



Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development**

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

Eleanor Heagney,
Avison Young Planning & Regeneration,
86 Merrion Square South,
Co. Dublin.
D02 YE10

24th of September 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX108/2026

A Chara,

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Coimisiún Pleanála of such fee as may be prescribed, refer a declaration for review by the Coimisiún within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

pp Deanne Byrne.
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.





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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

Applicant: ALDI Stores Ltd

Location: ALDI Greystones, Mill Road, Greystones, Co. Wicklow

Reference Number: EX108/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1179

A question has arisen as to whether "*the provision of photovoltaic (PV) panels at roof level of the retail store*" at ALDI Greystones, Mill Road, Greystones, Co. Wicklow is or is not exempted development.

Having regard to:

- The details received with the Section 5 application (EX 108/2026) on the 4th September 2026.
- Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- Article 6, Article 9 and Schedule 2: Part 1: Class 56 (e) of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The works would come within the meaning of development having regard to the definition of works under Section 2, and the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- The provision of photovoltaic panels at roof level, as described in the documents lodged, would come within the description and the conditions and limitations set out under Class 56(e): Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended).

The Planning Authority considers that is development and is exempted development at
ALDI Greystones, Mill Road, Greystones, Co. Wicklow,

Signed: Doanme Byrne.

PP ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 24/09/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1179

Reference Number: EX108/2026

Name of Applicant: ALDI Stores Ltd

Nature of Application: Section 5 Referral as to whether "*the provision of photovoltaic (PV) panels at roof level of the retail store*" is or is not development and is or is not exempted development.

Location of Subject Site: ALDI Greystones, Mill Road, Greystones, Co. Wicklow

Report from: Emma Willis A.P.

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the provision of photovoltaic (PV) panels at roof level of the retail store*" at ALDI Greystones, Mill Road, Greystones, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- a) The details received with the Section 5 application (EX 108/2026) on the 4th September 2026.
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6, Article 9 and Schedule 2: Part 1: Class 56 (e) of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

1. The works would come within the meaning of development having regard to the definition of works under Section 2, and the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
2. The provision of photovoltaic panels at roof level, as described in the documents lodged, would come within the description and the conditions and limitations set out under Class 56(e): Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Recommendation

The Planning Authority considers that "*the provision of photovoltaic (PV) panels at roof level of the retail store*" is **development** and is **exempted development** at ALDI Greystones, Mill Road, Greystones, Co. Wicklow as recommended in the planning reports.

Signed: Joanne Byrne

Date: 24/09/2026

ORDER:

I HEREBY DECLARE: That "*the provision of photovoltaic (PV) panels at roof level of the retail store*" is development and is exempted development at ALDI Greystones, Mill Road, Greystones, Co. Wicklow within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: *Seán Donohue*

T/Senior Planner

Planning, Economic & Rural Development

Date: *24/9/2026*



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

To: Edel Bermingham S.E / Patrice Ryan S.E.P.
From: Emma Willis A.P.
Type: Section 5 Application
Ref: EX108/2026
Applicant: ALDI Stores Ltd.
Date of Application: 04/09/2026
Decision Due Date: 01/10/2026
Address: ALDI Greystones, Mill Road, Greystones, Co Wicklow
Exemption Query: Whether the provision of photovoltaic (PV) panels at roof level of the retail store at ALDI Greystones, Mill Road, Greystones, Co Wicklow is or is not exempted development within the meaning of the Planning and Development Act 2000 (as amended).

Application Site: The application site is an operational supermarket located along the Mill Road in Greystones, a main artery linking Killincarrig to Greystones town centre, and is surrounded by residential developments and sporting facilities.

Aerial / Site Image(s):



Relevant Planning History:

PRR 22/395: Planning permission REFUSED for the amalgamation of the previously permitted units and for the change of use of existing retail use permitted under File Register Reference 10/2013 to the use as a Restaurant for use as a wood fired pizza bakery for the sale of hot food for consumption on and off the premises (184sqm), for internal seating space for 40 customers, for proposed external signage and for all site services above and below ground including connections to existing services and for all associated site development works.

- PRR 21/873:** Planning permission GRANTED under appeal for the amalgamation of the previously permitted units and for the change of use of the existing retail use permitted under 10/2013 to the use as a restaurant for use as a wood fired pizza bakery for the sale of hot food for consumption on and off-site services above and below ground including connections for existing services for all associated site development works.
- PRR 20/943:** Planning permission GRANTED for 1. Change of use of existing unit, previously approved for retail use under Pl. Reg. Ref. No. 10/2013 to use as a GP's clinic, comprising 130 sq.m. 2. Pharmacy comprising 48 sq.m. 3. All associated signage. 4. Connection to all public services. 5. All necessary ancillary and site works required to facilitate this development.
- PRR 15/811:** Planning permission GRANTED for extension of duration of PRR 10/2013.
- PRR 10/2013:** Planning permission GRANTED for mixed use development on a site of 1.6 acres (0.66 hectares). The development will consist of the construction of a single storey licensed discount foodstore unit (1528 sqm) a two storey retail unit 1 (189 sqm) and pharmacy unit (105 sqm), the renovation and refurbishment of the existing mill structure on the site to include a ground floor retail unit 3 (173 sqm), first second and third floor offices (411 sqm), ESB substation and switchroom (25 sqm), a new proposed vehicular entrance; signage structure and for all shopfront signage, internal footpaths, roads 97 no surface car parking spaces, bicycle parking, loading bay and bin storage, entrance canopies, boundary walls and fences, hard and soft landscaping and for all site services above and below ground.

Question:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether the following is or is not exempted development, at ALDI Greystones, Mill Road, Greystones, Co Wicklow:

- the provision of photovoltaic (PV) panels at roof level of the retail store.

Legislative Context:

Planning and Development Act 2000 (as amended)

Section 2 (1) of the Act states the following in respect of the following:

"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,
- b) in relation to a protected structure or proposed protected structure, includes —
 - (i) the interior of the structure,
 - (ii) the land lying within the curtilage of the structure,

- (iii) any other structures lying within that curtilage and their interiors, and
- (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

“works” includes “Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...”

Section 3 (1) of the Act states the following in respect of ‘development’:

“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 3 (2) the Act states the following:

For the purposes of *subsection (1)* and without prejudice to the generality of that subsection—

- (a) where any structure or other land or any tree or other object on land becomes used for the exhibition of advertisements, or
- (b) where land becomes used for any of the following purposes—
 - (i) the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods,
 - (ii) the storage of caravans or tents, or
 - (iii) the deposit of vehicles whether or not usable for the purpose for which they were constructed or last used, old metal, mining or industrial waste, builders’ waste, rubbish or debris, the use of the land shall be taken as having materially changed.

Section 4 sets out the types of works that while considered ‘development’, can be considered ‘exempted development’ for the purposes of the Act.

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

(a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;

(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 4 (2) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the Act.

Section 4 (2) (a) The Minister may by regulations provide for any class of development to be

exempted development for the purposes of this Act.

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

Planning and Development Regulations, 2001 (as amended)

Article 5

"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;

Article 6 (1) states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

Article 9 (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (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,

Schedule 2, Part 1

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

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

Details submitted in support of the application:

- Planning Report
- Architectural Drawings
- Glint & Glare Assessment Screening Note

Assessment:

The Section 5 declaration application seeks an answer with respect to the following question:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether the following is or is not exempted development:

- The provision of photovoltaic (PV) panels at roof level of the retail store.

all at ALDI Greystones, Mill Road, Greystones, Co Wicklow.

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

“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.

It should be noted that Section 2 of the Act defines works as:

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

Having regard to the definition of *“development”* and *“works”* above, the Planning Authority is satisfied that the proposal involves works of construction and therefore the proposal does constitute development.

The second stage of the assessment is to determine whether or not the proposal would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations.

Schedule 2, Pt. 1, Class 56(e) of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

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

The works would come within this description.

Relevant Schedule 2, Pt. 1, Class 56(e) Checklist of limitations:

1. <i>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.</i>	N/A. Site is outside a solar safeguarding zone.
2. <i>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.</i>	N/A, as above.
3. <i>The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed:</i> <i>(a) for a business premises, 1.2 metres in the case of a flat roof or 15cm in any other case.</i> <i>(b) for a light industrial building, 2 metres in the case of a flat roof or 50cm in any other case.</i>	N/A. The design does not exceed these thresholds.
4. <i>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.</i>	N/A. The design does not exceed these thresholds.
5. <i>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).</i>	N/A. The design does not exceed these thresholds.
6. <i>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.</i>	The design complies with this requirement.
7. <i>The height of any ancillary equipment associated with solar photo-voltaic or solar</i>	The design complies with this requirement.

