



An
Bord
Pleanála

Inspector's Report

ABP-322555-25

Development	The development will consist of 9 no. residential units and all site works.
Location	Fosterfields, Kells Road, Athboy, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	2460617
Applicant(s)	Barry Flattery
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Barry Flattery
Observer(s)	None
Date of Site Inspection	14 th August 2025
Inspector	Emma Gosnell

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1.0 Site Location and Description

- 1.1. The appeal site is located within the townland of Fosterfields to the east of Athboy village in Co. Meath.
- 1.2. The site is bounded by the grounds of Clann na nGael (Meath) GAA Club to the north-west and by detached 1-2 storey residential properties on large plots to the south-west and north-east. The Kells Road (N51) runs along the south-east boundary of the site with 'The Meadowlands' housing estate being located on the opposite side of this road.
- 1.3. The rectangular site is infill in nature and has a stated area of c. 0.403ha. It is relatively flat and overgrown with scrub/ brush, brambles and other vegetation. The site is currently accessed off the N-51 (60 kmph road) via an agricultural entrance at the southern site boundary.

2.0 Proposed Development

- 2.1. The proposed development comprises of 9 no. residential units made up of: (a) 2 no. 4 bed one and a half storey type dwellings fronting the main road, (b) 6 no. 4 bed two storey semi-detached dwellings and (c) 1 no. 4 bed detached two storey dwelling at the rear of the site (d) New entrance and access roadway off N51 to include turning area, associated paths, landscaping and new boundary treatments. The development also includes the construction of a surface water attenuation system, connection to the existing public foul sewer and mains water system together with all associated site works.
- 2.2. Further information was submitted on this application and related primarily to boundaries, public lighting and surface water management infrastructure. No changes were made to the quantum or layout of the housing as proposed.

3.0 Planning Authority Decision

3.1. Decision

Permission refused on 22/04/2025 for 2 no. reasons:

1. Unsatisfactory surface water management arrangements in contravention of the Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Volume 2, for New Developments and the Greater Dublin Regional Code of Practice (GDRCoP) for Drainage Works Volume 6 and, materially contravention of Policy INF POL 16 of the Meath County Development Plan 2021-2027.
2. Potential for the development to give rise to flood risk on the basis of the proposal's non-compliance with the Planning System and Flood Risk Management – Guidelines for Planning Authorities (DoECLG/OPW, 2009) and material contravention of Objective INF OBJ 20 and Policy INF POL 20 of the Meath County Development Plan 2021-2027.

3.2. Planning Authority Reports

3.2.1. Planning Reports

2 no. planning reports formed the basis of the planning authority's (PA) assessment:

Planner's Report (25/09/2024) – Initial Application Stage

The report sets out the relevant planning history, policy context, issues raised in internal departmental reports, and undertakes a planning assessment, EIA Screening and AA Screening. Key points of note raised in the report are as follows:

- *Principle of Development* – PA satisfied that proposal for 100% residential development on the site is acceptable on account of site's 'A1 – Existing Residential' zoning and compliance with urban consolidation policy.
- *Scheme Layout & Design* – siting, architectural design and materiality of proposed houses deemed acceptable in principle.
- *Density* – scheme density of 22.3uph falls marginally short of the min. 25uph required under DM OBJ 14 but shortfall is acceptable due to site constraints.
- *Separation Distances* – acceptable in principle on basis of their compliance with SPPR1 of the 2024 Compact Settlement Guidelines and use of obscured glazing to first floor level rooms facing neighbouring properties.

- *Unit Sizing and Mix* – proposed 3-bed and 4-bed units provide for an appropriate household mix and all exceed minimum unit sizing and private open space requirements.
- *Boundary Treatments* – Generally acceptable with the exception of Type 1 boundary (2m high concrete block wall) which should be replaced with a Type 2 or 3 (1.9m and 1.8m high post & panel fences) boundary treatment in the interests of visual and residential amenity. **This matter formed part of the FI request.**
- *Impact on Neighbouring Amenities* – PA satisfied that retention & augmentation of existing mature hedgerows bounding the site together with the nature of the separation distances proposed and use of obscure glazing would succeed in mitigating potential negative impacts on neighbouring amenities.
- *Access & Mobility* – proposal to close-off existing agricultural entrance and provide a new entrance centrally in the southern boundary of the site was acceptable to the PA as was the proposal for 2 no. car parking spaces per dwelling.
- *Public Lighting* – inadequate information provided in respect to proposed public lighting layout and light levels and impact of proposal on ESB network and public lighting along N-51 not adequately considered. On this basis, scheme lighting design was determined not to be in full compliance with MCC's Public Lighting Technical Specification & Requirements and Policy (2017). **This matter formed part of the FI request.**
- *Water Services* – no response from Uisce Eireann (UE) but noted that applicant submitted a confirmation of feasibility (dated 19/03/2024) which stated that a water supply connection was feasible subject to upgrades and that a foul/ wastewater connection to the receiving combined sewer was feasible without infrastructure upgrade by UE and on the basis that the development incorporate SuDS and attenuation as a means of reducing surface water inflows to the combined sewer.
- *Surface Water Management* – existing public surface water network has no capacity and requires upgrade works in order to address historic/ ongoing downstream pluvial flooding of public lands and third party property. The additional surface water discharges from the proposal (which comprises of 2 no. separate attenuation systems sited underneath the public open space to the front of the site) would

increase this localised flood risk. The design/ siting of the scheme's surface water management infrastructure in the form of 2 no. separate attenuation systems was also unacceptable from a taking in charge and access/ operational maintenance perspective. Proposed connection to the public surface water network is not possible on account of existing capacity issues and the potential for the proposal to exacerbate same and give rise to a heightened downstream flood risk. **This matter formed part of the FI request.**

- *Third Party Submissions* – summarised in Section 3.4 of this report. **This matter formed part of the FI request.**
- *Part V* – PA satisfied with applicant's proposal to deliver units on-site.
- *Appropriate Assessment (AA) Screening* – no potential for significant effects on EU sites and Stage 2 AA not required.
- *Environmental Impact Assessment (EIA) Screening* – EIAR not required.

