

**MEMORANDUM**

<b>From</b> Bronagh Treanor Assistant Planner	<b>To</b> Nicholas O'Kane Senior Planner
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**Date**            12<sup>th</sup> February 2021

**Planning Reg. No:**

20/495- 563

**Applicant:**

John & Charles Smith

**Type of Application:**

Permission

**Development Description:**

to construct extensions to 2 No. existing poultry houses together with all ancillary structures and all associated site works arising from the above proposed development at Lislea, Virginia, Co. Cavan. This application relates to a development, which is for the purposes of an activity requiring a Licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013. An Environmental Impact Assessment Report (E.I.A.R.) will be submitted with this planning application

**Municipal District:**

Ballyjamesduff

**Site Location**

The proposed development is at an existing poultry farm, located 3.5kms SE of Virginia on the Local Road L7102 in the townland of Lislea. On the date of the site inspection the site notice was erected and clearly visible.

**Development Plan**

The Cavan County Development Plan 2014-2020, Section 3.4 Agricultural and Farm Diversification refers.

### **Agriculture Policies**

**EDP1** To implement at county level provisions set out in 'Harvest 2020' subject to environmental carrying capacity constraints.

**EDP2** To facilitate and encourage the sustainable development of agricultural enterprises, agri-tourism projects and farm diversification and other suitable proposals that supports the development of alternative rural enterprises.

**EDP3** To promote sustainable agricultural development whilst ensuring that development does not have an undue negative impact on the visual amenity of the countryside.

**EDP4** To support the development of on-farm tourism enterprises including the provision of tourism facilities such as the renovation of farm buildings for tourism purposes, and the development of walking, cycling, angling, pony trekking and bird watching, subject to the principles of proper planning and sustainable development. Proposed developments shall not adversely affect protected habitats and species.

### **Agriculture Objectives**

**EDO1** To promote the continued development and expansion of the Agri-Food Sector.

**EDO2** To encourage and facilitate agricultural diversification into agri-businesses such as organic foods, rural/agri-tourism, farmhouse accommodation, pet-farms, horse trekking centres and small to medium sized enterprises subject to the retention of the holding for primarily agricultural use and the proper planning and sustainable development of the area.

**EDO3** To support the horticulture and nursing stock industry as a means of diversifying agriculture and contributing to the maintenance of population in the rural area.

**EDO4** To ensure that all agricultural activities comply with legislation on water quality, such as the Phosphorous Regulations, Water Framework Directive and Nitrates Directive.

**EDO5** To encourage the development of environmentally sustainable agricultural practices, to ensure that development does not impinge on the visual amenity of the countryside and that watercourses, wildlife habitats and areas of ecological importance are protected from the threat of pollution.

**EDO6** To recognise and support the role of farmers as custodians of the natural resources of the countryside and of rural landscapes which are valuable to existing and future generations. Ensure that development does not have an undue negative impact

on the visual or scenic amenity of the Countryside. Protect soil, groundwater, wildlife habitats, conservation areas, rural amenities and scenic views from adverse environmental impacts as a result of agricultural practices.

**EDO7** To support agricultural development as a contributory means of maintaining the population in the rural area and sustaining the rural economy, whilst maintaining and enhancing the standing of the rural environment and through application of the Water Framework and Habitats Directive.

### Planning history

**20/405:** permission sought by John & Charles Smith to construct extensions to 2 No. existing poultry houses together with all ancillary structures and all associated site works arising from the above proposed development at Lislea, Virginia, Co. Cavan. This application relates to a development, which is for the purposes of an activity requiring a Licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013. An Environmental Impact Assessment Report (E.I.A.R.) will be submitted with this planning application. Application invalid

**05/1624:** permission granted to John & Charles Smith to construct 2 no. poultry houses and 1 no. store, together with all associated site works arising from the above proposed development.

**04/2220:** permission refused to John & Charles Smith to erect 2 no. poultry houses 1,110 sq.m. each not higher than 4.5m high, store 84sq.m, 2 meal silos not higher than 6.60m high, post and wire boundary fencing 1.20m high and associated site works.

### Pre-planning consultations

None.

### Submissions

None.

### Representations

Inland Fisheries Ireland: no report

**Environmental Protection Agency: report dated 08/01/2021 states:**

- Proposed development will require a licence under Class 6 of the EPA Act. The EPA has not received a licence application relating to the development.
- Should the Agency receive a licence application the applicant will be required to submit the associated EIAR to the Agency as part of the licence application which shall be assessed by the Agency. The licence application will be made subject to an Environmental Impact Assessment in accordance with Section 83 (2A) and Section 87(1G)(a) of the EPA Act.
- All observations from the Planning Authority will be taken into account as part of the Agency's assessment. The Planning Authority shall be requested to provide the documentation relating to the EIA you have carried out to the Agency under Section 173A(4) of the Planning and Development Act 2000.
- Should a licence review application be received by the Agency, all matters to do with emissions to the environment from the activities proposed, the licence review application documentation shall be considered and assessed by the Agency.
- Where the Agency is of the opinion that the activities, as proposed, cannot be carried on, or cannot be effectively regulated under a licence then the Agency cannot grant a licence for such an activity. Should the Agency decide to grant a licence in respect of the activity, it will incorporate conditions that will ensure that appropriate National and EU Standards are applied and that Best Available Techniques will be used in the carrying on of the activities.
- Should an IE Licence application be received, it will define the site boundary, which in most cases, will relate to the site of the poultry rearing and directly associated activities.
- In accordance with section 87(1D)(d) of the EPA Act, the Agency cannot issue a Proposed Determination on a licence application

### **Internal Reports**

**Environment: report dated 6<sup>th</sup> January 2021 states:**

According to the GSI ground water maps for Co. Cavan, the proposed development is located within an area classified as a Poor Aquifer with Extreme Vulnerability.

The proposed development is located in the Lislea\_010. This water body is currently classed as Good Ecological Status. This status must be maintained in accordance with the requirements of the Water Framework Directive.

