

**DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

Applicant's Name: ALDI Stores Ltd

Applicant's Address: Holly Lane, Atherstone  
CV9 2SQ  
United Kingdom

Telephone No.

[REDACTED]

Name of Agent (if any): Brian Kelly (Principal) Avison Young Ireland

Address: 86 Merrion Square S, Dublin 2, D02 YE10

Telephone No. (01) 676 2711

Address for Correspondence:

86 Merrion Square S, Dublin 2, D02 YE10

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Location of Proposed development:

ALDI Newcastle West, The Square, Newcastle West, Co. Limerick, V42 W448

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Description of Proposed development:

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

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Is this a Protected Structure or within the curtilage of a Protected Structure.  
YES/NO

Applicant's interest in site: Applicant owns site

List of plans, drawings, etc. submitted with this application:

- Site Location Map
- Existing Site Plan
- Existing Roof Plan
- Existing Elevations
- Proposed Roof Plan
- Proposed Elevations
- Existing & Proposed Sections

Have any previous extensions/structures been erected at this location YES/NO

If Yes please provide floor areas of all existing structures:

- ALDI Store - 1,565sqm



Signature of Applicant (or Agent)

**NOTES:** Application must be accompanied by:

- (a) Fee of €80
- (b) Site location map
- (c) Site layout plan
- (d) Dimensioned plans and elevations of the structure and any existing structures.
- (e) Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building.

\*\*\*\*\*

Application to be forwarded to:

Limerick City & County Council,  
Planning and Environmental Services,  
City & County Council Offices,  
Dooradoyle Road, Limerick.

\*\*\*\*\*

**OFFICE USE ONLY**

Ref. No. \_\_\_\_\_ Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_ Date Due \_\_\_\_\_

\*\*\*\*\*



MATTHEW ALISTAIR GOLISTI

34 Coill Dubh Avenue, Malahide, Dublin, K36 RF67  
Ireland

IBAN [REDACTED]  
BIC [REDACTED]

## Transfer Confirmation

Generated on the 6 Mar 2025

Value Date	2025-03-06
Operation Date	2025-03-06
Date available	2025-03-06
Status	Completed
Type	SEPA Instant Credit Transfer

### Transfer details

Amount	€80
Fee	€0
Reference	PL041 - [REDACTED]
Transaction Reference	[REDACTED]

### Beneficiary Details

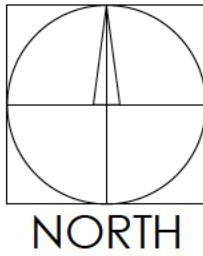
Name	Limerick City & County Council
Account Number	[REDACTED]
BIC	[REDACTED]



[REDACTED] or stolen card  
+370 5 214 3608  
Get help directly in app  
Scan the QR code

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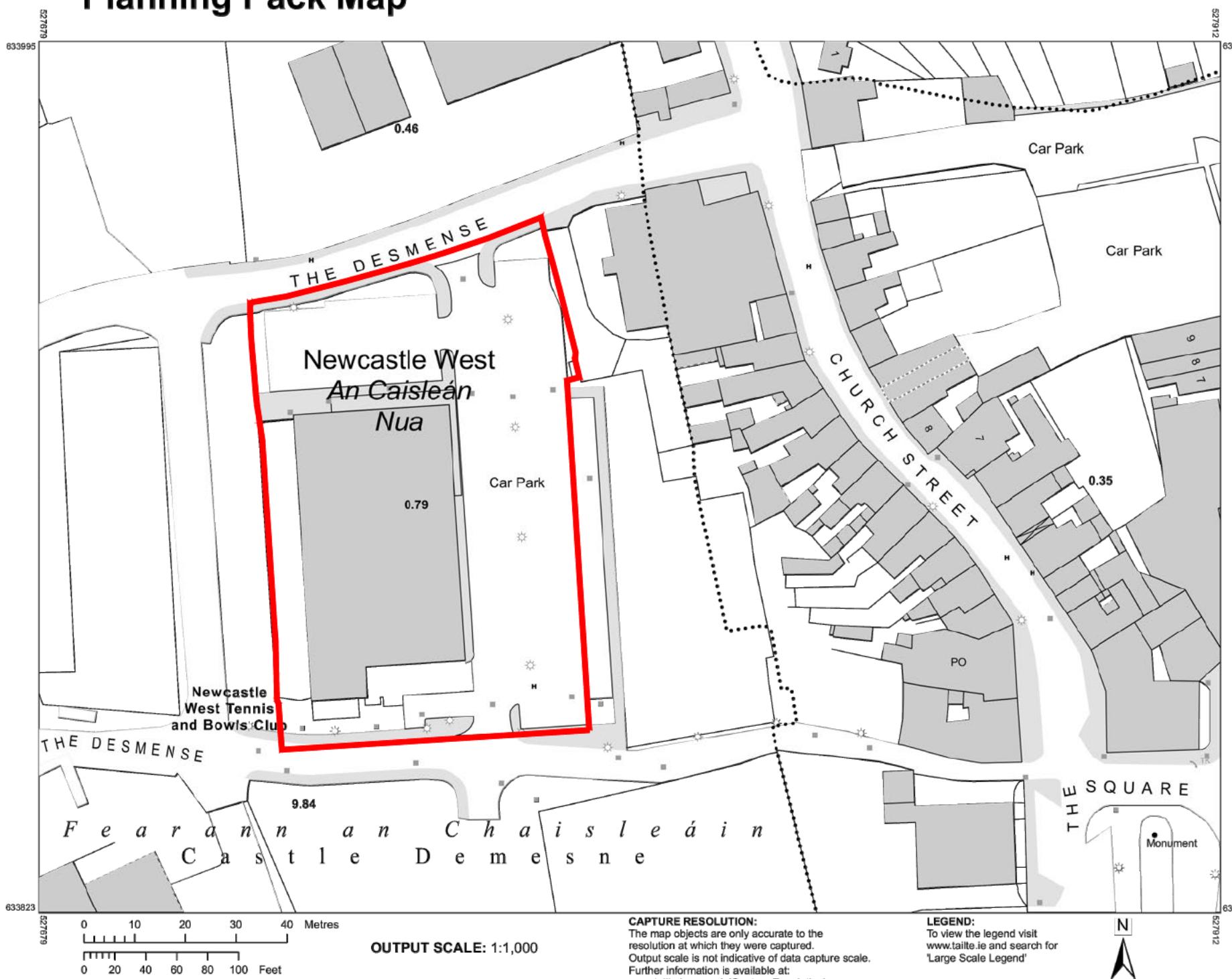




Rev	Date	Description	Drawn	Chkd
P01	21.02.25	OS data added and drawing title rev'd	NS	JPG

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SCALE 1:1000

## Planning Pack Map



Tailte  
Éireann

**CENTRE COORDINATES:**  
ITM 527796,633909

**PUBLISHED:** 21/02/2025    **ORDER NO.:** 50450383\_1

**MAP SERIES:** 1:1,000    **MAP SHEETS:** 5161-20

**COMPILED AND PUBLISHED BY:**  
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Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

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

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Wakefield Manchester Milton Keynes Reading London Harrogate Edinburgh Client

Aldi Stores Ltd.



Project Title  
Aldi PV Rollout

Store no. 18  
The Square, Castle Demesne  
Limerick, V42 W448, Ireland

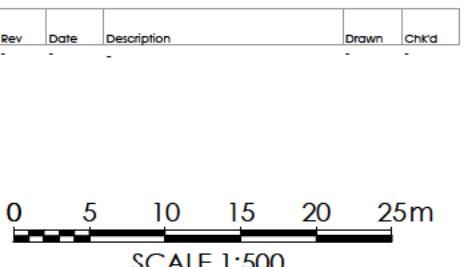
Drawing Title  
Site Location Map

Drawn	Checked	Scale @A3	BIM Status	Date
IMN	JG	1:1000	NA	01/25

Drawing Status	Rev.	THP Project No
Planning	P01	20984

Project No.	Originator	Volume	Level	Type	Role	Number
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20984 THPK 18 XX DR A 100



