

28th February 2025Donegal County Council
Planning Department
County House,
Lifford, Co. Donegal

Dear Sir/Madam

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

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 Ballybofey store, on the Chestnut Road, Ballybofey, Co. Donegal.

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)

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, Head of Planning
(01) 676 2711
Brian.Kelly@avisonyoung.com**For and on behalf of Avison Young Planning and Regeneration Limited**



SECTION 5


APPLICATION

FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Completed application form & supporting documentation to be returned to the Planning Authority by email to planning@donegalcoco.ie

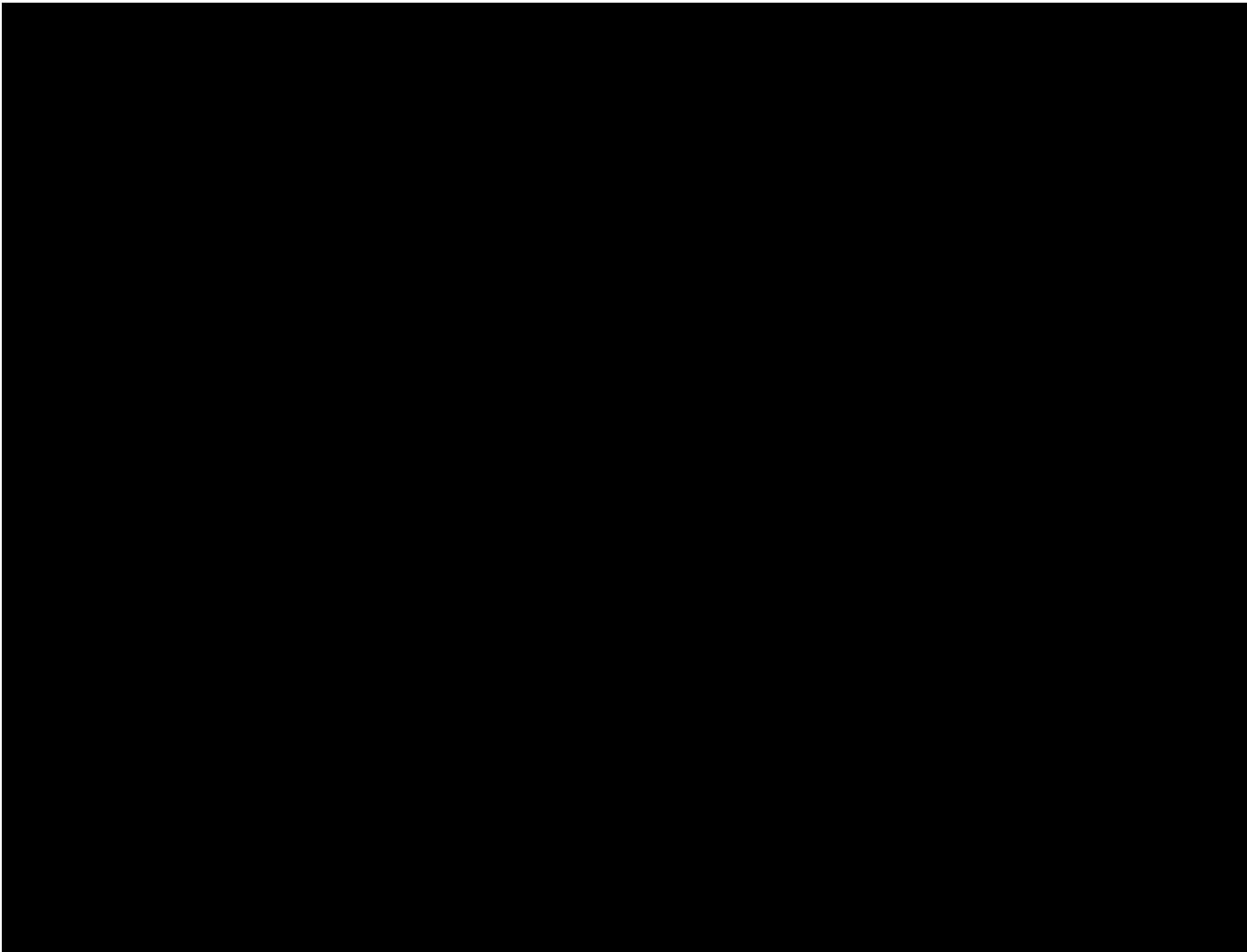
Name of Applicant(s):	ALDI Stores Ltd
Agent Name: (if applicable)	Brian Kelly (Principal) Avison Young Ireland
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	ALDI Ballybofey, Chestnut Rd, Ballybofey, County Donegal, F93 W6WP
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under <u>this</u> section 5 application)	
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)	



Is the development a Protected Structure or within the curtilage of a Protected Structure?	Yes	No
		X
Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.	Yes	No
		X
Applicant(s) Interest in the site:	Applicant is the owner of the site	
If not the Owner of the site, please provide the name of the Landowner:	N/A	
Please list types of plans, drawings etc. submitted with this application:	<ul style="list-style-type: none">• Site Location Map• Existing Site Plan• Proposed Site Plan• Existing Roof Plan• Existing Elevations• Proposed Roof Plan• Proposed Elevations• Existing & Proposed Sections• PV Fixings Details• Planning Report• Glint & Glare Report	
Planning History - list any relevant planning application reference numbers:	Reg. Ref 12/60606	
Are you aware of any enforcement proceedings connected to the site? If so, please supply details:	No	
I hereby certify that the information provided is true and accurate		
Signature of Applicant/Agent:		
Date:	27.02.2025	



**Comhairle Contae
Dhún na nGall**
Donegal County Council



Advice to Applicant

- (a) **Prescribed Fee** - €80.00 - You may wish to pay the fee by card by ringing the cash office on 074 9153900. Please note the receipt number in your cover email with the form.
- (b) Application must be accompanied by:
 - **Site location map** with site clearly outlined in red (to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas). -
 - **Site layout plan** (Site or layout plans shall be drawn to a scale (which shall be indicated thereon) of not less than 1:500 or such other scale as may be agreed with the planning authority prior to the



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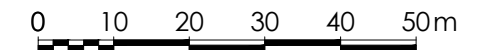
submission of the application,
the site boundary shall be clearly delineated in red).

- **Elevations** (if applicable) – (plans, elevations and sections drawn to a scale of not less than **1:200**).
 - **Other details** (e.g. landowner consent (if applicable), photographs as appropriate).
- (c) Completed application form & supporting documentation to be returned to the Planning Authority **by email** to planning@donegalcoco.ie
- (d) More information on exempted development can be found on the OPR planning leaflets available at <https://www.opr.ie/planning-leaflets/>



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Rev	Date	Description	Drawn	Chk'd
P01	21.02.25	OS data added and scale rev'd	NS	JPG



SCALE 1:1000

Site Boundary (Red Line) 6,347 sqm / 1.57 acre / 0.635 hectare



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Wakefield Manchester Milton Keynes Reading London Harrogate Edinburgh

Client

Aldi Stores Ltd.



