

PETER SWEETMAN & ASSOCIATES

c/o Monica Muller

Rosspart South

Ballina

Co. Mayo

Please communicate by email to
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EPA

Johnstown Castle

Wexford

2012-03-18

info@epa.ie

P0930-01 Mr Francis McCluskey Drumully, Smithboro, Co. Monaghan

Dear Sir/Madam

We have been instructed by the Directors of the Swans and the Snails Ltd c/o Monica Muller, Rosspart South, Ballina, County Mayo to make a submission to the above application.

It is settled case law of the European Court of Justice that Plans/Projects which exceed the thresholds for Environmental Impact Assessment must be subject to Environmental Impact Assessment.

The Environmental Impact Assessment Directive as amended states at;

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

17. Installations for the intensive rearing of poultry or pigs with more than:

- (a) 85 000 places for broilers, 60 000 places for hens;
- (b) 3 000 places for production pigs (over 30 kg); or
- (c) 900 places for sows.

The PLANNING AND DEVELOPMENT REGULATIONS 2001-600 states;

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

places for poultry.

(ii) Installations for intensive rearing of pigs not included in Part 1 of this Schedule which would have more than 2,000 places for production pigs (over 30 kilograms) in a finishing unit, more than 400 places for sows in a breeding unit or more than 200 places for sows in an integrated unit.

Circular PD 6/08 states:

The case law of the European Court of Justice makes it clear that administrative bodies such as planning authorities and An Bord Pleanála, being emanations of the State, are bound to comply with Community law and if necessary to disapply national law.

It is impossible so see any legal reason for granting this licence without an Environmental Impact Assessment.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Sweetman', with a stylized flourish at the end.

Peter Sweetman

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