



An
Coimisiún
Pleanála

Inspector's Report PL-501330-MH-26

Development	3 dwellings, new boundary treatments and alterations to existing footpath and road and all associated site works
Location	Foxbury, Golf Links Road Bettystown, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	2660236
Applicant(s)	Redbreast Investment Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Redbreast Investment Limited
Observer(s)	Paul Hayes Anthony Andrews Olive Barker Pat and Gillian O'Donohoe Shealagh Balfe Cormac & Rory Carolan Protect East Meath Limited

Aisling Maher
Dian & Christophe Bernigaud
Patrick Anthony
Kelly Hoyne
Kathleen Dennis
Diarmuid & Fionnvola Dunne
Colette Cody
Thor Kelly
Eoin Ring & Emma Brett
Enda & Jackie Farrelly
Michael & Emma McHugh
Bernard Simpson
John F Lynch

Date of Site Inspection

22nd July 2026

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains an almost rectangular shaped piece of land with a stated area of 0.190 hectares, forming the majority of a larger parcel of land. This site is located within the Foxbury residential development located to the west of the R151/ Golf Links Road to the north of the centre of Bettystown. The subject land was in use as open space on the day of the site visit.
- 1.2. Houses face onto this area of open space from the west and south; to the north the side elevation of a single storey house addresses this space and the rear of houses on Golf Links Road back onto it from the east.
- 1.3. Foxbury consist of a mix of two storey and single storey detached houses. A larger area of open space is located to the northern part of the residential scheme as well as the subject site. Smaller parcels of open space are provided throughout the site, and whilst the functionality of these is limited, they do have a visual/ passive recreational function.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - The construction of three dwellings, one detached and two semi-detached single storey units.
 - Provision of new boundary treatments and alterations to existing roadway/ footpaths.
 - All associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for two reasons, summarised as follows:

1. The proposed development is located on lands that were identified as public open space as part of the approved development under PA Ref. 95/1408. The proposed

development would be contrary to the provisions of the Meath County Development Plan 2021 – 2027 and specifically DM OBJ 26. The loss of open space would have a negative impact on the residential amenity of the existing residents of Foxbury and the development would be contrary to the proper planning and sustainable development of the area.

2. The site is located partially within Flood Zone B for fluvial flooding and Flood Zone A for Coastal flooding. The proposal is a highly vulnerable form of development and is considered to be inappropriate in this location having regard to the concerns regarding potential flooding. The development fails to satisfy the Justification Test and would be contrary to Policies INF POL 18 and INF POL 20 of the Meath County Development Plan 2021 – 2027 and the Flood Risk Management Guidelines (2009).

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Authority report reflects the decision to refuse permission for the proposed development for the two reasons outlined above. The proposed houses were considered to be acceptable in the context of the existing houses in Foxbury and the site zoning – A1 – Existing Residential allows for residential development of the nature proposed.

3.2.2. Other Technical Reports

- Environment Flooding-Surface Water Section: The applicant has submitted a Site Specific Flood Risk Assessment (SSFRA) and this is noted. Refusal recommended due to the partial location of the site within Flood Zone B for Fluvial Flooding and also through its location within Flood Zone A for Coastal Flooding – high risk of flooding.
- Transportation Department: Further information requested including a revised layout demonstrating compliance with DMURS, provision of a revised turning bay, revisions to the proposed footpath and request that a swept path analysis be submitted demonstrating refuse/ fire truck movements within the development site.

- Environment Waste Section: No objection subject to conditions including the provision of a Construction Environmental Monitoring Plan (CEMP), control of dust emissions, control of noise and waste management details. Conditions are recommended for both the construction and operational phases of the development.
- Public Lighting: Further information requested – applicant to submit a public lighting design for the proposed development.

3.3. Prescribed Bodies

None requested or received.