Project Title

Aldi PV Rollout
Store no. 106 Ballybofey
Chestnut Road, Ballybofey
Donegal
F93 W6WP

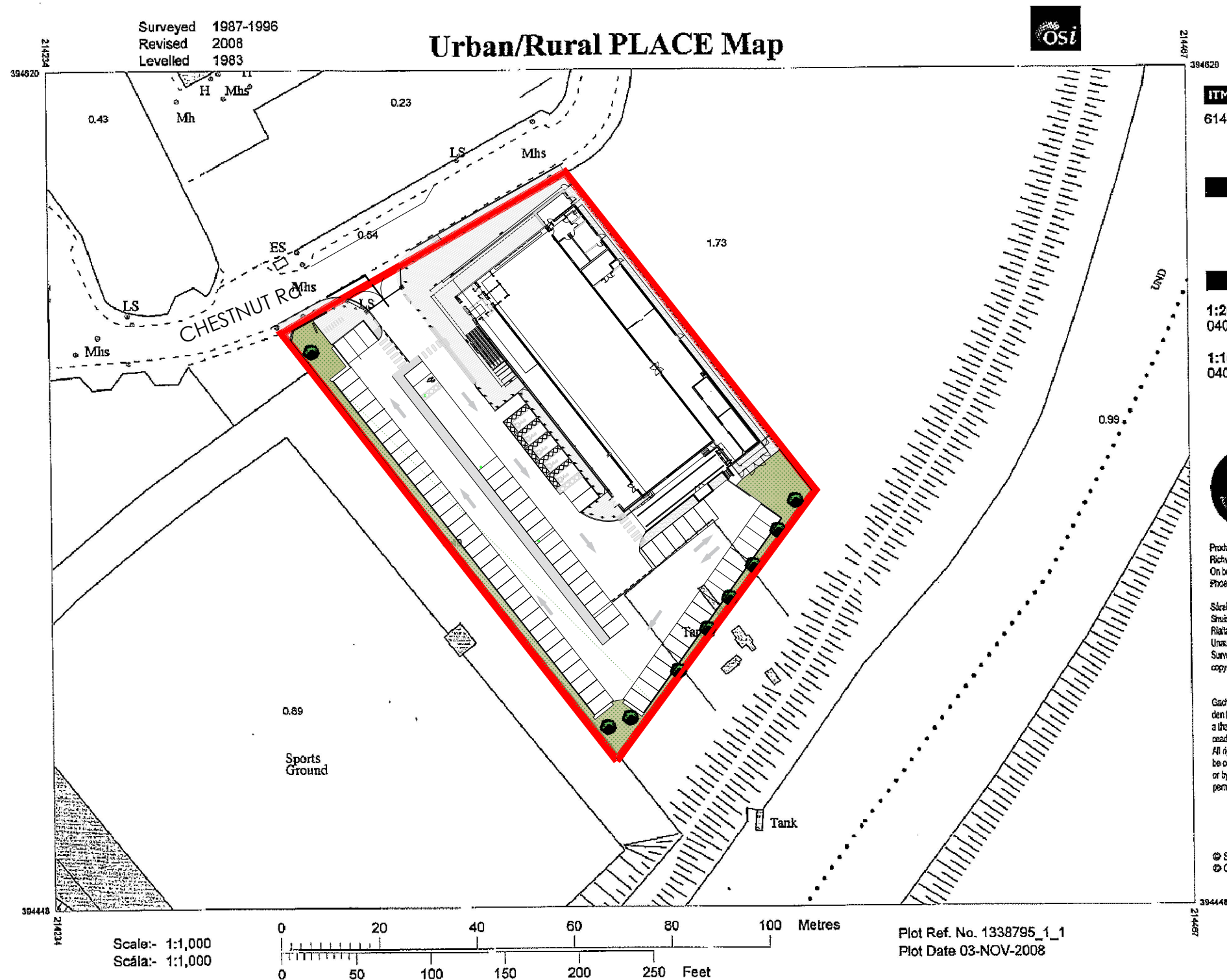
Drawing Title

Site Location Map

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

Drawing Status	Rev.	THP Project No
Planning	P01	20984

Project No.	Originator	Volume	Level	Type	Role	Number
20984	THPK	106	XX	DR	A	0101



ITM CENTRE PT. COORDS

614299,894526

DESCRIPTION

MAP SHEETS

1:2500
0401-D

1:1000
0401-18



Produced by University College Dublin,
Richview, Clonsilla, Dublin 14
On behalf of Ordnance Survey Ireland,
Phoenix Park, Dublin 8.

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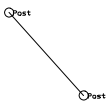
Gach cead easaonú. Ní ceadmhach aon chuid
den fhótoeasáin seo a chóipeáil, a atáirgeadh nó
a tharchur in aon form nó ar aon bhealach gan
cead i scríbhinn nó in áiríocht an chóipeáil.
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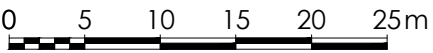
Plot Ref. No. 1338795_1_1
Plot Date 03-NOV-2008

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SCALE 1:500

Site Boundary (Red Line) 6,347 sqm / 1.57 acre / 0.635 hectare



Planning Services

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Wakefield Manchester Milton Keynes Reading London Harrogate Edinburgh

Client

Aldi Stores Ltd.



Project Title

Aldi PV Rollout
Store no. 106 Ballybofey
Chestnut Road, Ballybofey
Donegal
F93 W6WP

Drawing Title

Existing Site Plan

Drawn	Checked	Scale @A3	BIM Status	Date
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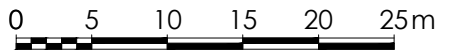
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Planning	-	20984

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Number of Solar Panels: 272no. using 520-540kw Solar Panels generating 144KW
Total PV AREA - 646sqm



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Store no. 106 Ballybofey
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Donegal
F93 W6WP

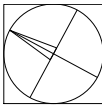
Drawing Title

Proposed Site Plan

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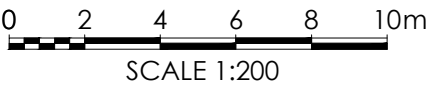
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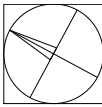
Aldi Stores Ltd.



Project Title

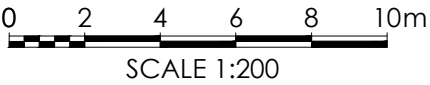
Aldi PV Rollout
Store no. 106 Ballybofey
Chestnut Road, Ballybofey
Donegal
F93 W6WP

Drawing Title						
Existing Roof Plan						
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TG	JPG	1:200		NA		01/25
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Planning				-	20984	
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Number of Solar Panels: 272no. using 520-540kw Solar Panels generating 142KW

Total Area of PV Panel Array - 646sqm

Note: Existing Fall Arrest System to be Retained



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Client

Aldi Stores Ltd.



