



Cavan

Comhairle Contae an Chabháin
Cavan County Council

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An Comisiún Pleánála
64 Marlborough Street
Dublin 1

21 November 2025

Ref: 435

AN COIMISIÚN PLEANÁLA	
LDG-	085323-25
ACP-	
25 NOV 2025	
Fee: €	110
Type:	Post
Time:	9.15
By:	[Signature]

Re: Declaration under Section V of the Planning and Development Act 2000 (as amended)

A Chara,

I enclose herewith copy of Section V Application received from Finbar Kiernan, for refurbishment of 2 existing poultry houses under planning ref 15/523 at Ballyhugh, Ballyconnell, Co Cavan, which we refer to you for decision in accordance with Section 5(4) of the Planning and Development Act 2000 (as amended).

Statement of grounds for referral and fee of €110 is enclosed.

Mise le meas,

Cathal Boylan
Senior Staff Officer

MEMORANDUM

From Ciara O'Neill
Assistant Planner

To Nicholas O’Kane
Senior Planner

Nicholas O'Kane 21/11/2025

Date:	19 November 2025
RE:	APPLICATION FOR Declaration under Section 5 of the Planning and Development Act 2000 as amended
Applicant:	Finbar Kiernan
Development Description:	Refurbishment of existing 2no. poultry houses
File Ref.	435
Location:	Ballyhugh, Ballyconnell, Co. Cavan
Due Date:	21 November 2025

Site Location and Description

The application site is located in the townland of Ballyhugh, Ballyconnell and is accessible via local road, L-1054-0, which is just off national road, N-87. The entrance laneway to the poultry houses is elevated from the public road and the houses are not visible from the public road. It is noted that on the site layout plan and site location map that only 1no. poultry house is included within the red line boundary whereas the request for a declaration states that the works are to be undertaken on 2no. poultry houses. It is proposed that works will be internal changes to the 2no. poultry houses with an increase in bird numbers from 16,000 to 35,000. Following a telephone conversation with Grade 1 Technician within the Environment Section of Cavan County Council, concerns were raised regarding the environmental impacts that will be incurred should there be such a significant increase in bird numbers and that a full and thorough assessment should be made in this regard.



Figure 1: Approximate location of application site (Source: Cavan County Council GIS Maps).

Planning History

- 15/324 On 28 July 2015 Ballyhugh Farms Ltd sought permission to construct 1 no. Free Range Poultry house together with all ancillary structures and all associated site works arising from the above proposed development. On 08 January 2016 permission was granted subject to conditions.
- 15/523 On 16 December 2015 Ballyhugh Farms Ltd sought permission to construct 1 No. Free Range Poultry House together with all ancillary structures and all associated site works arising from the above proposed development. On 05 May 2016 permission was granted subject to conditions.

Legislative Context

The Planning Authority consider the following to be the statutory provisions relevant to this application where a Declaration is sought under Section 5 of the Planning and Development Act 2000 as amended:

Planning and Development Act 2000 as amended

Development - Section 3 (1)

In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 (1) (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.”

Section 5 (1)

States “If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.”

Section 5 (4)

Also states “Notwithstanding subsection (1), a planning authority may, on payment to the Board of such fee as may be prescribed, refer any question as to what, in any particular case, is or is not development or is or is not exempted development to be decided by the Board.”

Section 4 - Exempted Development

Section 4(1) sets out various forms and circumstances in which development is exempted development for the purposes of the Act.

Section 4 (1) (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.”

Section 4(2)(a) of the Act enables certain classes of development to be deemed exempted development by way of regulation.

Section 4 (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.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

- (a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and
- (b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development.

The proposed development relates to Section 4 (1) (h) of the Planning and Development Act 2000 as amended.

Planning and Development Regulations, 2001 (as amended)

Article 6 – Exempted Development

Article 6 (1) – “Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1”.

Article 9 – Restrictions on Exemptions

Article 9 outlines the restriction on works that would otherwise be exempted from development under Article 6.

Matters of relevance

The above question is referred to An Coimisiún Pleanála, under Section 5 (4) of the Planning and Development Act 2000 as amended, seeking a determination “whether refurbishment of existing 2no. poultry houses at Ballyhugh, Ballyconnell, County Cavan is or is not exempted development”.

PLANNER SIGNATURE

A handwritten signature in cursive script, appearing to read 'Caoimhe O'Neill', written in dark ink.

DATE

19 November 2025



Cavan County Council

APPLICATION FOR DECLARATION UNDER SECTION V of the
PLANNING AND DEVELOPMENT ACT 2000 (as amended)

Name of Applicant Finbar Kiernan

Address of Applicant Ballyhugh
Ballycanell, Co. Cavan

Phone Number 086-6078178

Name of Agent Deirdre Fay B. Agr. S.

Address of Agent 90 Clw, The Maus,
23 Fenham St Cavan

Location of proposed Development: Ballyhugh
Ballycanell, Co. Cavan

Is this a Protected Structure or within the curtilage of a Protected Structure?

- ☐ Yes
☒ No

7. Description of Proposed Development As per Attached
Report

8. Applicant's interest in site: Owner

Signed: [Signature]

Date: 24/10/2025



Please submit the following details with your application form:

1. Site location Map ✓
2. Site layout plan ✓
3. Details of gross floor space of development (if applicable) N/A - No increase in floor space
4. Dimensions of proposed development N/A } No alteration to approved structures
5. Details of previous extensions N/A }
6. Fee €80 ✓

Please note that your application cannot be fully processed until the attached form and appropriate documentation have been submitted to the Planning Department.

**Return completed form to: Planning Section
Cavan County Council, Johnston Central Library, Farnham Street, Cavan
T. (049) 4378300 E: plan@cavancoco.ie**

CLW Environmental Planners Ltd.

The Mews,
23 Farnham Street,
Cavan,
Co. Cavan

Phone: 049-4371447/9
Fax: 049-4371451
E-mail: info@clw.ie

Cavan County Council,
Farnham St.,
Cavan

24th October 2025

RE: Finbar Kiernan, Ballyhugh, Ballyconnell Co. Cavan

Dear Sir/Madame

Please find enclosed a Section 5 declaration/referral submitted to Cavan Co. Co. on behalf of Mr. Finbar Kiernan, Ballyhugh, Ballyconnell, Co. Cavan.

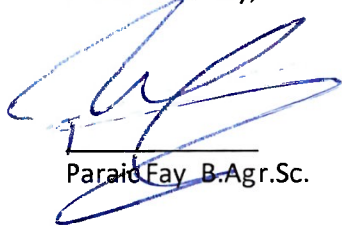
This application is in respect of a refurbishment of 2 No. existing poultry houses granted permission under Planning Ref: 15/324 and 15/523.

The proposed works relate to the internal refurbishment and modernization of the existing poultry houses with no construction or other significant works required. These works will involve the replacement of the internal equipment (currently referred to as a flat deck or slatted housing system) with a more modern, high welfare aviary housing system with improved sustainability and reduced environmental impact.

This change in housing system will facilitate an increase in birds numbers from 16,000 (Cumulative between the two houses to c. 35,000 birds (16,000 of which will operate as free range (limited by the available land area) and 19,000 which will operate as barn housing. This is outlined in greater detail in the report hereafter.

Should you have any queries in relation to this, or, require any further information please do not hesitate to contact me at the above number or on 087-6794459.

Yours faithfully,



Pádraig Fay B.Agr.Sc.



Directors: S. Clarke, O. Leddy B.Agr.Sc., P. Fay B.Agr.Sc.

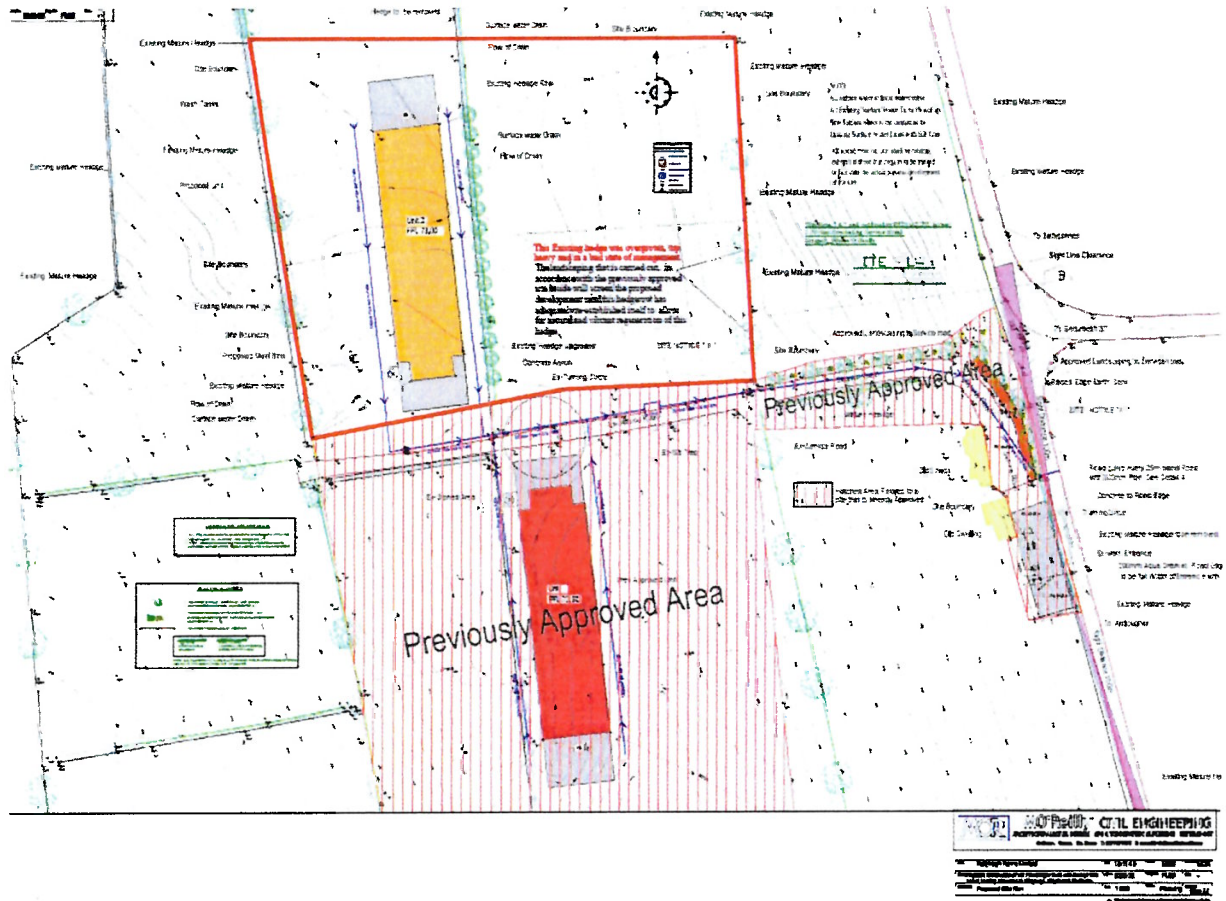
VAT Reg No. 82772041

1. Introduction

➤ 1.1 Existing Activities

The proposed development relates to the refurbishment of 2 No. existing and previously approved poultry houses (Planning Ref: 15/324 and 15/523) which have been operating as a free range enterprise for the last c. 7-10 years. The range area associated with this activity covers the adjoining c. 40 acres (16 Ha @ a stocking rate of 1,000 birds/ha) in line with Bord Bia requirements.

