



154 Riverside Drive
Red Barns Road
Dundalk
County Louth

4th November 2025

An Coimisiún Pleanála
64 Marlborough Street
Rotunda
Dublin 1
D01 V902

Dear Sir or Madam

Case Number: ACP-323704-25 - Section 5 Declaration Appeal, Rathiddy Road, Knockbridge, Co. Louth.

Thank you for your letter dated 10th October 2025 regarding case no. ACP-323704-25 and for the opportunity to respond to Mr. Brendan Marry's appeal (hereafter referred to as the Appellant) against Louth County Council's recent Section 5 Declaration decision at the above address.

EHP Services has been appointed by our Client Mr. Seamus, the owner of the piggery building which is the subject of this appeal, to prepare and submit a response to the presumptive and questionable arguments put forward by the Appellant.

Any correspondence pertaining to this appeal can be forwarded to EHP Services at the above address.

Having carefully reviewed the case for appeal our Client finds the Appellant's arguments and justification that Louth County Council's original Section 5 Declaration decision be overturned to be highly presumptive, poorly evidenced and based upon biased and selective interpretation of information. It is submitted that our Client in contrast having worked his farm for 50+ years is a direct, first person source of information and is therefore a more accurate and reliable source upon which to evaluate the veracity of the Appellant's claims and the relevancy of his subsequent conclusions.

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Consequently having carefully read the appeal our Client; being in possession of material facts conspicuously absent from the Appellant's submission; finds this appeal unpersuasive and frivolous. Our Client offers An Coimsiún Pleanála the following comments and criticisms of this appeal under the following headings.

Background.

There has been an active farm at this location for over 100 years. Our Client has been farming his landholding as a dairy and pig farm since the 1970's. He has also been an agricultural advisor, Louth County Councillor between 1974 and 1985 and a Fianna Fáil TD from 1982 to 2016. He was a Minister of State at the Department of Agriculture from 1987 to 1992, the Ceann Comhairle of Dáil Éireann from 2009 to 2011 and Ireland's first Minister for Horticulture¹. Throughout this career our Client actively farmed his landholding directly and/or through various farm managers/workers. After his retirement from politics in 2016 he was able to be more directly involved in the day to day running of both dairy and pig farm operations. In more recent year the day to day operation of the dairy and pig farms has been the responsibility of the Client's son, Mr. Ciaran Kirk who has been working and learning farm at Rathiddy for the last 20+ years. With regards to the pig farm Mr. Ciaran Kirk has been working in cooperation with Mr. Martin Boyle of Derryolam, Carrickmacross, Co. Monaghan who has decades of experience and expertise in the pig rearing at his own farm. Please find enclosed a signed letter from Mr. Boyle attesting to his understanding the piggery predate his continuous involvement in pig farming at the appeal site of the last 20 years.

The appeal site is located in the townland of Rathiddy approximately 1.6km east of the village of Knockbridge, Co. Louth (see Figure 1 overleaf). The appeal site is located in a sparsely developed but heavily and actively farmed rural community. The piggery structure, which is the subject of this appeal and the Appellant's ire since his move to the area circa 2020 is located across the road from the Client's home and main farm complex and 22m (approx.) south of the Appellant's dwelling (see Figure 2 overleaf).

¹ https://en.wikipedia.org/wiki/S%C3%A9amus_Kirk#:~:text=He%20served%20as%20a%20Teachta.constituency%20from%201982%20to%202016 (accessed 04.11.25)



Figure 1 – Site Location Map.

Source: www.google.com/maps (2025)