A request for Further Information (FI) issued on 30/09/2024 in relation to 5 no. items.

The applicant's response to the FI request was received on the 28/03/2025 and consisted of revised plans and technical reports.

Planner's Report (22/04/2025) – Further Information Stage

This report provided an assessment of the FI received as follows:

- *Item 1 (Revise Use of Boundary Treatment No. 1)* – Proposed use of boundary type 1 has been scaled back to north-east portion of site only. Boundary type 1 no longer proposed between the units which will instead be delineated by boundary type 2. Response is acceptable.
- *Item 2 (Revised Public Lighting Design & Layout)* – Response largely addressed requirements of the Council's Public Lighting Department and was deemed acceptable on this basis.
- *Item 3 (Revisions to Surface Water Management Infrastructure)* – the applicant has not reduced the number of proposed attenuation systems nor relocated them to address the PA's flooding and operational maintenance concerns and the proposal does not meet the requirements of MCC's Environment, Flooding and Surface Water Section with regard to surface water management as per the

GDSDS and Greater Dublin Regional Code of Practice for Drainage Works (Volume 6). For this reason, the FI proposal was found to be contrary to the aforementioned guidelines and to be in material contravention of Policy INF POL 16 of the Development Plan. **Permission refused on this basis.**

- *Item 4 (Respond to 3rd Party Submissions)* – FI response fully addressed third party concerns and is acceptable to PA.
- *Item 5 (Procedure re: Significant Further Information)* – PA satisfied that FI response was not so significant as to warrant revised statutory notices.
- *Environmental Impact* – PA satisfied that FI received would not give rise to a significant impact on the environment or require a Stage 2 AA.

The planning report concluded by recommending permission be **refused** for a 2 no. reasons relating to surface water management and flood risk (as per Section 3.1 of this report).

3.2.2. Other Technical Reports

Initial Application Stage

Broadband Officer (28/08/2025) – Condition recommended. notes no details re: provision of high-speed broadband telecommunications networks provided. Recommends attachment of pre-construction condition re: provision of open-access and internal ducting and installation of telecommunications services concurrently with all other services.

Public Lighting Section (undated) – FI requested. Applicant to submit a public lighting design and lighting layout drawing which accords with MCC's Public Lighting Technical Specification and Requirements document.

Environment, Flooding and Surface Water Management Section (EFSWMS) (24/09/2024) – FI requested. Surface water proposals not policy compliant (with GDSDS or Greater Dublin Regional CoP for Drainage Works (Vol. 6)) and applicant is required to redesign and provide adequate modelling for their surface water system which should include greater use of SuDS source control measures in the interests of water quality and reducing the quantum of run-off. Applicant also required to investigate the catchment area for, and capacity of, the existing public surface water drainage network and seek permission for Municipal District Engineer to connect into

this surface water drain and agree to any remedial works to same deemed necessary to accommodate the surface-water discharge from the proposed development.

Transportation Department (26/09/2024) – Condition recommended. Parking arrangements satisfactory and sightlines deemed compliant with DMURS. Existing drainage gully within proposed entrance is required to be moved out of the roadway and relocated adjacent to a kerb – considered that this matter could be addressed by condition.

Housing Section (28/08/2024) – satisfied with Part V proposals (units on site).

Further Information Stage

Public Lighting Section (undated) – FI response (incl. submission of a scheme lighting design) has partially addressed FI request. However, additional detail needed in the form of a public lighting layout drawing and clarification needed on zebra crossing. Matters can be addressed by condition.

Environment, Flooding and Surface Water Management Section (EFSWMS) (22/04/2025) – Refusal recommended (on basis of issues discussed in Section 3.2.1 of this report).

3.3. Prescribed Bodies

Initial Application Stage

No submissions received.

Further Information Stage

No submissions received.

3.4. Third Party Observations

Initial Application Stage

1 no. submission received from a neighbouring property owner raised the following issues:

- Impact on in-situ wastewater management infrastructure
- Potential for overlooking of private amenity space and loss of privacy
- Loss of sunlight and daylight and overshadowing

- Obstruction of views/ view of sunset
- Concerns re: future management/ maintenance of proposed public open spaces
- Ambiguity in relation to impact on existing party boundary & neighbouring ESB pole
- Lack of detail on proposed site boundary treatments and concerns re: materiality and insufficient height and quality of same
- Concerns re: construction and operational noise impact
- Request for environmental impact and noise impact assessments
- Detailed construction management plan needed
- Construction waste management.

Further Information Stage

No submissions received.

4.0 Planning History

4.1. Site

None found.

4.2. Neighbouring Sites

No relevant planning history.