3.4. Third Party Observations

A total of 35 submissions from third parties were received, opposing the proposed development. Submissions were received from Councillor S. Tolan, Councillor S. McKee, Protect East Meath and from individual members of the public. The main issues raised included the following, summarised under appropriate headings:

Planning Issues:

- Query over the legal interest of the applicant, especially as they have not maintained the site for over 30 years.
- Reference is made to a similar application under PA Ref. 221369 – Fairways Estate. Permission refused due to flood risk, inadequate drainage infrastructure and lack of open space.
- The site should be zoned for open space rather than for residential development – A1 zoning that currently applies.
- Issue raised about the date of erection of the public notices.
- The proposed development is contrary to the Meath County Development Plan 2021 – 2027, specifically the requirements of the East Meath Development Strategy, the A1 Zoning Objective and Development Management Objective 26 – provision of at least 15% of the total site area as public open space.

- Contrary to Green Infrastructure Strategy set out in the Meath County Development Plan 2021 – 2027.
- Previous refusal of permission under PA Ref. 2560982 on this site. No significant change in the proposed development.
- Lack of consultation with the local community about this development.
- The subject site cannot be considered to be vacant and is well used by local residents.
- Contrary to the Compact Settlements Guidelines (2024).

Flooding:

- The site is known to be prone to flooding and Foxbury is within a flood plain.
- Reference is made to a study that is underway to assess flooding issues in the area; it would be premature to consider such development prior to the completion of this report.
- Concern about flooding in the area and the proposed development may increase the risk.

Impact on Residential Amenity:

- Residents bought houses in Foxbury on the basis of 34 houses and associated open space – unreasonable that developer is now proposing to develop houses on this open space some 30 years after the completion of the original development.
- The open space is an important amenity for local residents.
- Residents have maintained and paid for the maintenance of this open space over the years.
- There is a need for open space to serve the residents of Foxbury.
- Loss of privacy through the construction of three additional houses here.
- Loss of daylight and sunlight through the proposed development of these houses on the subject site.

- The proposed front elevations of these houses is not in keeping in character with the existing houses in Foxbury.
- Foxbury has been on the Taking in Charge list since 2016 and the process has not progressed since then.

Safety:

- Concern that the proposed development may give rise to safety issues for young children who use the open space at present.
- Concern also about the safety of the elderly community in Foxbury.
- Concern about safety during the construction of the development.

Other:

- The proposed development will not help alleviate the housing shortage in the area.
- Concern that the proposed development will put additional pressure on services in the area including on wastewater treatment capacity.
- Potential for pollution of the River Boyne – through discharge of wastewater to the river.
- Concern that the proposed development would have a negative impact on property value in the area.
- The proposed development would set an undesirable precedent for similar development of existing public open space areas.

Submissions were supported with photographs of the site and flooding in the area, and with site plans.

4.0 Planning History

PA Ref. 25/60982 refers to a November 2025 decision to refuse permission for the provision of three houses and associated works on these lands in Foxbury, Bettystown, Co. Meath. Reasons for refusal are similar to those issued by the Planning Authority in the subject application:

1. Contravention of a condition under PA Ref. 95/1408 – provision of an area of land for open space to serve residents of the development. Also contrary to Objective DM OBJ26 of the Meath County Development Plan 2021 – 2027.

2. Site is located within a flood zone – Flood Zone B, and development would be contrary to Objectives INF OBJ 20 and INF OBJ 21 of the Meath County Development Plan 2021 – 2027. The lack of a SSFRA gives rise to potential for increased flood risk on adjoining lands as a result of the proposed development.

PA Ref. 95/1408 refers to a September 1996 decision to grant permission for 15 single storey dwellings, 19 two storey dwellings, site entrance from Golf Links Road together with all associated works. This is the original application for Foxbury.

5.0 Policy Context

5.1 Development Plan

5.1.1. Meath County Development Plan 2021 – 2027

The Meath County Development Plan 2021 - 2027 is the current statutory plan for County Meath, including the subject site.

The following variations have been adopted:

- **Variation No.1** – Replacement of written statements for respective settlements as new Local Area Plans, Joint Local Area Plan or Joint Urban Area Plan are adopted, Amendments to Core Strategy/ Figures and Reallocation of Housing Units. Adopted on the 13th of May 2024.
- **Variation No.2** – Amended zonings for certain settlements and updated maps. Adopted on the 13th of May 2024.
- **Variation No.3** – Update the Meath County Development Plan to take account of the Sustainable Residential Development and Compact Settlements Guidelines, to take into account the actions in ‘Housing Options for our Ageing Population’, and to provide a percentage range for the quantum of residential uses permitted on Town Centre and Mixed Use zoned lands. Adopted on the 27th of January 2025.

