Section 5 Referral
Inspector's Report
ACP-323794-25

Question	Whether the reactivation and use of existing sheds for the housing of pigs and associated works is or is not development, or is or is not exempted development
Location	Rathiddy Road, Knockbridge, County Louth
Declaration	
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2025/64
Applicant for Declaration	Brendan Marry
Planning Authority Decision	Is not development
Referral	
Referred by	Brendan Marry
Owner/Occupier	Seamus Kirk
Date of Site Inspection	22nd June 2026
Inspector	Gary Farrelly

1.0 Introduction

1.1. It should be stated at the outset that the purpose of this referral is not to determine the acceptability or otherwise of the proposal in respect of the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so falls within the scope of exempted development.

2.0 Site Location and Description

2.1. The subject site is located within the rural townland of Rathiddy, County Louth, which is located approximately 5km west of the town of Dundalk and approximately 2km east of the village of Knockbridge. The subject site comprises of an agricultural farmyard which is traversed by the public road, L-31671. The farmyard comprises of a number of agricultural structures to the east of the public road, and two agricultural structures to the west of the road. The immediate area is characterised as rural and there are a number of residential properties in close proximity to the farmyard, the nearest adjoining the northern boundary of the structures located to the west of the road.

3.0 The Question

3.1. The Commission should note that the question relates to the farmyard west of the public road. I note that the specific question posed by the referrer in his original Section 5 application submitted to the planning authority (PA) was the following:

- Is the reactivation and use of a building;

  (a) Treated in 1995 planning files (95/271) as not housing livestock for planning exemptions,

  (b) Submitted in 2010 (10146) and 2017 (17548) planning files as an 'Old Piggery (Disused)',

  (c) Not considered as an active piggery for granting my planning permission in 2019,

  for the housing of pigs and associated works, development and is it or is it not exempted development.

3.2. Within the referral documentation submitted to the Commission, the referrer has further developed the question as the following:

- Whether the recent reactivation of a long-disused piggery, namely, the housing and fattening of pigs within existing sheds, accompanied by the removal of ventilation chimneys and other works, constitutes development and, if so, whether it is exempted development.

3.3. The Commission should note that the referrer has now referenced sheds (plural) and thus the question now relates to the two existing sheds within the farmyard west of the public road. Having regard to the above, I consider the question before the Commission should be framed as follows:

- Whether the reactivation and use of existing sheds for the housing of pigs and associated works, is or is not development or is or is not exempted development:

3.4. The referrer has provided a detailed report outlining his grounds for referral, as well as documentation with regards to the planning history of the farmyard, planning permissions in the vicinity and correspondence with the local authority, Department of Agriculture, Food and the Marine (DAFM) and the Environmental Protection Agency (EPA).

4.0 Planning Authority Declaration

4.1. Declaration

The planning authority (PA) issued its decision on the original question on 12th September 2025. It concluded that on the basis of the information submitted that the use of the shed had not been abandoned and the use of the shed for storage of pigs did not amount to a material change of use, and therefore, did not constitute development.

4.2. **Planning Authority Reports**

Planning Report

The planning report on file from the assistant planner (AP) noted that there was no planning history on file associated with the construction of the subject shed and considered that there could be no conclusion on whether the shed was in compliance with exempted development provisions at the time of construction or required planning permission. On this basis, the AP focussed the referral on the question of abandonment and whether a material change of use had occurred in reinstating the use as a piggery.

The AP noted that whilst the shed was described as a disused piggery in planning references 95/271, 10/146 and 17/548, indicating that the shed may not have been in use as a piggery for a period of time, there was no information on record or provided with the application to show that the shed was not used as a piggery intermittently between the times of these applications. The AP did not consider that the reference to a disused piggery in a planning application necessarily meant that the use had been abandoned by the owner, only that it was not in use at that particular time. The AP considered relevant case law and previous An Coimisiún Pleanála cases with regards to the matter of abandonment. This included Dublin County Council v Tallaght Block Co. Ltd, and previous Commission decisions such as ABP-311139-21, ABP-311365-21 and ABP-317633-23.

The AP concluded that due to the limited information submitted as part of the application, the lack of planning history associated with the shed and after a review of old satellite imagery, the structure had not been dismantled nor been left in disrepair with the access and curtilage maintained to a reasonable standard. The AP considered that there was no objective evidence of the owner's intention to abandon the use, and therefore, it was deemed that no material change of use had occurred and thus no development had taken place. This recommendation was endorsed by the Senior Planner and Director of Service. I note that no decision was made in relation to the associated works element of the question, however, I note that no information was provided by the applicant regarding same.

5.0 Relevant Planning History

There is no planning history associated with the subject shed after a review of the information on file and the PA's planning register. However, there is planning history associated with the wider farmyard as summarised below.

PA ref. 95/271 (*Decision date 07/07/1995*)

Seamus Kirk was granted permission for the construction of a silage pit and effluent tank. This was located within the farmyard to the east of the public road. As part of the submitted particulars, the applicant outlined that it was also proposed to erect a cattle feeding shed and to convert an existing hayshed to a slatted livestock house, however, noted that it did not require planning permission as the total floor area of roofed livestock sheds did not exceed 450sqm. The submitted drawings depicted the subject buildings as a 'disused piggery (o)' and 'disused piggery + slurry pit (p)'.

PA ref. 10/146 (*Decision date 17/05/2010*)

Seamus Kirk was granted permission for an extension to an existing dairy, extension of existing cubicle sheds, extension to an existing hay storage shed and associated site works. The drawings submitted as part of this application depicted the subject buildings as 'old piggery (disused)'

PA ref. 17/548 (*Decision date 12/10/2017*)

Seamus Kirk was granted permission for an extension to an existing hay storage shed, the covering of an existing silage pit and change of use to a new calf shed. The drawings submitted as part of this application depicted the subject buildings as 'old piggery (disused)'.

6.0 Policy Context

6.1. Louth Development Plan 2021-2027

This Plan was adopted by elected members on 30th September 2021 and came into effect on 11th November 2022. There have been 3 no. variations to date with a fourth variation proposed in order to align with revised housing growth targets set on the National Planning Framework First Revision (2025).