In relation to the EIAR submitted, I have reviewed it and my comments are as follows:

- The application is for an extension to existing poultry houses which will increase stock numbers from 28,000 birds to a total of 48-50,000 birds, which is above the threshold of 40,000 and therefore requires an EPA IED Licence. It is stated that an EPA Licence will be applied for once planning permission is granted for the development. It will operate for broiler rearing where birds will be reared in a c. 10 week cycle with 5 cycles per annum. At the end of each cycle 8-10 weeks there will be no birds and the houses will be cleaned out.
- It is proposed that surface water will discharge to an open watercourse. In Section 4(3)(5) mitigation measures are set out.
- The proposed water supply source for the proposed development will be from an onsite well location of which is denoted on the site layout map.
- Soiled water will be generated from the cleaning of houses at the end of each 10 week cycle. The estimated soiled water production will be c.90m<sup>3</sup> per annum. It is proposed that this soiled water will be collected in a soiled water collection tank. It is proposed to landspread this soiled water on the applicant's land of 61.21 Ha. The application of the soiled water will increase the N loading by <2 Kg N/Ha to a stocking rate of 126 Kg N/Ha which does not exceed the 170kg of organic N/ha limit.
- Poultry manure will be removed off site for disposal by authorised contractor, McCartney Contractors. It is estimated that 480 tonnes of manure will be produced annually. Supporting documentation was submitted.
- The report states that poultry carcasses will be moved off site and taken for disposal by College Proteins. Supporting documentation was submitted.
- The proposed development is not likely to have any adverse noise impact. No noise monitoring was undertaken. Measures to mitigate noise during the construction phase are set out.
- Odour emissions are not perceived to cause a nuisance with exception to during times of the removal of birds and manure approx.7 times per annum. In Section 4(3)(6) mitigation measures for potential air impacts are set out.

Note: The locations of dwellings in the area are not shown on a map.

- An Appropriate Assessment Screening report was submitted as part of the EIAR, this report concludes that the development will have no impacts upon Natura 2000 sites. I recommend that this report be referred to the Heritage Officer.
- The planner may also wish to refer to the Waste Section for their comments on the EIAR in relation to the waste elements of this development.

#### **IED Licensing Requirement**

This class of activity at this location requires an IED Licence from the Environmental Protection Agency.

The position is therefore as follows:-

- The planning authority in granting permission for a development requiring a licence from the EPA may not impose conditions in relation to the environmental emissions from this activity.
- The planning authority may decide to refuse a grant of permission in respect of a development requiring a licence from the EPA on the grounds that the development would have a detrimental effect on the surrounding environment.
- The protection of visual amenity, archaeological sites, natural heritage areas and other special protection areas, etc., remain the responsibility of the planning authority in so far as these relate to the actual on-site development (as distinct from the waste disposal operation).
- The planning authority retains responsibility for access, transportation and road safety.

#### **Recommendation**

- Insofar as the Council can make judgement on the environmental issues of the proposed development at this facility, I recommend unconditionally.

- I recommend that the EPA and Inland Fisheries Ireland should be notified regarding the details of this application.

**Municipal District Engineer:** report dated 12/01/2021 states:

- Standard roadside drainage 225mm pipe. No further objections.

**Roads Design Office:** report dated 15/01/2021 states:

- Road Design can confirm that the site of the development is located within the N3 Virginia Bypass Project Planning Referral Corridor.
- The proposed development is located adjacent to option corridors under consideration at Phase 2: Stage 2 of the N3 Virginia Bypass Road Scheme.
- The Planning and Design of the Scheme is currently being progressed by Barry Transportation Consultants working on behalf of Cavan County Council.
- The feedback of Barry Transportation is contained hereunder, and it is recommended that cognisance is taken of their advices in the best interests of the progression of the N3 Virginia Bypass project. Cavan County Council Road Design Office
- Barry Transportation consider the above application will not directly impact on the N3 Virginia Bypass scheme and therefore have no comments/recommendations in relation to the above application.
- However, we recommend that the applicant be advised as to the proximity of the proposed development to potential option corridors, and that the option corridors are available for viewing / download on the project website: [www.n3virginiabypass.ie](http://www.n3virginiabypass.ie).

### Screening for EIAR

Schedule 5 of the Regulations lists two categories of development requiring preparation of an EIAR. Part 1 (Annex I) identifies all major development where EIA is compulsory. Part 2 (Annex II) lists those projects where EIA is necessary when what is proposed is likely to be associated with significant effects on the environment. Annex III of the Regulations sets out the criteria to determine whether projects listed in Annex II should be subject to an Environmental Impact Assessment.

17. Installations for the intensive rearing of poultry with more than 85,000 places for broilers or 60,000 places for hens

## Part 2

1. (e) (i) Installations for intensive rearing of poultry not included in Part 1 of this Schedule which would have more than 40,000 places for poultry.

In this case, the proposed development which is for a total of 48,000 – 50,000 birds is above the threshold for Part 2. This makes EIA mandatory.

### Planning Assessment

#### Site location and description

The proposed development is at an existing free range poultry farm, located 3.5kms SE of Virginia on the Local Road L7102 in the townland of Lislea. The site is low lying and flat and set back from the public road by approx. 100metres. Planting has taken place at the roadside boundary which helps to screen the existing development.

#### Outline and rationale for proposed development

Permission is sought to construct extensions to 2 No. existing poultry houses together with all ancillary structures and associated site works at this established poultry farm facility. Together, the proposed extensions measure 1,396.65sqm. A new access is proposed along the local road which will tie in with the existing access laneway to the proposed development. Boundary vegetation and hedgerows are to remain in situ in the main apart from a small section of hedgerow which shall be removed to accommodate unobstructed sightlines.

In conjunction with the physical development described above, it is proposed to alter and expand the stock numbers in the entire facility from the current 28,000 birds to 48,000 – 50,000 birds.

It will operate for broiler rearing where birds will be reared in a c. 10 week cycle with 5 cycles per annum. At the end of each cycle 8-10 weeks there will be no birds and the houses will be cleaned out.



The operation of the proposed development will be integrated with the operation of the existing farming activities, and will provide for a sustainable development of activities on the farm.

