M4 T.

An Bord Pleanála

Planning Appeal Online Observation

Online Reference
NPA-OBS-002391

Online Observation Details

Contact Name	Lodgement Date	Case Number / Description
John Callaghan	03/09/2023 20:42:48	317802

Payment Details

Payment Method	Cardholder Name	Payment Amount
Online Payment	John Callaghan	€50.00

Processing Section

S.131 Consideration Required

☑ Yes — P.T.O. ☐ N/A — Invalid

Signed MC Tuohy **Date** 5/9/23

EO

BP40 to issue.
MC
6/9

appeal lodged - 15/8/23 :. 14/9/23

LOG-066275-23

S.37

File With

SECTION 131 FORM

Appeal No: ABP— 317802-23

Defer Re O/H: ☐

Having considered the contents of the submission dated/received 3/9/2023 from John Callaghan + others I recommend that section 131 of the Planning and Development Act, 2000 be/~~not be~~ invoked at this stage for the following reason(s):

no new material planning issues.

Section 131 not to be invoked at this stage. ☑

Section 131 to be invoked — allow 2/4 weeks for reply. ☐

Signed: [signature] Date: 13/9/2023

EO

Signed: Date:

SEO/SAO

M

Please prepare BP ..... — Section 131 notice enclosing a copy of the attached submission.

To: Task No: Allow 2/3/4 weeks: BP

Signed: Date:

EO

Signed: Date:

AA

Observation on Planning Appeal ABP-317802-23

To the Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1, D01 V902

September 3rd 2023

Observer No 1: John Callaghan, of 10 The Cloisters, Kells, Co. Meath. A82 C9Y7

Observer No 2: Sustainability 2050 of (An Environmental NGO)

Observer No 1 Address: 10 The Cloisters, Kells, Co. Meath. A82 C9Y7

Observer No 2 Address: 10 The Cloisters, Kells, Co. Meath. A82 C9Y7

Address for Correspondence: John Callaghan, 10 The Cloisters, Kells, Co. Meath. A82 C9Y7

Contact Details: Telephone: 086 8731707 Email: joncallaghan@gmail.com

Development Description: *Construction of 2 adjoined single storey data centres with associated office and service areas with an overall gross floor area of 15,274sq.m comprising of the construction of 2 adjoined single storey data centres with a gross floor area of 12,859sq.m that will include a single storey goods receiving area / store and single storey office area (2,415sq.m) with PV panels above, located to the east of the data centres as well as associated water tower, sprinkler tank, pump house and other services; The data centres will also include plant at roof level; with 24 standby diesel generators with associated flues (each 25m high) that will be located within a generator yard to the west of the data centres; New internal access road and security gates to serve the proposed development that will provide access to 36 new car parking spaces (including 4 electric and 2 disabled spaces) and sheltered bicycle parking to serve the new data centres; New attenuation ponds to the north of the proposed data centres; Green walls are proposed to the south and east that will enclose the water tower and pump house compound; The development will also include ancillary site works, connections to existing infrastructural services as well as fencing and signage; The development will include minor modifications to the permitted landscaping to the west of the site as granted under SDCC Planning Ref. SD19A/0042 / ABP Ref. PL06S.305948 and Ref. SD21A/0042; The site will remain enclosed by landscaping to all boundaries; The development will be accessed off the R120 via the permitted access granted under SDCC Planning Ref. SD19A/0042 / ABP Ref. PL06S.305948 and SD21A/0042; An Environmental Impact Assessment Report (EIAR) has been submitted with this application.*

Applicant: EdgeConneX Ireland Limited.

Development Address: Site within the townland of Ballymakaily, West of Newcastle Road (R120), Lucan, Co. Dublin

Planning References: SD22A/0333 & **ABP-317802-23**

Dear Secretary,

1.0 The Board petitioned to refuse permission for the development on the following grounds. The Observers made a submission to South Dublin County Council. The points of objection are set out at 3.0 to 3.18

2.0 Discussion of Energy & Climate Policy and related Law

Data Centres are vital for the Irish Economy but they must be constructed and operated in a manner that is compatible with EU Climate Law and related directives on renewable energy and energy efficiency. This observation does not argue that data centres should not be built but that they should be built in a sustainable way.

The updated EIAR Report of May 2023 indicates an IT Load of 30MW[1] for the proposed development. Obviously the total electrical load is greater for lighting, cooling, pumping, fans, etc.

The likelihood is that the thermal input required exceeds 50MW and since any extant permission relating to temporary power generation is limited to 5 years

2.1 The Government has set out guiding principles for the development of Data Centres in Ireland in its "Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy" July 2022[2] .

> ***Principles for Sustainable Data Centre Development***
>
> *A set of national principles that should inform and guide decisions on future data centre development.*
>
> ***Economic Impact***
>
> *The Government has a preference for data centre developments associated with strong economic activity and employment.*
>
> ***Grid Capacity and Efficiency***
>
> *The Government has a preference for data centre developments that make efficient use of our electricity grid, using available capacity and alleviating constraints.*
>
> ***Renewables Additionality***
>
> *The Government has a preference for data centre developments that can demonstrate the additionality of their renewable energy use in Ireland.*
>
> ***Co- Location or Proximity With Future-Proof Energy Supply***
>
> *The Government has a preference for data centre developments in locations where there is the potential to co-locate a renewable generation facility or advanced storage with the data*

[1] Section 2.28 https://planning.southdublin.ie/Home/ViewDocument?fileId=6658017

[2] https://enterprise.gov.ie/en/publications/publication-files/government-statement-on-the-role-of-data-centres-in-irelands-enterprise-strategy.pdf

centre, supported by a Corporate Power Purchase Agreements, private wire or other arrangement.

Decarbonised Data Centres by Design

The Government has a preference for data centres developments that can demonstrate a clear pathway to decarbonise and ultimately provide net zero data services.

SME Access and Community Benefits

The Government has a preference for data centre developments that provide opportunities for community engagement and assist SMEs, both at the construction phase and throughout the data centre lifecycle.

2.2 The Government set out its policy on Power Purchase Agreements ***"Renewable Electricity Corporate Power Purchase Agreements Roadmap March 2022[3]"***

Corporate power procurement in Ireland should deliver on the following core principles:

GHG emission reduction	•Clearly delivers additional GHG emissions reduction and contributes to Ireland's 2030 climate and renewable energy targets.
Lower electricity costs	•Lowers the net costs of the energy transition to Irish consumers and the State and supports the long term reduction or removal of subsidies for renewable electricity projects.
Transparency and accuracy	•Be measured and reported in a way that accurately reflects actual emissions reduction from final energy use in space and time and avoid 'Greenwashing'.
Innovation	•Stimulates innovation including new technologies and innovative grid/hybrid solutions.
Community	•Aligns with Government and EU policy regading delivering on the energy transition for communities including the Just Transition.
National Policy Alignment	•Aligns with broader Governmen Policy in particular the targets, measures and actions set out in the Climate Action Plan and annual updates of the same.
Alignment with EU Green Deal	•Aligns with the framework and package of measures set out in the EU Green Deal to reduce EU net GHG emissions by at least 55% by 2030.

[3] https://assets.gov.ie/220107/ed5977f3-76a4-42c4-b2b7-dd5c4c4d7002.pdf

2.3 There has been a large change in the ambition of Climate and Energy related objectives as set out in the EU 2030 targets. The EU has adopted the following revised 2030 Energy and Climate Targets

	Old 2030 Target	New 2030 Target
CO2 Emissions Reduction	40%	55%
Renewable Energy	40%	45%
Energy Efficiency	30%	39%

The European Climate Law[4] writes into law the goal set out in the European Green Deal for Europe's economy and society to become climate-neutral by 2050. The law also sets the intermediate target of reducing net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels.

Under Regulation (EU) 2023/857[5] of the European Parliament and of the Council of 19 April 2023 amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement, and Regulation (EU) 2018/1999 Ireland must reduce CO2 emission from the 2005 output by 42%. The EPA lists Irelands total CO2 Emissions for 2005 at 69.702 Million Tonnes[6].

In 2022 the EPA assessed Ireland's CO2 Emissions At 60.75Million tonnes[7]

Substantial Amendments were made to the Energy Efficiency Directive as REcast in July 2023 and the Renewable Energy Directive Amendments RED III was agreed in June 2023 to be adopted in September 2023.

---

[4] Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021R1119

[5] https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32023R0857

[6] https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/Ireland-GHG-1990-2018-Final-Inventory_April-2020.pdf

[7] https://www.epa.ie/our-services/monitoring--assessment/climate-change/ghg/latest-emissions-data/#:~:text=In%202022%2C%20Ireland's%20GHG%20emissions,in%20emissions%20reported%20for%202021.