Red line Site boundary Area - 5760 sqm / 1.233 acre / 0.5760 hectare

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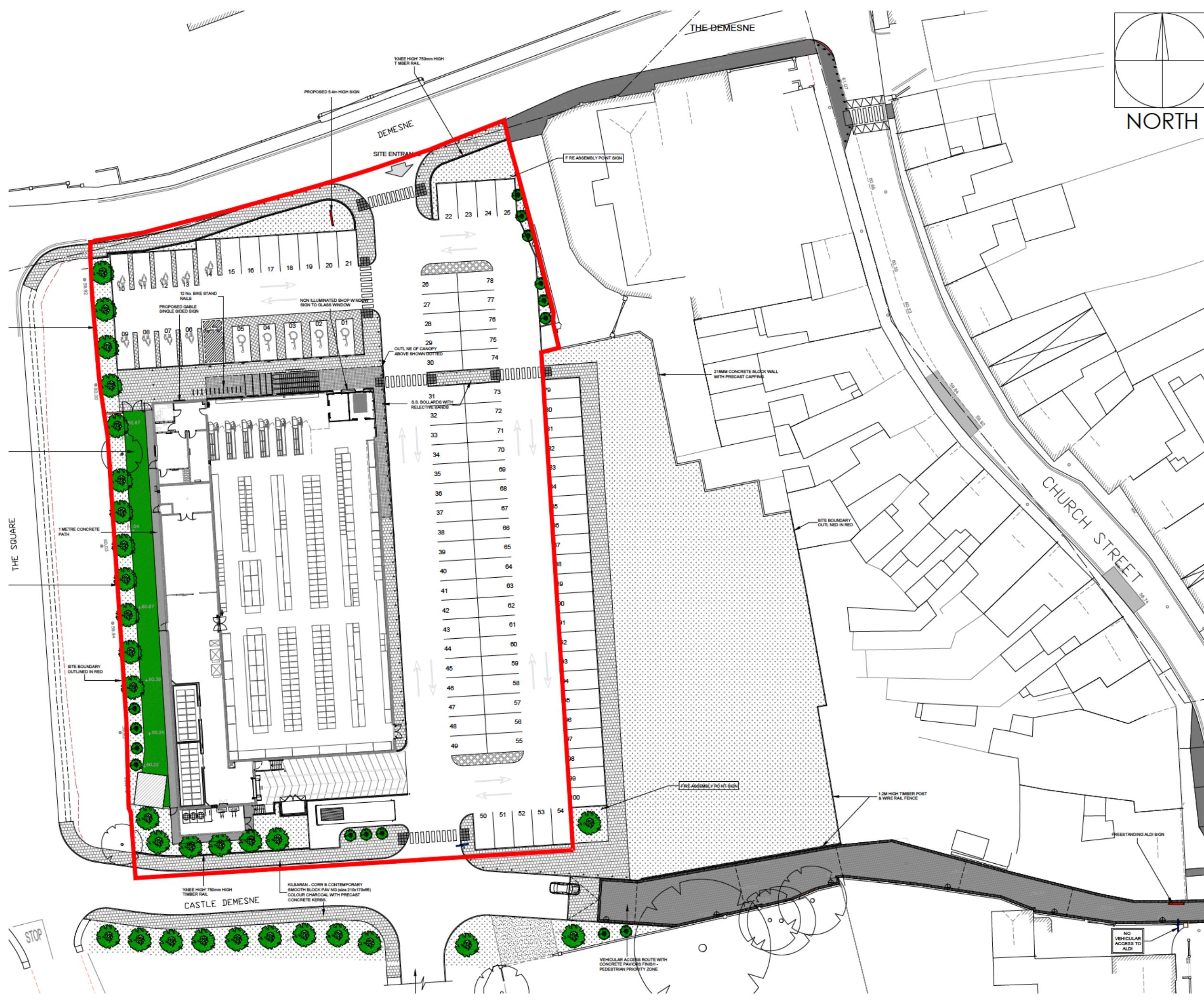


Project Title  
Aldi PV Rollout

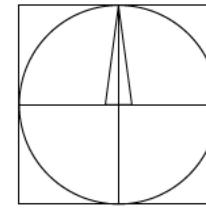
Store no. 18  
The Square, Castle Demesne  
Limerick, V42 W448, Ireland

Drawing Title  
Existing Site Layout

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Drawing Status				
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Project No.	Originator	Volume	Level	Type
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				101

