Comhairle Contae Chill Dara
Kildare County Council

Date: 04th August 2026
Our Ref: ED/1373

ALDI Stores Limited,
C/O Eleanor Heagney
Avison Young,
86 Merrion Square South,
Dublin 2. 2YE10

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at ALDI Store, Grey Abbey Road, Kildare Tow, Co Kildare R51 FA39.

Dear Sir/Madam,

I refer to your correspondence received on 01st July 2026 in connection with the above.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard.

Yours sincerely,

PP
Senior Executive Officer,
Planning Department.

Comhairle Contae Chill Dara
Kildare County Council

Declaration of Development & Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended).

ED/1373

WHEREAS a question has arisen as to whether Installation of 640.44sqm of photovoltaic panels at roof level at ALDI Stores, Grey Abbey Road, Kildare Town, Co Kildare R51 FA39, is exempted development

AS INDICATED on the plans and particulars received by the Planning Authority on 01st July 2026

AND WHEREAS ALDI Stores Limited requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

(a) Planning and Development Act 2000 (as amended) and
(b) Planning and Development Regulations 2001 (as amended); and
(c) Documentation received with the application

AND WHEREAS Kildare County Council has concluded that the development comprises works to which the provisions of the following applies:

(a) Section 2, 3, 4 and 5 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) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
(d) The nature, extent and purpose of the works

NOW THEREFORE Kildare County Council, 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 Installation of 640.44sqm of photovoltaic panels at roof level at ALDI Stores, Grey Abbey Road, Kildare Town, Co Kildare R51 FA39 **IS Development and IS EXEMPTED development** pursuant to Section 2, 3, 4 AND 5 of the Planning and Development Act 2000 (as amended) AND Article 6 and Article 9 and Class 56(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Coimisiún of the prescribed fee, refer a declaration to An Coimisiún Pleanála within 4 weeks of the issuing of the decision.

04th August 2026

pp
Senior Executive Officer,
Planning Department.

KILDARE COUNTY COUNCIL

PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT

Section 5 referral & declaration on development & exempted development

Planning & Development Act 2000 (as amended)

Reference No. ED/1373

Name Of Applicant(s):	Aldi Stores
Address Of Development:	Aldi, Grey Abbey Road, R51 FA39
Development Description:	Installation of 640.44 sqm of photovoltaic panels at roof level
Due date	29/07/2026

Introduction

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000, as amended, to establish whether under Section 5 of the Act:

1. *Whether the installation of photovoltaic panels at roof level."*

is or **is not** development and **is** or **is not** exempted development.

Site Location

The site of the proposed development is located within the settlement boundary of Kildare and is zoned as *K – Commercial - To protect and improve existing commercial uses and provide for additional compatible uses*. within the Kildare Local Area Plan 2021-2029.

Planning History

16/855 – Permission granted for the construction of a 50sqm single storey flat roof extension to the north elevation of the existing Aldi Discount Foodstore to provide a bakery. The development will also include associated elevation signage on proposed extension (10sqm in total), reconfiguration of parking layout and all associated site development works on a site of 0.667 ha

09/1263 - Permission granted for an amendment to the planning permission Register Reference 08/1805 which permits the development of a discount foodstore at this site at Grey Abbey Rd, Kildare. The proposed amendment comprises the removal of Condition No's 37 and 38, which relate to Kildare Waste Water Treatment Plant, from the parent planning permission and seeks permission to connect the permitted development to the public mains and waste water system

09/1192 – Permission granted for an amendment to the planning permission Register Reference 08/1805 permitting the development of a discount foodstore at this site at Grey Abbey Road, Kildare. The proposed amendment comprises the removal of Condition No. 50, which relates to traffic management measures in Kildare town, from the parent planning permission

08/1805 - Permission granted the construction of a single storey discound foodstore(to include off-licence use)with a flat roof design(gross floor area of 1,570 sq.m.;net retail area,1,125 sq.m.)The development includes the erection of one free standing double sided etc....

Relevant Legislative Background

Planning and Development Act 2000 (as amended)

Section 2(1)

'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 3(1)

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

Section 4(1)

The following shall be exempted development for the purposes of the Act-

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

Section 5(7) EIA Screening

The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered,

having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

Planning and Development Regulations 2001 (as amended)

Article 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.

Article 9 (1)
Restrictions on exemption.
9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

1. if the carrying out of such development would—
1. contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
2. consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,
(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft, Commented
(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,
(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

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

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

(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,

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

(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,

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

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

(xi) obstruct any public right of way,

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

(b) in an area to which a special amenity area order relates, if such development would be development:—

(i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) t hereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or

(ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or

(iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or 42

(iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,

(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,

(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.

Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended) sets out classes of development which constitute exempted development, subject to conditions and limitations.

Assessment

Question 1 - Is it development?

The first question to address is whether or not:

2. *Whether the installation of photovoltaic panels at roof level is exempted development under the Planning and Development Act 200 (as amended).”*

would constitute development in accordance with the provisions of the Planning and Development Act, 2000 (as amended). The Act 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 (Section 3(1)) and defines “*‘works’ to include any act or operation of* construction*, excavation, demolition, extension, alteration, repair or renewal”*

Having regard to the description resulting in: ***act or operation of* construction** it is therefore, deemed that the installation of 640.44m^2 of photovoltaic panels at roof level is works and would therefore constitute **development**.

Question 2 - Is it or is it not exempted development?

Is the development of:

1. *(Whether) the installation of photovoltaic panels at roof level*

exempted development?

Having regard to:

Secondary Legislation

In accordance with Article 9(1)(a) of the Planning and Development Regulations, as amended, 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 Class.

The development is located ca. 6.6km from Pollardstown Fenc SAC, an appropriate assessment screening has been attached in Appendix 1 below. The screening reports concludes that following an assessment of the proposed development and any potential relationships with European Sites, it is concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on the conservation objectives of any European Sites.

Class 56(e) of the Regulations
(e) The placing or erection on a roof of a business premises or light industrial building, or within the curtilage of a business premises or light industrial building, or on a roof of any ancillary buildings within the curtilage of a business premises or light industrial building of a solar photo-voltaic and/or solar thermal collector installation.

Conditions and Limitations
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.

Condition and limitations 1 are not applicable as the site is not included in the Solar Safeguarding Zones identified for County Kildare.

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.

Condition and limitations 2 are not applicable as the 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.

Condition and limitations 3 are met. The roof of the structure is a flat roof. The submitted PV Panels and Fixing Details drawing indicates a 0.23m distance between the existing roof surface and the PV panel. The design is within the 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.

Condition and limitations 4 are met. The distance of the panels is in excess of 2m 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).

Condition and limitations 5 are met. Elevation drawings submitted show no evidence of works exceeding the highest part of the existing roof.

6. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof.

Condition and limitations 6 are met. Elevation drawings and plans submitted indicate that the panels are located on the flat roof of the building.

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.

Condition and limitations 7 are not applicable as no ancillary equipment is indicated.

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.

Condition and limitations 8 are not applicable as no ancillary equipment is indicated.

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.

Condition and limitations 9 is not applicable as no free-standing solar photo-voltaic or solar thermal collector installation are indicated.

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.

Condition and limitations 10 is not applicable as no free-standing solar photo-voltaic or solar thermal collector installation are indicated.

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.

Condition and limitations 11 are not applicable as no free-standing solar photo-voltaic or solar thermal collector installation are indicated.

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

Condition and limitations 12 are not applicable as none are indicated.

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.

Condition and limitations 13 are not applicable as no free-standing solar photo-voltaic or solar thermal collector installation are indicated and the site is not located within the Kildare Town 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.

Condition and limitations 14 are not applicable as there is no signage proposed.

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 proposed solar PV installation is intended to be used for the purposes of supplying electricity to the retail store and does not represent a material change in the use of the land. Condition and limitations 15 are therefore not applicable.

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 has been submitted with the declaration application. The report, prepared by suitably qualified professionals concludes that the site is not contained within a designated Solar Safeguarding Zone and therefore the requirement for a Solar Glare Hazard Analysis Tool has been screened out and no further investigation is required.

Conclusion

Having regard to:

- Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended),
- Class 56(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended), and
- The nature, extent and purpose of the works.