2.4 The Irish Government have set out an amended Climate Action Plan 2023[8]

Key Targets

Target	2025	2030
Renewable Electricity Share	50%	80%
Onshore Wind	6 GW	9 GW
Solar	Up to 5 GW	8 GW
Offshore Wind	-	At least 5 GW
New Flexible Gas Plant	-	At least 2 GW
Demand Side Flexibility	15-20%	20-30%

Renewable Generation does not operate all the time but only on a limited amount of the time. Ireland's principle renewable resources are wind and solar energy. While a target of 500 MW of Wave Power generation capacity was set out by Minister Ryan in his first term as Energy Minister it was no more than a pipe dream.

2.5 A key concept with renewable generation technology is the ***Capacity Factor.***

$$\frac{\text{Total Output in kWh per year}}{\text{Name Plate output in kWh x 8766 hours}}$$

(there are 8766 hours in an average year)

Typical Annual Capacity Factors for Solar PV Generation are 10%

Typical Annual Capacity Factors for Wind Power range from 27% to 33%

[8] https://assets.gov.ie/256997/b5da0446-8d81-4fb5-991e-65dd807bb257.pdf

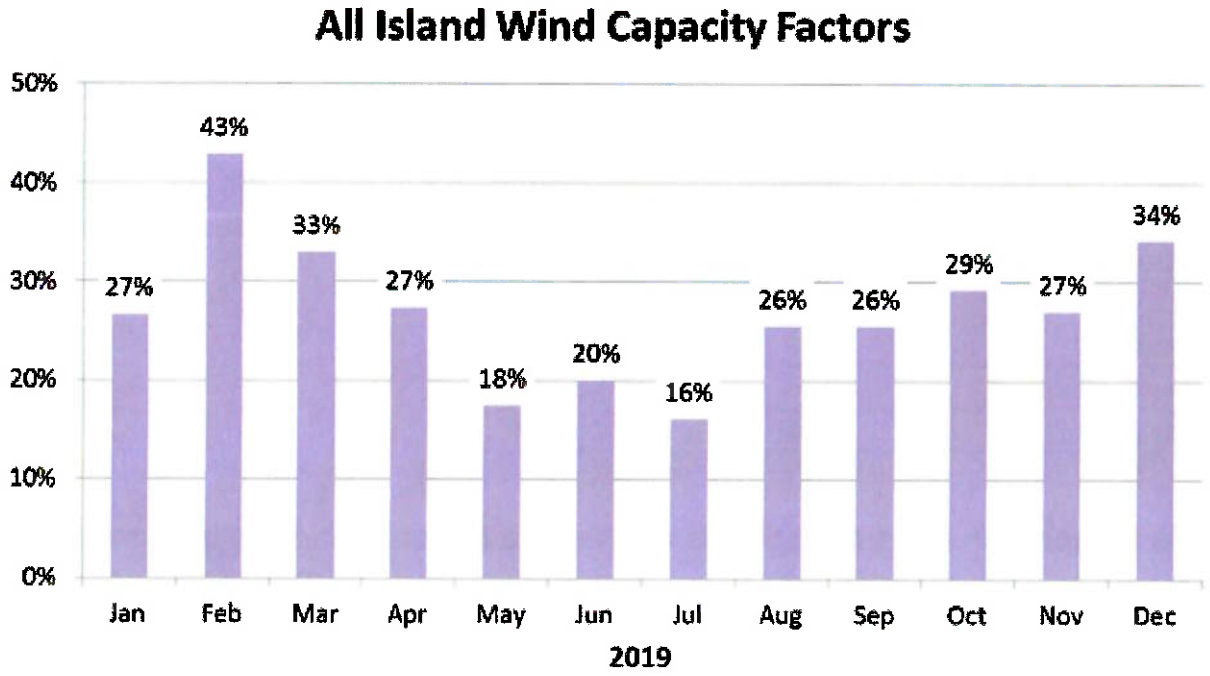


Figure 4: All-Island Monthly Wind Capacity Factors in 2019

2.6 The Figure above from Eirgids's ***Annual Renewable Energy Constraint and Curtailment Report 2019***[9] illustrates the variation in capacity factor for wind power by season.

Again the Wind Generation output graph (next page) from Eirgrid demonstrates the variable output of wind power.

Data Centres operate 8766 hours or 31,557,600 seconds a year and hence their power demand is permanent and cannot be provided by a renewable fleet based on solar and wind power generation without massive electricity storage.

Therefore Data Centres will increase demand and consumption for Natural Gas. Natural Gas is the cheapest fuel and it is admitted that on site generation can run on diesel, HVO, Biogas.

The EU view on the strong growth in the Irish Economy is that it cannot be on the back of fossil fuel. President Ursla Von Leyden.

> *"A growth model centred on fossil fuels is simply* ***obsolete****," von der Leyen said, adding the goal of the EU's Green Deal energy transition was to create "a different growth model that is sustainable far into the future".*[10]

---

9 https://www.eirgridgroup.com/site-files/library/EirGrid/Annual-Renewable-Constraint-and-Curtailment-Report-2019-V1.2.pdf

10 https://www.reuters.com/business/energy/fossil-fuel-centred-growth-is-obsolete-says-eus-von-der-leyen-2023-05-15/

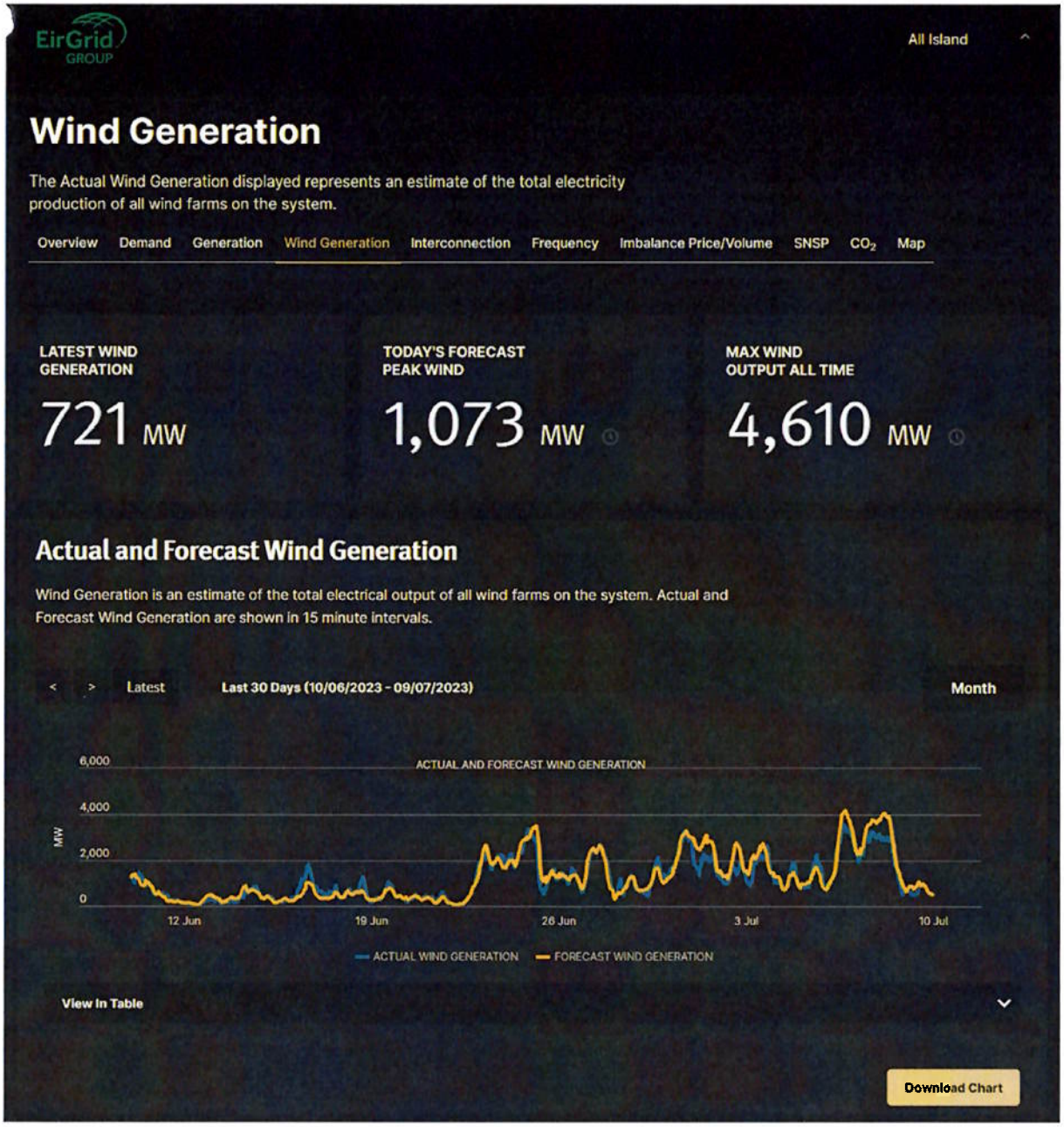


Figure above clipped from Eirgrid Dashboard on 09/07/2003 at 11.15 am[11]

Any additional demand for energy which generates emissions, drives our emissions upwards rather than being climate neutral. The clear inference of the EU Commission's interpretation of the EU Law on Climate is that growth must be climate neutral.