➤ Currently Approved Site Plan (As per Planning Ref. 15/523):

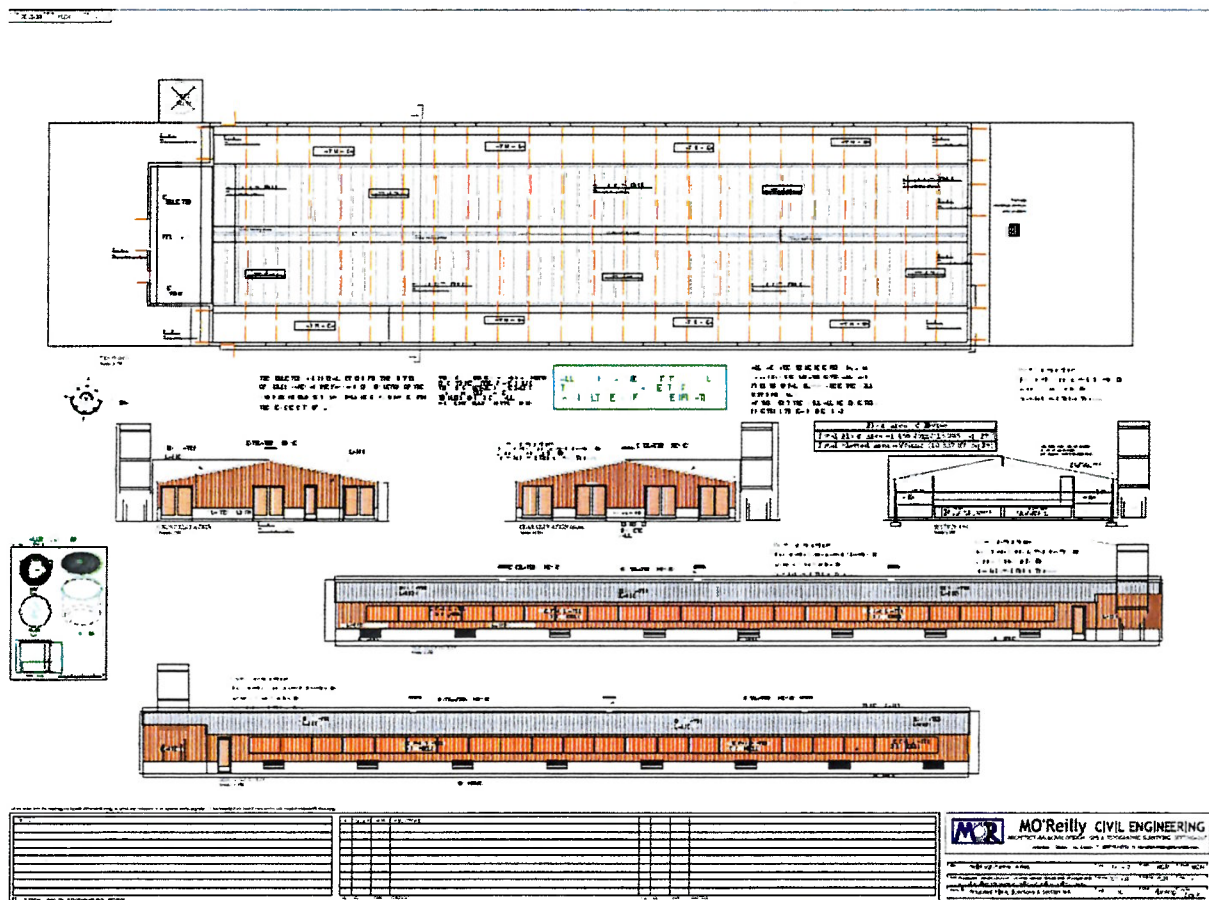


Cavan Co. Council
RECEIVED

24 OCT 2025

Planning Section

➤ **1.2 Currently Approved House Type:**



➤ **1.3 Operation of the existing development.**

The currently approved house type operates on a flat deck / slatted system where the nest boxes are down the center of the house and there is a slatted floor on each side. The birds are housed on a single level and the majority of the manure produced is collected in this slatted area (1.2m tank underneath) and removed at the end of the cycle (every c. 13-15 months).

The eggs are brought by conveyor to the egg store at the front of the house at which point they are graded and stacked/packed ready for transport to the Nest Box Egg Company.

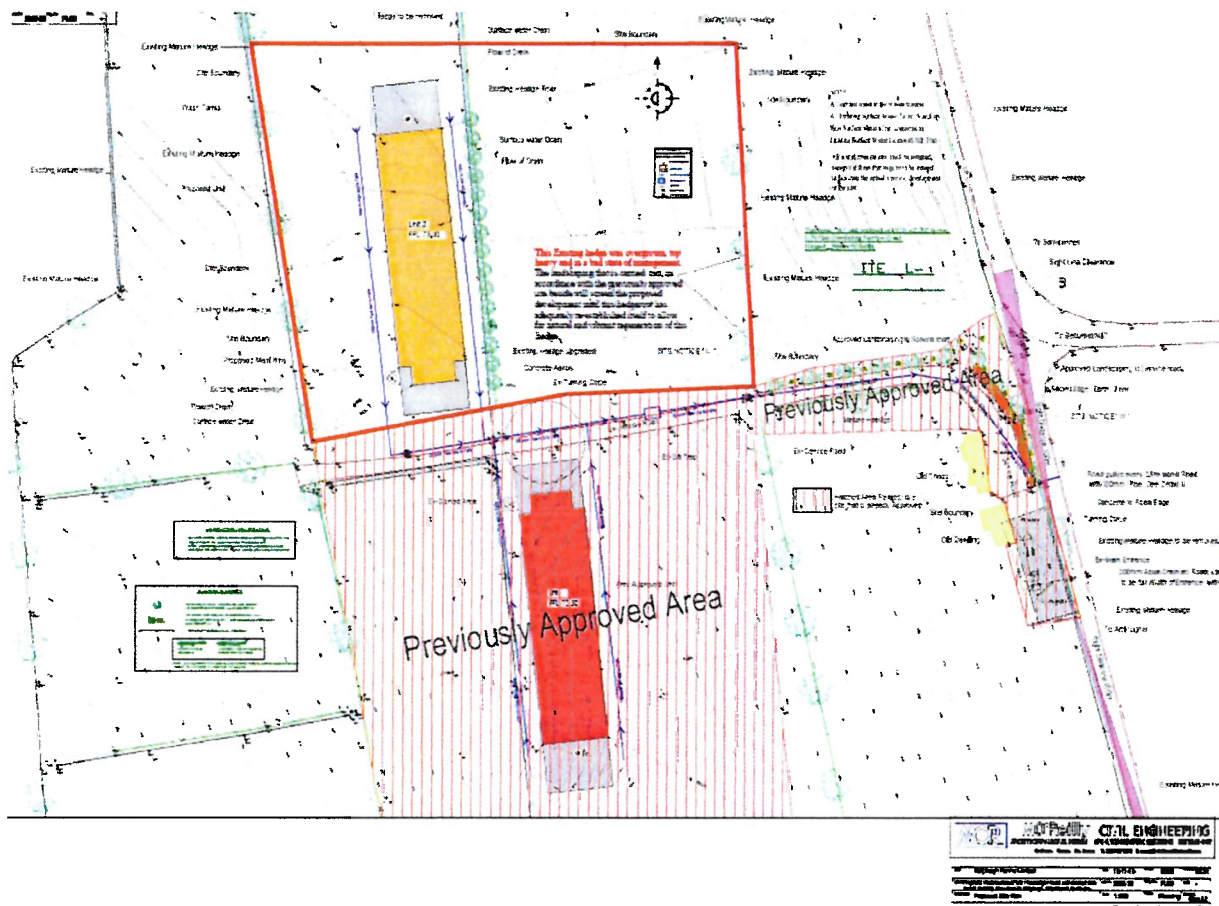


2. Proposed Works

➤ 2.1 Proposed Activities

The proposed development relates to the refurbishment of 2 No. existing and previously approved poultry houses. (Planning Ref: 15/324 and 15/523) which have been operating as a free range enterprise for the last c. 7-10 years. The range area associated with this activity covers the adjoining c. 40 acres and will continue to facilitate 16,000 free range hens (16 Ha @ a stocking rate of 1,000 birds/ha in line with Bord Bia requirements) but which will not be accommodated in one of the 2 houses. The second house will operate as a c. 19,000 bird barn house.

