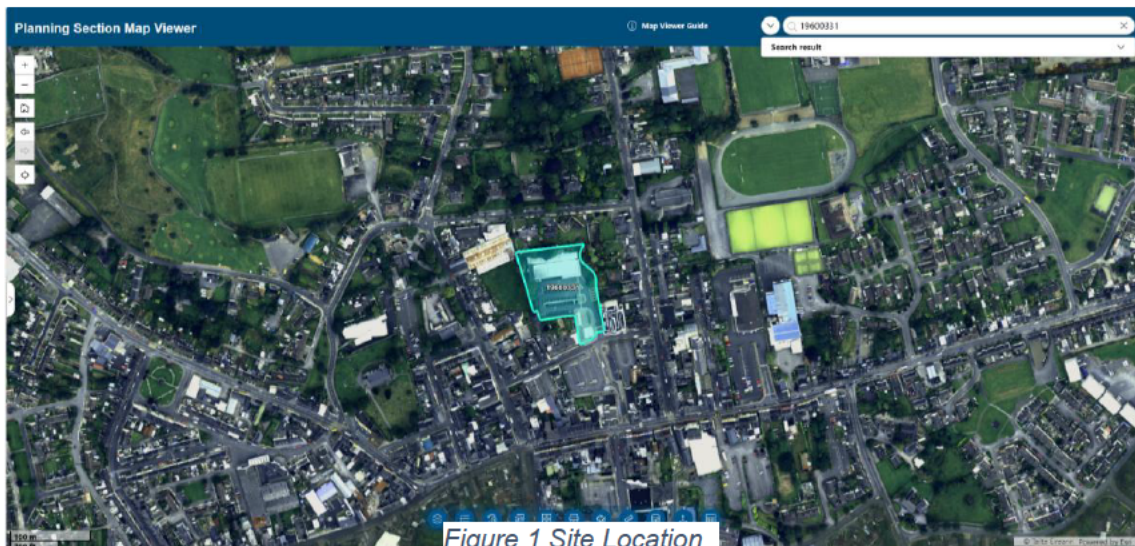
### 1. GENERAL

On 9<sup>th</sup> March 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 exempted development. Installation of 640.45sqm of PV Panels to the flat roof of the ALDI retail store.***

The application was accompanied by the following documentation;

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



## **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 (hereafter referred to as the Act), 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 Act 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 states;

*(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) 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:

<b>Description of Development</b>	<b>Conditions and Limitations</b>
<p>(e) The placing or erection on a roof of a <b>business premises</b> 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.</p>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. 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"> <li>a. for a <b>business premises</b>, 1.2 metres in the case of a flat roof or 15cm in any other case.</li> <li>b. for a light industrial building, 2 metres in the case of a flat roof or 50cm in any other case.</li> </ol> </li> <li>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.</li> <li>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).</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>

	<p>12. <i>The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.</i></p> <p>13. <i>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.</i></p> <p>14. <i>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.</i></p> <p>15. <i>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.</i></p> <p>16. <i>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.</i></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 Mitchell Street within the centre of Tipperary Town and occupied by an Aldi Store.

**b. Relevant Planning History**

**19/600331** Permission GRANTED development at the existing Aldi Discount foodstore, the former Town Hall Clock Tower, which is located on the site, is a protected structure (RPS Ref. 29). The development will consist of the extension of the existing single storey discount foodstore, including off-licence use, by 325 sq.m additional gross floor area. The gross floor area of the store will increase from 1,436 sq.m (net retail area of 990 sq.m) to 1,761 sq.m (net retail area of 1,315 sq.m). The proposed development includes a new canopy

to replace existing, plant room extension (northern elevation), new entrance lobby within extension, new illuminated double board poster sign towards entrance lobby (eastern elevation), relocation of trolley bay from southern elevation to the eastern elevation, minor amendments of the car parking layout within the site including an increase in car parking spaces from 88 to 103; and all associated signage, landscaping and site development works on a site of approx. 0.78 hectares.

**12/581909** Permission GRANTED For development at this site at Mitchell Street. The former Town Hall Clock Tower which is located on the site, is a protected structure. The development consists of the construction of a single storey discount foodstore (to include off licence use) with a gross floor area of 1436sq.m.(net retail area 990sq.m.). It is proposed to retain and upgrade the former Town Hall Clock Tower, demolish the adjacent Tower Ballroom (GFA of 764.5Sq.m.) and the front facade of the former Gaiety Theatre in order to provide a new public open space, incl. an east & west screen wall, & vehicular & pedestrian access to the site from Mitchell Street (as permitted under Reg. Ref. 05/1647 & ABP Ref.PL80.220756). The development includes the erection of 2 free-standing double sided internally illuminated signs, one single sided internally illuminated gable sign and one single sided entrance glass sign. The proposed development will be served by 100 No. car parking spaces and 7 No. bicycle stands. The proposed development includes the provision of an ESB sub-station, assoc. landscaping & site development works.

### 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.

The question is rephrased as to whether the provision of photovoltaic panels of 640.45sqm of PV Panels to the flat roof of the ALDI retail store is development and is exempted development

#### 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 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 of 640.45sqm of PV Panels to the flat roof of the ALDI retail store at Mitchell Street, Tipperary Town, 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 of 640.45sqm of PV Panels to the flat roof of the ALDI retail store at Mitchell Street, Tipperary Town, 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.

**District Planner:**

L. Butler-Lynn

**Date: 30/03/2026**

**Senior Executive Planner:**

C. Conway

**Date: 31.3.2026**

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/26
(b) Brief description of the project or plan:	The provision of photovoltaic panels of 640.45sqm of PV Panels to the flat roof of the ALDI retail store at Mitchell Street, Tipperary Town, 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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir SAC	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	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.)
<b>Construction phase e.g.</b> <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	No potential impacts. No changes to surface water arrangements.
<b>Operational phase e.g.</b> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> </ul>	No potential impacts. No changes to surface water arrangements.