For the purposes of this referral and the restrictions on exemption set out in Article 9 of the Planning and Development Regulations 2001, as amended, the subject site is not located within any designated archaeological, geological, historical, scientific or ecological areas, or near any designated views and prospects.

6.2. Natural Heritage Designations

Having reviewed the National Parks and Wildlife Service's (NPWS) designations viewer, the subject site is not located within any designated natural heritage site. The nearest designated site is Stephenstown Pond proposed Natural Heritage Area (pNHA) which is located approximately 900 metres south of the site. Dundalk Bay Special Area of Conservation (SAC) (Site Code 000455) and Dundalk Bay Special Protection Area (SPA) (Site Code 004026) are located approximately 5.5km east of the site.

7.0 The Referral

7.1. Referrer's Case

The referrer, Brendan Marry, was issued with a declaration on the question by the PA on 12th September 2025 and he decided to refer the declaration for review by the Commission on 7th October 2025 under Section 5(3)(a) of the Planning and Development Act 2000, as amended. The grounds for review are summarised as follows:

- The Commission is requested to overturn the planning authority's declaration and to determine that the resumption of the piggery (and associated works) constitutes development requiring planning permission.
- There are two grounds on which the Commission can determine that the reactivation of the piggery is development that is not exempted development. The first is that the piggery use was abandoned and its reactivation in 2023 is a new, material change of use of the land and buildings. The second is that the physical works undertaken to facilitate the reactivation, such as the removal of ventilation chimneys, refurbishment and internal fit out of the buildings, are

works that do not fall under any exempted development class. The works materially altered the external appearance of the sheds.

- The test for materiality is whether the new use results in materially different impacts on the planning and environmental context, for example, on amenity, emissions, traffic or intensity of operation. The material change arises not merely from the physical reoccupation of the building, but from the functional reactivation of an intensive agricultural process that carries distinct planning implications compared with an inactive or storage phase.

Material Change of Use: Abandonment of Use

- In order for the piggery's resumption to be considered exempted development under agricultural use classes there would need to be a continuity of the lawful use, i.e. the piggery would have to be an existing ongoing enterprise. There has been no evidence provided regarding the continuous use of the piggery over the past 25 years.

Planning History

- As part of application ref. 95/271 the structure was described as a "disused piggery". This description was used in order to stay within the exempted development provision regarding floor area. Therefore, having benefited from that position in 1995, it cannot be later claimed that the piggery was in continuous use. Any reintroduction of pigs after 1995 would require a new permission. The planning authority did not consider this information in concluding that there was an existing use continuing.
- As part of application refs. 10/146 and 17/548 the sheds were again described as "old piggery (disused)" which confirms a pro longed period of non-use of approximately 22 years.

Previous planning applications for dwellings approved by the planning authority in proximity to the farmyard did not highlight any odour issues in terms of piggery impacts, and it implies that the planning authority treated the piggery use as long abandoned.

Absence of Herd Number

- In planning law, if an owner claims an existing use to avoid needing permission, or to claim an exemption, the onus is on that owner to prove the use was continuous and lawful. In this referral, no logs, records, herd registrations or other evidence has been provided to demonstrate that pigs were continuously kept onsite over the last 2 decades.
- The Department of Agriculture, Food and the Marine (DAFM) has confirmed no pig herd number was ever registered at this site. It is acknowledged that the herd number is not a planning matter but the absence of such is objective evidence that the piggery use was abandoned. The planning authority did not take this into account.
- While it is possible that some pigs could have been kept informally without registration, an intensive fattening operation could not operate under the radar. The more plausible explanation is that the owner had no pigs and hence saw no need to register.

Legal Precedent

- In ‘Readymix (Ireland) Ltd v Dublin County Council (Supreme Court, 1990) the Court held that a change of use alone can constitute development even if no physical works are carried out. Therefore, the change from a dormant empty shed back into an active piggery is a clear change of use.
- In ‘Mulholland v An Bord Pleanála (High Court, 2006) the Court confirmed that an abandonment of a use extinguishes any existing use rights and any attempt to later resume that use is essentially the commencement of a new use which requires planning permission.
- In Brogan v Housing Executive (Northern Ireland Court of Appeal, 1987), which is often cited in Irish planning contexts, this case established that general exemption provisions, such as for agriculture, cannot be used to revive a use that has already been abandoned. Therefore, even though pig keeping is an agricultural activity, this does not grant perpetual immunity from planning once it has ceased operations for decades.

- In Dublin County Council v Tallaght Block Co. Ltd. (Supreme Court, 1982) the Court set out criteria for determining abandonment of use. It noted that a long period of non-use, especially combined with factors like removal of equipment, lack of maintenance, and absence of any intent to resume, can lead to a finding that the previous use was abandoned. Once abandoned any resumption is a material change of use requiring permission.
- There are four key factors or "four pillars of abandonment" to determine whether an established use has been abandoned as referred to by Irish planning case law. They are; intention to abandon, length of non-use, physical condition of the property and intervening use (or lack thereof).
- All evidence suggests that the owner intended to give up the piggery use, or at least accepted its cessation, as shown in the description of the buildings in the 1995 application. At this time there was no intent to continue pig farming. In the following years, the owner made no effort to maintain or restart the piggery. The ventilation chimneys were removed and no applications were made to modernise or resume the use. When the herd number registration requirements were introduced in 2016 the owner did not register the site for pigs which he would have done if he had planned to keep the use alive. These facts point to the conclusion of the owner abandoning any intention of continuing pig farming.
- The piggery has remained out of use for over two decades which far exceeds what might be considered a temporary suspension. In planning terms, a gap of that magnitude strongly indicates that the use was not merely dormant, but definitively abandoned.
- Prior to 2023, the buildings appeared as aging farm sheds with no sign of housing livestock. This physical deterioration and decommissioning is consistent with a site that had been abandoned as a piggery, rather than one quietly in continuous use.
- The environmental compliance officer of the local authority noted in an April 2024 letter that the piggery had recently brought back into use for fattening pigs, which strongly supports the case that a material change of use/development has occurred. This email is provided as part of the documentation.

