

An
Bord
Pleanála

Board Direction
BD-019244-25
ABP-317446-23

The submissions on this file and the Inspector's report were considered at Board meetings held on the 16/9/2024, the 13/11/2024 and it was decided at a Board meeting on the 12/3/2025.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

The Board was not satisfied on the basis of the information on the file, including that provided to the Board on the 17th day of October 2024 subsequent to a further information request, that the applicant has demonstrated that the specific proposed Data Centre, DUB 13, which is the subject of this application, has a fixed connection agreement to connect to the grid. It is considered, therefore, that the applicant has failed to demonstrate that the proposed development is acceptable on EE zoned lands, in accordance with EDE7 Objective 2 (capacity within the electricity network to accommodate the proposed use) and Section 12.9.4 of the South Dublin County Development Plan 2022-2028. Due to the absence of clarity regarding a fixed connection agreement, demonstrating existing capacity in the electricity grid (without which the Board cannot factor into the assessment broader principles and allowances as set out in the Government Statement on the role of Data Centres), the Board was not satisfied that the permitted on-site gas powered generation would not be used as the primary energy source, which would be contrary to the Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy, July 2022, which states that " 'islanded' data centre developments that are not connected to the

electricity grid, and are powered mainly by on-site fossil fuel generation, would not be in line with national policy” and would, therefore, not be in accordance with the overarching objectives of the Climate Action Plan 2024, by reference to reducing Greenhouse Gas emissions.

On the basis that the applicant has not satisfied the Board that a fixed connection agreement to connect to the grid is in place, and therefore not demonstrated that there is sufficient capacity in the electricity grid to serve the data centre, DUB 13, the Board was not satisfied that the Environmental Impact Assessment Report Chapter 15 A ‘Material Assessments’, submitted with further information, assessed all impacts of the proposed development on the receiving environment, specifically the effects should the data centre the subject of this appeal, DUB 13, fail to get a grid connection and therefore is reliant on an on-site gas-powered generation to power the development.

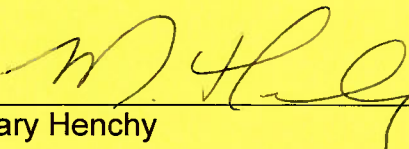
Having regard to the detail submitted with the application and appeal, the Board determined that a grant of permission for the proposed development, would be inconsistent with national climate ambitions and with the relevant provisions of the Climate Action Plan 2024. In reaching this decision, the Board has performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Act 2021. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted the Inspectors comments which accepted the applicant's position that a grid connection would be available for DUB 13. However, the Board was not satisfied that the applicant had demonstrated that the Data Centre, DUB 13, has a fixed connection agreement to connect to the grid. The Board considered the information submitted with the application and appeal lacked clarity and specificity regarding the connection for proposed development, DUB 13, being included in the agreement that is in place.

The legal agreement submitted did not provide sufficient clarity as to which data centres, permitted or proposed, the agreement related to. While the legal correspondence, and planning consultant's report submitted with the appeal, advised that the legal agreement in place related to the customers premises and that the customers premises is the total campus, and that this therefore included Dub13, it was not evident to the Board that Dub 13 constituted part of the Campus submission considered by Eirgrid, or that this agreement may not require to be modified to serve the development, the subject of this appeal.

Without this clarity, which the Board specifically requested at a meeting on the 16th day of September 2024, the Board could not be satisfied that the applicant had clearly demonstrated a fixed connection agreement and existing sufficient capacity in the electricity network to connect DUB 13 to the grid and, therefore, did not concur with the inspector's recommendation.

Board Member



Mary Henchy

Date: 21/03/2025