<i>thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.</i>	
8. <i>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.</i>	The design complies with this requirement.
9. <i>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.</i>	N/A, proposal for rooftop PV panels.
10. <i>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.</i>	N/A, proposal for rooftop PV panels.
11. <i>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.</i>	The design complies with this requirement.
12. <i>The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.</i>	The design complies with this requirement.
13. <i>The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.</i>	The design complies with this requirement. <i>Not located in an A.C.A</i>
14. <i>No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.</i>	The design complies with this requirement.
15. <i>Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the business premises or light industrial building, and shall not be considered a change of use for the purposes of the Act.</i>	Power generated by the photovoltaic panels will only provide electricity for use within the retail store.
16. <i>Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are</i>	The applicant has submitted a Glint and Glare Screening Report with the application, which identifies that the site does not lie within any defined SSZ. The applicant states that there will

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.	be no hazardous glint and glare from the photovoltaic panels.
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Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether:

The provision of photovoltaic (PV) panels at roof level of the retail store at ALDI Greystones, Mill Road, Greystones, Co Wicklow is or is not exempted development within the meaning of the Planning and Development Act, 2000 (as amended).

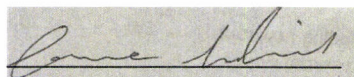
The Planning Authority considers that the provision of photovoltaic (PV) panels at roof level of the retail store at ALDI Greystones, Mill Road, Greystones, Co Wicklow **is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration:

- a) The details received with the Section 5 application (EX 108/2026) on the 4th September 2026.
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6, Article 9 and Schedule 2: Part 1: Class 56 (e) of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- A. The works would come within the meaning of development having regard to the definition of works under Section 2, and the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- B. The provision of photovoltaic panels at roof level, as described in the documents lodged, would come within the description and the conditions and limitations set out under Class 56(e): Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended).



Emma Willis AP

Date: 23/09/2026

Agreed Ben
Zulocholl

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Emma Willis
Assistant Planner

FROM: Joanne Byrne
A/Staff Officer

RE:- EX108/2026 - Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (as amended)

I enclose herewith for your attention application for Section 5 Declaration received 29/07/2026.

The due date on this declaration is the **01/10/2026**.

Joanne Byrne

A/ Staff Officer
Planning, Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development**

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Suíomh / Website: www.wicklow.ie

Eleanor Heagney,
Avison Young Planning & Regeneration,
86 Merrion Square South,
Co. Dublin,
D02YE10

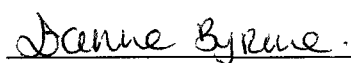
8th of September 2026

**RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Acts 2000 (as amended) – EX108/2026**

A Chara

I wish to acknowledge receipt on 04/09/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 29/09/2026.

Mise, le meas



Joanne Byrne
A/ Staff Officer
Planning, Economic & Rural Development



Joanne Byrne

From: Nicola Fleming
Sent: Friday 4 September 2026 16:16
To: Joanne Byrne; Katie Finn
Subject: FW: Section 5 Declaration Request - ALDI Greystones, Mill Road
Attachments: 6. 22602-THPK-104-XX-DR-A-106 P02 Existing & Proposed Elevations (A3).pdf; 7. 22602-THPK-104-XX-DR-A-107 Existing & Proposed Sections (A3).pdf; 8. 22602-THPK-104-XX-DR-A-108 P02 PV Panels & Fixing Details (A3).pdf; 9. Aldi Datasheets E800.pdf; 10. 20260806_Aldi_Greystones_GG_Screening.pdf; 11. ALDI Greystones Section 5 Declaration Report.pdf; 12. ALDI Greystones Cover Letter.pdf; 13. Greystones Application Form.pdf; 1. 22602-THPK-104-XX-DR-A-101 P02 Site Location Map (A0).pdf; 2. 22602-THPK-104-XX-DR-A-102 P02 Existing Site Plan (A3).pdf; 3. 22602-THPK-104-XX-DR-A-103 P02 Proposed Site Plan (A3).pdf; 4. 22602-THPK-104-XX-DR-A-105 P02 Proposed Roof Plan (A3).pdf; 5. 22602-THPK-104-XX-DR-A-104 P02 Existing Roof Plan (A3).pdf

From: Heagney, Eleanor (Avison Young - IE) <eleanor.heagney@avisonyoung.com>
Sent: Friday 4 September 2026 16:05
To: Planning - Planning and Development Secretariat <plandev@wicklowcoco.ie>
Cc: Golisti, Matt (Avison Young - IE) <Matt.Golisti@avisonyoung.com>
Subject: Section 5 Declaration Request - ALDI Greystones, Mill Road

External Sender - From: ("Heagney, Eleanor (Avison Young - IE)"
<eleanor.heagney@avisonyoung.com>)

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Good afternoon,

On behalf of our client, ALDI Stores Ltd, please find attached a Section 5 Declaration Request Submission Pack relating to whether 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).

Regarding payment of the application fee, please contact my colleague Matt Golisti on the following phone number to take the payment over the phone: +353 (0)86 068 4617.

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

Kind regards,

Eleanor Heagney MRTPI (she/her/hers)
Senior Planner

Mobile +353 (0)86 818 3078
eleanor.heagney@avisonyoung.com | avisonyoung.com
86 Merrion Square South, Dublin 2, D02 YE10

Wicklow County Council
County Buildings
Wicklow
0404-20100

07/09/2026 11 45 59

Receipt No L 1/0/369366
***** REPRINT *****

MATT GOLISTI
34 COILLDUBH AVENUE
MALAHIDEDUBLIN K36 RF67

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
-------	-----------

Tendered	
Credit Card	80 00
PART 5 APPLICATION FEE	

Change	0 00
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Issued By Nicola Byrne
From Customer Service Hub
Vat reg No 0015233H



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



4 September 2026

Wicklow County Council
County Buildings
Wicklow, Co. Wicklow

Dear Sir/Madam,

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

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 Greystones Store located at Mill Road, Greystones, Co Wicklow, A63 TV04.

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,

A handwritten signature in black ink, appearing to read "B. Kelly".

Brian Kelly,
Principal, Head of Planning
(01) 676 2711
Brian.Kelly@avisonyoung.com

For and on behalf of Avison Young Planning and Regeneration Limited



Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

Date Received _____

Fee Received _____

**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

- (a) Name of applicant: ALDI Stores Ltd.
Address of applicant: Holly Lane, Atherstone, CV9 2SQ,
United Kingdom

Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) Eleanor Heagney
Address of Agent : Avison Young Planning and Regeneration,
86 Merrion Square South, D02 YE10

Note Phone number and email to be filled in on separate page.

WICKLOW COUNTY COUNCIL

04 SEP 2026

PLANNING DEPT.

3. Declaration Details

i. Location of Development subject of Declaration **ALDI Greystones,
Mill Road, Greystones, Co Wicklow, A63 TV04**

ii. Are you the owner and/or occupier of these lands at the location under i. above ?
☒ Yes/ ☐ No.

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration **Whether the provision of photovoltaic (PV) panels at roof level of the retail store at ALDI Greystones, Mill Road, Greystones, Co. Wicklow, A63 TV04, is or is not exempted development within the meaning of the Planning and Development Act 2000 (as amended).**

Additional details may be submitted by way of separate submission.

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration **Class 56(e), Part 1 of Schedule 2, as inserted by the Planning and Development (Exempted Development) (No. 3) Regulations 2022 (S.I. 493 of 2022)**

Additional details may be submitted by way of separate submission.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? **No**

vii. List of Plans, Drawings submitted with this Declaration Application _____
22602-THPK-104-XX-DR-A-101 P02 Site Location Map (A0); 2. 22602-THPK-104-XX-DR-A-102 P02 Existing Site Plan (A3); 3. 22602-THPK-104-XX-DR-A-103 P02 Proposed Site Plan (A3); 4. 22602-THPK-104-XX-DR-A-105 P02 Proposed Roof Plan (A3); 5. 22602-THPK-104-XX-DR-A-104 P02 Existing Roof Plan (A3); 6. 22602-THPK-104-XX-DR-A-106 P02 Existing & Proposed Elevations (A3); 7. 22602-THPK-104-XX-DR-A-107 Existing & Proposed Sections (A3); 8. 22602-THPK-104-XX-DR-A-108 P02 PV Panels & Fixing Details (A3); 9. Aldi Datasheets E800; 10. 20260806_Aldi_Greystones_GG_Screening; 11. ALDI Greystones Section 5 Declaration Report; 12. ALDI Greystones Cover Letter; 13. Greystones Application Form

viii. Fee of € 80 Attached ? **To be paid over the phone**

Signed : *Eleanor Heagney* Dated : **4 September 2026**

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

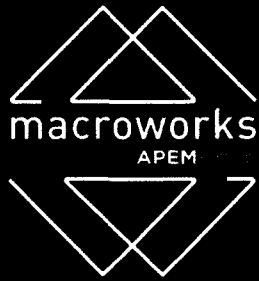
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still

governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.