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Project Title

Aldi PV Rollout
Store no. 106 Ballybofey
Chestnut Road, Ballybofey
Donegal
F93 W6WP

Drawing Title

Proposed Roof Plan

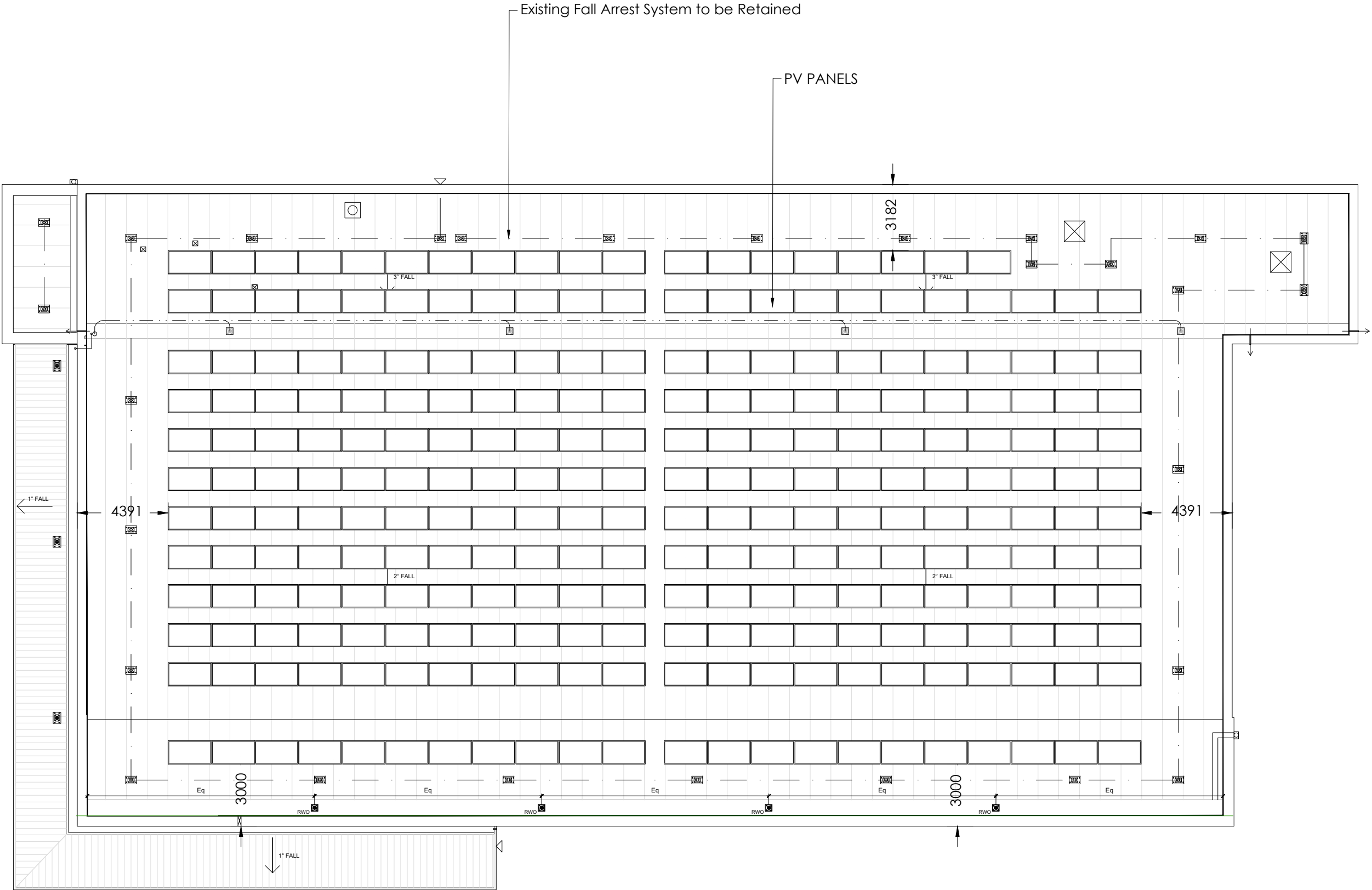
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Drawing Status	Rev.	THP Project No
Planning	-	20984

Project No.	Originator	Volume	Level	Type	Role	Number
20984	THPK	106	XX	DR	A	0105

Existing Fall Arrest System to be Retained

PV PANELS





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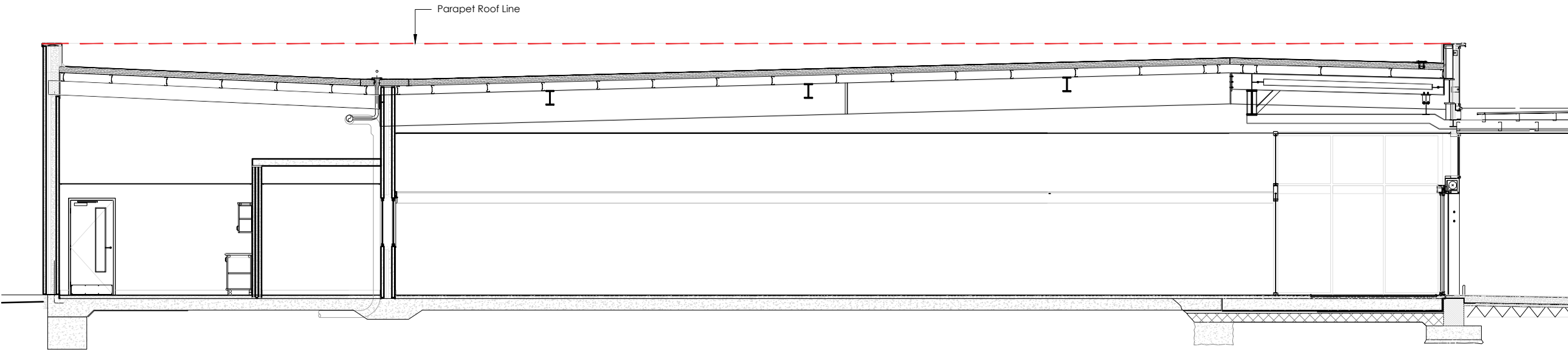
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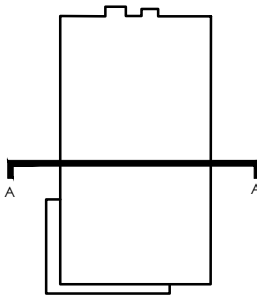
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0 1000 2000 3000 4000 5000mm
SCALE 1:100



01. EXISTING SECTION A-A



PLANNING DRAWING

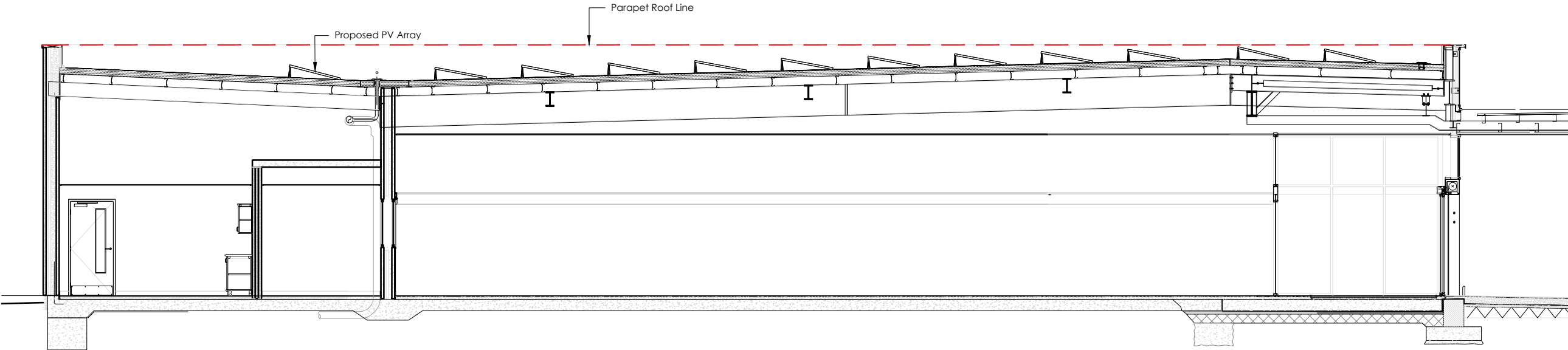
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Number of Solar Panels: 272no. using 520-540kw Solar Panels generating 144KW
Total PV AREA - 646sqm



02. PROPOSED SECTION A-A



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Client

Aldi Stores Ltd.