- There is no evidence that the piggery buildings were put to any significant alternative use in the interim that might suggest ongoing farm activity. There is no active herd number registration, no complaints regarding odour or no records of feed or waste management. The structures have simply sat unused for their intended purpose until the recent activation. The reliance on aerial imagery showing the structure intact is not evidence of an active use.
- All four factors point to the conclusion that the piggery use was abandoned.

<u>An Coimisiún Pleanála Precedent Cases</u>

- The reliance on ABP ref. 311365-21 is misplaced as this case is clearly distinguishable from the present situation which involves the restart of a defunct use. In 311365-21 the Commission decided that a change in the type of livestock within a continuously operating farm was not a material change of use. The overall farm operating was ongoing and the use of the structures for farming never lapsed.
- Within case ref. 317633-23, the Commission determined that the reopening of a long disused site entrance was development requiring permission specifically because a continuous use of that entrance had not been demonstrated. The same principle would apply to the reintroduction of a pig farming operation after 25 years.
- Within case ABP-311139-21, the Commission highlighted that claiming an exemption requires clear evidence of an existing continuing use and if the history of use is unclear or suggests it may have been abandoned, the benefit of the doubt does not favour the exemption.

<u>Planning and Environmental Impacts</u>

- The renewed piggery operation has had a significant negative impact on local amenity and the environment.
- In terms of odour, since the reintroduction of pigs residents have suffered from persistent foul odours which has impacted residential amenity. The re-emergence of these odours is direct evidence of a material change in the environment attributable to the resumed use. An odour impact assessment (per EPA Guidance Note AG5), and likely a EPA licence for larger pig numbers,

would be required for a new pig farm proposal. The EPA has instructed the council to carry out multiple odour assessments around the piggery in response to complaints (correspondence provided).

- In terms of noise, this has also increased especially during feeding and disturbance and related farm machinery in an area that was previously very quiet. This change, though intermittent, further highlights the change in character of the locality as a result of the reopening of the piggery.
- In terms of waste management, the keeping of pigs generates significant organic waste and used bedding/feed waste. There has been no oversight or conditions to ensure proper waste management and there are environmental pollution concerns.
- Any development is not exempted under Section 4(4) of the Act if an EIA or AA is required. The requirement for EPA monitored odour surveys suggests that environmental effects are significant (at least at a local scale) and this is a scenario in which the EIA requirements are designed to address. Significant environmental impacts on receptors should be evaluated and mitigated through the planning process.

Works

- The physical works undertaken at the piggery to enable its reactivation constitute development in their own right that are not exempt.
- A photograph is provided which shows the structure in 2009 having ventilation stacks/chimneys on their roofs which were integral to the original design for housing pigs. Between 2009 and 2023 these chimneys were removed or capped off as part of refurbishment works. This change materially altered the external appearance of the structures. A photograph of the structure from January 2025 is also provided.
- Regarding internal works, there is no class of exempted development that authorises a full internal fit-out to recommence an abandoned use, beyond very minor works. The internal works likely involved pen divisions, feeding systems, water lines, slurry storage and ventilation equipment, electrical and heating systems which enabled the change of use.

- The exemptions under Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, are subject to there being no material alteration of the external appearance inconsistent with the landscape. They only apply to existing farms/uses and they do not envisage reactivation of structures that have been out of agricultural use. The works are unauthorised and they cannot confer exempt status on the use conducted within it.

7.2. Planning Authority Response

The PA issued a response to the grounds for referral on 4th November 2025. It considered that the key and pertinent planning issues pertaining to the site and subject to the assessment were fully considered and set out in the planning report. The assessment was carried out following a site inspection, on the assertions of the applicant and the submitted plans and particulars, in light of the planning history and relevant legislation and policy and case law. The recommendation to refuse the declaration of exemption remains unchanged and it is requested that its decision is upheld.

7.3. Owner's Response

The owner, Seamus Kirk, issued a response to the grounds for referral on 6th November 2025. This is summarised as follows:

- It is requested that the Commission dismiss the appeal and uphold the local authority's original Section 5 declaration decision. It is contended that the appeal is frivolous, disingenuous and lacks any good faith basis and should be dismissed under Section 138(1)(a)(i) or (ii) of the Planning and Development Act 2000, as amended. The lack of substantive proof and the reliance upon supposition of facts not in evidence throughout the appeal meets any reasonable definition of frivolous. The appeal follows other complaints lodged with the Environment Section of the Local Authority and EPA in which the owner has fully cooperated with both bodies.
- The statement that the burden of proof is upon the owner to prove a use was continuous and lawful is incredulous. By the lodgement of the section 5 declaration and referral, it is on the applicant/referrer to prove his case.

- There has been an active farm at this location for over 100 years with the owner farming his landholding as a dairy and pig farm since the 1970s. The owner's son, Ciaran Kirk, has had the responsibility of the day-to-day running of both dairy and pig farm operations in more recent years. With regards to the pig farm, he has been working in cooperation with a person named Martin Boyle who has decades of experience and expertise in pig rearing at his own farm. A letter from Martin Boyle, dated 5th November 2025, is provided who confirms that he has been fattening pigs at the location for the last 20 years continuously. He also outlines that he is aware that the piggery has been in existence for a much longer period of time (built originally in the 1970s).
- The piggery has a maximum capacity of 80 no. animals per cycle, however, not every cycle involves this amount. It operates on a 3-month cycle with the fattening period taking 2-2.5 months after which the animals are transported to slaughter. The piggery may lie idle for weeks or months at a time as recycling immediately after clean down and disinfection may not occur due to availability of adequate stock numbers and access to transportation. Factors such as pork prices, feed costs and realising optimum growing rates have conspired to limit the number of cycles that can be carried out in one year. Illness and personal injury have also contributed to the prevention of a more active role in the daily running of the farm. In these periods Martin Boyle and Ciaran Kirk have ran the farm in the owner's absence.
- At most, the rearing cycle allows for a maximum of no more than 4 cycles per year which amounts to a total of 320 no. animals. This is considered an extremely small farming operation that does not require a herd number from the Department of Agriculture, Food and the Marine. Therefore, the absence of such a registration number does not amount to evidence of abandonment.
- The map submitted in 1995 was produced by Teagasc and not the owner, and it is entirely possible when the Teagasc advisor was onsite the piggery was between cycles and not in obvious use. This Teagasc map and annotation were simply cut and pasted onto the maps submitted with planning applications 10/416 and 17/548 without correction. Whilst in hindsight this oversight is regrettable, the owner disagrees with the weight and authority which the referrer

seeks to impose upon a simple map annotation. It is contended that this does not rise to a sufficient level of reliable or robust proof that the piggery was declared abandoned by the owner between 1995 and 2017.