### Design

The existing poultry units have a total floor area of 1,131sqm respectively. Both extensions will measure 698sqm each in gross floor area, height 4.25m above a finished floor level of 107.994 metres, which matches the existing poultry units on site. The roof pitch and external materials (concrete walls and roof cladding will be box profile juniper green or similar) would be the same as the existing houses. Existing building lines are also maintained.

Visually, the proposed extensions would have minimal additional landscape impact in my view.

### Operations

The proposed production process on this farm will be similar for both the existing and proposed houses, and will be in line with the requirements of the Department of Agriculture, Food and Marine and Bord Bia.

The application documents describe in detail the hygiene precautions and general management practices to be adopted on site around feeding, stock turnover, removal of fallen stock, waste disposal, heating, ventilation, lighting etc. The site is already served by its own private water supply.

The staff operating hours would be the same as existing i.e. primarily between 06.00 and 20.00, each day, however the automated ventilation and feeding systems would continue outside those hours. The farm manager would be available at all times and in case of emergency.

### Effluent and waste

Organic manure production would increase from 280 tonnes/annum to 480 tonnes/annum. This would be managed in accordance with S.I. 605 of 2017, as amended. The manure will be moved off site by an approved registered contractor.

### **Access**

A new entrance is proposed along the local road to improve sight visibility at the entrance. I note the comments from the Municipal District Engineer who is satisfied with the revised entrance location and has no objections to the proposed development.

### **Appropriate Assessment**

The application has included a NIS screening report (Stage 1 Appropriate Assessment – Appendix 18) to assess the impact on designated sites as required by the EU Habitats Directive. Three Natura 2000 sites are identified within 15kms of the application site, River Boyne and River Blackwater SPA, River Boyne and River Blackwater SAC and Killyconny Bog SAC. An Impact Assessment has been carried out by the Applicant's consultant, Whitehill Environmental. The report noted that the main habitats within the application site include buildings and artificial surfaces (the existing poultry houses, hardcore area and access road) and grassland and tree planting within the site bounds. There is one records of protected mammal species within the relevant 1 km square N6196 which is the badger *Meles meles*.

The site is described as within the Boyne Hydrometric Area and Catchment, the Blackwater (Kells) sub-Catchment and the Lislea Sub-Basin.

The nearest designated Natura 2000 sites are River Boyne & River Blackwater SAC and River Boyne & River Blackwater SPA, both of which are 3kms south. The hydrological connections are 6.1kms. The distance to Killyconny Bog SAC is 4.6km south east. The generic conservation objectives of each of the above sites are summarised. Following, a Site Synopsis is given for each.

The report concludes that the proposed development, either individually or in combination with other plans and projects, would have no impacts on to the Natura 2000 sites identified. The integrity of the sites will be maintained and the habitats and species associated with those sites would not be adversely affected. A stage II assessment was not deemed necessary. I concur with these findings considering the location and context of the proposed development within an existing facility, the limited extent of the development, and the separation from the identified Natura 2000 sites.

## **Environment Impact Assessment**

### **Non-technical summary**

The EIAR sets out a non-technical summary, as required, and a full description of the proposed development and its anticipated effects. It summarises that this is a proposal to construct an extension to 2 no. existing poultry units on the site. The operation of the proposed development will be integrated with the operation of the existing farming activities, and will provide for a sustainable development of activities on the farm.

### **Scoping**

A number of bodies / organisations were consulted either directly or indirectly for the purposes of this EIAR, and these are set out in section 2 of the EIAR. The scoping of the EIAR was guided by the Amending EIA Directive (2014/52/EU) as transposed into Irish legislation, EPA draft advice notes and guidance, the County Development Plan, and it also took into account the nature, location and scale of the proposal, vulnerable or sensitive features, existing uses etc.

The EIAR sets out to identify, describe and assess the direct and indirect effects of the proposed development on the following factors:

- Population and human health
- Biodiversity
- Land and soil
- Water
- Air
- Climate / Climate change
- Landscape
- Material assets
- Traffic
- Architectural and archaeological heritage
- Cultural heritage
- The inter-relationship between the above factors.

The EIAR includes a matrix of each of the above factors, showing how each factor would be impacted at three stages – no development stage, construction phase, and

operational phases. There are seven categories of potential impact: no impact, slight negative, moderate negative, significant negative, slight positive, moderate positive and significant positive. From the range of impacts shown, none are significant (positive or negative), water and landscape are considered the most impacted (operational and construction phases, respectively), and moderate positive impacts are anticipated for human health, land and soil, and employment.

#### Description of Reasonable Alternatives

The proposed development takes place in the context of an existing poultry farm. The proposed development therefore uses an existing site, minimising the use of additional land resources. The proposed development will consolidate an existing facility and is the most suitable site in terms of minimizing the level of excavation/groundworks required. The alternatives to the use of this site would have more environmental impact.

Alternatives to layout, design and size were also considered. The proposal was designed to fit into the physical parameters and constraints of the site, existing structures, existing farm practices and surrounding landscape. The design is also consistent with the existing structures on the site. No other alternative sites, layouts and/or designs were deemed satisfactory. The scale of the proposed development is in keeping with the scale of other existing farms.

Alternatives of processes used and different ways of managing byproducts were also examined. It was considered that the proposed development offers the best fit between the proposed and existing enterprise on the farm, both from a labour and efficiency viewpoint and to ensure that all activities are carried out in an environmentally and economically sustainable manner.

Alternatives to the management of byproducts were also examined. Application to land and/or use in compost production are the two main practical economic means of utilizing the nutrients in poultry manure. The poultry industry has a dedicated system of established for the management of poultry manure. At present, there is no other suitable option for the utilization of organic fertiliser produced within the proposed development.

## Environmental Assessment

### *Physical characteristics of the proposed development*

- A new access onto the existing access laneway to the site.
- Proposed building form and design would match existing and integrate with rural surroundings. Proposed extension (4.25m metres high, 47.4m long, 14.64m wide) to match existing units on site.
- Manure taken off site in accordance with S.I. 605 of 2017.
- Underground, concrete soiled water storage tanks in which soiled water would be collected and stored pending application to farmland, in accordance with SI 605 of 2017.
- Removal of construction or waste soil to be directed to authorised sites.
- Existing hedgerows will be maintained where possible and strengthened where necessary.