[11] https://www.smartgriddashboard.com/#all/wind

Figure 107: Monthly electricity generation – January 2015 to September 2022

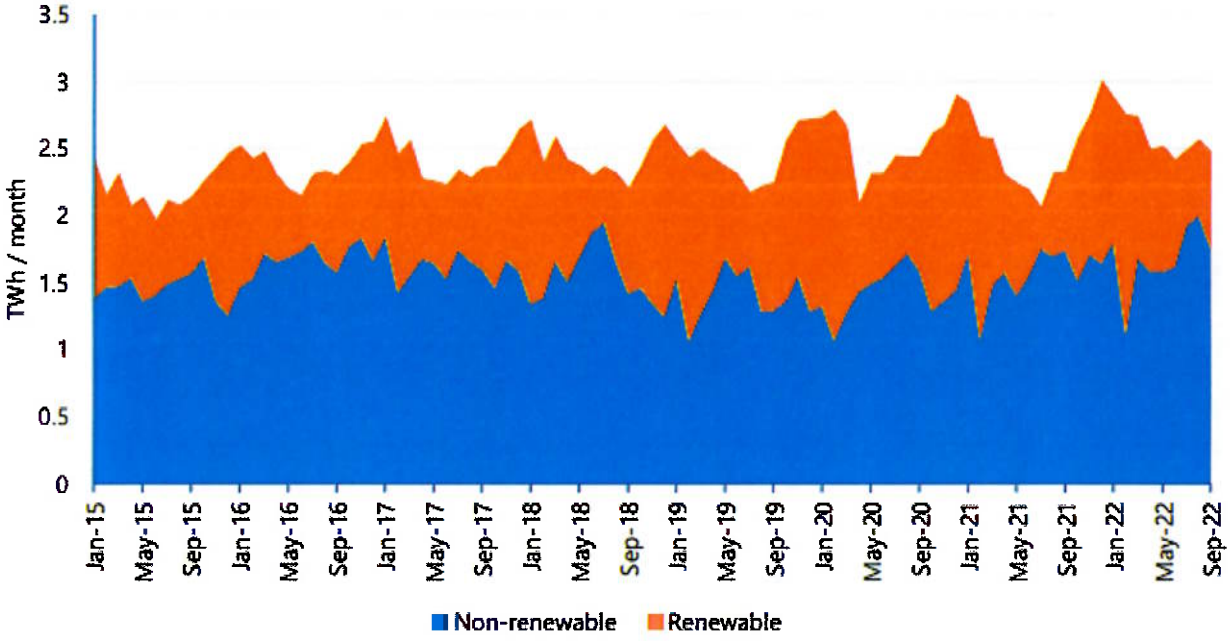
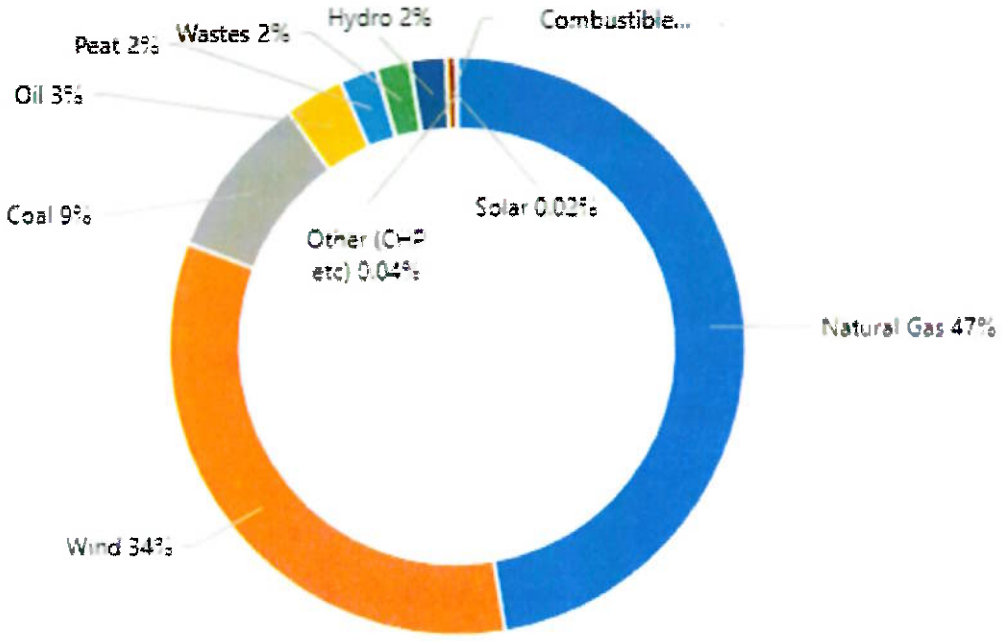


Figure above from SEAI ENERGY IN IRELAND 2022 Report[12]

The Applicant has not set out clearly the primary energy demand of the proposed facility for the various fuels proposed nor the efficiency of conversion to electricity.
Coal and Gas[13] are still a major inputs into the electricity system.

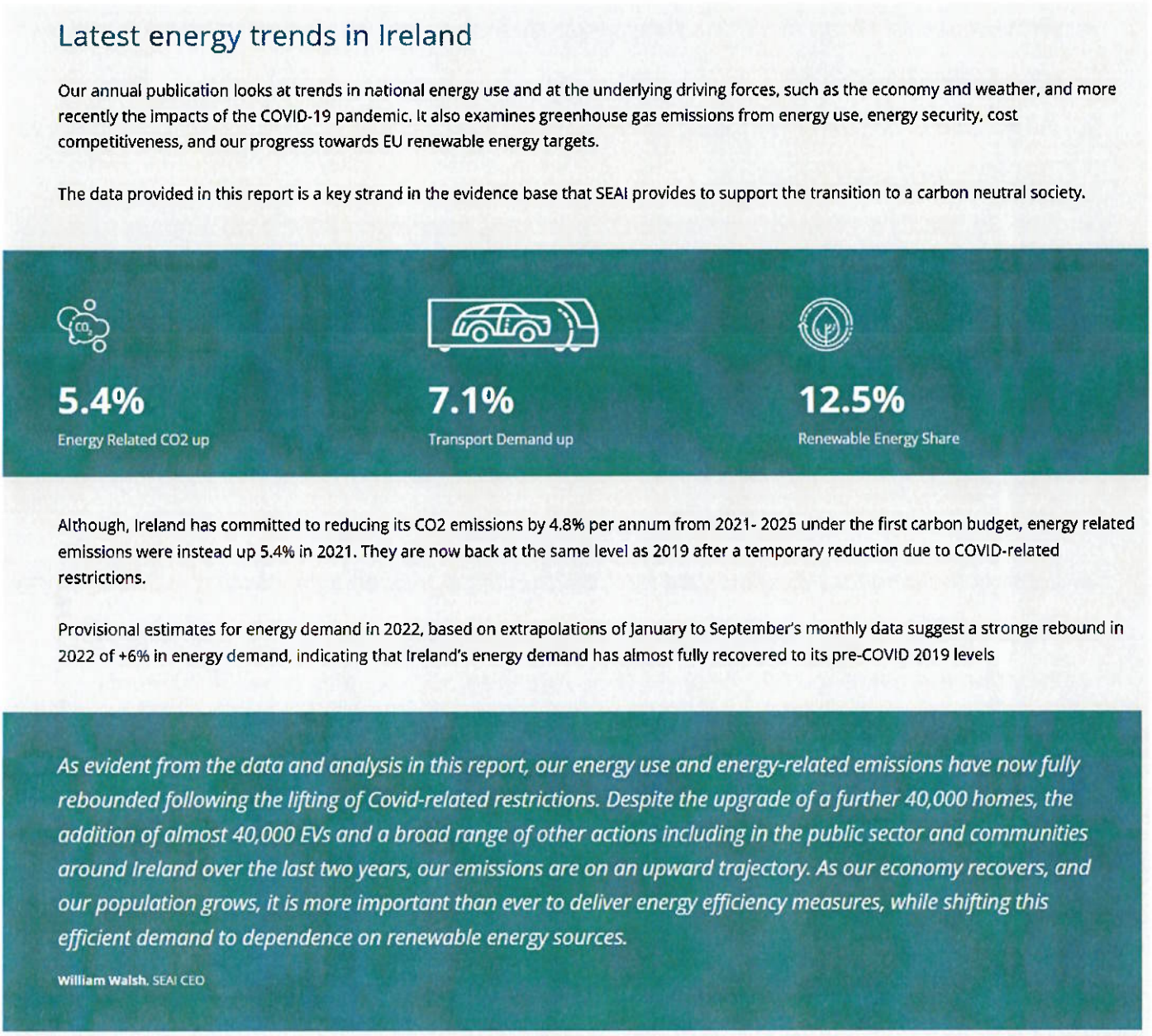
Figure 112: Sources of electricity generation – 12-month rolling average to September 2022



11.1.3 Spotlight on coal and oil in electricity generation

[12] Page 126 https://www.seai.ie/publications/Energy-in-Ireland-2022.pdf
[13] SEAI Energy in Ireland 2022 page 130 https://www.seai.ie/publications/Energy-in-Ireland-2022.pdf

The latest statistics from the SEAI indicate that Energy Demand and Emissions are growing rather than reducing[14].