AVIATION GLINT AND GLARE SCREENING ASSESSMENT

Proposed Solar PV Energy Development

**Aldi Stores Ltd, Mill Road, Greystones, Co.
Wicklow.**

Prepared by Macro Works Ltd

August 2026

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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, Mill Road, Greystones, Co. Wicklow. Figure 1.1 and Figure 1.2 refer.



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

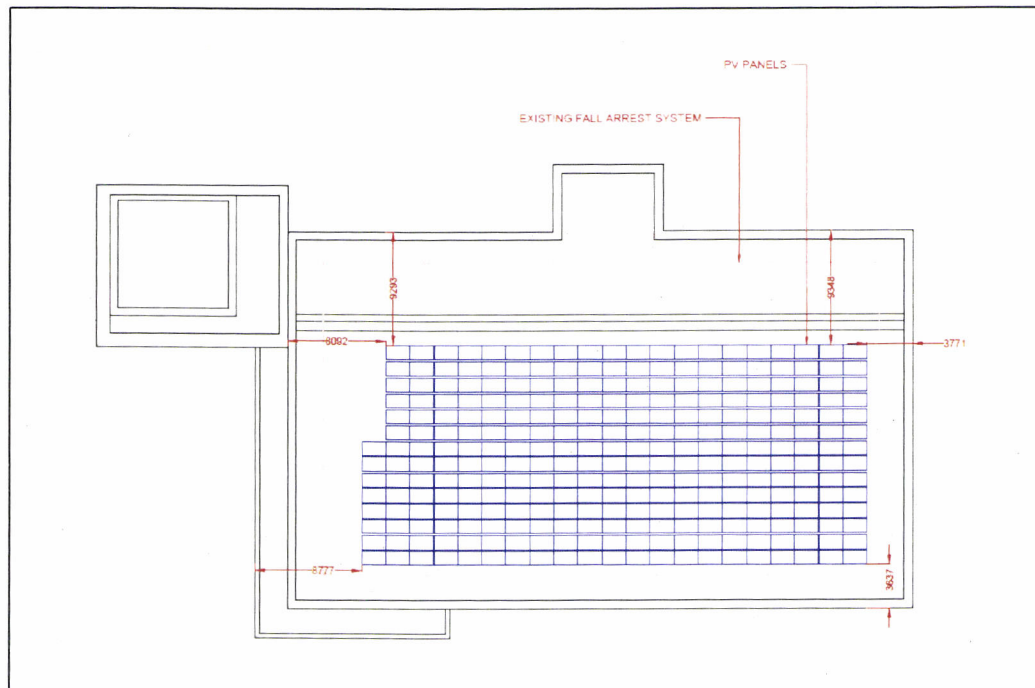


Figure 1.2 Extract from drawing No. G201 "Proposed Roof Plan" showing the proposed roof and panel layout.

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 2013³ (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' 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 7460-2, 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 threshold) 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 2021⁶ replaced this interim policy, with the key amendment of deprioritising runway approaches as critical aviation receptors, citing the following;

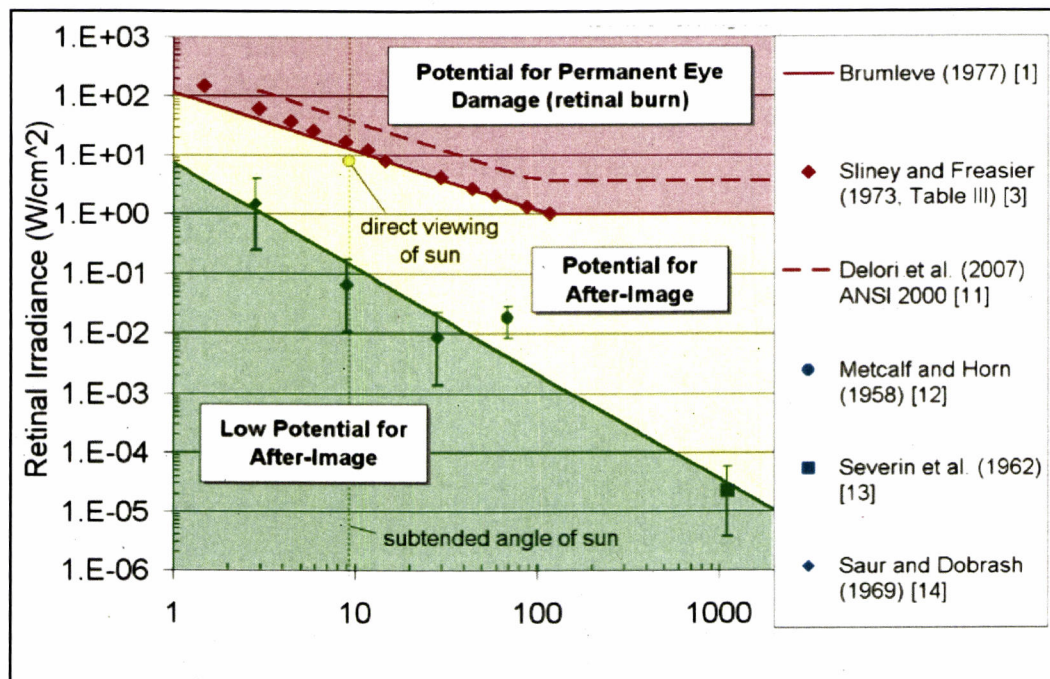
"Initially, FAA believed that solar energy systems could introduce a novel glare and glare effect to pilots on final approach. FAA has subsequently concluded that in most cases, the glare and glare from solar energy systems to pilots on final approach is similar to glare and glare pilots routinely experience from water bodies, glass-facade buildings, parking lots, and similar features. However, FAA has continued to receive reports of potential glare 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.

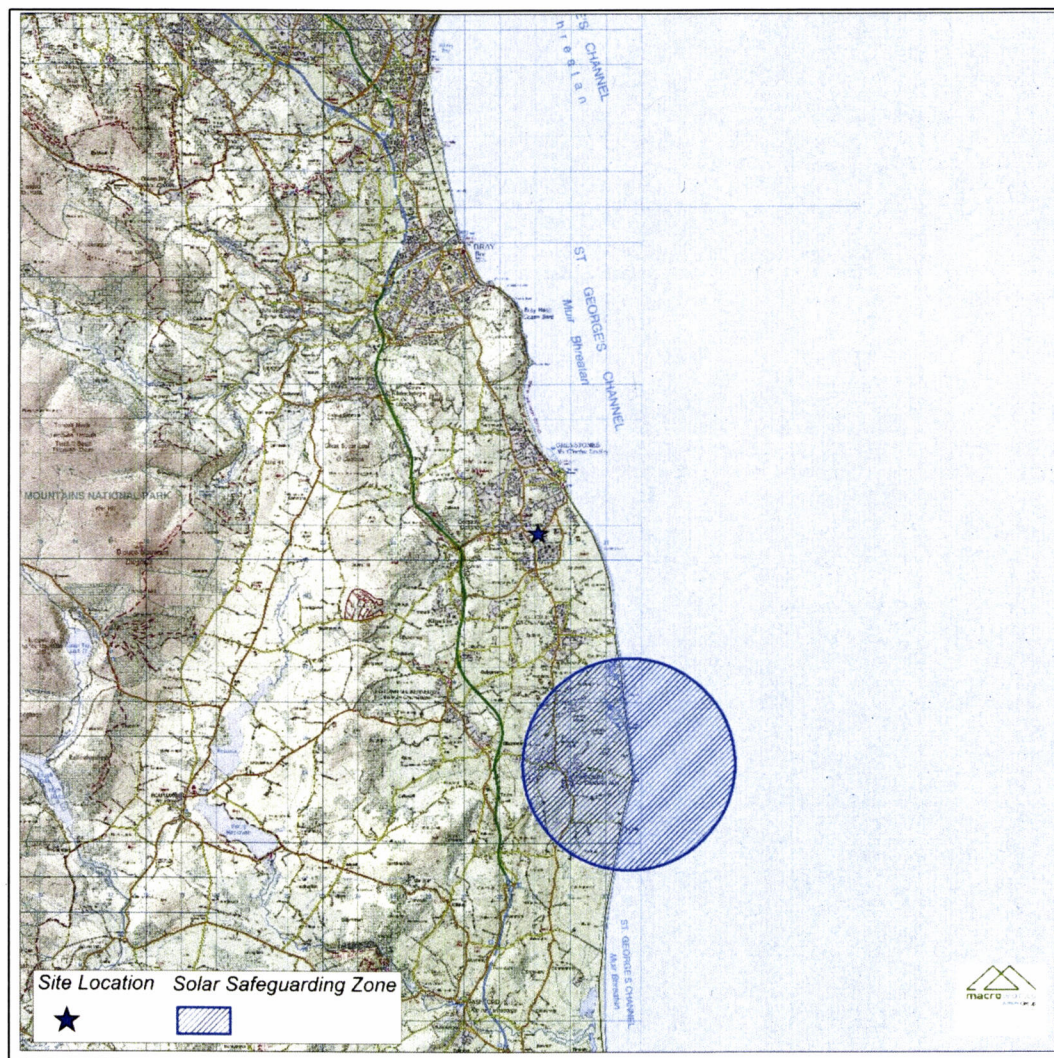


Figure 1.4 Map showing the approximate location of the proposed development relative to the nearest Solar Safeguarding Zone(s).