- With regards to the local authority's description of the building in an email to that as "recently brought back into use of fattening pigs", this description has no probative value or weight in determining the planning status of the building.
- With regards to the four pillars of assessing abandonment, it is questioned how a third party can reliably demonstrate the owner's intention of the running of his own farm. The claim that the piggery has been inactive for a sustained period of time is contrary to the letters provided by Martin Boyle and Dooley Agricultural (dated 6th November 2025) which confirms that Ciaran Kirk bought pig meal from the company in the early 2000s. These letters are sufficient grounds to dismiss the appeal.
- The claim that the building was not upgraded or modernised and therefore is evidence of abandonment is misinformed. The piggery operation is small scale and such works would be more appropriate to large scale, high intensity commercial piggeries. A feed silo was installed in 2010 which predates the date that the referrer states the piggery was reactivated, by a considerable number of years. A copy of the invoice is provided which disproves the timeline presented in the appeal. The invoice dated 6th July 2010 details the following "5.5 tonne galvanised meal silo delivered and installed on pig farm".
- The old chimneys were removed in 2024 as they were structurally unsound and in danger of collapse. They were not integral to an operational pig house as the building is naturally ventilated from vents to the front and rear of the building. Minor repair and infilling works were carried out in 2024 to the sections of roof previously occupied by the chimneys and were general maintenance works carried out under normal agricultural exempt development rights. They do not constitute unauthorised works.
- The suggestion that the owner did not seek any significant alternative use in the interim clearly indicates that it had and still has only one function, that being a piggery. The referrer's argument presupposes that the piggery was

abandoned when in fact it wasn't. Invoices and third-party letters have confirmed this.

- The assertion that due to the lack of piggery related objections to the referrer's own planning application, as well as other applications in proximity, including a lack of inclusion of the EPA's Guidance Note 5 on odour impact assessment, indicates that all parties understood the piggery to be inactive or abandoned cannot be inferred from this. The Guidance Note relates to EPA licenced facilities which does not apply to the subject farm and the document is irrelevant. Other EPA guidance notes are not relevant or applicable due to the small scale nature of the pig farm.
- The legal cases and past Commission decisions cited by the referrer are not directly relevant to this situation and the accuracy of the referrer's summarisation is questioned. The decisions and rulings do not fundamentally compel the Commission to decide the way recommended by the referrer.
- The owner is not oblivious to the struggles with the consequences of choosing to live rurally and has strived within reason to make various concessions to ameliorate potential ill effects from odour including boundary planting, closing up of rear vents, maintaining a sealed underground slurry tank and enclosure of a rear slurry channel. This appeared to satisfy the local authority's environment section.

8.0 Statutory Provisions

8.1. Planning and Development Act 2000, as amended

<u>Section 2(1) Interpretation</u>

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and 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), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and "agricultural" shall be construed accordingly.

“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

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon;

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

<u>Section 3(1) – Development</u>

In this Act, except where the context otherwise requires, "development" means—

> (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land,

<u>Section 4 – Exempted Development</u>

(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;

(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.

8.2. Planning and Development Regulations 2001, as amended

There are no provisions within the Regulations that are relevant to the subject question. Whilst there is an exemption provided for a roofed structure for the housing of pigs within Schedule 2, Part 3, Class 7, this relates to a building of 75sqm, and thus is not applicable to this case. Accordingly, Article 9 is also not applicable.

9.0 Assessment

Background

9.1. The Commission should note that the subject structures to which this question relates are existing agricultural piggery sheds located within an established farmyard. Having reviewed the file and the local authority's planning register, I note that there is no planning history associated with the construction of the subject structures. The earliest recorded planning history associated with the farmyard is application ref. 95/271 which records the subject structures as 'old piggery (disused)'. It should be noted that the planning status of the construction of these sheds, or their original use, is not disputed by the referrer. The referrer's dwelling adjoins the northern boundary of the farmyard which was granted permission in 2019 (ref. 19/221).

The Question of Development

9.2. The Commission should note that the definition of development is set out in Section 3 of the Planning and Development Act 2000, as amended (herein referred to as "the Act") and relates to "except where the context otherwise requires, the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land".

Question of Works

9.3. The referrer contends that the physical alterations to the existing structure constitute works, and therefore, constitutes development under Section 3(1) of the Act. These works were not described in the original application to the PA and I note that the PA did not issue a declaration on this element of the question. The referrer has now described the works as the removal of ventilation chimneys, and "likely" internal apparatus installations. I note that the owner's response to the grounds for referral clarifies the works carried out as the replacement of a feed silo in 2010, the removal of old ventilation chimneys on the roof of the structure in 2024, minor repair and infilling works to sections of the roof previously occupied by the chimneys, the closure of rear vents, enlargement of vents to the front and installation of new insulation to the ceiling.

9.4. The Commission should note that I consider such acts and operations as described by both the referrer and the owner to comprise of construction, demolition, alteration, repair and renewal, and thus, constitutes works as defined under Section 2(1) of the Act. Accordingly, I consider that such works in, on and over land therefore constitutes development as defined under Section 3(1) of the Act.