- **Variation No.4** – Revise the Meath County Development Plan to take account of the Maynooth & Environs Joint LAP. Adopted on the 7th of July 2025.
- **Variation No.5** – To take account of the National Planning Framework Implementation Housing Growth Requirements Guidelines, revised household allocation/ population growth and revised land zonings. Adopted on the 8th of June 2026.

The subject is zoned: A1 – Existing Residential with an objective: ‘To protect and enhance the amenity and character of existing residential communities.’ ‘Permitted Uses’ include ‘Residential, Sheltered Housing, B & B / Guest House, Community Facility / Centre, Home Based Economic Activities, Utilities.’ ‘Leisure/ Recreation/ Sports Facilities’ is listed in the ‘Open for Consideration Uses’.

The following Chapters/ Sections and Objectives are considered to be relevant to this development:

Chapter 11. Development Management Standards and Land Use Zoning Objectives.

The following are especially relevant:

Section 4 – General Development Standards

Section 5 – Residential Development Standards

Section 11.5.7 provides details on Separation Distances which in summary are:

- 16m between directly opposing side/ rear windows above ground floor for houses (DM OBJ 19).
- 2.3m between dwellings (DM OBJ 21).

Section 11.5.8 provides details on Dwelling Design, Size and Mix.

Section 11.5.10 provides details on Open Space.

Section 11.5.16 provides details on Light and Overshadowing

5.3 National Guidance

- Planning System and Flood Risk Management Guidelines (2009)

- Development Management Guidelines (2007)

5.4 Natural Heritage Designations

- The Boyne Coast and Estuary pNHA (Site Code 001957) is approximately 96.5m to the north of the subject site.
- The nearest European designated sites:
 - The North-West Irish Sea cSPA (Site Code 004236) and which is approximately 333m to the east of the subject site.
 - The Boyne Coast and Estuary SAC (Site Code 001957) is approximately 373m to the east of the subject site.

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix A 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. Grounds of Appeal

The first party grounds of appeal include the following, under appeal heading provided:

Reason for Refusal No. 1 – Public Open Space/ Zoning

- The subject lands are zoned A1 – Existing Residential and the zoning objective allows for residential infill and consolidation. The provision of three houses on these lands is in accordance with this objective.

- The lands do not function as open space, they are not formally laid out or maintained, and they do not contribute to the amenity of the wider Foxbury residential development.
- The development has been designed to not have a negative impact on residential amenity.
- The development of these lands would not have a material impact on the overall quantum of open space which would continue to comply with development plan standards.
- The assertion of precedent is overstated; each planning application is assessed on its own merits.

Reason for Refusal No.2 – Flood Risk

- A Site Specific Flood Risk Assessment (SFRA) was submitted with the application, and this demonstrates that flood risk can be appropriately managed and mitigated.
- The reliance on broad-scale mapping does not reflect the detail provided through the SFRA.
- The development includes design responses to flood issues such as raised floor levels, drainage strategies, and site layout that ensures that impact to the development and adjoining lands from flood risk is avoided/ minimized.
- The scale of development is limited and will not give rise to significant displacement of floodwaters.
- The development should be considered in the context of the sequential approach noting the site zoning, location in an established urban area and which demonstrates that the proposal is an appropriate/ sustainable use of these serviced lands.
- The development can demonstrate compliance with the 'Planning System and Flood Risk Management Guidelines (2009)' and the relevant policies of the Meath County Development Plan 2021 – 2027.

Requests that the decision of Meath County Council be overturned and permission be granted for this development.

7.2. Planning Authority Response

The matters raised were already addressed in the Planning Authority Report and they request that the decision to refuse permission be upheld.

7.3. Observations

A total of 20 observations were received within the statutory period, opposing the proposed development. The issues raised are similar to those made in objection to the original application to Meath County Council. Protect East Meath and individual members of the public submitted observations, a number of which directly responded to the issues raised in the appeal.

