

**MWP**

**Statement in Accordance with the  
Planning and Development Regulations  
2001 (as amended)**

**Residential Development at Broomhill Road,  
Tallaght, Dublin 24**

**Garyaron Homes Ltd**

**May 2022**

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# 1. Introduction

## 1.1 Background

Malachy Walsh and Partners Engineering and Environmental Consultants (MWP) has been engaged by John Fleming Architects (JFA), under the appointment of the Applicant, Garyaron Homes Ltd, to prepare this statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 (as amended) (hereafter referred to as the ‘planning regulations’) in relation to the proposed Strategic Housing Development (SHD) (hereafter referred to as the ‘proposed development’) at Broomhill Road, Tallaght, Dublin 24.

This statement is part of the information provided by the Applicant to South Dublin County Council (SDCC). It is provided so that SDCC may have regard to the nature and purpose of the proposed development and of its possible effects on the environment in accordance with European Union Legislation other than the Environmental Impact Assessment Directive.

This statement should be read in conjunction with three other documents prepared by MWP, namely, the Screening for Environmental Impact Assessment (EIA) Report, the Screening for Appropriate Assessment (AA) Report, and the Ecological Impact Assessment (EclA) Report. Other documents that should be consulted include the Bat Assessment Report prepared by Bat Eco Services, the Flood Risk Assessment Report by JBA Consulting, the Noise Impact Assessment Report and the Construction Environmental Management Plan, both by AWN Consulting, and the Traffic Assessment Report by NRB Consulting Engineers.

## 1.2 Policy Context

As outlined in the EIA Screening Report, the proposed development does not meet the thresholds that would require a mandatory EIA under the planning regulations. The site of the proposed development has an area of approximately 1.4 hectares and will comprise 242 no. apartment units with commercial space and amenities. Therefore, an EIA is not a mandatory requirement as the proposed development does not fall under the criteria set out in Schedule 5 of the Planning and Development Regulations 2001 (as amended), as well as Section 50 of the Roads Act 1993 (as amended) (see **Table 1**, below).

**Table 1. Summary of mandatory legislative requirements for Environmental Impact Assessment Screenings**

Mandatory	Screening Assessment	Mandatory Criteria Met?
Part 2 of Schedule 5 (10)(b)(i) Construction of more than 500 dwelling units.	The proposed development does not exceed the specified thresholds.	No
Part 2 (10) (b) (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.	The proposed development does not exceed the specified thresholds.	No

Therefore, the proposed residential development at Broomhill Road has been identified as being sub-threshold.

Articles 299B and 299C of the Planning and Development Regulations 2001 (as amended) prescribe the requirements for sub-threshold developments where no screening determination was made under Section 7 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended).

Where an application for a sub-threshold development is not accompanied by an Environmental Impact Assessment Report (EIAR), Article 299B(1)(b)(ii)(II) of the Planning Regulations states:

*“(b) (ii) Where the Board concludes, based on such preliminary examination, that—*

*(II) there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall satisfy itself that the applicant has provided to the Board:*

*(A) the information specified in Schedule 7A,*

*(B) any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, and*

*(C) a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.”*

The information required by sub-paragraphs (A) and (B) of Article 299B(1)(b)(ii)(II) is contained in the Screening for EIA report prepared by MWP and enclosed with the application. The information required by sub-paragraph (C) of Article 299B(1)(b)(ii)(II) is contained in this standalone statement.