Question of Material Change of Use

9.5. The Commission should note that the question of a material change of use is the substantive issue to be determined within this referral. It should note that a material change of use can occur when an abandoned use is recommenced.

Abandonment of Use

9.6. The referrer does not dispute that the subject buildings were once used for the housing of pigs, however, it is his view that the buildings have been abandoned between the years of 1995 and 2023 and that their reactivation as a piggery amount to a material change in use that requires planning permission.

9.7. Firstly, the Commission should note that every case of alleged abandonment will depend upon its own facts. This principle is referenced in Wicklow County Council v Samuel Jessup and Fiona Smith (2011, IEHC 81) (herein referred to as the 'Jessup judgement')[1]. Secondly, and contrary to the view of the referrer, the Commission should note that the onus of proof of abandonment is on the party so claiming, i.e. the referrer in this case. This principle is also referenced in the Jessup judgement. Therefore, whilst my assessment on the matter of abandonment will reference certain case law and previous decisions by the Commission, it will be the facts of the case put forward by the referrer that will ultimately determine on whether a case of abandonment has been proven.

9.8. With this in mind, it has been established by caselaw that in order for an abandonment of use to be demonstrated there needs to be an 'evinced intention' to abandon that particular use. I refer the Commission to the judgement of Dublin County Council v Tallaght Block Co Ltd (*High Court 1980 No. 36*), where it referenced 'Hartley v Minister for Housing and Local Government (1970)' in that "*where a previous use of land had been* *not merely suspended for a temporary and determined period but had ceased*

[1] https://ww2.courts.ie/acc/alfresco/16c5f2cc-9718-4f03-9101-52891d30421d/2011_IEHC_81_1.pdf/pdf#view=fitH (*Accessed 23rd June 2026*)

for considerable time with no evinced intention of resuming it at any particular time (my emphasis)*, the tribunal of fact was entitled to find that the previous use had been abandoned, so that when it was resumed the resumption constituted a material change of use*". The Commission should note that in this case there was evidence of the lands being put to an alternative use after the cessation of the lands as a quarry.

9.9. Moreover, I refer the Commission to the judgement of Budd J. in Westmeath County Council v Quirke (1998, WHSC-HC 13134) where an objective test for abandonment was set. Whilst the case related to an alternative use within a quarry, I consider it relevant to this case. The question posed by Budd J. was whether a reasonable person (my emphasis) looking at the converted cattle shed or farm supplies store in the disused looking quarry would have concluded that quarrying and limestone production had been abandoned. The judgement ruled that the use of the site for quarrying had been abandoned as quarry machinery was removed from the site and the lands were subsequently used for storage of trailers and general farm machinery.

Referrer's Case for Abandonment

9.10. I will now assess whether the referrer has demonstrated that there has been an abandonment of use of the piggery buildings and thus a change of use has occurred due to the recommencement of the alleged abandoned use. I note that the referrer has based his allegation on a number of matters including the physical condition of the structures, the planning history of the site (and description of the buildings in previous planning applications), previous approvals of permissions in proximity to the farmyard, previous Commission decisions on the issue of abandonment, the absence of a herd registration number and correspondence with DAFM and the local authority.

9.11. The Commission should note that the owner has responded to the allegation stating that the piggery has been in operation for over 50 years and was at no time out of operation for long enough in order for the use to be considered abandoned. It is highlighted by the owner that the piggery may not have been in constant use throughout the year due to the rearing cycle and it may have been idle for weeks or months at a time. I note that the owner does not state that the buildings were ever used for any other purpose and I note that there is no allegation from the referrer of any intervening use within the years of the alleged abandonment.

(a) Physical condition of the structures

9.12. Firstly, I would highlight to the Commission that the referrer has criticised the PA's reliance on aerial imagery to determine the physical condition of the structures contending that it does not equate to evidence of an active use. However, it should also note that the referrer argues the point for abandonment of use on the basis of the condition of the buildings prior to 2023. It is his view that the buildings appeared as aging farm sheds with no sign of housing livestock. The Commission should note that there is only one image on file provided by the referrer from the period of the alleged abandonment illustrating photographic evidence of the structures. This is a Google Maps Streetview image which was taken in May 2009. Therefore, on the basis of the information provided as part of the application, I consider it reasonable for the PA to consider aerial imagery in this regard.

9.13. The Commission should note that I inspected the site on 22nd June 2026 and noted that the farmyard was in a partly neglected state with overgrown vegetation, however, the external walls and roof of the main piggery structure were intact. I refer the Commission to the ruling of the High Court in Leitrim County Council v Dromaprop Ltd [2024, IEHC 233][2] (paragraph 30) which stated that allowing a property to fall into disrepair does not extinguish the use. Notwithstanding this, based on my observations on the date of my site inspection, I am satisfied that the main structure has currently not fallen into disrepair.

9.14. Furthermore, having reviewed the Google Streetview image from the period of alleged abandonment submitted by the referrer (May 2009), it is my view that the structures were in an overall good condition. The roof of the main piggery structure was intact with no visible damage, the ventilation stacks/chimneys appeared to be in stable condition and there was a meal silo present between the structures. The entrance to the farmyard appeared to be in active use with an open gate and dirt and debris on the public road. Therefore, having regard to the principle set out in Westmeath County Council v Quirke, it is my view that a reasonable person passing the farmyard in May 2009 would have concluded that the farmyard and buildings were operational. A reasonable person would have also concluded that the design of the main building

[2] https://ww2.courts.ie/acc/alfresco/e44ecdc7-df6a-4324-93d2-06cfbd5d6309/2024_IEHC_233.pdf/pdf#view=fitH (*Accessed 23rd June 2026*)

was that of a piggery type. Therefore, I consider that there is no photographic evidence provided from the period of the alleged abandonment that demonstrates an abandonment of use or an intention on the part of the owner to abandon the use.

9.15. The Commission should note that I have also reviewed historical aerial imagery from the National Monument Service (NMS) Historic Environment Viewer[3] and am satisfied that the structure from 1995 to 2018 appeared to have not fallen into disrepair with the roof of the main structure being intact throughout the whole time period. I also observed that the area along the south elevation of the building was being actively used for the storage of bales at certain time periods. Therefore, the overall farmyard appeared to be operational.