4.3. National Policy

Project Ireland 2040 – National Planning Framework (2025) - NPOs 3A, 4, 11, 13, 35

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024)

Nature Based Management of Urban Rainwater and Urban Surface Water Discharges - A National Strategy (DoHLGH, 2024)

Climate Action Plan (2024 & 2025) and Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030

Design Manual for Quality Housing ('DMQH' DoHLGH, 2022)

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice ('BRE Guidelines' BRE, 2022)

Housing For All (DoHLGH, 2021)

Design Manual for Urban Roads and Streets ('DMURS' DoHLGH, 2019)

Road Safety Audit GE-STY-01024 ('RSA Standards' TII, 2017)

The Planning System and Flood Risk Management - Guidelines for Planning Authorities and Technical Appendices (DoHLGH, 2009) and Circular PL2/2014

Delivering Homes, Sustaining Communities (2008)

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (DoHLGH, 2007)

4.4. Regional Policy

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 – RPO 3.2 (Compact Growth).

Greater Dublin Regional Code of Practice V6.0.

Greater Dublin Strategic Drainage Study Regional Drainage Policies - Volume 2, New Development (March 2005)

4.5. Development Plan

The Meath County Development Plan 2022-2027 (MCDP) applies.

Athboy

Athboy is designated as a 'Small Town' in the Meath Settlement Hierarchy (Table 3.4)

ATH POL 1 - To consolidate and strengthen the town, through the redevelopment of backland, infill and brownfield lands based on the principles of sustainable community and the creation of a high quality urban environment.

ATH OBJ 3 - To require high-quality design in all new developments.

Objectives CSO OBJ4, CSO OBJ5 & CSO OBJ6 (encouraging infill/ compact growth)

Core Strategy – Table 2.12

Athboy (Small Town)		
Extant Units Not Yet Built	Household Allocation 2020-2027	Potential Units to be delivered on infill/ brownfield lands
127	200 units	100

Zoning

The appeal site is zoned 'A1 – Existing Residential' with the objective "To protect and enhance the amenity and character of existing residential communities".

Residential Design

DM POL 4/ Section 11.5.1 – quantitative and qualitative housing standards

Section 11.5.2 (Urban Design)

DM POL 6 (unit mix)

DM OBJ 12 (High standard of residential design)

DM OBJ 13 - Design Statement required for residential schemes on 0.2ha+ sites

DM OBJ 14 (Net densities encouraged) 25-40uph for sites at edge of small and medium sized towns (1,500 – 5,000 population)

DM OBJ 15 (Plot Ratio), DM OBJ 16 (Site Coverage), DM POL 5 (Density)

DM OBJ 27 – exemption from 15% Public Open Space requirement where private amenity space provision exceeds minimum requirements

DM OBJ 18 (16m separation required between opposing side & rear windows)

DM OBJ 19 - A minimum of 16 metres separation distance between opposing rear or side windows will apply in the case of apartments/duplex units up to three storeys in height.

Sections 11.5.3 (Boundary Treatments), 11.5.16 (Light and Overshadowing), 11.5.27 (Waste Management)

Section 11.5.6 (Building Lines)

Section 11.5.13 (Boundary Treatments) and DM POL 8 (high quality boundaries)

Sections 11.5.19 (Infill Sites) & DM OBJ 42: Infill development shall take account of the character of the area and where possible retain existing features such as building line, height, railings, trees, gateways etc.

SH POL 2 – consolidation of existing settlements & creation of compact urban forms through the utilisation of infill and brownfield lands.

Access and Parking

Objective DM OBJ 89 and Table 11.2 (Car Parking Standards)

Table 11.4 Cycle Parking Standards

Infrastructure and Services

INF POL 14 - To ensure that all planning applications for new development have regard to the surface water management policies provided for in the GDSDS.

INF POL 15 - To require the use of SuDS in accordance with the Greater Dublin Regional Code of Practice for Drainage Works for new developments.

INF POL 16 - To ensure that all planning applications for new development have regard to the surface water management policies provided for in the GDSDS.

INF POL 18 & 20 (Flood Risk Management)

Objective INF OBJ 20

Section 11.8.5 (Telecommunications and Broadband), DM POL 29 & DM OBJ 87

Section 11.4.3 (Public Lighting), Policy DM POL 3 and DM OBJ 10.

Natural Heritage

Section 11.4.4 (Trees and Hedgerows) and DM OBJ 11: Existing trees and hedgerows of biodiversity and/or amenity value shall be retained, where possible.

5.0 Natural Heritage Designations

The appeal site is not located within or adjoining any designated site.

The nearest European Sites in close proximity to the appeal site are as follows:

- c. 500m from River Boyne and River Blackwater SPA (Site Code 004232)
- c. 500m to River Boyne and River Blackwater SAC (Site Code 002299)

The nearest Natural Heritage Areas in close proximity to the appeal site are as follows:

- c. 4.8km to Jamestown Bog NHA (Site Code 001324)
- c. 5km to - Girley Bog NHA (Site Code 001580)
- c. 9km to Lough Shesk pNHA (Site Code 000556)

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 Appendix 1 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 Water Framework Directive Screening

I have concluded, on the basis of objective information, that the proposed development 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 (refer to form in Appendix 2 for details).

8.0 The Appeal

8.1. Grounds of Appeal

A first party appeal submission was received (19/05/2025) and seeks to address the PA's reasons for refusal. The grounds of appeal can be summarised as follows:

Refusal Reason No. 1 (Surface Water)

Compliance with GDSDS

The appellant argues that the proposal is compliant with GDSDS on the basis that water and wastewater connections are available on the adjacent public road and the GDSDS allows urban infill development in circumstances where there is already downstream flooding within the receiving surface water system.

Design of Attenuation System

The grounds of appeal state that the screening for FRA report (dated 27/03/2025) submitted to the PA as part of the FI response states that the proposal has been subject to a comprehensive surface water drainage design which employs a range of SuDS features and promotes localised infiltration to ground within the site thereby restricting surface water outfall to the public storm drain.