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Aldi PV Rollout
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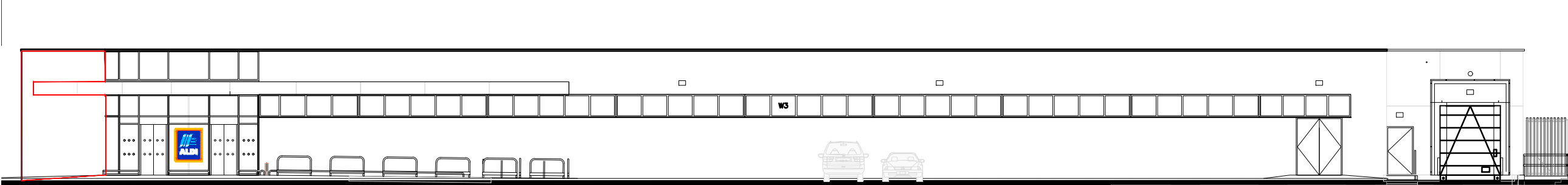
Drawing Title

Existing & Proposed Sections

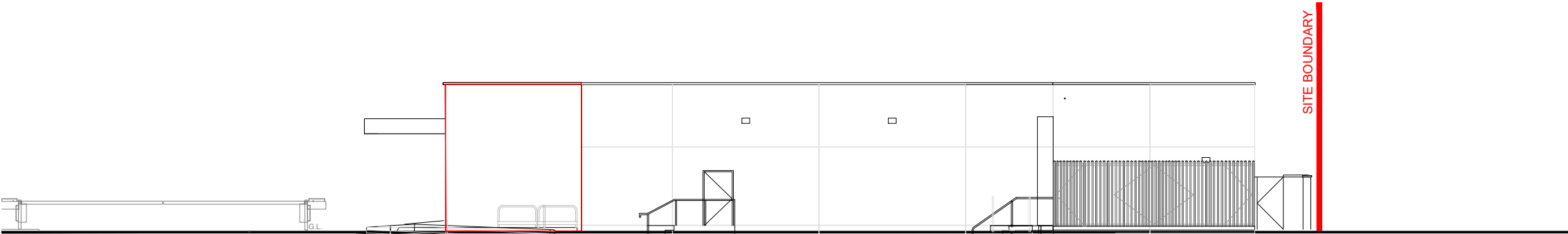
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Drawing Status	Rev.	THP Project No
Planning	-	20984

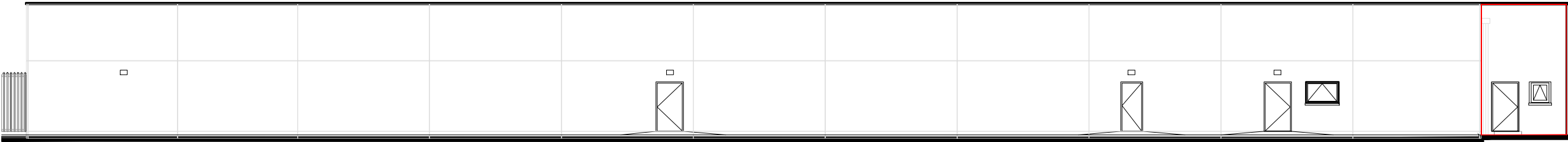
Project No.	Originator	Volume	Level	Type	Role	Number
20984	THPK	106	XX	DR	A	0106



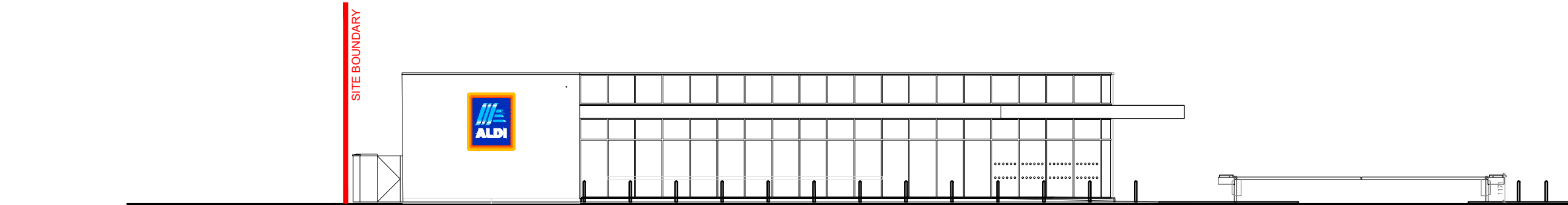
SOUTH-WEST ELEVATION (FRONT)



SOUTH-EAST ELEVATION (SIDE)



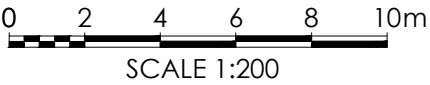
NORTH-EAST ELEVATION (REAR)



NORTH-WEST ELEVATION (SIDE)

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

Total PV AREA - 646sqm



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Project Title

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Chestnut Road, Ballybofey
Donegal
F93 W6WP

Drawing Title

Existing & Proposed Elevations

Drawn	Checked	Scale @A3	BIM Status	Date
TG	JPG	1:200	NA	01/25

Drawing Status	Rev.	THP Project No
Planning	-	20984

Project No.	Originator	Volume	Level	Type	Role	Number
20984	THPK	106	XX	DR	A	0107

Note: All PV units hidden behind existing facade



macroworks



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RECEIVED DATE: 28/02/2025

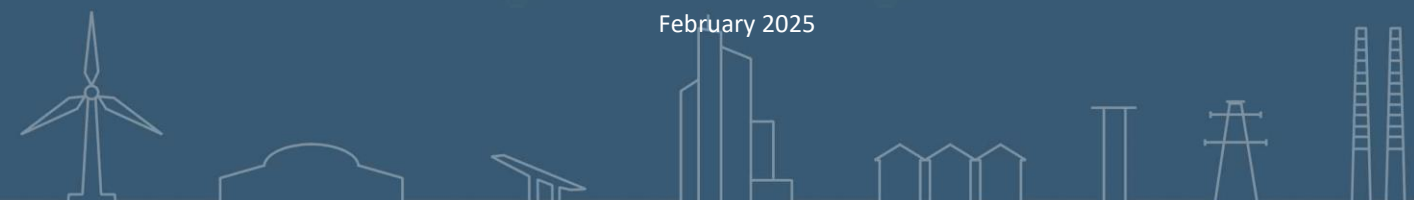
AVIATION GLINT AND GLARE SCREENING ASSESSMENT

Proposed Solar PV Energy Development

Aldi, Chestnut Road, Ballybofey, Co.
Donegal.