2021 and 2022 Highlights

Emissions

[14] https://www.seai.ie/data-and-insights/seai-statistics/key-publications/energy-in-ireland/

- *Although, Ireland has committed to reducing its CO_2 emissions by 4.8% per annum from 2021- 2025 under the first carbon budget, energy related emissions were instead up 5.4% in 2021.*
- *Provisional data from monthly surveys indicate that energy related emissions will increase by a further 6% in 2022.*
- *A rebound in car use after the lifting of COVID-19 restrictions is a significant contributor to Ireland's increased emissions.*
- *The 35.5 $MtCO_2$ of energy-related CO_2 (including international aviation) accounts for over half of all GHG emissions in Ireland.*
- *Due to a low wind year for renewable generation in 2021, we used more coal and oil for electricity generation, which increased the carbon intensity of our electricity by 12.5%*

Transport

- *Energy demand for transport rose by 7.1% from its significant suppression in 2020.*
- *Provisional data from monthly surveys indicate that energy demand for transport will rebound more fully in 2022 by up to 18%, returning us to roughly pre-COVID levels.*
- *The transport sector emitted 12.0 $MtCO_2$ in 2021 and accounted for 34% of Ireland's total energy emissions.*
- *Transport remained the most carbon intensive demand sector, with 95.5% of transport energy demand coming from fossil fuels in 2021*
- *Private car use is by far the largest transport sub-sector accounting for 43% of all transport energy demand in 2021*

Residential

- *The residential sector emitted 9.8 $MtCO_2$ in 2021, which was 27.5% of Ireland's total energy emissions*
- *Oil remains the dominant source of residential energy demand in 2021, and accounted for 41% of all home energy use, followed by electricity at 25% and gas at 19%.*

Business

- *Ireland's business activities consist of our industry sector, which emitted 6.2 $MtCO_2$ in 2021, and our commercial and public services sector, which emitted 6.3 MtCO2.*
- *Together, the industry and services sectors accounted for 34.9% of Ireland's energy demand in 2021.*
- *The ICT sub-sector, which includes data centres, accounted for 3.9% of Ireland's total energy demand, and 16.5% of its electricity demand in 2021.*
- *Energy demand in the ICT sub-sector increased by 17.9% in 2021.*

Ireland has failed generally to comply with Commission Recommendation of 18 June 2019 on the draft integrated National Energy and Climate Plan of Ireland covering the period 2021-2030[15]

HEREBY RECOMMENDS IRELAND TAKES ACTION TO:

1. *Put forward additional measures, notably in the building and transport sectors, to cost-effectively reduce the significant projected gap to its 2030 greenhouse gas target for sectors not covered by the EU emissions trading system of -30 % compared to 2005.*
2. *Put forward, as Ireland's contribution to the Union's 2030 target for renewable energy, a share of renewable energy of at least 31 % as indicated by the formula in Annex II under Regulation (EU) 2018/1999. Include an indicative trajectory in the final integrated national energy and climate plan that reaches all the reference points pursuant to Article 4(a)(2) of Regulation (EU) 2018/1999 in accordance with that share, in view of the need to increase the level of efforts for reaching this target collectively. Put forward detailed and quantified policies and measures that are in line with the obligations laid down in Directive (EU) 2018/2001 of the European Parliament and Council (8), to enable a timely and cost-effective achievement of this contribution. Ensure that the renewable energy target for 2020 set in Annex I of*

[15] https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1576058251741&uri=CELEX:32019H0903(07)

3. *Directive 2009/28/EC of the European Parliament and of the Council (9) is fully met and maintained as a baseline from 2021 onwards, and explain how it intends to meet and maintain such baseline share. Put forward trajectories and corresponding measures in the heating and cooling sector and the transport sector to meet the indicative target included in Article 23 of Directive (EU) 2018/2001 and the transport target in Article 25 of Directive (EU) 2018/2001. Put in place measures to overcome administrative burden and detailed information on measures on the enabling frameworks for renewable self-consumption and renewable energy communities, in line with Articles 21 and 22 of Directive (EU) 2018/2001.*
4. *Substantially increase its energy efficiency ambition by lowering the level of both final and primary energy consumption in absolute terms in view of the need to increase the level of efforts to reach the Union's 2030 energy efficiency target. Support this with policies and measures that would deliver additional energy savings by 2030. Express the final contribution as a specific value for both primary and final energy consumption. Detail the underlying methodology to estimate energy savings. An indication of required investments to implement energy efficiency policies is also needed.*
5. *Specify the measures supporting the energy security objectives on diversification and reduction of energy dependency in particular in the gas and oil sector in light of uncertainties related to the withdrawal of the United Kingdom from the European Union.*
6. *Further elaborate on the national objectives and funding targets research, innovation and competitiveness, specifically related to the Energy Union, to be achieved between now and 2030, so that they are readily measurable and fit for purpose to support the implementation of targets in the other dimensions of its integrated national energy and climate plan. Underpin such objectives with specific and adequate policies and measures, including those to be developed in cooperation with other Member States, such as the Strategic Energy Technology Plan.*
7. *Build on the framework of the North Seas Energy Cooperation and the Clean Energy for EU Islands Initiative in order to deliver on the renewables target and ensure timely implementation of ongoing interconnection projects. In light of the United Kingdom's decision to leave the European Union, provide for measures to ensure continued regional cooperation with the UK on emergency preparedness and response for electricity, and security of supply for gas and oil.*

8. *List actions undertaken and plans to phase-out energy subsidies, in particular for fossil fuels.*
9. *Present the impacts on air pollution for the various scenarios, providing underpinning information, and considering synergies and trade-off effects.*
10. *Integrate just and fair transition aspects better, notably by providing more details on social, employment and skills impacts of planned policies and measures. The final plan should particularly address the impact of the transition on the populations living in carbon-intensive regions. Complement the approach to addressing energy poverty issues with indicative objectives for reducing energy poverty as required by the Regulation (EU) 2018/1999.*

Done at Brussels, 18 June 2019.

For the Commission Miguel ARIAS CAÑETE

Member of the Commission

Ireland has failed to submit a long term Climate Strategy to the EU as required under Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (Text with EEA relevance.)

3.0 Grounds of Objection to a grant of permission.

3.1 A Planning Authority or the Board have power to grant planning permission only in accordance with Law and in accordance with Government Policy. Irish Government Policy must be in accordance with EU Policy and EU Law.

3.2 Condition No 3 of SD21A/0042 limited the duration of any planning permission to generate power on site to 5 years.

- The generation of power on site arises because there is insufficient capacity in the local Grid to supply the proposed Data Centre with renewable rich Grid Power from the Transmission System. The connection of any load over 40 MW is to the transmission system.
- The application before the Board SD21A/0042 seeks to construct and operate a Data Centre indefinitely.
- There is little information in the application documents as to the thermal energy input in MWh using natural gas as a fuel or indeed the type of plant to be used, its efficiency of conversion to electricity, and the amounts of waste heat to be produced from the electricity generation process.
- Therefore there is insufficient information provided to enable assessment under the EIA Directive 2014/52/EU, and the Recast Energy Efficiency Directive 2023[16]
- Article 3 of the Recast Energy Efficiency Directive requires that:

> *Energy efficiency first principle*
>
> *1. In accordance with the energy efficiency first principle, Member States shall ensure that energy efficiency solutions, including demand-side resources and system flexibilities, are assessed in planning, policy and major investment decisions of a value of more than*
>
> *EUR 100 000 000 each or EUR 175 000 000 for transport infrastructure projects, relating*
>
> *to the following sectors:*
>
> *(a) energy systems; and*

3.3 The Industrial Emissions Directive[17] permits a facility to be licenced only where the Best Available Techniques are deployed.

- *Best Available Techniques (BAT) Reference Document for Large Combustion Plants*[18] sets out the efficiency thresholds for Open Cycle Plants, Combined Cycle Plants and for Plants that facilitate heat recovery. OCG Plant 41% efficiency, CCGT 60% efficiency, and up to 90% of energy can be recovered where waste heat is harvested from the turbine stack.
- There is no particular reason to locate a generation plant at a data centre when they can be located closer to a location that can use waste heat.
- Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (recast) provides for Direct Lines or Private Wire[19].
- Cumulatively on site power generation at Irish Data Centres engage mandatory EIA Thresholds.