9.16. To conclude, it is my view that the referrer has not demonstrated proof that the use of the building was abandoned or that it was the owner's intention to abandon the use. I am satisfied on the basis of the information provided by the referrer, that the structures were in good overall condition during the time of alleged abandonment.

(b) Planning History of the site

9.17. The referrer contends that the description of the buildings as 'old piggery (disused)' on drawings submitted as part of planning applications refs. 95/271, 10/146 and 17/548 demonstrates that these buildings were not in use for pig rearing at that time. It is further contended that as the description was used on ref. 95/271 in order to gain a planning exemption for the construction of new sheds, this was an acknowledgment on the part of the owner that the pig use had ceased. The referrer describes it as the formal point on the planning file where the piggery use was treated as abandoned.

9.18. Moreover, it is contended that the same description of the buildings within the 2010 and 2017 applications indicates that the buildings still had no livestock and no active use. It is contended that this demonstrates a prolonged and continuous permanent cessation of the piggery use.

9.19. The Commission should note that the PA was not satisfied that this demonstrated that the use had been abandoned by the owner, only that it was not in use at these

[3] https://heritagedata.maps.arcgis.com/apps/webappviewer/index.html?id=0c9eb9575b544081b0d296436d8f60f8 (Basemap Layers: 1995, 1996-2000, 2001-2005, 2006-2012, 2011-2013, 2013-2018) (*Accessed 23rd June 2026*)

particular times. I note the owner's response to this matter stating that the original drawing in 1995 was produced by Teagasc and the description was simply cut and pasted into subsequent applications in 2010 and 2017. The owner states that it was entirely possible and plausible that when the Teagasc advisor was onsite that the piggery was between cycles and not in obvious use.

9.20. I have reviewed the information submitted with applications refs. 95/271, 10/146 and 17/548 and note that the submitted site plan on all applications described the subject buildings as 'old piggery (disused)' and which were included within the redline application boundary. I also note that the submitted supplementary planning application forms submitted as part of refs. 10/146 and 17/548 described the existing and proposed livestock as dairy cows with no mention of pig livestock. Having regard to this, it is my view that the piggery sheds were not in use at the time of any of these planning applications.

9.21. Notwithstanding this, I do not consider that this translates to a permanent cessation of the use of the sheds for housing pigs nor does it demonstrate that there was an intention on the part of the owner to abandon the use of the sheds as a piggery. There were no such statements provided by the owner within any of the planning applications. Therefore, on the basis of the information on file, I am not satisfied that sufficient evidence has been provided that demonstrates that there was an intention to abandon the use.

(c) Planning permissions in proximity

9.22. The referrer contends that previous grants of planning permissions by the PA in proximity to the piggery sheds, including his own application ref. 19/221 in 2019, supports the conclusion that the piggery use was long inactive. It is the view of the referrer that as the PA did not request an odour impact assessment or a greater set back distance it meant that it understood the piggery to be long disused or non-operational at the time. It is also requested that the Commission gives significant weight that the PA and homebuilders relied upon the piggery's absence when making development decisions.

9.23. The Commission should note that I do not agree with the referrer that the PA granted permission on the basis of its understanding that the piggery was inactive. The referrer's application in 2019 related to permission for a replacement dwelling. It would not be within the remit of the PA in its assessment of a replacement dwelling application to assess the impact of an existing established farmyard which does not form part of the application. Therefore, the granting of permission for the referrer's replacement dwelling or any other dwelling in the vicinity of the farmyard does not equate to an acknowledgement on the part of the PA that the use of the piggery sheds was abandoned. Notwithstanding this, it certainly does not equate to an acknowledgement on the part of the owner of the farm that the use of the sheds were abandoned or that it was his intention to abandon the use.

9.24. Overall, on the basis of the information submitted by the referrer it is my view that previous permissions for dwellings granted by the PA within the vicinity of the farmyard does not provide proof of abandonment of the use of the piggery sheds.

(d) Precedent

9.25. I note that the PA had regard to a number of previous decisions by the Commission in its report, such as ABP-311139-21, ABP-311365-21 and ABP-317633-23. I also note that the referrer considers that certain aspects of these decisions are not relevant to the subject question before the Commission, as well as certain aspects being relevant.

9.26. With regards to ABP-311139-21, I note that this was a first party referral on a question on a number of issues including on whether the reopening of a pig farm was or was not development and was or was not exempted development. I note that the Commission considered that the use of the shed and land had not been abandoned and, therefore, there was no material change of use and, thus, the reopening of the pig farm was not development. The referrer considers that this case illustrates the Commission seeking clear evidence of an existing continuous use due to the history being in doubt. It is the referrer's view that the same approach should be adopted here. However, as stated above, each case of abandonment depends upon its own facts and it the onus of proof of abandonment is on the referrer.

9.27. With regards to ABP-311365-21, I note that this related to a local authority referral on a question from the owner on whether the use of an agricultural shed for housing pigs was or was not development and was or was not exempted development. The shed was previously used for cattle housing, was built in 1976 under exempt development regulations and a further extension was granted with no condition limiting its use to only cattle. I note that the Commission considered the use for housing pigs was still agricultural and, therefore, was not a material change of use and, thus, not development. It is the view of the referrer that 311365-21 is different as it represented an ongoing farm operation that wasn't abandoned whilst the subject case is the restart of a defunct use. However, again, that is the view of the referrer and the onus of proof for abandonment is on the referrer.

9.28. With regards to ABP-317633-23, this related to a first party referral on a question on whether the reactivation of an existing entrance to a former dwelling was or was not development and was or was not exempted development. The referrer considers that this case demonstrates that if an unused entrance after years of inactivity required permission to resume its use then it is relevant to the subject case in terms of the principle of time and disuse. However, in ref. 317633-23 I note that the Commission decided that on the basis of information submitted there was no evidence that a previous authorised vehicular access ever existed and, thus, no evidence that a vehicular access was being reactivated. It considered the <u>formation</u> (my emphasis) of a vehicular access to be development which was not exempted development. Whilst this decision related to works and not use, I consider that this case is not similar to the question before the Commission, however, I acknowledge the PA's reasoning for referring to the case in terms of the suggested test for abandonment of use (paragraph 9.4.1 of the Inspector's report).