The appellant notes that the PA's issue with their proposed 2 no. separate attenuation tanks is based on concerns in respect to maintenance and taking in charge requirements. They contend that their system is efficiently designed and is comprised of one attenuation system with interconnecting tanks.

The grounds of appeal are accompanied by the following engineering reports and letters (dated 16/05/2025) submitted in respect of the appeal:

- Letter from consulting engineer dated 16/05/2025
- Screening for flood risk assessment dated 16/05/2025
- Surface water drainage proposal report dated 16/05/2025
- Infiltration rate testing results dated 24/12/2024

The appellant states that these enclosures conclude that surface water outfall rates to the public storm drain are reduced in events greater than the 1-year event and that surface water drainage/ wastewater capacity is not an impediment to the development of the site.

Refusal Reason No. 2 (Flood Risk)

The grounds of appeal argue that the issue of flooding is considered in great detail in the FRA screening report (dated 27/03/2025) that was submitted to the PA in response to the FI and note that the site is not located in a flood zone with no site-specific flood events listed on Floodmaps.ie.

The appellant also seeks to draw the Commission's attention to the fact that the downstream pluvial flooding event referred to by the PA occurred in a dip in the N-51 further to the west of the site and at a location where storm sewer gullies discharge into the road during extreme weather events. In this regard, the appellant notes that adjoining properties are elevated above the road with history of or no potential for property damage.

Other

The grounds of appeal state that the PA subjected the application to a very detailed analysis and assessment which determined that all policies and objectives in the MCDP (and specifically relevant development management standards) had been complied with:

Principle of Development

The appellant notes that the PA were satisfied that the proposal accorded with the site zoning and with local, regional and national urban growth development policy.

Scale and Standard of Residential Accommodation

The appellant states that the PA were satisfied as to the scale of development, quality of the design and, as to the standard of accommodation, parking and amenity space provided.

Impact on Existing Amenity

The appellant contends that the PA determined that the proposal would not impact on the amenity of existing dwellings and that it would integrate successfully with the existing character of the area.

Part V

The appellant considers that the PA accepted the applicant's proposal to provide a Part V unit on site.

AA and EIA Screening

Having carried out the requisite screenings, the appellant notes that the PA concluded that the project would have no impact on European sites and would not require a Stage 2 AA and that given the scale, nature and location of the proposed development, an EIAR was also not required.

The appeal is accompanied by an appeal submission letter prepared by the applicant's engineers (dated 16/05/2025) which provides a response to the PA's refusal reasons. The key points raised in the letter are as follows:

Precedent

- Refusing permission for a main street urban development to connect to public stormwater pipe sets a poor precedent for future development.
- The applicant has exceeded the normal requirements for stormwater design and for assessing flood risk (given site's location in Flood Zone C).
- The proposal has been unfairly assessed by the PA.

Capacity of Public Storm Network

- Noted that PA are of opinion that public storm pipe has insufficient capacity to receive stormwater from proposal on account of downstream flooding.
- Noted that PA have no plans to upgrade the pipeline.
- Whilst the pipe does have limited capacity, this is not uncommon for older urban storm pipes in urban areas which cater to older unattenuated developments and, new attenuated developments are still permitted in these urban catchments so long as the GDSDS guidelines are adhered to.
- The appeal site is already in the catchment of the public storm pipe, it currently drains towards the public road on account of its levels and so the public storm pipe already drains the greenfield run-off from this site.
- The appeal site has no alternative outfall location.
- PA's assessment of pipe's capacity is flawed, and the proposal will not give rise to a decrease in the capacity of the public stormwater system.
- The storm drain network would not be negatively impacted by the proposal as the run-off from the site will be reduced by the proposal and in larger rainfall events, the proposal would provide for improved run-off attenuation rates compared to the greenfield run-off rates of the existing site – all of which reduce local flood risk.

Compliance with GDSDS

- PA have not outlined why the development does not comply with GDSDS – Vol. 2 and their refusal reasoning is not consistent with guidance outlined in same and PA should have assessed proposal against Section 6.3.3.6 of this study.
- Proposal is compliant with GDSDS, with INF POL 16 of MCDP and with the OPW Flood Risk Management Guidelines.

Design of Attenuation System

- The site has very good infiltration characteristics and the proposed stormwater design makes extensive use of SuDS measures.
- The attenuation system has been designed to hold stormwater volume on site up to the required 100 year threshold with additional stormwater hold capacity provided by SuDS devices.
- Notwithstanding its dual (interconnected tank design), the proposed attenuation system is very accessible (from front of the site) and will not require a standard maintenance which would exceed that of comparable systems on the basis that it provides for a single hydrobrake/ non-return valve/ petrol interceptor.
- Where deemed necessary, the attenuation system design could be amended by condition in order to amalgamate the 2 no. attenuation tanks into 1 no. large attenuation tank.

Flooding

- Pre-existing flooding of storm pipe network downstream of the site occurs due to surcharging of gullies in the network which leads to localised flooding where the road levels are particularly low (i.e. to carriageway, footpath and some driveways). The PA's statement that this flooding is high risk to properties is not substantiated or reflected in the MCDP's SFRA or on Floodinfo.ie.

The grounds of appeal conclude by requesting that the Commission overturn the PA's decision and grant permission for the proposal.

8.2. Planning Authority Response

Response received 18/06/2025 states PA have no comments to make on appeal.

8.3. **Observations**

None received.

8.4. **Further Responses**

None received.