The following points, summarised and grouped have been made by third parties:

Planning and Zoning:

- The land is zoned for residential development; however not all such zoned lands are suitable for development.
- Permitting the proposed development would set an undesirable precedent for similar use of open spaces throughout County Meath.
- The proposed development would result in the provision of open space reducing to below the required 15% set out in the Meath County Development Plan 2021 – 2027.
- The increase in density would be out of character with the established nature of Foxbury.
- The proposed development is contrary to the Compact Settlements Guidelines (2024).

Impact on the character of the area:

- Residents bought their homes on the basis of certainty about the number of houses to be provided here. The proposed development is contrary to this.
- The open space is used by children and residents of Foxbury. Its removal would have a negative impact on residential amenity.
- The open space has been developed to function as public open space.

- This is the most suitable piece of open space in Foxbury, other areas are not as useable through being impacted by electricity powerlines, drainage and through their limited size/ shape. A number of these areas are not suitable to be defined as public open space in accordance with the Meath County Development Plan 2021 – 2027.
- The residents of Foxbury have funded and maintained this piece of open space for use.
- Impact on privacy due to the proposed development.

Drainage/ Flooding Issues:

- The site is subject to flooding issues – Site is located within Flood Zones A/B.
- The site is not suitable for housing in relation to the flooding issues on site.
- Measures proposed in the CFERM Study by RPS in 2026 have not been completed to date. This study is considered to be more significant/ relevant than that of the applicant.

Other Issues:

- Concern about safety, such as increased traffic, due to the proposed development – at construction and operational phases.
- Concern about potential impact on services/ infrastructure due to the proposed development.
- Concern raised about the impact on the Drogheda Waste Water Treatment Plant and potential impact on River Boyne/ Coastal Waters.
- Permitting the proposed development would result in devaluation of existing property values in the area.
- The Taking in Charge process was started in 2016 and has not been completed to date.
- Procedural issues raised such as the accuracy of details provided in the application form.
- Lack of consultation with residents and concerns raised were not addressed by the applicant.

The submitted observations are supported with photographs, site plans and other relevant details.

8.0 Assessment

8.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Nature of Development
- Impact on Residential Amenity
- Impact on the Character of the Area
- Flood Risk
- Infrastructure
- Other Issues

8.2. Nature of Development

8.2.1. The proposed development consists of the provision of three single storey houses and associated works on lands within the established urban area of Bettystown and which are zoned A1 – Existing Residential. In terms of location and in terms of strict consideration of the site zoning, the proposed development is considered to be acceptable and would provide for a good density/ form of infill development on these lands. However, the subject lands are not a greenfield or brownfield site and they clearly have a current established use which is as public open space serving the overall Foxbury area.

8.2.2. Google Street View only has one image of the subject site, which is dated April 2009, and it is clear from the available view that these lands were in use as maintained, open space at that time, with trees planted along the western side. On the morning of the site visit it was also apparent that these lands were in use for amenity purposes with a goalpost in place and a number of picture tables on these lands. The grass appeared to be well maintained.

8.2.3. The Planning Authority have identified these lands as forming part of the open space under PA Ref. 95/1408, the grant of permission for the development of these lands forming the Foxbury residential scheme and as such the proposal would be contrary to the conditions attached to this permission. The A1 – Existing Residential zoning,

allows for infill development, but its function is also to protect existing residential use including open space. I note that the Meath County Development Plan has a F1 – Open Space zoning but it is not always feasible for a development plan to differentiate/ designate every piece of open space from its original residential zoning, even if in open space/ amenity use.

- 8.2.4. As the lands were approved to be used as open space and have functioned as such for some time, I consider that the proposed development would be contrary to a previous grant of permission under PA Ref. 95/1408 and that permission should be refused for this development.

