

## Noeleen Roche

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**From:** Licensing Staff  
**Subject:** Submission No 735 Peter Sweetman & Associates  
**Attachments:** S0024-01.pdf

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**From:** Wexford Receptionist  
**Sent:** 31 August 2015 10:03  
**To:** Licensing Staff  
**Subject:** FW: SOO24-01

Received at [info@epa.ie](mailto:info@epa.ie)  
Regards,  
Teresa Roche

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**Sent:** 30 August 2015 17:04  
**To:** Wexford Receptionist  
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Environmental Protection Agency  
Johnstown Castle  
Wexford

2014-05-13

RE: Dumping at Sea Permit Application Re: SOO24-01

Dear Sir/Madam

Finlay Geoghegan J. in Kelly -v- An Bord Pleanála 2013/802 JR States;

26. There is a dispute between the parties as to the precise obligations imposed on the Board in relation to the stage 1 screening by s.1777U but its resolution is not strictly necessary in these proceedings. There is agreement on the nature and purpose of the screening process which is well explained by Advocate General Sharpston in Case C-258/11 *Sweetman* at paras 47-49:

“47. It follows that the *possibility* of there being a significant effect on the site will generate the need for an appropriate assessment for the purposes of Article 6(3). The requirement at this stage that the plan or project be likely to have a significant effect is thus a trigger for the obligation to carry out an appropriate assessment. There is no need to *establish* such an effect; it is, as Ireland observes, merely necessary to determine that there *may be* such an effect.

48. The requirement that the effect in question be ‘significant’ exists in order to lay down a *de minimis* threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having *any* effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill.

49. The threshold at the first stage of Article 6(3) is thus a very low one. It operates merely as a trigger, in order to determine whether an appropriate assessment must be undertaken on the implications of the plan or project for the conservation objectives of the site [ . . . ]”

**The information on which the Environmental Protection Agency could carry out an Appropriate Assessment is not available with the application.**

Yours faithfully



Peter Sweetman

Please respond by email to [sweetmanplanning@gmail.com](mailto:sweetmanplanning@gmail.com)

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