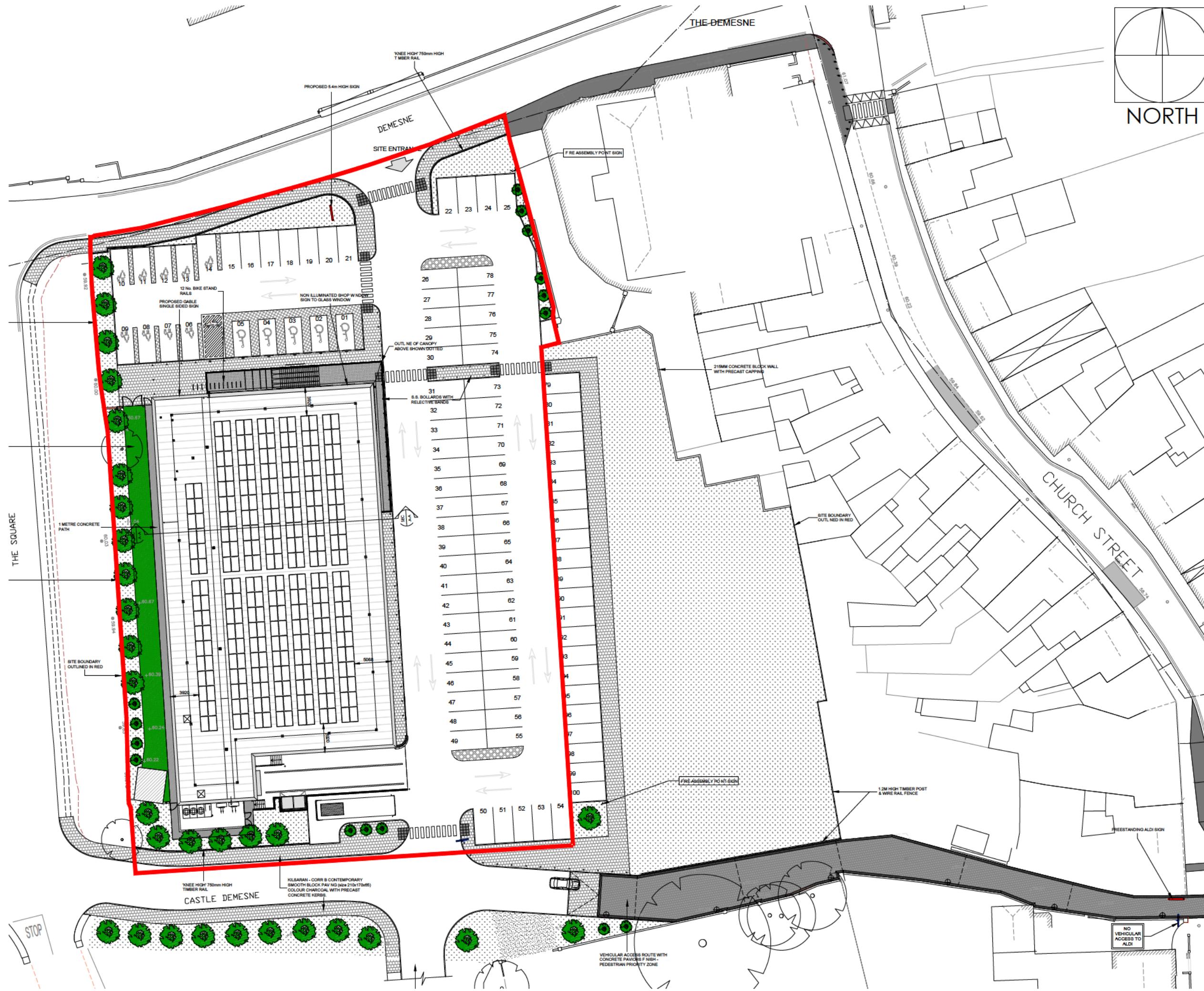


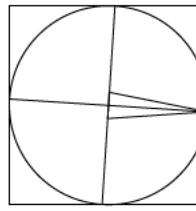
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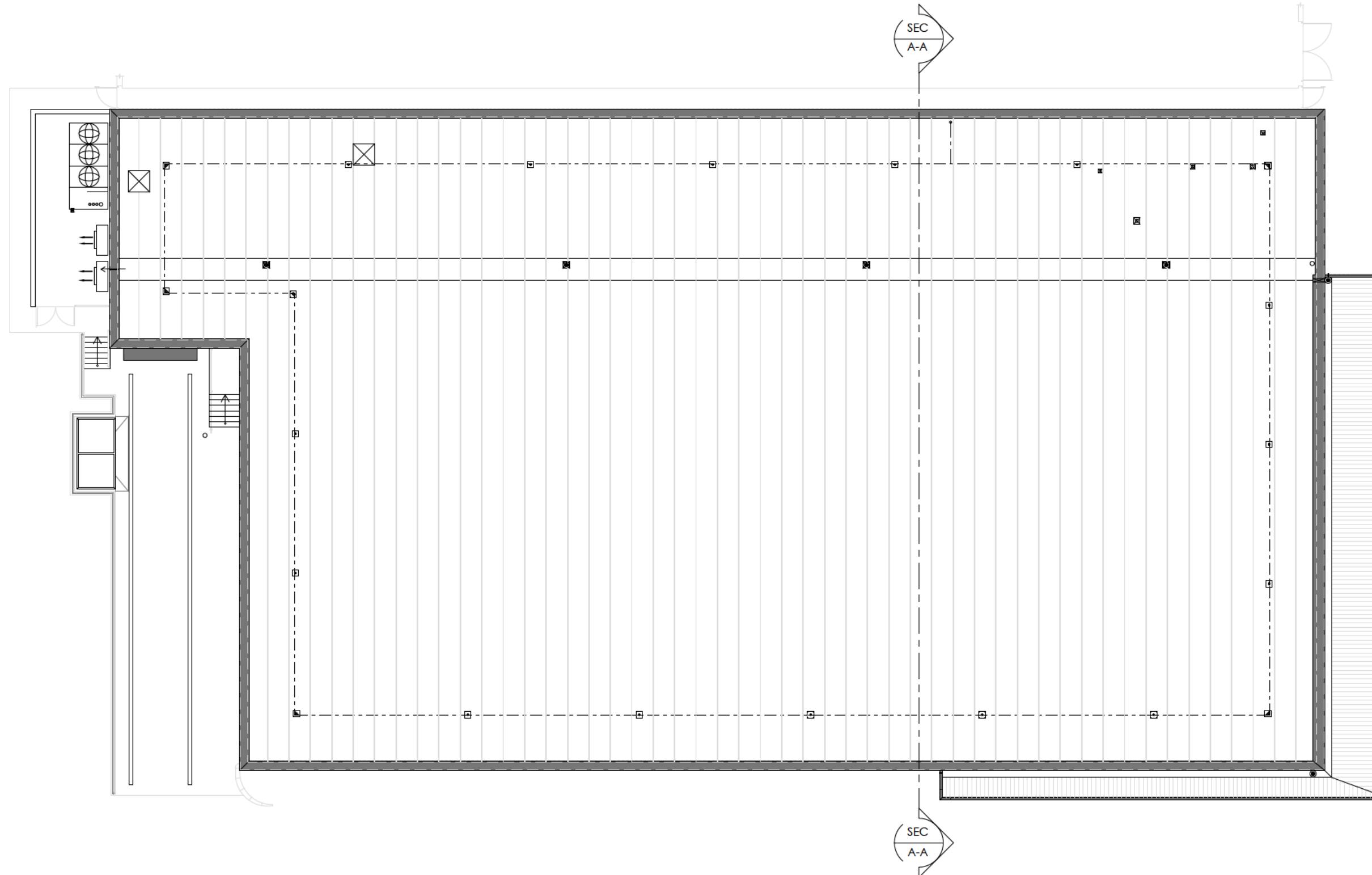
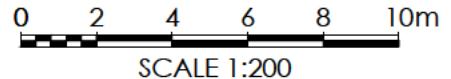
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NORTH

Rev	Date	Description	Drawn	Chkd
-	-	-	-	-



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Architecture  
Masterplanning  
Interior Design



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Client

Aldi Stores Ltd.

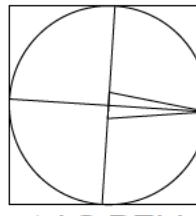


Project Title  
Aldi PV Rollout

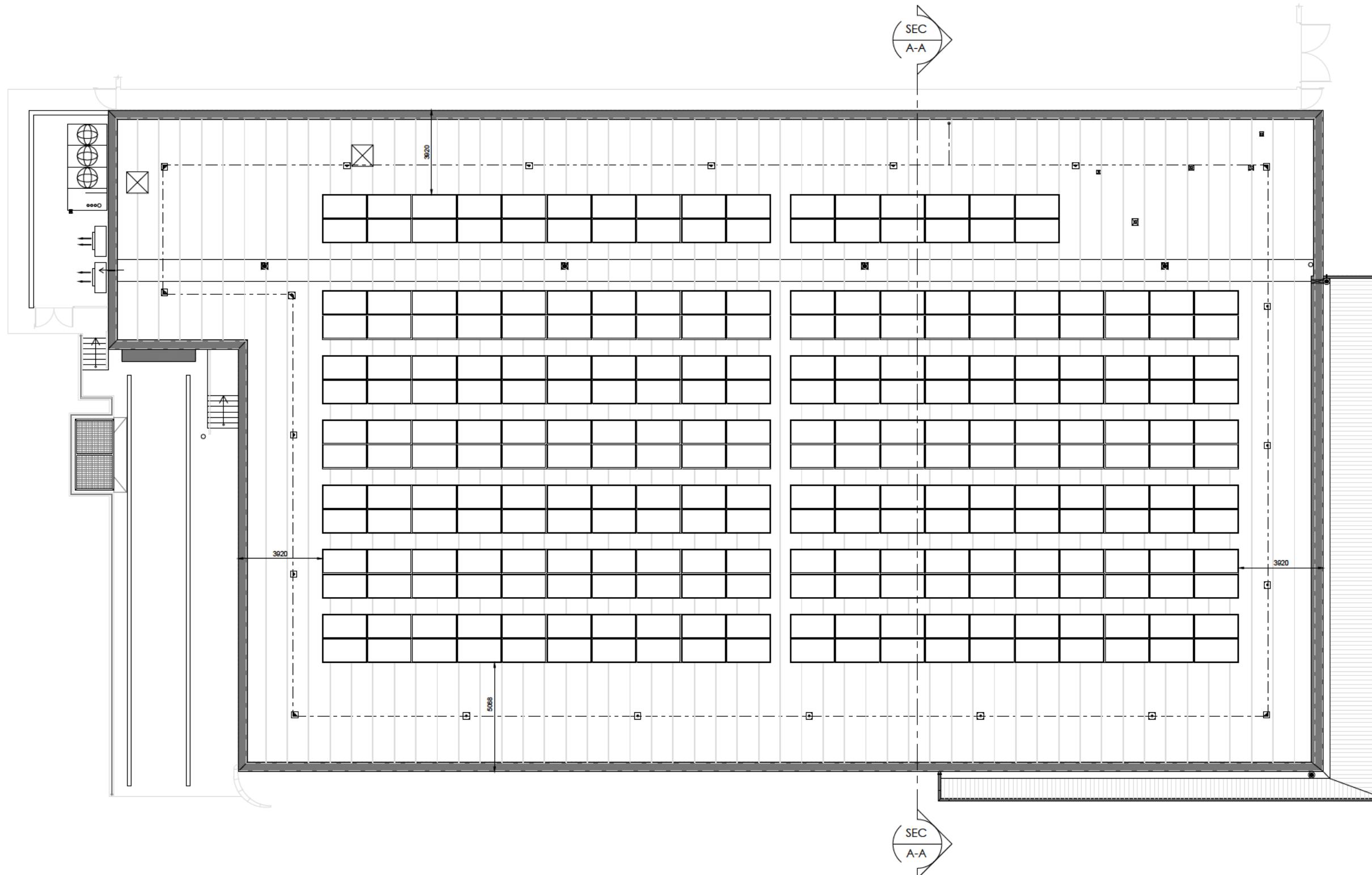
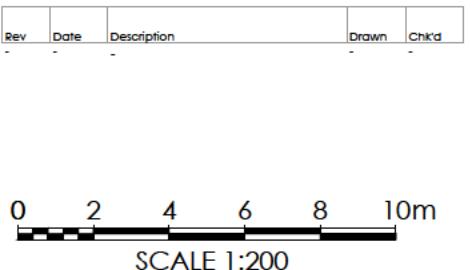
Store no.18  
The Square, Castle Demesne  
Limerick, V42 W448, Ireland

Drawing Title  
Existing 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	18	XX	DR A 103



NORTH



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Number of Solar Panels: 272no. using 520-540kw Solar Panels generating 144KW

Total Area of PV Panel Array - 645.9sqm

Note: existing fall arrest system to be retained



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Client

Aldi Stores Ltd.