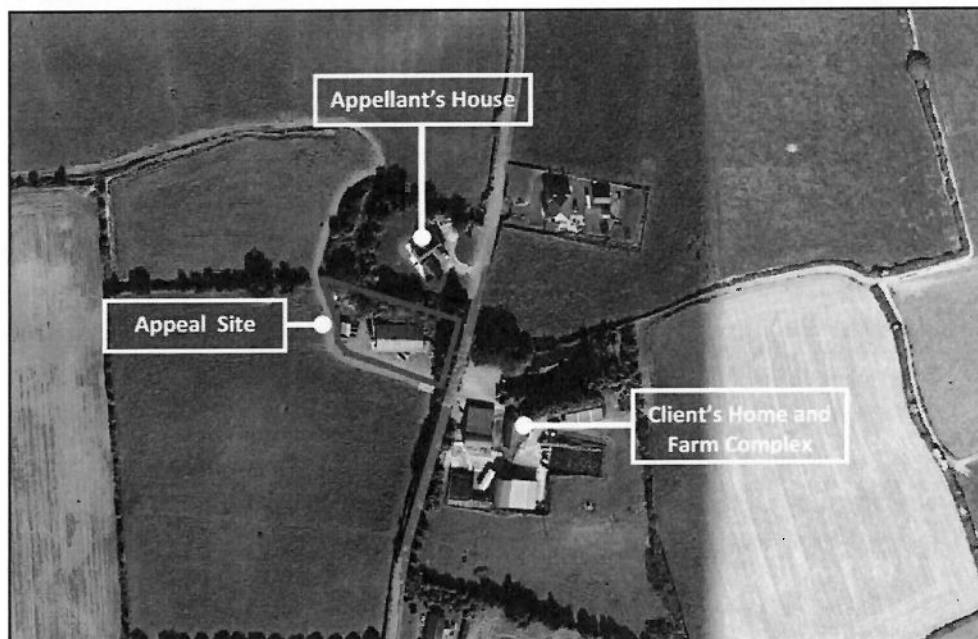


Figure 2 – Site Layout Map.

Source: www.google.com/maps (2025)

The site, accessed from a gated entrance off the Rathiddy Road (L-31671), is defined by a row of very tall and mature Leylandii trees along the side (eastern) boundary with the road (see Photo 1 overleaf). The site's northern boundary is defined by a heavily overgrown drainage ditch and scrub hedging (see Photo 2 overleaf). Immediately behind this boundary is a 4+m high overgrown earthen embankment which runs the entire length of the adjoining piggery structure screening it completely from the Appellant's property (see Photo 3). Photo

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4 overleaf shows the appeal site's northern boundary from the public road. An Coimisiún Pleanála will note that the Appellant has recently planted a row of trees facing this shared boundary line (see Photo 5). The site's southern and western boundaries are defined by a timber post and wire fence that separates the piggery and ancillary yard from adjoining field.

Within the appeal site sits the piggery structure itself next to a rough stone yard, freestanding steel container (used for incidental storage) and a vertical feed bin (see Photos 5 & 6). To the side (west) is an old and derelict pig sty (see Photo 7). A slurry channel, previously open, runs along the rear of the piggery structure (see Photo 3). It was recently enclosed in corrugated metal in order placate the Appellant's latest complaint of bad odours. It flows via gravity to a sealed, underground slurry tank to the side of the feed silo.

The piggery is constructed from concrete block and plaster. It has an external corrugated metal roof and insulated internal roofing/ceiling. The extended front eaves overhang a segregated corral which runs the length of the structure. The structure comprises of 3no. naturally ventilated 'houses'. At the centre of the front elevation is a elevated ramp down to the corral. Upon delivery the pigs are offloaded to the gated concrete loading ramp (see Photo 8 overleaf) before being separated and herded into one of the three 'houses'.

The pig rearing operates on a three month cycle with the fattening period taking 2-2½ months after which the animals are transported for slaughter. The final 2-2½ weeks are used to thoroughly clean down and disinfect the piggery and make ready for the next batch. Depending on the availability of adequate stock numbers and access to transportation this sequence doesn't always recycle immediately after the clean down and disinfection stage. The piggery may lay idle for weeks or months at a time. The piggery has a maximum capacity of 80no. animals per cycle although for various reasons including the pork prices, feed costs and realising optimum growing rates, not every cycle involves 80no. animals. Our Client confirms there have been times when these factors have conspired to limit the number of cycles that can be carried out in one year. There have also been times when illness or personal injury has temporarily prevented him from taking a more active role in the farm's daily running. In those periods Mr. Martin Boyle and more latterly Mr. Ciaran Kirk have run the farm in his absence.

At most the rearing cycle allows for a maximum of no more 4no. cycles per annum or a total of 320no. animals. In agricultural terms this is an extremely small farming operation so much so that the Client is not required to register for a herd number from the Department of Agriculture, Food and the Marine. Section 5 of the appeal incorrectly ascribes as further evidence of abandonment the fact that a herd number was not obtained for the pigs reared on site. It is understandable that the Appellant would not be aware of current Department of Agriculture regulations and requirements for a small, sub-threshold farming operation such as our Client's.

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Whereas the nature of pig rearing does not necessitate the piggery to be in constant use 24/7 throughout the year the rearing cycle described above is how pigs have been historically fattened at this farm for decades. It is insufficient to subsequently claim use of the building has lapsed based on short and irregular intervals of inactivity and/or cleaning. Moreover the Appellant cannot directly attest to anything pre-2020 and the occupation of his new house. The appeal's central argument only assumes abandonment of use based on the Appellant's selective interpretation of indirect information sources that supports his predetermined narrative. Our Client would state in the strongest and most indefatigable terms possible that this piggery structure has been in use for 50+ years and at no time has it been out of operation for long enough that the use may be considered abandoned.