[16] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:PE_15_2023_INIT
[17] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02010L0075-20110106
[18] https://eippcb.jrc.ec.europa.eu/sites/default/files/2019-11/JRC_107769_LCPBref_2017.pdf
[19] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32019L0944

3.4 The CRU issued a Directive to Eirgrid Plc on November 23rd 2021[20]

Pursuant to Section 34(1) of the Electricity Regulation Act 1999 (the Act), the CRU directs EirGrid as transmission system operator (TSO) to assess applications for the connection of data centres by reference to the following assessment criteria to determine whether a connection offer can be made within the system stability and reliability needs of the electricity network:

- *The location of the data centre applicant with respect to whether they are within a constrained or unconstrained region of the electricity system.*

- *The ability of the data centre applicant to bring onsite dispatchable generation (and/or storage) equivalent to or greater than their demand, which meets appropriate availability and other technical requirements as may be specified by the relevant SO, in order to support security of supply.*

- *The ability of the data centre applicant to provide flexibility in their demand by reducing consumption when requested to do so by the relevant SO in times of system constraint through the use of dispatchable on-site generation (and/or storage) which meets appropriate availability and other technical requirements as may be specified by the relevant SO, in order to support security of supply.*

- *The ability of the data centre applicant to provide flexibility in their demand by reducing consumption when requested to do so by the relevant SO, in times of system constraint, in order to support security of supply.*

The CRU further directs EirGrid to monitor the implementation of the above measures and to notify the CRU if those measures sufficiently address the challenges outlined in the Decision.

---

20 https://cruie-live-96ca64acab2247eca8a850a7e54b-5b34f62.divio-media.com/documents/CRU21124-EirGrid-Direction-1.pdf

- The CRU have failed to take account of EU Policy to reduce Natural Gas Demand by maximising energy efficiency, maximising the integration of renewable energy, and using alternative fuels to Natural Gas.
- The CRU failed to ensure that administrative decisions accord with EU Law per ***Callaghan V An Bord Pleanála [2017]IESC 60***
- The CRU has failed to consider the impact on emissions and renewable energy targets by replacing low CO2 intensity renewable rich grid power with High CO2 Intensity on site generated electricity. SEAI[21] reckons 202.9 grams of CO2 emissions per Kwh of Natural Gas combusted. At 40% conversion efficiency to electricity that equates to 507 grams of CO2 /KWh for Data Centre generated power.
- The Board are asked to investigate the extent of Despatch Down and Constraints on the Irish Grid.
- Offsetting inefficient on site power generation with paper based offsets in the form of Power Purchase Agreements is an illusory concept. SEAI in their response to the CRU[22] expressed their concern that allowing onsite power generation at the growing data centre sector would likely cause emissions to be increased and jeopardise National Renewable Electricity Targets and undermine international commitments to reduce greenhouse gases.
- Were Data Centres to be located at parts of the Country where Grid Connection was feasible they would run on efficiently generated electricity with high proportions of renewable electricity.
- Because the electricity price is linked to the gas price on site, gas generation will always be the cheapest way to power data centres. Large power consumers want to generate their own power as it is the cheapest option, cheaper than buying from the Grid.
- Eirgrid report in their ***Annual Renewable Energy Constraint and Curtailment Report 2022 May 2023[23] 5877 MW*** of installed Wind Power on the Island and with a rapid roll out of Solar PV their will be a growing difficulty integrating all the renewable power generated without massive scale storage.

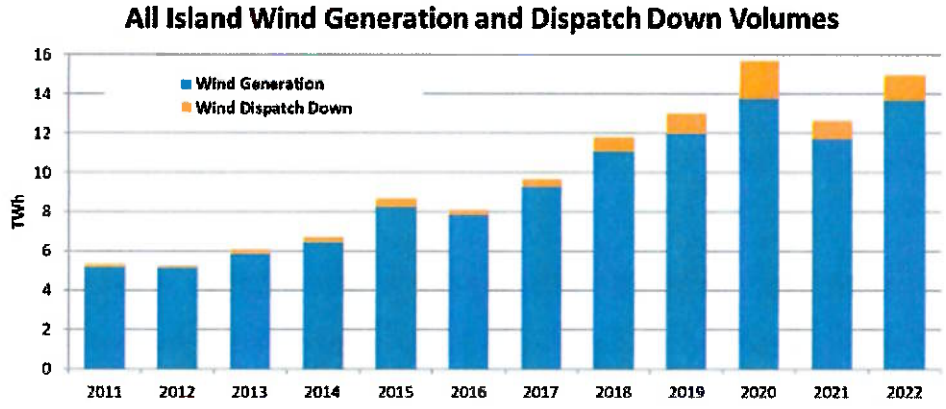


Figure 1: All Island Annual Wind Generation and Dispatch Down Volumes

[21] https://www.seai.ie/data-and-insights/seai-statistics/conversion-factors/SEAI-conversion-and-emission-factors.xlsx

[22] https://cruie-live-96ca64acab2247eca8a850a7e54b-5b34f62.divio-media.com/documents/CRU21124aq-Sustainable-Energy-Authority-of-Ireland-Response-to-CRU21060.pdf

[23]

Wind Power Dispatch Down levels will tend to be influenced by seasonal variations in capacity factor.

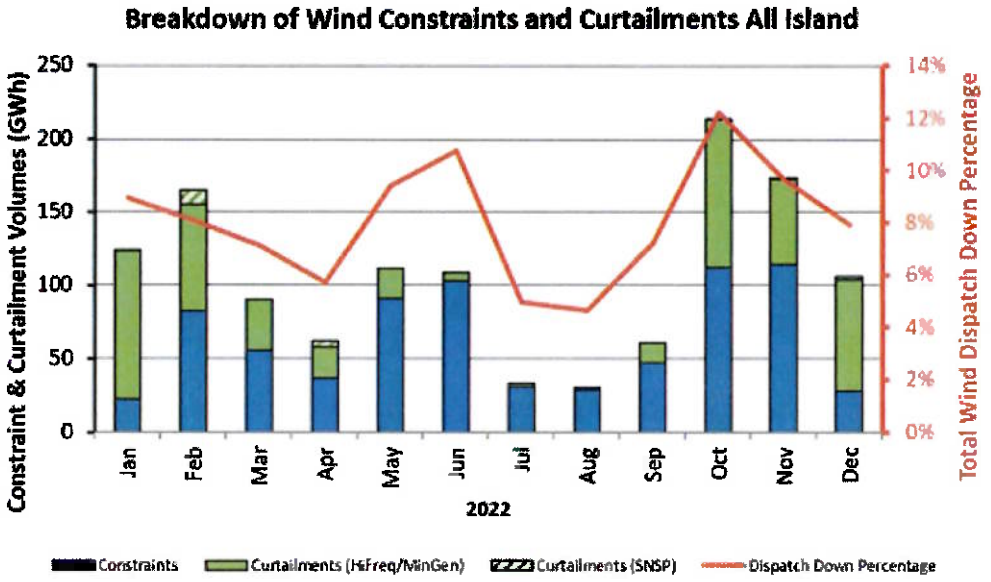


Figure 3: Monthly breakdown of the main wind dispatch-down categories on the island in 2022

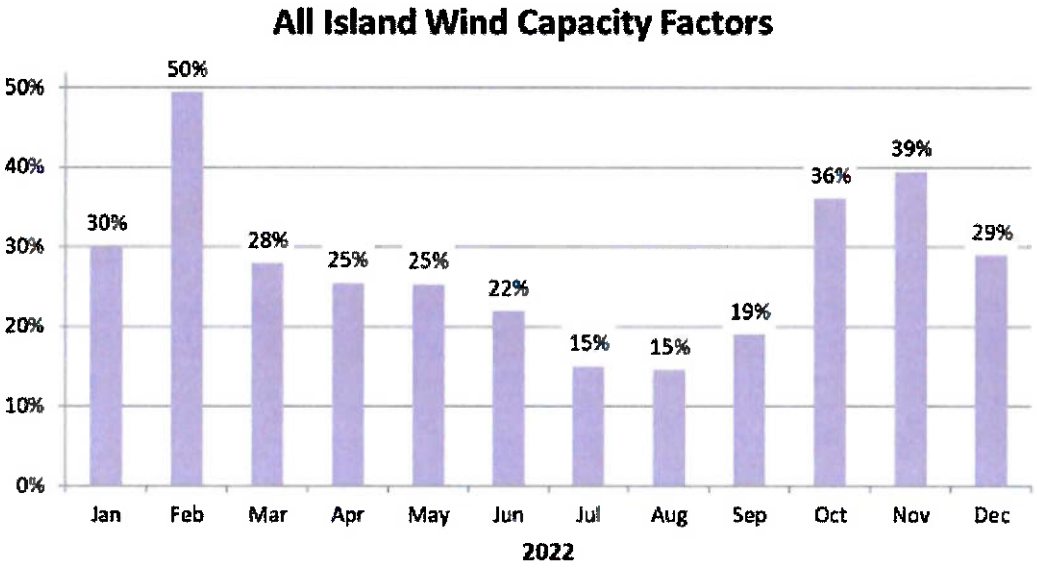


Figure 4: All-Island Monthly Wind Capacity Factors in 2022

3.5 The EU issue guidance each year on Best Available Techniques on Data Centres[24]. The EU Guidelines clearly interpret data centres as industrial facilities. On that basis appropriate alternative sites arise on an industrially zoned land subject to the capacity of the local electricity system.