1.3 OVERALL CONCLUSION

The need for a SGHAT assessment was screened out as the proposed development at Aldi, Mill Road, Greystones, Co. Wicklow, 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 Greystones, Mill Road, Greystones, Co. Wicklow, A63 TV04

September 2026

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Report title: Aldi

Prepared by: Eleanor Heagney

Contributors: Matt Golisti

Status: Rev 1

Draft date: 3 September 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 Wicklow County Council in relation to a property at Mill Road, Greystones, County Wicklow.

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 (640sqm) 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 0.66 hectares and is located on the southern side of Mill Road approximately 1.5 kilometres to the southwest of Greystones Town Centre. The site comprises the single storey building which includes the Aldi store and a restaurant, and surface level car parking spaces. The main access point of the site is on Mill Road, on which there are nearby bus stops and a segregated cycle path.

Analysis of Surroundings

- 2.2 The site is abutted to the west by the residential cul-de-sac on Carrig Mill, and to the south by an area of scrub / woodland including some ruins beyond which lies the residential cul-de-sac of Burnaby Avenue. To the east lies a light industrial yard and the Wicklow Civil Defence shed. To the north of the site across Mill Road is the Greystones Golf Club. Lands beyond the perimeter of the site can be characterised as a mixed suburban area, including residential, schools and sports facilities.

Relevant Planning History

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

Application Ref.	Proposal	Outcome & Date
102013 (parent consent)	Mixed use development on a site of 1.6 acres (0.66 hectares). The development will consist of the construction of a single storey licensed discount foodstore unit (1528 sqm) a two storey retail unit 1 (189 sqm) and pharmacy unit (105 sqm), the renovation and refurbishment of the existing mill structure on the site to include a ground floor retail unit 3(173 sqm), first second and third floor offices (411 sqm), ESB substation and switchroom (25 sqm), a new proposed vehicular entrance; signage structure and for all shopfront signage, internal footpaths, roads 97 no surface car parking spaces, bicycle parking, loading bay and bin storage, entrance canopies, boundary walls and fences, hard and soft landscaping and for all site services above and below ground	Granted 08/09/2010
15811	Extension of Duration application for the above (parent) consent.	Granted 23/09/2015
20943	1. Change of use of existing unit, previously approved for retail use under Pl. Reg. Ref. No. 10/2013 to use as a GP's clinic, comprising 130	Granted 16/11/2020

	sq.m. 2. Pharmacy comprising 48 sq.m. 3. All associated signage. 4. Connection to all public services. 5. All necessary ancillary and site works required to facilitate this development	
21873	Amalgamation of the previously permitted units and for the change of use of the existing retail use permitted under 10/2013 to the use as a restaurant for use as a wood fired pizza bakery for the sale of hot food for consumption on and off site services above and below ground including connections for existing services for all associated site development works.	Refused 10/09/2021 Appeal granted 27/01/2023
22395	The amalgamation of the previously permitted units and for the change of use of existing retail use permitted under File Register Reference 10/2013 to the use as a Restaurant for use as a wood fired pizza bakery for the sale of hot food for consumption on and off the premises (184sqm), for internal seating space for 40 customers, for proposed external signage and for all site services above and below ground including connections to existing services and for all associated site development works	Refused 03/06/2022

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 Greystones Retail Store, that the conditions set out in the grant of permission under Ref. 102013 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 104 XX DR A 108.

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, refer to drawing 22602 THPK 104 XX DR A 105 P02.
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 104 XX DR A 107.
Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof.	The design complies with this requirement.
The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.	The design complies with this requirement.
Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.	The design complies with this requirement, refer to drawing 22602 THPK 104 XX DR A 105 P02.
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-	The design complies with this requirement.

voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.	
Development under this Class shall only be exempted development where the solar photovoltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the business premises or light industrial building, and shall not be considered a change of use for the purposes of the Act.	Power generated by the photovoltaic panels will only provide electricity for use within the retail store.
Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photovoltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.	A 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 Greystones would constitute development but is considered exempted development based on compliance with each of the threshold requirements.

6. Conclusion

- 6.1 The question before Wicklow 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 Greystones retail store is considered **to be development** but is **exempted development** for the purposes of the Act.
- 6.6 It is respectfully requested that the Planning Authority has regard to this submission, and the analysis therein, in making a determination on the request for a Declaration of Exempted Development

Contact details

Enquiries

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+353 (0)86 818 3078
eleanor.heagney@avisonyoung.com