8.3. Impact on Residential Amenity

- 8.3.1. The proposed houses are considered to be acceptable in terms of floor areas, and each house has private amenity space in excess of 116sq m with acceptable rear garden depths. Each house is provided with two in-curtilage car parking spaces. The side/ southern elevation of house no. 3 is provided with windows which would provide for good passive surveillance of the adjoining open space to the south.
- 8.3.2. A number of concerns were identified in the third-party observations relating to impact on existing residential amenity arising from the proposed development. Overlooking from the proposed houses leading to a loss of privacy was raised as an issue; I am satisfied that adequate separation is provided to the rear/ east and between the existing houses to the east. The proposed units are single storey and overlooking would be limited. The proposal demonstrates that adequate side separation is provided in accordance with DM OBJ 21 of the Meath County Development Plan. The separation between proposed Unit No.2 and No.3 is also compliant with this objective.
- 8.3.3. I do not foresee any significant negative impact from overshadowing primarily due to the single-storey nature of these houses but also due to their positioning on site. The proposed houses will align with the existing units to the north, thereby retaining the building line but also reducing any potential for significant adverse overshadowing.
- 8.3.4. The loss of public open has been considered already in this report, but another issue raised was the reduction of open space to below 15% of the total site area of Foxbury. As I have already reported, there are a number of separate parcels of

open space within Foxbury, but I would question the useability of much of these and I note that Section 11.5.11 of the Meath County Development Plan states that open space 'should be designed so as to complement the residential layout and be informally supervised by residents' and a number of the parcels of open space don't comply with this. The applicant's Site Plan – Sheet Number PP-102 provides a breakdown of the site area and their calculated open space provision, and this indicates that 15% of the total site area will remain as open space. From the available information I calculate it to be marginally below that at 14.8% and if not rounded up this is reduced further.

- 8.3.5. The subject area, in use as open space, is of a good size, is useable and is provided with good passive surveillance from adjoining houses. The loss of this open space would have an adverse impact on the residential amenity of existing residents in Foxbury. A small section of open space would be retained to the front of the three proposed houses; however, this would be insufficient to function as useable open space and would be of little amenity value to residents.

8.4. Impact on the Character of the Area

- 8.4.1. I do not have any significant concern about the type of housing proposed here. Comment was made by third parties that the development would be out of character with the existing form of housing in Foxbury. I am satisfied that if permission were recommended, the final details of materials/ finishes can be agreed by way of condition with the Planning Authority. The proposed housing units are single storey and demonstrate a good integration with the existing type of houses here.

8.5. Flood Risk

- 8.5.1. The second reason for refusal as issued by Meath County Council referred to flood risk arising from the proposed development. The applicant has provided a Flood Risk Assessment (FRA) dated February 2026 in support of their application. Section 5 of this FRA provides a 'Summary of Findings and Recommendations' and the 'assessment demonstrates that the site is partially located in Flood Zone B due to being in the fluvial floodplain and in Flood Zone A and Flood Zone B due to being in the coastal floodplain from the Irish Sea.'

8.5.2. A justification test was prepared and is provided in Section 5.5 of the FRA with Table 5.1 providing the 'Development Management Justification Test'. The submitted response found that:

- The site is suitably zoned for residential development, and the proposal is for an infill scheme of three houses which is consistent with the objectives of the Meath County Development Plan and relevant Section 28 Guidelines.
- The site has been subject to site specific flood risk assessment.
- The development will not increase flood risk on adjoining lands and post development run-off is likely to be reduced compared to the existing scenario.
- Finished floor levels are above the 0.1% AEP/ Flood Zone B levels. Surface water will be attenuated to pre-development rate – no impact on adjoining lands.
- A Flood Management Plan (FMP) will be put in place to inform residents during a flood event. The proposed development does not rely on any existing or proposed flood defence scheme.
- The development has been designed to integrate with the existing housing scheme here, providing for high quality housing in accordance with the Meath County Development Plan.

The applicant has addressed this reason for refusal in their appeal statement and considers that the submitted Site Specific Flood Risk Assessment has identified the relevant issues and has proposed suitable mitigation measures, primarily the raising of floor levels

8.5.3. I note the submitted information from the applicant and that from Meath County Council. Whilst the development may be acceptable in terms of fluvial flooding, I have serious concerns about impact from coastal flooding. The site is wholly within Flood Zone B, and the site is significantly affected by Flood Zone A in terms of coastal flooding. The use of raised finished floor levels would address some areas of concern, but access to/ from these houses would remain problematic and it cannot be appropriate that new housing be provided on a site where there is a known concern about flooding. I have no information on any plans or projects that would address such concerns, though I note the Meath Environment Flooding Section have

referenced an OPW report that indicates that the site is entirely flooding in the 1% plus climate change from fluvial flooding.