Project Title

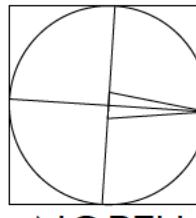
Aldi PV Rollout

Store no.18  
The Square, Castle Demesne  
Limerick, V42 W448, Ireland

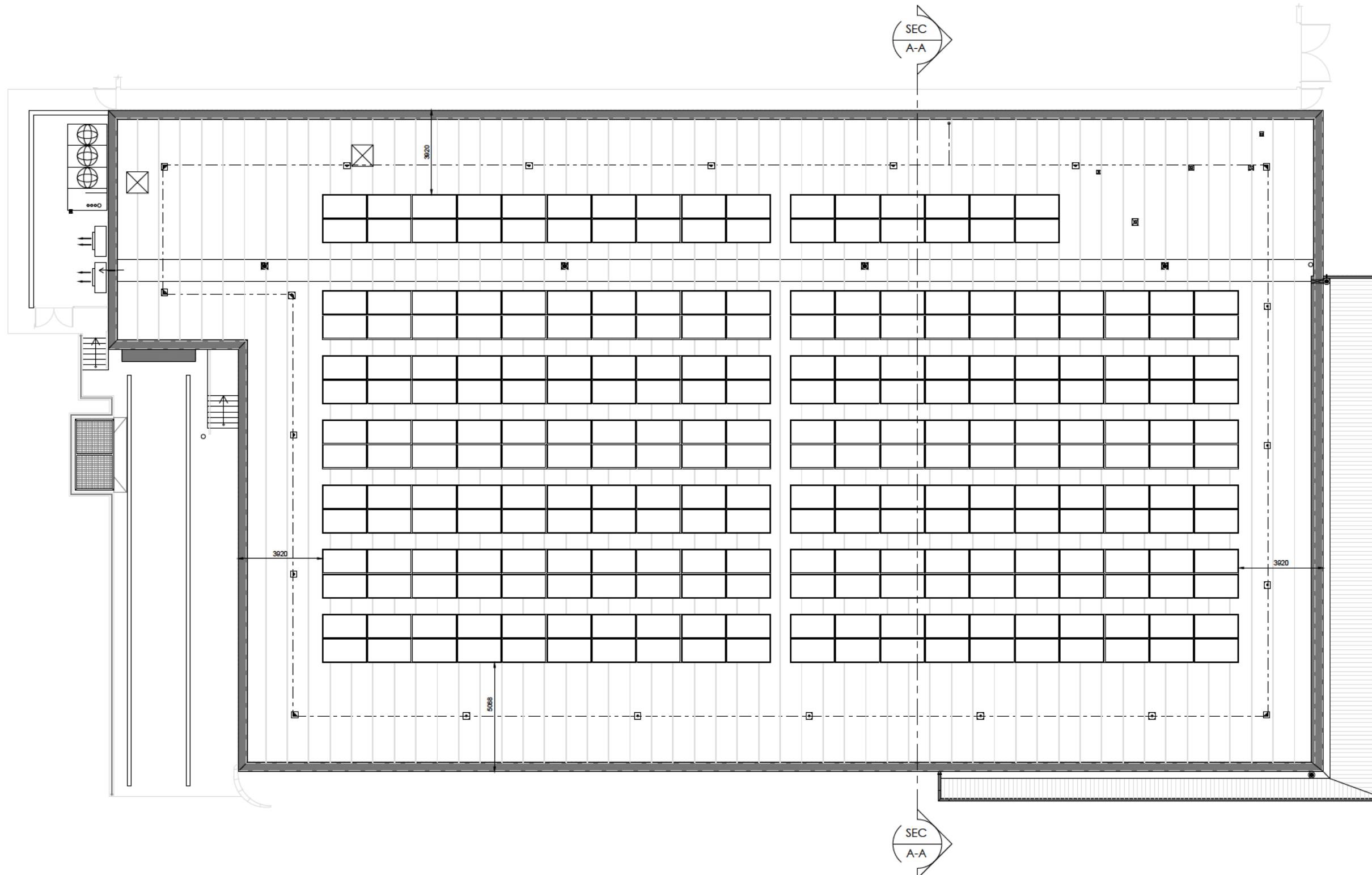
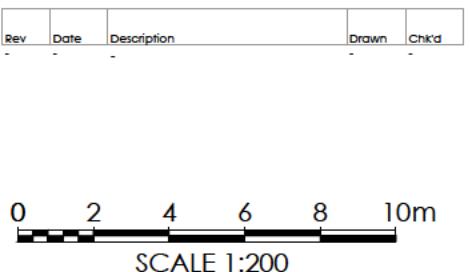
Drawing Title

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	18	XX	DR A 104



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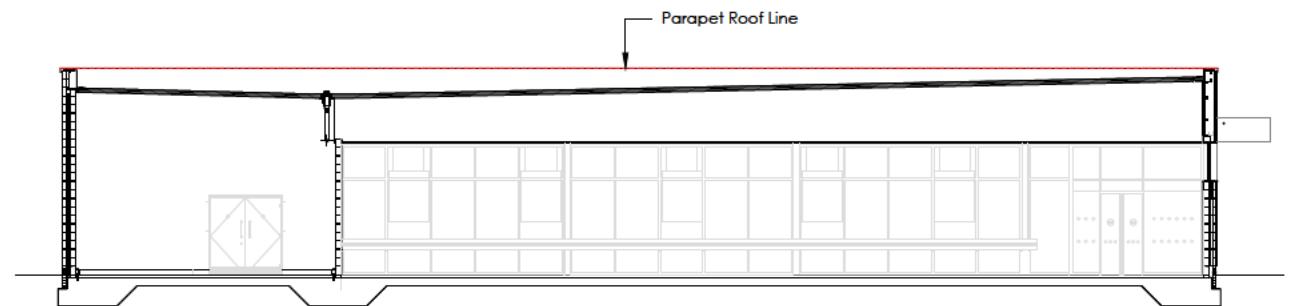
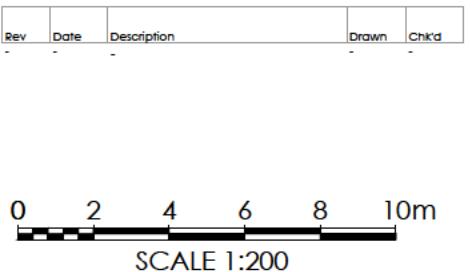
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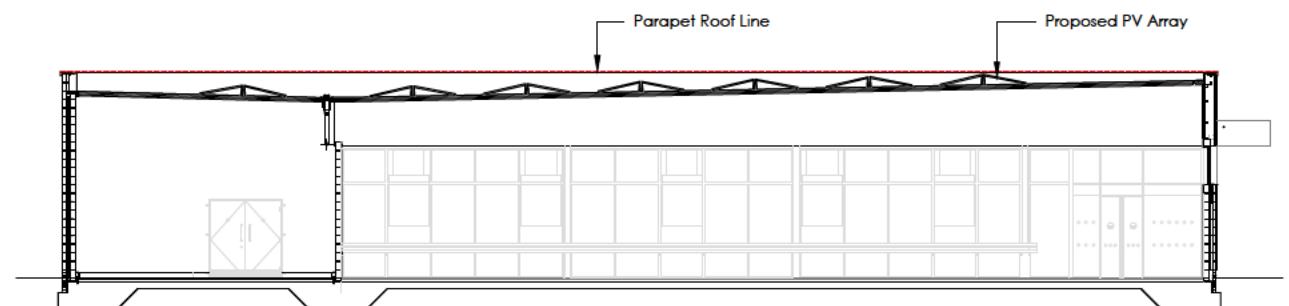
Drawing Title

Proposed Roof Plan

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IMN	JG	1:200	NA	01/25
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Planning	-			20984
Project No.	Originator	Volume	Level	Type Role Number
20984	THPK	18	XX	DR A 104