9.29. Overall, whilst I have had regard to the cases referenced above, as well as the Commission's referral database, and as each case of alleged abandonment depends upon its own facts, it is my view that the above cases do not set a precedent for the Commission to decide this question in a certain way.

(e) Herd Registration and local authority, DAFM correspondence

9.30. The referrer contends that no pig herd number was ever issued by the DAFM at this location and provides correspondence from the DAFM in this regard. Whilst it is acknowledged that this is not a planning matter it is the view of the referrer that this provides evidence of abandonment. However, the referrer also acknowledges that it is possible that a "handful of pigs" could have been kept informally without registration but an intensive fattening operation such as what exists now could not have.

9.31. I note the response from the owner who states that the absence of a herd number does not demonstrate that the pig farm was abandoned or it was never the owner's intention to reactive it. The owner also states that the piggery is a small farming operation that has a capacity of 80 no. pigs per cycle.

9.32. I have reviewed the correspondence from the DAFM official and am not satisfied that it provides confirmation that no pig herd number ever existed. The DAFM official stated in her email that she could not categorically state that none exists. Notwithstanding this, I note that the owner does not dispute the allegation in this regard but states that none is needed for an operation of this size. The Commission should note that the referrer acknowledges himself that a number of pigs could have been kept informally. Due to there being no planning history associated with the buildings I note that there is no conditions or limitations on the capacity of the operation.

9.33. On the basis of the information provided by the referrer, it is my view that the absence of a herd registration number for the piggery operation does not provide sufficient proof of abandonment of the use of the sheds nor does it provide proof that it was the owner's intention to abandon their use.

9.34. I also note that the referrer relies on a 2nd April 2024 email from a local authority official who stated that the piggery unit "*had been recently brought back into use for fattening pigs*" and contends that this is an admission on the part of the local authority that the original use was abandoned. However, I consider a description of a building by an official is not sufficient evidence of proof of abandonment nor is it evidence of an intention of the owner to abandon the use. In any case, this wording could relate to the suspension of the use which I consider does not amount to permanent abandonment.

Overall Conclusion on Abandonment / Material Change of Use

9.35. To conclude, on the basis of the information provided by the referrer, and where the onus of proof for abandonment in this case is on the referrer, I am not satisfied that sufficient evidence has been provided that demonstrates an intention on the part of the owner to ever abandon the use of the buildings as a piggery. In contrast, the owner states that the piggery has been in use for over 50 years and may have been idle for weeks or months at a time during cycles but was never out of operation for long enough for it to be considered abandoned.

9.36. The photographic evidence on file from the time period of alleged abandonment does not indicate that the structures were abandoned and, accordingly, it is my view that a reasonable person would have concluded that the buildings and farmyard were operational as a piggery at this time. The historical aerial imagery of the structure shows the roof intact throughout a significant time of the alleged abandonment, i.e. between 1995 to 2018, as well as the farmyard being operational during this time. It is my view that the description of the buildings within planning applications at certain times in 1995, 2010 and 2017 does not demonstrate abandonment or an intention on the part of the owner to abandon its use. Furthermore, the PA's granting of permissions in vicinity of the farmyard, its description of the subject buildings in email correspondence and the absence of a herd registration number equally do not demonstrate abandonment or an intention on the part of the owner to abandon its use. In contrast, the owner has provided an invoice from July 2010 detailing the installation of a meal silo on the "pig farm" which I note represented a significant investment in infrastructure on the pig farm during the time of alleged abandonment.

9.37. Therefore, I consider that the reactivation and use of existing sheds for the housing of pigs (the question as posed by the referrer) **does not constitute development** as there is no proof of abandonment of the piggery use, and as such, no material change of use has been proven to have taken place. Whilst I acknowledge the referrer's concerns in terms of the environmental and amenity impacts of the piggery use, I do not consider that a material change in circumstances has occurred having regard to my assessment above.

The Question of Exempted Development - Works

9.38. The second question to determine is whether the development constituting the works described under paragraph 9.3 above are exempted development under the provisions of the Act.

9.39. I note that the referrer claims that the works are not exempted development. It is his view that the works materially altered the condition and the configuration of the structures due to the removal of ventilation chimneys and reconfiguration of the internal layouts. A photograph is provided of the structure from January 2025 which illustrates the structure after the completion of the said works. There are no photographs provided of the internal layout of the structure before or after the alleged works.

9.40. However, the Commission should note that the owner has clarified the nature and extent of works that took place. They comprised of works to the interior and exterior of the piggery which were for repair and maintenance purposes. They included the removal of ventilation chimneys in 2024 due to them being structurally unsound and in danger of collapse. Repair and infill works were carried out to the roof and insulation was installed to the ceilings. Rear vents on the building were closed up and front vents were enlarged and a meal silo was replaced.

9.41. It is my view that all of the internal works to the structures would fall under the provision of Section 4(1)(h) of the Act as they were works for the maintenance, improvement and alteration of the interior of the structure. With regards to the works to the exterior of the structure, I note that 4 no. ventilation chimneys were removed from the roof. I consider that these features were of no significant architectural merit with their function simply to provide ventilation to the building (which is now achieved by wall vents). I note that the pitch of the roof has not been altered by their removal. Overall, it is my view that these external works, being works for the maintenance, improvement and alteration to the structure, did 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.

9.42. Therefore, overall, I consider that the associated works as described by the referrer and the owner can be considered exempted development under Section 4(1)(h) of the Act.

Restrictions on exempted development – Section 4(4)

9.43. The Commission should note that under Section 4(4) of the Act the benefit of exempted development under Section 4(1)(h) may be lost where the development is subject to Appropriate Assessment (AA) or Environmental Impact Assessment (EIA). The question regarding the use of the structures for the housing of pigs is not subject to Section 4(4) as I have already determined that it does not constitute development.