- 8.5.4. From the available information, the site is clearly within a flood zone which at best is at medium risk but there is a high risk to the site from coastal flooding. I accept the information provided in the justification test, but I do not consider it appropriate that houses be provided here on a site that is clearly at significant risk from multiple forms of flooding. I recommend that permission be refused for similar reason to that issued by Meath County Council.

8.6. Infrastructure

- 8.6.1. Concern was expressed by third parties about impact on infrastructure in the area, most notably on waste water treatment. No such concerns were raised by the Planning Authority. I have accessed the Uisce Éireann Capacity Registers on the 19th of August 2026 and for Wastewater treatment, dated April 2026, there is a green indication of capacity for the Drogheda WWTP which serves Bettystown and for Water Supply, dated April 2026, there is Capacity Available - LoS improvement required. I am satisfied that the proposed development can be served by public wastewater treatment and water supply.
- 8.6.2. A number of issues to be addressed by way of further information were raised by the Meath County Council Transportation Department. I am satisfied that these issues could be addressed by way of condition if permission were to be granted. Similarly, I am satisfied that the provision of a public lighting plan can be conditioned. Concern about safety was raised by third parties, I am satisfied that a suitable traffic management plan would address such concerns during the construction phase of development.

8.7. Other Issues

- 8.7.1. Comment was made in third party submission about procedural issues including the date of placement of site notices. The Planning Authority have validated the application and from the number of submissions received, the public were adequately informed about this application and subsequent appeal.
- 8.7.2. The issues of taking in charge, site maintenance and the applicant making this application were raised. The applicant has adequately demonstrated that they have

a legal right to make the application. The issue of maintenance is noted, and I agree that the residents have done a good job ensuring that this site/ open space is useable for amenity purposes.

- 8.7.3. The issue of undesirable precedent was raised; I am satisfied that each application can be assessed on its own merits and would make consideration of relevant factors in each case. The comments on devaluation of property value is also noted; however, this is hard to quantify and is not a planning consideration in this case.

8.8. Overall Conclusion

The proposed development is located on lands that were included as open space as part of the original application for housing on these lands. Residential development generally includes a requirement for open space and the Meath County Development Plan 2021 – 2027 has a requirement that 15% of a site be allocated as open space; the proposed development would reduce the open space to less than 15% and would remove the most useable piece of open space in Foxbury. The site is also within Flood Zones A and B, and although full regard is had to the submitted Flood Risk Assessment provided in support of this application, I consider that the development is located in a high flood risk area and permission should be refused.

9.0 AA Screening

- 9.1. An AA Screening Report is submitted with the application. The report describes the development and identifies that the appeal site is not located within or directly adjacent to any Natura 2000 sites. It addresses a number of sites within a 15km catchment. The Screening Report considers whether the proposed development would have any potential impact on the qualifying interests and conservation objectives of the North West Irish Sea SPA and the Boyne Coast and Estuary SAC. I have reviewed the NPWS web site and consider that there are no other sites that would be within the zone of influence of the subject site or that have a potential hydrological link to the site.
- 9.2. The submitted AA Screening Report concludes that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the site's Conservation

Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

- 9.3. 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 any named European Site in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections

Note: I have identified some errors in the submitted AA Screening including reference to objectives in other Development Plans and inaccurate referencing of flood risk. I am satisfied that adequate information is available and as reported I have made full consideration of the latest NPWS information on designated sites.

10.0 Water Framework Directive

- 10.1. The Donacarney Little watercourse is located approximately 345m to the west of the subject site and there is no direct hydrological connection between the subject site and this watercourse. The shoreline of the Irish Sea is approximately 333m to the east of the subject site. Existing urban development, the R191 road and a golf course provide a buffer between the subject site and the shore.
- 10.2. I have assessed the development 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 & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. I have undertaken a WFD Impact Assessment Stage 1: Screening and which is included in Appendix 4 after my report. This assessment considered the impact of the development on:

- Donacarney Little

- Bettystown Ground Waterbody

10.3. The impact from the development was considered in terms of the construction and operational phases. Through the nature of the development, and the provision of suitable mitigation measured especially during the construction phase, all potential impacts can be screened out. The proposed development is for a small development of three houses located to the northern side of Bettystown, and which will be connected to the public foul drainage and water supply systems. These have adequate capacity according to the Uisce Éireann Capacity Registers when checked on the 19th of August 2026.