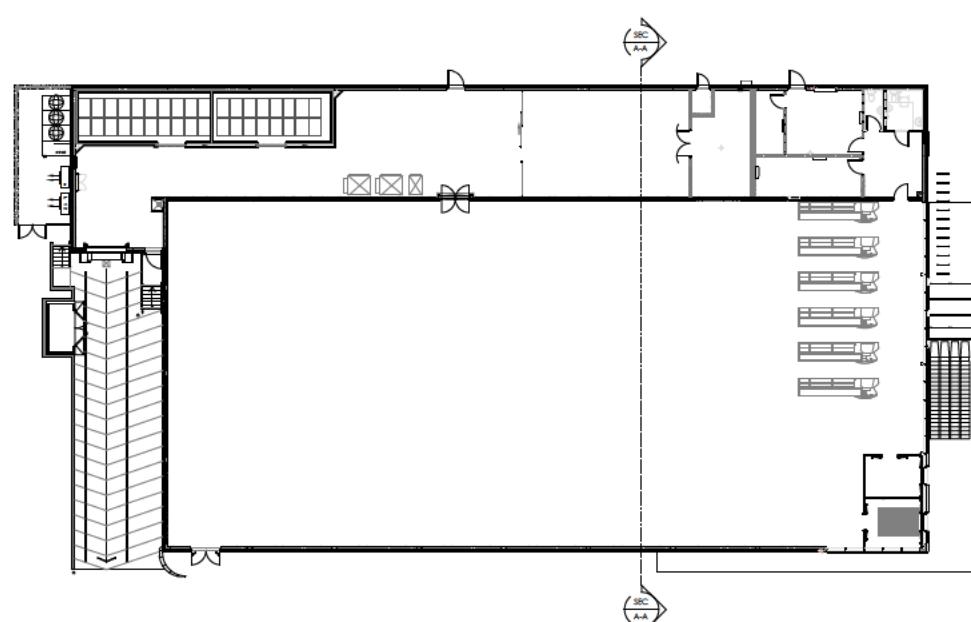


01. EXISTING SECTION A-A



02. PROPOSED SECTION A-A

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KEY PLAN

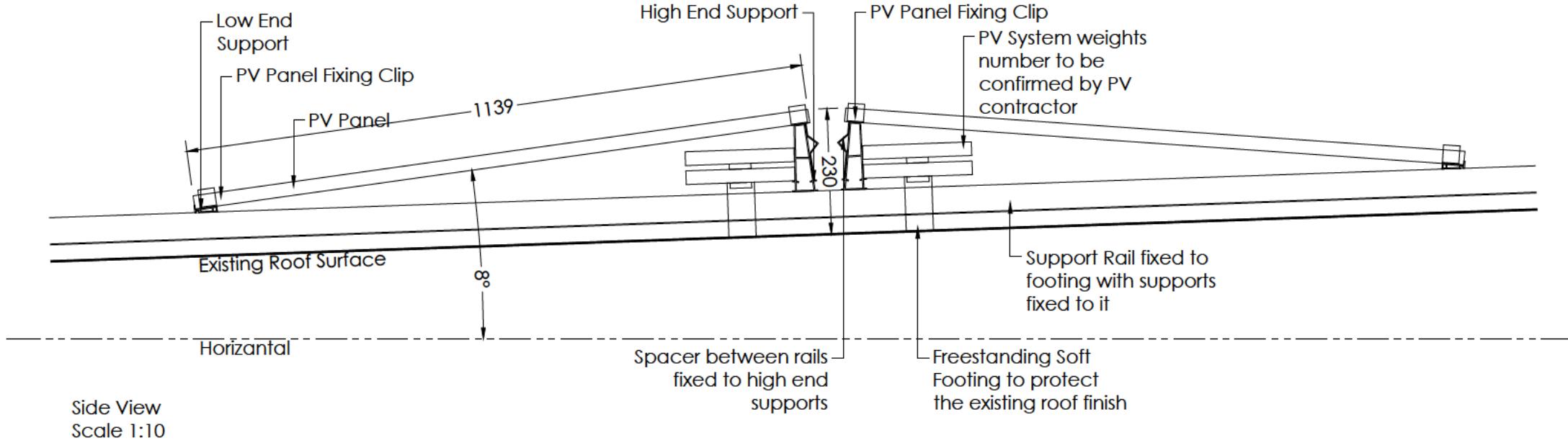


Project Title  
Aldi PV Rollout  
  
Store no. 18  
The Square, Castle Demesne  
Limerick, V42 W448, Ireland

Drawing Title  
Existing and Proposed Sections

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 18 XX DR A 105



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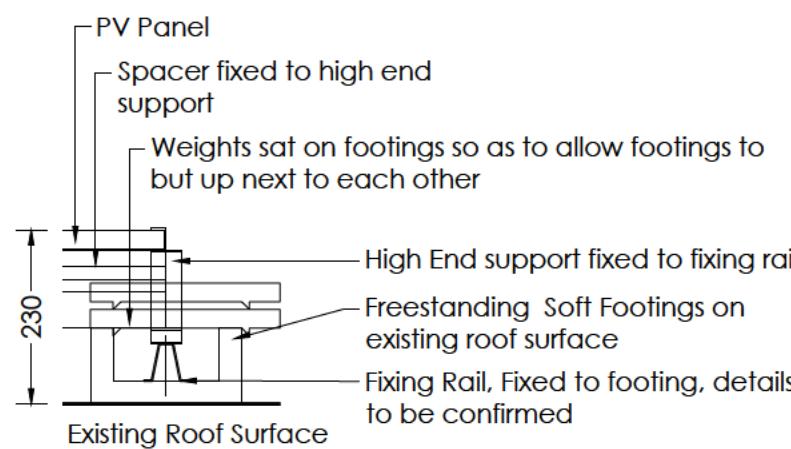
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0 100 200 300 400 500mm  
SCALE 1:10

Rev	Date	Description	Drawn	Chkd
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Cross View  
Scale 1:10



Image of typical PV array (south facing)



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Project Title  
Aldi PV Rollout

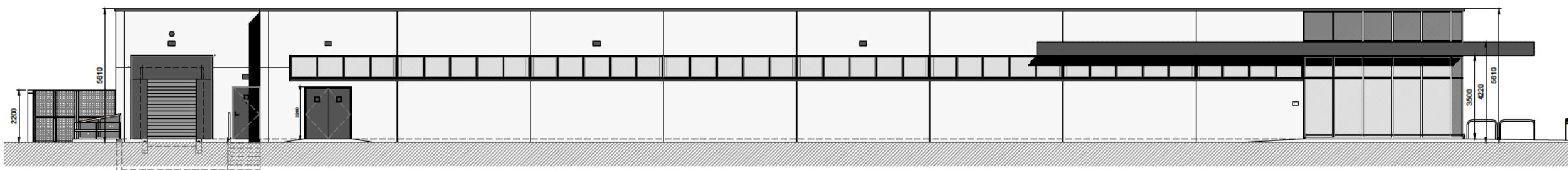
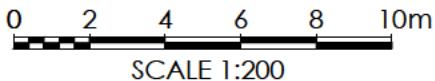
Store no. 18  
The Square, Castle Demesne  
Limerick, V42 W448, Ireland

Drawing Title  
Typical East or West Facing PV System

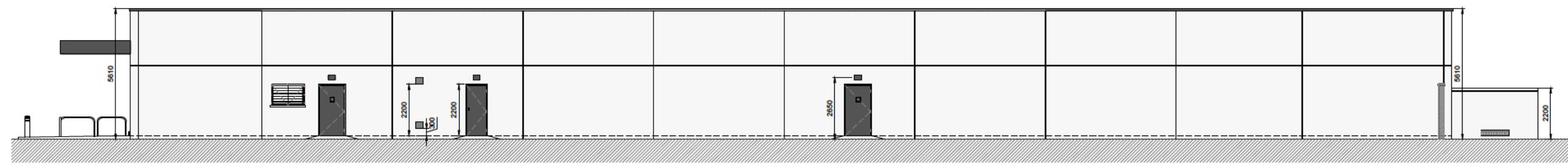
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Project No.	Originator	Volume	Level	Type Role Number
20984	THPK	18	XX	DR A 106

20984 THPK 18 XX DR A 106

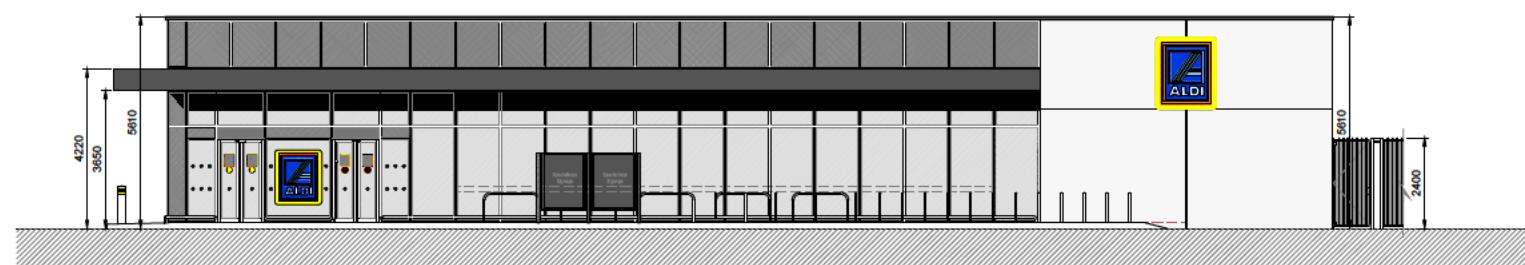
Rev	Date	Description	Drawn	Chkd
P01	05.02.25	Note on elevations' lack of changes	-	-



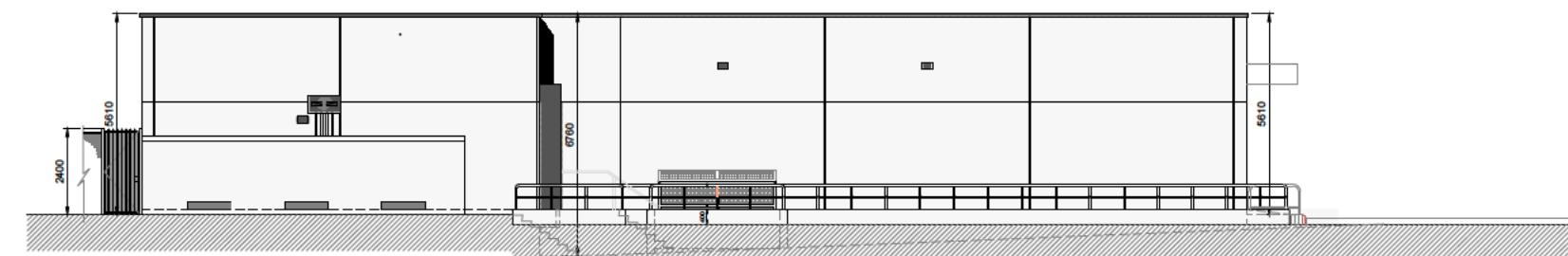
01. EAST ELEVATION (FRONT)



02. WEST ELEVATION (REAR)



03. NORTH ELEVATION (SIDE)



04. SOUTH ELEVATION (SIDE)

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Client

Aldi Stores Ltd.

