



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322420-25

<b>Development</b>	Outline permission for the construction of a dwelling with attached garage and all associated site works.
<b>Location</b>	Watery Lane, Lemare, Stamullen, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	24157
<b>Applicant(s)</b>	Kevin Whyte
<b>Type of Application</b>	Outline Permission
<b>Planning Authority Decision</b>	Refuse Outline Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Kevin Whyte
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22 <sup>nd</sup> July 2025
<b>Inspector</b>	Kenneth Moloney

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2 - EIA Preliminary Examination

Appendix 3 – Appropriate Assessment Screening

Appendix 4 – WFD Impact Assessment Stage 1

## **1.0 Site Location and Description**

- 1.1. The appeal site is located in the centre of Stamullen, Co. Meath, and is accessed off the Main Street via Watery Lane.
- 1.2. Watery Lane provides access to an existing dormer bungalow on an individual site and a vacant site to the north, with planning permission<sup>1</sup> for a detached dwelling and garage.
- 1.3. The appeal site, which is 0.187 ha in size, is located to the immediate west and south of the aforementioned dormer bungalow and includes access off Watery Lane. The appeal site is currently an overgrown field enclosed by natural site boundaries including hedgerows and mature trees.
- 1.4. There is an existing housing development located to the immediate northwest of the appeal site, and the rear gardens associated with these houses face towards the appeal site.
- 1.5. Watery Lane is a narrow lane with a stream running along its southern boundary. The stream flows under Watery Lane, via a culvert, and continues its flow in a northward direction. The lane falls in level relative to the Main Street and then rises as it approaches the appeal site. The lane is approximately 140m in length.

## **2.0 Proposed Development**

- 2.1. The proposed development relates to an outline planning permission for the construction of a dwelling with an attached garage, new vehicular entrance, connection to mains water and foul water system. The proposal includes landscaping and associated site works.
- 2.2. The application drawings include a site location map (scale 1:10,560), a site map (scale 1:500) which indicates the site layout of the proposed house, and an Aerial View of the application site.

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<sup>1</sup> PA Ref. AA201591

- 2.3. The proposed site layout indicates the front of the proposed house faces northwards which is comparable to that of the adjacent established dormer bungalow on the site to the immediate east.
- 2.4. The submitted planning application form indicates a floor area of c. 235 sq. m. for the proposed house.
- 2.5. The proposed vehicular entrance off Watery Lane, adjoins the existing vehicular access to the dormer bungalow. The proposed driveway to the development site is located to the front (north) of the dormer bungalow site.

### 3.0 Planning Authority Decision

- 3.1. The Planning Authority decided to **refuse** permission for the following reason.

1. With reference to Meath County Council's MapInfo Flood Mapping and the OPW CFRAM flood mapping for the relevant area, the development access road is shown to be situated partially in a Flood Zone A and B where the probability of flooding is greater than 1% from fluvial flooding, i.e. it is a high risk of flooding and Flood Zone B where the probability of flooding is between 0.1% and 1% from fluvial flooding; i.e. it is at medium risk of flooding. It is policy of the Meath County Council Development Plan, 2021 – 2027 to ~~require~~ (sic) implement the 'Planning System and Flood Risk Management – Guidelines for Planning Authorities' (DoECLG/OPW, 2009) through the use of the sequential approach and application of Justification Tests for Development Management and Development Plans, during the period of this Plan (INF POL 18) and to require that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue. The assessment shall be appropriate to the scale and nature of risk to and from the proposed development and shall consider the impact of climate change (INF POL 20).

The applicant has not sufficiently assessed the flood risk on the access road (Watery Lane) to the proposed development to determine whether there is safe access for residents and emergency services to the proposed

development. As such the applicant has not carried out a sufficiently detailed Site-Specific Flood Risk Assessment (SSFRA) in accordance with the aforementioned guidelines and the Planning Authority cannot assess whether the proposed development passes the Justification Test specifically parts 2(ii) and 2(iii) of same. In the absence of such critical information the application is not considered to pass the 'Justification Test' and is therefore not in accordance with the aforementioned guidelines.

The proposed development, if permitted, would be contrary to the aforementioned Ministerial Guidelines and would materially contravene policies INF POL 18 and INF POL 20 of the Meath County Development Plan, 2021 – 2027, and would not be in the interest of proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

3.2.1. The Planning Officer's report dated 4<sup>th</sup> June 2024, notes the following.

- Principle of residential development is considered acceptable on the subject site.
- No harmful visual impacts anticipated from the proposed development.
- Proposed density considered acceptable.
- Transportation Section have indicated no objections to the proposed access.
- No adverse impacts on neighbouring residential amenities, such as overbearing, overlooking, overshadowing or loss of natural light.
- S. 5.13 of the Development Management Guidelines is considered relevant in respect of ownership issues raised by third party submission.
- Proposed development would not be likely to have a significant effect on European Sites, as such a Stage 2 AA is not required.
- EIAR not required.

3.2.2. The Planning Officer's report recommends that the following be addressed by way of further information (1) clarify ownership of the subject site, (2) submit a Site Specific

Flood Risk Assessment and apply the 'development management Justification Test' to demonstrate the appropriateness of the proposed development, (3) surface water details, (4) respond to third party submissions, and (5) new statutory notices maybe required in accordance with S. 34(8) of the P&D Act. Consult with PA.

- 3.2.3. The Planning Officer's second report dated 3<sup>rd</sup> April 2025 assesses the further information received. In addition, the Planning Officer's report notes the following.

In relation to FI **Item 1**, the PA report notes that the applicant has provided evidence confirming their ownership of the site and the PA report considers sufficient evidence is demonstrated to support the applicant's ownership claim.

In respect of FI **Item 2**, the PA acknowledges that the applicant has submitted a Site-Specific Flood Risk Assessment. However, the PA considers that the applicant's indicative flood risk mapping is not accepted in support of planning applications. Concern in relation to flood levels on the access road during the 100-year plus climate change scenario would be in excess of 250mm in depth which is considered unacceptable for safe passage of emergency vehicles to the subject site. Report notes that planning was refused for flood risk issues for an adjoining site (PA Ref. 221394). Proposed development would not pass the Justification Test, specifically 2(ii) and 2(iii) of the Guidelines. Refusal recommended.

