



Objection

Objector:	Mr Peter Sweetman
Organisation Name:	and on behalf of wid clg
Objector Address:	rossport South, Ballina, Co. Mayo.
Objection Title:	Objection #OS006122 - 3rd party objection for Reg No:[P1123-01]
Objection Reference No.:	OS006122
Objection Received:	14 October 2020
Objector Type:	3rd Party
Oral Hearing Requested?	No

Application


Applicant:	Mr. Wesley Windrum
Reg. No.:	P1123-01

See below for Objection details.

Attachments are displayed on the following page(s).

Appeal from Peter Sweetman and on behalf of Wild Ireland Defense CLG

Against the pd for;

Reg No.	P1123-01  About Licence RSS Feeds
Applicant Name:	Mr. Wesley Windrum
Location of Facility:	Erryroe, Castleblayney, Monaghan.
Main Class of Activity:	6.1 (a): Intensive Agriculture

The Environmental Impact Assessment Directive states at;

Article 11

1. Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned:

(a) having a sufficient interest, or alternatively.

(b) maintaining the impairment of a right, where administrative procedural law of a Member State requires this as a precondition;

have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, acts or omissions subject to the public participation provisions of this Directive.

The procedure of objecting to the EPA, who is the original body making the decision, does not comply with "have access to a review procedure before a court of law or another independent and impartial body"

The technical Committee report on P1103-01 states.

As third party objections have been relatively few in number in recent years (from 2005 to 2009 there were between zero and five per annum in the case of proposed IPPC licences and between one and three per annum in the case of proposed waste licences), it would be difficult to justify the establishment of such a body, duplicating the technical expertise within the Agency itself."

The Review Group has concluded that, "while obviously not comparable with the separation that would be achieved in an external appeals process, a reasonable measure of separation is nevertheless achieved in the current EPA internal procedures for the consideration of objections to proposed licences.

It is my submission that the EPA does not have the authority to over-rule or to amend EU Law.

This PD cannot be confirmed.