

Sonja Smith

From: Licensing Staff
Sent: 16 June 2014 12:21
To: Sonja Smith

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Sent: 16 June 2014 12:09

To: Licensing Staff

Subject: New Third Party objection entered for Reg no: P0945-02. (Reference Number: P0945-02-140616120850)

Importance: High

Objection submitted on: 16/06/2014 12:08

Title: Mr

First Name: Peter

SurName: Sweetman

Organisation Name:

Address Line 1: Rossport South

Address Line 2: Ballina

Address Line 3:

County: Mayo

Post Code: 0000

Email: [REDACTED]

Objector Type: Third Party

Oral Hearing: No

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PETER SWEETMAN & ASSOCIATES
ROSSPORT SOUTH
BALLINA
COUNTY MAYO
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Environmental Protection Agency
Johnstown Castle
Wexford

2014-06-16

RE: Appeal against the Environmental Protection Agency decision in.

Dear Sir/Madam

This is an appeal against the decision of the Environmental Protection Agency, it is not an appeal against the conditions of the decision as it is our submission that no Environmental Impact Assessment according to Articles 2 to 4 of the Environmental Impact Assessment Directive has been carried out.

No Environmental Impact Assessment as required under the March 2013 Guidelines has been carried out.

The planners report/Environmental Impact Assessment states;

The site consists of a large scale poultry farm that is accessed via a private laneway.

There are 4 no poultry houses on the site at present.

Development: RETAIN alterations completed during construction of 2 no. poultry houses approved under planning ref. 10/207,

There are 2 permissions quoted 10/207- 07/646

There is no explanation as to why there is no permission for the sheds for the 80,000 birds.

The overall number of birds on site will increase from 80,000 to 110,000.

Under 7.0 Environmental Impact Assessment Report. It is stated;

"A significant consideration in assessing the EIS accompanying this application is the fact that no physical building works are proposed. The impacts arising from the intensification of bird numbers will relate principally to increased poultry litter/manure production and the sustainable treatment of same and traffic increases associated with the intensification of use."

It is an application for the retention of the changes to the sheds which have been built

The Planning Authority have analysed the submitted Environmental Impact Assessment submitted in accordance with the provisions of Section 171A of the Planning and Development Act,

The obligation is to perform an Environmental Impact Assessment of the development as a whole rather than parts the project.

The document on the Environmental Protection Agency file from Monaghan County Council could not be considered an Environmental Impact Assessment

There is no evidence that an Environmental Impact Assessment was carried out by the Planning Authority prior to the decision to grant permission.

The CJEU Judgement in Case 50/09 states:

On those grounds, the Court (First Chamber) hereby:

1. Declares that:

- by failing to transpose Article 3 of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC of 3 March 1997 and by Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003;
- 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; and

Ireland has failed to fulfil its obligations under that directive;

The judgement in Case 215/06,

1. Declares that, by failing to adopt all measures necessary to ensure that:

– projects which are within the scope of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment either before or after amendment by Council Directive 97/11/EC of 3 March 1997 are, before they are executed in whole or in part, first, considered with regard to the need for an environmental impact assessment and, secondly, where those projects are likely to have significant effects on the environment by virtue of their nature, size or location, that they are made subject to an assessment with regard to their effects in accordance with Articles 5 to 10 of Directive 85/337,

The Environmental Protection Agency failed to carry out an Environmental Impact Assessment in licence application P0945-01.

“To complete the EIA process, I have considered the EIS, planning permission and planning inspectors report and I have assessed the EIS in relation to the environmental impacts of the operation of the activity and consider that it identifies, describes and assesses in an appropriate manner the direct and indirect effects of the project on the factors as required in Article 3 of the EIA Directive”

It is the development which must be assessed rather than the Environmental Impact Statement

This does not comply with the Judgement in 50/09

It is our submission that an Environmental Impact Assessment has to be carried out on the whole development which would include historical compliance with conditions of both the Planning Authority and the Environmental Protection Agency.

Yours faithfully



Peter Sweetman

Please respond by email to sweetmanplanning@gmail.com

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