Our Client's pig farm is a satellite/subsidiary producer for Green Pasture Meat Processors Ltd. who, in addition to their own main operation, sub-contract out to a number of smaller producers nationwide to augment and build resilience into their supply chains. Upon reaching slaughter weight it is Green Pasture Meat who transports the fattened pigs to slaughter and processing. Unlike other animals, such as cattle, the rearing of sub-threshold numbers of pigs requires little 'paperwork' from satellite farms such as our Client's. That is not to say that the pig farm is not subject to numerous EU and governmental guidelines and operational regulations regarding food production standards and animal welfare. We have been informed that regardless of herd size or scale of operation any pig meat producer is subject to the provisions and requirements of multiple directives, legislation and guidelines including, but not limited to:

- Council Directive 2008/120/EC of 18 December 2008 on laying down minimum standards for the protection of pigs.
- Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs.
- Commission Recommendation (EU) 2016/336 Laying down minimum standards for the protection of pigs as regards measures to reduce the need for tail-docking.
- EU Directive 1998/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes.
- Animals Health & Welfare Act, 2013.
- S.I. No. 311/2010 – European Communities (Welfare of farmed animals) Regulations 2010.
- 'Code of Good Practice Regarding the Responsible Use of Antimicrobials on Pig Farms', Teagasc.
- 'Code of Practice for the Welfare of Pigs' Farm Animal Welfare Advisory Council and Dept. of Agriculture, Fisheries and Food.
- 'Pig Producer Standard' Pigmeat Quality Assurance Scheme, Bord Bia (July 2014).
- 'Biosecurity Code of Practice for Indoor Pigs' Animal Health Ireland (October 2023).

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Appeal Site Photographic Survey



Photo 1 – Eastern boundary treeline from road.

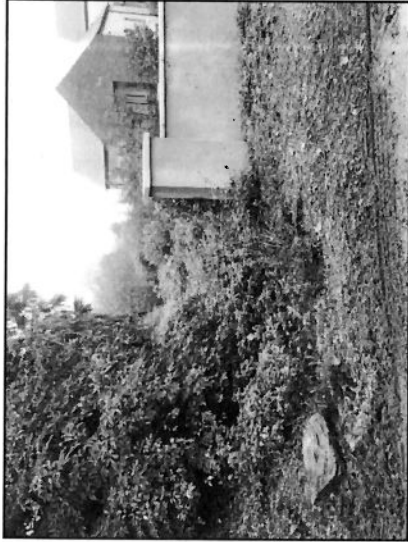


Photo 2 – Northern boundary ditch.
(NB Appellant's property to the right).



Photo 3 – Rear boundary embankment and enclosed slurry channel.



Photo 4 – Rear boundary viewed from road and Appellant's property.
(NB Appellants recently planted treeline).

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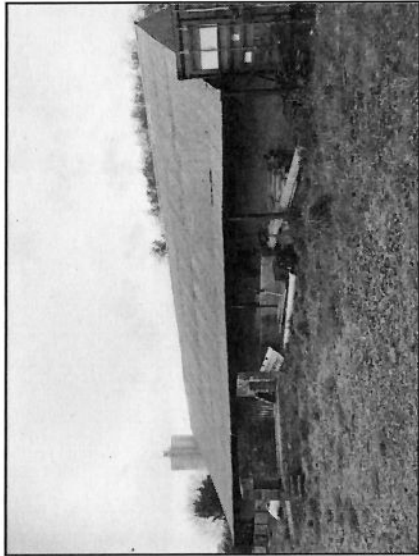


Photo 5 – Piggery viewed from agricultural entrance.

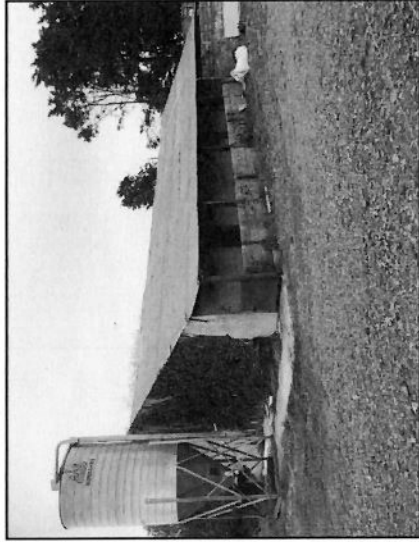


Photo 6 – Side view of Piggery and feed silo.

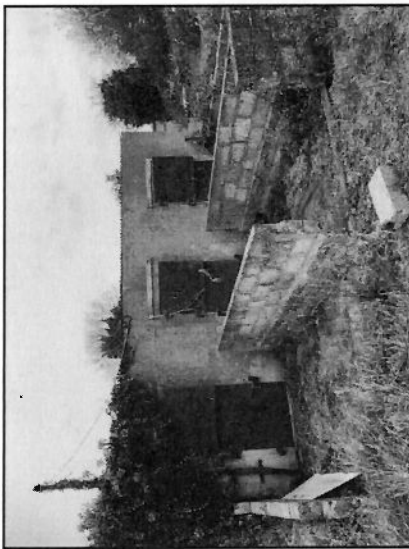


Photo 7 – Derelict pig sty.