Prepared by Macro Works Ltd

February 2025



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

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



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, Chestnut Road, Ballybofey, Co. Donegal. 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-106-XX-DR-A-0103 "Proposed Site Plan" showing the proposed site and panel layout.

1.1.1 **Statement of Authority**

Macro Works' relevant experience includes twenty years of analysing the visual effects of a wide range of infrastructural and commercial development types. This experience includes numerous domestic and international wind and solar energy developments.

1.1.2 **Guidance and Best Practice**

Guidance has been prepared by the Federal Aviation Authority¹ to address the potential hazards that solar developments may pose to aviation activities, and this has been adopted for use by the Irish Aviation Authority. SGHAT was developed in conjunction with the FAA in harmony with this guidance and is commonly regarded as the accepted industry standard by aviation authorities internationally when considering the glint and glare effects upon aviation related receptors.

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

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

Federal Aviation Authority

Within the FAA's interim policy, a 'Review of Solar Energy System Projects on Federally Obligated Airports'² it states:

"To obtain FAA approval to revise an airport layout plan to depict a solar installation and/or a "no objection" to a Notice of Proposed Construction Form 7460-1, the airport sponsor will be required to demonstrate that the proposed solar energy system meets the following standards:

No potential for glint or glare in the existing or planned Airport Traffic Control Tower (ATCT) cab, and

No potential for glare or "low potential for after-image" (shown in green in Figure 1[Figure 1.2 refers]) along the final approach path for any existing landing threshold or future landing thresholds (including any planned interim phases of the landing thresholds) as shown on the current FAA-approved Airport Layout Plan (ALP). The final approach path is defined as two (2) miles from fifty (50) feet above the landing threshold using a standard three (3) degree glidepath."

Furthermore, in November 2021 the FAA deprioritised runway approaches as critical aviation receptors, citing the following;

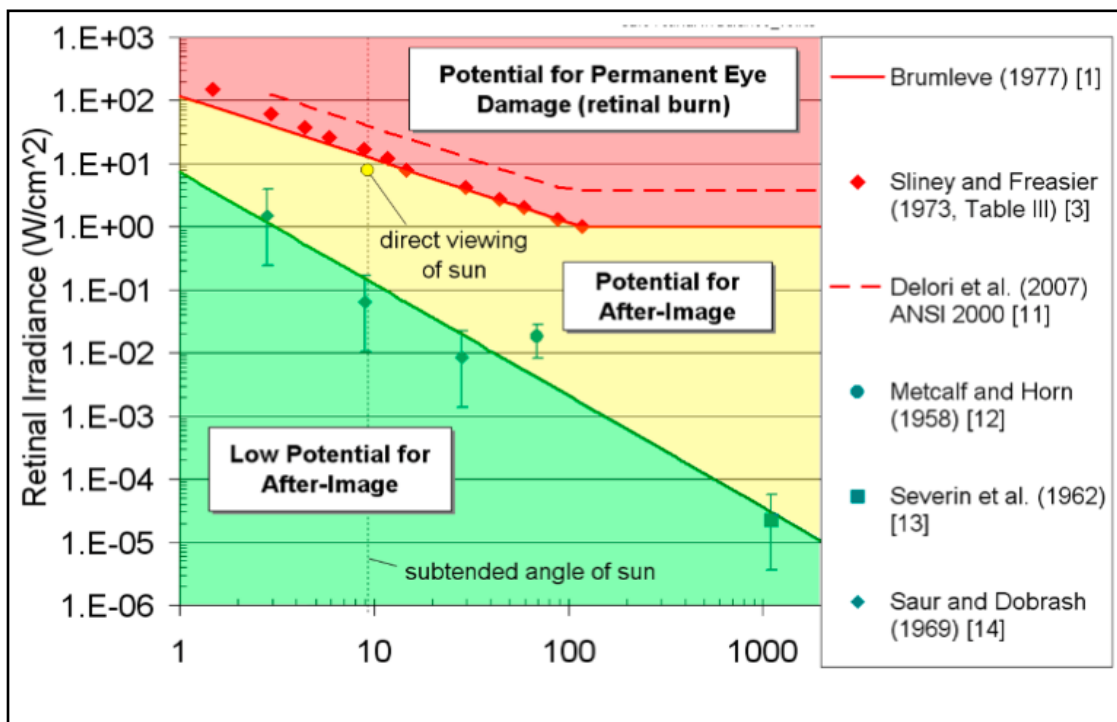
"Initially, FAA believed that solar energy systems could introduce a novel glint and glare effect to pilots on final approach. FAA has subsequently concluded that in most cases, the glint and glare from solar energy systems to pilots on final approach is similar to glint and glare pilots routinely experience from water bodies, glass-façade buildings, parking lots, and similar features. However, FAA has continued to receive reports of potential glint and glare from on-airport solar energy systems on personnel working in ATCT cabs. Therefore, FAA has determined the scope of agency policy should be focused on the impact of on-airport solar energy systems to federally-obligated towered airports, specifically the airport's ATCT" (Federal Aviation Administration 05/11/2021).

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

² Federal Aviation Administration (FAA). (2013). Department of Transportation - Federal Aviation Administration. Interim Policy, FAA Review of Solar Energy System Projects on Federally Obligated Airports. Vol 78 (No 205), 63276-63279.

Solar Glare Hazard Analysis Tool

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



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

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

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

1.2 METHODOLOGY

The process for dealing with aviation receptors is as follows:

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

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

1.2.1 **Identification of Relevant Receptors**

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

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

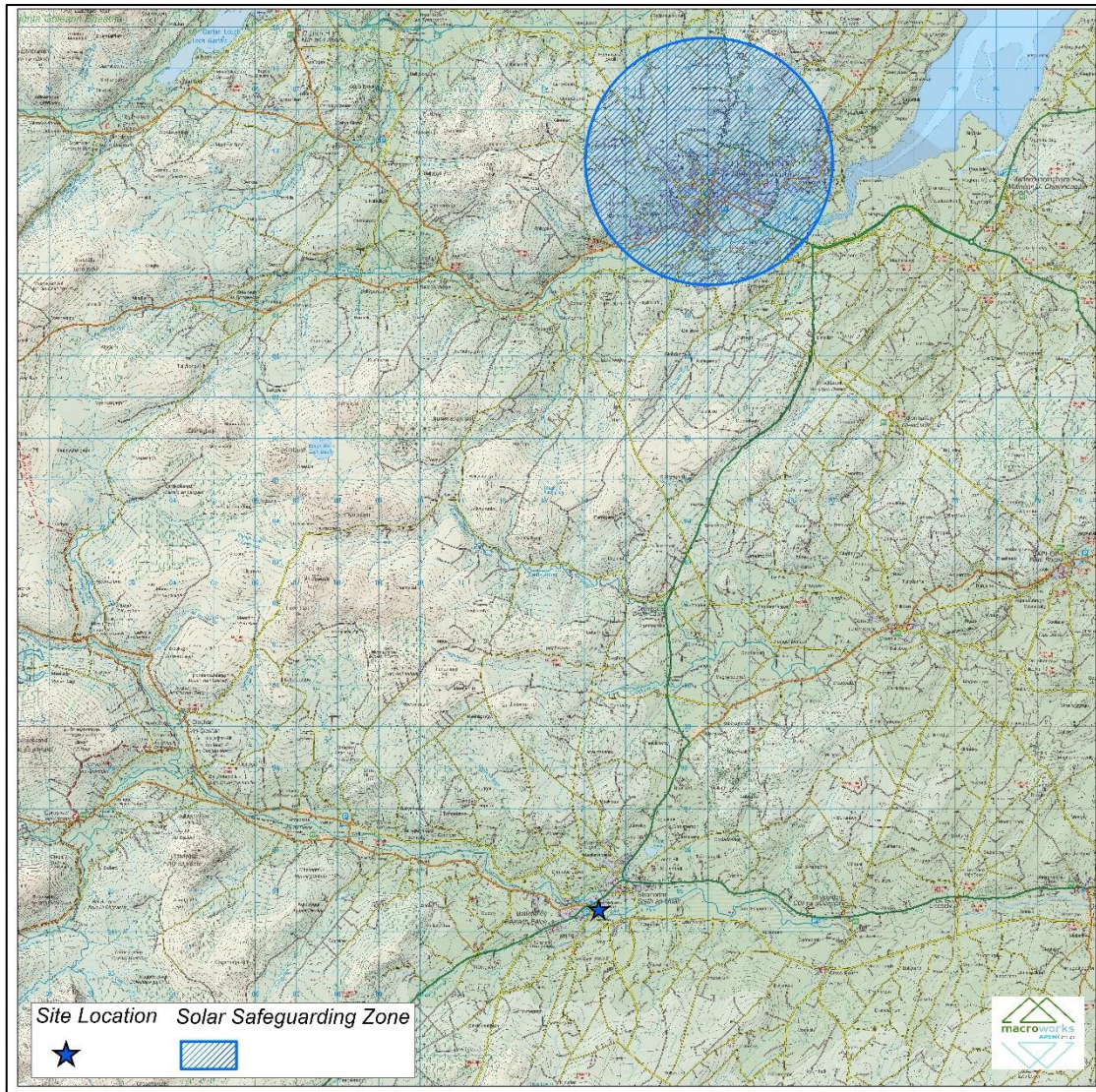


Figure 1.4 Map showing the approximate location of the proposed development relative to the nearest Solar Safeguarding Zone(s).

1.3 OVERALL CONCLUSION

The need for a SGHAT assessment was screened out as the proposed development at Aldi, Ballybofey, Co. Donegal, 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 Ballybofey,
Chestnut Road, Ballybofey,
Co. Donegal, F93 W6WP

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: 26 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 Donegal County Council in relation to a property at Chestnut Road, Ballybofey, Co. Donegal.

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 covers an area of 1.155 hectares, and is located circa 400m to the south of Lower Main Street.
- 2.2 The site is roughly rectangular in shape and has frontage of 170m onto Chestnut Road. The southern boundary of the site addresses the River Finn.

Analysis of Surroundings

- 2.3 To the north of the site is a car parking and loading/deliveries area which serves the shopping centre located on Lower Main Street.
- 2.4 There is a public car park adjacent to the junction of Lower Main Street and Chestnut Road. To the west of the appeal site and the grounds of Finn Harps on Chestnut Road there a number of ground floor commercial premises located in 2 no. three storey buildings.

Relevant Planning History

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

Application Ref	Proposal	Decision Outcome
12/60106	CONSTRUCTION OF A SINGLE STOREY DISCOUNT FOODSTORE (TO INCLUDE OFF LICENCE USE) WITH A GROSS FLOOR AREA OF 1,436 SQ M (NET RETAIL AREA 990 SQ M). THE DEVELOPMENT INCLUDES THE ERECTION OF ONE FREE STANDING DOUBLE SIDED INTERNALLY ILLUMINATED SINGLE POLE SIGN, ONE SINGLE SIDED INTERNALLY ILLUMINATED GABLE SIGN AND ONE SINGLE SIDED ENTRANCE GLASS SIGN. THE PROPOSED DEVELOPMENT WILL BE SERVED BY 82 NO. CAR PARKING SPACES AND 12 NO. BICYCLE SPACES. VEHICULAR ACCESS TO THE SITE WILL BE FROM CHESTNUT ROAD. DEVELOPMENT TO INCLUDE ASSOCIATED LANDSCAPING AND ALL SITE DEVELOPMENT WORKS ALL ON A 1.155 HECTARE SITE. DEVELOPMENT TO INCLUDE WORKS TO EXISTING FLOOD DEFENCE EMBANKMENT LOCATED TO THE SOUTH OF THE SITE INCLUDING RAISING THE CREST OF THE EXISTING EMBANKMENT BY 550MM AND THE CONSTRUCTION OF A GRANULAR FILTER APRON.	Grant Permission March 2013 3 rd Party Appealed April 2013 Decision to Grant by An Board Pleanála (ABP-241916) August 2013

3. Proposed Development

- 3.1 As outlined above, ALDI (Ireland) Stores Ltd is seeking to install PV Panels at roof level of this retail store, to provide a new sustainable energy supply.
- 3.2 The extent of the proposed works will be limited to the roof level of the store and connected to the stores electricity system and not the main electricity grid.
- 3.3 The proposal is in line with Aldi's wider Corporate Responsibility Strategy (2030), and the underpinning strategies for improving sustainability across all aspects of its business operations. The strategy themes are focussed on:
- Human Rights;
 - Resource efficiency;
 - Zero Carbon;
 - Employer of Choice;
 - Customers; and
 - Community.
- 3.4 Aldi has adopted an Energy Policy Statement, with the objective of making sustainability affordable for its customers and to achieve net zero carbon across all their operations by 2035. The significant energy users (SEU's) for ALDI include Refrigeration, Lighting, Heating, Fleet Diesel & Electrical Appliances. Energy commitments made within the Energy Policy Statement include:
- Continuous improvement of their Energy Management System and energy performance.
 - Meet legal and other requirements relating to energy efficiency, energy use and energy consumption.
 - Support the purchase of energy efficient products and services.
 - Consider energy performance in building design activities and operations.
 - Ensure all the information and resources required to meet energy objectives and targets are made available.
 - Regularly track progress against energy targets, including electricity, gas, and fuel use, and review these targets annually.
 - Promote and encourage policy awareness amongst employees.
- 3.5 In order to achieve these commitments, a number of key energy saving measures have been introduced, including: to transition to low carbon fuels for HGV's; convert store lighting to LEDs; and install electric vehicle charging points at new and refurbished stores; along with the transition to

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

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

4. Legislative Context

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

Planning and Development Act, 2000 (as amended)

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

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

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

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

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

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

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

Planning and Development Regulations, 2001 (as amended)

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

- *“ancillary equipment” for the purpose of rooftop solar photo-voltaic or solar thermal collector panels in classes 56(d), 56(e), 60 or 61 of Part 1 of Schedule 2 and class 18(c) of Part 3 of Schedule 2 does not include any equipment which must be placed or erected on a wall, or a rooftop allow a solar photo-voltaic or solar thermal collector installation to function;*
- *“business premises” means—*
 - (a) any structure or other land (not being an excluded premises) which is normally used for the carrying on of any professional, commercial, or industrial undertaking or any structure (not being an excluded premises) which is normally used for the provision therein of services to persons,*
 - (b) a hotel, hostel (other than a hostel where care is provided) or public house, or*
 - (c) any structure or other land used for the purposes of, or in connection with, the functions of a State authority;*
- *“solar safeguarding zone” has the same meaning as in the Planning and Development (Solar Safeguarding Zone) Regulations 2022;*

4.7 Article 6(1) of the Regulations provides that development of a class, as specified in Column 1 of Part 1 in Schedule 2, shall be exempted development for the purposes of the Act, provided that such development complies with the conditions specified in Column 2, and subject to Article 9 of the Regulations which outlines certain restrictions on exempted development.