Project Title  
Aldi PV Rollout

Store no. 18  
The Square, Castle Demesne  
Limerick, V42 W448, Ireland

Drawing Title  
Existing and Proposed Elevations

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

Drawing Status	Rev.	THP Project No
Planning	P01	20984

Project No.	Originator	Volume	Level	Type	Role	Number
20984	THPK	18	XX	DR A		107

NOTE: No visible changes to elevations due to hidden PV panels.



macroworks

# AVIATION GLINT AND GLARE SCREENING ASSESSMENT

Proposed Solar PV Energy Development

Aldi, The Square, Newcastle West, Co.  
Limerick.

Prepared by Macro Works Ltd

February 2025



<b>1. AVIATION GLINT AND GLARE ASSESSMENT</b>	<b>C</b>
<b>1.1 Introduction</b>	<b>C</b>
<b>1.2 Methodology</b>	<b>F</b>
<b>1.3 Overall Conclusion</b>	<b>7</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, The Square, Newcastle West, Co. Limerick. 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-18-XX-DR-A-102 "Proposed Site Layout" 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 Authority<sup>1</sup> to address the potential hazards that solar developments may pose to aviation activities, and this has been adopted for use by the Irish Aviation Authority. SGHAT was developed in conjunction with the FAA in harmony with this guidance and is commonly regarded as the accepted industry standard by aviation authorities internationally when considering the glint and glare effects upon aviation related receptors.

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

#### Federal Aviation Authority

Within the FAA's interim policy, a 'Review of Solar Energy System Projects on Federally Obligated Airports'<sup>2</sup> 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.

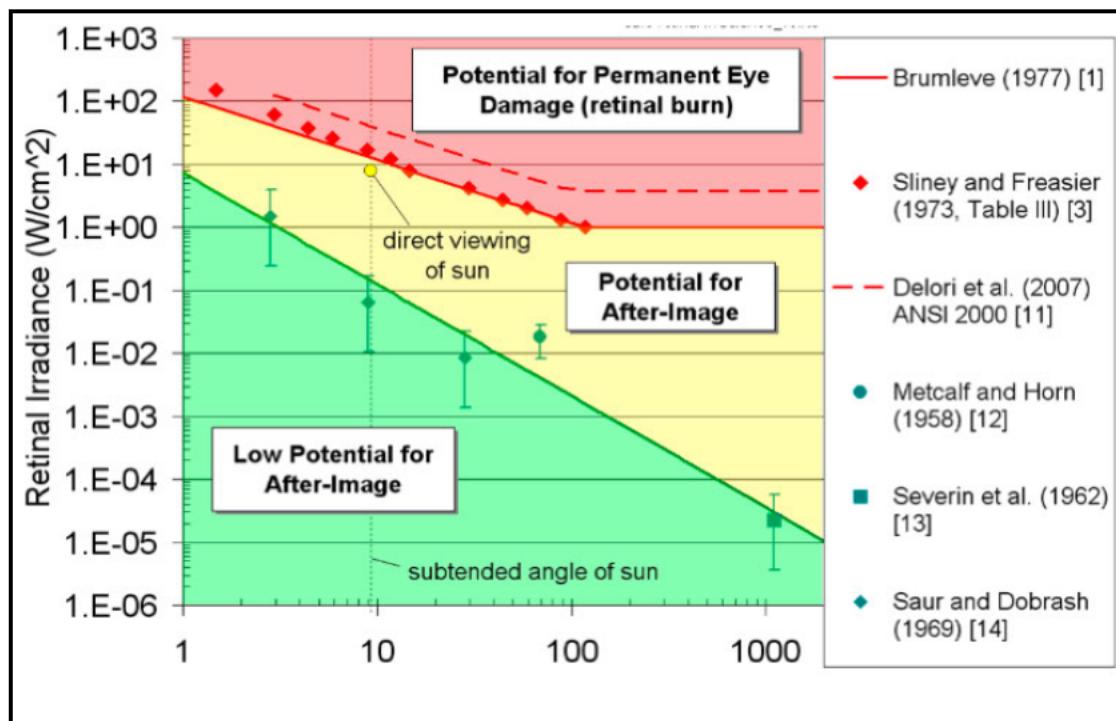
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<sup>1</sup> Harris, Miller, Miller & Hanson Inc.. (November 2010). Technical Guidance for Evaluating Selected Solar Technologies on Airports; 3.1.2 Reflectivity. Technical Guidance for Evaluating Selected Solar Technologies on Airports. Available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

<sup>2</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.

### Solar Glare Hazard Analysis Tool

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



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

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

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

## 1.2 METHODOLOGY

The process for dealing with aviation receptors is as follows:

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

2. SGHAT does not account for terrain screening or screening provided by surface elements such as existing vegetation or buildings, therefore the results of the SGHAT may need to be considered, in conjunction with an assessment of existing intervening screening that may be present, to establish if reflectance can actually be experienced at the receptors.
3. Finally, if necessary, additional assessment is undertaken using Macro Works' bespoke model which would into account any screening provided by any proposed mitigation measures.

