



An
Coimisiún
Pleanála

Direction
ACP-323892-25

The submissions on this file and the Inspector's report were considered at a meeting held on 09/07/2026.

The Commission decided, as set out in the following Order, that:-

WHEREAS a question has arisen as to whether the refurbishment of two existing poultry houses granted permission under application refs. 15/324 and 15/523, involving the replacement of existing internal equipment consisting of a flat deck/slatted housing system, with a multi-tier aviary housing system, including an opening to the side wall to facilitate a manure belt conveyor, to facilitate an increase in bird numbers from 16,000 (cumulative between the two houses) to circa 35,000, is or is not development and is or is not exempted development,

AND WHEREAS Finbar Kiernan requested a declaration on this question from Cavan County Council on 24th October 2025,

AND WHEREAS Cavan County Council referred this question to An Coimisiún Pleanála on 25th November 2025, under Section 5(4) of the Planning and Development Act 2000, as amended,

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

- (a) The planning history pertaining to the site, in particular planning application reference numbers 15/324 and 15/523 and the information provided by the applicant as part of each application,
- (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)(a) and 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 documentation on file,
- (g) Relevant case law, and
- (h) The report and recommendation of the Inspector.

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The change in housing system to facilitate an increase in bird numbers from 16,000 (cumulatively between the two poultry houses approved under planning application reference numbers 15/324 and 15/523) to c.35,000 birds constitutes development, as it constitutes a material change of use of the structures by reason of intensification, with a more than doubling of the number of birds and a change in the nature of operations by the introduction of barn housing in addition to existing free range birds, and alterations in the operation of manure management measures, all of which could give rise to impacts on noise, odour and traffic movements.
- (b) The general exemption for agricultural purposes contained in Section 4(1)(a) of the Planning and Development Act 2000, as amended, does not apply to a material change of use, and therefore, the material change of use is not considered exempted development under this provision.

- (c) The material change of use does not come within any of the other exempted development provisions of the Planning and Development Act 2000, as amended, or the Planning and Development Regulations 2001, as amended;
- (d) In addition, due to the scale of increase in proposed bird numbers to c.35,000 birds within the existing poultry houses, and in the absence of Schedule 7a information to determine whether an Environmental Impact Assessment (EIA) is required, there is significant and realistic doubt regarding the likelihood of significant effects on the environment, and the Commission cannot be satisfied that EIA is not required.
- (e) The proposed refurbishment works to remove the existing flat deck/slatted housing system and its replacement with a multi-tier aviary housing system, including manure conveyor belt and opening(s), constitutes development, as it involves works in, on, over or under land;
- (f) The removal of the existing flat deck/slatted housing system and its replacement with a multi-tier aviary housing system comprises works for the maintenance, improvement or other alteration of the structure, being works that affect only the interior of the structure, 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 by Section 5 (4) of the Planning and Development Act, 2000, as amended, hereby decides that the proposed material change of use of the poultry houses is development and is not exempted development, whilst the associated internal works to the interior of the structure comprising the removal of the existing flat deck/slatted housing system and its replacement with a multi-tier aviary housing system, is development and is exempted development.

Planning

Commissioner:

Date: 13/07/2026


MaryRose McGovern