Visit us online
avisonyoung.com

Avison Young

86 Merrion Square South, Dublin 2, D02 YE10

Planning Pack Map



**Tailte
Éireann**

CENTRE
COORDINATES:
ITM 729020,710815

PUBLISHED:
04/08/2026

ORDER NO.:
50551323_1

MAP SERIES:
1:1,000
1:1,000
1:2,500

MAP SHEETS:
3674-21
3674-22
3732-A

Site Boundary (Red Line) 5,494 sqm / 1.36 acres/
0.549hectares

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

www.tailte.ie

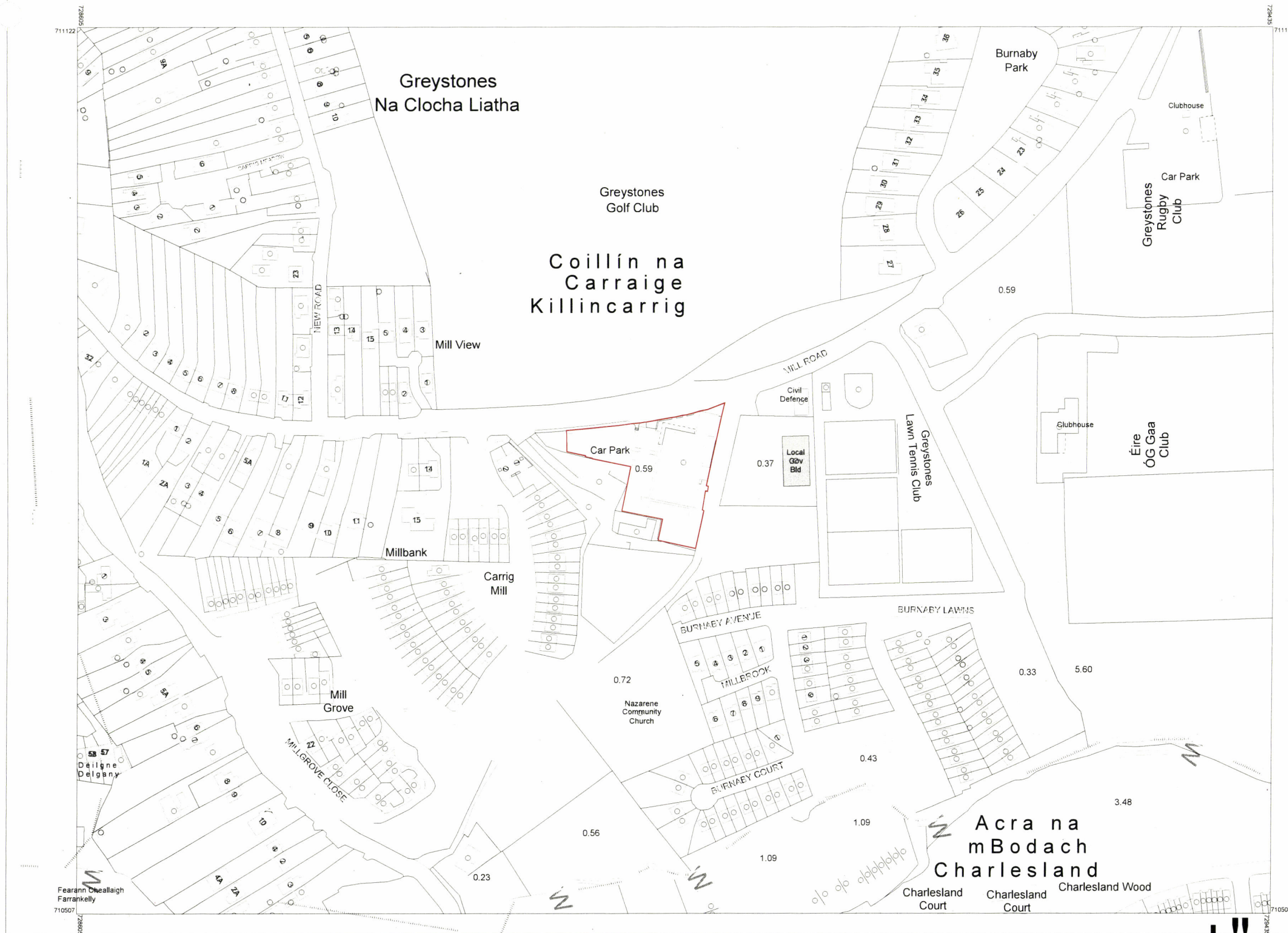
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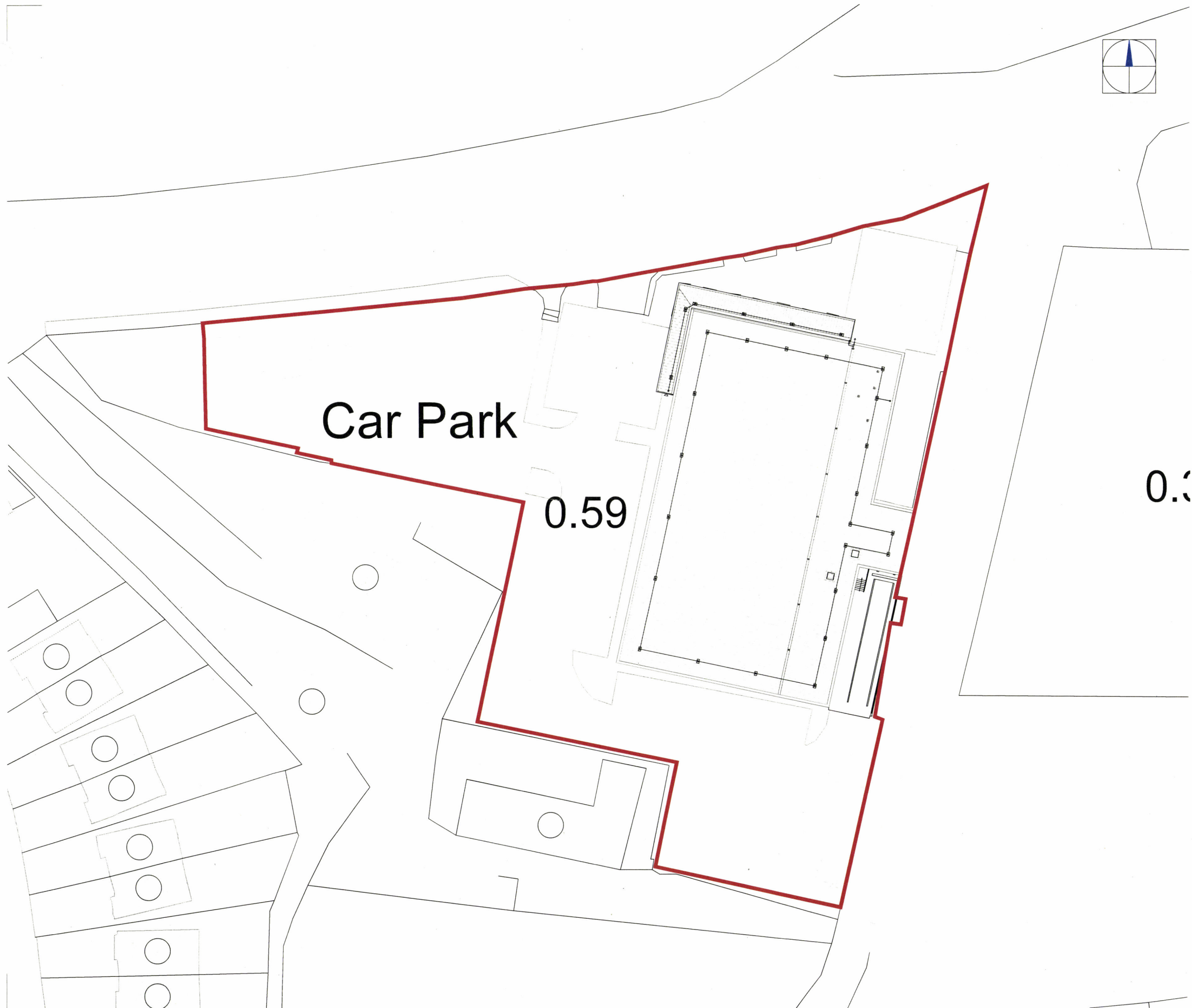
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For solar panel details, refer to sub contractors design proposals.

Rev	Date	Description	Drawn	Chkd
P01	27.08.26	First Issue	NS	ROD
P02	02.09.26	Page size amended	NS	ROD

Site Boundary (Red Line) 5,494 sqm /1.36 acres/
0.549hectares

0.59





Architecture
Masterplanning
Interior Design

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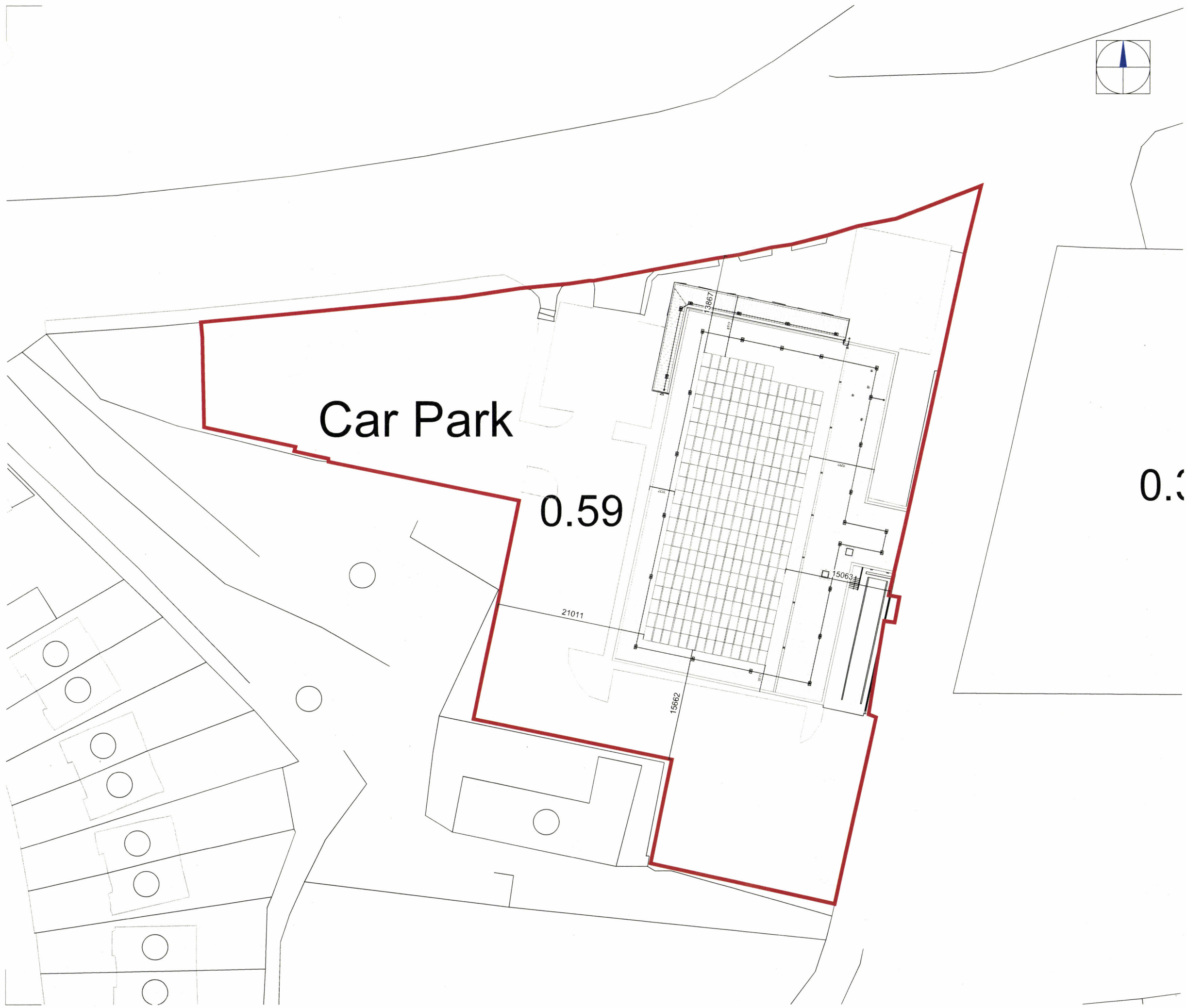
Client
Aldi Stores Ltd



Project Title
Aldi PV Rollout

Store no. NAA 104
Greystones
Mill Road, A63 TV04

Drawing Title				
Existing Site Plan				
Drawn	Checked	Scale @A3	BIM Status	Date
NS	ROD	1:500	N/A	08/26
Drawing Status			Rev.	THP Project No
Planning			P02	22602
Drawing Reference				
22602	THP	104	XX DR A	0102