9.0 **Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report(s) of the local authority, having inspected the site and having regard to the relevant local/ regional/ national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Surface Water Management
- System Capacity and Pluvial Flood Risk
- Other

9.1. **Principle of Development**

- 9.1.1. The appeal site is zoned A1 – Existing Residential’ with the objective “To protect and enhance the amenity and character of existing residential communities”. I consider that the proposal for a residential development of 9 no. houses on the A1 zoned infill site is acceptable in principle, and in general compliance with national to local urban consolidation and density policy, subject to the detailed considerations below.

9.2. **Surface Water Management**

SUDS Design

- 9.2.1. Refusal reason no.1 refers to the scheme’s unsatisfactory surface water management arrangements which contravene the GDSDS, GDRCoP and MCDP Policy INF POL 16.
- 9.2.2. The grounds of appeal contend that the PA have not outlined their reasoning for the proposal’s alleged contravention of the aforementioned drainage policy and the

appellant is of the view that their design, which makes extensive use of SuDS measures, is compliant with the GDSDS and INF POL 16 of MCDP.

- 9.2.3. The PA's Environment Flooding-Surface Water Section Planning Report of 24/09/2024 raised the issue of compliance with surface water management policy and instructed the applicant to redesign their surface water management system by introducing more SuDS source control measures such as detention basins, dry swales, rain gardens, infiltration trenches and permeable paving to improve water quality whilst reducing the quantity of run-off. Comparing the initial application and FI stage stormwater layouts, it is apparent to me that no significant changes were made to the nature or extent of the SuDS measures from what was originally proposed (i.e. permeable paving on driveways, domestic rainwater planters and water butts, rainwater diffusers), with the FI changes being a new soakaway in the grounds of unit 01, further changes to the positioning of piped infrastructure and greater clarification provided in respect to the sizing and location of the proposed attenuation tanks and petrol interceptor etc. I also note that no further changes to the scheme's SuDS design were provided as part of the grounds of appeal.
- 9.2.4. Having consulted the GDSDS and the GDRCoP, which state that SuDS are mandatory for all new developments, I note that Section 6.3.3.6 (Extending Urban Areas) of the same guidance states that when considering urban infill development in circumstances where there is already downstream flooding within the receiving surface water system (as detailed in section 8.1 of this report), run-off constraints (for the proposed development) will need to be very strict, with all options for reduction considered and used in order to limit discharges and downstream impact during extreme events.
- 9.2.5. I do not consider that the appropriateness of the proposed SuDS design/ surface water run-off reduction measures can be assessed in isolation and, as such, I will examine these further in the context of assessing the proposal's likely impact on the capacity of the public stormwater system and related fluvial flood risk (issues dealt with in Section 9.3 of this report).

Design of Attenuation Tank System

- 9.2.6. The documentation on file sets out the applicant's technical rationale for the siting, design and layout of the attenuation tanks as proposed i.e. the outfall depth necessitating the relatively shallow placement of the stormtech attenuation systems

under the public facing green areas and, the required additional attenuation volume necessitating the splitting into two separate tank systems with an interconnected design. The surface water drainage proposal report submitted with the grounds of appeal also seeks to clarify that, notwithstanding its dual (interconnected tank design), the proposed attenuation system is very accessible and will only require standard maintenance (i.e. not exceeding that of comparable systems).

- 9.2.7. The Environment Flooding-Surface Water Section Planning Report of 22/04/2025 outlined the PA's concerns with the proposal to provide 2 no. separate attenuation systems (tanks). These concerns centred on access, maintenance and taking in charge issues and the report concludes on the issue by stating that, as the applicant had not reduced the number of systems or relocated same to the satisfaction of the PA, the proposed system does not meet the requirements of MCC with respect to the orderly collection, treatment and disposal of surface water (refusal reason No. 1).
- 9.2.8. Having reviewed the PA's Environment Flooding-Surface Water Section's report of 24/09/2024, I note that this issue in respect to the design/ location of the attenuation tanks was not explicitly raised in same nor in the related FI request and, as such, I do not consider that the applicant was given an adequate opportunity to address same during the planning application process. Notwithstanding, the grounds of appeal do not propose a revised design for the attenuation tank(s) and instead state that the appellant is willing to accept a condition requiring the redesign of same should the Commission consider it necessary.
- 9.2.9. On balance, whilst I note the PA's concerns, given the procedural issues I have raised in paragraph 9.2.8 above, together with the proposed location of the attenuation tanks in an area which is easily accessible from the public road and, the lack of detail provided by the PA as to what their access, maintenance and taking in charge issues constitute, I do not consider that a refusal on the basis of this issue is warranted or that the proposal gives rise to a material contravention of Policy INF POL 16 on the basis of the foregoing. I further consider that the design and layout of the attenuation tank(s) are capable of being addressed by condition where the Commission are minded to grant permission.