24 https://e3p.jrc.ec.europa.eu/sites/default/files/documents/publications/jrc128184_jrc128184_jrc128184_2022_best_practice_guidelines-1.pdf

3.6 The Applicant argues at section 1 of the appeal document that they have a connection agreement.

> ***i. Existing insufficient capacity in the electricity network (grid)***
> We can confirm that the First Party has an existing connection agreement. The connection agreement between Edgeconnex Ireland Limited (i.e., the First Party) and EirGrid plc ("**EirGrid**") (Ref. D48-BM-CL) (the "**Edgeconnex Grid Connection Agreement**") is in line with Commission for Regulation of Utilities ("**CRU**") policies. It is a matter solely for EirGrid as Transmission System Operator (TSO) in accordance with the CRU policies and regulatory framework pertaining to determine who should get a demand connection agreement in light of capacity constraints to the electricity network[1]. In this instance the First Party has successfully met EirGrid's connection offer requirements and EirGrid deemed it appropriate for them to connect to the grid. Furthermore, the Proposed Development does not give rise to any capacity issues and on the contrary the permitted Power Plant will benefit the stability of the electricity grid.

Third party observers should be permitted to know the details, regarding MIC (Maximum Import Capacity)

- A question arises as to whether EIRgrid has lawful capacity to offer a connection before planning permission is granted and before EIA Assessment and Appropriate Assessment is carried out.
- Eirgrid is not the Competent Authority under the EIA and Natura Related Directive's
- A Planning Authority must make their decision in accordance with both National and EU Law and by necessity assessment related to EU Energy and Climate law must be carried out, and provide a reasoned decision.
- To what extent is the offer subject to flexible demand and review?
- Data centres provide very low levels of employment relative to their energy consumption. Data centres constitute a large proportion of the new connection demand to the Grid in the Dublin Region such that there is an economic interest in prioritising grid capacity for uses that avail the employment needs of large proportions of the population.
- Data Centres with flexible demand connection agreements are still tied to on site power generation which does not avail consumption of renewable power.
- The interested public is not given any information on the frequency or duration of application of flexible demand and consequent on site gas based generation at low efficiency.

3.7 The applicants claim that the entire facility is already permitted which is clearly not the case having regard to the Site Layout Map of the SD19A/0042 application and the 5 year limit imposed by condition 3 of the subsequent application for the Gas plant.

3.8 The applicant refers to a legal opinion from Mason Hayes & Curran in relation to the refusal of permission on a Grid Connection Point.

- The applicant refers to various variations of a grid connection agreement. Members of the Interested Public should be able to see these documents.
- On the basis of a central pillar of the development being reliant on onsite gas powered generation which is actually being scaled up it is reasonable for the planning authority to conclude that grid connection capacity is too constrained to connect the development.
- Mason Hayed and Curran have published a number of articles relating to Data Centres on their Website *"Connecting Data Centres in Ireland: CRU Enters the Fray"*[25]

[25] https://www.mhc.ie/latest/insights/connecting-data-centres-in-ireland-cru-enters-the-fray

Conclusion

These proposals indicate the CRU's willingness to take steps to protect security of electricity supply in the face of demand from data centres. It also illustrates the CRU's inclination to put existing Irish grid practices on a formal regulatory footing, including for the purposes of the CRU's dispute resolution jurisdiction. It is a welcome opportunity for the industry and wider Irish society to engage formally in consultation on the issue. Should the CRU decide to adopt its preferred solution, developers of new data centres will need to carefully consider their:

- *Preference for the Dublin area*
- *Appetite for including electricity generation and storage within their projects, and*
- *The extent to which they can operate flexibly in their demand.*

Specialist legal advice should be sought when seeking to finance, develop, acquire or procure services from data centres. For more information, please call a member of our Data Centres team.

- Local Authorities have very extensive functions under legislation beyond those of An Bord Pleanála. They have a legitimate interest in ensuring that there is sufficient Grid Capacity to sustain and facilitate further economic development in their area.
- Large quantities of additional electricity will be required in cities to facilitate the electrification of transport to improve air quality, and to electrify heating through the use of heat pumps. Any shortage of additional electricity in a Local Authority's Functional Area is a serious consideration.
- There is a role for high efficiency CHP in large urban areas which could integrate with data centres, particularly through the use of Green Hydrogen, availing decarbonising zones and improving energy efficiency. This point raises reasonable alternatives which the Board should consider as they are dealing with the appeal on a first instance basis.
- Local Authorities have extensive functions in relation to Climate Action per the ***Local Authority Climate Action Guidelines.***[26]

3.9 Lack of sufficient on site renewable energy to power the Development.

- There is a large area of roof space throughout the complex with a land area of 22 Hectares per the planning application form SD19A/0042. In addition to roof space solar pv panels can be fitted on vertical faces of buildings with an aspect towards the sun path.
- Power outputs of 150 Watts / M² are possible with capacity factors of circa 11% . The Storage of photovoltaic electricity using battery technology is commercially feasible, but it's not as cheap as gas based power.

[26] https://assets.gov.ie/250048/e508312c-39c4-4a78-a7ad-c855afc501e6.pdf

- 22 hectares amounts to 220,000 M² which at 150 Watts /M² equates to an output of 33MW. With 8766 Hours in an average year and a capacity factor of 11% ignoring vertical faces it equates to 31,820,580kWh which is sufficient to power 8,000 average homes ignoring temporal syncrecy.
- There are several other buildings in the area which have low power demands relative to their area. Solar PV could be located on those buildings and deploy Direct Lines (Private Wire) under Directive (EU) 2019/944[27] of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (recast)
- Green Hydrogen is now available in quantity at €100/MWh which can provide renewable power but not as cheaply as natural gas.
- HVO Renewable fuel is also available. There is a lot of emphasis in the Renewable Directive III on deriving renewable fuels from residues. Again another reasonable alternative in the Context of the EIA Directive.
- A cynic might observe that the Applicant maintains there is enough Grid Connection for a Planning Application but not enough to give up the gas generation plan on site.
- The Planning Authority was bound to consider the EU Policy on reducing gas demand but were not bound to state that reasoning in their decision making.
- In many ways the profitability of Data Centres in Ireland is related to the forbearance of Energy and Planning Decisions to indulge additional consumption of fossil fuels.
- Effectively much Irish Growth is on the back of additional fossil fuel use.

3.10 Lack of evidence in relation to power purchase agreements.

- National and EU policy requires that power related to Power Purchase Agreements have a temporal and geographical relationship to the location where the power is to be generated.
- The amended directives related to the Fit for 55 Package require the alignment of power related to power purchase agreements temporally and geographically with the location of the power consumption.
- There is no evidence of any matching of power generation to power consumption on a temporal or geographic basis. Ireland has very limited interconnection with the EU Grid. Wind power generation in Europe is not sufficiently diverse to provide imported wind power when the wind is not blowing in Ireland. Similarly if the sun is shining in Ireland it is likely to be shining in Europe also.
- The revised directives also require that any payment for power purchase agreements is deducted from State Aid type payments.

The Board are referred to the detailed principles in ***Renewable Electricity Corporate Power Purchase Agreements Roadmap March 2022***[28]

Detailed Principles and Implications:

The above principles are set out in further detail below:

1 GHG emission Reduction Corporate power procurement should clearly deliver additional GHG emissions reduction and contribute to Ireland's 2030 climate and renewable energy targets. This means that the policy and regulatory framework should incentivise actions that deliver additional GHG emission reductions by LEUs.

[27] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32019L0944
[28] https://assets.gov.ie/220107/ed5977f3-76a4-42c4-b2b7-dd5c4c4d7002.pdf

In that regard, regulatory barriers to corporate power purchasers investing in measures that reduce carbon should be addressed. Likewise, large energy users should ensure that their increasing electricity demand is not driving higher carbon emissions from a whole system perspective and ensure their low carbon power procurement is delivering additional carbon-reduction, for example driving new investments in technologies and solutions that would not have existed otherwise and are not fully funded by all customers through the PSO levy and network tariffs. LEUs should consider actions that support decarbonisation and Ireland's overall GHG emissions reduction targets beyond simply procuring additional renewable generation. Transparency of hour-by-hour generating system efficiency, curtailment and facilitating LEUs to monitor, optimise and report the carbon intensity of their energy use can assist LEUs demonstrate the opportunities for, and impacts of, these investments.