### *Characteristics of the production process*

- Management, feeding and care of birds.
- Dispatch of all carcasses and other solid waste materials from the site for disposal or recovery at agreed/approved sites
- Collection of all wash waters generated within or around the site in soiled water collection tanks pending application to farmland.
- Main inputs to site are water and feed. Water to be sourced from the on-site well. Estimated water use will be c.2,000 per annum, increasing from c.1,200 per annum.
- Poultry feed will be specifically formulated rations, formulated and prepared by a specialized poultry feed supplier – 4 rations in each production cycle. Total feed consumption is expected to be on average of c. 20 t/week upon completion of the proposed development, increasing from c. 10-12 tonnes currently
- Electricity would be used to power all the processes and services on site.
- Back up generator is in place.
- Gas is used for heating the houses. Estimated gas usage = c. 0.75 – 1.25 l/bird place/annum.
- Wood shavings to be supplied by a local supplier.

#### *Expected residues and emissions*

- Lighting: will be by fluorescent tubes/LED and/or other energy efficient lighting devices.
- Supplementary heating is to be provided by gas burners. Energy efficiency will be a key determinant of choice of heating system. This is a relatively modern facility and as a result is more heat efficient than many other facilities in the region.
- Animal tissue / carcasses to be collected by College Proteins at 1-2 week intervals. Supporting letter enclosed at Appendix 6 of EIAR.
- General wastes to be collected by a local contractor and delivered to landfill.
- Organic fertiliser/poultry manure will be removed off site and utilised as an organic fertilizer and/or in the production of mushroom compost. Manure production upon completion will be c.480 tonnes/annum, increasing from c.280.
- Soiled water will be collected in dedicated soiled water collection tanks.
- Noise during construction phase will not exceed limits as experienced at the nearest sensitive receptor. No source of significant vibration on the site.
- Mitigation and control measures would be used to ensure no significant adverse impacts on the environment.
- Waste materials will be transported off the site by appropriately authorised waste contractors.

#### *Baseline Scenario*

- The area of the site proposed for development is on a greenfield/brownfield site within and adjacent to the existing pig farm on site. Should the development proposal not proceed, the site would remain in its current state.

#### **Effects of the proposed development on each of the EIAR factors:**

##### Population and Human Health

- The closest third party residence is c. >160m from the proposed development.
- Proposal unlikely to generate or release sounds or odour that would significantly impair amenity beyond the site boundary.

- No processes will take place on the site that would constantly or regularly release odour emissions at nuisance levels.
- Experience of other similar sites indicate that the noise or odour limits (55db day, 45db night) highly unlikely to be exceeded beyond the site boundary.
- Fugitive odour emissions at the site would not be significant and would be limited to times at which the birds/manure are being removed from the site. Insofar as it is possible odour emission is to be managed so as to occur at times when the effect within the site or outside it will be minimal.
- Proposed development is located within 3km of the River Boyne and Blackwater SAC and SPA. An AA accompanies this E.I.A.R (Appendix 18) which concludes that *"subject to mitigation measures that proposed project, whether individually or in combination with other plans and projects, will have no impacts upon conservation objectives of the Natura 2000 sites"*.

#### Biodiversity

- Site is located within 3km of the River Boyne and Blackwater SAC and SPA. An AA has been carried out for this proposed development which concludes that subject to mitigation measures that proposed project, whether individually or in combination with other plans and projects, will have no impacts upon conservation objectives of the Natura 2000 sites.
- The site is described as within the Boyne Hydrometric Area and Catchment, the Blackwater (Kells) sub-Catchment and the Lislea Sub-Basin. There would be no discharge of soiled water or effluent from the existing and/or proposed development. Proposed development would not have any significant impact on surface waters.
- The proposed development is on hardcore and managed grassland site within an existing farmyard complex, and its extent is limited. It will have no adverse impact outside the boundary of the site.
- Site is not near to or likely to adversely impact on any areas of primary or secondary amenity value or views from a scenic route.
- A Rodent and fly control programme will be implemented on the farm, in line with Bord Bia guidelines.
- An Appropriate Assessment report is appended to the EIAR (Appendix 18).
- Retaining as much hedgerow and existing landscape around the site will help to maintain biological diversity on this site.

- There will be no discharge of soiled water or effluent to surface water.

#### Land and Soil

- The area of the application site is already part of an existing farmyard / adjacent to one and the structures proposed would be constructed predominantly on a greenfield area. Land take required to facilitate the proposed development would be minor in terms of wider agricultural area.
- Production of organic manure will benefit the environment generally, especially as organic content of land is in decline particularly on tillage land.

#### Geological and Geomorphological Heritage

- Proposal would not adversely affect the landscape or geomorphological heritage of the area, outside of the site boundary.
- Proposal will not adversely impact on the landscape and/or the geomorphological heritage of the area.
- FFLs of the proposed sheds would entail minimal site work or excavation.

#### Water

- The applicant will implement and maintain a comprehensive environmental monitoring programme on site, governed by the terms of the EPA Licence. This includes a Slurry Management Programme, Environmental Monitoring and Analysis.
- Adverse effect on groundwater should be nil, as proposed development involves no process discharge to ground, and there is minimal risk of accidental leakage of effluent.
- The proposed development will operate on a dry manure basis, thus eliminating the risk of any leak to groundwater.
- The proposed development will be carried out on an impermeable concrete base with proper storm and soiled water separation and collection facilities.
- The only soiled water from the proposed development would be from the washing down of poultry houses.
- Groundwater monitoring is carried out annually as a condition of the EPA Licence.
- Source of water for this site is a site well. Volume of water required for the proposed development will lead to an increased water consumption on the site.



- Only discharge from the site will be the discharge of rainwater from roofs and clean yards to field drainage which flows towards the adjacent watercourse, a tributary of Lislea Stream.
- Surface water monitoring is carried out on a quarterly basis in accordance with the EPA Licence requirements.
- Adverse effects on groundwater arising from the proposed development should be nil as there will be no process discharge to ground and minimal risk of accidental leakage or spillage on site.
- There will be no discharge of soiled water or effluent from the proposed development to surface water.
- A series of surface water protection mitigation measures are set out under this section (p.48 of EIAR) for the construction phase. These include measures to protect watercourses and habitats, the import and/or storage of construction materials.