In relation to FI **Item 3**, the PA notes that the applicant has provided no details as to the location or required size of a soakpit or similar to service the surface water run off from the dwelling. No details of permeable paving included, as requested. The Environment Section recommend conditions in the event of a grant of permission.

In response to FI **Item 4** the applicant has not addressed the concerns or issues raised by the submitted observers.

In relation to FI **Item 5** new statutory notices were not required.

- 3.2.4. The PA, having regard to the FI submitted, recommended that permission be refused.
- 3.2.5. It is also worth noting that the PA changed its conclusion in relation to its AA Screening, based on the information from the further information. The Planner's second report states that there is insufficient information available and that a Stage 2 Appropriate Assessment (NIS) maybe required. The PA considered in the absence

of sufficiently detailed information in relation to flood risk and surface water management on the application site, that they cannot conclude that the proposed development, by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European Site(s). However, PA did not recommend a refusal reason on these grounds. This issue is addressed in the AA Screening in Appendix 3 of this Report.

#### 3.2.6. Other Technical Reports

- Transportation Dept. – No objections to the proposed access.
- Environmental Waste Section – No objections to the proposed development subject to a condition requiring the applicant to submit a pre-connection enquiry from Uisce Eireann and submit the Confirmation of Feasibility to the PA prior to the commencement of development.
- Environmental Flooding – Surface Water Section – The **first report** (dated 04/06/24) outlines the proposed development access road is situated in Flood Zone A and Flood Zone B and the Guidelines (2009) require SSFRA for new development in flood zones and to apply the Justification Test. The applicant is requested to submit a SSFRA to confirm that the depth of flood water on the existing public road does not exceed 250mm so that emergency vehicles can access the site. Further information also sought in respect of surface water treatment and disposal. The **second report** (dated 27/03/25) notes that the flood mapping submitted by the applicant in their SSFRA in the FI response is not accepted to the PA to support individual planning applications and therefore recommends refusal.

#### 3.3. Prescribed Bodies

- None

#### 3.4. Third Party Observation

The PA received 1 no. observation during the course of the planning application. The issues raised can be summarised as follows:

- Ownership issues



- Overdevelopment of a restricted backland site
- Adverse impacts on established residential amenities to the north-west.
- Traffic hazard

### 3.5. **Unsolicited Further Information**

The applicant's agent submitted a response to the above observation confirming that the ownership issue was a mapping error and is now rectified to address ownership concerns outlined by the observer.

## 4.0 **Planning History**

### Subject Site

**PA Ref. 00797** – Permission **granted**, subject to conditions, to construct a two-storey dormer style dwelling connected to main sewer.

### Adjacent Site to North

**PA Ref. 221394** – Permission **refused** in October 2023 for the construction of 3 no. detached dwellings (one with detached garage and 2 no. with attached car ports), new vehicular entrances, along with all associated services, service connections, landscaping and site development works. The refusal reason states that the applicant's submitted SSFRA has not adequately addressed the flood risk on the access road to the proposed development to assess whether there is safe access for residents and emergency services to the proposed development.

**PA Ref. AA201591** – Permission **granted** in January 2021, subject to conditions, for the construction of a detached dwelling and garage, new vehicular entrance, along with all associated services, service connections, landscaping and site development works.

**PA Ref. AA180235** – Permission **granted**, subject to conditions, for outline permission for construction of a detached dwelling and garage, new vehicular entrance, along with all associated services, service connections, landscaping and site development works.

## 5.0 Policy Context

### 5.1. National Planning Context

#### 5.1.1. The National Planning Framework – First Revision (April 2025)

Several national policy objectives (NPOs) are applicable to the proposed development. These include NPO 7 (compact growth), NPO 9 (compact growth), NPO 22 (standards based on performance criteria), and NPO 45 (increased density).

#### 5.1.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

- The RSES supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the region. It advocates sustainable consolidated growth, including brownfield and infill development.

#### 5.1.3. Section 28 Ministerial Planning Guidelines

The relevant guidelines include:

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024. Applicable policy for the proposed development includes:
  - Section 5.3: includes achievement of housing standards as follows:
    - SPPR 1 – Separation Distances (minimum of 16m between opposing windows).
    - SPPR 2 – Minimum Private Open Space specifies standards for houses (1 bed 20sqm, 2 bed 30sqm, 3 bed 40sqm).
    - Policy and Objective 5.1 which recommends a public open space provision of between 10%-15% of net site area, exceptions to this range are outlined.
- The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines).

- Applicable policy for the proposed development includes: Table 3.1 which provides a classification of vulnerability of different types of development (e.g. residential as highly vulnerable).
- Circular PL 2/2014 of the Flood Risk Management Guidelines for Planning Authorities.

Section 4.27a states

*'In some instances, particularly in older parts of cities and towns, an existing land use may be categorised as a "highly vulnerable development" such as housing, be zoned for residential purposes and also be located in flood zone A/B. Additional development such as small scale infill housing, extensions, or changes of use that could increase the risk or number of people in the flood-prone area can be expected in such a zone into the future. In these instances, where the residential / vulnerable use zoning has been considered as part of development plan preparation, including use of the Justification Test as appropriate, and it is considered that the existing use zoning is still appropriate, the development plan must specify the nature and design of structural or non-structural flood risk management measures required prior to future development in such areas in order to ensure that flood hazard and risk to the area and to other adjoining locations will not be increased or, if practicable, will be reduced. Planning authorities should consider the issues and opportunities raised in section 4 of Appendix B (Technical Appendices) in this regard, and may consider including certain objectives or conditions as part of the zoning'.*

Section 5.28 states

*'Applications for minor development, such as small scale infill, small extensions to houses or the rebuilding of houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the*

*storage of hazardous substances. Since such applications concern existing buildings or developed areas, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities’.*

## **5.2. Meath County Development Plan, 2021 – 2027, (as varied)<sup>2</sup>**

- 5.2.1. The appeal site is zoned ‘**A1 Existing Residential**’ with the objective to ‘*protect and enhance the amenity and character of existing residential communities*’.
- 5.2.2. Chapter 3 ‘*Settlement and Housing Strategy*’ advises that the Council will give priority to infill development and the regeneration of brownfield sites (s. 3.4.1.1 Compact Growth). Section 3.8.9 refers to design criteria for residential development and includes guidance on the creation of attractive urban environments. Section 3.8.10 advocates higher densities in achieving compact sustainable development.
- 5.2.3. The following policies are relevant to the proposed development.
- SH POL 2 – Consolidation of urban areas

The policy states as follows

*‘To promote the consolidation of existing settlements and the creation of compact urban forms through the utilisation of infill and brownfield lands in preference to edge of centre locations’.*

- SH POL 8 – Public / Private Open Space Provision
  - SH POL 9 – Residential Densities
  - SH POL 13 – Compliance with Development Standards
- 5.2.4. Chapter 6 ‘*Infrastructure Strategy*’. The following policies are relevant to the proposed development.