Appropriate Assessment (AA) Screening

9.44. I have considered the associated works to the structures in light of the requirements of Section 177U of the Act. I note that the site is located approximately 5.5km west of Dundalk Bay Special Protection Area (SPA) (Site Code 004026) and Dundalk Bay

Special Area of Conservation (SAC) (Site Code 000455). No nature conservation issues were raised in the referral.

9.45. Having considered the nature, scale and location of the development, I am satisfied that it can be eliminated from further assessment because the works could not have had any effect on a European site. The reason for this conclusion is as follows:

- The established nature of the farmyard and the small scale nature of the development works.
- The separation distance between the farmyard and European sites and level of intervening lands between the sites.
- The absence of any hydrological link between the farmyard and any European site, having reviewed the Environmental Protection Agency (EPA) Mapping Tool[4] and having inspected the site.
- Taking into account the screening determination of the PA.

9.46. I conclude, on the basis of objective information, that the development would not have had a likely significant effect on any European site, either alone or in combination with other plans or projects. Likely significant effects are excluded and, therefore, Appropriate Assessment (AA) under Section 177V of the Act is not required.

Environmental Impact Assessment (EIA)

9.47. I refer the Commission to Appendix 1 of the report in this regard. I consider that the development involving the removal of ventilation chimneys as well as other associated works to the existing piggery buildings is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

Other Issues

9.48. The Commission should also note that the owner has requested dismissal of the referral under the provisions of Section 138 of the Planning and Development Act

[4] https://gis.epa.ie/EPAMaps/Water (Layers: River Flow Direction; Stream) (*Accessed 23rd June 2026*)

2000, as amended, on the grounds of it being vexatious and frivolous. The owner has outlined that there have been previous objections and unsuccessful complaints to third party authorities. However, the Commission should note that I am satisfied that the question asked by the referrer has raised a legitimate point regarding the issue of abandonment and, therefore, it is my recommendation to the Commission that the referral should not be dismissed.

10.0 Recommendation

I recommend that the Commission should decide this referral in accordance with the following draft order.

Planning and Development Act 2000, as amended

Planning Authority: Louth County Council

Planning Register Reference Number: 2025/64

WHEREAS a question has arisen as to whether the reactivation and use of existing sheds for the housing of pigs and associated works, is or is not development or is or is not exempted development:

AND WHEREAS Brendan Marry requested a declaration on this question from Louth County Council on the 21st day of August, 2025:

AND WHEREAS Louth County Council issued a declaration on the question on 12th September 2025 concluding that the use of the shed had not been abandoned and the use for the storage of pigs was not a material change of use and therefore did not constitute development:

AND WHEREAS Brendan Marry referred this declaration for review to An Coimisiún Pleanála on the 7th day of October, 2025:

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

(a) The documentation on file including the information provided by the referrer regarding an alleged case of abandonment of use,

(b) Section 2(1) of the Planning and Development Act 2000, as amended

(c) Section 3(1) of the Planning and Development Act 2000, as amended,

(d) Section 4(1)(h) of the Planning and Development Act 2000, as amended,

(e) Section 4(4) of the Planning and Development Act 2000, as amended,

(f) The planning history of the site,

(g) Relevant case law, and

(h) The report and recommendation of the Inspector.

AND WHEREAS An Coimisiún Pleanála has concluded that:

(a) The buildings in question are existing agricultural piggery sheds within an established farmyard,

(b) The onus of proof regarding an alleged case of abandonment is on the referrer in this case,

(c) On the basis of the information submitted, the referrer has not demonstrated that the use of the piggery sheds were abandoned by the owner nor has demonstrated an evinced intention on the part of the owner to abandon their use as a piggery,

(d) The reactivation and use of the existing sheds for the housing of pigs would represent a continuation of use which is not a material change of use and, therefore, is not development,

(e) The associated works comprising of the removal of ventilation chimneys on the roof and internal works to the structures constitutes development, as they involved works in, on, over or under land,

(f) The associated works consisted of the maintenance, improvement or other alteration of the structures, being works which affected only the interior of the structures and which did not materially affect the external appearance of the structures so as to render the appearance inconsistent with the character of the structures or of neighbouring structures, and therefore, are considered exempted development under Section 4(1)(h) of the Planning and Development Act 2000, as amended,

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it be Section 5(4) of the Planning and Development Act 2000, as amended, hereby decides that the reactivation and use of the existing sheds for housing pigs at Rathiddy Road, Knockbridge, County Louth is not development, and the associated works constitute development and are exempted development.

Declaration

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Gary Farrelly
Planning Inspector

23rd June 2026

Appendix 1: EIA Pre-Screening

<table>
<tr><td>Case Reference</td><td>ACP-323794-25</td></tr>
<tr><td>Development Summary</td><td>Removal of ventilation chimneys and associated works to existing piggery buildings</td></tr>
<tr><td>Development Address</td><td>Rathiddy Road, Knockbridge, County Louth</td></tr>
<tr><td colspan="2"></td></tr>
<tr><td rowspan="2">1. Does the proposed development come within the definition of a ‘Project’ for the purposes of EIA?</td><td>☒ Yes, it is a ‘Project’. Proceed to Q.2.</td></tr>
<tr><td><s>☐ No, No further action required.</s></td></tr>
<tr><td colspan="2">(For the purposes of the Directive, “Project” means:
- The execution of construction works or of other installations or schemes,
- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</td></tr>
<tr><td colspan="2">2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</td></tr>
<tr><td colspan="2"><s>☐ Yes, it is a Class specified in Part 1. EIA is mandatory.</s></td></tr>
<tr><td colspan="2">☒ No, it is not a Class specified in Part 1. Proceed to Q3</td></tr>
<tr><td colspan="2">3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</td></tr>
<tr><td colspan="2">☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.</td></tr>
</table>

☐ ~~Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory.**~~
☐ ~~Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2) If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**~~

Inspector: ______________________________ **Date:** 23rd June 2026