➤ 2.2 Currently Approved Site Plan:

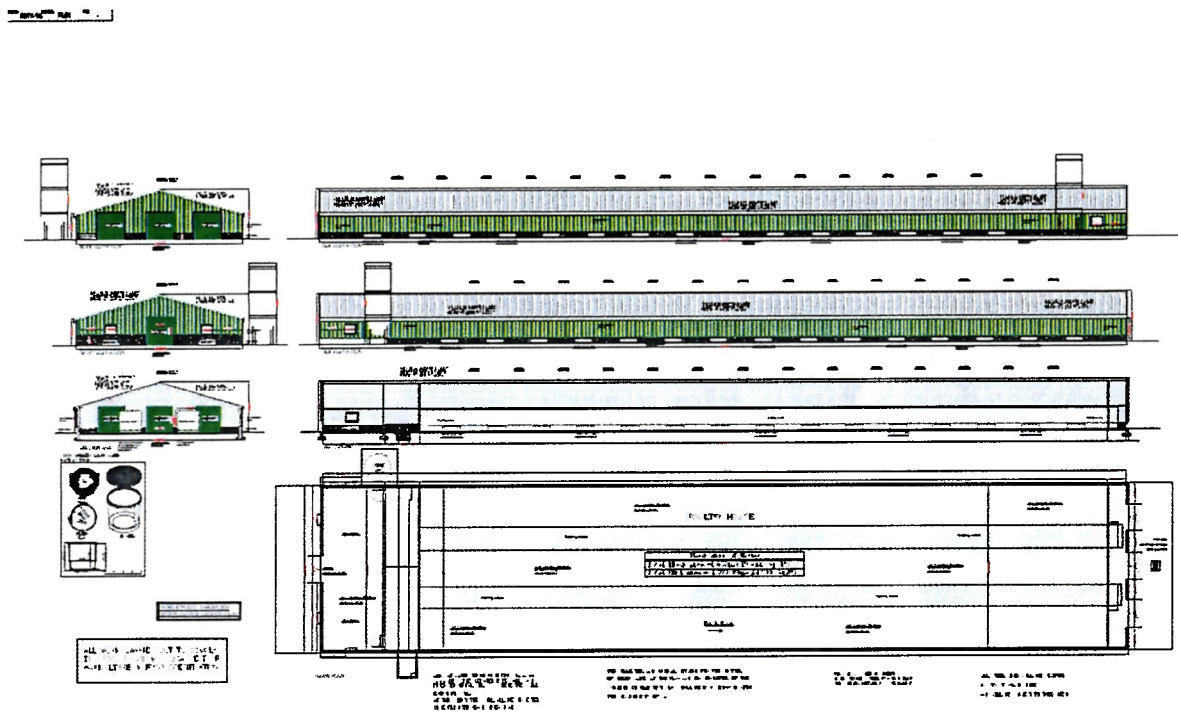


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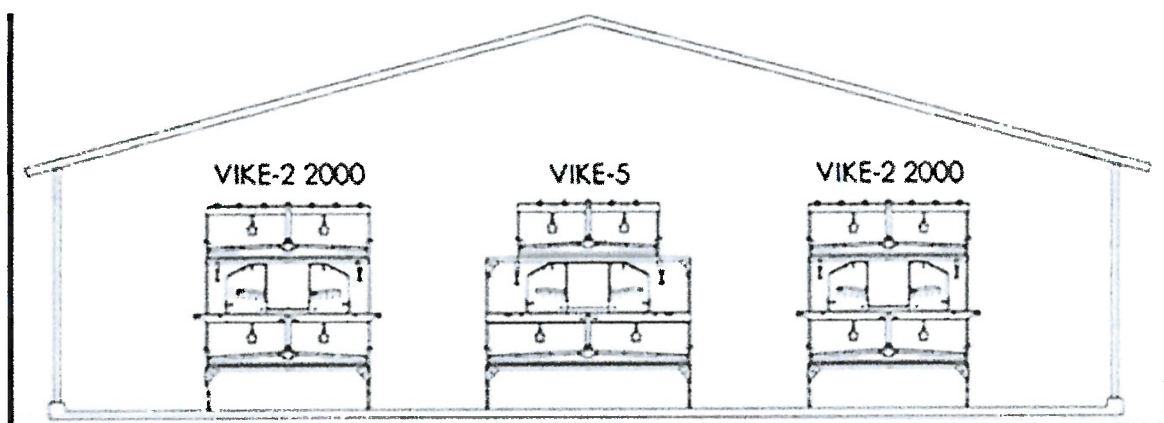
24 OCT 2025

Planning Section

➤ **2.3 Proposed House Type – Drawing for comparison purposes only:**



Typical House Cross section (in this case showing 3 sets of system, whereas the proposed refurbishment will only have 2, as per the house above).



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Planning Section

➤ **2.4 Operation of the development post refurbishment.**

The proposed refurbishment of the 2 existing houses will replace the existing flat deck / slatted housing system with a modern multi-tier aviary housing system. Cage-free multi-tier or aviary systems were developed to maximise both the use of available space in a cage free system and the hen's natural behaviors, without compromising the minimum welfare needs of the hens, while at the same time enabling efficient egg production. They can be used in both barn and free range systems and utilize vertical and horizontal space to provide a 3d environment for the birds.

Below is a detailed framework for designing such a system:

1. Structural Layout

- **Tiers & Levels:** Typically includes 2–3 tiers above the floor (bottom level, nest/middle level, and top perching level). Some systems may integrate 4 levels including the floor.
- **Flooring:** Wire mesh with sloped decks for egg collection; bottom tier may include litter or manure belts for hygiene.
- **Access:** Ramps or platforms connect tiers, allowing free movement vertically and horizontally.
- **Nest Boxes:** Located on dedicated tiers or at intervals within a tier; should be open enough for inspection but provide privacy for egg-laying.

2. Animal Welfare Considerations

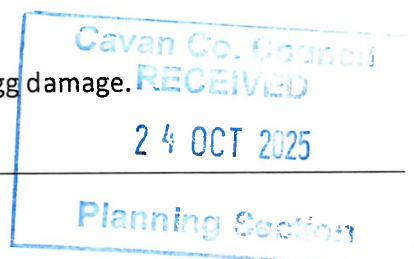
- **Perches:** Horizontal and aerial perches increase resting options; minimum perch space ~15–22 cm per bird.
- **Space Allocation:** Density varies by system; ~7–9 hens/m² within the tiers is recommended, with a maximum ~15 hens/m² on the floor.
- **Headroom:** Minimum headspace between tiers around 50 cm to prevent injury.
- **Freedom of Movement:** System design should avoid permanent enclosures and internal partitions that obstruct movement.
- **Environmental Enrichment:** Include areas for dustbathing, scratching, and foraging (litter >5 60 cm² per hen; pecking substrates).

3. Feeding and Drinking

- **Automated Feeding Lines:** Evenly distributed along all tiers; chain or auger systems ensure uniform access.
- **Drinking Systems:** Nipple drinkers on each tier to reduce spillage and maintain hygiene.
- **Feed Access:** Ensure birds can feed while perched or on platforms, minimizing aggression and competition.

4. Egg Collection

- **Automated Conveyors:** Sloped wire decks transport eggs from nesting boxes to collection belts.
- **Nest Placement:** Centralized or tier-specific nests prevent floor eggs and reduce egg damage.



5. Hygiene and Waste Management

- **Manure Belts:** Located below wire floors on all tiers; can include automated removal systems.
- **Ventilation:** Proper airflow to prevent hot spots and maintain litter dryness.
- **Air Quality:** Multi-tier design encourages distribution of birds, reducing ammonia buildup.

6. Operational Efficiency

- **Stocking Density:** Optimized vertical tiers increase bird numbers per house without compromising welfare.
- **Labor Reduction:** Automation in feeding, drinking, egg collection, and manure removal reduces manual labor.
- **Monitoring:** Open tier design ensures easy supervision of flock health and behavior.

7. Additional Design Features

- **Lighting:** LED lighting to support natural behavior and egg-laying cycles.
- **Materials:** Durable galvanized steel and reinforced plastic components ensure longevity.
- **Custom Configuration:** Systems can be adapted to building dimensions, tier layout, and flock size.

8. Best Practices

- **Training Pullets:** Birds should be familiarized with multi-tier layouts early in life.
- **Safety Considerations:** Avoid steep jumps and provide adequate landing space.
- **Adaptive Designs:** Incorporate low-profile or staggered tiers for houses with limited height.

Conclusion

A well-designed multi-tier aviary supports:

- **Bird welfare:** Promotes natural behaviors and reduces stress.
- **Production efficiency:** Higher egg output per bird and improved egg quality.
- **Operational sustainability:** Reduced labor and improved long-term ROI.



➤ **2.5 Summary of the proposed works:**

The currently approved house type operates on a flat deck / slatted system where the next boxes are down the center of the house and there is a slatted floor on each side. The birds are housed on a single level and the majority of the manure produced is collected in this slatted area (1.2m rank underneath) and removed at the end of the cycle (every c. 13-15 months).

The eggs are brought by conveyor to the egg store at the front of the house at which point they are graded and stacked/packed ready for transport to the Nest Box Egg Company.

The proposed works will involve the removal of the internal fixtures and fittings and replacement with the multi-tier aviary system. No alterations/extensions or other changes are required to the poultry house structure with the exception of an opening in the site wall to facilitate a manure belt conveyor that will facilitate the removal of the manure from the house on a weekly basis.

It should be noted that;

- The site is an established farm.
- The poultry houses are the only agricultural buildings on the site.
- "Having regard to the nature, size and location of the development, together with the AA Screening received with this application, it is considered that no significant environmental impacts are likely to be predicted."
- The Proposed development comprises works to structures already permitted on site. The works do not provide for new or additional structures and relate mainly to the repair and refurbishment of existing permitted structures on site. The proposed alterations to the existing agricultural structures on the site may affect the interior and exterior appearance, however it is not considered that the alterations would render the appearance inconsistent with their existing character or inconsistent with the character of neighboring structures, and therefore fall within Section 4(1)(h) of the act.



3. Are the proposed works/development considered exempted development

3.1 Statutory Provisions

3.1.1 Planning and Development Act, 2000

Section 2(1)

- **“Works”** includes any act or operation of the construction, excavation, demolition, extension, alteration, repair or renewal.
- **“Structure”** means any building, structure, excavation or other thing constructed or made on, in or under land or any part of structure so defined and where in the context so admits includes the land on, in or under which the structure is situated.
- **“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 the land as grazing lands, meadow land, osier land, market gardens and nursery grounds and agricultural shall be constructed accordingly.

Section 3(1)

- **“Development”** means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 ‘Exempted Development’

(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.



3.2 Assessment

3.2.1 Is or is not development

(a) The Declaration is in relation to the refurbishment of 2 No. existing approved and operational poultry houses, which are part of an existing farm. The proposal is for repair and improvement/modernization works in the form of replacement of internal fixtures and fittings. No infrastructural works are required however the proposed works will facilitate an increase in bird numbers from, 16,000 birds to 35,000 birds.

(b) Development is defined under Section 3(1) of the Planning and Development Act, 2000 (as amended) as 'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land'. Works is defined under Section 2(1) of the Act "...includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

(c) The proposed development is for the carrying out of refurbishment works to existing agricultural structure(s) on the site. The structures are existing operational poultry houses as described previously.

(d) The purpose of the development is for maintenance, repair and renewal of the existing agricultural facility. It is considered to constitute 'works' under Section 2(1) of the Planning and Development Act, 2000 (as amended) and is, therefore, development as per Section 3(1) of the Act.

3.2.2 Is or is not exempted development

(a) There are no new structures proposed, and no existing buildings would be physically extended.

(b) The works are in keeping with the character of the area, which is an existing farm in a rural area. The property has been in use as a poultry farm for many years.