Photo 8 – Covered front corral and door to pig house.

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Photo 9 – Concrete loading ramp.

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At the core of this appeal and other complaints lodged with other authorities including the Environmental Protection Agency (EPA) and Louth County Council's Environment Section is the perceived negative effects smells emanating from the piggery is allegedly having on the Appellant's property and amenities. The piggery substantially predates the Appellant's house approved in July 2019 under planning ref. no. 19/221. The piggery was clearly shown on the submitted Site Location Plan and we would find it highly questionable that the Appellant would not have been aware of the presence and the associated effects of our Client's active farm, including the piggery, at any point during the site selection and purchasing processes, the compilation and determination of the planning application or the construction of the approved dwelling. It also seems unjust and unreasonable that the Appellant now seeks to misuse the planning process to forcibly affect change and/or cessation of a long established agriculture building/use for his sole benefit. We note with interest that no other neighbour has approached our Client to complain about smells, noises or any other supposed ill effect attributable to this active pig and dairy farm. In seeking to relocate to a rural setting it also seems highly irrational and inequitable that the Appellant should be complaining about an obvious and entirely predictable consequence of rural living i.e. smells, noise and/or other disturbances that may arise from proximity to an active farm. Whilst previous contact and correspondence from the Appellant has professed a desire to work towards an amicable and agreeable solution his actions to date, in lodging repeated complaints, reveals his true intentions and objectives. As documented in the appeal's appendices the Appellant has lodged complaints with the EPA and Louth County Council's Environment Section which have not had the desired outcome. Our Client has fully co-operated with both bodies and to date has not been issued with any official summons, notification of penalty or prescribed mitigation demand. It is not unreasonable to infer that when assessing the 'cart before the horse' nature of the Appellant's complaints were obvious and that both the EPA and County Council were not satisfied to give preferential consideration to the more recently constructed dwelling over the more historically established agricultural use and building.

This appeal is the latest in a litany of actions taken by the Appellant which to date have not resulted in a satisfactory outcome for him hence this latest appeal. Our Client is forced to conclude this appeal is frivolous, disingenuous and lacks any good faith basis. An Coimsiún Pleanála will be cognisant of the provisions of Section 138 (1)(a)(i) and (ii) which state:

138. - (1) The Board shall have an absolute discretion to dismiss an appeal or referral –

(a) where, having considered the grounds of appeal or referral or any other matter to which, by virtue of this Act, the Board may have regard in dealing with or determining the appeal or referral, the Board is of the opinion that the appeal or referral –

(i) is vexatious, frivolous or without substance or foundation, or

(ii) is made with the sole intention of delaying the development or the intention of securing the payment of money, gifts, consideration or other inducement by any person,

The persist objections and unsuccessful complaints to third party authorities can be seen as a vexatious precursor to the submission of the original Section 5 Declaration and this appeal. The lack of substantive proof and the reliance upon supposition of facts not in evidence throughout this appeal meets any reasonable

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definition of frivolous. This latest action is commensurate with the Appellant's quite evident intention of securing favourable consideration towards his ultimate goal of forcing our Client to cease using the appeal site for the rearing of pigs. We submit there are sufficient and self-evident grounds to dismiss this appeal in its entirety under Sections 138 (1)(a)(i) or (ii).

The Presumption of Abandonment.

The central core of the Appellant's presumptive claim that the agricultural use of the appeal site and building is abandoned is an annotation on a Teagasc document and map referring to '*disused piggery*' submitted in an 1995 planning application (ref. no. 95/271) and then again in 2010 (ref. no. 10/146) and in 2017 (ref. no. 17/548). An Coimisiún Pleanála will please note that the original 1995 document and map (Appendix 1 of the appeal) were produced by Teagasc not our Client. It is entirely possible and plausible that when the Teagasc advisor was on site the piggery was between cycles and not in obvious use. An Coimisiún Pleanála will also note that the Teagasc map and its annotation were simply 'cut and pasted' onto the maps submitted with planning ref. nos. 10/416 and 17/548 without correction. In hindsight and within context of this appeal this oversight is regrettable but our Client vehemently disagrees with the weight and authority which the Appellant seeks to impose upon a simple map annotation. It does not, in our opinion, rise to a sufficient level of reliable or robust proof that the piggery was indeed considered and/or declared abandoned by our Client between 1995 and 2017. It is also incorrect to state and rely upon the opinion that such an annotation applies any official confirmation as to the planning status of the building. If this is the only documentary evidence of a foundational point of this case for appeal it is, in our opinion, fatally flawed. In association with this point we draw An Coimisiún Pleanála's attention to Appendix 5 of the appeal and the inclusion of an email from The County Council's Executive Scientist, Mr Sean Callaghan, which described the piggery as having been '*... recently brought back into use of fattening pigs*'. Such a description has no probative value or weight in determining the planning status of the appeal site/building and has likely come directly how the Appellant framed the original complaint. Incidentally the email dated the 2nd April 2024 note there was no further action the Council could take making note that the level of odour would vary depending on weather wind directions etc.

