

Eve O'Sullivan

From: Licensing Staff
Subject: Submission to WASTE WATER
Attachments: PETER SWEETMAN AND ASSOCIATES.docx

From: peter sweetman <sweetmanplanning@gmail.com>
Sent: 20 July 2020 17:14
To: Wexford Receptionist <REC_WEX@epa.ie>
Subject: Submission to WASTE WATER

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Peter Sweetman
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PETER SWEETMAN AND ASSOCIATES
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The Environmental Protection Agency
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2020-07-20

Submission to the following Waste Water Discharge applications

A0079-02	Kilfenora
D0006-02	Arklow and Environs
D0011-02	Killybegs
D0038-02	Shanganagh-Bray
D0094-02	Ballymote
D0114-02	Portrane, Doanabte, Rush, Lusk
D0139-02	Youghal
D0187-02	Granard
D0209-02	Raphoe
D0212-01	Moville
D0233-02	Kilmeague
D0332-02	Millstreet & Environs
D0379-02	Glenamaddy
D0526-02	Freshford

The test in Irish Law for Appropriate Assessment Screening is in Kelly -v- An Bord Pleanála [2014] IEHC 400 (25 July 2014) and is.

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:

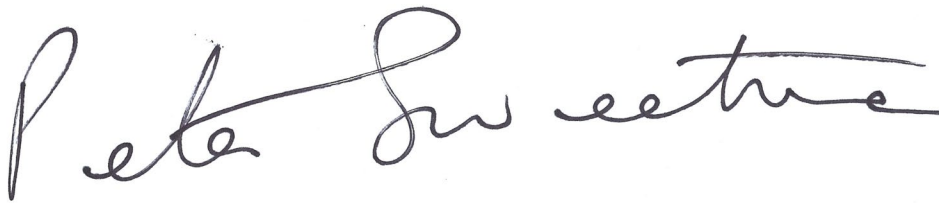
“ 47. It follows that the possibility of there being a significant effect on the site will generate the need for an appropriate assessment for the purposes of Article 6(3). The requirement at this stage that the plan or project be likely to have a significant effect is thus a trigger for the

*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.** (my emphasis)*

It is necessary to perform an Appropriate Assessment according to the interpretations of the Directive by the CJEU. (The EPA does not have the right to deviate from these)

Any Environmental Impact Assessment must also be carried out according to the interpretations of the CJEU

Yours faithfully

A handwritten signature in black ink that reads "Peter Sweetman". The signature is written in a cursive, flowing style.

Peter Sweetman
And on behalf of
Wild Ireland Defense CLG

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