9.3. **System Capacity and Pluvial Flood Risk**

- 9.3.1. As detailed in Section 3.2 of this report, the PA note the historic/ ongoing downstream pluvial flooding of public lands and third party property caused by insufficient capacity in the public stormwater network during extreme events and are concerned that the additional surface water discharges from the proposal may increase this localised flooding and give rise to increased pluvial flood risk (as per refusal reason No. 2).
- 9.3.2. The PA's rationale for refusing permission on this basis is elaborated upon in the FI stage report of the Environment Flooding-Surface Water Section (dated 22/04/2025). This states that the applicant was advised by the PA that the existing surface water network has no available capacity, with historic recurring flood issues downstream (south-west) of the appeal site. It also states that upgrade works would be required in order to mitigate the increased pluvial flood risk to public roads/ infrastructure and third party property that would arise from the development on account of additional surface water discharge flow to the public stormwater drainage system and increase in impermeable areas. I note that no additional details are provided in respect to the nature or extent of the required upgrade works.
- 9.3.3. The grounds of appeal state that the proposal has been subject to a comprehensive surface water drainage design, with the use of a number of SuDS measures coupled with the site's high natural ground infiltration rate and generously sized attenuation tanks providing for adequate attenuation volume storage with a generous level of headroom, which restricts volume of surface water outfall to the public storm drain.
- 9.3.4. Whilst acknowledging that the public stormwater network has limited capacity, the appellant argues that the PA's assessment of the capacity of the network is flawed. They also contend that the run-off from their developed site will not further decrease the capacity of, or otherwise negatively impact on, the existing public stormwater system and will instead reduce local flood risk by providing improved, reduced run-off attenuation rates when compared to the existing greenfield run-off rate. For these reasons the appellants disagree with the PA's view, and they submit that the refusal reasoning is not consistent with the guidance outlined in same and specifically with regard to GDSDS Vol 2, Section 6.3.3.6 (Extending Urban Areas), which permits new attenuated infill developments in older urban catchments where there may already be downstream flooding.

- 9.3.5. Furthermore, having investigated the localised flooding and ponding to the west (downstream) of the site highlighted by the PA, the appellant's engineers (in the surface water drainage proposal report submitted with the grounds of appeal) determined that the localised concave area or dip on the public road outside the affected neighbouring houses is within the overland flow-path from a large road catchment and this is the reason why the floodwaters build-up and pond at this location when gullies surcharge onto the road from the stormwater sewer. On this basis, they argue that this localised and time-limited flooding will occur whether or not this proposed development proceeds (i.e. that the applicant's stormwater proposal would not exacerbate flooding at this location) and can only be fixed by a storm sewer upgrade by the PA (which it is stated the Executive Engineer noted there were no plans to do at this time).
- 9.3.6. Having consulted the MCDP SFRA, I note that in terms of historic flooding it states that there is a minor surface water issue on the N51 and that it is necessary to manage flood risk and development in line with approved policies and objectives with particular consideration given to the management of surface water (INF POL 16). According to www.floodinfo.ie (accessed on 19/08/2025), there is also reoccurring pluvial flooding after heavy rain on an annual basis on the N51 at the townland of Mullaghstones (which is located to the south and south-east (and generally upstream) of the appeal site) on account of low lying land. It is stated in the accompanying report that this flooding affects a significant area and 1 no. property (i.e. appearing to primarily give rise to nuisance and access issues in the locality rather than a high risk to properties). However, I note that neither of these data sources indicate that there is a high risk of flooding to the south-west or downstream of the appeal site.
- 9.3.7. Having reviewed the information on file, I note that the appellant's surface water drainage proposal reports (dated 26/03/2025 and 16/05/2025) state that the scheme's proposed surface water drainage system has a restricted outfall flow rate of 0.95l/s (greenfield 1-year runoff rate) which is a net improvement over pre-development conditions for this site where the 100-year outfall flow rate is 2.93l/s and where the undeveloped site's existing overland flow paths toward the public road contribute flows to the public storm drain network. The report also clarifies that the proposed stormwater attenuation drainage system for this development has been designed to hold stormwater volume on site up to the required 100 year threshold (peak 100-year

rainfall event including an allowance of 20% for climate change) with additional stormwater hold capacity provided by SuDS devices.

- 9.3.8. Having considered the above attenuation volume storage coupled with the restriction on the outfall flow rate to the public storm drain, I am of the view that the public storm drain network would not be negatively impacted by the proposal as the run-off from the site will be reduced by the proposal and, in larger rainfall events, the proposal would provide for improved run-off attenuation rates compared to the greenfield run-off rates of the existing site. I am satisfied that these factors will reduce pluvial flood risk in the locality rather than exacerbate it further and that, on this basis, the proposed SuDS design/ surface water run-off reduction measures provided are satisfactory (issue raised in paragraph 9.2.5 of this report).
- 9.3.9. Having regard to the policy guidance cited in refusal reason no. 2, I have also considered the proposal's compliance with MCDP Policy INF POL20 which requires that a flood risk assessment (FRA) is carried out for any development proposal where flood risk may be an issue and with MCDP Objective INF OBJ20 which requires the implementation of the 2009 Flood Risk Management Guidelines and the submission of a site-specific FRA where appropriate. I note that a screening for FRA report (dated 27/03/2025) was submitted in response to the FI request and, in respect to residual risk/ exacerbation of flooding, concluded that by restricting the surface water outfall rate to the 1-year greenfield runoff rate the outfall rates to the public storm drain would be reduced in events greater than the 1-year return period and would not be likely to contribute to or increase downstream flood issues even when the impact of climate change is factored in. Overall, I am satisfied that the level of flood risk assessment undertaken was appropriate to the scale and nature of the risk arising from the development and that the proposal is compliant with the aforementioned policy and objective.
- 9.3.10. On balance and having regard to the foregoing, I am of the opinion that the proposal would not increase the pluvial flood risk to public roads/ infrastructure or to third party property and would not give rise to a material contravention of Objective INF OBJ 20. On this basis, I consider that a refusal of permission on the grounds of flood risk is not warranted in this instance.

9.4. Other

- 9.4.1. The grounds of appeal have raised matters relating to the nature and standard of the residential accommodation, impact on existing amenity, Part V compliance and environmental impact. Having reviewed the documentation on file, I am satisfied that there are no further issues that need to be raised or considered as part of my assessment.