4.8 Class 56(e), Part 1 of the Exempted Development Regulations is relevant to consideration of the current proposal, as it refers to the following works:

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

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

5. Grounds of the Exempted Development Declaration Request

- 5.1 Consideration of whether the installation of Solar PV Panels at Roof Level of a Retail Store, is or is not 'development', and whether it subsequently constitutes 'exempted development', as defined under the Planning and Development Act, 2000 (as amended), is addressed in a series of questions as follows.

Is it Development?

- 5.2 The matter of whether the installation of Solar PV Panels at Roof Level constitutes development, is assessed against the definition of development under Section 3(1) of the Act.
- 5.3 The term "*development*" constitutes the carrying out of works or the making of any material change in the use of any structure.
- 5.4 The term "*works*" refers to any act or operation of construction, excavation, demolition, extension, alteration, repair, or renewal.
- 5.5 The proposed installation of Solar PV Panels at Roof Level will involve the alteration of the roof to provide for the ancillary equipment needed to support the PV Panels and connect internally to the Retail Stores Electrical Grid System. The physical installation of the Panels is considered to be "*works*" and it is therefore accepted that the process involved constitutes "*development*". It is then to be considered if the proposals constitute 'exempted development'.

It is Exempted Development?

- 5.6 Under Section 4(1)(h) "exempted development' includes:

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

- 5.7 Accordingly, under the Planning and Development Regulations 2001 (as amended) Article 6 (1), it states that:

'Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with

the conditions and limitations specified in Column 2 of the said Part 1 opposite the mention of that class in the said Column 1.'

5.8 Section 9(1)(a) sets out restrictions on exempted development, where the development would:

- (i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act, or*
- (viii) *consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.*

5.9 It is considered that in the case of the proposed development at the ALDI Ballybofey Retail Store, that the conditions set out in the grant of permission under Reg. Ref 12/60106 (ABP241916), do not restrict the development of PV Panels at Roof Level. Therefore, Section 9(1)(a) does not apply to the proposed development.

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

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

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

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

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

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

6. Conclusion

- 6.1 The question before Donegal 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 Ballybofey 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

Brian Kelly

[Redacted]

[Redacted]

Visit us online

avisonyoung.com

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Our Ref: S525/19

28th February, 2025

ALDI Stores Ltd.
C/o Avison Young Planning & Regeneration Ltd.
86 Merrion Square South
Dublin 2
D02 YE10

**Re: Section 5 - Application for proposed development at
Chestnut Road, Ballybofey, Co Donegal**

A Chara,

I wish to acknowledge receipt of your application received on 28th February, 2025 in relation to the above.

Yours sincerely,

Martina Parke

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref.No: 25/19

Donegal County Council

1.0 COMMENTS

The subject site comprises an existing retail unit, ALDI, located on the Chestnut Road, South of the town of Ballybofey, Co. Donegal. It is located within the Town Centre boundary for Ballybofey.

The site is roughly rectangular in shape and has frontage onto Chestnut Road. The southern boundary of the site borders the River Finn, with Finn Harps Stadium (Finn Park) adjacent to the west.

The store is modern designed building containing a flat roof structure with parapet.

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.

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.

The declaration request form is accompanied by detailed drawings (existing and proposed) of the building elevations, roof plan, cross section, site plan & location map in addition to PV details, a planning report and a Glint and Glare Screening Assessment.

The question raised 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)?”

The existing building is not listed on the Council's Record of Protected Structures nor is it included on the National Inventory of Architectural Heritage.

2.0 PLANNING HISTORY

12/60106 : permission Granted for CONSTRUCTION OF A SINGLE STOREY DISCOUNT FOODSTORE (TO INCLUDE OFF LICENCE USE) WITH A GROSS FLOOR AREA OF 1,436 SQ M (NET RETAIL AREA 990 SQ M). THE DEVELOPMENT INCLUDES THE ERECTION OF ONE FREE STANDING

DOUBLE SIDED INTERNALLY ILLUMINATED SINGLE POLE.- Appealed and subsequently granted by ABP.

13/51469: Permission granted for EXTENDED SUNDAY OPENING HOURS OF 09:00 HOURS TO 19:00 HOURS IN RESPECT OF THE PROPOSED DISCOUNT FOODSTORE AND PREVIOUSLY APPROVED SUNDAY OPENING HOURS AS PERMITTED UNDER 12/60106/PL05E.241916

18/50232: ERECTION OF AN EXTENSION OF THE EXISTING SINGLE STOREY DISCOUNT FOODSTORE, INCLUDING OFF-LICENCE USE, ON THE WESTERN ELEVATION PROVIDING 264SQ.M ADDITIONAL FLOOR AREA AND MINOR EXTENSION TO THE NORTHERN ELEVATION TO PROVIDE AN ANCILLARY MEETING ROOM, 22S

3.0 EVALUATION

In preparing the assessment for this reference, regard has been had to the following statutory provisions:

3.0 Planning and Development Act, 2000 (as amended)

Section 2(1)

In this Act, except where the context otherwise requires –

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and

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

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

Section 3(1)

"Development" in this Act 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 developments for the purposes of this Act –

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

Section 177U(9)

“In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct screening for appropriate assessment in accordance with the provisions of this section”.

Planning and Development Regulations, 2001 (as amended)

Article 5(1)

relates 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;*

Article 6(1)

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.

Class 56 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended)

Column 1-Description of Development

(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.

Column 2-Conditions & 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.
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.
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.

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.

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).

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.

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.

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.

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.

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.

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.

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

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.

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.

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.

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.

4.0 ASSESSMENT

4.1 Consideration of Proposed Development:

4.2 A) Planning & Development Act, 2000(As Amended):

- (i) 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*” as defined under S2(1) & S3(1) respectively of the Planning And Development Act, 2000(as amended).
- (ii) It is also considered that the proposed works noted above do constitute “*development*” within the meaning of the Act, being works, but is exempted development coming within the scope of Section 4 (1) (h) of the Planning & Development Act 2000 (as amended) .
- (iii) Based on the nature of the works, Appropriate assessment is not a consideration in the assessment of this referral as per Section 177U(9).

B) Planning & Development Regulations, 2001(as amended)

- (i) Having regard to article 5(1),
 - a. the existing building for the purposes of assessment is considered to fall within a business use.
 - b. *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;

c. the site is *not* located within a solar safeguarding zone

in terms of Article 6 which 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.’ Whereby S9(1)(a) which sets out restrictions on exempted development, where the development would:

i (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.*

It is considered that in the case of the proposed development at the ALDI Ballybofey Retail Store, that the conditions set out in the grant of permission under Reg. Ref 12/60106 (ABP241916), do not restrict the development of PV Panels at Roof Level. Therefore, Section 9(1)(a) does not apply to the proposed development.