2 Deliver lower costs for all electricity consumers Corporate power procurement should lower the net costs of the energy transition to Irish consumers and the State. The RESS is the flagship programme to deliver on Ireland's up to 80% renewable electricity target. It is important that the private sector contracting through CPPAs complements the RESS and together they deliver the lowest overall costs to consumers. A supportive spatial planning framework and grid connection policy will be important in this regard to ensure a strong pipeline of renewable energy generation projects. While CPPAs may be one of the tools that facilitates phasing out renewable subsidies over time, this may not address the wider system costs associated with the increasing levels of variable renewable generation. As previously noted, keeping RESS and CPPAs separate leads to clearer additionality for CPPAs. However, there will always be a risk of competition between the CPPA and RESS markets and a tension between their relative attractiveness to developers. CPPAs may have a role in providing a route to market to renewable energy projects that might otherwise not be suitable for RESS, and therefore have a role to play in complementing the RESS auctions and ensuring a steady pipeline of projects connecting to the grid. Longer term, integrating RESS and CPPA markets avoids the problem of competition between the two. Adapting RESS or the design of future support schemes to incorporate CPPA demand for renewable electricity projects could be a means of lowering overall costs to all consumers. Design decisions for each RESS auction may provide short term levers to stimulate supply of CPPAs; however, this must be balanced against the need to reduce the costs of electricity to all consumers.

3 Ensure transparency and accuracy in reporting Corporate power procurement should be measured and reported in a way that accurately reflects actual emissions reduction in space and time and avoids 'Greenwashing'. This means that the policy and regulatory framework should facilitate accurate carbon emissions reporting, including considering temporal and spatial dynamics, through data provision, standards and regulations. LEUs should be enabled to reflect emissions reductions from wider actions beyond just power procurement for example relating to electricity storage solutions. LEUs should measure emissions associated with electricity demand and procurement accurately, considering temporal and spatial dynamics and the carbon impact of the same. They should report the impact of their actions clearly and transparently. The Climate Action Plan 2021 provides that the SEAI, the

CRU and the system operators will work with large energy users and enterprise development agencies, to develop approaches to enhance reporting and usage of lower carbon energy sources, including increased transparency of electricity emissions data to enable large energy users to address their electricity emissions across time (hourly) and geographic locations.

4 Innovation Corporate power procurement should stimulate innovation including new technologies and innovative grid/hybrid solutions. This means that regulatory barriers to investment by large energy users in innovative solutions that can reduce carbon emissions should be assessed and, where appropriate, removed. Business model innovation by generators and large energy users should be encouraged. Such initiatives and net zero data centres and real time matching and reporting of electricity consumption across time and space are to be supported and may be boosted by the sharing of information and best practise, e.g. through the Large Industry Energy Network5 . LEUs should experiment with new solutions that enhance effectiveness and reduce costs and carbon emissions. LEUs should also consider collaborating with other energy users and energy providers on energy parks that can create synergies and additional carbon-reduction opportunities.

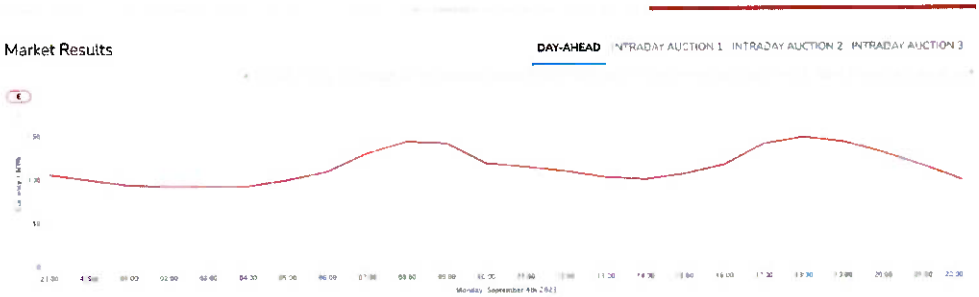
5 Build in strong community benefits Corporate power procurement should align with Government and EU policy on delivering on the energy transition for communities, including the Just Transition. This means that projects developed under corporate PPAs should consider the requirements of their local communities, ensure the buy-in of those in proximity to project and maximise the positive spill overs for the local community from the investment. Those contracting CPPAs should include a level of community benefit, through contributions or investment in communities similar to those supported under RESS. Developers, generators and LEUs should have engagement with local communities to ensure strong community benefit provisions are included in projects from the beginning of project development. Where appropriate, CPPAs should also align with the Just Transition, particularly regarding the creation of Green Energy Parks. One example is the proposed Rhode Island Green Energy Park project in County Offaly. Offaly County Council are commissioning a feasibility study to explore the integration of renewable energy and green hydrogen in the region with data centres, supported by a grant under the Just Transition Fund.

6 Wider Policy Alignment Corporate power procurement should align with broader Government Policy, in particular the targets, measures and actions set out in the Climate Action Plan and annual updates of the same. This includes sectoral measures and actions and specifically the measures set out to reach the electricity target of up to 80% by 2030. Corporate power procurement should also align with the National Planning Framework, the National Marine Planning Framework, the National Development Plan and regional spatial and economic strategies. As set out above, CPPAs should align with the wider policy objectives of the RESS, which include strong inbuilt consumer protections and a framework for community energy

that ensure communities benefit from renewable energy projects through benefit funds as well as community-owned projects. LEUs should ensure that projects developed through corporate power procurement meet sustainability criteria set out in the Renewable Energy Directive so that they can contribute to Ireland meeting its RES-E targets. CPPAs for the data centre sector will also be considered as part of the upcoming review of Government Statement on the role of data centres in Ireland's Enterprise Strategy and consistency with that statement, particularly the role of the enterprise agencies in facilitating and promoting links between LEUs, including data centres, and the renewable energy sector to align with and contribute towards emissions targets and future network needs, is essential. Finally, given Ireland's target of delivering 5 GW of offshore wind by 2030, there may be particular synergies between offshore wind projects and large energy users' power purchasing given the size of such projects. There may be opportunities in the future for CPPAs to complement or to reduce the level of public funding for offshore wind projects through Offshore RESS auctions6 .The template and principles provided by the policy roadmap for renewable electricity CPPAs may be considered in the renewable gas and renewable heating and cooling sectors as industry invests to further deliver upon decarbonisation of large-scale energy use through close coupling of supply and demand across energy vectors

7 Alignment with EU Green Deal CPPAs in Ireland should align with the framework and package of measures set out in the EU Green Deal to reduce EU net GHG emissions by at least 55% by 2030 and to deliver on the final targets and provisions set out under the recast Renewable Energy Directive. The development of CPPAs in Ireland should also align, insofar as is relevant, with forthcoming EU Commission guidance in this area. EU Commission Guidance on CPPAs The European Commission launched a public consultation, in January 2022, on how to improve permit-granting procedures for renewables projects and facilitate Power Purchase Agreements. The resulting guidance will be an important input into the development of CPPAs in Ireland over the coming years, which is expected to align with the principles set out above.

- There is a very difference in the Day Ahead Electricity Prices in the Wholesale Market and prices paid by householders for electricity. Typically household electricity prices are €0.40 per kWh while Day Ahead market was between the €0.1 to €0.15 range on 03/09/2023[29]



[29] https://www.semopx.com/

- Gas trades today 03/09/2023 for €33.15 / MWh[30]

3.11 The Appellant Applicant refers to negotiating Power Purchase Agreements. It is reasonable for member of the public to be informed and consulted in relation to:

- Where is the renewable power to be generated?
- Can it be integrated into the Irish Grid?
- Will the power be synchronous? (The Grid works off a max level of 75% non synchronous power)
- What technology is to be deployed?
- What compensating proposals for electricity storage are being proposed.
- Will the power related to the power purchase agreements be in sync with demand.
- Will the power purchase contracts be compliant with the RED III and the RED 2?
- Will the power purchase agreements meet transparency standards?
- What review procedures will pertain?

3.12 The application lacks detail on the type of power generation technology to be deployed?

- The applicant has lodged an IED Licence application P1204-01 on 24/08/2023
- The application refers to Variable Speed Drives being fitted to some motors but not to others as well as compressed air plant. Compress air plant is notoriously inefficient from an energy efficiency perspective
- What model of generator is to be used?
- How much power is required at peak demand?
- How much gas is required to meet peak power demand?

While there may be temporary permission to generate power at the site there is no legal basis for granting further data centres at the site in the absence of sufficient information to assess the application.

3.13 The application must be sufficiently detailed to satisfy the requirements of:

- The Planning and Development Act
- The Planning and Development Regulations
- The EIA Directive
- The Habitats Directive
- The EU Energy and Climate Related Directives, such as the iterations of the Renewable Energy Directive, The Recast Energy Efficiency Directive.
- The EU Solar Energy Strategy
- Irish Climate Related Legislation.

3.14 All the Drawings listed in the Schedule are not scanned to the Public File

[30] https://ceegex.hu/en/market-data/daily-data

3.15 A Submission was made to the Planning Authority by Sustainability 2050. This observation opposing a grant of permission sets out a substantial amount of points for the decision maker to consider. It is reasonable to hold an expectation that the Board will be guided by the points raised and refuse permission.