Scale and Standard of Residential Accommodation

- 9.4.2. The appellant submits that the PA were satisfied as to the scale of development, quality of the design and, as to the standard of accommodation, parking and amenity space provided. Having considered the proposal against the applicable S.28 and development plan guidance in this regard, I am also satisfied as to the standard of residential accommodation proposed in terms of layout, housing quality and impact on neighbouring amenities.

Impact on Existing Amenity

- 9.4.3. The appellant contends that the PA determined that the proposal would not impact on the amenity of existing dwellings and that it would integrate successfully with the existing character of the area. Having regard to the siting, design and layout of the proposed housing, I am satisfied that the scheme has no potential to give rise to negative impacts on the amenities of neighbouring properties in terms of overlooking, overbearance or overshadowing given the scheme layout and the units' distance from and relationship with same.

Part V Compliance

- 9.4.4. The grounds of appeal note that the PA accepted the applicant's proposal to provide a Part V unit on site.
- 9.4.5. The PA's satisfaction with the applicant's Part V proposals is noted and it is considered that the Commission does not need to give the applicant's proposal for compliance with their Part V obligations further consideration.

Environmental Impact

- 9.4.6. The appellant observes that, having carried out the requisite EIA and AA screenings, the PA concluded that the project would not require a Stage 2 AA or an EIAR.

- 9.4.7. An EIAR screening and AA screening of the proposal has been carried out by the Commission as part of the assessment of the appeal. Please see Appendices 1 and 2 attached to this report for further details.

Services

- 9.4.8. The UE confirmation of feasibility on file states that the proposal's connection to public water supply can be facilitated subject to upgrades and that its connection to the public sewer can be achieved without upgrades subject to the use of SuDS and attenuation measures on site. Where the Commission are minded to grant permission, I consider these matters can be addressed by the attachment of a standard condition requiring the developer to enter into a connection agreement with UE in respect to same.
- 9.4.9. The PA's Broadband Officer, Public Lighting Section and Transport Department sought that conditions in respect to open access ducting and telecommunications services, the layout of the scheme's public lighting layout and its road gully design be attached in the event of a grant of permission (details in Section 3.2.2 of this report). These matters are addressed in Section 12 below.

10.0 AA Screening

- 10.1. 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 European Sites, specifically the River Boyne and River Blackwater SPA (Site Code 004232) and River Boyne and River Blackwater SAC (Site Code 002299) or any other European site, in view of these sites' Conservation Objectives, and Appropriate Assessment (and submission of an NIS) is not therefore required.
- 10.2. This determination is based on:
- The relatively minor nature of the development and lack of impact mechanisms that could significantly affect a European site.
 - Distance from and weak, indirect connections to the European sites.

I refer the Commission to Appendix 2 of this report – Screening for Appropriate Assessment.

11.0 Recommendation

I recommend a GRANT of permission subject to the following conditions.

12.0 Reasons and Considerations

Having regard to the 'A1 – Existing Residential' zoning objective of the site, the objective for which is to 'To protect and enhance the amenity and character of existing residential communities', and the planning policies, objectives and development standards of the Meath County Development Plan 2022-2027, the nature, scale and design of the proposed development relative to adjoining dwellings, and to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development is an acceptable form of development at this location, would not seriously injure the amenities of adjoining properties, and would therefore, be in accordance with the proper planning and sustainable development of the area.

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 9th of August 2024, as amended by the further plans and particulars received by the planning authority on the 28th of March 2025, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This permission authorises 9 no. dwellings units.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>The applicant shall submit a revised site layout for agreement, prior to commencement, showing the existing drainage gully being removed and two new gullies being provided, one on either side of the road.</p> <p>Reason: in the interest of traffic safety and orderly development.</p>

4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
5.	<p>Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, no room in the proposed house(s) shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission.</p> <p>Reason: In order to prevent overdevelopment of the site in the interest of residential amenity.</p>
6.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
7.	<p>The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
8.	<p>Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
9.	<p>All service cables associated with the proposed development (such as electrical, public lighting, telecommunications and communal television) shall</p>

	<p>be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
10.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes and shall take account of proposed trees and hedges as per the Site Layout Plan. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interest of amenity and public safety.</p>
11.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
12.	<p>Proposals for an estate/ street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>

13.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
14.	<p>The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
15.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer</p>

	<p>or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
16.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
17.	<p>(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p>

	<p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Emma Gosnell

Planning Inspector

25th August 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-322555-25
Proposed Development Summary	The development will consist of 9 no. residential units and all site works.
Development Address	Fosterfields, Kells Road, Athboy, Co. Meath.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (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.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units. Proposal is for 9 no. dwelling units. Part 2, Class 10(b)(iv) - Urban development – 10 hectares (built-up area). Site is c. 0.403ha

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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322000-25
Proposed Development Summary	The development will consist of 9 no. residential units and all site works.
Development Address	Fosterfields, Kells Road, Athboy, Co. Meath.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources,	The development is for 9 no. houses, comes forward as a standalone project, and it does not involve the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.

production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	
<p>Location of development</p> <p>(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>	<p>The development is situated on a greenfield, infill site and surrounded by a mix of residential and amenity/ recreational land uses (relatively abundant as per the MCDP Core Strategy) on the outskirts of Athboy town in Co. Meath.</p> <p>The development site is proposed to be accessed from the Kells Road (N51) which runs along the south-east boundary of the site.</p> <p>The Athboy River is located c. 500m to the south-west of the site. This watercourse forms part of the River Boyne and River Blackwater SPA (Site Code 004232) and River Boyne and River Blackwater SAC (Site Code 002299). However, it is considered that there is no pathway from the appeal site to these rivers as per Section 11 of the Inspector's Report (AA Screening).</p> <p>The development is removed from sensitive natural habitats, dense centres of population and designated sites and landscapes of identified significance in the County Development Plan.</p>
<p>Types and characteristics of potential impacts</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>Having regard to the nature of the proposed development, its location removed from sensitive habitats/ features; likely limited magnitude and spatial extent of effects; and, absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____
DP/ADP: _____ Date: _____
(only where Schedule 7A information or EIAR required).