Volume of water needed will be in proportion to the stock levels.

#### Air Quality and Climate

- Odour emissions not likely to cause nuisance or impair amenity beyond the site boundary, with the possible exception of times when birds and/or manure is being removed from the site, which will occur at the end of each batch, approx. 5 times per annum.
- The EIAR outlines a number of practice measures that should be implemented to minimise potential odour emissions including:
  - Proper storage and removal of waste.
  - Regular washing of pig houses to minimise odour and maintain high health status.
  - Regular cleaning of yard etc.
  - Minimal agitation of manure.
  - Transport of manure off site to occur in sealed tankers.
  - Proper stocking rates within the houses.
  - Proper management of temperature and humidity.
  - Management operations to prevent significant pulse releases of odour.
  - Proper and even allocation of organic fertilisers.

- Organic fertiliser from this farm should not be applied to lands in potential odour sensitive locations, recommended 100m setback from an isolated dwelling and/or 200m from a group of dwellings.

*The following is also noted in this section of the EIAR:*

- Large livestock populations and nitrogen inputs to the soil generate one-third of all greenhouse gases in Ireland. The Scail Model demonstrates a reduction of nitrogen as a result of the proposed development.
- Methane emissions from poultry is less than cattle or sheep, resulting in less Climate Change emissions.
- The storage, management and application of organic fertiliser (by product of the proposed development) is controlled by statutory instruments to ensure emissions are kept to minimum.
- Climate information including wind direction is critical to odour movements. EIAR contains meteorological data in its Appendix 14.
- The storage, management and application of organic fertiliser (by product of the proposed development) is controlled by statutory instruments to ensure emissions are kept to minimum.

#### Landscape and Visual

- Site is outside any Sensitive Landscape area, and there are no Protected Views in the vicinity.
- Site lies at the interface of two Landscape Character Areas as defined in the County Development Plan 2014-2020, that is Area 4 (Drumlin Belt and Uplands of East Cavan) and Area 5 (Highlands of East Cavan).
- Topography is gently rolling drumlins, mostly farmed landscape, Isolated groups of mature woodland are located throughout this local landscape. Hedgerows are also a feature.
- Proposed development designed to integrate with the existing development on the site i.e. white plastered walls and corrugated cladding to roof. Feed silos would be grey in colour.
- Site is not intrusive on the landscape. Development would integrate with surrounding landscape.

- Proposal is an extension to an existing farmyard, and has visual screening.

#### Landscape and Visual

- Site located in the Lake Catchments of South Cavan.
- Proposal is an extension to an existing poultry farm, and has some visual screening.
- Design and external materials of the proposed development would integrate with existing farm buildings.
- Limited impact on the character of surrounding landscape.

#### Archaeological and Cultural Heritage

- There are no known archaeological sites or features within the site boundary.
- The closest recorded protected structure is a Ringfort/Rath located c.375m south west of the proposed development.

#### Material Assets

- Production of organic fertiliser will benefit the local agriculture.
- Proposed development will have a positive interaction with the rest of the applicant's land/existing farming activities.
- The proposed development would require additional feed which is classified as a renewable resource, gas, and water. Feed and water are the main resource increases associated with the proposed development.
- The proposed development does not require any major modifications to the existing electricity network, water or road infrastructure in the area.
- There will be economic benefits 'trickle down effects' from the proposed development, helping the local rural economy.
- Construction traffic would be short term, and would not cause a significant adverse impact.
- Operational traffic would change as follows, according to section 1.10 of the EIAR Report:
  - Feed – c.1 load per week. (Unchanged from 1 load per week)
  - Transport of organic fertiliser – c.4 loads per week (increasing from 2-3 loads per week)
  - Birds – c.10-12 loads per week. (Existing 7-9 per week)
  - Transport of staff and materials to and from the site.

### Waste Management

- Clean water to be discharged to local watercourse via discharge points.
- Solid wastes will be removed from site by an experienced contractor. Organic waste would be reused as a resource ingredient in the poultry compost industry and/or as an organic fertiliser.
- Soiled water would also be allocated to farmland in accordance with best practice and current regulations.
- Site management to ensure surfaces are clean and to prevent stormwater mixing with effluent.
- The removal of dead animals would be part of the cleaning, hygiene and disease control regime.

### Cumulative and Transboundary Effects

- No transboundary impacts anticipated. All wastes and byproducts would be used/disposed of/recovered within the State.
- All manure is to be moved off site by an approved and registered contractor.
- No cumulative adverse impact therefore anticipated.

### Inter-relationships between the above Environmental Factors

- EIS has set out a matrix of the 10 EIA factors and cross-related them. Of those that were applicable, most impacts are neutral, followed by positive. There were no negative impacts.
- The duration of impacts and mitigation measures are also set out in section 4.7.
- A description of the measures envisaged to avoid, reduce, prevent or if possible, offset any identified significant adverse effects on the environment are set out in section 4.7.

### **Difficulties in compiling the required information**

There were no difficulties identified in acquiring the necessary technical information for the EIAR.

### **Direct and Indirect effects of the proposed development as identified in the EIAR**

Section 172 of Planning and Development Act, 2000, as amended, requires planning authorities to carry out an EIAR in relevant cases. Section 171A set out in detail, what

the assessment must comprise. The assessment must include an examination, analysis and evaluation and it must identify, describe and assess in an appropriate manner, in light of each individual case and in accordance with Articles 4 to 11 of EIA Directive, the *direct and indirect effects* of a proposed development on the following:

- a) Population and human health
- b) Biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC
- c) Land, soil, water, air and climate
- d) Materials assets, cultural heritage and the landscape
- e) The interaction between the factors mentioned in points (a) to (d)

**(a) Population & Human Health**

The most significant impact on population and human health include noise emissions, disease control, air quality, waste management, traffic, landscape and material assets.

**EIAR findings**

**Noise:** During construction a certain amount of noise will be generated by transport and site traffic. The construction noise will be temporary in nature and it will be carried out during normal working hours avoiding early morning or late evening work. Operation noise will include transport of feed, animal deliveries/collections, waste and manure collection.