In Section 5 of the appeal the Appellant refers to the 'four pillars' of assessing abandonment i.e. Intention to Abandon; Length of Non-Use; Physical Condition of the Property and Intervening Use. With regards to the arguments applied to each of these issues our Client would challenge the Appellant's interpretation of an intention to abandon the use. How can a third party now or being reliably able to demonstrate our Client's intention with regard to any aspect of the running of his farm? The lack of a herd number has been explained in preceding paragraphs and is therefore not a reliable benchmark to judge whether or not the pig farm was abandoned or that our Client never intended to reactive it. The claim that the piggery has been inactive for a sustained period of time cannot reconcile Mr. Martin's Boyle's letter (see Appendix 1) attesting first hand to the contrary. Mr. Boyle's involvement with pig farming at the appeal site first with our Client then latterly with Mr. Ciaran Kirk far predates the Appellant's first-hand knowledge of the matter and is, in our opinion, a more compelling detail that directly disproves the case for appeal. Also attached is a letter from Dooley

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Agricultural, Inniskeen, Co. Louth (see Appendix 1) that Mr. Ciaran Kirk has been buying pig meal from their establishment since the early 200's. Both letters have the effect of completely destroying the timeline of activity and inactivity presented in this appeal. Both letters are, in our opinion, sufficient grounds to summarily dismiss this appeal. Furthermore the suggestion that the extent of works carried out to the site and building had the effect of further decreasing the and therefore deactivating the building's capacity to rear pigs is ignorant of the practicalities of the building's physical condition and the need to make vital repairs to a 50+ year old agricultural structure so that it could continue its use in rearing pigs.

With regards to the piggery's physical condition the appeal suggests that '*... essential fixtures were removed or fell into disrepair...*' and that this is evidence of abandonment. The appeal states '*... no visible upgrades or maintainence related to pig raring were undertaken during the inactive period for instance there were no modern feeding systems, fans or slurry management system installed until the recent refurbishment. Prior to 2023 the building's appearance as aging farm sheds with no sign of housing livestock*'. The claim that the piggery, in lacking any signs of modernization works or upgraded equipment, is evidence of abandonment is badly informed as to the basic housing needs of pigs or the lack of need for complicated feeding systems that are more appropriate to large scale, high intensity commercial piggeries that house hundreds if not thousands of pigs at the same time. The small scale of our Client's pig rearing operation does not require anything more complicated than filling a wheelbarrow from the feed silo and feeding the pigs directly. Anything else would be financially cumbersome and superfluous to requirements. The feed silo incidentally was installed in 2010 replacing an older, smaller feed bin that had stood on site for the preceding 15 years. A copy of the invoice from Paul Cooney Sales Ltd. is attached to Appendix 2. The newer silo's installation predates by a considerable number of years the date when the appeal states the piggery was reactivated without proper planning. This invoice directly disproves the timeline presented in the appeal and seriously calls into question the veracity of the Appellant's subsequent contentions in this respect. It is, in our opinion, sufficient evidence in of itself to dismiss the appeal in its entirety. The old ventilation chimneys were removed in 2024 as they were structurally unsound and in danger of collapse. The Appellant is factually incorrect in stating the chimneys were '*... integral to an operational pig house...*'. The building is naturally ventilated from vents to the front and rear of the building negating the need for mechanized ventilation, extractor fans etc. As a means of responding to the Appellant the rear vents were closed up and the front vents enlarged to compensate. The open slurry channel at the back of the piggery was enclosed in 2023/24 in another attempt to placate the Appellant (see Photo 3 above). It has had a marked and positive effect in reducing associated smells. New insulation was installed to the ceilings of each pig house replacing material that had reached the end of its operational effectiveness. Minor repair and infilling works were carried out in 2024 to the sections of roof previously occupied by the ventilation chimneys. These works amount to no more than general maintainence and upkeep of an old agricultural building and were carried out under the provisions of normal agricultural exempt development rights. They are the latest of a number of historic works and repairs which the Appellant is not nor cannot be aware of to ensure the site and building's continued use as part of the Client's pig farm. An assertion by the Appellant to the contrary is simply wrong and unproven. Our Client would pose An Coimsiún Pleanála this hypothetical in response to this aspect of the appeal and to demonstrate the overall

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fragility of the Appellant's argument – if the piggery building was indeed abandoned and not in use from 1995 to 2017 as contended why then would our Client have expended time and money in carrying out these repair works or to install a new feed silo if there were no pigs on site to feed?