## **2. Project Description**

The proposed Broomhill Road development site has a total red line area of approximately 1.4 hectares and is bounded to the north by Broomhill Terrace, to the west by Broomhill Road, and to the south and east by industrial units. The project will involve the demolition of approximately 4,319.9 metres<sup>2</sup> of existing buildings followed by the construction of a new residential and mixed-use scheme of 242 no. apartment units. The gross floor area of construction is expected to be 22,499.9 metres<sup>2</sup>. The development will include 96 no. 1-bed apartments, 141 no. 2-bed apartments, and 5 no. 3-bed apartments distributed over five blocks as follows:

- Block A (5 storeys): 40 no. apartments (4 no. 1-bed, 31 no. 2-bed & 5 no. 3-bed units) (4,105 metres<sup>2</sup>)
- Blocks B and C (7 storeys): 102 no. apartments (45 no. 1-bed & 57 no. 2-bed units) (9,212.9 metres<sup>2</sup>)
- Block D (5 - 7 storeys): 36 no. apartments (16 no. 1-bed & 20 no. 2-bed units) (3,778 metres<sup>2</sup>)
- Block E (4 - 5 storeys): 64 no. apartments (31 no. 1-bed & 33 no. 2-bed units) (5,404 metres<sup>2</sup>)

Each apartment unit will have a private open space of either a balcony or terrace. The proposed development will also provide a total of 136 no. car parking spaces at ground floor level (including 7 no. accessible spaces at surface level) and 426 no. bicycle spaces (resident and visitor). A childcare facility/ crèche of approximately 465 metres<sup>2</sup> will be constructed at ground level within Block D, while a café measuring approximately 50.9 metres<sup>2</sup> will be installed at the ground floor of Block C. Residential amenity areas will be provided within the ground floors of Blocks B and C and will include the following (with approximate area measurements):

- Reception (125.1 metres<sup>2</sup>)
- Resident lounge (45 metres<sup>2</sup>)
- Letting office (11.8 metres<sup>2</sup>)
- Rentable room/studio space (39 metres<sup>2</sup>)
- Public gym (128.5 metres<sup>2</sup>)
- Public co-working space (128.4 metres<sup>2</sup>)

A communal open space measuring 1,797.4 metres<sup>2</sup> is proposed in the form of 2 no. roof top terraces at Blocks D and E, courtyard space at ground level, outdoor seating with areas of hard landscape, lawns and tree planting using a mix of native and ornamental tree and shrub species. Also proposed is the provision of 1,400 metres<sup>2</sup> of

landscaped public open spaces that include outdoor seating, paved areas, a lawn area, play areas and further outdoor seating to the front of the proposed café at Block C.

The development shall be served via a new vehicular access point from Broomhill Road. Upgrade works are proposed to the vehicular access point to facilitate the proposed development and to provide for improved access and egress for the overall development. New pedestrian and cyclist access points will be provided on to Broomhill Drive from the site. The associated site and infrastructural works include provision for water services; foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works; boundary treatment; internal roads and footpaths; waste storage areas and electrical services and all associated site development works.

## **2.1 Project Purpose**

The proposed development will assist in addressing the current national housing need crisis, balancing the need for increased density while being cognisant of existing residential amenities. The proposed development design will create high quality public open space including areas of pocket parks, play facilities, areas for passive and active recreation and social/community interaction. This strategy aims to form a residential and public realm space which fulfils the criteria of South Dublin County Council Local Area Plan of Council 2016-2022.

## **3. Statement on Environmental Assessments**

The following sub-sections list the EU Directives relevant to the proposed project and outlines the environmental assessments undertaken in accordance with each directive.

### **3.1 European Union Legislation**

Given the type of development proposed, the following EU Directives have been considered in this statement:

- Directive 92/43/EEC, Habitats Directive; and Directive 2009/147/EC, Birds Directive;
- Directive 2014/52/EU, EIA Directive;
- Directive 2007/60/EC, Floods Directive;
- Directive 2002/49/EC, Environmental Noise Directive;
- Directive 2000/60/EC, Water Framework Directive; and
- Directive 2008/50/EC, Clean Air for Europe Directive

#### **3.1.1 Habitats Directive (Directive 92/43/EEC) and Birds Directive (Directive 2009/147/EC)**

The Habitats Directive (92/43/EEC) seeks to conserve natural habitats and wild fauna and flora through the designation of Special Areas of Conservation (SACs), while the Birds Directive (2009/147/EC) seeks to protect birds of special importance through the designation of Special Protected Areas (SPAs). It is the responsibility of each member state to designate SPAs and SACs, both of which form part of a network of protected sites, called Natura 2000 sites, throughout the European Community.

