

Our Case Number: ABP-321029-24

Your Reference: Cummeennabuddoge Wind Designated Activity Company



Atmos Consulting
CBC House
24 Canning Street
Edinburgh
Scotland

Date: 22 July 2025

Re: 10 year planning permission for wind energy development consisting of 17 no. wind turbines and related works
Located on land at Cummeennabuddoge (County Kerry), Clydaghróe (County Kerry), Glashacormick (County Kerry), Cummeenavrick (County Kerry), and Caherdowney (County Cork). (www.cummeennabuddogeplanning.ie)

Dear Sir / Madam,

I have been asked by An Coimisiún Pleanála to refer further to the above mentioned proposed development which is before the Commission for consideration.

Please be advised that the Commission, in accordance with section 37F(1)(a) of the Planning and Development Act 2000, as amended, hereby requires you to furnish the following further information in relation to the proposed development:

1. Having regard to Article 94 of the Planning and Development Regulations 2001, as amended and Schedule 6 Information to be contained within an EIAR of the Regulations, the EIAR is required to detail potential significant effects (direct and indirect) in the absence of mitigation to allow for assessment of effects and analysis of likely effectiveness of mitigation. The EIAR submitted only refers to the impacts following the application of mitigation measures and hence, it does not comply with Article 94.

Schedule 6 2(e)(i) states the following - a description of the likely significant effects on the environment of the proposed development resulting from, among other things—

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- (I) the construction and existence of the proposed development, including, where relevant, demolition works,
 - (II) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources,
 - (III) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste,
 - (IV) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters),
 - (V) the cumulation of effects with other existing or approved developments, or both, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources,
 - (VI) the impact of the proposed development on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the proposed development to climate change, and
 - (VII) the technologies and the substances used, and
- (ii) the description of the likely significant effects on the factors specified in paragraph (b)(i)(I) to (V) of the definition of ‘environmental impact assessment’ in section 171A of the Act should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the proposed development, taking into account the environmental protection objectives established at European Union level or by a Member State of the European Union which are relevant to the proposed development.

Please provide details of potential significant effects (direct and indirect) for each Chapters of the EIAR in accordance with Article 94 and Schedule of the Regulations as outlined above.

2. It is noted that the application of CIEEM approach in the presentation of impacts where it is stated that *In EclA it is only essential to assess and report significant residual effects that remain after mitigation measures have been taken into account* (see paragraphs 5.24 to 5.28). The guidance goes on to state the following:

However, it is good practice for the EclA to make clear both the potential significant effects without mitigation and the residual significant effects following mitigation, particularly (emphasis provided):

- a) where the mitigation proposed is experimental, unproven or controversial; or
- b) to demonstrate the importance of securing the measures proposed through planning conditions or obligations.

The EPA Guidelines on the information to be contained in EIAR for Ireland is clear that the assessment of effects is presented without mitigation.

Therefore, the Commission requests that the biodiversity and ornithology assessments be resubmitted detailing potential significant effects (direct and indirect) in absence of mitigation to allow for assessment of effects and analysis of likely effectiveness of mitigation.

3. Following on from the point above, the assessment of potential impacts on Annex IV species Kerry Slug in particular is inadequate and likely significant effects underestimated.

It is requested that this assessment is revisited and additionally, in view of the recent Guidance on applications for Regulation 54 Derogations for Annex IV species published by the Department of Housing, Local Government and Heritage, you are requested to consider the need for a derogation for disturbance and relocation of Kerry slug to accompany the application - (see page 18- Timing of application of derogation).

4. Please provide a drawing of the location of the proposed windfarm with turbines locations and associated infrastructure in context with nearby European Sites with distance measurements referred to in the EIA and NIS documentation as the distances reported do not align for Mullaghansih Bog SAC or for Mullaghanish to Musheramore Mountains SPA

5. Please provide a map showing 6 number vantage points used for flight activity surveys with viewshed analysis.

6. Data presented from Vantage Point surveys bird surveys covers the period 2018/2019, 2019/2020, 2020/2021. There is reference in Chapter 9 to surveys in 2022-2023 but no data corresponding to that period is presented. Other surveys for individual species date back to 2019.

Survey data submitted with the planning application in October 2024 was between 3 and 5 years old and in terms of the CIEEM note on the lifespan of ecological reports and surveys the validity of such data should be questioned. This is particularly the case where there has been significant changes to habitats present e.g. changes in forestry cover.

You are requested to provide updated survey data for key bird species including Hen Harrier that is representative of the current use of the site and hinterland area so that AA and EIA can be based

on best available data (or provide robust scientific rationale on why this is not required). A revised Ornithology report and NIS should be provided to reflect the updated findings.

7. You are requested to clarify Section 9.2.6 Collision risk modelling makes reference to CRM carried out for species that were not recorded at the site during the survey period.
8. The Commission hereby considers it appropriate to invite you to make a submission on the observations received in relation to the application, as previously issued to you on the 13th December 2024 and 14th January 2025. Please be advised that any response to the Commission's invitation should not contain any additional reports or supplementary reports and should be confined to the issues raised in the observations received by the Commission.

The further information referred to above should be received by the Commission within 4 months from the date of this notice (i.e. no later than **5.30 p.m. on the 21st November 2025**).

In this regard, please submit **four** hard copies and one electronic copy of the above information.

Please note that following its examination of any information lodged in response to this request for additional information, the Commission will then decide whether or not to invoke its powers under section 37(F)(2) of the Planning and Development Act 2000, as amended, requiring you to publish notice of the furnishing of any additional information and to allow for inspection or purchase of same and the making of further written submissions in relation to same to the Commission.

If you have any queries in relation to the matter please contact the undersigned officer of the Commission. Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,

Ellen Moss
Executive Officer
Direct Line: 01-8737285