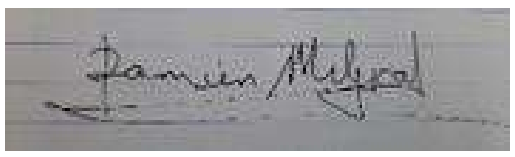
it is considered that the proposed works **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is exempted development** as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

Recommendation

It is recommended that the applicant be advised that:

1. *the installation of 640.44 sq.m of photovoltaic panels at roof level.*

***is** development and **is** exempted development.*



Damien McGrath
Assistant Planner

30/07/2026



Martin Ryan
Senior Executive Planner
31/07/2026

Declaration of Development & Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended)

1. **WHEREAS** a question has arisen as to whether the installation of 640.44sqm of photovoltaic panels at roof level

AS INDICATED on the plans and particulars received by the Planning Authority on 01/07/2026

AND WHEREAS Aldi Stores requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

a. Planning and Development Act 2000 (as amended); and
b. Planning and Development Regulations 2001 (as amended);

AND WHEREAS Kildare County Council has concluded that the proposal comprises of development to which the provisions of the following applies:

a. Sections 2, 3, 4 and 5 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. Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended), and
d. The nature, extent and purpose of the works

NOW THEREFORE Kildare County Council, 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 installation of 640.44m^2 of photovoltaic panels at roof level

IS development and IS EXEMPTED development pursuant to Section 2, 3, 4 and 5 of the Planning and Development Act as amended and Article 6, Article 9 of the Planning and Development Regulations as amended.

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Coimisiun Pleanála within 4 weeks of the issuing of the decision.

Signed: _____

Appendix 1: Appropriate Assessment Screening

APPROPRIATE ASSESSMENT SCREENING REPORT
AND
DETERMINATION

(A) Project Details	
Planning File Ref	ED 1373
Applicant name	Aldi Stores
Development Location	Aldi, Grey Abbey Road, R51 FA39
Site size	N/A

Application accompanied by an EIS (Yes/NO)	No
Distance from Natura 2000 site in km	The site of the proposed development is located ca. 6.6km from the Pollardstown Fen SAC
Description of the project/proposed development – Installation of (640.44 sqm) of photovoltaic panels at roof level	

(B) Identification of Natura 2000 sites which may be impacted by the proposed development			
			Yes/No **If answer is yes, identify list name of Natura 2000 site likely to be impacted.**
1	**Impacts on sites designated for freshwater habitats or species.** Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	*Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?*	**No**
2	**Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath.** Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	*Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?*	**Yes**
3	**Impacts on designated terrestrial habitats.** Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	*Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?*	**Yes**

4	**Impacts on birds in SPAs** Sites to consider: Poulaphouca Resevoir	*Is the development within a Special Protection Area, or within 5 km of same?*	**No**

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

No further assessment in relation to habitats or birds is required.

If the answer is **Yes** refer to the relevant sections of **C**.

(C) Identification of Potential Impacts on Habitats and Birds.		
1	**Impacts on designated rivers, streams, lakes and fresh water dependent habitats and species.** ***Answer the following if the answer to question 1 in table B was YES*** *Does the development involve any of the following:*	
1.1	Works within the boundary of a Special Area of Conservation excluding small extensions/alterations to existing buildings.	**No**
1.2	Discharge to surface water or groundwater within 5km of SAC.	**No**
1.3	Abstraction from surface water or groundwater within 5km of SAC.	**No**
1.4	Removal of topsoil within 500m of watercourses	**No**
1.5	Infilling or raising of ground levels within 100m of watercourses	**No**
1.6	Construction of drainage ditches within 1km of SAC.	**No**
1.7	Installation of waste water treatment systems; percolation areas; septic tanks within 500 m of watercourses	**No**
1.8	Construction within a floodplain or within an area liable to flood	**Yes**
1.9	Crossing or culverting of rivers or streams within 5km of SAC	**No**
1.10	Storage of chemicals, hydrocarbons or organic wastes within 1km of a watercourse	**Yes**
1.11	Development of a large scale which involves the production of an EIS	**No**
1.12	Development of quarries/mines	**No**
1.13	Development of windfarms	**No**
1.14	Development of pumped hydro electric stations	**No**

1.15	Construction of roads or other infrastructure on peat habitats within 1km rivers, streams, lakes and fresh water dependant habitats	**No**
2	**Impacts on designated wetlands - bogs, fens, marshes and heath.** ***Answer the following if the answer to question 2 in table B was YES*** *Does the development involve any of the following:*	
2.1	Works within the boundary of a Special Area of Conservation excluding small extensions/alterations to existing buildings.	**No**
2.2	Construction of roads or other infrastructure on peat habitats within 1km of bog, marsh, fen or heath habitat within a Natura 2000 site	**No**
2.3	Development of a large scale within 1km of bog, marsh, fen or heath habitat within a Natura 2000 site which involves the production of an EIS	**No**
3	**Impacts on other designated terrestrial habitats (woodland, grasslands)** ***Please answer the following if the answer to question 3 in table B YES*** *Does the development involve any of the following:*	
3.1	Works within the boundary of a Special Area of Conservation.	**No**
3.2	Development within 200m of Natura 2000 site with woodland, grassland or coastal habitats.	**No**
3.3	Development of a large scale within 1km of Natura 2000 site with woodland, grassland or coastal habitats which involves the production of an EIS.	**No**

(G) SCREENING CONCLUSION STATEMENT *Selected relevant category for project assessed by ticking box.*		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	**X**
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Justify why it falls into relevant category above (based on information in above tables)		
Following an assessment of the proposed development and any potential relationships with European Sites, it is concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on the conservation objectives of any European Sites.		

Name:	Damien McGrath
Position:	Assistant Planner
Date:	30/07/2026.

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL

Director of Services Order

I, Alan Dunney, Director of Services of Planning, Enterprise & Economic Development, by the powers conferred on the Chief Executive of Kildare County Council under Section 151 of the Local Government Act 2001, as amended by the Local Government Reform Act 2014, and which powers are delegated to me pursuant to Section 154 of the Local Government Act 2001 (as amended) by Chief Executive's Order number: CE63325, do hereby make the following Order:

ORDER NO: DO67054 **Section:** Planning

SUBJECT: ED/1373
ALDI Stores Limited C/O Eleanor Heagney, Avison Young, 86 Merrion Square South, Dublin 2 Exempt Development Application for Installation of 640.44sqm of photovoltaic panels at roof level at Grey Abbey Road, Kildare Town, Co Kildare.

SUBMITTED: File Ref. ED1373 with recommendation from the Senior Executive Planner and reports from the Council's Technical Officers.

ORDER: **I hereby order the following** Kildare County Council, 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 proposed development is development and is exempted development.

MADE THIS 4TH DAY

OF AUGUST YEAR 2026.

SIGNED: Alan Dunney

DIRECTOR OF SERVICES

Comhairle Contae Chill Dara
Kildare County Council

Date: 02nd July 2026
Our Ref: ED/1373.

ALDI Stores limited,
C/O Eleanor Heagney,
Avison Young,
86 Merrion Square South,
Dublin 2. 2YE10

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at ALDI Kildare, Grey Abbey Road, Kildare Town, Co. Kildare. R51FA39

Dear Sir/Madam,

I acknowledge receipt of your application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) received on 01st July 2026 in connection with the above.

Yours sincerely,

Senior Executive Officer,
Planning Department.

Kildare County Council

Declaration of Exempt Development under Section 5,

of the Planning and Development Act 2000

Incomplete application forms will be deemed invalid and returned	All responses must be in block letters

Section 1	Details of Applicants

1. Name of Applicant(s) A. Surname **ALDI Stores Ltd.** .. Forenames **N/a**.....
Phone No [redacted] Fax No **N/a**.....
2. Address ...**ALDI Stores Ltd, Holly Lane, Atherstone, CV9 2SQ (United Kingdom)**...
.....

Section 2	Person/Agent acting on behalf of applicant (if applicable)

1. Name of Person/Agent: Surname...**Heagney**..... Forenames...**Eleanor** .....
Phone No..[redacted].. Fax No...**N/a**.....
2. Address...**Avison Young 86 Merrion Square South, Dublin 2, 2 YE10**
.....
.....

Section 3	Company Details (if applicable)

1. Name of Company ...**See above**.....
Phone No..... Fax No.....
2. Company Reg. No.....

3. Address.....
.....

Section 4	Details of Site

1. Planning History of Site...081805 / PL.09.234772, 091193 / 091192, 091263, 16855

.....

2. Location of Proposed Development...**ALDI Kildare, Grey Abbey Road, Kildare, County Kildare, R51 FA39**.....
.....
.....

3. Ordnance Survey Sheet No...**N/a**.....

4. Please state the Applicants interest in the site **Owner**.....
.....

5. Please state the extent of the proposed development...Installation of 640.44sqm of photovoltaic panels at roof level on the flat roof of the retail store.