With regard to the last pillar; Intervening Use; the appeal argues that the apparent lack of any alternative usage of the piggery or associated paperwork for the alleged 'interim' or abandoned period is proof positive that the building and use were indeed abandoned. Such an argument automatically presupposes the piggery was abandoned when in fact it wasn't. We have met the Appellant's challenge and presented invoices and letters of endorsement from third parties attesting to and proving that the piggery was in fact in operation for a sustained and continuous period of time. With regards to the fallacy of the need for a herd number we have explained that a sub-threshold, subsidiary producer such as the Client's farm is not required to have one though the larger, conglomerate herd managed by Green Pasture Meat Processors Ltd. of Drumlish, Co. Longford does. The appeal also unusually argues that the fact the Appellant did not observe any '*significant alternative use in the interim*' is further evidence that the use has been abandoned. The Client would argue the reverse is equally applicable; that the lack of any alternative use of the structure clearly indicates it had and still has only one function – that of a piggery.

Our Client fundamentally disagrees with the conclusion that all four pillars point uniformly to the same conclusion. The absence of evidence is not evidence of absence. This is a fatal flaw running through the entire appeal in the Appellant's reasoning and justification. We have easily demonstrated flaws in the Appellant's application and interpretation of each pillar to such an extent that they are cannot nor should not be considered a reliable or coercive basis to determine abandonment.

The appeal also references the assessment of the Appellant's own planning application (ref. no. 19/221) and that of a neighbouring site (ref. nos. 03/293 and 04/891) and the lack of any '*... apparent piggery related objections...*' strongly indicates that all parties understood the piggery to be inactive/abandoned in 2004 and 2019 respectively. Nothing of the sort can or should be inferred from the County Council's apparent lack of inclusion of the EPA's Guidance Note Air Guidance Note 5 AGN5) on Odour Impact Assessment. The correct title for AGN5, which was omitted in the appeal, is Odour Impact Assessment Guidelines for EPA Licensed Sites. The preface and introduction explain the guidance note is intended '*... for use by holders of EPA licenses (licensees), and consultants*' and for facilities, installations and EPA licensees '*... to assess their state of compliance with odour related licence conditions...*'. This does not apply to our Client's farm. It does not require an EPA license to operate. Consequently the County Council was correct not to utilize or rely upon AGN5 in their assessment of planning ref. nos. 03/293, 04/891 and 19/221). The Appellant's reliance upon a completely irrelevant document underscores the spurious and misleading nature of this appeal. Even the EPA's '*Odour Emissions Guidance Note (Air Guidance Note AG9)*' (2019 and the '*Instruction Note for the Assessment of Odour Emissions from Intensive Agriculture Pig Installations*' (2022) are neither relevant or applicable to the planning query at the core of the original Section 5 Declaration application. The European Environment Agency defines intensive farming as '*farming characterised by high input use that strives for*

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*maximum production, often at the expense of environmental considerations*². Again EPA guidance notes are not relevant or applicable to the small scale of the Client's pig farm.

If these planning permissions and irrelevant guidance notes form the core of the Appellant's case for appeal it is, in our opinion, weak and unconvincing. They are an inadequate or robust basis to conclude that the piggery building was inactive for a sufficient period time to be considered abandoned.

Alleged Unauthorised Works.

The appeal has also alleged works carried out the piggery building are unauthorised as the use has been abandoned. Our Client's response to such a supposed scenario is that agricultural use of the appeal sit and building; either as a standalone building/use or as part of the larger farming enterprise; has not been abandoned and as such retains all beneficial privileges and excepted development rights afforded under the Planning & Development Act 2000 (as amended) and the Planning & Development Regulations 2001 (as amended). The works described above to the interior and exterior of the piggery were for repair and maintenance purposes. Crucially the building has not been extended or substantially altered from previous. The extent of cosmetic repair works to the building's interior and the negligible effect to the exterior by removing the dangerous and decrepit ventilation chimneys, increasing the front vents or installing a replacement feed silo do not rise to the planning definition of development thereby triggering the need for planning permission.

Precedence.

The appeal cites a number of legal cases and past decisions from An Coimisiún Pleanála suggesting they should direct the Coimisiún's decision towards overturning the Council's original determination. In respect to these case we are not entirely satisfied convinced that they are directly relevant to the situation and particular of the appeal site and building nor are we convinced as to the accuracy of the brief summarization of each case. With regards to the legal cases we would stress that each summarization is of the Appellant's own making and subject to misinterpretation.