Having regard to The Planning and Development Act , 2000 (as Amended) (Exempted Development) (No. 3) Regulations 2022 (S.I No. 493 of 2022) which amends the solar energy infrastructure planning exemptions in the Planning and Development Regulations 2001 (as amended). 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.

Condition & Limitation Thresholds	Planning Authority Considerations
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	N/A- site is outside a solar safeguarding zone.

roof, shall not exceed 300 square metres.	
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.	N/A- site is outside 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 design proposal 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 proposal does not exceed these size thresholds.
5. Development shall <i>not</i> 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 proposal does not exceed these size thresholds.
6. Any ancillary equipment associated with solar photo-voltaic	The design complies with this requirement.

or solar thermal collector panels shall not 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 design complies with this requirement (all units will be hidden behind existing parapet).
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 proposal 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, 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, 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 proposal 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	Development is Not located within an ACA.

not materially affect the character of the area.	
14. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.	The design proposal 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.	Applicant has confirmed that power generated by the photovoltaic panels will only provide electricity for use within the retail store.
16. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.	A Glint and Glare Screening accompanies this application. The report demonstrates there will be <u>no</u> hazardous glint and glare from the photovoltaic panels.

4.3 Conclusion:

It is considered that:

- (i) The installation of PV panels constitutes “development” within the meaning of the Act, being works, but is *exempted development* under the scope of Section 4 (1) (h) of the Planning & Development Act 2000 (as amended).
- (ii) the proposed development, when assessed against the threshold requirements of 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) complies with and is below the thresholds.

It should also be noted that in determining the subject section 5 referral regard was had to recent Section 5 referrals to An Bord Pleanála for determination.

5.0 RECOMMENDATION

IT IS HEREBY RECOMMENDED THAT A DECLARATION BE MADE THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE -

IS Development

&

IS Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

The proposal to:

- (i) install PV panels on the roof of an existing Aldi retail store

The Planning Authority, in considering this referral, had regard particularly to:

(a) Section 2 (i), 3 (i), 177U (9) and Section 4 (1) (h) of the Planning & Development Act 2000 (as amended).

(b) Articles 5(1), 6(1) and Class 56, of Part 1 of Schedule 2 of the Planning & Development Regulations, 2001(as amended)

And concluded that:

The proposal is development and is exempted development coming within the scope of Section 4 (1) (h) of the Planning & Development Act 2000 (as amended) and Class 56, of Part 1 of Schedule 2 of the Planning & Development Regulations, 2001(as amended)

Signed:



Position: Executive Planner

Date: 13/03/2025



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
26/03/2025

Chief Executive's Order No: 2025PH0802
Planning and Development Acts 2000 (as amended)

SECTION 5:-

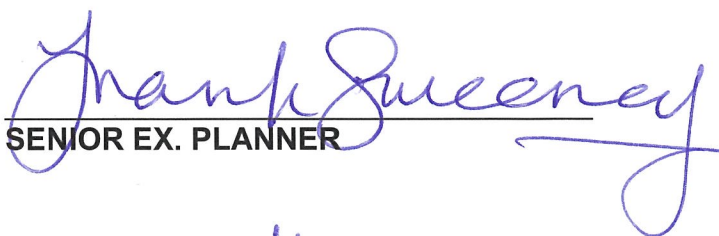
Request received 28th February 2025 from ALDI Stores Ltd. C/O Brian Kelly, Avison Young Ireland, 86 Merrion Square South, Dublin 2, D02 YE10 in relation to whether the provision of photovoltaic panels at roof level is or is not exempted development at ALDI Ballybofey, Chestnut Road, Ballybofey, Co. Donegal, F93 W6WP.

SUBMITTED:-

Written request received 28th February 2025 as above and report dated 13th March 2025 from the Executive Planner (Ref. No: S5 25/19 refers).

ORDER:-

Having considered the said request, the report of the Executive Planner, and the record forwarded to the Council by An Bord Pleanála in compliance with Sub-Section 6(c) of the said Section I have concluded that a declaration on the questions in the said request should be made in the terms of that in the Schedule to this Order, the main reasons and considerations therefore being detailed therein. I therefore Order that the declaration issue to the said requester and the owners/occupiers of the land concerned and, further, that it be entered in the Council's Planning Register in compliance with Sub-Section (5) of the said Section.


SENIOR EX. PLANNER

DATED THIS 26th DAY OF MARCH 2025

mmc.

Chief Executive's Order No: 2025PH0802

Ref.No: S5 25/19

SCHEDULE

IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE

IS Development

IS Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

The Planning Authority in considering this referral, had regard particularly to:

- Section 2 (i), 3 (i), 177U (9) and Section 4 (1) (h) of the Planning & Development Act 2000 (as amended).
- Articles 5(1), 6(1) and Class 56, of Part 1 of Schedule 2 of the Planning & Development Regulations, 2001(as amended)

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** as it comes within the scope of Section 4 (1) (h) of the Planning & Development Act 2000 (as amended) and Class 56, of Part 1 of Schedule 2 of the Planning & Development Regulations, 2001(as amended).

JB 20/03

Planning and Development Acts, 2000 (as amended)
(Declaration and Referral on Development and Exempted Development)

DECLARATION

Chief Executive's Order No: 2025PH0802

Reference No: S5 25/19

Name of Requester: ALDI Stores Ltd.
C/O Brian Kelly,
Avison Young Ireland,
86 Merrion Square South,
Dublin 2,
D02 YE10

Summarised Description of development the subject matter of request:

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

Location: ALDI Ballybofey, Chestnut Road, Ballybofey, Co. Donegal, F93 W6WP.

IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE

IS Development

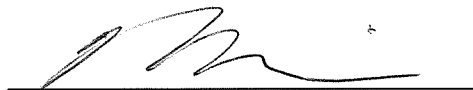
IS Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

The Planning Authority in considering this referral, had regard particularly to:

- Section 2 (i), 3 (i), 177U (9) and Section 4 (1) (h) of the Planning & Development Act 2000 (as amended).
- Articles 5(1), 6(1) and Class 56, of Part 1 of Schedule 2 of the Planning & Development Regulations, 2001(as amended)

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** as it comes within the scope of Section 4 (1) (h) of the Planning & Development Act 2000 (as amended) and Class 56, of Part 1 of Schedule 2 of the Planning & Development Regulations, 2001(as amended).



For Senior Ex. Planner
Planning Services

Dated this 26th day of March 2025



**Comhairle Contae
Dhún na nGall**
Donegal County Council

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Leifear,
Contae Dhún na nGall, F93 Y622

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Ref. No: S525/19

26th March 2025

ALDI Stores Ltd.
C/O Brian Kelly,
Avison Young Ireland,
86 Merrion Square South,
Dublin 2,
D02 YE10

Re: Whether the provision of photovoltaic panels at roof level is or is not exempted development ALDI Ballybofey, Chestnut Road, Ballybofey, Co. Donegal, F93 W6WP.

A Chara,

I refer to your request received on 28th February 2025 under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a Declaration for review by the Board within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

**For Senior Ex. Planner
Planning Services**

/RMcC