

Objection

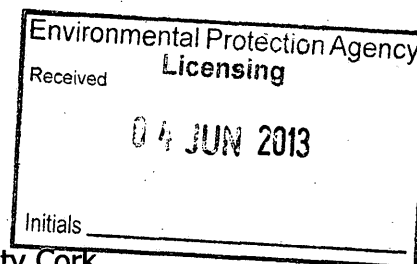
PETER SWEETMAN & ASSOCIATES

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EPA
Johnstown Castle
Wexford

2012-06-03



RE; P0944-01 Mr Michael O'Hea Woodfield, Clonakilty, County Cork,

Dear Sir/Madam

The inspector found;

The screening assessment undertaken demonstrates that the activity is not likely to have significant effects, in terms of maintaining favourable conservation status of the qualifying interests, on the European Sites having regard to their conservation objectives, due to the nature and scale of the activity, in addition to the results of ambient monitoring downstream, which show no impact from existing discharges from the installation on the receiving waters. Therefore, on the basis of the screening undertaken, the Agency determined that an Appropriate Assessment was not required in this case.

This is now the wrong test, the test is as set out in the opinion of the Advocate General in case such 256/11 point 46;

*Each of those versions suggests that the test is set at a lower level and that the question is simply whether the plan of project concerned **is capable of having an effect**. It is in that sense that the English 'likely to' should be understood.*

Without the details of where the waste manure is being disposed of it is not possible to come to a collusion that the development **is not capable of having an effect**.

The sections headed Environmental Impact Assessment Directive(85/337/EEC) and Environmental Impact Assessment (EIA) are so far outside the law as interpreted the CJEU in case 50/09 (copy attached) and Section 171A of the planning Acts, and totally fail to address the Guidelines published by the Minister in March 2013 (copy attached).

Yours faithfully

A handwritten signature in cursive script, appearing to read 'Peter Sweetman'.

Peter Sweetman and Swans and the Snails Ltd
PLEASE CORRESPOND BY EMAIL **ONLY**