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<sup>2</sup> Variation No. 1 and Variation No. 2 to the Meath County Development Plan 2021-2027, was adopted on the 13th of May, 2024. Variation No. 3 to the Meath County Development Plan 2021-2027, was adopted on the 27<sup>th</sup> January 2025.

- INF POL 18 – Flood Risk Management

The policy states as follows

*‘To implement the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW, 2009) through the use of the sequential approach and application of Justification Tests for Development Management and Development Plans, during the period of this Plan’.*

- INF POL 20 – Flood Risk Management

The policy states as follows

*‘To require that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoECLG/OPW, 2009). This assessment shall be appropriate to the scale and nature of risk to and from the potential development and shall consider the impact of climate change’.*

5.2.5. Chapter 11 ‘Development Management Standards’.

5.2.6. The following policies and objectives are relevant to the proposed development.

- DM POL 4 – Compliance with Compact Settlements Guidelines 2024.
- DM POL 7 – Private Open Space for residential development
- DM POL 8 – Secure boundary treatment
- DM OBJ 18 – Minimum Separation Distances

### 5.3. **Natural Heritage Designations**

- Boyne Coast and Estuary SAC (Site Code 001957) 8.5km north
- North-West Irish Sea SPA (Site Code 004236) 3.6km east
- River Nanny and Shore SPA (Site Code 004158) 3.8km north east
- Cromwell's Bush Fen pNHA (Site Code 001576) 4.5km west
- Laytown Dunes/Nanny Estuary pNHA (Site Code 00554) 4.6km northeast

## 6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 7.0 The Appeal

7.1. The grounds of appeal may be summarised as follows.

- The appellants Site-Specific Flood Risk Assessment (that accompanied the appeal) concludes that the PA's refusal reason is not in line with Section 4.27 and 5.28 of the OPW Flood Risk Management Guidelines.
- The proposed development complies with the Meath CDP Strategic Flood Risk Assessment Report for the 2021 – 2027 Development Plan and also the OPW Flood Risk Guidelines.
- The SSFRA does not exclude the occurrence of a 250mm flood depth flood on the access roadway which would inhibit the access of emergency vehicles.
- The subject site is an infill development proposal at an elevation of 27.4 metres above sea level.
- There is a gradual climb from the beginning of the access road to the elevated site with a height difference of 3.1 metres.
- The development site access road is bordered by a stream that starts adjacent to the subject site and flows down to the Devlin River at an elevation of 23.5m above sea level.
- The appellant has never witnessed flooding of the access road.
- The access road did not flood during the recent storm, Eowyn, in January 2025.

- The PA granted outline planning permission for the adjacent site to the applicant's site in PA Ref. AA/201591.

7.2. An amended Site-Specific Flood Risk Assessment (SSFRA) accompanied the appeal submission. The amended SSFRA omits the Justification Test and includes a commensurate assessment of flood risk. There are no other changes to the SSFRA.

7.3. The appeal submission is also supported by a report by Environmental Consultants<sup>3</sup>, which may be summarised as follows:

- Applicant accepts that there is likely to be over 250mm depth of flooding on access road and that emergency vehicle access in such flood events may or may not be available.
- The subject access lane is pre-existing and regularly used by an existing house.
- The site of the proposed house is located in Flood Zone C. The development of a house in Flood Zone C is consistent with Flood Risk Management Guidelines (2009).
- The access lane is located in Flood Zone A and B.
- Department Circular PL 2/2014 amended sections 4.27 and 5.28 of the Flood Risk Management Guidelines (2009). The amendments apply that the proposed development is a minor development and cannot be assessed under the Justification Test.
- Proposed development is consistent with 4.27 of the Guidelines, as such a Justification Test for emergency vehicle access would not be required.
- The requirement for a maximum depth of flooding of 250mm on the road in the 100 year + climate change is not referenced in the Flood Risk Management Guidelines (2009) or the Meath CDP, 2021 – 2027, Strategic Flood Risk Assessment.
- MCC's refusal reason is not in compliance with sections 4.27 and 5.28 of the Flood Risk Management Guidelines (2009).

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<sup>3</sup> Hydrocare Environmental Ltd.

- There are precedents for the grant of permission for dwelling houses located in Flood Zone A or B within existing coastal settlement locations within both Fingal County Council and Meath County Council areas.
- Accessibility to the existing site is within Zone A and Zone B for fluvial flooding and not coastal flooding.

#### 7.4. **Planning Authority Response**

The Planning Authority response considers that the appeal grounds have been addressed in the Planning Officer's Report during the course of the application. The Commission are advised to uphold a decision to refuse permission.

### 8.0 **Planning Assessment**

Having examined the application details and all other documentation on file, including reports of the Planning Authority, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Principle of Development
- Flood Risk
- Impacts on Established Residential Amenities
- Access
- Other Matters

#### 8.1. **Principle of Development**

8.1.1. The appeal site is zoned 'A1 Existing Residential' with the objective to

*'protect and enhance the amenity and character of existing residential communities'.*

8.1.2. The MCDP, as varied, notes that the A1 Zone are established residential areas. The proposed development, for outline permission for 1 no. residential unit, is a



‘permissible use’ within Zones A1. Accordingly, I am satisfied that the proposed development is consistent in principle with zoning provisions of the current Development Plan, as varied.

- 8.1.3. A key component of the MCDP, as varied, is the achievement of compact urban forms through the utilisation of infill development and regeneration of brownfield sites (Policy Objective SH POL 2).
- 8.1.4. The intensification of development on the subject site is consistent with national planning policy, including the National Planning Framework – First Revision<sup>4</sup> and policies such as NPO 7 (compact growth), NPO 9 (compact growth) and NPO 45 (increased density).
- 8.1.5. Furthermore, regional policy objectives in the EMRA Regional Spatial Economic Strategy (2019 – 2031) supports compact growth (RPO 3.2) and infill development (RPO 3.3).
- 8.1.6. The principle of the development which involves the intensification of an existing urban site, in an area close to the town centre, is therefore consistent with national, regional and local policy objectives. The development is also consistent with all other development plan standards.