6. Under what Section of the Planning and Development 2000 and/or what provision of the Planning and Development Regulations 2001 is exemption sought *(specific details required)*...Section 5(1) of the Planning and Development Act 2000 (as amended), 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).....
.....
.....

7. Please give a detailed description of the Proposed Development (*Use separate page if necessary*).....Installation of 640.44sqm of photovoltaic panels at roof level on the flat roof of the retail store. 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)".....
.....
.....
.....
.....
.....
.....

Section 5	**The following must be submitted for a valid application**

.....(Please Tick)

1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001	
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001	
4.	All drawings to differentiate between the original building, all extensions and proposed development	
5.	Fee of 80 Euro	

Section 6	**Declaration**

I, **Eleanor Heagney** _____certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature: Eleanor Heagney _____ Date: 29 June 2026 _____

AVISON YOUNG

86 Merrion Square South,
Dublin 2, D02 YE10
T: +353 1 676 2711
avisonyoung.com

BEST MANAGED COMPANIES

29 June 2026

Áras Chill Dara,
Devoy Park,
Naas,
Co. Kildare,
W91 X77F

Dear Sir/Madam,

RE: SECTION 5 DECLARATION REQUEST – ROOF-MOUNTED SOLAR PANELS AT ALDI ATHY

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 Kildare Store, Grey Abbey Road, Kildare, County Kildare, R51 FA39.

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
Brian.Kelly@avisonyoung.com

For and on behalf of Avison Young Planning and Regeneration Limited

AVISON YOUNG

Request for a Section 5 Declaration

Aldi Stores (Ireland) Ltd

ALDI Kildare, Grey Abbey Road, Kildare, Co. Kildare, R51 FA39

June 2026

Contents

1. Introduction 3
2. Site Context 4
3. Proposed Development 6
4. Legislative Context 8
5. Grounds of the Exempted Development Request 10
6. Conclusion 14

Report title: Section 5 Declaration Report
Prepared by: Eleanor Heagney
Contributors: Matt Golisti
Date: 22 June 2026

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 Kildare County Council in relation to a property at Grey Abbey Road, Kildare, Co. Kildare.

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 (640.44sqm) 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 Greenvolt and the Harris Partnership.

2. Site Context

Site Location

2.1 The subject site covers an area of 0.68 hectares and is located on the eastern side of Grey Abbey Road approximately 0.5km south of Kildare town centre. The site is comprised of the single storey ALDI retail store, car parking and associated landscaping. The main entrance to the site for both cars and pedestrians is located on Grey Abbey Road.

Analysis of Surroundings

2.2 The site is adjoined to the north by a site under construction. To the east are residential dwellings along Wavertree. To the south is an area of vacant land beyond which is the M7 motorway. To the west of the site directly opposite the subject site are the ruins of the Grey Abbey (a registered protected structure – ref. B22-61), Grey Abbey Veterinary Hospital and Kildare Wildlife Rescue. The area has an edge of town character which is strongly defined by the presence of the M7 motorway, which acts as the separation between Kildare town and the rural land to the south.

Relevant Planning History

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

Application Ref.	Proposal	Outcome & Date
081805 **(parent)** PL 09.234772	The construction of a single storey discount food store (to include off-licence use) with a flat roof design(gross floor area of 1,570 sq.m.;net retail area,1,125 sq.m.)The development includes the erection of one free standing double sided internally illuminated single pole sign at site entrance; one sided internally illuminated gable sign; an internally located door sign; 107 car parking spaces; and associated landscaping and site development works all on a c. 068 hectare (1.64 acre) site at Grey Abbey Road, Kildare, Co. Kildare. All vehicular traffic and service vehicles will access the site via a new entrance from Grey Abbey Road.	Granted, 02/10/2009 Appeal withdrawn
091193 & 091192	For an amendment to the planning permission Register Reference 08/1805 permitting the development of a discount foodstore at this site at Grey Abbey Road, Kildare. The proposed amendment comprises the removal of Condition No. 50, which relates to traffic management	Granted, 19/08/2010

	measures in Kildare town, from the parent planning permission	
091263	For an amendment to the planning permission Register Reference 08/1805 which permits the development of a discount foodstore at this site at Grey Abbey Rd, Kildare. The proposed amendment comprises the removal of Condition No's 37 and 38, which relate to Kildare Waste Water Treatment Plant, from the parent planning permission and seeks permission to connect the permitted development to the public mains and waste water system	Granted, 19/02/2010
16855	The construction of a 50sqm single storey flat roof extension to the north elevation of the existing Aldi Discount Foodstore to provide a bakery. The development will also include associated elevation signage on proposed extension (10sqm in total), reconfiguration of parking layout and all associated site development works on a site of 0.667 ha	Granted, 22/11/2016

3. Proposed Development

3.1 As outlined above, ALDI (Ireland) Stores Ltd is seeking to install PV Panels at roof level of this retail store, to provide a new sustainable energy supply.

3.2 The extent of the proposed works will be limited to the roof level of the store and connected to the stores electricity system and not the main electricity grid.

3.3 The proposal is in line with Aldi's wider Corporate Responsibility Strategy (2030), and the underpinning strategies for improving sustainability across all aspects of its business operations. The strategy themes are focussed on:

- Human Rights;
- Resource efficiency;
- Zero Carbon;
- Employer of Choice;
- Customers; and
- Community.

3.4 Aldi has adopted an Energy Policy Statement, with the objective of making sustainability affordable for its customers and to achieve net zero carbon across all their operations by 2035. The significant energy users (SEU's) for ALDI include Refrigeration, Lighting, Heating, Fleet Diesel & Electrical Appliances. Energy commitments made within the Energy Policy Statement include:

- Continuous improvement of their Energy Management System and energy performance.
- Meet legal and other requirements relating to energy efficiency, energy use and energy consumption.
- Support the purchase of energy efficient products and services.
- Consider energy performance in building design activities and operations.
- Ensure all the information and resources required to meet energy objectives and targets are made available.
- Regularly track progress against energy targets, including electricity, gas, and fuel use, and review these targets annually.
- Promote and encourage policy awareness amongst employees.

3.5 In order to achieve these commitments, a number of key energy saving measures have been introduced, including: to transition to low carbon fuels for HGV's; convert store lighting to LEDs; and install electric vehicle charging points at new and refurbished stores; along with the transition to 100% renewable electricity through the installation of solar panels on over 400 stores across the UK & Ireland.

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

4. Legislative Context

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

Planning and Development Act, 2000 (as amended)

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

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

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

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

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

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

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

Planning and Development Regulations, 2001 (as amended)

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

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*

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.

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 Kildare Retail Store, that the conditions set out in the grant of permission under Ref. 081805 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 0107.
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 G201.
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 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.
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 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 Kildare would constitute development but is considered exempted development based on compliance with each of the threshold requirements.

6. Conclusion

6.1 The question before Kildare 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 Kildare 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
086 8183078
eleanor.heagney@avisonyoung.com

Visit us online
avisonyoung.com

Avison Young

86 Merrion Square South, Dublin 2, D02 YE10

Copyright © 2026. Avison Young. Information contained in this report was obtained from sources deemed reliable and, while thought to be correct, have not been verified. Avison Young does not guarantee the accuracy or completeness of the information presented, nor assumes any responsibility or liability for any errors or omissions therein. All opinions expressed and data provided herein are subject to change without notice. This report cannot be reproduced, in part or in full, in any format, without the prior written consent of Avison Young.

macroworks

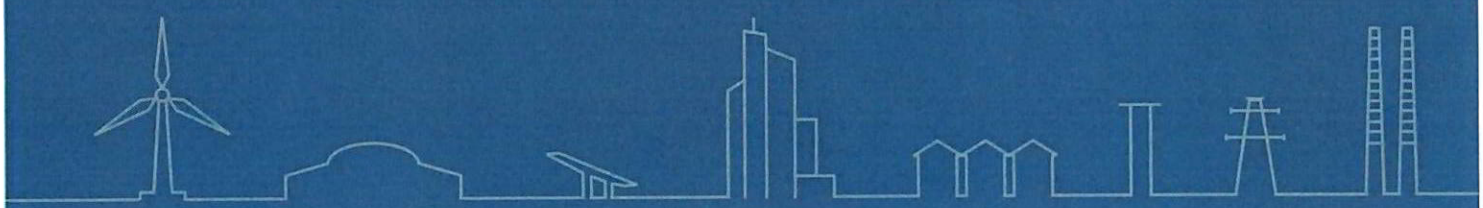
AVIATION GLINT AND GLARE SCREENING ASSESSMENT

Proposed Solar PV Energy Development

Aldi Stores Ltd, Grey Abbey Road, Tully West, Co. Kildare

Prepared by Macro Works Ltd

June 2026



LVIA I TVIA I Landscape Design I Visibility Analysis I Glint and Glare I Verified Photomontages I CGI I Shadow Flicker Analysis

1. AVIATION GLINT AND GLARE ASSESSMENT 3

1.1 **Introduction** 3

1.2 **Methodology** 7

1.3 **Overall Conclusion** 9

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, Grey Abbey Road, Tully West, Co. Kildare. Figure 1.1 and Figure 1.2 refer.