##### **3.1.1.1 Screening for Appropriate Assessment**

Article 6.3 of the Habitats Directive 92/43/EEC requires that a screening for appropriate assessment of a proposed development be carried out prior to issuing consent to assess if that development, individually or in combination

with other plans or projects, is likely to have a significant effect on a Natura 2000 site in view of best scientific knowledge and the sites conservation objectives. There are nine Natura 2000 sites located within the zone of potential impact influence (15 km) of the proposed development site at Broomhill Road as listed in **Table 2**, below.

**Table 2. Natura 2000 sites located within the zone of potential impact influence of the proposed development**

Designated Site	Site Code
Glenasmole Valley SAC	001209
Wicklow Mountains SAC	002122
Rye Water Valley/Carton SAC	001398
South Dublin Bay SAC	000210
Knocksink Wood SAC	000725
North Dublin Bay SAC	000206
Wicklow Mountains SPA	004040
South Dublin Bay and River Tolka Estuary SPA	004024
North Bull Island SPA	004006

Owing to the already highly modified nature of the proposed development site and its location within the urban fabric of Tallaght, and considering the lack of plausible hydrological or ecological pathways between the site and any Natura 2000 site, the Screening for Appropriate Assessment concluded that significant impacts on the nine Natura 2000 sites listed in **Table 2**, above, can be excluded.

### 3.1.1.2 Bat Assessment

All species of bat found in Ireland are listed as Annex IV species protected under the EU Habitat’s Directive, while lesser horseshoe bat (*Rhinolophus hipposideros*) is also listed as an Annex II species, providing it with further protection. To assess the potential impact of the proposed development on local bat populations, surveys were carried out and a Bat Assessment report was prepared by Eco Bat Services.

Three species of bat were recorded within the survey area, namely Leisler’s bat (*Nyctalus leisleri*), soprano pipistrelle (*Pipistrellus pygmaeus*), and common pipistrelle (*Pipistrellus pipistrellus*), and the proposed development site was found to be of low-level use as foraging and commuting habitat for bats. However, no bat roosts were recorded in the existing on-site warehouses/industrial units, and the overall levels of bat activity were low with little suitable bat habitat present. Consequently, the Bat Assessment carried out by concluded that the proposed development site at Broomhill Road has ‘Negligible geographic scale of importance for local bat populations’ and that the proposed residential development is ‘considered to have a scale of impact of Imperceptible impact’ on bat species.

### 3.1.1.3 Ecological Impact Assessment

The proposed development site lies within a built-up area that is predominantly made up of modern commercial/light-industrial premises and associated paved surfaces including tarmac/concreted yards, pathways/road surface that are of little ecological value. There are minor pockets of species-poor managed grassland, non-native shrub and grassy verges around the edge of the site, and small areas of native and non-

native tree species along the site’s western border. No evidence of terrestrial mammals was recorded on-site during the ecological walkover survey and the nearest watercourse is over 200 metres south of the site boundary. The habitats occurring within the site and surrounds are not of any great ecological value for birds.

Construction of the proposed residential development will require the felling of trees and/or clearance of vegetation from most of the site in addition to increased levels of human activity and machinery. Additionally, once operational, the development will create an increase in noise, traffic and lighting within the area. However, as discussed in the previous paragraph and as set out in the EclA, the proposed development site has little ecological merit in its current state and the project’s construction and operation will not result in significant adverse ecological effects to the area. Furthermore, extensive soft landscaping is proposed as part of the project. Planting of mature and semi-mature trees, amenity planting, and hedgerow will enhance biodiversity by providing valuable habitat for a variety of urban fauna. The proposed planting will compensate for loss of low-value semi-natural habitat within the site and will result in an overall increase in vegetation cover and tree/shrub species diversity within the site.