(c) All of the proposed works are internal to the existing poultry houses. Save for a minor alteration to a side wall to facilitate a manure conveyor. It is not considered that such modifications to the building would render the appearance of the structure inconsistent with its character or that of neighbouring structures. The existing development is largely screened and not overly visually apparent to the surrounding area.



(d) Intensification of use.

The potential* intensification of use of the poultry houses, may constitute a material change of use and therefore development. Notwithstanding same, even if deemed to be development, same comes within the remit of Section 4 (1) of the act as these works are for the purposes of agriculture.

Section 4.—(1) of the Act states: The following shall be exempted development 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;

The development that is proposed (refurbishment of existing authorized poultry houses with an increase in bird numbers) is still for the purposes of agriculture, and this section of the Act does not specify that intensification of use a) is a material factor in, and/or b) restricts, its applicability.

As such, by reference to Section 4(1), the proposed use of these poultry houses as outlined is development and, subject to consideration of the specific restrictions on exemptions as discussed hereafter, is considered exempted development. (See: ABP-311366-21 for a similar conclusion.)

* at this point intensification of use has not been determined. While bird numbers may be proposed to increase the potential, impacts of any increase in bird numbers will be off-set by a more efficient, sustainable, welfare and environmentally friendly housing system, and revised operational and management practices. Take for example ammonia emissions as referred to in the AA screening, same will actually be reduced (per bird place and in terms of cumulative total from the farm) due to improved housing conditions and manure management. This is discussed further later in this submission

3.2.3 Restrictions on exempted development

Section 4 of the Act does clarify and provide for specific exemptions in respect of Section 4(1).

Section 4(4) of the Act states, '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'.

3.2.3(i) EIA Requirement

Schedule 5, Development for the Purposes of Part 10

- Part 1, 17 - Installations for the intensive rearing of poultry or pigs with more than- ...
 - (a) 60,000 places for hens,
- Part 2 (1)(e) Installations for intensive rearing of poultry not included in Part 1 of this Schedule which would have more than 40,000 places for poultry.

As the proposed works do not require EIA the provisions of Article 4(4) do not apply in this instance and, therefore, this restriction on exempt development does not apply.

3.2.3 (ii) AA Requirement

The Regulations includes a restriction on exempt development under Section 4(1) where the Planning Authority, or An Bord Pleanála, requires an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

- The subject site is not subject to any European Site designation (also referred to as a Natura 2000 site).
- The application is accompanied by an Appropriate Assessment Screening Report (dated October 2025). It provides a description of the proposed development, the project site and the surrounding area in Sections 3.1 and 3.2, respectively. It outlines the methodology used for assessing potential impacts on the habitats and species within the European Site identified, and which has the potential to be affected by the proposed development (Section 2.0). The Report also describes the potential changes and impacts on the European Site within the zone of influence, and its conservation objectives, and assesses in-combination effects with other plans and projects. The AA Screening Report provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts of the development proposed, and uses best scientific information and knowledge.

Having regard to the nature and small scale of the proposed development, which comprises refurbishment works to an existing, permitted agricultural building, it is concluded that the proposed development, individually or in-combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the site's conservation objectives.

As the proposed works do not require Appropriate Assessment the provisions of Article 4(4) do not apply in this instance and, therefore, this restriction on exempt development does not apply.

3.2.4 Conclusion

In summary, and in having regard to the nature, scale and extent of works proposed, it is concluded that;

- i. the works are development, and,
- ii. are exempted development

under the provisions of Section 4(1) of the Planning and Development Regulations, 2001 (as amended).



3.3 Recommendation

in considering this application, and with regard particularly to –

- (a) Sections 2(1), 3(1), 4(1) (principally 4(1)(a) and 4(1)(h)) and 4(4) of the Planning and Development Act, 2000, as amended,
- (b) the planning history of the site,
- (c) the location of the development within an existing farm in a rural setting, and
- (d) the development existing and approved for this farm and pattern of development in the area:

AND WHEREAS it has been concluded that:

- (a) the works constitute development, being works which come within the scope of section 3(1) of the Planning and Development Act 2000 (as amended), and
- (b) the works come within the scope of section
 - 4(1) (a), The following shall be exempted development 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; or,
 - 4(1)(h) of the Planning and Development Act 2000 (as amended), being works comprising the refurbishment of an existing agricultural building which affect mainly the interior of the structure, and which do not materially affect the external appearance of the structure, so as to render its appearance inconsistent with the character of the structure or of neighbouring structures:
- (c) an environmental impact assessment or an appropriate assessment of the development is not required.

It is considered that the said works comprising refurbishment of an existing agricultural building on these lands as outlined, is development and is exempted development.



➤ **3.4 Further Discussion Re: Intensification of Activities:**

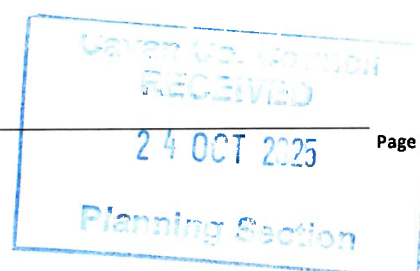
Notwithstanding earlier comments on the applicability of intensification of use and its impact on this application for exempted development status it is important to note the following in respect of this development;

- All manure will be removed off site routinely/weekly and no manure will be stored on site (Current practice to store on-site for 13-14 months), thus significantly reducing ammonia emissions and improving the internal environment within the houses. Manure management will result in a dry manure (routinely moved out of the house) which will significantly reduce potential odours and will facilitate improved pest (fly and rodent) control measures. New trailer with double the capacity to be purchased to facilitate the proposed development to ensure that there is no increase in traffic.
- Feed deliveries to the site are weekly and will remain as such, the only change being that full loads instead of half loads will be delivered.
- Egg collection, waste collection, veterinary and DAFM inspection, etc. frequency will be unaltered as these are carried out based on frequency rather than quantity .
- Staff traffic will be unaltered due to longer working hours and increased automation of egg collection and stacking.
- Range area management (incl. the movement and transport of silage bales off the farm) to be unchanged as the range activities are unaffected.
- The only change that will be visible externally will be the more regular manure removal from the site (c. weekly / fortnightly) rather than all at the end of the batch, albeit that manure transport will be significantly reduced by increased trailer size, maintaining same as dry as possible, which is significantly easier with the aviary system.
- The only traffic that will be altered is an additional 3 loads of birds in and 3 loads out at the end of the cycle to accommodate the increase stock numbers. Same is insignificant in the operation of the farm.

Any alteration in traffic will be imperceptible and appropriate site access and egress arrangements are already in place.

Notwithstanding the adopted position that intensification of use is not a specific criteria to disallow Section 4(1) of the Act/Regulations, even if the question arises whether the works in question are a material change in use in terms of intensity of activity the alterations proposed would be unlikely to have a material impact in regards to traffic (due to the nature of the works and the net impacts as detailed). The proposed development would not constitute an intensification of use with any material planning impact or any material consequences in terms of the proper planning and sustainable development of the area. I would consider that the nature of the alteration are minor and unlikely to have any discernible planning impact over and above the existing operation of the farm.

This is in keeping with previous decisions made by An Bord Pleanála (incl. Ref. ABP-307417-20).



6 Conclusion

The proposed development would provide for an appropriate upgrading/refurbishment of previously permitted and authorized agricultural structures in an established farm complex.

The proposed works are to improve energy efficiency and animal welfare and are to be completed to the highest welfare and environmental standards, on an existing agricultural area where such use (i.e. livestock/agriculture) is predominant, traditional and appropriate.

Having regard to the proposed development (i.e. refurbishment of existing farm buildings), to facilitate a permitted activity (i.e. 2 No. existing and previously approved poultry houses rearing) and,

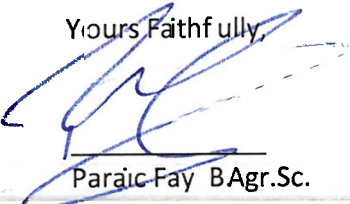
- its location within an established site in a rural agricultural area,
- the existence of pollution controls under other legislation as applicable to the existing permitted activity (i.e. Nitrates directive as implemented by European Communities Good Agricultural Practice for Protection of Waters) Regulations, 2002 (S.I. 113 of 2002 as amended), etc.,

it is considered that the proposed development is not alone considered exempted development, but that the refurbishment of existing structures to meet increasing animal welfare, environmental and energy efficiency requirements is not alone exempted, but essentially expected over the lifetime of any building structure to ensure that same remains efficient and that the integrity and efficiency of the structure, and of the activities on the farm are not compromised. This is even more applicable to animal housing where environmental, animal welfare and energy efficiency requirements/standards are increasing all of the time.

In this regard we would urge the Cavan Co. Co. to consider the proposed works to be development and exempted development and to issue a declaration that the proposed works do constitute exempted development, thus facilitating the applicant to progress with his plans to refurbishment the 2 No. existing and previously approved poultry houses.

Should you have any queries in relation to this, or, require any further information please do not hesitate to contact me at the above number or on 087-6794459.

Yours Faithfully,


Paráic Fay BAgr.Sc.



Search Results

Selected Site(s): Cavan CoCo

File number:

Surname:

At Address: ballyhugh

Development Description: poultry

For: ALL years

Page Number : 1

File Number (/CavanCC/searchresults/File_Number_desc)	Application Status (/CavanCC/searchresults/application_status)	Decision Due Date (/CavanCC/searchresults/decdue)date)	Decision Date (/CavanCC/searchresults/c
15324 (/CavanCC/AppFileRefDetails/15324/0)	APPLICATION FINALISED	25/11/2015	12/11/2015
15523 (/CavanCC/AppFileRefDetails/15523/0)	APPLICATION FINALISED	06/04/2016	30/03/2016

Page 1 of 1 (2 Applications)

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**APPROPRIATE ASSESSMENT SCREENING REPORT FOR A
PROPOSED DEVELOPMENT AT BALLYHUGH,
BALLYCONNELL, CO CAVAN**



Finbar Kiernan
c/o Paraic Fay
C.L.W. Environmental Planners Ltd
The Mews
23 Farnham Street

October 2025



TABLE OF CONTENTS

1	INTRODUCTION	3
1.1	Background	3
1.2	Regulatory Context	3
2	METHODOLOGY	7
2.1	Appropriate Assessment	7
2.2	Statement of Competency	9
2.3	Desk Studies & Consultation	9
2.4	Assessment Methodology	9
3	SCREENING	11
3.1	Development Description	11
3.2	Site Location and Surrounding Environment	15
3.3	Natura 2000 Sites Identified	18
3.4	Impact Assessment	20
3.5	Finding of No Significant Effects	23
4	APPROPRIATE ASSESSMENT CONCLUSION	24
	Appendix I - EPA Flow Chart (2024)	25

1 INTRODUCTION

1.1 BACKGROUND

Article 6 of the EU Habitat's Directive (Council Directive 92/43/EEC) requires that all plans and projects be screened for potential impacts upon Special Areas of Conservation (SACs) or Special Protection Areas (SPAs). The aim of this screening process is to establish whether or not a full Appropriate Assessment of the proposed plan or project is necessary.

