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P0899-01, Mr Tom OSullivan, South Cappa, Foynes, County Limerick, Limerick.

Dear Sir/Madam

We have been instructed by the Directors of the Swans and the Snails Ltd c/o Monica Muller, Rosspoint South, Ballina, County Mayo to appeal the above Proposed Determination.

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 development for which this application applies is for a capacity of **66.000** places.

As the capacity exceeds **40,000** places, Environmental Impact Assessment is mandatory.

Circular PD 6/08 states:

**Applications awaiting determination**

It is understood that some planning authorities may have incorrectly taken the view that they must comply with and operate the relevant planning legislation as it currently stands, and therefore have to continue to make decisions on EIA/retention applications. **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.**

As SI 2001-600 PLANNING AND DEVELOPMENT REGULATIONS 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.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Sweetman', with a stylized, flowing script.

Peter Sweetman

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