



An
Bord
Pleanála

Board Direction ABP-311366-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/04/2023.

The Board decided, as set out in the following Order, that

WHEREAS a question has arisen as to whether, at Killugger Farm, Killugger, Killinick, County Wexford, the current use of the existing agricultural shed to house pigs is or is not development or is or is not exempted development, and the additional floor area, the construction of slatted tanks, the raised ground level and the addition of concrete ramp is or is not development or is or is not exempted development:

AND WHEREAS the question was referred to An Bord Pleanála by Wexford County Council on the 8th day of September, 2022:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to -

- (a) Sections 2(1), 3(1), 4(1)(a) and 4(1)(h) of the Planning and Development Act, 2000, as amended, and
- (b) the planning history of the site:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the use of the subject shed for agricultural use, which includes the storage of pigs, is an intensification of use based on the increased floor area of the shed above the permitted size of development, which amounts to a material change of use and hence development,
- (b) having regard to Section 4(4) of the Planning and Development Act, 2000, as amended, and the information on file, it is not clear that an Environmental Impact Assessment or an Appropriate Assessment of the development is not required. Therefore, the development cannot avail of any exemptions that might otherwise be available for use of a building for agricultural purposes under Section 4(1)(a) of that Act, or under the Planning and Development Regulations, 2001, as amended,
- (c) the construction of additional floor area and construction of a ramp is development and is not exempted development, and
- (d) the construction of slatted tanks and raising of the ground level is development and is exempted development:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that at Killugger Farm, Killugger, Killinick, County Wexford, a material change of use has occurred that is development and is not exempted development, the additional floor area and the addition of concrete ramp is development and is not exempted development, and the construction of slatted tanks and the raised floor level is development and is not exempted development.

Board Member:

Patricia Callear
Patricia Calleary

Date: 03/04/2023