A comprehensive assessment of the potential significant effects of a proposed development (upgrading of existing poultry houses) in Ballyhugh, Ballyconnell, Co. Cavan on designated sites was carried out in October 2025 by Noreen McLoughlin, MSc, MCIEEM of Whitehill Environmental. This assessment allowed areas of potential ecological value and potential ecological constraints associated with this proposed development to be identified and it also enabled potential ecological impacts associated with the proposed development on designated sites to be assessed. It will allow Cavan County Council, as the competent authority, to issue an Appropriate Assessment determination of the proposed development.

The location of the proposed development is within the Zone of Influence of sites designated under European Law. As such and in accordance with Article 6(3) of the EU Habitat's Directive (Council Directive 92/43/EEC) regarding Appropriate Assessment, this screening exercise for Appropriate Assessment was carried out in order to identify whether any significant impacts on designated sites are likely.

1.2 REGULATORY CONTEXT

RELEVANT LEGISLATION

The Birds Directive (Council Directive 2009/147/EC) recognises that certain species of birds should be subject to special conservation measures concerning their habitats. The Directive requires that Member States take measures to classify the most suitable areas as Special Protection Areas (SPAs) for the conservation of bird species listed in Annex 1 of the Directive. SPAs are selected for bird species (listed in Annex I of the Birds Directive), that are regularly occurring populations of migratory bird species and the SPA areas are of international importance for these migratory birds.

The EU Habitats Directive (92/43/EEC) requires that Member States designate and ensure that particular protection is given to sites (Special Areas of Conservation) which are made up of or support particular habitats and species listed in annexes to this Directive.

Articles 6(3) and 6(4) of this Directive also call for the undertaking of an Appropriate Assessment for plans and projects not directly connected with or necessary to the management of, but which are likely to have a significant effect on any European designated sites (i.e. SACs and SPAs).

The Water Framework Directive (WFD) (2000/60/EC), which came into force in December 2000, establishes a framework for community action in the field of water policy. The WFD was transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. 722 of 2003). The WFD rationalises and updates existing legislation and provides for water management on the basis of River Basin Districts (RBDs). RBDs are essentially administrative areas for coordinated water management and are comprised of multiple river basins (or catchments), with cross-border basins (i.e. those covering the territory of more than one Member State) assigned to an international RBD. The aim of the WFD is to ensure that waters achieve at least good status by 2027 and that status does not deteriorate in any waters.

Appropriate Assessment and the Habitats Directive

Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora – the 'Habitats Directive' - provides legal protection for habitats and species of European importance. Article 2 of the Directive requires the maintenance or restoration of habitats and species of European Community interest, at a favourable conservation status. Articles 3 - 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as *Natura 2000*. Natura 2000 sites are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC).

Articles 6(3) and 6(4) of the Habitats Directive sets out the decision-making tests for plans or projects affecting Natura 2000 sites. Article 6(3) establishes the requirement for Appropriate Assessment:

"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."

Article 6(4) deals with the steps that should be taken when it is determined, as a result of appropriate assessment, that a plan/project will adversely affect a European site. Issues dealing with alternative solutions, imperative reasons of overriding public interest and compensatory measures need to be addressed in this case.

Article 6(4) states:

"If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member States shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest."

The Appropriate Assessment Process

The aim of Appropriate Assessment is to assess the implications of a proposal in respect of a designated site's conservation objectives.

The 'Appropriate Assessment' itself is an assessment which must be carried out by the competent authority which confirms whether the plan or project in combination with other plans and projects will have an adverse impact on the integrity of a European site.

Screening for Appropriate Assessment shall be carried out by the competent authority as set out in Section 177U(1) and (2) of the Planning and Development Act 2000 (as amended) as follows:

'(1) A screening for appropriate assessment of a draft Land use plan or application for consent for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site.

(2) A competent authority shall carry out a screening for appropriate assessment under subsection (1) before—

(a) a Land use plan is made including, where appropriate, before a decision on appeal in relation to a draft strategic development zone is made, or

(b) consent for a proposed development is given.'

The competent authority shall determine that an Appropriate Assessment is not required if it can be excluded, that the proposed development, individually or in combination with other plans or project will have a significant effect on a European site.

Where the competent authority cannot exclude the potential for a significant effect on a European site, an Appropriate Assessment shall be deemed required.

Where an Appropriate Assessment is required, the conclusions of the Appropriate Assessment Report (Natura Impact Statement (NIS)) should enable the competent authority to ascertain whether the plan or proposed development would adversely affect the integrity of the European site. If adverse impacts on the integrity of a European site cannot be avoided, then mitigation measures should be applied during the appropriate assessment process to the point where no adverse impacts on the site remain. Under the terms of the Habitats Directive consent can only be granted for a project if, as a result of the appropriate assessment either (a) it is concluded that the integrity of any European sites will not be adversely affected, or (b) after mitigation, where adverse impacts cannot be excluded, there is shown to be an absence of alternative solutions, and there exists imperative reasons of overriding public interest for the project should go ahead.

Section 177(V) of the Planning and Development Act 2000 (as amended) outlines that the competent authority shall carry out the Appropriate Assessment, taking into account the Natura Impact Statement (amongst any other additional or supplemental information). A determination shall then be made by the competent authority in line with the requirements of Article 6(3) of the Habitats Directive as to whether the plan or proposed development would adversely affect the integrity of a European site, prior to consent being given.

2 METHODOLOGY

2.1 APPROPRIATE ASSESSMENT

This Statement of Screening for Appropriate Assessment (Stage 1) has been prepared with reference to the following:

- European Commission (2018). Managing Natura 2000 Sites: The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.
- European Commission (2021). Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.
- European Commission (2006). Nature and Biodiversity Cases: Ruling of the European Court of Justice.
- European Commission (2007). Clarification of the Concepts of: Alternative Solution, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission.
- Department of Environment, Heritage and Local Government (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

The EC Guidance sets out a number of principles as to how to approach decision making during the process. The primary one is 'the precautionary principle' which requires that the conservation objectives of Natura 2000 should prevail where there is uncertainty.

When considering the precautionary principle, the emphasis for assessment should be on objectively demonstrating with supporting evidence that:

- There will be no significant effects on a Natura 2000 site;
- There will be no adverse effects on the integrity of a Natura 2000 site;
- There is an absence of alternatives to the project or plan that is likely to have an adverse effect to the integrity of a Natura 2000 site; and
- There are compensation measures that maintain or enhance the overall coherence of Natura 2000.

This translates into a four stage process to assess the impacts, on a designated site or species, of a policy or proposal.

The EC Guidance states that "each stage determines whether a further stage in the process is required". Consequently, the Council may not need to proceed through all four stages in undertaking the Appropriate Assessment.

The four-stage process is:

Stage 1: Screening – The process which identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans, and considers whether or not these impacts are likely to be significant;

Stage 2: Appropriate Assessment – The consideration of the impact on the integrity of the Natura 2000 site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts;

Stage 3: Assessment of Alternative Solutions – The process which examines alternative ways of achieving objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site;

Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain – An assessment of the compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

In complying with the obligations set out in Articles 6(3) and following the guidelines described above, this screening statement has been structured as a stage by stage approach as follows:

- Description of the proposed project;
 - Identification of the Natura 2000 sites close to the proposed development;
 - Identification and description of any individual and cumulative impacts on the Natura 2000 sites likely to result from the project;
 - Assessment of the significance of the impacts identified above on site integrity. Exclusion of sites where it can be objectively concluded that there will be no significant effects.
-

2.2 STATEMENT OF COMPETENCY

This AA Screening report was carried out by Noreen McLoughlin, BA, MSc, MCIEEM. Noreen has an honours degree in Zoology and an MSc in Freshwater Ecology from Trinity College, Dublin and she has been a full member of the Chartered Institute of Ecology and Environmental Management for over nineteen years. Noreen has over 21 years' experience as a professional ecologist in Ireland.

2.3 DESK STUDIES & CONSULTATION

Information on the site and the area of the proposed development was studied prior to the completion of this statement. The following data sources were accessed in order to complete a thorough examination of potential impacts:

- National Parks and Wildlife Service - Aerial photographs and maps of designated sites, information on habitats and species within these sites and information on protected plant or animal species, conservation objectives, site synopses and standard data forms for relevant designated sites.
- Environmental Protection Agency (EPA)- Information pertaining to water quality, geology and licensed facilities within the area;
- Myplan.ie – Mapped based information;
- National Biodiversity Data Centre (NBDC) – Information pertaining to protected plant and animal species within the study area;
- CLW Environmental Planners – Site plans, development description and information on potential emissions.
- Cavan County Council – Information on planning history in the area for the assessment of cumulative impacts.

2.4 ASSESSMENT METHODOLOGY

The proposed development was assessed to identify its potential ecological impacts and from this, the Zone of Influence (Zoi) of the proposed development was defined. Based on the potential impacts and their Zoi, the Natura 2000 sites potentially at risk from direct, indirect or in-combination impacts were identified. The assessment considered all potential impact sources and pathways connecting the proposed development to Natura 2000 sites, in view of the conservation objectives supporting the favourable conservation condition of the site's Qualifying Interests (QIs) or Special Conservation Interests (SCIs).

The conservation objectives relating to each Natura 2000 site and its QIs/SCIs are cited generally for SACs as "to maintain or restore the favourable conservation condition of the

Annex I habitat(s) and/or Annex II species for which the SAC has been selected", and for SPAs "to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA".

As defined in the Habitat's Directive, the favourable conservation status of a habitat is achieved when:

- Its natural range and area it covers within that range is stable or increasing;
- The specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future;

The favourable conservation status of a species is achieved when:

- The population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats;
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future;
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Where site-specific conservation objectives (SSCOs) have been prepared for a European site, these include a series of specific attributes and targets against which effects on conservation condition, or integrity, can be measured. Where potential significant effects are identified, then these SSCO's should be considered in detail.