Conclusion

10.4. 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.

11.0 Recommendation

I recommend that planning permission should be refused for the following reasons.

12.0 Reasons and Considerations

1. Whilst the proposed development of three houses and associated works is located on lands zoned A1 – Existing Residential in the Meath County Development Plan 2021 – 2027, having regard to the planning history of the site, in particular, the development of the Foxbury residential development and the long established use of this part of the site as open space serving the overall development as granted by PA Ref. 95/1408, it is considered that the proposed development would seriously injure the residential amenity of existing residents by reason of loss of open space. The development would also result in a reduction in the quantum of open space serving Foxbury to less than 15% which is contrary to DM OBJ 26 of the Meath County Development Plan 2021 – 2027 and much of the remaining open space provided

would not be of a useable quality for amenity purposes. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development is in an area which is at risk of both fluvial, to medium risk, and coastal flooding, to a medium to high risk status. Whilst the applicant has provided a Site Specific Flood Risk Assessment including a Justification Test in accordance with the Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009), the Commission is not satisfied, on the basis of the information lodged with the planning application and in response to the appeal, that the proposed development would not give rise to a heightened risk of flooding either on the proposed development site itself, or on other lands. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Paul O'Brien

Inspectorate

19th August 2026

Appendix 1: Form 1

EIA Pre-Screening

Case Reference	PL-501330-MH-26
Proposed Development Summary	3 dwellings, new boundary treatments and alterations to existing footpath and road and all associated site works
Development Address	Foxbury, Golf Links Road Bettystown, 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☒ 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?	
☒ Yes, the proposed development is of a Class but is sub-threshold.	Part 2 - Class 10. Infrastructure projects (b) (i) Construction of more than 500 dwelling units. – subthreshold – only 3 units proposed. (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. – subthreshold – Site area is only 0.190 hectares.

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)?	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2: Form 2

- EIA Preliminary Examination

Case Reference	
Proposed Development Summary	3 dwellings, new boundary treatments and alterations to existing footpath and road and all associated site works
Development Address	Foxbury, Golf Links Road Bettystown, 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, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The proposed development consists of • Three houses. • Revised road layout, car parking and site landscaping. Materials and construction methods would be typical of a project of this nature. Nuisance may occur due to noise, dust and construction vehicles but would be short term. Potential for increased flood risk due to location of the site within Flood Zone A/B.
Location of development (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	The development is located on lands that are currently in use as public open space within the Foxbury residential development which is located to the north of Bettystown. There are no designated sites within or adjacent to this site.

of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	
Types and characteristics of potential impacts	Having regard to the modest 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.
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. The proposed development has been subject to preliminary examination for environmental impact assessment. 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.

Inspector: _____ **Date:** _____

Appendix 3: Standard AA Screening Determination Template 2

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-501330-MH-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	The provision of three dwellings, new boundary treatments and alterations to existing footpath and road and all associated site works.
Brief description of development site characteristics and potential impact mechanisms	The subject site area of 0.19 hectares is currently in use as part of the open space serving the Foxbury housing development to the northern side of Bettystown, Co. Meath. The land is under grass, is located in an established urban area and is served by road, water supply and public foul drainage system. Foul drainage is treated at the Drogheda WWTP which the Uisce Éireann Capacity Register indicates has capacity to serve this development. The site is located within Flood Zone B for Fluvial Flooding and Flood Zones A/ B for Coastal Flooding.
Screening report	Yes – Appropriate Assessment Screening Report – August 2025.
Natura Impact Statement	No
Relevant submissions	None
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	