## 8.2. **Flood Risk**

### 8.2.1. **Introduction**

- 8.2.2. The application documentation includes a Site-Specific Flood Risk Assessment (SSFRA), submitted as part of an F.I. response, and updated as part of the first party appeal submission. In addition, the appeal is supported by a flood risk report prepared by Environmental Consultants. As described in section 1.0 above, the appeal site is located off Watery Lane, and Watery Lane provides access to the development site.
- 8.2.3. The PA is concerned with a potential risk of flooding to the development site access road (Watery Lane). The PA<sup>5</sup> has confirmed, having regard to their MapInfo flood mapping and the OPW CFRAMS and NIFM flood mapping, that the probability of

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<sup>4</sup> April 2025

<sup>5</sup> Environmental Flood – Surface Water Section Planning Report (dated 4<sup>th</sup> June 2024)

flooding on the proposed development access road is greater than 1% from fluvial flooding. This is a high risk of flooding as such the PA have raised concerns in relation to emergency vehicles accessing the development site.

- 8.2.4. I can confirm having regard to the CFRAM fluvial flood extent map ([www.floodinfo.ie](http://www.floodinfo.ie)) that the development access road is partially located in Flood Zone A which has a 1-in-a-100 probability of flooding exceeded in any given year which is an AEP of 1%. The CFRAM fluvial flood extent maps also confirm that the proposed development access road has an AEP of 0.1% which is designated Flood Zone B. I would also acknowledge that the Strategic Flood Risk Assessment (SFRA), which accompanied the Meath County Development Plan, 2021 – 2027, as varied, also designates the development access road as partially situated in Flood Zone A and Flood Zone B. However, the development site, located off the access lane, is situated in Flood Zone C. The applicant's SSFRA confirms these conclusions with regard to flood zones.
- 8.2.5. I can also verify that there is no record of pluvial or groundwater flooding on the subject site or the access road based on available data on [www.floodinfo.ie](http://www.floodinfo.ie) and [www.gsi.ie](http://www.gsi.ie). I would also note that coastal flooding is not a concern in relation to the proposed development. The applicant's SSFRA, also confirms that the proposed development site is not considered to be at risk of either pluvial or coastal flooding.
- 8.2.6. Therefore, the key flood risk issue is the development access road to serve the proposed house, and also whether the proposed house, located in Flood Zone C, would exacerbate an existing flood risk.
- 8.2.7. Fluvial Flooding
- 8.2.8. The PA sought a flood risk assessment to confirm that the depth of flood water along the access lane would not exceed 250mm to allow emergency vehicles safely access the subject site.
- 8.2.9. I would acknowledge that the applicant's SSFRA accepts, based on an analysis of available flood mapping, that the depth of flooding on the access lane is primarily between 0 - 250mm.
- 8.2.10. I would conclude that both the applicant and the PA confirm that there is a flood risk concern in respect of the access lane.
- 8.2.11. Justification Test Requirement

A key argument in the appeal is whether a Justification Test, in accordance with the Guidelines (2009) would be required for the proposed residential development which is a vulnerable development. The appellant submits that Department Circular PL 2/2014 amended sections 4.27 and 5.28 of the Flood Risk Management Guidelines (2009) and these amendments would apply to this development. As such the appellant submits that the development cannot be assessed under the Justification Test, as it is a minor development consistent with the Guidelines (2009).

- 8.2.12. Revised section 5.28 of the Guidelines (2009), in accordance with Circular PL 2/2014, advises that Justification Tests will not be required in the case of minor development, in developed areas that are unlikely to raise significant flooding issues.
- 8.2.13. Section 4.27a of the Guidelines, although relevant, relates more specifically to spatial planning and for planning authorities to reconsider zoning objectives of the current or previous plan. This arises where new information indicates that flood risk for such lands is assessed to be potentially significant and likely to increase flood risk now or in the future. The appeal site is zoned 'A1 Existing Residential' in the current development plan.
- 8.2.14. The appeal submission includes a number of precedents, which I have reviewed, in which planning permission was granted for dwelling houses, all of which are located within either Flood Zone A or B, and some are defended, and some are not defended. The precedents are located in eastern coastal settlement locations in both Meath County Council and Fingal County Council areas. I would note specifically a decision by the Commission in respect of a proposed house in Mornington, Co. Meath<sup>6</sup>. In this case the Commission decided to grant permission for a house in an area of flood risk as it was considered consistent with the Flood Risk Management Guidelines (2009). The Inspector's Report concluded that the small-scale development was consistent with circular 2/2014 of the Flood Risk Management Guidelines (2009).
- 8.2.15. Having regard to the above and given the urban location of the appeal site, I consider that the proposed house falls within the category of minor infill proposals as intended under revised section 5.28 of the Guidelines (2009). As such the

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<sup>6</sup> ABP-312575-22

development type can be considered appropriate within Flood Zone A and B. The Sequential Approach and the Justification Test as per the Guidelines (2009) are not applicable.

#### 8.2.16. Flood Risk Impacts

- 8.2.17. The SSFRA submits that the proposed house and garage are not at risk of flooding by means of fluvial flooding up to the 0.1% AEP Flood event. I am satisfied that the proposed house and garage which are located in Flood Zone C, would be appropriate development having regard to the Guidelines (2009). As outlined above there is a flood risk concern in respect of the access lane.
- 8.2.18. In relation to the proposed house, I would consider the primary issue for consideration is whether the flood risk to the proposed development can be adequately managed, and the use or development of the lands will not cause unacceptable adverse impacts elsewhere.
- 8.2.19. The SSFRA includes mitigation measures which attempt to prevent any flood risk from the access lane impacting on the proposed development and which would prevent the development exacerbating flood risk elsewhere. In considering the appropriateness of the proposed development I will examine these mitigation measures below.
- 8.2.20. The topography of the proposed house and garage relative to the access lane is a mitigating factor in determining potential flood implications for the proposed house. The SSFRA Topographical Survey Map<sup>7</sup> identifies that the rear of the site along the southwest boundary rises to a level of 30.928mAOD, and that the site level at the site entrance, adjoining the laneway has a level of 27.519mAOD. Further the Topographical Survey Map notes that there is a difference of 3.409m between the existing access lane and the site entrance.
- 8.2.21. In addition, Watery Lane provides access to an existing dormer bungalow on an individual site and also a site with planning permission<sup>8</sup> for a detached dwelling and garage. The submitted topographical survey indicates that the site of the existing dormer bungalow would be at least 3.409m above the access lane. Further I can

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<sup>7</sup> Figure 8 – Topographical Survey

<sup>8</sup> PA Ref. AA201591

confirm from my site assessment that the site of the permitted house has a similar site elevation to that of the dormer bungalow.