3 SCREENING

3.1 DEVELOPMENT DESCRIPTION

Ballyhugh Farms Ltd are applying to Cavan County Council for planning permission for the refurbishment of two existing poultry houses on lands at Ballyhugh, Ballyconnell, Co. Cavan. Planning for these existing houses was granted in 2015 (Planning File Reference Numbers: 15/523 and 15/324).

The applicant now wishes to upgrade both existing houses to a Multi-Tier Aviary Housing System. Bird numbers on the farm will increase from 8,000 in each house to 16,000 birds in House 1 and 19,000 birds in House 2. No external infrastructural works will be required at any stage for the upgrading of these houses and works will involve the installation of internal house fixtures and fittings only. Both houses will also be upgraded to low emission housing specifications, which will result in a reduction of ammonia emissions from current levels, even with the increase in stock numbers.

Each house currently accommodates 8,000 free range layers in a traditional flat deck/slatted housing system, where manure removal at the end of each cycle. Under the new system, manure will be removed from the houses weekly.

An extract from the planning drawings can be seen in Figure 1.

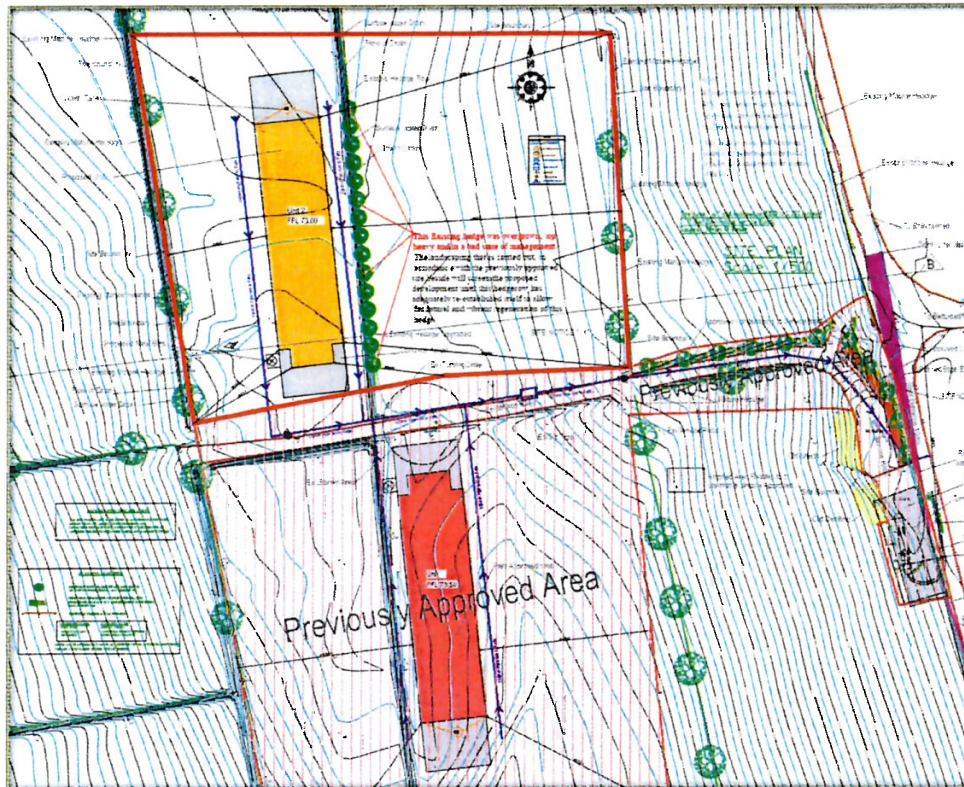


Figure 1 – Proposed Site Plan (Prepared by M O'Reilly Civil Engineering)

The poultry farm will operate as a layer house for the production of eggs, with birds moved in at approximately 16 weeks and moved out at end of lay approximately 56-60 weeks later. Manure will be removed from the houses to a manure store by a conveyor on a weekly basis. The houses will be cleaned down at the end of each 13-14 month cycle.

The main emissions from the poultry farm will include poultry litter, clean surface water, soiled water and atmospheric emissions. The poultry litter will be moved off site by for use as a fertiliser on outside tillage farms in accordance with S.I. 113 of 2017. Records for the movement of all manure will be kept on site. There will be no changes to surface water management and soiled water will be directed to storage tanks prior to its application on suitable landholdings.

Construction methods for the structures will be standard and will follow best practice guidelines at all stages. Manure produced on site will be stored in a structure adjacent to the proposed poultry house. All storage facilities will be constructed to Department of Agriculture, Food and The Marine Specifications. The operation of the farm and all its associated activities will be done in accordance with S.I. 113 of 2022.

S.I. 113 OF 2022

The European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 provides a basic set of measures to ensure the protection of waters, including drinking water sources, against pollution caused by nitrogen and phosphorus from agricultural sources, with the primary emphasis being on the management of livestock manures and other fertilisers. The purpose of these Regulations is to give effect to Ireland's Nitrates Action Programme. This directive outlines measures that must be followed during the land-spreading of manure. These measures are summarised in the points below.

- The amount of livestock manure applied in any year to land on a holding, together with that deposited to land by livestock, shall not exceed an amount containing 170 kg nitrogen per hectare.
- The spreading of any organic fertiliser during certain times of the year is prohibited.
- Farmers must keep within the overall maximum fertilisation rates for nitrogen and phosphorus.
- Farmers must have sufficient storage capacity to meet the minimum requirements of the regulations.
- All storage facilities must be kept leak proof and structurally sound.
- Records for the movement of fertilisers must be kept.
- Chemical fertilisers, livestock manure and other organic fertilisers, effluents and soiled water must be spread as accurately and as evenly as possible.
- An upward-facing splash plate or sludge irrigator on a tanker or umbilical system must not be used for the spreading of organic fertiliser or soiled water.
- Chemical fertilisers, livestock manure, soiled water or other organic fertilisers must not be spread when:
 - The land is waterlogged;
 - The land is flooded, or it is likely to flood;
 - The land is frozen, or covered with snow;
 - Heavy rain is forecast within 48 hours;
 - The ground slopes steeply and there is a risk of water pollution, when factors such as surface run-off pathways, the presence of land drains, the absence of hedgerows to mitigate surface flow, soil condition and ground cover are taken into account.
- Chemical fertilisers must not be spread on land within 2 metres of a surface watercourse.

Table 1 shows the buffer zones for various water bodies (lakes, rivers, wells etc.). Soiled water, effluents, farmyard manures or other organic fertilisers must not be spread inside these buffer zones.

Water Feature	Buffer Zone
Any water supply source providing 100m ³ or more of water per day, or serving 500 or more people	200m (or as little as 30m where a local authority allow)
Any water supply source providing 10m ³ or more of water per day, or serving 50 people or more	100m (or as little as 30m where a local authority allows)
Any other water supply for human consumption	25m (or as little as 15m where a local authority allows)
Lake shoreline or a turlough likely to flood	20m
Exposed cavernous or karstified limestones features	15m
Any surface watercourse where the slope towards the watercourse exceeds 10%	10m
Any other surface waters	5m

Table 1 – Requirements for the Application of Fertilisers and Soiled Water as set out in S.I. 113 of 2022

Prior to its approval, a Natura Impact Statement was prepared for the Nitrates Action Programme (NAP) by RPS (2022). This Natura Impact Statement considered the potential of the measures proposed within the NAP to give rise to adverse effects on the integrity of European Sites, with regard to their qualifying interests, associated conservation status and the overall site integrity, alone and in combination with other relevant plans and programmes. The NIS concluded that the adoption of the NAP will not adversely affect the integrity of any European Site either alone or in combination with other relevant plans or programmes and subject to securing the mitigation measures prescribed in the NIS.

The applicant is fully aware of his obligations under S.I. 113 of 2022 and he will meet all the requirements under this Directive with the proposed application.

3.2 SITE LOCATION AND SURROUNDING ENVIRONMENT

The site in question is approximately 18.3ha (including the range area of the hens) and it is located in a rural area within the townlands of Ballyhugh. Access to the site is via the existing entrance into the farm and this entrance is just west off a local, third-class road (L1054). This local road is just south off the National Road, the N87, Belturbet to Ballyconnell Road. The site is 4.1km south-east of Ballyconnell and 6.2km west of Belturbet.

The main land-use surrounding the application site is agriculture and improved agricultural grassland is the dominant habitat locally and this habitat largely surrounds the site. Other natural habitats represented in the area include areas of semi-improved and wet grasslands, hedgerows, treelines and watercourses. There is a moderate level of one-off rural dwellings and farm yards in the lands surrounding the site and the dominant habitats associated with these areas include buildings and artificial surfaces, and amenity grasslands and gardens. Site location maps can be seen in Figures 2 and 3 whilst an aerial photograph of the site and its surrounding habitats can be seen in Figure 4.

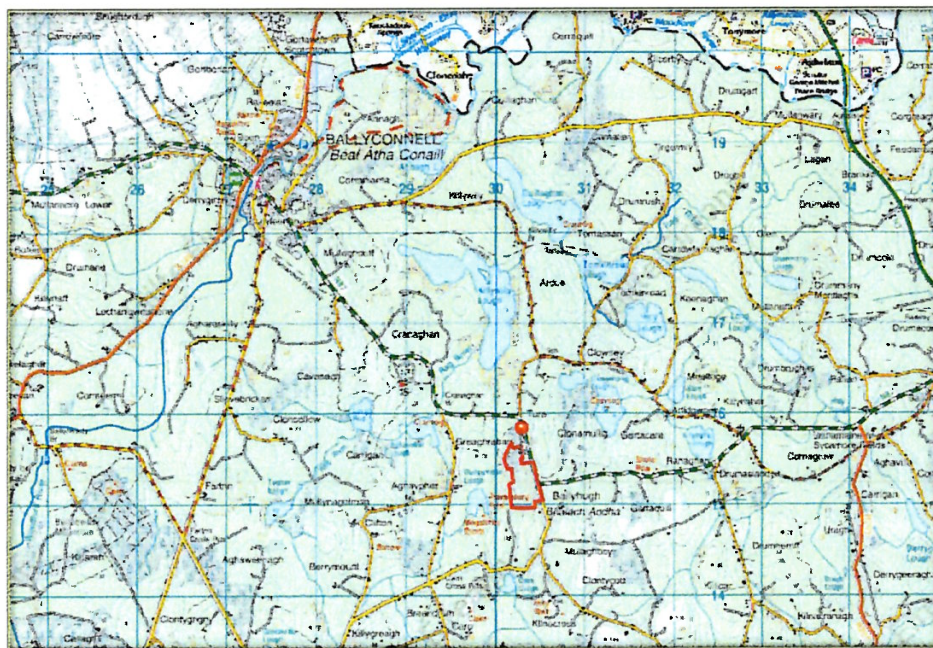


Figure 2 – Map showing the Location of the Proposed Development Site (Pinned)

