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14/10/2021

AN BORD PLEANÁLA	
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26 OCT 2021	
Fee: €	_____ Type: _____
Time: <u>9:15</u>	By: <u>Reg Post</u>

Your ref: ABP-311366-21
Planning Authority ref:20081365

Dear Mr. Kelleedy,

Thank you for your letter dated 6/10/21, I wish to make the following submission.

RE: Planning Reg. No. EXD00824

Executive Order No P.0887/20

In response to a Section 5 application under the Planning and Development Act, 2000 as amended Wexford County Council confirmed that this development is NOT an exempted development under the Act.

A planner's report on the development was completed by Abigail Nuzum, signed off by James Lavin Senior Executive Planner on 03/09/2020 prior to the clarification that this development is NOT Exempted. Copy attached.

However, despite many letters from myself and local residents, Wexford Co. Council have yet to act on their own decision on this matter and have opted for an enforcement notice for installation of slats and a loading ramp. When the matter was raised at Municipal Council Meetings by local Councillors the planner present could not elaborate on what the Council Planners were doing, declaring there was a court case pending and sub judice

Also, the environmental section was expected to take a court case in response to complaints from local residents about the foul smell, and has been ongoing for some time. The last the residents heard was the case has been deferred to allow the owner to prepare files.

This problem is on going since 2017, when the shed was first used for pig housing, then straw based. Under the Planning and Development 2000 as amended, will the seven-year-exemption rule apply if the planning permission regulations are not enforced by 2024.?

I enclose a copy of an article in the Wexford People Paper, July 2021, a report from the local Councillors meeting, it tells the story. Also enclosed is some correspondence with the Planners.

The legislation introduced under the P and D Act 2000 as amended, is EU Derived and Statute binding for environmental protection, I understand it applies to all pig housing developments.

Compliance is costly, therefore allowing some large commercial entities operate outside the Regulations constitutes allowing them an unfair trading advantage.

Would they not have discussed with the owner the required planning permission for change of use, retention planning and adherence to waste disposals at their preplanning meeting on 21/12/2017 reference PP20170667 which the 12-page document relating to same has been refused under FOI requests by residents. Confirmation of refusal document attached.

Many thanks.

Yours faithfully



Alice Clarke

2021

Both Pig developments.

'Unimaginable' smells drive locals around the bend

COUNCILLORS DEMAND QUICKER ACTION OVER PIG FARM ODOURS

By SIMON BOURKE

WITH residents near the piggery in Killuger continuing to endure an 'unimaginable' smell on an almost daily basis, those living near another farm in Taghmon are now reporting similar issues.

Speaking at the monthly meeting of the Rosslare Municipal District, Cathaoirleach Cllr Frank Staples first asked officials for an update on the situation at Killuger.

'The summer is coming and when you hear somebody say they're not looking forward to the summer, then you know how bad it is,' he said of a problem which has affected residents for the best part of four years now.

'We speak about people's mental health, but this is absolutely driving them round the bend here. I was there last summer myself and the smell is unimaginable. And I can just see this

running on and on and on.'

Asking whether a change in feed was responsible for the smell and whether Wexford County Council (WCC) had investigated that, Cllr Staples said he feared the issue would not be resolved this year despite two court proceedings being instigated against the farm's owner.

However, because of those proceedings Executive Planner Liam Bowe would not be drawn on the issue for fear of prejudicing either case.

Cllr Lisa McDonald has been campaigning for penalties to be put in place on the farm in Killuger since it first became an issue, and she criticised WCC for taking an overly 'conservative response' towards it.

'The legal proceedings in place are in relation to air pollution and a ramp and slats. They are not adequate, it's a limited, conservative response to something which is becoming a menace,' she said.

Yet, while WCC awaits the results of those actions, a further issue has arisen in the Taghmon area where another piggery is causing problems for locals.

'There's 20 houses out here on the Ballynagale Road, where the smell is seeping into the houses, even with the windows closed,' said Cllr Jim Codd. 'People tell me they can smell it from two kilometres away.

This farm was changed from a dairy to a pig farm - was there an application made for the change of use? And are WCC aware of the proximity of this particular pig farm to a river?

'It's nearly two years since I first heard about the pig farm in Killuger. And I, for one, am not going to be accepting a similar pace of progress in relation to the farm out here in Ballynagale.'

Cllr McDonald had also been contacted by concerned residents in Ballynagale.

'I've had the people from Ballynagale onto me over the weekend too and they've endured horrific smells,' she said. 'There was slurry spread around the land by the river, which could also have polluted the river; what in the name of God are we doing, sitting back and not reacting to this?'

'This is commercialised farming, it's buying up dairy farms and turning them into industrial use, I said it at a meeting several years ago that this is an intensification of use we need to grow a pair and literally take this on. We are planning enforcement authority in the county and we need to be seen as such.'

Mr Bowe said a letter had been sent to the farmer in Ballynagale and that they had months to respond.