Appendix 2

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>The proposed development comprises of the construction of dwellings and related works at Fosterfields, Kells Road, Athboy, Co. Meath – see Section 2.0 of Inspector's Report for further details.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The appeal site is greenfield and infill in nature and is located on the outskirts of Athboy town.</p> <p>The scale and residential nature the proposed development is not exceptional in the context of the existing environment.</p> <p>The proposal also includes the construction of a surface water attenuation system, connection to the existing public foul sewer and mains water system together with all associated site works. These measures are integral to the design and to compliance with sustainable drainage policy guidance.</p> <p>The Athboy River is located c. 500m to the south-west of the site. This watercourse forms part of the River Boyne and River Blackwater SPA (Site Code 004232) and River Boyne and River Blackwater SAC (Site Code 002299). The public storm drain network provides a potential indirect hydrological link between same and the appeal site.</p>
Screening report	<p>Meath County Council screened out the need for AA.</p>
Natura Impact Statement	<p>No</p>
Relevant submissions	<p>None</p>
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	
<p>The appeal site is located approx. 500m from River Boyne and River Blackwater SPA (Site Code 004232) and approx. 500m to River Boyne and River Blackwater SAC (Site Code 002299).</p> <p>Due to the enclosed, infill nature and location of the development site and the presence of a significant buffer area (i.e. which includes the N51 national road and swathes of mixed use land in Athboy town center which would intercept dust emissions etc. and provide for physical and visual</p>	

screening of increased human activity, noise and lighting) between the appeal site and the above listed European sites, I consider that the proposal would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited zone of influence on any ecological receptors.

Following the source-pathway-receptor model, it has been determined that only the following 2 no. European sites fall within the zone of influence of the project on account of proposed foul water discharges to the existing public storm drain network which provide a potential indirect hydrological link between same and the appeal site.

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
River Boyne and River Blackwater SPA (Site Code 004232) Source: River Boyne and River Blackwater SPA National Parks & Wildlife Service (accessed 20/08/2025)	To maintain the favourable conservation condition of: Kingfisher (Alcedo atthis) [A229]	c. 500m	No direct connection. Potential indirect as above via foul drainage network.	Yes
River Boyne and River Blackwater SAC (Site Code 002299) Source: https://www.npws.ie/protected-sites/sac/002299 (accessed 19/05/2025)	To maintain/ restore the favourable conservation condition of: Alkaline fens [7230] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]	c. 500m	No direct connection. Potential indirect as above via foul drainage network.	Yes

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*
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	Impacts	Effects
River Boyne and River Blackwater SPA (Site Code 004232) (SCI as above)	<u>Direct:</u> None <u>Indirect:</u> Localised, long term, low magnitude indirect impacts from foul water discharges to the existing public storm drain network.	The contained nature of the site, distance from and buffer area between the site and the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
River Boyne and River Blackwater SAC (Site Code 002299) (QIs as above)	<u>Direct:</u> None <u>Indirect:</u> Localised, long term, low magnitude indirect impacts from foul water discharges to the existing public storm drain network.	The contained nature of the site, distance from and buffer area between the site and the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the QIs listed. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on a European site.		

No mitigation measures are required to come to these conclusions. I consider the provision of SuDS and related wastewater treatment infrastructure to be standard drainage design measures required in compliance with sustainable drainage design and not therefore as mitigation measures for the purposes of avoiding or preventing impacts to the SAC or the SPA.

Screening Determination

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 European Sites namely, River Boyne and River Blackwater SPA (Site Code 004232) and River Boyne and River Blackwater SAC (Site Code 002299) or any other European site, in view of these sites' Conservation Objectives, and Appropriate Assessment (and submission of an NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European site.
- Distance from and weak, indirect connections to the European sites.

Appendix 3

Screening the need for Water Framework Directive Assessment Determination

The appeal site is located at Fosterfields, Kells Road, Athboy, Co. Meath.

The Athboy River is located c. 500m to the south-west of the site.

The proposed development comprises of 9 no. residential units made up of: (a) 2 no. 4 bed one and a half storey type dwellings fronting the main road, (b) 6 no. 4 bed two storey semi-detached dwellings and (c) 1 no. 4 bed detached two storey dwelling at the rear of the site (d) New entrance and access roadway off N51 to include turning area, associated paths, landscaping and new boundary treatments. The development also includes the construction of a surface water attenuation system, connection to the existing public foul sewer and mains water system together with all associated site works – see Section 2.0 of Inspector's Report for further details.

Water deterioration concerns were raised in the planning appeal in respect to SuDS design and pluvial flood risk (ponding) to nearby urban properties and roads.

I have assessed the proposal for permission (described above) on this greenfield site at Fosterfields, Kells Road, Athboy, Co. Meath and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The de-minimus small scale nature and scale of the proposal.
- The location-distance from nearest water bodies and/ or lack of hydrological connections.

Conclusion

I conclude that on the basis of objective information, that the proposed development 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.