#### 1.2.1 Identification of Relevant Receptors

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

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

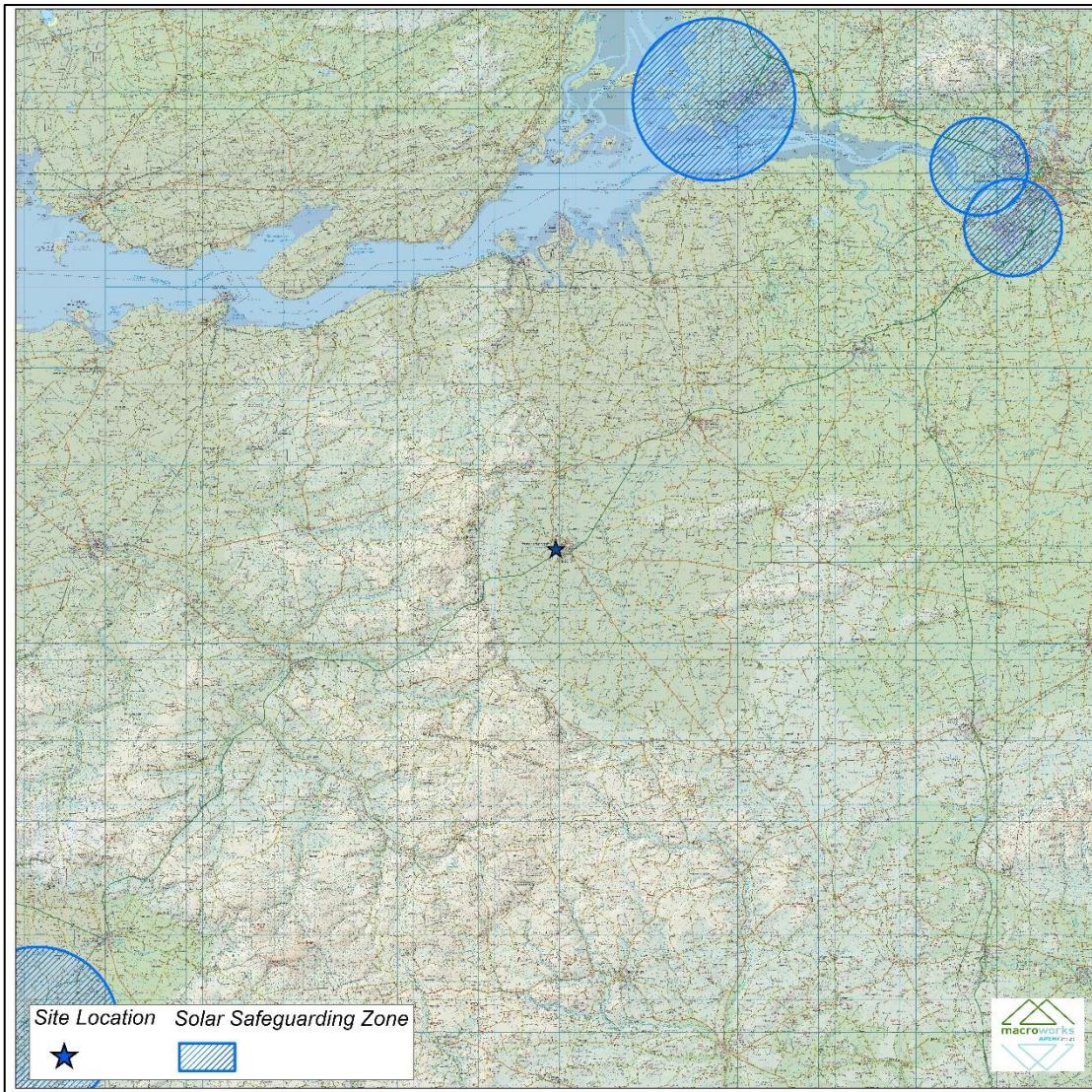


Figure 1.4 Map showing the approximate location of the proposed development relative to the nearest Solar Safeguarding Zone(s).

### 1.3 OVERALL CONCLUSION

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

# **Request for a Section 5 Declaration**

**ALDI Stores (Ireland) Ltd**

ALDI Newcastle West,  
The Square, Newcastle West,  
Co. Limerick, V42 W448

February 2025

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

**Prepared by:** Robert Molloy

**Contributors:** Brian Kelly

**Status:** D01

**Draft date:** 10 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 Limerick City & County Council in relation to a property at The Square Newcastle West, Co. Limerick.

1.2 The question being asked is:

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

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

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

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

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

## 2. Site Context

### Site Location

2.1 The subject site (site area given as 0.93 hectares) is located west of the town centre, about 200 - 300 metres by foot. It is of rectangular size, of which the former use was that of the Nash's Mineral Waters bottling plant

### Analysis of Surroundings

2.2 The site is bounded to the east by backlands of the buildings which front onto Church Street and to the south by Nash's Lane. To the north the Demesne road runs east/west from a junction with Church Street to a public park/tennis courts. The Demesne road provides the main vehicular/pedestrian access point to the subject site.

2.3 To the west of the site an access road runs from a junction with the Demesne road south to the Ballygowan Spring Water factory. The site is set back from this Ballygowan access road by a strip of undeveloped land which has some rough grass/young trees and a small water course.

### Relevant Planning History

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

Application Ref	Proposal	Decision Outcome
13/502	The demolition of the existing structures on site, apart from the existing ESB substation, and the construction of a single storey discount foodstore (including off licence area) with a gross floor area of 1,565sq.m. (net retail area 1,140sq.m). The development includes the erection of one free standing double sided internally illuminated single pole sign at the entrance to the site from The Demesne, one single sided pole sign at the entrance to the site from the existing laneway (Nash's Lane) at Church Street/The Square, one single sided internally illuminated gable sign and one single sided entrance glass sign. The proposed development will be served by 101 no. car parking spaces, 8 no. bicycle spaces and a bus parking space. Vehicular access to the site will be provided from The Demesne. The proposed development includes the construction of the ESB substation, upgrades to the existing laneway (Nash's Lane) which connects the site to Church Street and The Square, all landscaping, engineering and site development works on the 0.93 hectare site	Grant Permission December 2013 3 <sup>rd</sup> PartyAppealed January 2014 Decision to Grant by An Board Pleanála (ABP-242896) 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

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

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

## 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 Newcastle West Retail Store, that the conditions set out in the grant of permission under Reg. Ref 13/502 (ABP242896), 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 <b>Glint and Glare Screening Report</b> is submitted with this application and demonstrates there will be no hazardous glint and glare from the photovoltaic panels.

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

## 6. Conclusion

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- 6.1 The question before Limerick City & 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 Newcastle West 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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(01) 676 2711  
[Brian.Kelly@avisonyoung.com](mailto:Brian.Kelly@avisonyoung.com)

## Visit us online

[avisonyoung.com](http://avisonyoung.com)

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### Avison Young

86 Merrion Square South, Dublin 2, D02 YE10

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10<sup>th</sup> February 2025

Planning Department,  
Limerick City & County Council,  
City & County Council Offices  
Limerick, Co. Limerick.

Dear Sir/Madam

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

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 Newcastle West store, at ALDI Newcastle West, The Square, Newcastle West, Co. Limerick.

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**

**Report on application under Section 5 of the Planning and Development Act 2000 (as amended)**

**Reference no.** EC.098.25

**Name and Address of Applicant:** ALDI Stores Ltd., Holly Lane, Atherstone, CV9 2SQ, United Kingdom

**Agent:** Brian Kelly (Principal) Avison Young Ireland, 86 Merrion Square S, Dublin 2, D02 YE10

**Location:** ALDI Newcastle West, The Square, Newcastle West, Co. Limerick, V42 W448

**Description of Site and Surroundings:**

The subject site is located at Demesne in the town of Newcastle West. The site comprises of a retail store with associated car parking.

**Zoning:**

The site is zoned Town Centre under the Newcastle West Local Area Plan

**Proposal:**

The question being put before the planning authority is as follows:

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

This Section 5 declaration includes the following:

- Section 5 Declaration Application Form
- Site Location Map
- Existing site plan
- Existing roof plan
- Existing elevations
- Proposed roof plan
- Proposed elevations
- Existing and proposed sections

**Planning History:**

Pl. Ref 21366 - Conditional permission granted for a reduction of 20no. car parking spaces, resulting in a total of 81no. car parking spaces on the c. 0.56 hectares site, (including a reduction in site area from 0.93ha to 0.53ha and the resultant amendment of the redline boundary) all relating to a proposal permitted under planning ref. 13/502(ABP ref. PL13.242896)

Pl. Ref 13502 ABP ref. PL13.242896 – Conditional permission granted for the demolition of the existing structures on site, apart from the existing ESB substation, and the construction of a single storey discount foodstore (including off licence area) with a gross floor area of 1,565sq.m. (net retail area 1,140sq.m). The development includes the erection of one free standing double sided internally illuminated single pole sign at the entrance to the site from The Demesne, one single sided pole sign at the entrance to the site from the existing laneway (Nash's Lane) at Church Street/The Square, one single sided internally illuminated gable sign and one single sided entrance glass sign. The proposed development will be served by 101 no. car parking spaces, 8 no. bicycle spaces and a bus parking space. Vehicular access to the site will be provided from The Demesne. The proposed development includes the construction of the ESB substation, upgrades to the existing laneway (Nash's Lane) which connects

the site to Church Street and The Square, all landscaping, engineering and site development works on the 0.93 hectare site

#### **Enforcement History**

No Planning Enforcement on site.

#### **Assessment**

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

#### Is the proposal development?

**Section 2(1)** in this Act, except where otherwise requires –

‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

‘structure’ as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, and –

(a) Where the context so admits, includes the land on, in or under which the structure is situated.

**Section 3(1)** defines ‘development’ as ‘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’.

The proposed development on site, comprising installation of photovoltaic panels at roof level, constitutes ‘works’ and ‘development’.

#### Is the proposal exempted development?

The Referrer seeks a declaration that the works in question are exempted development under The Planning and Development Act 2000, as amended. However, having regard to the use of the building itself, commercial use, the proposal should be assessed against Class 56(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

#### Class 56 (e)

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

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 subject site is not located within a solar safeguarding zone.

2. *Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.*

The subject site is not located within a solar safeguarding zone.

3. *The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed:*

- a. *for a business premises, 1.2 metres in the case of a flat roof or 15cm in any other case.*
- b. *for a light industrial building, 2 metres in the case of a flat roof or 50cm in any other case.*

The proposal complies as the distance does not exceed 1.2 meters.

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 proposal complies as the proposal is a minimum of 2 metres 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).*

The proposal complies.

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 proposal complies as nothing is to be placed or erected on a wall or any roof that is not a flat roof.

7. *The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.*

The proposal complies.

8. *Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.*

The proposal complies

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.*

N/A

10. *The total aperture area of any freestanding solar photo-voltaic and solar thermal collector panels taken together with any other such existing freestanding panels shall not exceed 75 square metres.*

N/A

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.*

N/A

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

The proposal complies.