Sept 2020 -

Councillors kick up stink over pig farm

THIS month's meeting of the Rosslare Municipal District took place in the Taghmon Action Group (TAG) Community Centre as Cathaoirleach Ger Carthy continued his efforts to engage with all those within the constituency.

And one of the most pressing concerns for Cllr Carthy and his colleagues was the pungent odour emanating from a piggery in Ballykelly on the N25.

Nearby residents have consistently complained about the smell coming from the premises in which approximately 1910 pigs are kept, yet because the owner is not breaching any laws Wexford County Council admits it is restricted in the actions it can take.

Ger Forde from the Environmental Department explained, 'There's no planning issues and no planning enforcement action which can be taken there. The number of pigs is less than two thousand, if it was over that it would be eligible for an environmental assessment.'

'If it can't be resolved we might have to take action under the Air Pollution Act. The operator himself does accept there is a problem there. There are a lot of houses quite close to it.'

and I think we need to look at it. And the Fianna Fáil councillor said some people were being discouraged from registering for houses in their local areas. 'I know there's houses in Rosslare and Taghmon in the pipeline but I'm talking about now, about the policy of saying to people "don't put your name

and infrastructure. 'I would say the Rosslare District is well served in that regard,' he said. 'There's a number of villages Murrinstown, Taghmon, Bridgetown, which are all connected to Wexford town, there's more houses being

and it's holding up schemes. 'We can't get expansion in villages or increased capacity, if you're not on the Irish Water infrastructure plan it's bye-bye to that village. It's fairly straightforward,' said the councillor.

Councillors kick up stink over pig farm

Mr Forde suggested those affected by the issue could help strengthen the council's case by providing public testimony of their experiences, saying judges than more likely to be swayed by residents than a local authority.

'We can bring this before the judge but it's a stronger case if local residents come in and give their testimony. The judge tends to listen to the local people more than the officials because they're the people living with the problem.'

However, Fianna Fáil Councillor Lisa McDonald felt the onus should not be placed on members of the public when it came to resolving this issue.

'I don't think it's fair to say to a neighbour to come in and give evidence against another person, we should be able to deal with this without resorting to that,' she said.

Reminding Mr Forde that he had come to him about this issue nine months ago, Fine Gael Councillor Frank Staples said he personally knew some of those living in the area and they were dealing with a 'horrendous' odour on a daily basis.

'There's one man in particular, quite close to it and he has young children, it's horrendous. I don't know how he's living

in that house,' said Cllr Staples. Cllr Jim Codd is another of the councillors in Rosslare with a background in farming and he said the smell caused by such a large number of pigs would be almost unimaginable.

'I grew up on a farm and we kept pigs and, I can tell you, if you can put up with the smell of 1910 of them you'd have a great nose. To keep that many pigs in the one place and not have a smell would be a miracle.'

During its most recent inspection of the piggery the council found there were 1910 pigs on the premises, a number which precludes them from prosecuting the owner.

Yet, according to Fianna Fáil Councillor Lisa McDonald, that figure was being disputed locally.

'The locals say there's more pigs there than are being counted. The reality is this is an intensification abuse, that was never a pig farm before now, it was never the industrial style farm that it is now.'

In response, Mr Forde said, 'He (the farmer) knows his threshold and he's keeping below that. The inspector confirmed there are no pig welfare issues, everything is being done correctly in that context.'

Council's

WEXFORD County Council is of its budget dealing with Cllr Jim Moore.

Having received a report almost half of the chimney flue January 2017 and December 2018 Moore said, 'We have an issue going back five years, when the amount of remedial work and associated costs actual deprived our budget in other areas.'

Pointing out that this money could be used to upgrade footpaths and lighting schemes throughout the county, Cllr Moore asked Executive Plan Liam Bowe for an update on the issue.

'Chimney maintenance huge problem,' admitted Bowe. 'The cost on average €6,500 to repair a chimney. And we do between 30-40 a year. We do lots of other measures instead of new heating system costs between €4,000 and €5,000. Asked by Cllr Moore it was getting smaller or bigger. Once we find a way to sort it out.'

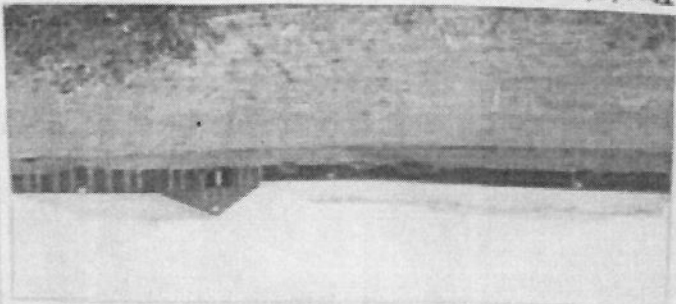
After the meeting Cllr Forde said, 'We need to show there were 205 in 2017 and 2019. We need to show we also need to ensure even down to an unit everyone has a role to play with chimney fire.'