### 3.1.2 Directive 2014/52/EU, EIA Directive

EIA requirements derive from Council Directive 85/337/EEC (as amended by Directives 97/11/EC, 2003/35/EC and 2009/31/EC) and as codified and replaced by Directive 2011/92/EU of the European Parliament and the Council on the assessment of the effects of certain public and private projects on the environment. EIA Directive 2014/52/EU, amends Directive 2011/92/EU (hereafter referred to as the ‘EIA Directive’).

The EIA Directive requires an environmental assessment to be carried out prior to granting development consent for projects considered likely to have a significant effect on the environment.

As outlined in the Screening for EIA Report, based on the size and design, the proposed development does not meet the thresholds requiring a mandatory EIA under the Planning and Development Regulations 2001 (as amended). Since the proposed development site measures approximately 1.4 hectares in area and will comprise 242 no. apartment units, it does not fall under the criteria set on in Schedule 5 of the Planning and Development Regulations 2001 (as amended) nor Section 50 of the Roads Act 1993 (as amended) (refer to **Table 3**, below), and therefore an EIA is not a mandatory requirement.

**Table 3. Summary of the Mandatory Legislative Requirements for Environmental Impact Assessment Impact Screening**

Mandatory	Screening Assessment	Mandatory Criteria Met?
Part 2 of Schedule 5 (10)(b)(i) Construction of more than 500 dwelling units.	The proposed development does not exceed the specified thresholds.	No
Part 2 (10) (b) (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.	The proposed development does not exceed the specified thresholds.	No

The proposed development was also further assessed in accordance with the regulated criteria for determining whether or not a development would or would not be Likely to have Significant Effects on the Environment as specified in Annex III of the EIA Directive 2011/92/EU (as amended by 2014/52/EU).

Having regard to the characteristics of the proposal in consideration of the size, nature, location and characteristic of the potential impacts, it is considered that the proposed development would not introduce any new or additional effects of a significant or adverse nature such as to have a significant effect on the environment or warrant an EIA.



### **3.1.3 Directive 2007/60/EC, Floods Directive**

The goal of the Floods Directive (2007/60/EC) is for the establishment of a flood risk framework within the European Union (EU) that aims to reduce any adverse impacts to economies, environments and human health as a result of flooding events. Each EU member state is required to assess whether their watercourses and coastlines are at risk of flooding and, if so, to map the flood extent and take adequate and coordinated measures to reduce the risk. The Floods Directive was transposed into Irish law by EU (Assessment and Management of Flood Risks) Regulations under Statutory Instrument No. 122 of 2010, as amended by Statutory Instrument No. 495 of 2015.

There are no watercourses located within the proposed development site. A tributary of the River Poddle called the Tymon River is the nearest watercourse to the development site and is situated approximately 220 metres due south running from west to east. Approximately one kilometre south of the site is the Tallaght Stream which is a tributary of the Dodder River.

JBA Consulting undertook a Flood Risk Assessment (FRA) for the proposed development site and identified it as being located within Flood Zone B with a low probability of flooding. Hydraulic modelling, that includes the Tymon River, the surface water network, and the local topography suggests an overland flow route of surface water in a southerly direction towards the Tymon River, entering via the southwest corner of the site. The site design of the proposed development means the overland flow route will be maintained within the site boundary. Flow will enter the site via the vehicular entrance containing pervious car parking spaces where any excess surface water can enter the surface water network. The car parking area is the lowest lying part of the site so all surface water on the site will be directed towards this area, as well as the open green spaces.