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Rev	Date	Description	Drawn	Chkd
P01	27.08.26	First Issue	NS	ROD
P02	02.09.26	Page size amended and dimensions added	NS	ROD

Site Boundary (Red Line) 5,494 sqm /1.36 acres/
0.549hectares





Architecture
Masterplanning
Interior Design

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Client
Aldi Stores Ltd



Project Title
Aldi PV Rollout

Store no. NAA 104
Greystones
Mill Road, A63 TV04

Drawing Title
Proposed Site Plan

Drawn	Checked	Scale @A3	BIM Status	Date
NS	ROD	1:500	N/A	08/26

Drawing Status	Rev.	THP Project No
Planning	P02	22602

Drawing Reference
22602 THP 104 XX DR A 0103

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Rev.	Date	Description	Drawn	Chkd
P01	27.08.26	First Issue	NS	ROD
P02	02.09.26	Dimensions added	NS	ROD

Number of Solar Panels: 288 no. using
520-540kw Solar Panels generating 144kW or
0.144mW

Total PV AREA - 640 sqm



Architecture
Masterplanning
Interior Design

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Client
Aldi Stores Ltd



Project Title
Aldi PV Rollout

Store no. NAA 104
Greystones
Mill Road, A63 TV04

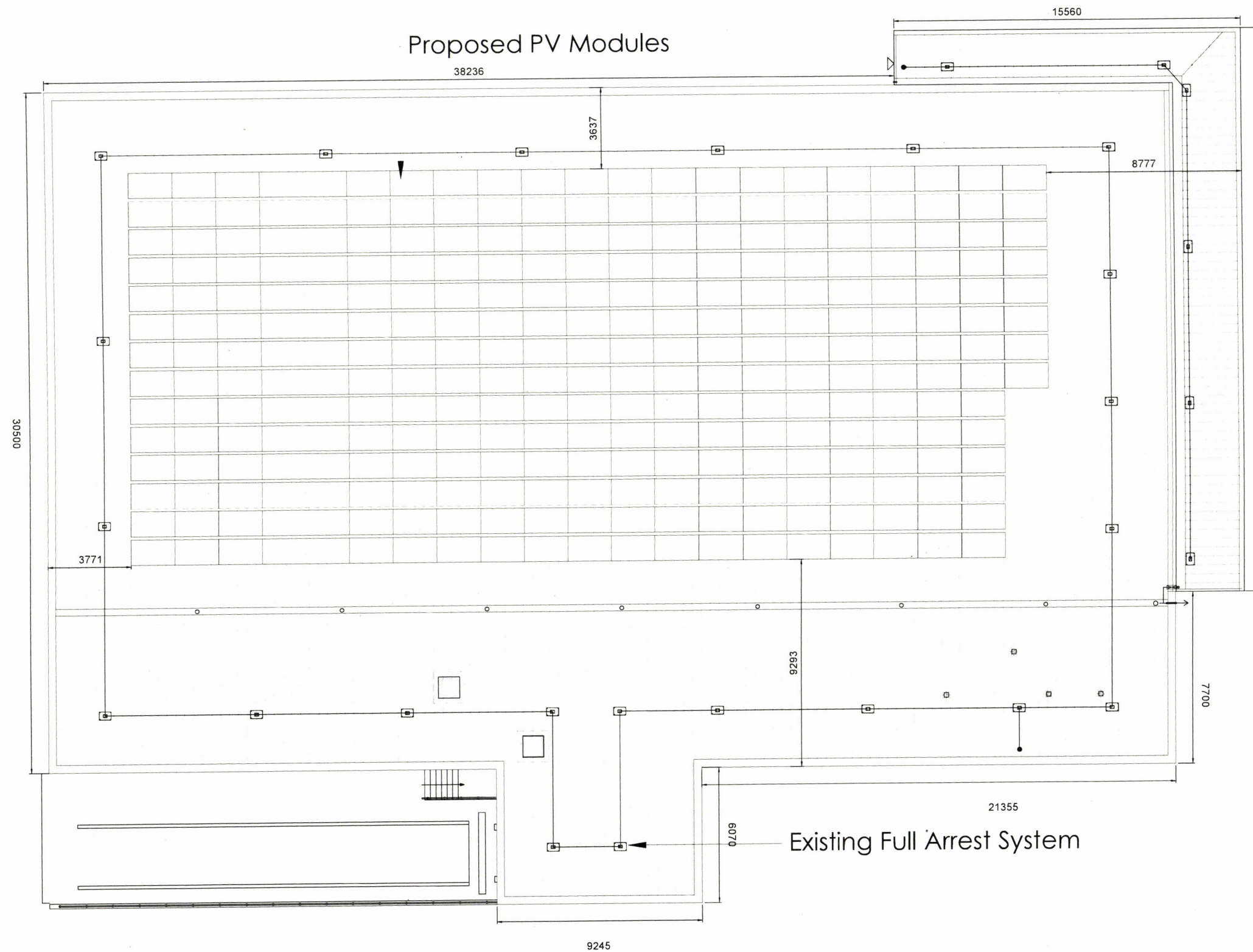
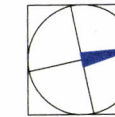
Drawing Title

Proposed Roof Plan

Drawn	Checked	Scale @A3	BIM Status	Date
NS	ROD	1:200	N/A	08/26
Drawing Status		Rev.	THP Project No	
Planning		P02	22602	

Drawing Reference

22602 THP 104 XX DR A 0105



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Rev.	Date	Description	Drawn	Chkd
P01	27.08.26	First Issue	NS	ROD
P02	02.09.26	Dimensions added	NS	ROD



Architecture
Masterplanning
Interior Design

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Client

Aldi Stores Ltd



Project Title

Aldi PV Rollout

Store no. NAA 104

Greystones

Mill Road, A63 TV04

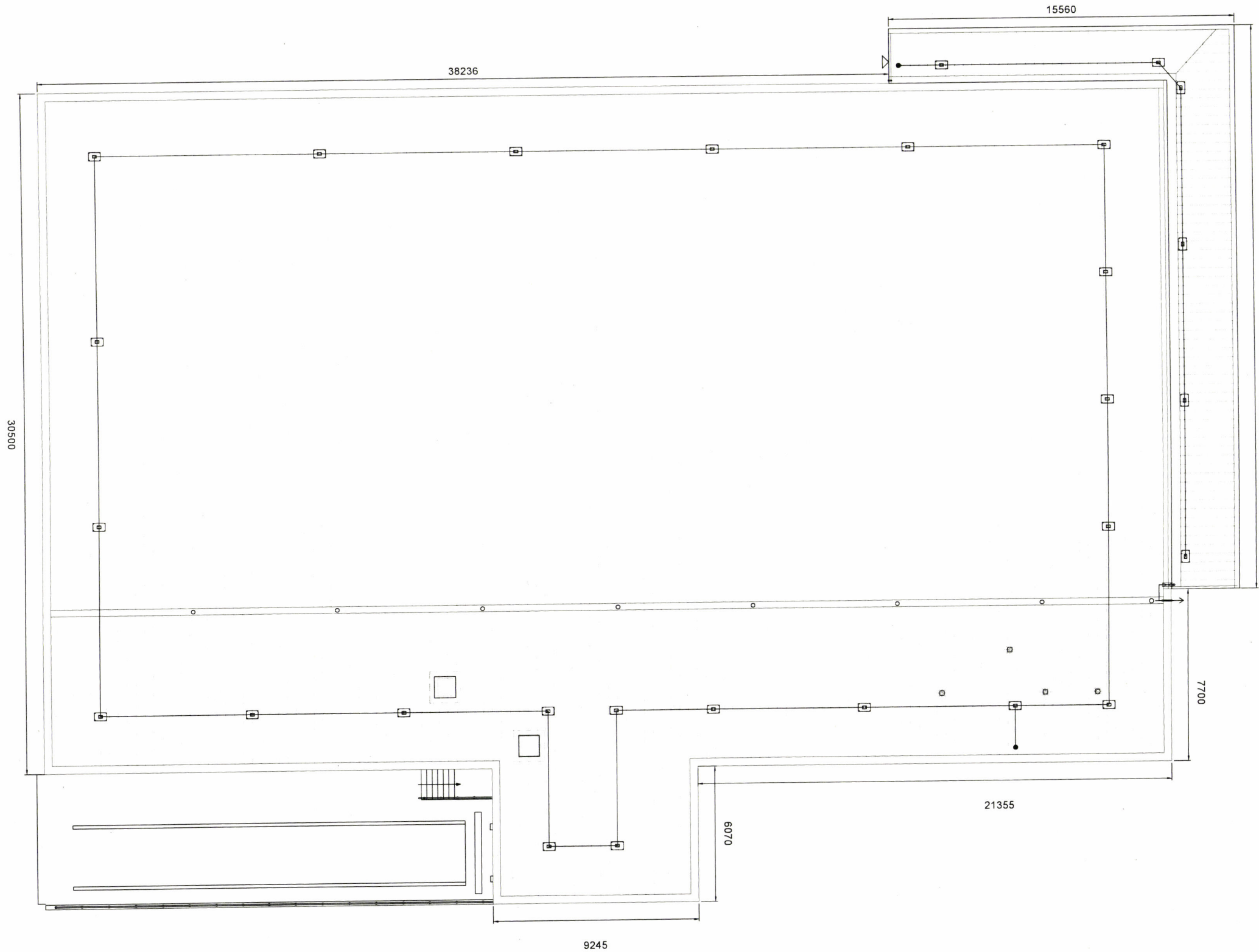
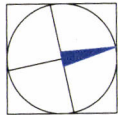
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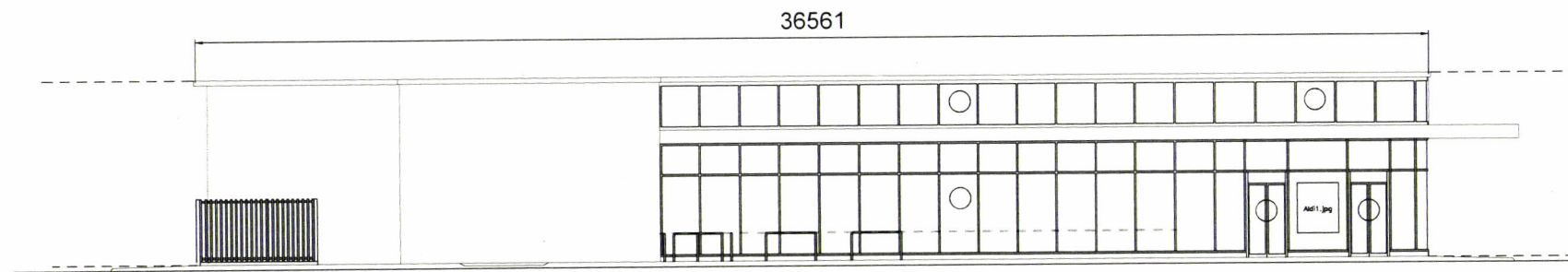
Existing Roof Plan