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
North West Irish Sea SPA (Site Code 004236)	• Red-throated Diver [A001] • Great Northern Diver [A003] • Fulmar [A009] • Manx Shearwater [A013] • Cormorant [A017] • Shag [A018] • Common Scoter [A065] • Black-headed Gull [A179] • Common Gull [A182] • Lesser Black-backed Gull [A183] • Herring Gull [A184] • Great Black-backed Gull [A187] • Kittiwake [A188] • Roseate Tern [A192] • Common Tern [A193] • Arctic Tern [A194] • Guillemot [A199] • Razorbill [A200] • Puffin [A204] • Little Gull [A862] • Little Tern [A885]	333m to the east of the site.	• Surface water. • Wastewater will go via the public foul drainage system, to be treated at the Drogheda Wastewater Treatment Plant before discharge. • Air & Noise Impacts through construction and increased traffic during	N – No watercourses on site, surface water will be discharged through SuDs and existing surface water drainage on site. N – Will be treated and potential for significant effects is unlikely. N – Due to distance from the site and also due to the small scale

	(NPWS, September 2023)		the operational phase.	nature of this development.
Boyne Coast and Estuary SAC (Site Code 001957)	• Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows [1330] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] (NPWS, October 2012)	373m to the east of the site.	• Surface water to River Boyne • Wastewater will go via the public foul drainage system, to be treated at the Drogheda Wastewater Treatment Plant before discharge. • Air & Noise Impacts through construction and increased traffic during	N – No watercourses on site, surface water will be discharged through SuDs and existing surface water drainage on site. N – Will be treated and potential for significant effects is unlikely. N – Screen out due to distance and small scale nature of this development.

			the operational phase.	
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> 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		
North West Irish Sea SPA (Site Code 004236) QIs as above.	Direct: None. Indirect There is an indirect hydrological connection via surface and foul water drainage to the public sewer network which will be treated at the Drogheda WWTP prior to discharge to the North West Irish Sea.	Foul Water/ Effluent will be treated to the required standard prior to outfall to the extensive marine environment, no significant effects on this SPA are foreseen during construction or operation via surface and foul water proposals. No potential impact is foreseen. There is no direct connection from this site to the SPA. The construction and operation of the proposed development will not impact on the conservation interests of the designated site.		
	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		

Boyne Coast and Estuary SAC (Site Code 001957)	Direct: None. Indirect There is an indirect hydrological connection via surface and foul water drainage to the public sewer network which will be treated at the Drogheda WWTP prior to discharge to the North West Irish Sea.	Foul Water/ Effluent will be treated to the required standard prior to outfall to the extensive marine environment, no significant effects on this SPA are foreseen during construction or operation via surface and foul water proposals. No potential impact is foreseen. There is no direct connection from this site to the SPA. The construction and operation of the proposed development will not impact on the conservation interests of the designated site.
	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) would not result in likely significant effects on the North West Irish Sea SPA (Site Code 004236) or on the Boyne Coast and Estuary SAC (Site Code 001957). 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.		

Appendix 4: WFD IMPACT ASSESSMENT STAGE 1: SCREENING							
Step 1: Nature of the Project, the Site and Locality							
An Coimisiún Pleanála ref. no.		ACP-501330-MH-26		Townland, address		Foxbury, Golf Links Road Bettystown, Co. Meath	
Description of project				3 dwellings, new boundary treatments and alterations to existing footpath and road and all associated site works			
Brief site description, relevant to WFD Screening				Site is in use as public open space and is under grass.			
Proposed surface water details				SuDS measures to be implemented by the developer in the engineering and landscaping design.			
Proposed water supply source & available capacity				For Bettystown, for water supply there is ‘Capacity Available - LoS improvement required’ – dated April 2026.			
Proposed wastewater treatment system & available capacity, other issues				For Bettystown, including the subject site, in terms of wastewater treatment there is a ‘Green’ indication of available capacity – dated April 2026 for the Drogheda WWTP.			
Others?				N/A			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk,	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off,	Mitigation Measures Proposed	Is mitigation sufficient? Will there be any

			review, not at risk		drainage, groundwater)		residual impacts?
Groundwater	0m Bettystown (IE_EA_G_016)	Poor	At Risk	Chloride and Pesticides	Groundwater	SuDS Measures as part of the development	Yes, no residual impacts expected.
Watercourse	345m to the west Donacarney/ Betaghstown_010	Poor	Review	Unknown	Surface water run-off/ Drainage – Unlikely due to distance.	Suitable foul drainage system and treatment in public system.	Yes, no residual impacts expected.