The proposed minimum floor level for the site places the development above the 0.1% Annual Exceedance Probability (AEP) pluvial event plus an additional 150-millimetre freeboard. This level also protects the development from the 1% AEP climate change flood event. The residual risk of drainage system design exceedance or the impacts of future climate change will also be lessened due to the freeboard of the development and the slope of the proposed development towards open spaces and the car parking areas.

The Justification Test was applied and passed as the development can manage the risk to itself and surrounding lands.

### **3.1.4 Directive 2002/49/EC, Environmental Noise Directive**

Directive 2002/49/EC is the EU legislative instrument that aims to form a common framework within the EU to assess and manage environmental noise and the adverse effects that it may incur. The Directive was adopted on 25 June 2002, and came into force on 18 July 2002. The Noise Directive was transposed into Irish law by the Environmental Noise Regulations 2006 - S.I. No. 140/2006.

The Environmental Noise Directive has two objectives:

- Art. 1(1) - Achieve a common European approach to avoid, prevent or reduce the effects of exposure to environmental noise harmful for health, which includes annoyance; and
- Art. 1(2) – to provide a basis for developing Community measures to reduce noise emitted by major sources, in particular road and rail vehicles and infrastructure, aircraft, outdoor and industrial equipment and mobile machinery.

As detailed in the Screening for EIA Report, the construction phase of the proposed residential development will be carried out in accordance with the Construction and Environmental Management Plan (CEMP) prepared by AWN Consulting. The CEMP outlines various standard best practice measures that will be employed during construction to ensure any environmental noise emissions will be limited, although, it is noted that the proposed development site is located within the urban fabric of Tallaght where background noise levels are not insignificant.

It is assumed noise and vibration limits will be outlined within the noise and vibration management section of the CEMP and agreed with South Dublin County Council prior to the commencement of construction. These limits will be adhered to at all times during construction of the proposed development and consequently, no significant effects on sensitive receptors are anticipated.

The Traffic Assessment Report by NRB Consulting Engineers concluded that the proposed development will have 'an absolutely negligible impact upon the established local traffic conditions'; therefore, no significant noise effects from additional traffic accessing the proposed development are anticipated during the operational phase of the proposed development.

No additional noise assessments of the proposed development were deemed necessary in relation to the Noise Directive.

### **3.1.5 Directive 2000/60/EC, Water Framework Directive**

The EU Water Framework Directive (2000/60/EC) requires all Member States to protect and improve their water quality in order to achieve a 'good' ecological status by 2015 or, at the latest, by 2027. The Directive was given legal effect in Ireland by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003) and is applicable to rivers, lakes, groundwater, and transitional coastal waters. The Directive requires that management plans be prepared on a river basin basis and specifies a structured methodology for developing these plans. As established in **Section 3.1.3**, above, there are no watercourses located within the proposed development site - the nearest is the Tymon River located 220 metres to south of the development boundary.

The Screening for AA Report concludes that although there is a tenuous indirect hydrological link between the proposed development site and four Natura 2000 sites, namely North Dublin Bay SAC, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA, via proposed connections to the existing public foul sewer and storm water network, significant impacts to the water quality of these sites arising from the construction and/or operation of the proposed development are unlikely to occur. On-site temporary welfare facilities will be maintained accordingly by an approved and permitted contractor who will remove effluent to a licenced facility for disposal. Water run-off generated during the construction phase will be controlled at source by the appointed contractor. Significant effects to water quality are not envisaged due to the absence of any watercourses from the proposed development site, the contained nature of the site within an already highly modified, urban area and because of the tenuity of the indirect hydrological connection with Dublin Bay.

As outlined in the Screening for EIA Report, wastewater generated during the proposed development's operation will be discharged to the existing public foul system from where it will be released to Ringsend Urban Wastewater Treatment (UWWT) plant for secondary treatment. Currently, this plant does not have the capacity to effectively treat the wastewaters that the proposed development will generate once operational. However, upgrade works to Ringsend UWWT plant are ongoing and it is anticipated that the plant will be discharging treated effluent in compliance with parameters set out in the discharge licence by late 2023 (based on a load of 2.1 million PE<sup>1</sup>), with the overall plant upgrade works expected to be completed in 2025<sup>2</sup>. Therefore, should planning be granted, the proposed development is unlikely to be constructed and fully operational before the Ringsend upgrades are completed, thereby removing the potential for significant cumulative impacts to water quality.