13. *The placing or erection of any freestanding solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.*

N/A. Roof mounted solar panels proposed. Application is not located within an 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.*

No signage proposed to be erected as part of 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.*

N/A. Proposed solar panels and battery is for the provision of 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.*

Noted. A glint and glare screening report has been submitted with the declaration.

The proposal would comply with Class 56(e).

#### **Article 9 Restrictions**

The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended).

#### **Appropriate Assessment**

An AA Screening examination was carried out by Limerick City & County Council (see appendix 1). Overall, it is considered that the development as proposed should not exercise a significant effect on the conservation status of any SAC or SPA as there are no source-pathway-receptors and the site does not directly encroach on any Natura 2000 European Sites. Therefore, an Appropriate Assessment is not required in this instance.

#### **Environmental Impact Assessment**

An EIA Screening examination was carried out by Limerick City & County Council (see appendix 2). Overall, it is considered that there is no real likelihood of significant effects on the environment. Therefore, an Environmental Impact Assessment is not required.

## **Conclusion/Recommendation**

The proposal as detailed on the application and plans submitted is considered to be within the scope of Class 56(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2000.

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 56(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) The plans & particulars submitted with the application received on the 25<sup>th</sup> of April 2025.

It is therefore considered that the said works are development and exempted development under Class 56(e) of the Planning and Development Regulations 2001 (as amended).

*Ella O'Brien*

Ella O'Brien  
Executive Planner

Date: 14/05/2025

*Jennifer Collins*

Jennifer Collins  
A/Senior Executive Planner

Date: 16/05/2025

## Appendix 1: AA PN01 Screening Form

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

<b>(a) File Reference No:</b>	EC/098/25
<b>(b) Brief description of the project or plan:</b>	A section 5 application requesting a declaration on whether the provision of photovoltaic panels at roof level is or is not exempted development within the meaning of the Planning and Development Act 2000 (as amended) is or is not exempted development.
<b>(c) Brief description of site characteristics:</b>	The subject site is located in the town of Newcastle West. The site is comprised of a retail supermarket
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	N/A
<b>(e) Response to consultation:</b>	N/A

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
002165- Lower River Shannon SAC	<a href="#">Lower River Shannon SAC</a>   <a href="#">National Parks &amp; Wildlife Service</a>	14.5km	None. No direct encroachment or hydrological connection.	N
Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA	<a href="#">Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA</a>   <a href="#">National Parks &amp; Wildlife Service</a>	4.9km	None. No direct encroachment or hydrological connection.	N

### **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:**

<b>Impacts:</b>	<b>Possible Significance of Impacts: (duration/Magnitude etc)</b>
<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>	None. No direct encroachment or hydrological connection.
<b>Operation 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> <li>- Presence of people, vehicles and activities</li> <li>- Physical presence of structures (e.g collision risk)</li> <li>- Potential for accidents or incidents</li> </ul>	None. No direct encroachment or hydrological connection.
<b>In-combination/Other</b>	N/A given the level of development in the area, namely rural one-offs. Renovations to existing dwellings.

<b>(b) Describe any likely changes to the European site:</b>	
Examples of the type of changes to give consideration to include: <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> </ul>	None. No direct encroachment on the SAC and the works proposed are such that there is no foreseen risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.

<ul style="list-style-type: none"> <li>- Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	
--	--

**(c) (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)**

Yes       No

**STEP 4: Screening Determination Statement**

**The assessment of significance of effects:**

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

No effects identified.

**Conclusion:** An appropriate assessment is not required.

	Tick as appropriate:	Recommendation:
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European Site	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment not required.
(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> are likely	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	 <hr/> Ella O'Brien, Executive Planner 14/05/2025	
<b>Signature and Date of the Decision Maker:</b>	 <hr/> Jennifer Collins, A/Senior Executive Planner 16/05/2025	

## Appendix 2: EIA Screening

<b>Establishing if the proposal is a 'sub-threshold development':</b>		
Planning Register Reference:	EC/098/25	
Development Summary:	A section 5 application requesting a declaration on whether the provision of photovoltaic panels at roof level is or is not exempted development within the meaning of the Planning and Development Act 2000 (as amended) is or is not exempted development.	
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 <b>Part A</b>	
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
<input type="checkbox"/> Yes. specify class: [insert here] _		<b>EIA is mandatory</b> No Screening required
<input checked="" type="checkbox"/> No		<b>Proceed to Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> 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		<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): [specify class & threshold here]		<b>EIA is mandatory</b> No Screening required
<input type="checkbox"/> Yes the project is of a type listed <b>but is sub-threshold</b> : [insert here] _		<b>Proceed to Part C</b>
<b>c. If Yes</b> , has Schedule 7A information/screening report been submitted?		
<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>

<b>Signature and Date of Recommending Officer:</b>	 Ella O'Brien, Assistant Planner 14/05/2025
<b>Signature and Date of the Decision Maker:</b>	 Jennifer Collins, A/Senior Executive Planner 16/05/2025

#### Appendix 4 Site Inspection photos







Cormhairle Cathrach  
& Contae Luimnígh  
**Limerick City**  
& County Council

Pleanáil, agus Cruthú Aite  
Cormhairle Cathrach agus Contae Luimnígh  
Bothar Thuar an Daill  
Tuar an Daill, Luimneach  
V94 WV78

Planning and Place-Making  
Limerick City and County Council  
Dooradoyle Road  
Dooradoyle, Limerick  
V94 WV78

## PLANNING & PLACE-MAKING

### REG POST:

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

**EC/098/25**

22 May 2025

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**Re: Declaration under Section 5**

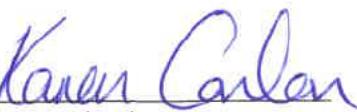
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Dear Sir/Madam,

I refer to the above application for Section 5 Declaration on Development and Exempted Development.

Please find herewith a copy of Council's decision on same.

Yours faithfully,

  
**(for) Senior Planner,**  
**Development Management**

Tuar an Daill, Luimneach  
Dooradoyle, Limerick

customerservices@limerick.ie  
www.limerick.ie  
@LimerickCouncil  
061 - 556 000

**LIMERICK CITY & COUNTY COUNCIL**

**APPROVED OFFICER'S ORDER**

**SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**No. AOO/DC/2025/516**

**File Ref No. EC/098/25**

**SUBJECT:** Declaration under Section 5.  
Planning and Development Act 2000 as amended  
Planning and Development Regulations 2001 as amended

**RE:** **The provision of photovoltaic panels at roof level at ALDI Newcastle West, The Square, Newcastle West, Co. Limerick, V42 W448.**

**ORDER:** Whereas by Director General's Order No. DG/2024/122 dated 27<sup>th</sup> November 2024, Dr. Pat Daly, Director General, Limerick City & County Council did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, (as amended by the Local Government Reform Act, 2014 and the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act, 2024), delegate unto Jennifer Collins, A/Senior Executive Planner the functions as defined in the Local Government Acts, 1925 to 2024.

Now therefore pursuant to the delegation of the functions aforesaid, I, Jennifer Collins, A/Senior Executive Planner, having considered the report and recommendation of Ella O'Brien, Executive Planner dated 14/05/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to ALDI Stores Ltd c/o Brian Kelly (Principal) Avision Young Ireland, 86 Merrion Square S, Dublin 2, D02 YE10 to state that the works as described above is

**Development and is Exempt Development.** *✓*

Signed

  
\_\_\_\_\_  
A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

*22/5/25*

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/516 dated *22/5/25*, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

  
\_\_\_\_\_  
A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



## **SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**DECLARATION NO.**

**EC/098/25**

**Name and Address of Applicant:** ALDI Stores Ltd., Holly Lane, Atherstone, CV9 2SQ, United Kingdom

**Agent:** Brian Kelly (Principal) Avison Young Ireland, 86 Merrion Square, Dublin 2, D02 YE10

**Whether** the provision of photovoltaic panels at roof level at ALDI Newcastle West, The Square, Newcastle West, Co. Limerick, V42 W448 is or is not Development or is or is not Exempted Development. The works as described on the plans submitted with the application on the 28<sup>th</sup> of April 2025.

**AND WHEREAS** the Planning Authority has concluded that the provision of photovoltaic panels at roof level at ALDI Newcastle West, The Square, Newcastle West, Co. Limerick, V42 W448 **DOES** come within the scope of exempted development under Class 56(e) of the Planning and Development Regulations 2001 (as amended). See Report attached.

**NOW THEREFORE** the Planning Authority in exercise of the powers conferred on it by Section 5(2) (a) of the Planning and Development Act 2000 (as amended) hereby decides that the said development as described above is **Development and is Exempt Development**.

Signed on behalf of the said Council

*Karen Conlan*

Date: 22/05/2025

**NOTE:** A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Bord Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.