<ul style="list-style-type: none"> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	
In-combination/Other	No potential impacts
<b>(b) Describe any likely changes to the European site:</b>	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	No potential impacts
<b>(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</b>	
<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:

	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'**

<b>File Reference:</b>	S5/26/26
<b>Development Summary:</b>	The provision of photovoltaic panels of 640.45sqm of PV Panels to the flat roof of the ALDI retail store at Mitchell Street, Tipperary Town, Co. Tipperary
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>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)?</b> (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<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?</b> (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>

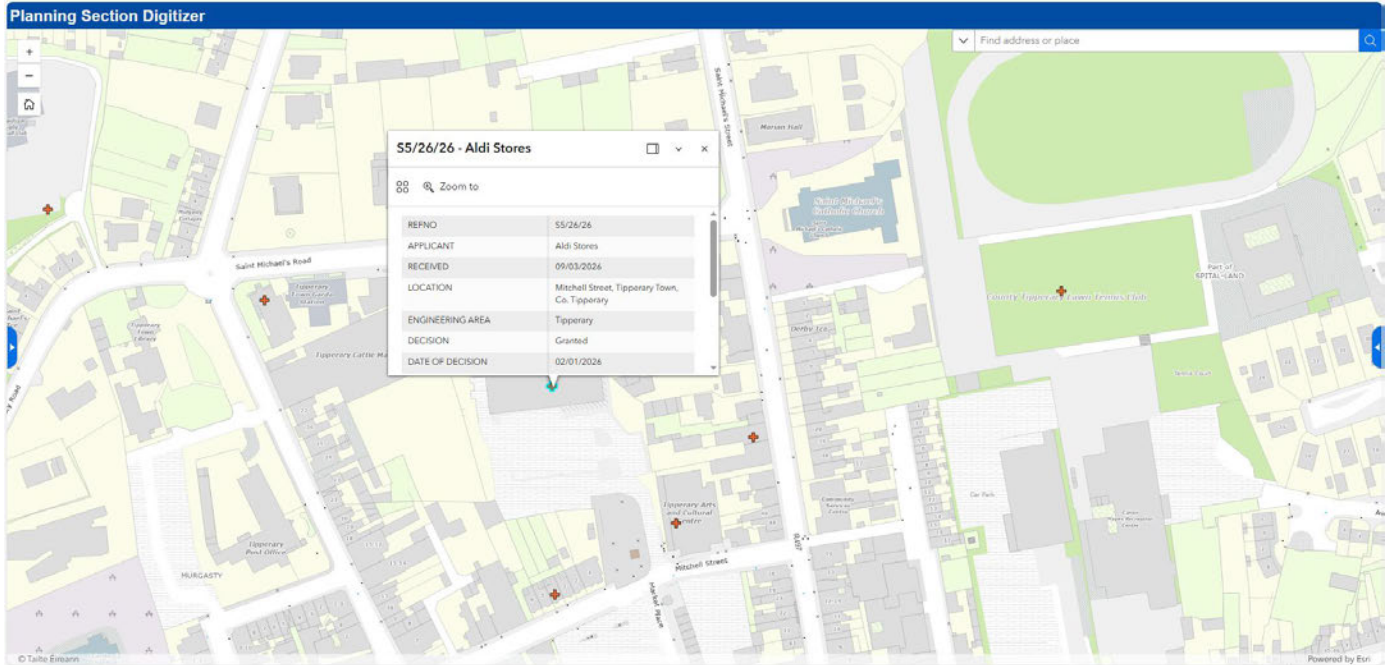


Figure 2 Planning Register

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/26/26**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Brian Beck, 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. 44188 dated 3<sup>rd</sup> October, 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 Avison Young, Eleanor Heagney , 86 Merrion Square, Dublin 2, D02 YE10, RE: Whether the provision of photovoltaic panels at roof level is exempted development. Installation of 640.45sqm of PV Panels to the flat roof of the ALDI retail store at Mitchell Street, Tipperary, Co. Tipperary, E34 D786 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 of 640.45sqm of PV Panels to the flat roof of the ALDI retail store at Mitchell Street, Tipperary Town, 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.

**Signed:**   
\_\_\_\_\_  
**Brian Beck**  
**Director of Services**

**Date: 02/04/2026**



Date: 2<sup>nd</sup> April 2026

Our Ref: S5/26/26

Civic Offices, Nenagh

**Aldi Stores Ltd  
C/O Avison Young  
Eleanor Heagney  
86 Merrion Square  
Dublin 2  
D02 YE10**

**Re: Declaration under Section 5 of the Planning and Development Act 2000, as amended.**

Dear sir/madam,

I refer to your application for a Section 5 Declaration received on 9<sup>th</sup> March 2026 in relation to the following proposed works:

**Whether the provision of photovoltaic panels at roof level is exempted development. Installation of 640.45sqm of PV Panels to the flat roof of the ALDI retail store at Mitchell Street, Tipperary, Co. Tipperary, E34 D786**

**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 –

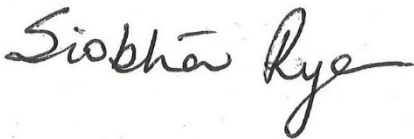
- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- b) Article 5, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- c) Class 56(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended

Tipperary County Council has concluded that –

The provision of photovoltaic panels of 640.45sqm of PV Panels to the flat roof of the ALDI retail store at Mitchell Street, Tipperary Town, 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.

**NOTE:** Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún 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

A handwritten signature in black ink that reads "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'e'.

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for **Director of Services**