Drawn	Checked	Scale @A3	BIM Status	Date
NS	ROD	1:200	N/A	08/26
Drawing Status		Rev.	THP Project No	
Planning		P02	22602	

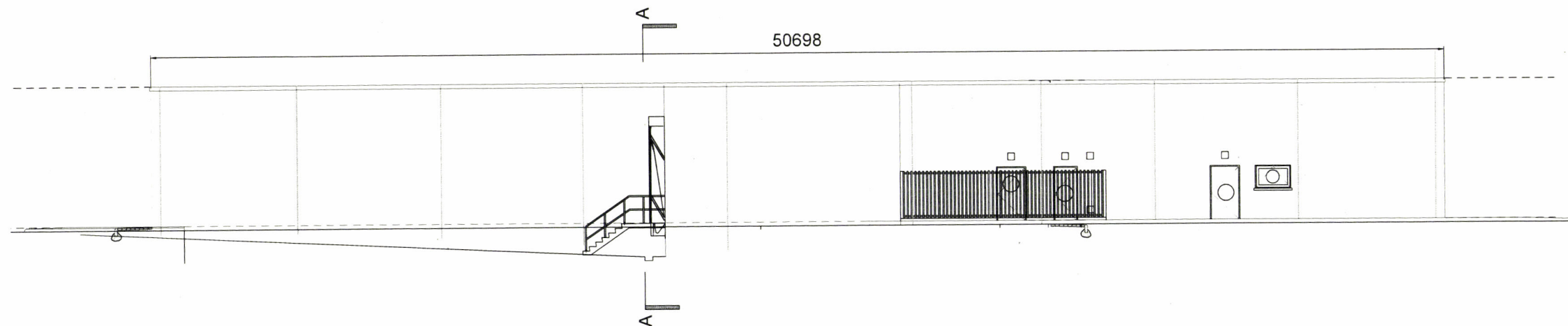
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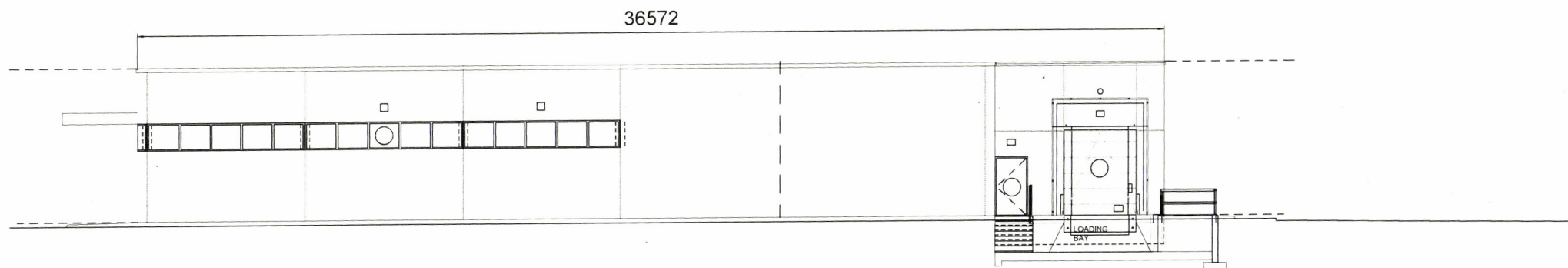




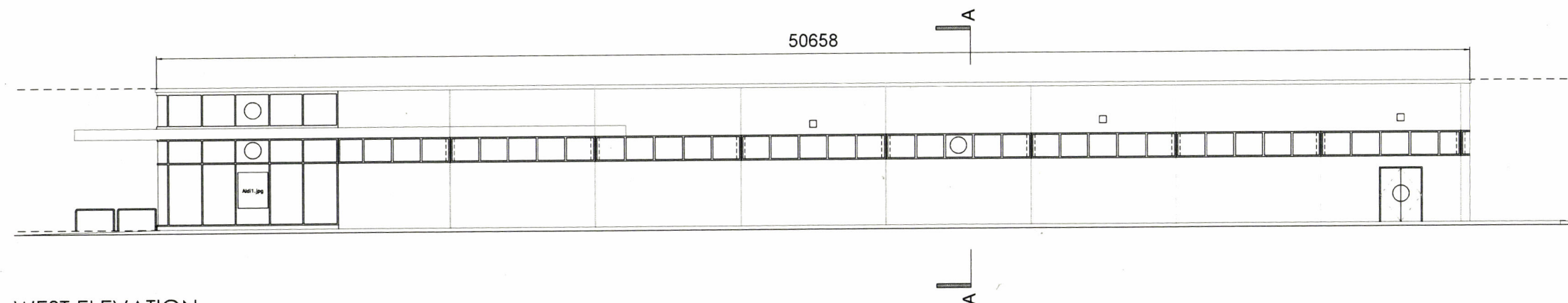
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

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For solar panel details, refer to sub contractor's design proposals.

Rev	Date	Description	Drawn	Chk'd
P01	27.08.26	First Issue	NS	ROD

Existing and Proposed Elevations are the same as the panels are hidden by the existing Parapet



Architecture
Masterplanning
Interior Design

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Client
Aldi Stores Ltd



Project Title
Aldi PV Rollout

Store no. NAA 104
Greystones
Mill Road, A63 TV04

Drawing Title				
Existing and Proposed Elevations				
Drawn	Checked	Scale @A3	BIM Status	Date
NS	ROD	1:200	N/A	08/26
Drawing Status			Rev.	THP Project No
Planning			P01	22602
Drawing Reference				
22602	THP	104 XX DR A	0106	