**Landscape and Visual:** The landscape and visual impacts are considered low due to the location of the proposed development at the side of an existing facility which is screened from the public road. Deciduous planting between it and the road is already significantly advanced. The site is enclosed by established hedgerow / boundary trees which provide additional screening. Although the proposed development requires the removal of part of the roadside hedgerow to achieve sightlines, new landscaping shall be set back in line with the sightlines required. The proposal is also designed to match the existing poultry houses on this site in terms of external construction materials and colour.

**Disease Control:** The EIAR states that strict disease control procedures will be applied to the proposed development. These will be carried out according to procedures set out

by the Department of Agriculture, Food and the Marine in consultation with the National Expert Epidemiological Group.

**Waste Management:** The principal sources of waste during construction and operation phases of the proposed development are anticipated to be:

- Clean water to be discharged to local watercourse via discharge points.
- Solid wastes to be removed from site by an experienced contractor.
- Soiled water to be allocated to farmland in accordance with best practice and current regulations.
- Waste materials generated on the site, during construction and operations, to be collected and transported off site by authorised waste contractors whether for disposal, recovery and/or recycling in appropriately authorised facilities.

The EIAR concludes that, in terms of wastes generated by the development, the associated environmental burden is expected to be minimal.

**Traffic:** The EIAR states that there will be an increase in the number of loads of organic fertiliser and birds to and from the farm each week. There will be no change to the number of feed loads to the farm each week. Staff and services traffic will remain unaltered. The main impact will be experienced at the construction phase, which is considered short term.

**Air Quality:** The environmental impacts on air and climate will be minimal from the proposed development. Practices are already in place that minimize odour overspill from the site. Mitigation measures for odour are also specified. Odour and noise are not likely to exceed the give rise to nuisance outside the site boundaries.

The largest generator of noise will be the general construction work associated with the proposed development, reaching 65dB LAeq to the nearest sensitive receptor (NS1) where the statutory limit is 65dB. Ref. section 4.3.1 of EIAR.

#### **Planning Authority Assessment**

The EIAR has identified mitigation measures to substantially reduce any impacts on human health, some of which are well established by best practice, and others which are additional recommendations set out in this EIAR. The EIAR indicates that the nearest

sensitive receptor is c.160 metres from the nearest sensitive receptor (NS1) to the location of the proposed poultry house extension within the site. This distance is substantially correct (I measure 160 metres).

Taking into account the noise mitigation measures recommended in section 4.3.1 of the EIAR, and the short-term nature of the construction-related noise, I consider this to be acceptable.

(b) Biodiversity

EIAR findings

The EIAR states that the proposed development is a greenfield/grassland area to the rear of the existing poultry houses. There is a relatively low biodiversity value as a result.

Mitigation measures are recommended in the EIAR around protecting the existing biodiversity, landscape and watercourses. Preventing discharge to local watercourses is a priority, and regimes are proposed on site to prevent any entry of effluent into watercourses or surface water outlets.

The application has included a NIS screening report (Stage 1 Appropriate Assessment) and included as Appendix 18. Three Natura 2000 sites were identified within 15kms of the application site, two SACs and one SPA, and an assessment of potential impacts was carried out by the Whitehill Environmental. The report noted that the main habitats within the application site include buildings and artificial surfaces (the existing poultry houses, hardcore area and access road) and grassland and tree planting within the site bounds. There is one record of protected mammal species within the relevant 1 km square N6196 which is the badger *Meles meles*.

The nearest designated Natura 2000 sites are River Boyne & River Blackwater SAC and River Boyne & River Blackwater SPA, both of which are 3kms south. The hydrological connections is 6.1 kms. The distance to Killyconny Bog SAC is 4.6km south.

The report concludes that the proposed development, either individually or in combination with other plans and projects, would have no impacts on to those Natura 2000 sites. A stage II assessment was not deemed necessary.

### **Planning Authority Assessment**

I agree with the above characterisation of the site as having low biodiversity value given the development that has already taken place on this land.

I also concur with the findings of the Appropriate Assessment Screening Report considering the location and context of the proposed development within an existing facility, the limited extent of the development and its land take, and the separation from the referenced Natura 2000 sites.

#### **(c) Land, soil, water, air and climate**

##### **EIAR findings**

**Land:** The EIAR states that the proposal will not severely impact on the landscape of the area and will blend with the existing operations on the site. The site is set back from the public road and screened by existing tree planting. The proposal will integrate visually with the existing development and the surrounding countryside in terms of form, materials and colour.

**Soil:** The subsoils in this area are described as Drumlin soils with the site located in Soil association 29 (Acid Brown Earths 75% and Inter Drumlin Peat and Peaty Gleys 25%). Parent material is mostly Ordovician – Silurian shale – glacial till. The EIAR states that it is not envisaged that the proposed development will adversely affect the soils in the area.

**Water:** The aquifer, on which the site is located, is considered to be Poor and is classified as being of an extreme (E) vulnerability rating. As the proposal will operate on a dry manure basis, involve the removal of organic effluent from the site, there is minimal risk to groundwater in the area. Surface water protection mitigation measures are recommended in the EIAR.

**Climate:** Methane produced by poultry is less than that produced by cattle and sheep, and nitrous oxide (N<sub>2</sub>O) emissions, also greenhouse gases, come from three basic sources in agriculture: Direct from the soil and agricultural processes, indirect emissions when it is lost from the field to the atmosphere, and agricultural burning. Energy supply to the facility will be electricity with a backup generator.



### **Planning Authority Response**

The combination of mitigation measures, the relative benign impact of poultry farming when compared to cattle and sheep farming in terms of greenhouse gases, and the relatively little groundwork involved with this proposal, my assessment is that the proposed development is acceptable and does not have any significant environmental impact on land, soil, water or climate.

#### **(d) Materials assets, cultural heritage and the landscape**

No areas or monuments of archaeological, historical or cultural significance were identified within the confines or in proximity to the proposed development site. The planning authority agrees with these findings. The nearest recorded archaeological monument is a ringfort, whose buffer zone is situated 375metres south west of the application site. This separation distance is sufficient.