We regards to citing precedence in general An Coimisiún Pleanála will be cognisant that each case must be assessed on its own planning merits and that each site and development proposal is unique. There are often subtle but significant differences between supposed similar sites and proposal that justify different outcomes. In our opinion the rulings and previous cases cited in the appeal do not fundamentally compel An Coimisiún Pleanála to decide the way recommended by the Appellant.

² <https://www.eea.europa.eu/help/glossary/eea-glossary/intensive-farming#:~:text=Farming%20characterised%20by%20high%20input,the%20expense%20of%20environmental%20considerations.>
(Accessed 04.11.25)

Amelioration Works.

The Client is not oblivious to the Appellant's struggles with the consequence of choosing to live rurally and has strived, within reason, to make various concessions to ameliorate potential ill effects from smells. Following the letter from the County Council's Operations and Environmental Delivery Section (see Appendix 3) our Client wrote then rang the Executive Scientist, Mr. Sean Callaghan, to identify various existing and proposed measures could be taken in response including, but not limited to:

- Existing minimalisation effect on odours from existing 4m+ heavily vegetated earthen embankment;
- Existing minimalisation effect from existing boundary planting;
- Future minimalisation effect from by new treeline planted in Appellant's garden;
- Existing minimalisation effect with the enclosure of the rear slurry channel;
- Existing minimalisation effect with the closure of rear ventilation openings;
- Existing minimalisation effect derived from maintaining a sealed underground slurry tank;
- Existing minimalisation effect derived from weather conditions i.e. prevailing wind direction, rain etc.
- Existing minimalisation effect derived from regular disposal of collected slurry, via sealed tanker to off-site location;
- Existing minimalisation effect derived from choosing not to spread collected slurry on adjoining fields;
- Use of specialised pig feed designed to reduce the production of nitrogen and ammonia emissions in slurry; and
- Consideration of additional boundary planting.

This contact seems to have satisfied the Council's Environment Section if the lack of any formal prosecution of the Appellant's complaint is to be judged.

Burden of Proof.

The appeal makes the incredulous statement that in planning law the burden of proof is upon the owner to prove a use was continuous and lawful. We would argue that in lodging the original Section 5 Declaration and this appeal it is both appropriate and incumbent upon the Appellant to prove his case. In this respect we are not satisfied that the Appellant has made a prima facie or compelling case for the various reasons set out above. It seems highly conceited and unfair that the Appellant's business, the subject of this latest complaint, should be the one who 'proves one's innocence' against the unqualified and dubious assertions of the Appellant.

Concluding Remarks.

In conclusion it is unfortunate that An Coimisiún Pleanála has been dragged into what is essentially a one-sided neighbour's dispute on a matter that is only of concern to the Appellant and no other neighbour. This appeal is considered a misuse of the planning process and is, in reality, more to do with the Appellant seeking to forcibly enact change and retrospectively correct the error of choosing to develop a site in such obvious and consequential proximity to an active pig farm.

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We are satisfied that the Appellant has failed to provide a robust, convincing or evidence based argument that the piggery use has ceased and that as a consequence of prolonged inactivity the agricultural use of the site and building should now be declared abandoned. We are confident that when critically examining the information presented by the Appellant, An Coimisiún Pleanála will come to the similar conclusion that the case for appeal is based on presumptive logic, supposition, anecdotal argument and irrelevant documents. The appeal requires the reader to take as absolute fact the Appellant's interpretation of the skewed information presented justifying overturning the County Council's decision.

For these reasons we request An Coimisiún Pleanála dismiss this appeal and uphold Louth County Council's original Section 5 Declaration decision.

If you have any queries regarding this 2021 response please do not hesitate to contact us.

Regards

Tony Eubanks.

for EHP Services

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154 Riverside Drive, Red Barns Road, Dundalk, Co. Louth

Tel.: 086 826 8390
Email: ehpservices1@gmail.com
Web: www.ehpservices.ie

Appendix 1

Environmental **H**eritage **P**lanning

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Derryolam
Carrickmacross
5/11/25

To whom it may concern,

I wish to confirm that I Martin Boyle of above address has been fattening pigs along with Ciaran Kirk at Rathiddy, Knockbridge for about the last 20 years continuously.

I am aware the piggery has been in existence for a much longer period of time. (built originally in the 1970's)

Yours Sincerely

Martin Boyle

A handwritten signature in black ink, appearing to read 'Martin Boyle', written in a cursive style.

info@dooleyagri.com
www.dooleyagri.com



DooleyAgricultural

Moyles, Inniskeen,
Dundalk, Co. Louth
A91 Y832

T: 042 937 8266

Nafferty, Carrickmacross,
Co. Monaghan
A81 HR67

T: 042 966 3018

6th November 2025

Reference:

Ciaran Kirk

Rathiddy

Knockbridge

Dundalk

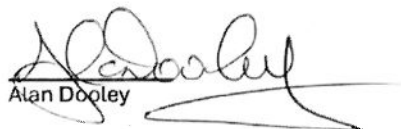
Co Louth

To whom it may concern

This is a letter stating that the above-mentioned person bought pig meal from our company in the early 2000's. Unfortunately, we do not keep records going back that far to confirm such sale.