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

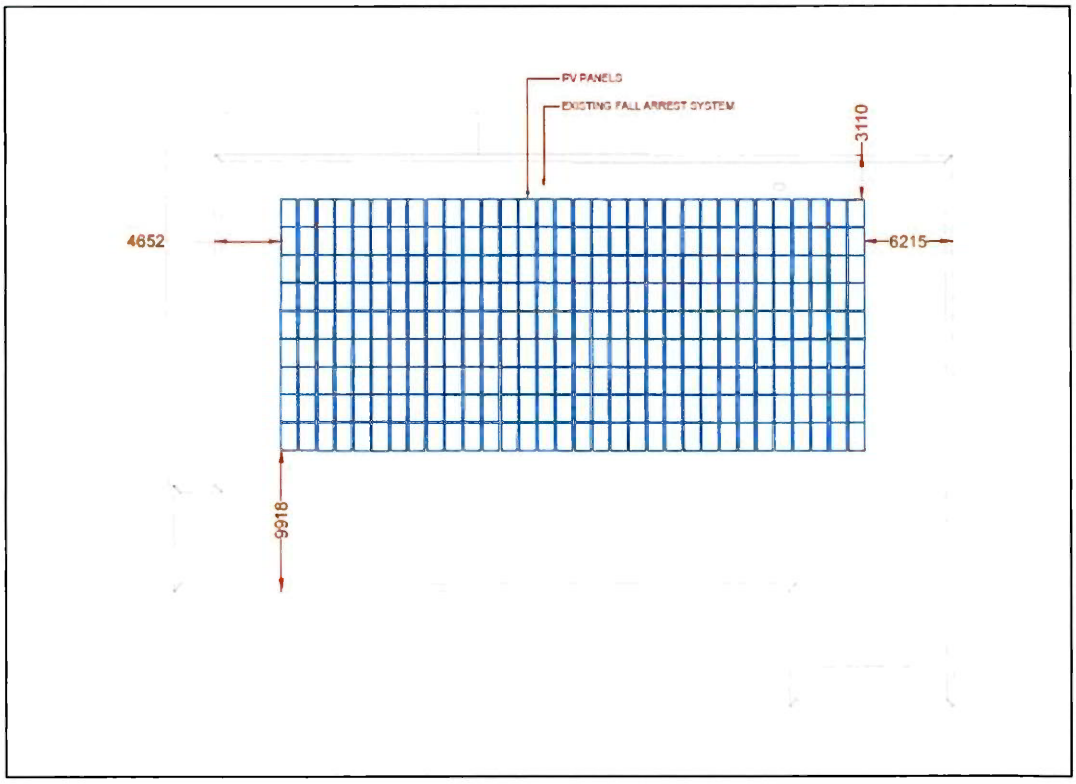


Figure 1.2 Extract from drawing no. G201 showing the proposed site and panel layout.

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.[1] 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.[2] EASA found that 20,000 cd/m2 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.

[1] Irish Aviation Authority. (2025). IAA - National Aviation Safeguarding Framework, Consultation Document, p. 30.

2 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.

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[3] (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.[4]

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'[5] 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*

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

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

5 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[6] replaced this interim policy, with the key amendment of deprioritising runway approaches as critical aviation receptors, citing the following;

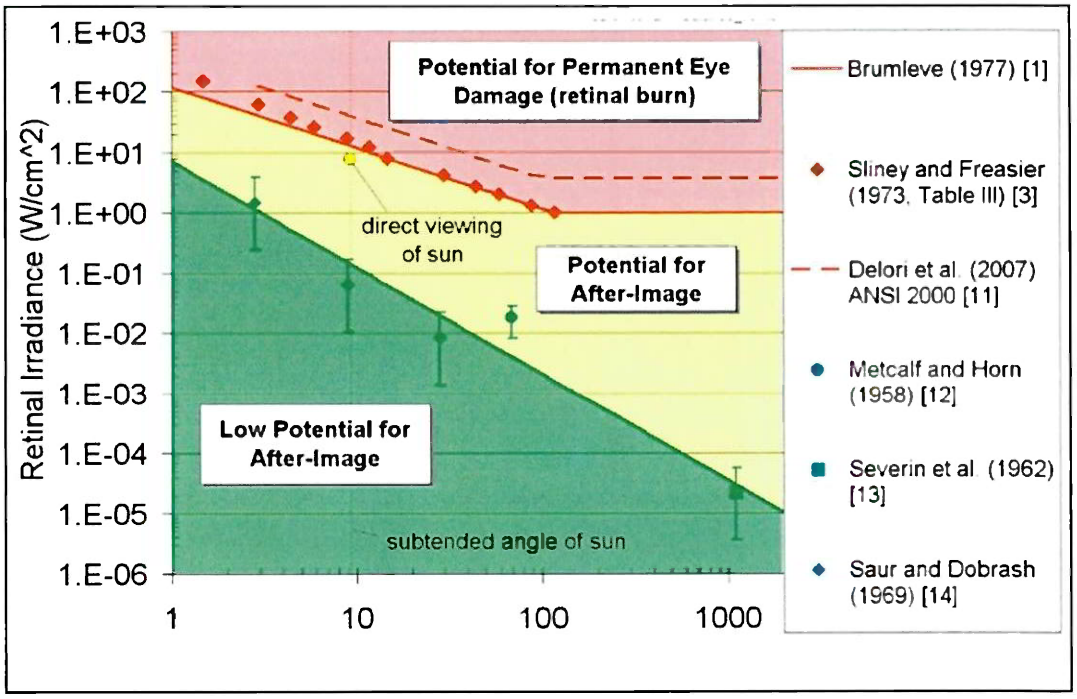
> *"Initially, FAA believed that solar energy systems could introduce a novel glint and glare effect to pilots on final approach. FAA has subsequently concluded that in most cases, the glint and glare from solar energy systems to pilots on final approach is similar to glint and glare pilots routinely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

6 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.