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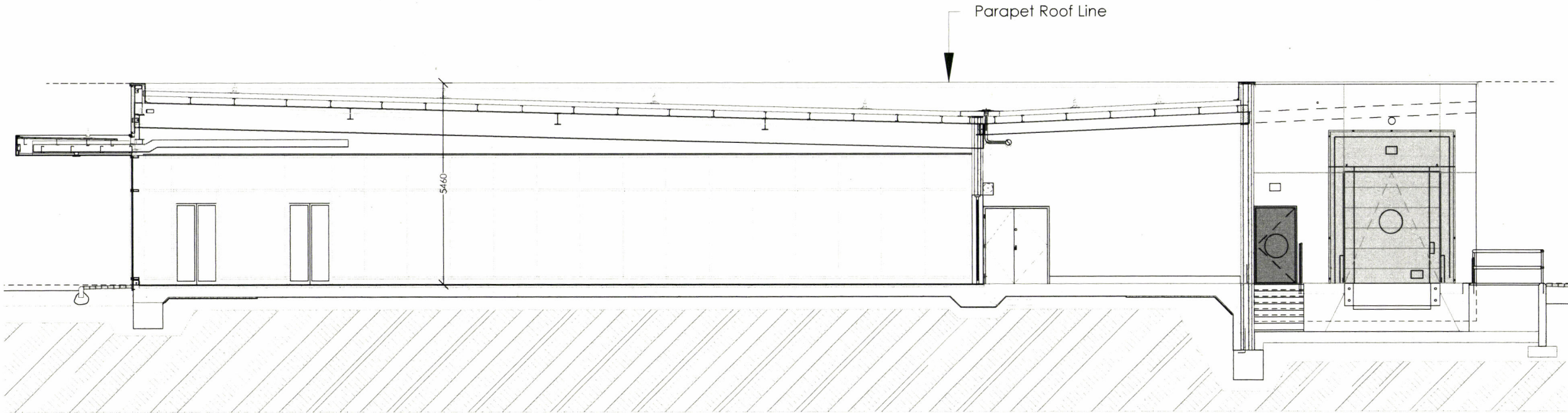
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Rev	Date	Description	Drawn	Chkd
P01	27.08.26	First Issue	NS	ROD

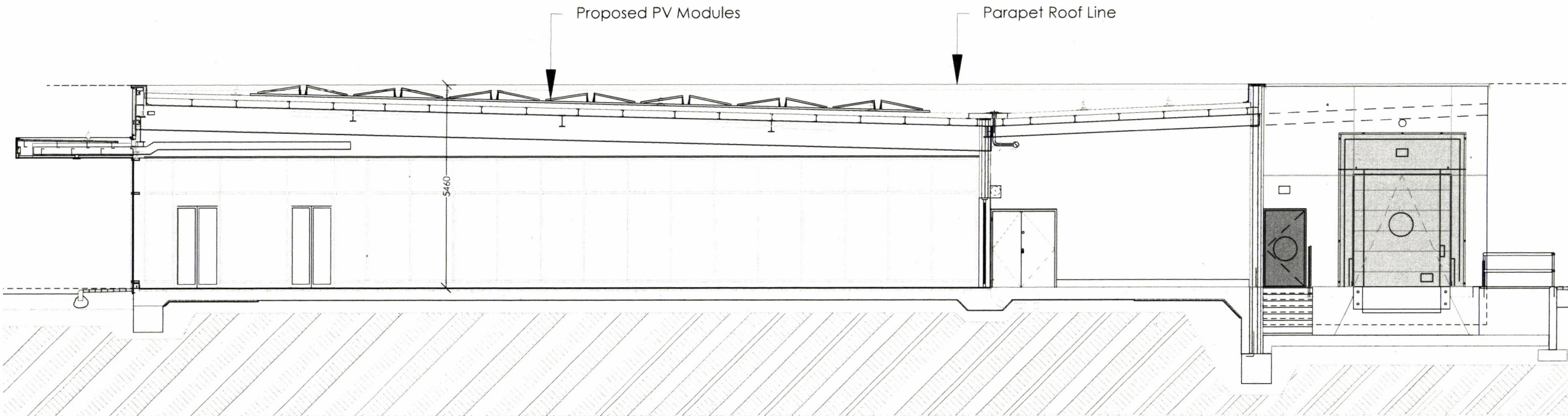
Number of Solar Panels: 288 no. using
520-540kw Solar Panels generating 144kW
or 0.144mW

Total PV AREA - 640 sqm



EXISTING SECTION A-A

0 1.25 2.5 3.75 5.0 6.25m
SCALE 1:125



PROPOSED SECTION A-A



Architecture
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Client
Aldi Stores Ltd



Project Title
Aldi PV Rollout

Store no. NAA 104
Greystones
Mill Road, A63 TV04

Drawing Title
Existing and Proposed Section

Drawn	Checked	Scale @A3	BIM Status	Date
NS	ROD	1:125	Status	08/26
Drawing Status		Rev.	THP Project No	
Planning		-	22602	

Drawing Reference
22602 THP 104 XX DR A 0107

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Rev	Date	Description	Drawn	Chkd
P01	27.08.26	First Issue	NS	ROD

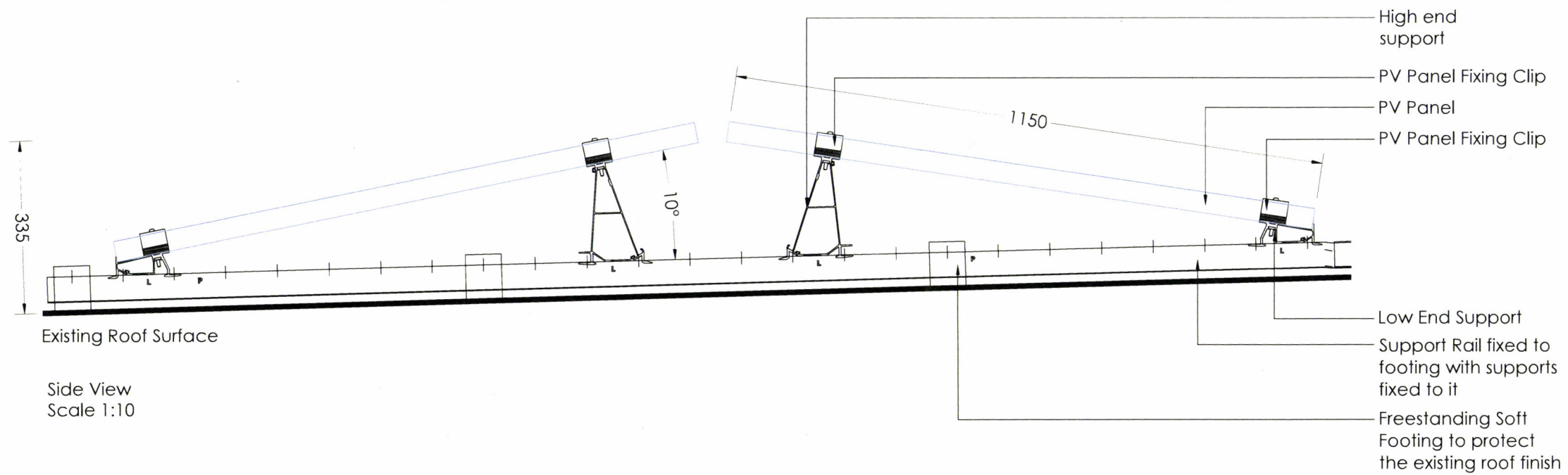


Image of typical PV array (East & West facing)



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Wakefield Manchester Milton Keynes Reading London Harrogate

Client

Aldi Stores Ltd



Project Title

Aldi PV Rollout

Store no. NAA 104
Greystones
Mill Road, A63 TV04

Drawing Title

PV Panels & Fixing Details

Drawn	Checked	Scale @A3	BIM Status	Date
NS	ROD	VARIES	NA	08/26

Drawing Status	Rev.	THP Project No
Planning	P01	22602

Project No.	Originator	Volume	Level	Type	Role	Number
22602	THPK	104	XX	DR	A	0108

2024 V1

LEAPTON SOLAR

Monofacial Bifacial

LP182*210-M-54-NB N-Type TOPCon Dual Glass

Rated Power 490-510W

TIER 1 Bloomberg

Low Light Features

PID Protection

Harsh Environmental Adaptability

2024 V1

Lepton Energy Co., Ltd.

MECHANICAL DIAGRAMS

SPECIFICATIONS

ELECTRICAL PARAMETERS AT STC

ELECTRICAL PARAMETERS AT NMOT

ELECTRICAL PARAMETERS (AT 10% BIFACIAL POWER OUTPUT)

TEMPERATURE CHARACTERISTICS

PACKING CONFIGURATION

CHARACTERISTICS

MAXIMUM RATING

2024 V1

Lepton Energy Co., Ltd.

SUN2000-100KTL-M2 Smart PV Controller

Technical Specification

Efficiency

Input

Output

Protection

Communication

General Data

2024 V1

Lepton Energy Co., Ltd.

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

SmartLogger3000A

Technical Specification

SmartLogger3000A3EU

SmartLogger3000A1EU

2024 V1

Lepton Energy Co., Ltd.

VAN DER VALK SOLAR SYSTEMS

Datasheet ValkPro+ | ValkPro+ East-West | ValkPro+ Max

The concept

ValkPro+ vs competitive systems

Additional features

Panel formats

CONTACT DETAILS DEVELOPER AND PRODUCER OF SOLAR MOUNTING SYSTEMS

2024 V1

Lepton Energy Co., Ltd.

VAN DER VALK SOLAR SYSTEMS

Datasheet ValkPro+ ballast tray

The concept

Article numbers

Material

Ballast capacity

Additional properties

Calculations

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2024 V1

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