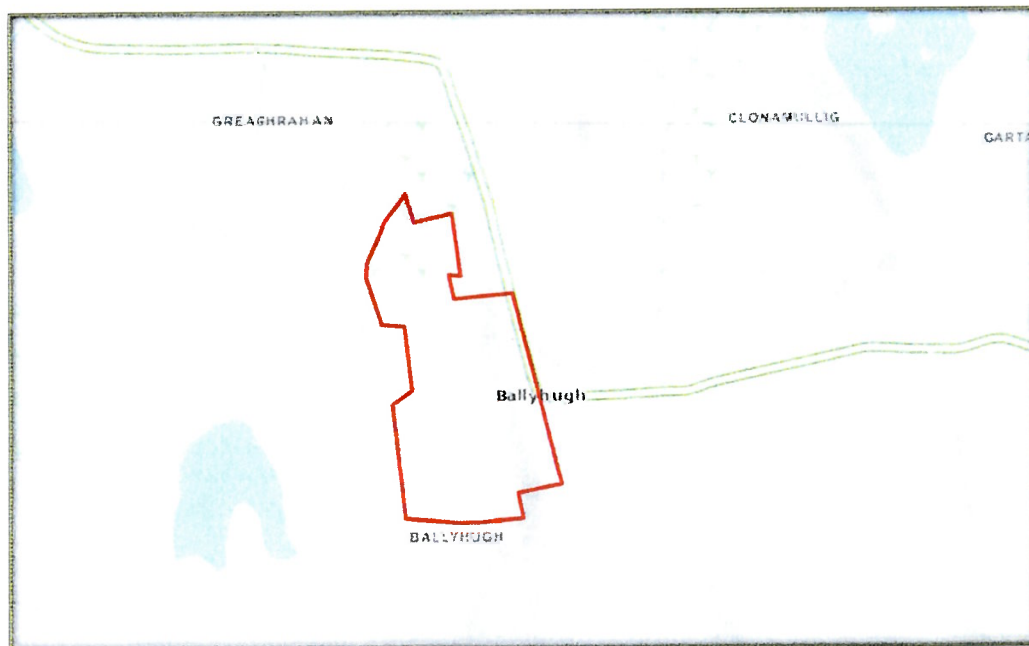


Figure 3 – Map showing the Location of the Proposed Development Site (Outlined in Red)

HABITATS WITHIN THE SITE

The application site does not lie within or adjacent to any area that has been designated for nature conservation purposes. The site encompasses two existing poultry houses and their associated yard and access road. The dominant habitat associated with these areas is buildings and artificial surfaces. The remainder of the site forms the range area of the free range stock and it consists of a number of small fields that are divided by hedgerows. The dominant habitat in these areas is improved/semi-improved and wet grasslands. There is also an area of mixed broadleaved woodland in the north-western corner of the site.

WATER FEATURES AND QUALITY

The application site lies within the Erne Hydrometric Area (36) and Catchment (36), the Woodford Sub-Catchment (010) and the Rag Sub-Basin (020). There are drains on lands close to the application site and these drains are likely to lead to the Rag River, which is c600m west of the application site.

The Rag River flows north then east, through Aghavoher Lough, Killywily Lough, Cuillaghan Lough and Tomkinroad Lough until its confluence with the Woodford River near Corrabrack. The Woodford River is a tributary of the River Erne.

The EPA have classified the ecological status of the Rag River and its tributaries at points close to the application site as poor status. Under the requirements of the Water Framework Directive, this is unsatisfactory and all water bodies are obliged to meet good status within the time frame of the current cycle of the Water Framework Directive (2027).



Figure 4 – Aerial Photograph of the Site (Outlined in Red) and its Surrounding Habitats, Range Lands Included

3.3 NATURA 2000 SITES IDENTIFIED

In accordance with the guidelines issued by the Department of the Environment and Local Government, a list of Natura 2000 sites within 15km of the proposed development have been identified and described according to their site synopsis, qualifying interests and conservation objectives. In addition, any other sites further than this, but potentially within its zone of interest were also considered. The zone of impact may be determined by an assessment of the connectivity between the application site and the designated areas by virtue of hydrological connectivity, atmospheric emissions, flight paths, ecological corridors etc.

For significant effects to arise, there must be a potential impact facilitated by having a *source*, i.e., the proposed development and activities arising out of its construction or operation, a *receptor*, i.e., the European site and its qualifying interests and a subsequent *pathway* or *connectivity* between the source and receptor, e.g., a water course. The likelihood for significant effects on the European site will largely depend on the characteristics of the source (e.g., nature and scale of the construction works), the characteristics of the existing pathway and the characteristics of the receptor, e.g., the sensitivities of the Qualifying Interests (habitats or species) to changes in water quality.

There are two Natura 2000 designated sites within 15km of the application site. These designated areas and their closest points to application site are summarised in Table 2 and a map showing their locations relative to the application site is shown in Figure 5. A full description of these sites can be read on the websites of the National Parks and Wildlife Service (npws.ie).

Site Name & Code	Distance	Qualifying Interests	Screened In - Out
Lough Oughter and Associated Loughs SAC 000007	452m north-east	• Natural eutrophic lakes with Magnopotamion or Hydrocharition-type vegetation • Bog woodland • Otter <i>Lutra lutra</i>	<i>Screened Out – The proposed development will not require any external construction works. There will be no source of water borne pollutants in this instance, therefore there is no hydrological pathway for significant effects to arise on this SAC.</i> <i>The overall emissions from this proposed development will be lower than that previously permitted, therefore significant effects upon this SAC will</i>

			not arise due to atmospheric emissions.
Lough Oughter Complex SPA 004049	5.2km south-east	• Great Crested Grebe (<i>Podiceps cristatus</i>) • Whooper Swan (<i>Cygnus cygnus</i>) • Wigeon (<i>Anas penelope</i>) • Wetlands & Waterbirds	Screened Out – The proposed development will not require any external construction works. There will be no source of water borne pollutants in this instance, therefore there is no hydrological pathway for significant effects to arise on this SPA. The overall emissions from this proposed development will be lower than that previously permitted, therefore significant effects upon this SPA will not arise due to atmospheric emissions.

Table 2 – Natura 2000 Sites within 15km of Application Site

5

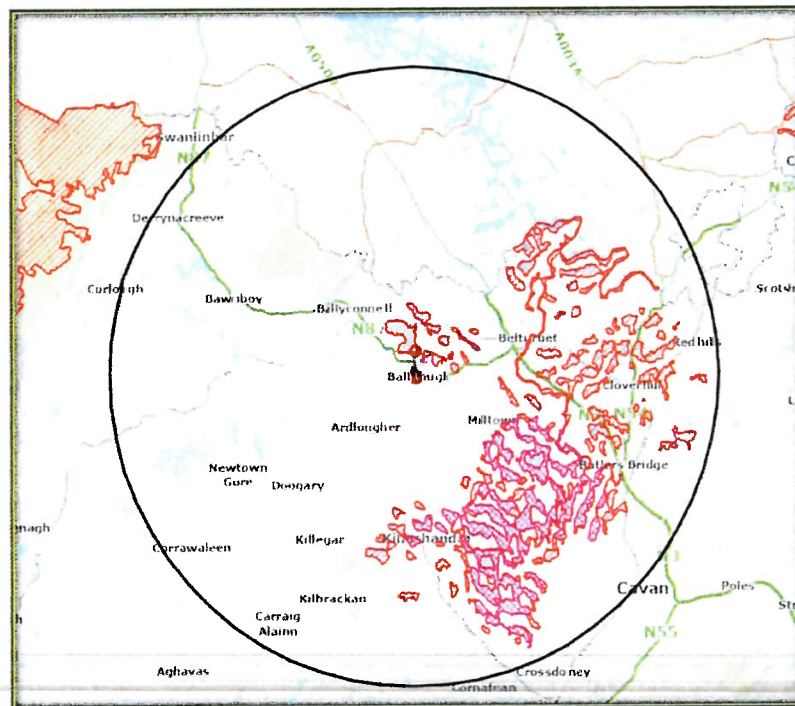


Figure 5 – The Application Site (Red Dot) in relation to the Natura 2000 Sites within 15km

3.4 IMPACT ASSESSMENT

The potential significant effects of the proposed development on the Natura 2000 sites within 15km will be considered further.

Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on nearby Natura 2000 site:

The proposed development at Ballyhugh (Upgrading of Existing Houses to Multi-Tier System with Low Emission Specifications) will have no significant effects upon the Lough Oughter and Associated Loughs SAC or the Lough Oughter Complex SPA. There are no individual elements of the proposed project that are likely to give rise to negative effects on these Natura 2000 sites. There will be no negative effects upon designated habitats or species arising from the predicted emissions from this facility, which will see an overall reduction of 18%.

There are other agricultural activities ongoing close to the current application site, therefore cumulative impacts arising from the operation of these farms together were considered. All farms, regardless of whether licensed by the EPA or not, are required to operate within the legalisation defined in S.I. 113 of 2022 regarding manure storage, minimisation of soiled water and general good agricultural practice, etc. Therefore, cumulative impacts arising from the combined operation of these activities with the proposed operation of the poultry farm at Ballyhugh will be negligible.

The land-spreading of the poultry manure produced at the proposed facility has also been considered as part of this process. Records for the distribution and movement of all the manure produced will be kept on site and presented to the Department of Agriculture, Food and Marine if necessary. All organic fertilisers will replace the use of chemical fertiliser; therefore, there will be no overall increase in the amount of nutrients spread.

The wash water generated during the maintenance of the facility will be land-spread on the applicant's family lands. Land-spreading will only be done on areas of improved agricultural grasslands. The receipt lands are not adjacent to or connected to any Natura 2000 site. The use of these lands for land-spreading of water will have no impacts upon the integrity or conservation objectives of any Natura 2000 site. All land-spreading will be done in accordance with the Nutrient Management Plan for the farm and in accordance with S.I. 113 of 2022.

Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the nearby Natura 2000 sites by virtue of:

Size and scale: Having regards to the small size and scale of the development in relation to the overall size of the Natura 2000 sites identified, then the likelihood of any direct, indirect or cumulative impacts upon these designated sites is low.

Land-take: There will be no land-take from any designated site. There will be no interference with the boundaries of any designated site. There will be no loss of any undesignated priority habitats.