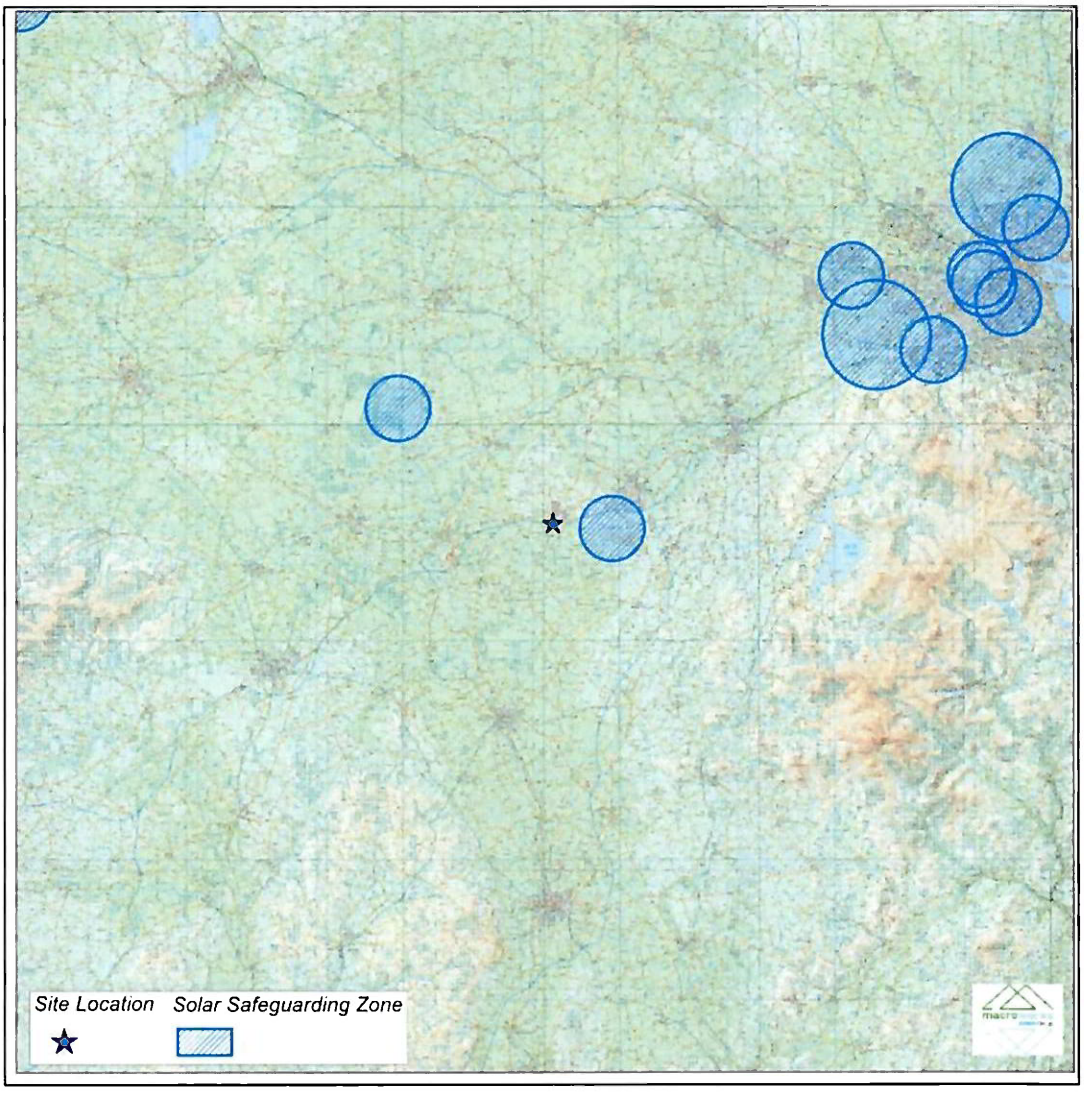


Figure 1.4 Map showing the approximate location of the proposed development relative to the nearest Solar Safeguarding Zone(s).

1.3 OVERALL CONCLUSION

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

NOTES:

1. DO NOT SCALE. USE FIGURED DIMENSIONS ONLY.
2. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT ARCHITECTURAL AND ENGINEERING DRAWINGS.
3. THE INFORMATION SHOWN ON THIS DRAWING IS COMPILED FROM RECORDS AND IS BELIEVED TO BE CORRECT. THERE MAY, HOWEVER, BE DEPARTURES FROM THE COURSES AND DEPTHS SHOWN OR INDICATED. THERE MAY ALSO BE ITEMS OF WHICH NO RECORD IS HELD.
4. MOYLAN ACCEPT NO LIABILITY FOR THE LINE AND LEVEL OF THE EXISTING SERVICES INDICATED ON THIS DRAWING, OR ANY EXISTING SERVICES WHICH MAY BE MISSING FROM THIS DRAWING.
5. SERVICES DEPTHS SHOULD NEVER BE ASSUMED AS SERVICES MAY BE FOUND AT ANY DEPTH BELOW GROUND LEVEL.
6. BEFORE ANY MECHANICAL EXCAVATION WORK IS UNDERTAKEN, IN THE GENERAL AREA INVOLVED, THE EXACT POSITION OF SERVICES MUST BE FIRST ESTABLISHED BY (1) CAREFUL HAND DIGGING OF A NUMBER OF TRIAL HOLES AND/OR (2) BY USE OF SPECIAL SERVICE LOCATING EQUIPMENT.
7. ALL DRAINAGE WORKS, FIXTURES AND FITTINGS TO BE CONSTRUCTED IN ACCORDANCE WITH REQUIREMENTS AND SPECIFICATIONS OF THE KILDARE COUNTY COUNCIL.

RETAIL
F.F.L.=94.250

SOIL TO BE BATTERED FROM 1m OFF KERB EDGE TO EXISTING GROUND LEVEL

SOIL TO BE BATTERED FROM RC RETAINING WALL TO EXISTING GROUND LEVEL

SOIL TO BE BATTERED FROM SITE BOUNDARY TO EXISTING GROUND LEVEL

RC BOUNDARY RETAINING WALL

RC RETAINING WALL

PERMACRIB TIMBER RETAINING WALL SYSTEM BY SPECIALIST SUB CONTRACTOR

BLOCKWORK RETAINING WALL

200mm CONCRETE SLAB

PROPOSED WAYLEAVE

FLUSH KERB

75mm KERB

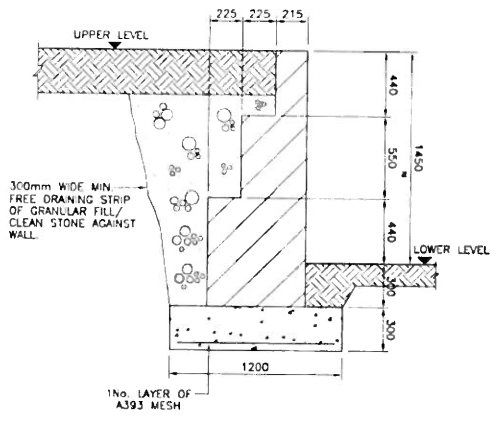
FOOTPATH

ROAD EDGE

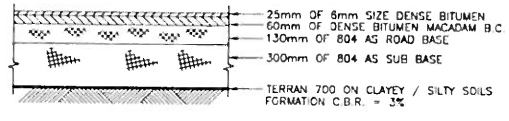
GREY ABBEY ROAD

FENCE LINE

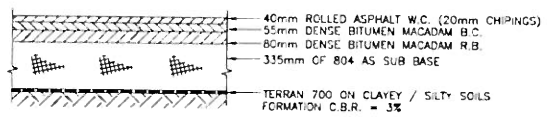
PROPOSED EXTERNAL LEVELS
SCALE 1:250



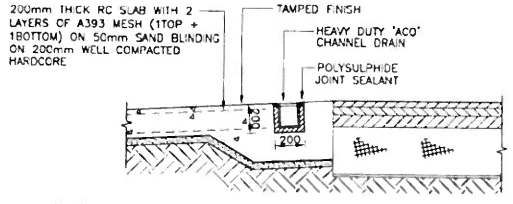
BLOCKWORK RETAINING WALL
(SCALE 1:25)



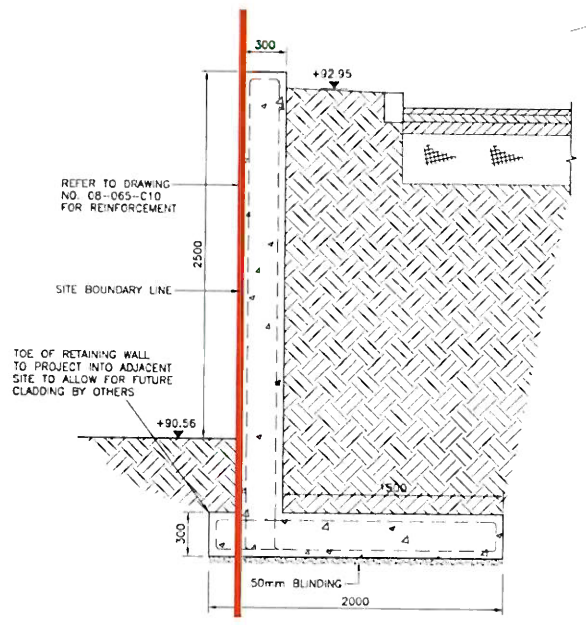
DETAIL 1 TARMAC CONSTRUCTION FOR CAR PARK
(SCALE 1:25)



DETAIL 2 TARMAC CONSTRUCTION FOR ACCESS ROAD
(SCALE 1:25)



JUNCTION OF TARMAC & DOCK LEVELLER RAMP SECTION A–A
(SCALE 1:25)



SECTION THROU BOUNDARY RETAINING WALL
(SCALE 1:25)

LEGEND

- INDICATES SITE BOUNDARY
- INDICATES EXISTING CONTOUR LEVELS
- INDICATES EXISTING SPOT LEVEL
- + 93.14 INDICATES PROPOSED SPOT LEVEL
- INDICATES TAR MACADAM CARPARK ONLY CONSTRUCTION REFER TO DETAIL 1
- INDICATES ACCESS ROAD CONSTRUCTION REFER TO DETAIL 2
- INDICATES PERMACRIB TIMBER RETAINING WALL SYSTEM
- MH F IL INDICATES PROPOSED FOUL WATER DRAINAGE AND MANHOLE

REV	DATE	AMENDMENT	DRN	APPD
D	12/11/10	LEVELS AROUND TROLLEY BAY REVISED	BL	RO
C	07/09/10	RAMP RETAINING WALL ADDED AS PER JSA REQUEST	BL	RO
B	30/08/10	OIL TANK/PLANT SLAB AREA REVISED AS PER JSA DETAILS	BL	RO
A	23/07/10	LEVELS TO PERMACRIB WALL AMENDED TO MATCH LATEST LAYOUT FOR HOUSING	BL	RO

CAD REF: M:\PROJECTS\08\08-065\CAD\STRUCT.\CONSTR.

