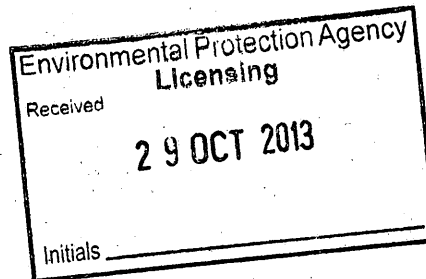


065 ①.

PETER SWEETMAN & ASSOCIATES
ROSSPORT SOUTH
BALLINA
COUNTY MAYO
sweetmanplanning@gmail.com

Environmental Protection Agency
Johnstown Castle
Wexford



2013-10-29

RE: P0941-01

Dear Sir/Madam

This is an appeal against the Proposed Decision in P0941-01. It does not concern condition.

The inspector's report states:

An EIA, as respects the matters that come within the functions of the Agency, has been carried out in accordance with Section 83(2A) of the EPA Acts, as detailed below.

Consultation was carried out between Monaghan County Council and the Agency in accordance with Section 87(1)(f) of the EPA Acts. The planning authority confirmed that the decision to grant permission had not been appealed by any party to An Bórd Pleanála. The planning authority also confirmed that they had "no objections in respect of an IPPC licence being granted in respect of the above development"

No EIA was carried out or purported to have been carried out by Monaghan County Council.

The judgement in Case 50/09 states;

Article 2(1) of Directive 85/337 thus states that the environmental impact assessment must take place „before the giving of consent“. That entails that the examination of a project's direct and indirect effects on the factors referred to in Article 3 of that directive and on the interaction between those factors be fully carried out before consent is given.

by failing to ensure that, where Irish planning authorities and the Environmental Protection Agency both have decision-making powers concerning a project, there will be complete fulfilment of the requirements of Articles 2 to 4 of Directive 85/337, as amended by Directive 2003/35.

Ireland has failed to fulfil its obligations under that directive;

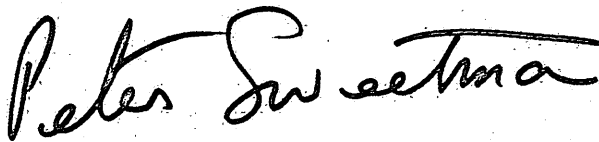
The judgement in Case 50/09 states at;

3 Under Article 2(1) to (2a) of Directive 85/337:

„(1) Member States shall adopt all measures necessary to ensure that, before consent is given, projects likely to have significant effects on the environment by virtue inter alia, of their nature, size or location are made subject to an assessment with regard to their effects. These projects are defined in Article 4.

**THE DECISION TO GRANT A LICENCE FOR THIS DEVELOPMENT IS
FUNDEMENTLT FLAWED IN LAW AS NO EIA HAS BEEN CARRIED OUT ON
THE DEVELOPMENT.**

Yours faithfully

A handwritten signature in black ink that reads "Peter Sweetman". The signature is fluid and cursive, with the first name "Peter" and last name "Sweetman" clearly distinguishable.

Peter Sweetman

Please respond by email to sweetmanplanning@gmail.com

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