8.2.22. I would therefore be satisfied that the topographical survey submitted with the SSFRA would confirm that the risk of flooding along the laneway, which is estimated to be 0 - 250mm deep, would have no impact on the proposed house or garage, the existing dormer bungalow or the permitted house.

8.3. The proposed house and garage include mitigation measures for flood risk, by proposing FFL at a minimum of 30.50mAOD, therefore providing a 3m freeboard above the site entrance level of 27.402m. The SSFRA submits the development site is unlikely to be at risk of fluvial flooding up to the 1000-year flood event. On this basis I would be satisfied that the proposed structures at this development site location will be protected from risk of fluvial flooding.

8.3.1. Further to the above FFL mitigation measures, the SSRA submits that the proposed development will include an appropriately designed drainage SuDS system which will reduce surface water run-off from the site. In addition, I would note that no major flow paths across the site were identified.

8.4. I would acknowledge that the report from the PA's Environmental Flooding-Surface Water Section recommend conditions in relation to surface water treatment and disposal. This includes the provision of a soakaway and compliance with SuDS for the Greater Dublin Strategic Drainage Study. I would be satisfied on the basis of these surface water measures that the development would not exacerbate the existing flood risk along the access lane and will not cause unacceptable adverse impacts elsewhere.

8.4.1. Therefore, having regard to the above, the proposed development would constitute small scale infill and would be unlikely to raise significant flooding issues either by impacting existing drainage characteristics or exacerbating flooding elsewhere. I would conclude therefore that the flood risk to the proposed development site can be adequately managed, and the use or development of the lands will not cause unacceptable adverse impacts elsewhere.

8.4.2. The second flood risk issue to consider is the suitability of the proposed development having regard to the access lane which is designated partially as Flood Zone A and Flood Zone B.

- 8.4.3. As noted above the applicant's SSFRA, based on available flood mapping, which takes account of climate change, estimates that the flood depth along the access lane is primarily 0 - 250mm. The submitted SSFRA did not include flood modelling, as such the depths, extents, frequency and duration of the potential flood risk is not verified. However, the applicant's SSFRA includes flood extent maps for Stamullen, prepared as part of the Fingal East Meath Flood Risk Assessment and Management Study (FEM FRAMS) in 2014. FEM FRAMS were prepared by Fingal County Council, Meath County Council and the OPW, and identified areas of flood risk relevant to the study area during the 1000-year flood event. The PA consider the use of these flood maps to estimate flood depth as unacceptable. Notwithstanding I would note that the flood extent maps indicate that the depth of flooding on the access lane is primarily between 0 – 250mm deep, with some limited sections indicated to be liable to depths greater than 250mm, which would confirm the PA's concern in relation to safe access along the access road.
- 8.4.4. The PA have not provided any records of historic flood events along the access lane or any evidence in relation to actual flood depths that would prevent vehicular access to the site. Although the applicant has submitted flood mapping, as noted above, this mapping is considered unacceptable by the PA. A review of OPW Historic Flood events ([www.floodinfo.ie](http://www.floodinfo.ie)) indicates that there are no records of past flood events at the development site location or the development access road. However, there is a recorded flood event c. 240m to the northeast and 500m to the southwest of the proposed development site. I would therefore conclude, based on the analysis of available information on the file, that there is flood risk potential along the access lane, with potential depths primarily of 0 – 250mm.
- 8.4.5. The applicant's findings would largely address the PA's requirement to confirm that flood depth would not exceed 250mm. However, the exact depth of flood water that would safely allow vehicular access is unknown from the information on the file and further the accessibility along the laneway can also depend on whether the flood water is flowing. Although acknowledging that emergency vehicles can typically traverse deeper floodwaters than standard passenger vehicles, any depths exceeding 0 – 250mm, would present concerns for the emergency access as noted by the PA's Environmental Flood – Surface Water Section Report.

8.4.6. Notwithstanding the above uncertainties in relation to flood depths along the access lane, and in support of the applicant's case, the access lane which is a public road lies outside the red line boundary of the application site as submitted in the Site Location Map (scale 1:2,500). The access lane lies outside of the applicant's control and is not within the applicant's ownership nor has the applicant responsibility for its maintenance. In addition, I would note the appellants concerns that the Meath CDP, as varied, does not include any policy objectives or development management standards specifically restricting development with access lanes which have potential for flood risk of 250mm.

8.4.7. In summary, the applicant's key conclusions, in support of the suitability of the access lane for the proposed development, include the following.

- The proposed house is located in Flood Zone C.
- The proposed development will not exacerbate the existing flood risk along the laneway.
- The access lane is pre-existing and currently serves an existing house and a site with planning permission<sup>9</sup> for a house.
- The SSFRA proposes several mitigation measures including finished floor level, with a freeboard of 3m, and SuDS measures and provides adequate mitigation measures to protect the future occupants of the site from the impact of flooding.
- Section 5.28 of the Flood Risk Management Guidelines (2009) and Circular PL 2/2014 facilitates minor scale development in Flood A and Flood B, supported by a commensurate assessment of flood risk.
- The applicant's commensurate assessment demonstrates that the proposed development would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities.

8.4.8. Notwithstanding the above arguments in favour of the proposed development, I would have concerns with the proposed development, in the absence of site-specific flood modelling in the applicants SSFRA, that would demonstrate with confidence,

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<sup>9</sup> PA Ref. AA201591

that the potential flood depths along the access lane would facilitate safe vehicular access.