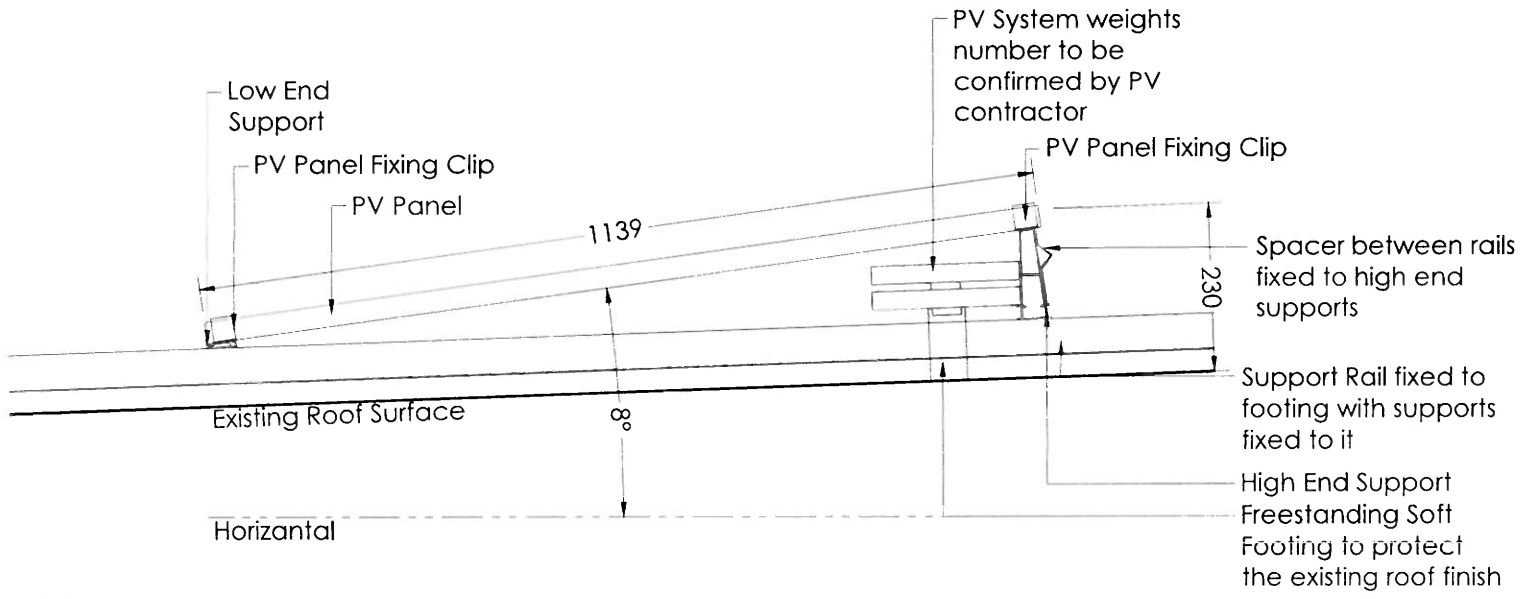
STATUS: **FOR CONSTRUCTION**

Moylan
Consulting Engineers & Project Managers
Wilson House, Fenian Street, Dublin 2
t 01 6648900 f 01 6613618 e info@moylan.ie, web www.moylan.ie

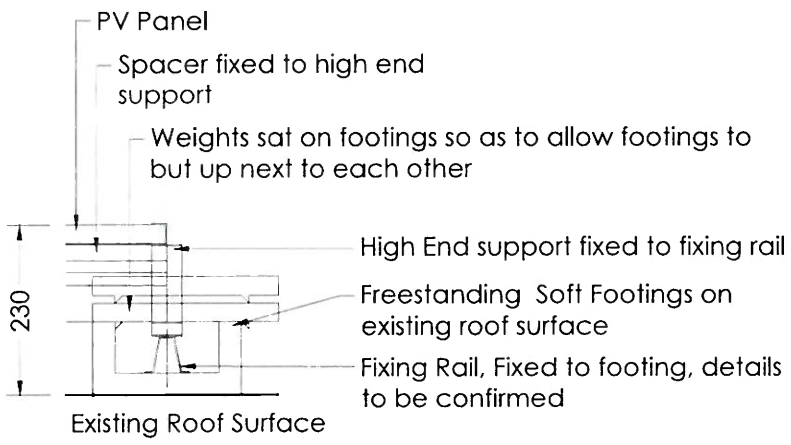
CLIENT	ALDI STORES (IRELAND) LTD
ARCHITECT	JAMES SMYTH ARCHITECTS
PROJECT	PROPOSED ALDI STORE, GREY ABBEY ROAD, KILDARE, Co. KILDARE
TITLE	PROPOSED SITE LAYOUT & LEVELS

DRAWN	DESIGNED	APPROVED	DATE
MB	BL	RO	06/07/2010
SCALE	JOB NO	DRG NO	REVISION
1:250 @ A1	08-065	C101	D

© This drawing is copyright. No part of this document may be re-produced or transmitted in any form or stored in any retrieval system of any nature without the written permission of the consulting engineer as copyright holder except as agreed for use on the project for which the document was originally issued.



Side View
Scale 1:10



Cross View
Scale 1:10



Image of typical PV array (south facing)

The Harris Group Ltd does not accept liability for any deviation to our drawings or specification. This Drawing is copyright and may not be reproduced in whole or part without written authority.

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 contractors 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.

0 100 200 300 400 500mm

SCALE 1:10

Rev.	Date	Description	Drawn	Chkd
—	—	—	—	—

THE HARRIS PARTNERSHIP

Architecture
Masterplanning
Interior Design

www.harrispartnership.com

Wakefield Manchester Milton Keynes Reading London Harrogate

Client
Aldi Stores Ltd

Project Title
Aldi PV Rollout

Store NAA 096
Crarick-On-Shannon
Dublin Road, N41 D651

Drawing Title
PV Panels & Fixing Details

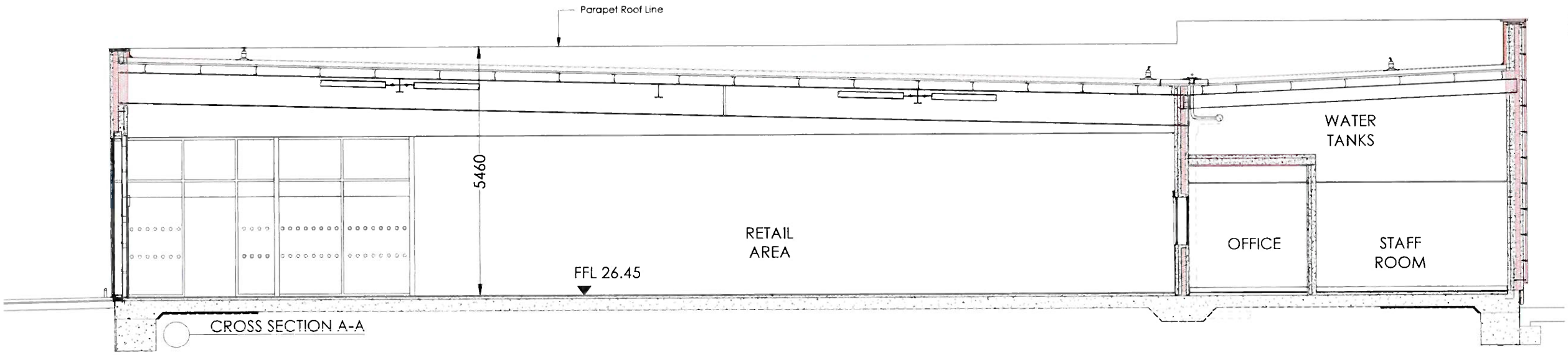
Drawn	Checked	Scale @A3	BIM Status	Date
JPG	—	1:10	NA	02/26

Drawing Status	Rev.	THP Project No
Planning	—	22602

Project No.	Originator	Volume	Level	Type	Role	Number
22602	THPK	096	XX	DR	A	0108

The Harris Group Ltd does not accept liability for any deviation to our drawings or specification. This Drawing is copyright and may not be reproduced in whole or part without written authority.