While it is noted that the proposal has incorporated several standard construction industry best-practice sustainable drainage systems (SuDS) mechanisms, due to the absence of a direct impact pathways between the proposal site and any watercourses, significant effects to water quality are not likely. The use of accepted SuDS measures which are built into the design of the proposed development, including attenuation proposals, green roofs and significant amounts of green public open space and green routes, will ensure negative effects to water quality do not arise from surface water run-off when the proposed development is established. Furthermore,

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<sup>1</sup> Defined using population equivalent value (P.E.)

<sup>2</sup> [090151b2807d3b9b.pdf \(epa.ie\)](https://www.epa.ie/publications/default.aspx?category=2&sub=1&file=090151b2807d3b9b.pdf) [Accessed: 27<sup>th</sup> April 2022]

implementation of construction industry best practice guidelines (Construction Industry Research and Information Association – CIRIA guidance) and the implementation of the detailed finalised CEMP will also serve to reduce the likelihood of potential impacts on the water environment of the proposed development site.

Therefore, having regard to the characteristics of the proposal in consideration of the size, nature, location and characteristic of the potential impacts, it is concluded that significant water quality effects are not likely to arise due to the construction and/or operation of the proposed development as to have a significant effect on the environment or to warrant an EIA.

### **3.1.6 Directive 2008/50/EC, Clean Air for Europe Directive**

The Clean Air for Europe (CAFE) Directive defines objectives for ambient air quality designed to avoid, prevent or reduce harmful effects on human health and the environment as a whole. It sets out measures for the assessment of ambient air quality in Member States as well as for obtaining information on ambient air quality to help combat air pollution and nuisance. The CAFE Directive aims at increasing cooperation between the Member States in reducing air pollution. The CAFE Directive was transposed into Irish Law by the National Air Quality Standards Regulations - S.I. No. 180 of 2011.

The main air quality impacts from the proposed development will be associated with dust generation during site preparation and construction works. The implementation of best management practices, however, will minimise the generation of dust during the construction phase. With the adoption of these measures, it is anticipated that the dust produced would not cause a significant effect on the environment. The construction works will be managed in accordance with a Construction Waste Management Plan to minimise the potential effects on air quality from construction.

During the operational phase, the main air emissions will be from road traffic accessing the proposed development site. A traffic impact assessment has been prepared by NRB Consulting Engineers which indicates that the proposed development will have a minimal impact upon the established local traffic conditions and can easily be accommodated on the existing road network without significantly contributing to congestion in the area; therefore, significant effects on existing air quality conditions from additional traffic during the operational phase is not anticipated.

During both the construction and operational phase, additional traffic on the existing road network will likely release minor emissions of greenhouse gases to the atmosphere from truck movement and the operation of site construction equipment during the construction phase, as well as vehicles accessing the proposed development; however, a significant effect is not considered likely given the scale and size of the proposed development. Moreover, the proposed development has been designed to include measures to encourage sustainable travel and to protect air quality such as the proposed provision of significantly enhanced cyclist and pedestrian links.

No additional assessments of the proposed development was considered to be required in relation to the CAFE Directive. The proposed development will be residential in nature and is not expected to produce any significant emissions once operational.

## **4. Summary**

This Statement in Accordance with Planning and Development Regulations 2001 (as amended) outlines how effects on the environment pursuant to European Union legislation have been considered. This Statement, in conjunction with the relevant referenced reports and assessments, determines that the proposed residential development at Broomhill Road in Tallaght is unlikely to result in significant environmental effects.