- 8.4.9. I acknowledge, as noted above, that the applicant has submitted, based on available flood mapping, that the flood depths along the laneway would largely be between 0 – 250mm, and in some limited cases could possibly extend above this flood depth range. However, the applicant's analysis is based on flood mapping prepared as part of the FEM FRAMS in 2014, which is unacceptable to the PA. I would note that the stated objective of FEM FRAMS, which covered an extensive study area, is to build a strategic information base necessary for making informed decisions in relation to managing flood risk and provide appropriate data to inform future spatial planning and development. Site-specific flood modelling would provide a more accurate indication of flood depths.
- 8.4.10. Although I would accept in some instances that flood depths in the lower range of 0 – 250mm may facilitate safe vehicular access, however flood depths in the higher range would raise uncertainty in relation to access, and in the limited cases along the laneway which exceed 250mm may result in the access lane becoming impassable. In this respect I would note section 2.6 of the Flood Guidelines (2009) advises that vehicles maybe moved by flowing water of only 300mm depth.
- 8.4.11. On the basis of the above, I would agree with the PA, that there is uncertainty, in respect of site-specific flood depths along the laneway in this area which is partially designated Flood Zone A and designated Flood Zone B. Based on this uncertainty, and further having regard to climate change, it is not possible, in my view, to ascertain with confidence whether the existing access lane would facilitate safe access for vehicles and emergency vehicles in a flood event.
- 8.4.12. In addition to the above I would consider that the onus is on the applicant to demonstrate safe access. The Technical Appendices that accompanied the Flood Risk Management Guidelines (2009) advise in Appendix A, paragraph 2.1 'General Principles of Flood Risk Assessment' that flood risk assessments should '*consider the vulnerability of those that could occupy the development, including arrangements for safe access and egress*'.
- 8.4.13. As such the site which will accommodate a proposed house, and garage cannot be considered in isolation of the proposed development access road.



## **Conclusion**

8.4.14. I am not satisfied, having regard to the uncertainties around the flood risk assessment in relation to the proposed development access road, and in the absence of site-specific flood modelling in the SSFRA which would determine whether potential flood depths facilitate safe access for vehicle and emergency vehicles, that the proposed development will provide safe vehicular and emergency vehicular access to the proposed development site itself. Furthermore, and in the interest of sustainable planning, the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

### 8.4.15. Material Contravention

#### Policy INF POL 18

Planning Authority's refusal reason is based on the proposal being a material contravention of Policy INF POL 18 of the MCDP, 2021 – 2027 (as varied). Policy INF POL 18 states as follows.

*“To implement the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW, 2009) through the use of the sequential approach and application of Justification Tests for Development Management and Development Plans, during the period of this Plan”.*

Policy INF POL 18 of the development plan refers to the implementation of the Flood Risk Management Guidelines (2009) for Development Management and Development Plans and is not, in my view, sufficiently specific so as to justify the use of the term “materially contravene” in terms of normal planning practice. The Commission should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

I would not consider that the proposed development would contravene Policy Objective INF POL 18. Therefore, in this instance, I would not consider that the proposed development would materially contravene the MCDP, 2021 – 2027 (as varied).

However, should the Commission consider that the proposed development materially contravenes the MCDP, 2021 – 2027 (as varied), and is minded to grant planning permission one or more of the criteria as set out in Section 37(2)(b) of the Planning and Development Act, 2000, as amended, must be met.

#### Policy INF POL 20

Planning Authority's refusal reason is based on the proposal being a material contravention of Policy INF POL 20 of the MCDP, 2021 – 2027 (as varied). Policy INF POL 20 states as follows.

*“To require that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoECLG/OPW, 2009). This assessment shall be appropriate to the scale and nature of risk to and from the potential development and shall consider the impact of climate change”.*

Policy INF POL 20 of the development plan requires that a flood risk assessment for a development proposal shall be appropriate to the scale and risk and shall consider the impact of climate change. In this case a SSFRA was submitted with the application and is specific to the proposed development and adequate in scope and takes account of climate change. The policy does not specifically define what is adequate. The fact that the PA do not accept the findings thereof does not make this a material contravention. The Commission should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

I would not consider that the proposed development would contravene Policy Objective INF POL 20. Therefore, in this instance, I would not consider that the proposed development would materially contravene the MCDP, 2021 – 2027 (as varied).

However, as noted above should the Commission consider that the proposed development materially contravenes the MCDP, 2021 – 2027 (as varied), and is minded to grant planning permission one or more of the criteria as set out in Section 37(2)(b) of the Planning and Development Act, 2000, as amended, must be met.

## **8.5. Impacts on Established Residential Amenities**

- 8.5.1. In terms of the proposed site layout, I would note that the proposed development has a comparable site layout to that of the existing dormer bungalow situated to the immediate east. The proposed eastern gable elevation is set back 9.3m from the boundary with the existing dormer bungalow, which would be an acceptable set back distance for a gable elevation in an urban area.
- 8.5.2. The submitted layout plan indicates set back distances of the proposed house from site boundaries which range from 9.3m to 23.9m, which in my view would be acceptable for an urban site. The set back distances as proposed would also ensure compliance with DM OBJ 18 of the MCDP, as varied, in relation to separation distances. DM OBJ 18 requires a minimum of 16 metres separation between directly opposing rear or side windows above ground floor level in the case of detached, semi- detached, terraced units shall generally be observed.
- 8.5.3. I would be satisfied that the development as proposed would be consistent with the established pattern of development in the area and would not unduly impact on established residential amenities in terms of overlooking or visual impacts.

## **8.6. Access**

- 8.6.1. The proposed site access is located adjacent to an existing site access which serves the established dormer bungalow situated to the immediate east of the appeal site. I noted from my site assessment that the lane terminates as a cul-de-sac at the point of the adjoining site access. As such there will be no traffic, apart from the adjoining site entrance to the south, approaching the proposed vehicular entrance from the south. I also note from the submitted site plans that the proposed site access would offer an unobstructed view of c. 60 – 70 metres to the north along the laneway, which is consistent with the existing entrance.
- 8.6.2. I noted from my site assessment that the narrow nature of the cul-de-sac lane would restrict speed limits along the lane, and the width of the laneway would only allow single access movements and not facilitate passing movements. There is an existing and permitted access on the lane, relating to single houses. As such the traffic generation along the laneway would be low, given there is 1 no. existing entrance, and 1 no. permitted entrance. The subject proposal is for outline permission, and I consider that adequate sightlines can be demonstrated as part of the permission

consequent application. Further I noted from my site assessment that the established vehicular access onto the Main Street had achievable sightline provisions in either direction.