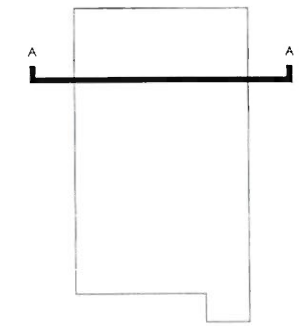
Rev	Date	Description	Drawn	Chkd
—	—	—	—	—



EXISTING SECTION AA

0 1000 2000 3000 4000 5000mm

SCALE 1:100



KEY PLAN

PLANNING DRAWING

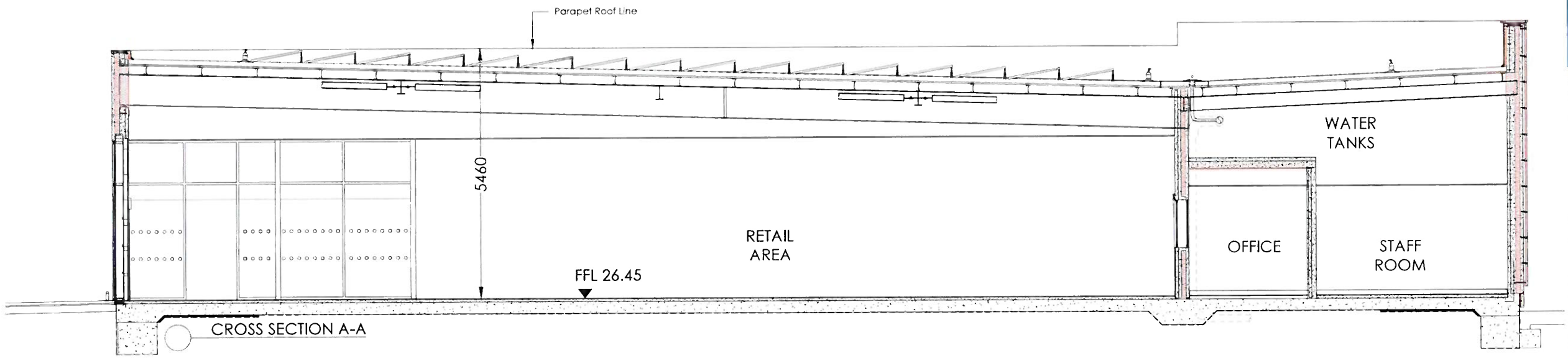
This drawing has been prepared for submission to the relevant Local Authority as part of a Planning Application. It is not intended to assist with the pricing of any elements.

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-contractors design proposals.



PROPOSED SECTION AA

Note: All PV units hidden behind existing facade

THE HARRIS PARTNERSHIP

Architecture
Masterplanning
Interior Design

www.harrispartnership.com

Wakefield Manchester Milton Keynes Reading London Harrogate Edinburgh

Client

Aldi Stores Ltd.