Trusting this to your satisfaction.

Regards



Alan Dooley

BSc (Hons.) Agri.

V.A.T. Reg: IE 4606203 C

Registered in Ireland no: IE 8840

UFAS No. 4060,
Department of Agri Approval No. IELH240533
Bord Bia FQAS No. 121

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PAUL COONEY SALES LTD
 Lavey
 Stradone
 Cavan
 Co.Cavan
 H12K507
 Tel: 0494323887/0862543786
 Email: paulcooney6694@gmail.com
 VAT Reg No: 3474219HH



INVOICE

Page 1

CIARAN KIRK
 RATHIDDY
 KNOCKBRIDGE
 DUNDALK
 CO.LOUTH

Invoice No	614102
Invoice Date	06/07/2010
Order No	
Account Ref	TBOYLE

Quantity	Description	Unit Price	Net Amt	VAT %	VAT
1.00	5.5 TONNE GALVANIZED MEAL SILO DELIVERED & INSTALLED ON PIG FARM	2,300.00	2,300.00	13.50	310.50

BANK DETAILS
 Bank of Ireland , Main Street , Cavan
 IBAN IE94 BOFI 90329339 1113 65
 BIC BOFIE2D

Total Net Amount	€	2,300.00
Total Vat Amount	€	310.50
Invoice Total	€	2,610.50

Products Remains The Property of Paul Cooney
 Sales Ltd Until Invoice is Paid in Full

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Appendix 3

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Cornhairle Contae Lú
Louth County Council

1st of September 2025

Seamus Kirk
Rathiddy
Knockbridge
Co. Louth

RE: Piggery and odour complaints at Rathiddy, Knockbridge, Co. Louth

A chara,

Louth County Council wishes to thank you for your cooperation in facilitating the odour assessment which was carried out at Rathiddy, Knockbridge, Co. Louth over the period March to May 2025. The odour assessment has now been completed and a report from a team of consultants has been submitted to Louth County Council. The principal findings of the report are as follows:

The survey records from the independent assessments carried out on randomly selected dates by TMS Environment Ltd demonstrate that odours attributable to the pig farm are a regular occurrence and that at times, these odours present a considerable nuisance. The high level of odour detections in the area during random unannounced inspections demonstrates that there is a considerable odour problem in the area and that the closest residences are adversely impacted to a very significant extent.

Therefore, Louth County Council are requesting that you and/or the operator of the piggery ensure to make arrangements to take best practical means to limit the odour emissions from the piggery at Rathiddy, Knockbridge, Co. Louth.

If you have any queries on this matter, please contact Sean Callaghan on 042-9392977.

Is mise le meas,



Sean Callaghan
Executive Scientist
Operations and Environmental Delivery

Cornhairle Contae Lú	Louth County Council	+353 (0) 9221 457
Public Office	Courty Hall	090 651 1000 (toll free)
Rathfriland Mill, Co. Louth	Millstream Centre	www.louthcouncil.ie
Dun Dealgan	Dundalk	
County Louth	County Louth	
A91 X726	A91 X726	

Clárúidh faoi na sonraí seo i nGaeilge - Your guidance in Irish is welcome
Faisnéis faoi na sonraí seo i nGaeilge - Your Council's for Louth at: www.mapalater.ie/louth

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Rathiddy
Knockbridge
Dundalk
Co. Louth
7/10/25

Letter for the attention of Mr Sean Callaghan, Louth County Council.

Dear Mr Callaghan,

I am in receipt of your letter dated 1/9/1025

I note the contents

In an effort to resolve the problem I am endeavouring to arrange a meeting with a neighbouring party at their convenience.

I will keep you advised

Yours sincerely,


Seamus Kirk

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copy

Rathiddy
Knockbridge
Dundalk
Co. Louth
03/11/2025

Letter for the attention of Mr Sean Callaghan, Louth County Council.

A chara,

Update re piggery complaint Rathiddy.

The following updates have been made

1. Arrangements have been made for the export of slurry from the piggery.
2. The ventilation on the South facing side of the piggery. The capacity of it has been increased (furthest point away from the complainant)
3. I have already confirmed the position about the additive to the feed.

Meanwhile, the question of restoring the boundary hedge between the 2 properties which was removed by the complainant needs to be addressed. There is also an issue with the safety hazard attached to the watercourse which was adjusted between the 2 properties.

I am willing to meet the complainant to discuss the issues which were set out in the complainants letter to me late last year.

Is mise le meas

Séamus Kirk

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