It is not necessary to raise an exhaustive range of complex matters. It is permissible to advance matters by way of Judicial Review per paragraph 38 T***homas Reid V An Bord Pleanála [2021] IEHC 230***[31]

> *38. An applicant can however present a new argument or a new piece of evidence to the court that was not put before the decision-maker if:*
>
> *(i). the complaint of illegality is jurisdictional, or the applicant seeks to introduce new evidence regarding a fact going to jurisdiction or going to breach of an essential procedural requirement;*
>
> *(ii). the applicant in judicial review is not the applicant before the decision-maker and the point amounts to correcting the other party's homework or pointing out omissions which would have enabled the application which is being opposed to be corrected and improved; such omissions can be left to the decision-maker to address and if not so addressed can be presented by the objector to the court without having first been raised before the decision-maker;*
>
> *(iii). the complaint is one of irrationality or disproportionality, so can only be assessed after the event in the sense that an applicant can only compare the extent to which the precise decision and the articulated reasons were open to the decision-maker on the evidence once that decision and reasons are actually available, although noting as stated above that while the articulation of the complaint of irrationality or disproportionality can be new, the evidence by reference to which the argument is made generally should have been that before the decision-maker (apart from, in limited respects, where constitutional or ECHR rights are at issue (see below));*
>
> *(iv). the complaint is of a procedural unfairness that the applicant could not reasonably have been expected to deal with in the process under review or is in respect of a requirement that the applicant could reasonably have expected the decision-maker to comply with, noting that this does not apply where some special procedure was not volunteered by the decision-maker, because as noted above an applicant should ask for any such special procedure if desired rather than making a generalised complaint in proceedings without prior notice;*
>
> *(v). the complaint is one of lack of reasons (although asking the body for reasons, if such are lacking, and where its procedures so provide, is to be encouraged);*
>
> *(vi). the complaint engages the principle of access to justice in EU law, such as the provisions of art. 11 of directive 2011/92/EU on EIA and art. 25 of directive 2010/75/EU on industrial emissions, or related fields;*
>
> *(vii). the complaint is that the decision-maker made an error of fact;*

[31] https://www.courts.ie/acc/alfresco/e2f63913-088b-4849-8dd9-37f8df65b8d9/2021_IEHC_230.pdf/pdf#view=fitH

(viii). the applicant wishes to show what material was before the decision-maker; (ix) new evidence is necessary to explain technical terms or processes;

(x). new evidence is to show that a process of reasoning involved serious technical error;

(xi). a decision-maker had an independent duty to inquire, and relevant information could reasonably have been available:

(xii). new evidence explains the context in which the issue arises or is produced for background information;

(xiii). the complaint relates to a disproportionate impact on constitutional or ECHR rights which might be assessed by reference to the overall fact-situation rather than just what was before the decision-maker (though this does not allow an applicant to complain that some identified constitutional or ECHR right wasn't considered at all when that right was never alluded to by the applicant before the decision-maker);
(xiv). the complaint is one of misconduct by the decision-maker;

(xv). generally, the illegality is one that the applicant could not reasonably be expected to have addressed before the decision-maker;

(xvi). failure to raise the point during the process is otherwise explained satisfactorily.

3.16 The Commitment to use Green GAS or hydrogen **IF IT BECOMES AVAILABLE**

An application to amend part ii and iii of condition 3 was lodged on the 27th June 2022 under Planning Ref. SD22A/0289 and received its Final Grant on the 10th February 2023 following the lodgement of an invalid appeal by a third party. The revised condition 3(ii) and (iii) states.

Condition no. 3(ii)
Within four (4) years from the date the first Gas Plant commences operation, the applicant or operator shall undertake a review with GNI of the ability to serve the Gas Plant with green gas and / or hydrogen (or similar fuels) shall be investigated and reported to the Planning Authority. Any ability for the Gas Plant to be operated with green gas and / or hydrogen (or similar fuels) shall be implemented within an agreed timeline agreed with GNI.

Condition no. 3(iii)
If the applicant receives a firm offer from Eirgrid under which the Gas Plant is not required, and the connection has been realized with capacity onsite from Eirgrid, then the Gas Plants shall be removed from the entire site within a year of the ceasing of operation."

The change in the wording of this condition is critical to the consideration of this appeal as it indicates a commitment by the application to utilise green gas and / or hydrogen (or similar fuels) in the future if they become available.

Producers of Biogas who inject it to the Gas Grid cannot have it certified as Renewable.

- The question of if "Green Gas' ' or hydrogen becomes available is a subjective one? It is very much dependent on price. Will it be cheaper than natural gas? Not likely.The condition is too uncertain to be enforceable and therefore void.
- There is a distinction between green hydrogen grey hydrogen and blue hydrogen.
- Biogas has very different carbon reduction factors depending on the fuel stock as defined by the latest evolution of the Renewable Energy Directive.
- Even if 100% renewable fuel was procured and used the proposal is still flawed as the electricity is to be converted from gas at a location that cannot usefully use the waste heat.

- The Board are referred to the Judgement of the CJEU in C-461/17[32]

61 *In accordance with Article 3 of the EIA Directive, one of its objectives is to ensure that the effects of projects on the environment are identified, described and assessed.*

62 *In that regard, Article 5 of the EIA Directive lists the information, specified in Annex IV, that the developer is to supply in an appropriate form to the competent authorities, in order to enable the latter to carry out an environmental impact assessment with respect to the proposed project.*

63 *In particular, Article 5(3)(d) of the EIA Directive states that the developer must provide at least 'an outline of the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects'.*

64 *It is stated explicitly in the wording of that provision that the developer is obliged to supply to the competent authorities an outline of the main alternatives studied by him and an indication of the main reasons for his choice, taking into account the environmental effects.*

65 *In that regard, first, it must be observed that the EIA Directive contains no definition of the concept of 'main alternatives', as referred to in Article 5(3)(d) of the EIA Directive. The Court must, however, hold, as did the Advocate General in points 94 and 95 of her Opinion, that the decisive factor, in order to identify those alternatives that should be regarded as 'main' alternatives, is whether or not those alternatives influence the environmental effects of the project. In that regard, the time when an alternative is rejected by the developer is of no relevance.*

66 *Further, since, according to Article 5(3)(d) of the EIA Directive, only an outline of those alternatives must be supplied, it must be held that that provision does not require the main alternatives studied to be subject to an impact assessment equivalent to that of the approved project. That said, that provision requires the developer to indicate the reasons for his choice, taking into account at least the environmental effects. One of the aims of imposing on the developer the obligation to outline the main alternatives is that reasons for his choice should be stated.*

67 *That obligation on the developer ensures that, thereafter, the competent authority is able to carry out a comprehensive environmental impact assessment that catalogues, describes and assesses, in an appropriate manner, the effects of the approved project on the environment, in accordance with Article 3 of the EIA Directive.*

68 *Last, it must be observed that the outline referred to in that provision must be supplied with respect to all the main alternatives that were studied by the*

[32] https://curia.europa.eu/juris/document/document.jsf?text=&docid=207428&doclang=EN

developer, whether those were initially envisaged by him or by the competent authority or whether they were recommended by some stakeholders.

3.17 The South County Dublin Development Plan

Policy EDE7: Space Extensive Land Use

Recognise the need for land extensive uses and ensure that they are located within appropriate locations having regard to infrastructural, transport and environmental considerations and the need for orderly growth.

EDE7 Objective 1:

To ensure that, insofar as possible, space extensive enterprise is located on lands which are outside the M50 and which do not compromise labour intensive opportunities on zoned lands adjacent to public transport.

352 SOUTH DUBLIN COUNTY DEVELOPMENT PLAN 2022-2028

Economic Development and Employment (EDE)

EDE7 Objective 2:

To require that space extensive enterprise demonstrates the following:

à The appropriateness of the site for the proposed use having regard to EDE7 Objective 1;

à Strong energy efficiency measures to reduce their carbon footprint in support of national targets towards a net zero carbon economy, including renewable energy generation;

à Maximise on site renewable energy generation to ensure as far as possible 100% powered by renewable energy, where on site demand cannot be met in this way, provide evidence of engagement with power purchase agreements in Ireland (PPA);

à Sufficient capacity within the relevant water, wastewater and electricity network to accommodate the use proposed;

à Measures to support the just transition to a circular economy;

à Measures to facilitate district heating or heat networks where excess heat is produced;

à A high-quality design approach to buildings which reduces the massing and visual impact;

à A comprehensive understanding of employment once operational;

à A comprehensive understanding of levels of traffic to and from the site at construction and operation stage;

à Provide evidence of sign up to the Climate Neutral Data Centre Pact.

EDE7 Objective 3:

To ensure that landscaping and site layout in space extensive developments provides for demonstrated biodiversity measures and that landscape and biodiversity measures integrate into the green infrastructure network, in accordance with the Green Infrastructure Strategy set out in Chapter 4 of this

3.18 A Natural Justice Point

An appellant appealing a Planning Decision has a right of appeal under the Planning Act with a facility to request an Appeal. In circumstances where the Planning Authority refuse an application an Observer may only make an observation to the Board as the Board would mostly see such an appeal in th absence of an appeal from the first party as vexatious.

Yours sincerely

John Callaghan

John Callaghan on behalf of myself and Sustainability 205