Project Title

Aldi PV Rollout

Store NAA 096
Crarick-On-Shannon
Dublin Road, N41 D651

Drawing Title

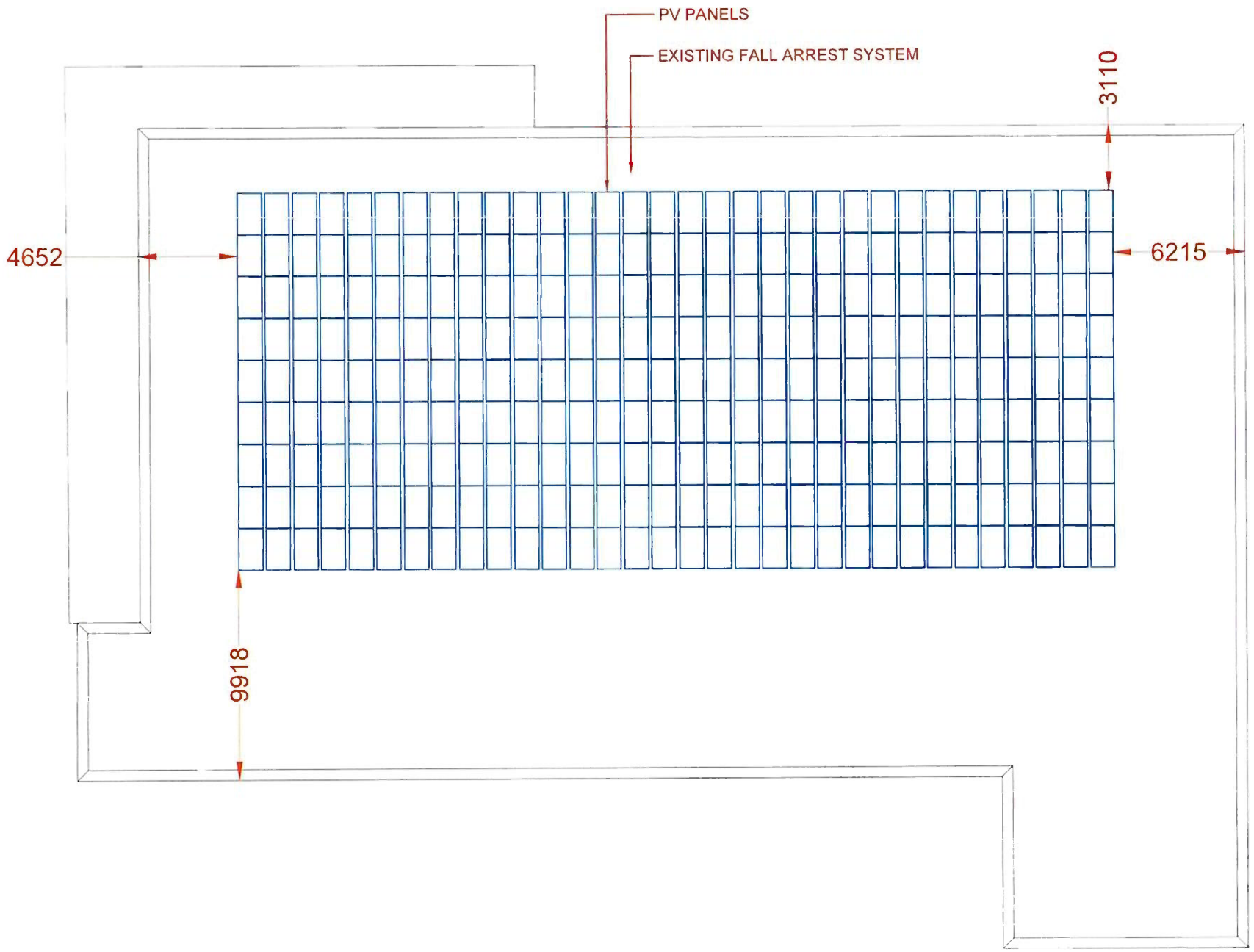
Existing & Proposed Sections

Drawn	Checked	Scale @A3	BIM Status	Date
JPG	—	1:100	NA	02/26

Drawing Status	Rev.	THP Project No
Planning	—	22602

Project No.	Originator	Volume	Level	Type	Role	Number
22602	THPK	096	XX	DR	A	107

NUMBER OF MODULES : 288
AREA PER MODULE : 2.223774 m^2
TOTAL ARRAY AREA : 640.44 m^2



1 G201 PROPOSED ROOF PLAN
SCALE:1:250

DESIGN AND ENGINEERING

Greenvolt Next
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

NOTES

REVISION/RELEASE

NO	DESCRIPTION	DATE
#1	ORIGINAL	01/04/2026

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

ALDI KILDARE

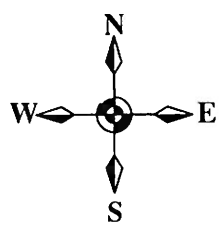
GREY ABBEY RD, TULLY WEST, KILDARE, R51 NV25, IRELAND

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

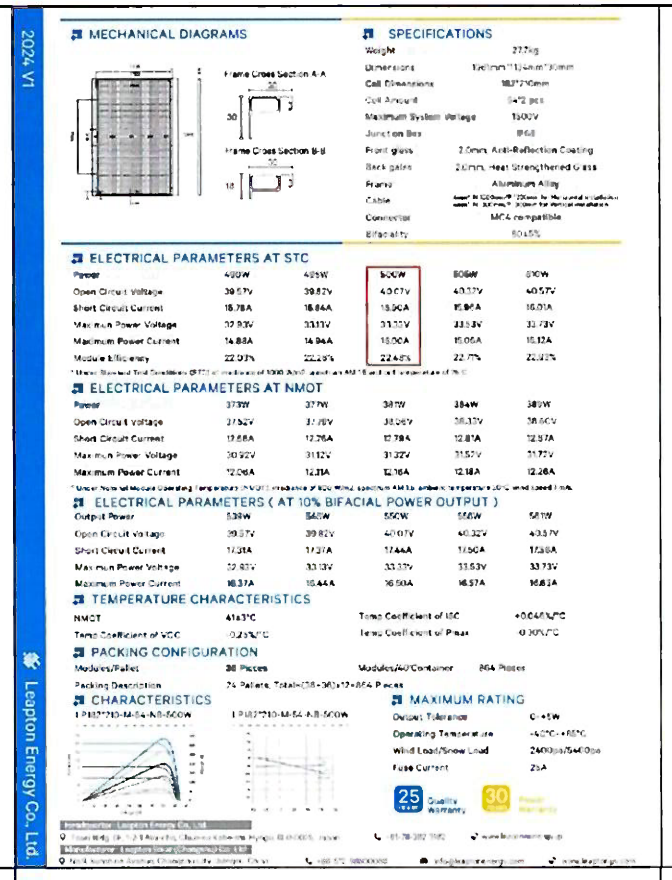
SHEET TITLE:
PROPOSED ROOF PLAN

SHEET SIZE: A2
PROJECT NO.:
DATE 01/04/2026
DESIGN BY: JP
CHECKED BY: MM
PM/PE:

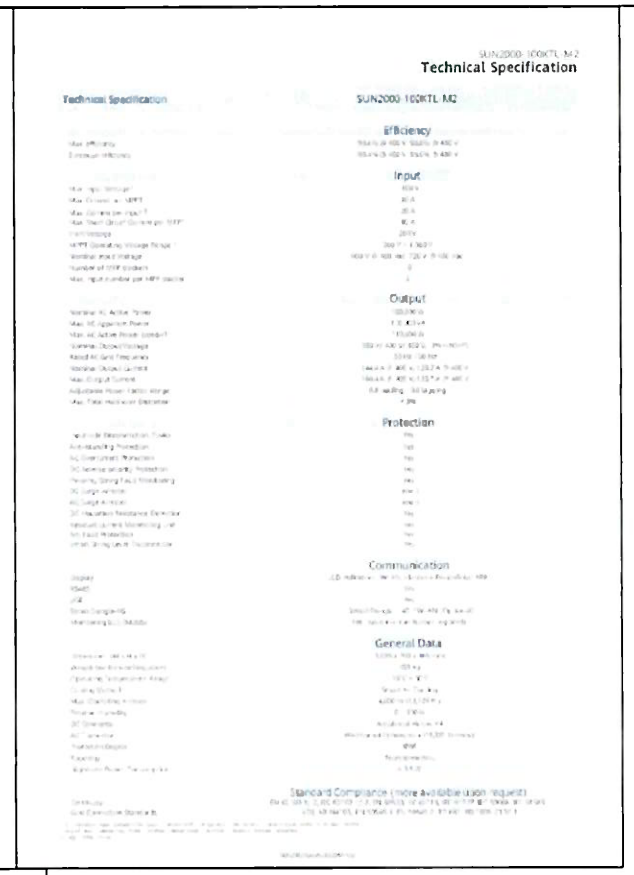
SHEET NUMBER:
G201



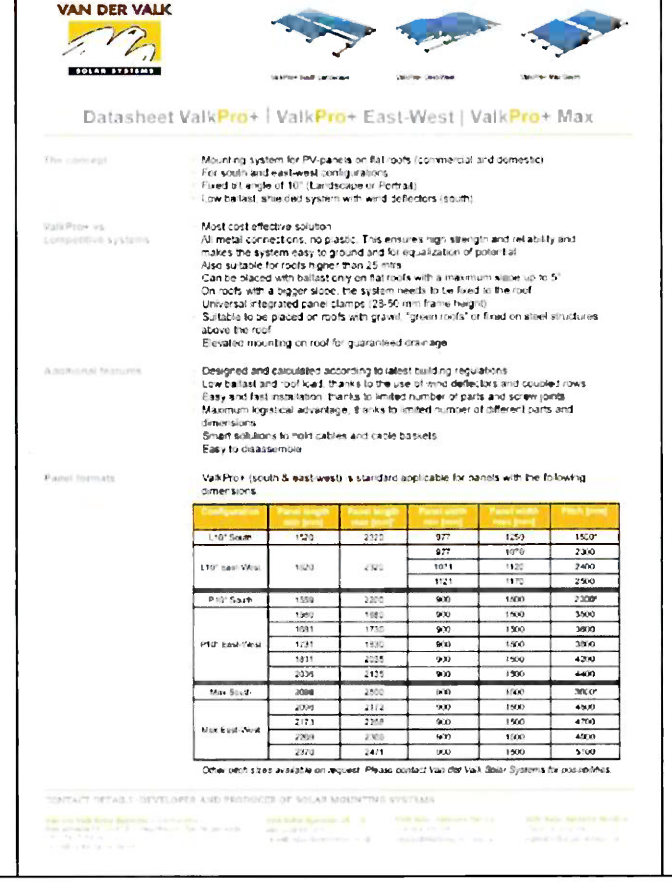


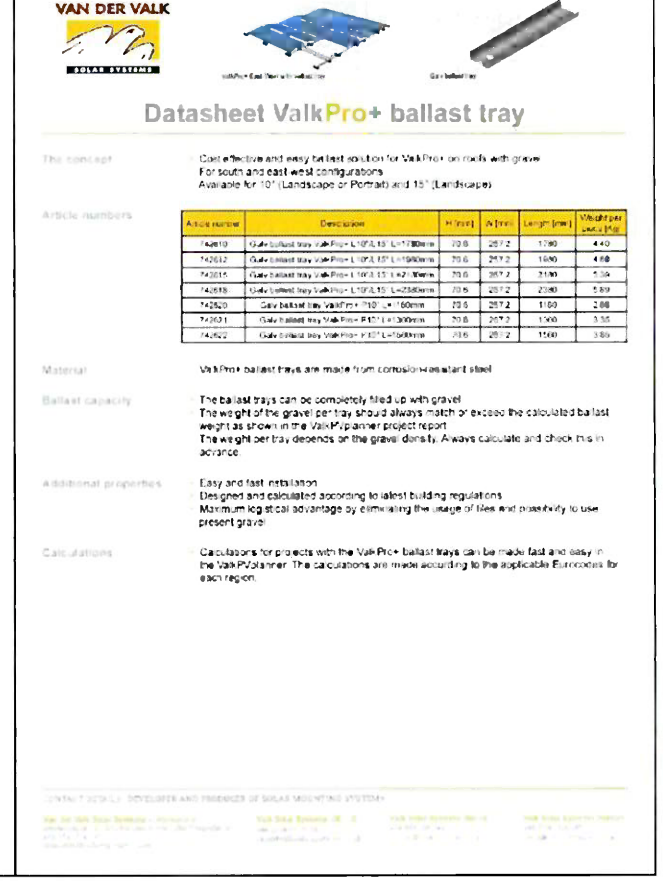












1
E800

DATASHEETS

SCALE:NTS

DESIGN AND ENGINEERING

greenvolt Next

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

NOTES

REVISION/RELEASE

NO	DESCRIPTION	DATE
#1	ORIGINAL	09/02/2026

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

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:
DATASHEETS

SHEET SIZE: A2

PROJECT NO.:

DATE:13/02/2026

DESIGN BY: AK

CHECKED BY: MM

PM/PE:

SHEET NUMBER:
E800

ED1373

BOIHSR	S.5 KCC[redacted]ALDI	80.00			BANK [redacted]	1	0		01/07/2026

01/07/2026 S.5 KCC[redacted]di IP + €80.00

Sender Name:	MATTHEW ALISTAIR GOLISTI
Sender ID:	Not provided by sender
Payee IBAN:	IE69BOFI90123911066806
Payee Name:	KILDARE CO CO
Payee ID Code:	Not provided by sender
Payment Reference:	S.5 [redacted]
Name of Sender's Reference Party:	Not provided by sender
ID Code of Sender's Reference Party:	Not provided by sender
Purpose of the Credit Transfer:	Not provided by sender
Name of the Payee's Reference Party:	Not provided by sender
ID Code of Payee's Reference Party:	Not provided by sender
BOI Reference Number:	[redacted]
Receiver's Payment Charge:	EUR 0.00
Remittance Information:	Aldi Stores Ltd