In terms of landscape visual impact, the proposed extension to the two existing poultry houses at this location can be absorbed into the landscape without undue impact on the character or quality of that landscape mainly because this is an expansion of an existing site.

### **Planning Authority Response**

I concur with the above analysis of the EIAR in terms of cultural, heritage and archaeological impacts. The site is sufficiently removed from any sensitive or historic features. The visual impact of the proposed development will be relatively incremental in terms of what exists there already. The design and alignment of the proposed development is also consistent with the existing development

#### **(e) The interaction between the factors above**

##### **Positive Impacts**

The EIAR highlights positive inter-relating impacts between Land/Soil and Human Health, and between Human Health and six other EIA factors. In terms of the former, the proposed development is seen as a positive in terms of providing additional income. Similarly, a positive is highlighted between Human Health/Population and seven other EIA factors, which centre again on the economic dividend from the proposed development which could assist in improving the performance of the other EIA factors,

for example, providing additional funding for landscaping or biodiversity projects on site, or to invest in improved management processes. It is noted that improvements in Climate Change can arise out of more efficient production systems. Human health will ultimately gain from this.

### **Neutral Impacts**

Neutral impacts are anticipated between Land/Soil and Water, Landscape/Visual and Biodiversity. In these cases, the positive impacts such as the availability of organic fertiliser and improved fertility of agricultural fields can be reduced by potential threats such as leaching of organic nutrients into water. Threats are mitigated by statutory controls around the storage and application of fertiliser on farm land.

Water and Biodiversity also have a neutral inter-relationship in this instance, given the potential for soiled water to enter the ecosystem. Mitigations can be put in place on site regarding the separate control of surface and soiled water.

Finally, neutral impacts are anticipated between Air/Climate on Biodiversity and Human Health/Population. The focus here is on maldoures which can impact negatively on biodiversity and human health. This can be compensated by mitigation measures, described elsewhere in the EIAR to ensure this threat does not materialise; and is therefore considered neutral.

### **Noise**

The EIAR has not linked noise to any of the other EIA factors.

### **Landscape**

The EIAR has not linked landscape to the other 9 EIA factors.

### **Cultural Heritage**

Similarly, the EIAR has not linked cultural heritage to the other 9 EIA factors.

### **Biodiversity**

The EIAR has shown a link to Landscape/Visual. There will be a minor impact on the fauna and flora of the area as they suffer habitat loss and dislocation due to the proposed scheme. Also, during construction there is a minor risk of disturbance of

drainage channels which need special precautions to avoid disturbance of sediments with consequent effects on fauna. In relation to soil, stabilisation methods for soft soil area could alter the pH balance with consequent change in flora cover and species of fauna supported.

In relation to water and soils rainfall run-off waters could cause deterioration of water quality of streams.

In relation to soils, dust from exposed soils during the construction period can cause dust nuisance if not properly mitigated.

### **Planning Authority Response**

The inter-relationships of the ten EIA factors in this EIAR are potentially under-stated, but would not necessarily have changed the outcome of this assessment. For example, the interaction between air quality and biodiversity is that vegetation can act as a purifier for air in absorbing CO<sub>2</sub> and giving out oxygen. Dust could affect fauna during the construction phase. Air and soils are also inter-related. Dust from exposed soils during construction could cause deterioration of air quality in the immediate vicinity of the development.

In relation to noise and biodiversity, construction proposals could result in noise disturbance which may impact on the birdlife currently using the area.

The creation or loss of hedgerow creates an interaction between land and biodiversity that can also have implications for wildlife or the maintenance of wildlife corridors. The treatment of landscape and boundary vegetation can have a positive impact on biodiversity. This will be carefully considered in the overall planning assessment, and appropriate conditions applied if necessary.

### **Conclusion of EIAR**

The EIAR concludes that the proposed development will make a positive contribution to the rural economy, and that no significant environmental effects would arise. The proposal accords with the provisions of the County Development Plan 2014-2020.

### **Reasoned Conclusion of Environmental Impact Assessment**

On balance, I would concur that there are no significant adverse impacts during the construction or operational phases of the proposed development. Where real impacts are identified, mitigation measures are proposed to be put in place to reduce their effects insofar as possible. The proposed development takes place in the context of an existing farmyard with a mix of hardcore and improved grassland on areas proposed for development. This has comparatively less impact than if a wholly new 'greenfield' site was selected. The proposed development also represents a consolidation of poultry operations on the site and greater efficiency in terms of disease control, welfare, animal movements, and operations.

The EIAR concludes that the proposed development will make a positive contribution to the rural economy, and that no significant environmental effects would arise. The proposal accords with the provisions of the Cavan County Development Plan 2014-2020.

Environment Section recommends permission and I concur given the above analysis. The Municipal Engineer has no objections. I recommend a conditional grant of planning permission.

### **Development Contribution**

This is calculated in accordance with the Development Contributions Scheme adopted by Cavan County Council 2017 – 2020.

300 sq m exemption not applied previously on this site, as per planning history.

GFA: 1,396.65sqm – 300 sq m exemption previously unapplied: 1,096.65sqm

X €5 = €5,483.25, rounded to €5,480

### **Recommendation**

Having regard to the size and agricultural nature of the proposed development and its location in a rural area on the site of an existing farming operation of a similar nature, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with Policy EDP3 and Objective EDO1 of the Cavan County Development Plan 2014-2020. The proposed development, either

individually or in combination with any other plan or projects, would not be likely to have a significant effect on the environment or on any Natura 2000 site, and would not have an adverse impact on the integrity of a Natura 2000 site in view of the conservation objectives of such a site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 11<sup>th</sup> December 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The developer shall pay the sum of €5,480 to the Planning Authority in respect of public Infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

3. The external construction materials of the proposed development shall match the existing poultry houses on the site.

**Reason:** In the interest of visual amenity.

4. During the construction phase the developer shall be responsible for ensuring that no pavement or structural damage occurs to the adjoining public road network as a consequence of heavy plant using the local system and any damage shall be repaired by the Council at cost to the developer.