- 8.6.3. Having regard to the nature of the laneway, as described above, and the established vehicular entrance, located adjacent to the proposed vehicular entrance, I would consider the proposed vehicular entrance would be acceptable. In support of this view, I would note that the PA's Transportation Department have no objections to the proposed site access.
- 8.6.4. I therefore would consider that the proposed access, would be acceptable in terms of traffic safety and convenience and would not endanger public safety by reason of a traffic hazard.

#### 8.7. **Other Matters**

- 8.7.1. I note that the proposed house will be served by public water mains and public sewer. I would recommend a condition to the Commission, should they be minded to grant permission, that prior to the commencement of development the developer shall enter into a connection agreement with Uisce Eireann.
- 8.7.2. An issue with regard to title was raised at planning application stage, which was subject to unsolicited additional information from the applicant. No submissions have been received at appeal stage which raise questions of title.
- 8.7.3. The Commission will note, that section 34(13) of the Planning and Development Act, 2000 (as amended) states a person is not entitled solely by reason of a permission to carry out any development. As such any legal dispute is considered a Civil matter and are outside the scope of the planning appeal, which is a matter to be resolved by the respective parties.

### 9.0 **Appropriate Assessment Screening**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the

European Site North West Irish Sea SPA (Site 004236) in view of the conservation objectives of this site and is therefore excluded from further consideration.

Appropriate Assessment is not required.

This determination is based on:

- Small scale and nature of the development
- The location of the development in a serviced urban area.
- Location-distance from nearest European site.

## **10.0 Water Framework Directive**

10.1. Refer to Appendix 4. I conclude that on the basis of objective information, that the proposed development, subject to standard construction practice during construction phase and SUDs features and flood risk mitigation measures, will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **11.0 Recommendation**

11.1. I recommend that planning permission be refused for the reason set out below.

## **12.0 Reasons and Considerations**

12.1.1. The proposed development site access road is located within Flood Zone A and Flood Zone B, in accordance with the provisions of the Flood Planning System and Flood Risk Management – Guidelines for Planning Authorities (DoEHLG/OPW, 2009) and is at risk of flooding. Having regard to the uncertainty in relation to the demonstrated depths of flood water along the access lane, the Board cannot be satisfied, on the basis of the information lodged with the planning application and in response to the appeal, that the proposed development will provide safe vehicular and emergency vehicular access to the development site itself. The proposed

development would, therefore, be prejudicial to public safety and contrary to the proper planning and sustainable development of the area.

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Kenneth Moloney  
Senior Planning Inspector

29<sup>th</sup> August 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322420-25
<b>Proposed Development Summary</b>	Outline permission for the construction of a dwelling with attached garage and all associated site works.
<b>Development Address</b>	Watery Lane, Lemare, Stamullen, Co. Meath.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Class 10(b)(i) of Part 2: threshold 500 dwelling units.</p> <p>Class 10(b)(iv) of Part 2: threshold 2 ha.</p>

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_



## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP-322420-25
<b>Proposed Development Summary</b>	Outline permission for the construction of a dwelling with attached garage and all associated site works.
<b>Development Address</b>	Watery Lane, Lemare, Stamullen, Co. Meath.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposed development relates to an application for outline permission for a dwelling house with attached garage and associated site works. Planning application form indicates a floor area of 235 sq. metres for the proposed dwelling. The subject site is currently an overgrown field in an urban area surrounded by existing and permitted housing on all four sides of the site. The proposal is not considered exceptional in the context of neighbouring properties.</p> <p>During the construction phases the proposed development would generate waste. However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phase due to the nature of the proposed use. The proposed development does not involve any demolition works. The development, by virtue of its residential type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The subject site is not located within or adjoins any environmentally sensitive sites or protected sites of ecological importance, or any sites known for cultural, historical or archaeological significance.</p> <p>The nearest designated site to the appeal site is the North-West Irish Sea SPA (Site Code 004236) located approximately 3.6km east of the proposed development. The European Site River Nanny and Shore SPA (Site Code 004158) is located 3.8 km northeast of the development site, and the Boyne Coast and Estuary SAC (Site Code 001957) is located c. 8.5km north of the proposed development. Cromwell's Bush Fen pNHA (Site Code 001576) is located 4.5km</p>

	<p>west of the proposed development and Laytown Dunes/Nanny Estuary pNHA (Site Code 00554) is located 4.6km northeast.</p> <p>I have concluded in my AA Stage 1 Screening that the proposed development would not likely have a significant effect on any European site.</p> <p>I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>There is a local flood issue in relation to the stream that runs parallel to the lane approaching the subject site. However, I would consider that the impacts are localised and there is no potential for significant effects on the environment due to this local flooding issue.</p> <p>Having regard to the scale of the proposed development and the nature of construction works associated with the development, its location removed from any sensitive habitats / features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment.</p>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	EIA is not required.
<b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b>	N/A
<b>There is a real likelihood of significant effects on the environment.</b>	N/A

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

### Appendix 3 – Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Case file ABP-322420</b>	
<b>Brief description of project</b>	<p>Normal Planning Appeal</p> <p>Outline permission for 1 no. house, Stamullen, Co. Meath</p> <p>See section 2 of Inspectors Report</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The proposed development is brownfield site within the built-up area of Stamullen, surrounded primarily by residential uses. The development site is a field which is currently overgrown and unused.</p> <p>Water and wastewater will be connected to local services.</p> <p>The development site is surrounded by established development. There is a stream that adjoins the access road leading to the development site. The stream discharges to the Delvin River, c. 300m northeast of the development site. The Delvin River, in turn flows into the Irish Sea</p> <p>The Northwest Irish Sea SPA is located 3.6 km east of the development site and is connected to the development site by the Delvin River. The European Site River Nanny and Shore SPA (Site Code 004158) is located 3.8 km northeast of the development site, and the Boyne Coast and Estuary SAC (Site Code 001957) is located c. 8.5km north of the proposed development.</p>
<b>Screening report</b>	<p>N</p> <p>Meath County Council's first planners report (dated 4<sup>th</sup> June 2024) screened out the need for AA. The PA's second planners report (dated 3<sup>rd</sup> April 2025) concluded in the absence of sufficiently detailed information in relation to flood risk that a Stage 2 AA maybe required.</p>
<b>Natura Impact Statement</b>	N
<b>Relevant submissions</b>	None

Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
North West Irish Sea SPA (Site 004236)	<p>Red-throated Diver Great Northern Diver Fulmar Manx Shearwater Cormorant Shag Common Scoter Little Gull Black-headed Gull Common Gull Lesser Black-backed Gull Herring Gull Great Black-backed Gull Kittiwake Roseate Tern Common Tern Arctic Tern Little Tern Guillemot Razorbill Puffin</p> <p><u>Conservation Objectives</u> <a href="https://www.npws.ie/protected-sites/spa/004236">https://www.npws.ie/protected-sites/spa/004236</a></p>	3.6 km	<p>Direct weak connection from the stream along the proposed development access road which flows into the Delvin River, which in turns flows into the Irish Sea.</p> <p>Weak indirect surface water.</p> <p>Weak indirect wastewater connection.</p>	Y
Boyne Coast and Estuary SAC (Site Code 001957)	<p>Estuaries Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Atlantic salt meadows Embryonic shifting dunes Shifting dunes along the shoreline with Ammophila arenaria (white dunes) Fixed coastal dunes with herbaceous vegetation (grey dunes)</p>	8.5 km	No direct connection	N

	<u>Conservation Objectives</u> <a href="https://www.npws.ie/protected-sites/sac/001957">https://www.npws.ie/protected-sites/sac/001957</a>			
River Nanny and Shore SPA (Site Code 004158)	Oystercatcher Ringed Plover Golden Plover Knot Sanderling Herring Gull Wetland and Waterbirds  <u>Conservation Objectives</u> <a href="https://www.npws.ie/protected-sites/spa/004158">https://www.npws.ie/protected-sites/spa/004158</a>	3.8.km	No	No

### Further Commentary / discussion

The Boyne Coast and Estuary SAC has no ecological connection to the development site, as such there is no source-pathway-receptor connectivity between the proposed development and the SPA.

In respect of River Nanny and Shore SPA there is no hydrological connectivity between the European site and the development site, as the SPA is situated within a different surface water catchment area to the proposed development. The proposed development site does not offer valuable or unique habitat for overwintering waterbirds. Therefore, it can be concluded that there are no hydrological or ecological connectivity pathways between the respective sites.

### Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

#### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 1:</b>  <b>North West Irish Sea SPA (Site 004236)</b>  Red-throated Diver (Gavia stellata) [A001]	Direct:  The stream adjoining the development access road flows into the Delvin River, which in turns flows into the Irish Sea.  Indirect:	The SPA is designated for breeding seabirds, and the proposed development site, located over c. 3.6km from the coast and would not offer suitable breeding habitat for these species.

<p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Manx Shearwater (<i>Puffinus puffinus</i>) [A013]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Great Black-backed Gull (<i>Larus marinus</i>) [A187]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p>	<p>Localized, temporary, low magnitude impacts from dust and construction related emissions to surface water during construction.</p> <p>Waste water connection and issues in relation to hydraulic overloading from the proposed development on the WWTP.</p>	<p>There is a source-pathway-receptor connectivity between the proposed development and the SPA. However having regard to the distance to the receiving features connected to the SPA, potential for significant dilution factor and given that water quality is not an attribute of any of the conservation objectives for the SPA, I am satisfied that it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA.</p> <p>The wastewater from the development site will be piped to public foul main and onto WWTP. I would note that an increase in PE associated with the proposed development would be negligible given the scale of the development. I am satisfied that no significant impacts to the European Site can arise from additional loading on the public infrastructure as a result of the proposed development.</p>
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Puffin ( <i>Fratercula arctica</i> ) [A204]  Little Gull ( <i>Hydrocoloeus minutus</i> ) [A862]  Little Tern ( <i>Sternula albifrons</i> ) [A885]		
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
I conclude that the proposed development (alone) would not result in likely significant effects on the North West Irish Sea SPA (Site 004236). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		

## Screening Determination

### Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the European Site North West Irish Sea SPA (Site 004236) in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Small scale and nature of the development
- The location of the development in a serviced urban area.
- Location-distance from nearest European site.



## Appendix 4 – WFD Impact Assessment Stage 1

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Coimisiún Pleanála ref. no.</b>	ABP-322420-25	<b>Townland, address</b>	Watery Lane, Lemare, Stamullen, Co. Meath.
<b>Description of project</b>	Outline permission for the construction of a dwelling with attached garage and all associated site works.		
<b>Brief site description, relevant to WFD Screening,</b>	<p>The proposed development is an urban site within the built-up area of Stamullen, surrounded primarily by residential uses. The development site is a field which is currently overgrown and unused.</p> <p>There is a stream that adjoins the access road leading to the development site. The stream discharges to the Delvin River, c. 300m northeast of the development site. The Delvin River, in turn flows into the Irish Sea.</p>		
<b>Proposed surface water details</b>	SUDs system proposed		
<b>Proposed water supply source &amp; available capacity</b>	Uisce Eireann mains water connection		
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	Uisce Eireann Wastewater connection.		

Others?			No			
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
River Waterbody	Adjacent to site entrance to west of site	DELVIN_040 IE_EA_08D010400	Poor	At Risk	Agriculture, Urban wastewater	Yes – surface run-off
Groundwater Waterbody	Underlying site	Duleek IE_EA_G_012	Good	Not at Risk	No pressures	Yes – site is underlain by poorly protective bedrock.
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>						
<b>CONSTRUCTION PHASE</b>						

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	<u>Surface</u> Site clearance / Construction	DELVIN_040	Existing surface water run-off	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice	No	Screened out
2.	<u>Ground</u> Site clearance / Construction	Duleek	Pathway exists	spillages	As above	No	Screened out
<b>OPERATIONAL PHASE</b>							
1.	Surface run-off	DELVIN_040	Surface water drainage system in the area	Hydrocarbon spillage  Flooding Risk	SUDs features ensuring that development will not exacerbate existing flood risk.	No	Screened out
2.	Discharges to Ground	Duleek	Pathway exists	Spillages	SUDs features	No	Screened out

DECOMMISSIONING PHASE							
1.	NA	NA	NA	NA	NA	NA	NA