An Coimisiún Pleanála

Commission Order
ACP-320954-24

Planning and Development Act 2000, as amended

Planning Authority: Wexford County Council

Planning Register Reference Number: 20081365

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

AND WHEREAS the said question was referred to An Coimisiún Pleanála by Wexford County Council on the 28th day of September 2021:

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

(a) sections 2(1), 3(1), 4(1)(a), 4(1)(h), and 4(4) of the Planning and Development Act, 2000, as amended,

(b) Schedule 5 of the Planning and Development Act, 2000, as amended,

(c) section 177U (9) of the Planning and Development Act, 2000, as amended,

(d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,

(e) the planning history of the site,

(f) the rural character and pattern of development in the area, and

(g) the nature and extent of the works that were described in the request and referral and in the various other submissions made in connection with them, and the nature and extent of the works that were apparent upon inspection of the site.

AND WHEREAS An Coimisiún Pleanála has concluded that -

(a) the intensive housing of pigs and associated works that are the subject matter of this referral, involve the carrying out of works on land in an intensive and sustained manner and the commencement of such works involved a material change in the use,

(b) both the carrying out of the said works and the material change of use to which their commencement gave rise constitute development under section 3(1) of the 2000 Act, as amended,

(c) both the material change of the use of the site and the carrying out of works was exempted development by virtue of section 4(1)(a) and section 4(1)(h) of the 2000 Act because agriculture, as defined by section 2 of the 2000 Act includes keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), and if the term "use of land for agriculture" bears any meaning it must include reference to works to house livestock and that the works carried out to the permitted and completed shed 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, and

(d) the development alone or in combination with other plans and projects is likely to give rise to significant effects on the Wexford Harbour and Slobs Special Protection Area (Site Code: 004076) and the Slaney River Valley Special Area of Conservation (Site Code: 000781) European Sites in view of the Sites' conservation objectives, therefore, the development is subject to an Appropriate Assessment and cannot be considered exempted development under section (4)4 of the Planning and Development Act 2000, as amended.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(4) of the 2000 Act, hereby decides that:

(a) the use of the shed to house pigs and associated works to do with the intensive keeping of pigs on the site that is the subject of this request and referral, is development and is not exempted development, and

(b) the construction of slatted tanks, the raised ground level and the addition of a concrete ramp on the site that is the subject of this request and referral, is development and is exempted development.

Declan Moore

Declan Moore
Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.

Dated this 13th **day of** August **2026.**