123	08/07/2019	Email	3	Part grant	S35 (1) (a)
124	19/06/2019	Letter	2	Part grant	
125	19/06/2019	Letter	2	Part grant	
126	17/06/2019	Memo	1	Part grant	
127	07/05/2019	Memo	1	Part grant	
128	03/05/2019	Company search	1	Grant	
129	29/03/2019	Letter	1	Part grant	
130	27/03/2019	Complaint form	2	Part grant	
131	05/03/2019	Letter	1	Part grant	
132	28/02/2019	Photographs of shed with pigs	1	Part grant	
133	28/02/2019	Memo	1	Grant	
134	25/02/2019	Letter	1	Part grant	
135	22/02/2019	Letter	1	Grant	
136	04/02/2019	Complaint form	2	Part grant	
137	21/12/2017	Pre Planning Meeting - PP20170667	12	Refuse	
138	03/09/2010	Grant of Planning Permission 20100598	2	Grant	Confidential
139	22/08/2008	Grant of Planning Permission 20081365	2	Grant	
140	19/09/2003	Grant of Planning Permission 20032095	3	Grant	
Planning enforcement case 0090/2017					
141	04/10/2017	Letter	1	Part grant	
142	22/11/2017	Letter	1	Part grant	
143	21/11/2017	Letter	1	Part grant	
144	22/11/2017	Letter	1	Part grant	
145	09/11/2017	Enforcement Report to close file	1	Part grant	
146	01/11/2017	Internal Memo	1	Part grant	
147	27/10/2017	Inspector's Report	11	Grant	
148	26/09/2017	Internal Memo	1	Grant	
149	26/09/2017	Internal Memo	1	Grant	
150	26/09/2017	Internal Memo	1	Grant	
151	26/09/2017	Letter	2	Part grant	

Residents must 'sit in the s***' for two more months

LACK OF ACTION ON
PIG FARM SEES ONE
LOCAL RESIDENT
MOVE AWAY

BY SIMON BOURKE



The pig farm in Killinger.

A homeowner situated near the pig farm in Killinger has been forced to move away because of the smell emanating from the farm.

The farm, which has been issued with a planning enforcement notice by Wexford County Council (WCC), has been the source of much debate in the monthly meetings of the Rosslare Municipal District (RMD).

Frank Staples revealed one person had given up on anything ever happening in this ongoing case.

Is there anything significant about the problem in Killinger? Mr Staples asked Liam Rowe of WCC's Planning Department.

One lady has moved away, she won't live there anymore, and the husband is not too far behind her. It's horrendous, I don't know how people are able to live there.

Mindful that legal proceedings were in place, Mr Rowe wouldn't be drawn on the issue but confirmed that WCC was getting 'set up' for a legal case to ensure 'all will be in order and it can't be contested'.

However, with councillors not due to meet again until September, Councillor Ger Carthy feared this would lead to the issue being kicked yet further down the road.

It's not good enough, this is cold comfort to the people living

there in that stink. Where's the action on this? We're going to have to wait another two months now because we're not going to meet until September. Now the people in that area are going to have to, excuse the pun, sit in the s*** for the next two months.

Meanwhile, having only recently asked for a breakdown of the numbers of staff in WCC's Housing Department, Cllr Carthy felt compelled to ask for a similar report on those in its planning section. With cases taking months, the independent councillor asked Mr Rowe whether there were enough staff in his department to deal with the volume of queries.

I reported a planning enforcement issue a couple of weeks ago and I was informed there were 400 cases being dealt with, Cllr Carthy said. Staffing in that department seems to be a big issue. I don't believe we're serious about planning enforcement and I don't believe the department is staffed appropriately.

And there's chaos in the rural areas because people are doing exactly what they want to do, they're moving in mobiles, caravans, they can build what they like, a shed, walls, connect to Irish Water, but don't worry if you're in breach of planning

We need more staff across the board to deal with enforcement, when it comes to things like Killinger we're at sea, she said. And we, as councillors, are the point of contact on the ground for people who are disgruntled because they feel their rights are being trodden on. It's not easy when you can't give the answers. Our planning enforcement laws are not very much respected.

With such a backlog of active cases and seemingly not enough members of staff to deal with them, Councillor Lisa McDonald said it came as no surprise that people were snubbing the local authority.

I'll get a breakdown of staffing we just can't reach everything. Things have to be prioritised and because of staffing levels certain of cases since the pandemic. I can't increase in the reporting. There has been a significant increase in the reporting of cases since the pandemic.

But there has since been one appointed and she is exceptionally busy, continued Mr Rowe. There has been a significant increase in the reporting of cases since the pandemic.

That's handy, replied Cllr Carthy. Planning Enforcement section? But there has since been one appointed and she is exceptionally busy, continued Mr Rowe. There has been a significant increase in the reporting of cases since the pandemic.

1000