Distance from Natura 2000 site or key features of the site: There are two Natura 2000 sites within 15km of the application site. Lough Oughter and Associated Loughs SAC is 453m north-east of the site, whilst the Lough Oughter Complex SPA is 5.2km south-east of the site. Having regards to the lack of construction works

required and that modifications are internal only whilst atmospheric emissions will decrease, this distance is sufficient to ensure that significant effects upon these sites do not arise.

Resource requirements (water abstraction etc.): No resources will be taken from any Natura 2000 site and there are no resource requirements that will impact upon any designated site.

Emissions: No construction works are required and there will be no pollution generated to local surface waters. During operation, only clean surface water will be directed to **soakpits or local watercourses.**

The EPA have recently produced guidance documents for the assessment of impacts of emissions on Natura 2000 sites (*See Appendix II - Assessment of the Impact of Ammonia and Nitrogen on Natura 2000 sites from Intensive Agriculture Installations, EPA 2021, updated 2024*). This document contains a step-by-step assessment process which allows the applicant to ascertain the level of assessment and information needed when determining potential effects from emissions on Natura 2000 sites. Step 6c of the flow chart (Appendix I) makes a provision for applicants to demonstrate that the emissions from the new installations will result in an overall reduction in emissions from the baseline numbers.

The proposed development consists of the upgrading of two existing poultry houses to a multi-tier system with low emissions specifications. There are currently 16,000 birds between House 1 and House 2. The current emission factor per bird is 0.315kg ammonia, therefore the current ammonia level produced on the farm is 5,040 kg. Bird numbers will increase to 16,000 in House 1 and 19,000 in House 2, totalling 35,000 birds in total. Emissions are predicted to be as follows with the low emissions specifications:

- House 1 - 16,000 Free range Hens @ 0.106kg ammonia = 1,696 kg ammonia
- House 2 - 19,000 Barn housing system @ 0.09 Kg Ammonia = 1,710 Kg Ammonia
- Total from houses = 3,406kg
- Proposed manure store loading will be 714kg
- Total = 4,120 Kg Ammonia

Therefore, there will be a reduction in ammonia from 5,040kg to 4,120kg, which is an 18% reduction.

As the final emissions from the farm upon completion of the construction and upgrading works will be lower than that previously permitted, detailed atmospheric modelling is not required in this instance and significant effects upon Natura 2000 sites can be ruled out.

Excavation requirements: Excavated material from the construction will be used on site. Bare soil will be reseeded straight away where appropriate. Any remaining soil will be disposed of in a responsible manner in a licensed facility away from any designated sites.

In-Combination / Cumulative Impacts: The proposed application was considered in combination with other developments or proposed developments in the Ballyhugh / Ballyconnell areas and the surroundings townlands. There are no past or pending applications that could lead to cumulative impacts upon the Natura 2000 sites when considered in combination with this current application. Any future individual application that has the potential to impact upon a Natura 2000 site will be subject to Appropriate Assessment as required under Articles 6(3) of the Habitats Directive. As overall ammonia emissions are decreasing, cumulative impacts with other intensive agricultural installations will not arise.

Transportation requirements: There will be no additional transportation requirements resulting from the proposed development and associated works that will have any impact upon the Natura 2000 sites identified.

Duration of construction, operation, decommissioning etc: No external construction works required. Internal works will be completed within a matter of months and operation of the farm will be long term.

Describe any likely changes to the nearby Natura 2000 sites arising as a result of:

Reduction of habitat area: The proposed development lies outside the boundaries of the Natura 2000 sites identified in Section 3.3. There will be no reduction of designated habitat area or habitats used by any protected bird species. There will be no impacts upon the qualifying interest of any SAC / SPA.

Disturbance to key species: There will be no direct disturbance to any species listed in Annex I of the Birds Directive or Annex II of the Habitats Directive.

Habitat or species fragmentation: There will be no habitat or species fragmentation within any SAC or SPA. No ecological corridors between the proposed site and any designated area will be damaged or destroyed.

Reduction in species density: There will be no reduction in species density.

Changes in key indicators of conservation value (water quality etc.): There will be no negative impacts upon surface or ground water quality. There will be no negative impacts upon the water quality in any designated site.

Describe any likely impacts on the nearby Natura 2000 sites as a whole in terms of:

Interference with the key relationships that define the structure or function of the site: It is not considered likely that there will be any impacts on the key relationships that define the structure or function of the Natura 2000 sites identified.

Provide indicators of significance as a result of the identification of effects set out above in terms of:

Loss - Estimated percentage of lost area of habitat: None

Disruption & disturbance / Fragmentation: None

Change to key elements of the site (e.g. water quality etc.): None

3.5 FINDING OF NO SIGNIFICANT EFFECTS

Finding of No Significant Effects Report Matrix	
Name of project	Development at an Existing Farm at Ballyhugh, Ballyconnell, Co. Cavan (Upgrade of Existing Poultry Houses)
Name and location of Natura 2000 site	There are two Natura 2000 sites within 15km of the application site. Lough Oughter and Associated Loughs SAC is 4.53m north-east of the site, whilst the Lough Oughter Complex SPA is 5.2km south-east of the site. In this regards, having regards to the lack on construction works required, this distance is sufficient to ensure that significant effects upon these sites do not arise.
Description of project	A Small Scale Agricultural Development
Is the project directly connected with or necessary to the management of the site?	No
Are there other projects or plans that together with project being assessed could affect the site?	No
The Assessment of Significance of Effects	
Describe how the project is likely to affect the Natura 2000 site	Having regard to the location, nature and scale of the proposed development, it is considered that there is no potential for significant effects either from the proposed development on its own or in combination with other plans and projects.
Explain why these effects are not considered significant	Not applicable as there is no potential for negative impacts
Describe how the project is likely to affect species designated under Annex II of the Habitats Directive.	No impacts likely
Data Collected to Carry out the Assessment	
Who carried out the assessment	Noreen McLoughlin, MSC, MCIEEM. Consultant Ecologist
Sources of data	NPWS, EPA, National Biodiversity Data Centre, Cavan County Council
Level of assessment completed	Stage1 Appropriate Assessment Screening
Where can the full results of the assessment be accessed and viewed	Full results included

4 APPROPRIATE ASSESSMENT CONCLUSION

In accordance with Article 6(3) of the Habitats Directive, the relevant case law, established best practice and the precautionary principle, this AA Screening Report has examined the details of the project in relation to the relevant Natura 2000 sites within 15km of the application site.

At this stage of the AA process, it is for the competent authority, i.e., Cavan County Council, to carry out the screening for AA and to reach one of the following determinations:

- a) AA of the proposed development is required if it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites;
- b) AA of the proposed development is *not* required if it can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites.

It is of the opinion of the author that an AA of the proposed development is not required as it can be excluded, on the basis of objective information provided in this report, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites.

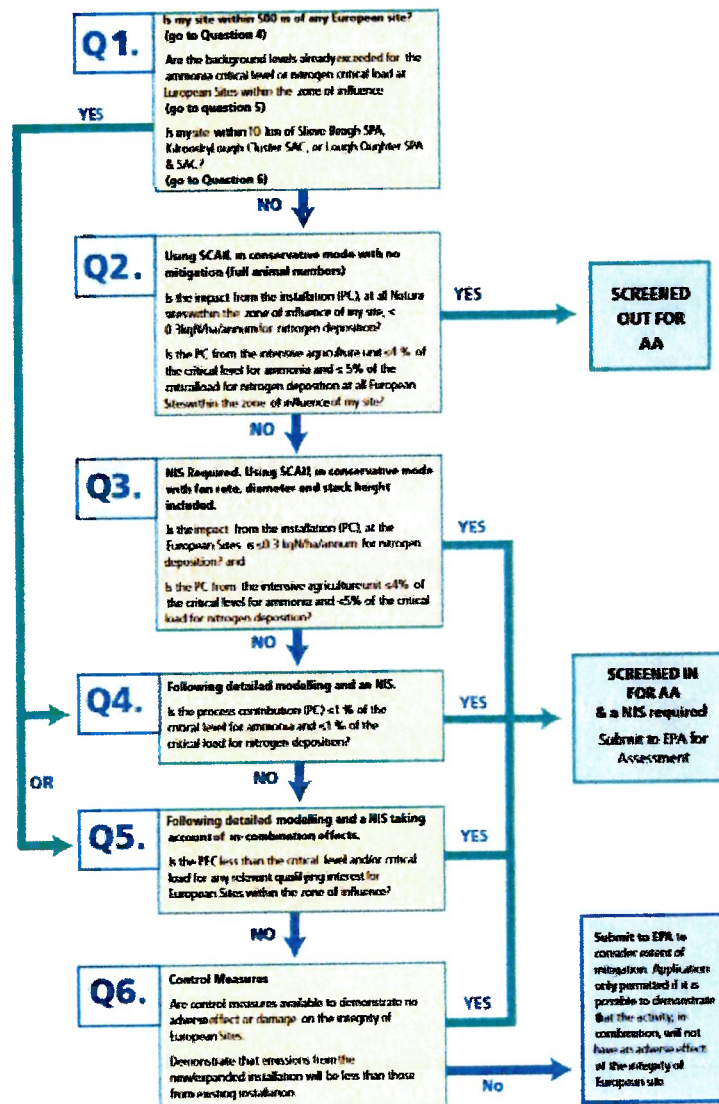


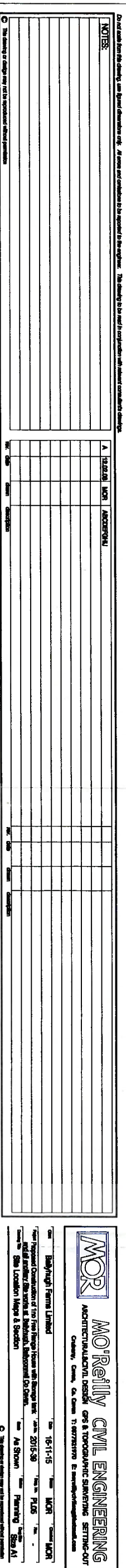
Noreen McLoughlin, MSc, MCIEEM.
Ecologist.

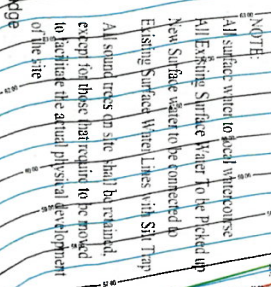
(PI Insurance details available on request)

Appendix I - EPA Flow Chart (2024)

APPENDIX 1. FLOWCHART







24 OCT 2025
Cavan Co. Council
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Site Plan from
Planning Dept. 15/523