**Reason:** In the interest of traffic safety.

5. No construction or demolition work shall be carried out between the hours of 19:00 – 08:00 or on Sundays or public holidays.

**Reason:** In the interest of residential amenity.

6. Uncontaminated surface run-off from roofs and clean paved areas within the development shall be collected separately from effluent and shall be disposed of to an approved watercourse adjoining the site in accordance with the Department of Agriculture and Food specifications S129.

**Reason:** In the interest of public health and environmental sustainability.

7. All wells must be located in accordance with the recommend minimum distance for any silage effluent, slurry or soiled water storage facilities, as per Department of Agriculture Specification - S123.

**Reason:** In the interest of public health and environmental sustainability.

8. All wastes arising from the development site shall be removed from the site using appropriately authorised waste collection contractors only.

**Reason:** In the Interest of sustainable waste management.

9. The area between the entrance gates and the new boundary and the bituminous/tarred road shall be treated in the following manner:
- (a) existing roadside drainage shall be piped under the entrance and area forward of new boundary walls shall be drained with spigot & socket concrete pipes, the diameter of which shall be a minimum of 225mm.
  - (b) the area shall be backfilled and graded downwards from the bituminous/tarred edge of the public road, provided with lockable type gullies and a surface water drainage system ('Acco' channel or similar approved) that ensures no surface water flows from the entrance (or layby area) to the road but is collected and discharged direct to nearby watercourses.
  - (c) area forward of new fence line shall be constructed with a minimum depth of 400mm layer of Clause 804 and finished in 100mm layer of bitumen macadam.
  - (d) No surface water from roofs or paved areas shall flow from the site (including entrance area) onto the road adjoining the site but shall be collected by a surface water drainage system and discharged direct to nearby watercourses.
  - (e) All works relating to entrance and frontage construction, including gate piers, boundary walls, gullies and finished off layby etc. shall be completed concurrently with house occupation.

**Reason:** To prevent flooding and frost damage to the road in the interests of traffic safety.

10. All Mitigation Measures from the submitted Environment Impact Assessment Report and Natura Impact Statement shall be carried out in full and in strict accordance with the submitted EIAR and NIS. A detailed report of mitigation measures from the EIAR and NIS and how they will be implemented on site, shall be submitted to the Panning Authority for written approval prior to the commencement of work on site.

**Reason:** In the interest of clarity.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This

plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and amenity.

12. Excess soil and stone that is not reused as part of the development shall be removed from the site using appropriately authorised waste collection contractors only, and such soil and stone shall be subject to a waste recovery activity at an appropriately authorised waste facility.

**Reason:** In the interests of sustainable waste management.

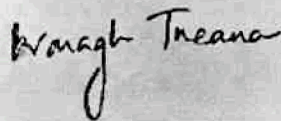
13. Prior to the movement of excess soil and stone off-site, the applicant shall provide details to the Waste Management section of Cavan County Council relating to the waste collection contractor to be used and details of the permitted waste recovery facility to be used.

**Reason:** In the interests of sustainable waste management.

14. Water supply and drainage arrangements, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of protecting watercourses and natural habitats and the prevention of environmental pollution.

PLANNER SIGNATURE



DATE: 12/02/20210



**Appendix 1: (Site Images 2<sup>nd</sup> February 2021)**

**Image 1: Existing site entrance and planting which has taken place to help screen the development.**



**Image 2: Existing poultry development**



*Image 3: View of the site from local road*



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**Fiona McIntyre**

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**From:** Nicholas O'Kane  
**Sent:** 12 February 2021 14:32  
**To:** Fiona McIntyre; Ann Marie Maguire  
**Subject:** FW: 20/563: John & Charles Smith  
**Attachments:** 20'563 John & Charles Smith.doc

I recommend approval of the proposed development.

Insert Note after conditions: *"The applicant is advised as to the proximity of the proposed development to potential N3 Virginia By-pass option corridors, and that the option corridors are available for viewing / download on the project website: [www.n3virginiabypass.ie](http://www.n3virginiabypass.ie)."*

Regards

Nicholas O Kane

Senior Planner

**From:** Fiona McIntyre <FMCINTYRE@cavancoco.ie>  
**Sent:** Friday 12 February 2021 12:51  
**To:** Nicholas O'Kane <nokane@cavancoco.ie>  
**Subject:** FW: 20/563: John & Charles Smith

Nicholas

CE file due today

Ref is incorrect – I ve changed on hard copy

Fiona

**From:** Bronagh Treanor <btreanor@cavancoco.ie>  
**Sent:** 12 February 2021 12:47  
**To:** Fiona McIntyre <FMCINTYRE@cavancoco.ie>  
**Subject:** RE: 20/563: John & Charles Smith

Revised report to include Roads Design report.

**From:** Fiona McIntyre <FMCINTYRE@cavancoco.ie>  
**Sent:** 12 February 2021 12:36  
**To:** Bronagh Treanor <btreanor@cavancoco.ie>  
**Subject:** RE: 20/563: John & Charles Smith

Bronagh

I see a report from Roads design on the file but you haven't referred to it in your report – I cant see it anyway.

Can you include it and get it back asap

thanks

**From:** Bronagh Treanor <[btreanor@cavancoco.ie](mailto:btreanor@cavancoco.ie)>  
**Sent:** 12 February 2021 08:23  
**To:** Fiona McIntyre <[FMCINTYRE@cavancoco.ie](mailto:FMCINTYRE@cavancoco.ie)>; Ann Marie Maguire <[amaguire@cavancoco.ie](mailto:amaguire@cavancoco.ie)>  
**Cc:** Nicholas O'Kane <[nokane@cavancoco.ie](mailto:nokane@cavancoco.ie)>  
**Subject:** 20/563: John & Charles Smith

Report attached.

**Bronagh Treanor**  
Assistant Planner | Planning Department  
Cavan County Council, Johnston Central Library, Farnham Street, Cavan, Co. Cavan H12 V3W4  
Phone ☎ +353 49 4378300 | Email ✉ [btreanor@cavancoco.ie](mailto:btreanor@cavancoco.ie) | Web: [www.cavancoco.ie](http://www.cavancoco.ie)



Cathairle Contae an Chabháin  
Cavan County Council

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