



An Taisce
The National Trust for Ireland

An Bord Pleanála
64 Marlborough Street
Dublin 1

AN BORD PLEANÁLA	
LDG-	<u>053404 - 22</u>
ABP-	
16 MAY 2022 o.k	
Fee: €	<u>110</u> Type: <u>Cheque</u>
Time: <u>15.39</u>	By: <u>a hand</u>

16th May 2022

APPEAL

P.A. Ref:
For:

FW21A/0151 (Fingal County Council)

Demolition of 2 no. existing residential dwellings and ancillary structures to the east of the site (c.344qm total floor area); Construction of 2 no. data hall buildings (Buildings A and B) comprising data hall rooms, mechanical and electrical galleries, ancillary offices including meeting rooms, workshop spaces, staff areas including break rooms, toilets, shower/changing facilities, storage areas, lobbies, outdoor staff areas, loading bays and docks, associated plant throughout, photovoltaic panels and screened plant areas at roof levels, circulation areas and stair and lift cores throughout; External plant and 58 no. emergency generators located within a generator yard to the east and west of Buildings A and B at ground level. The area is enclosed by a c.6.5m high louvred screen wall; The proposed data halls (Buildings A and B) are arranged over 3 storeys with a gross floor area of C.37,647sqm each; The overall height of the data hall buildings is c28m to roof parapet level and c32m including roof plant, roof vents and flues. The total height of Buildings A and B does not exceed 112m OD (above sea level); The proposed development includes the provision of a temporary substation (c.32sqm), water treatment building (c. 369sqm and c.7.7m high), 7 no. water storage tanks (2,800m3 in total and c.6.4m high each), 2 no. sprinkler tanks (c.670m3 each and c.7.9m high each) with 2 no. pump houses each (c.40sqm and c. 6m high each); The total gross floor area of the data halls and ancillary structures is c.75,775sqm; All associated site development works, services provision, drainage upgrade works, 2 no. attenuation basins, landscaping and berming (c.6m high), boundary treatment works and security fencing up to c.2.4m high, new vehicular entrance from the North Road, secondary access to the south west of the site from the existing private road, all internal access roads, security gates, pedestrian/cyclist routes, lighting, 2 no. bin stores, 2 no. bicycle stores serving 48 no. bicycle spaces, 208 no. parking spaces including 10 no. accessible spaces, 20 no. electric vehicle charging spaces and 8 no. motorcycle spaces; Existing electricity overhead lines traversing the site will be undergrounded under concurrent application Ref. FW21A/0144; A proposed 220kv substation located to the south west of this site will

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Company Limited by Guarantee no. 12469 | Charity CHY4741 | Charity Regulator no. 20006358 | EU Transparency Register no. 473905437651-60

Directors: Philip Kearney (Chair), Trish O'Connell (Vice-Chair),
Stuart McCaul (Secretary), Aoife O'Gorman (Treasurer), Hugh O'Reilly, John Sweeney, Olivia Rogers, Rónán O'Brien

be subject of a separate Strategic Infrastructure Development application to An Bord Pleanála under section 182A of the Planning and Development Act 2000 (as amended); An Environmental Impact Assessment Report (EIAR) is submitted with this application.

Site: Lands adjacent to Huntstown Power Station, North Road, Finglas, Dublin 11

A Chara,

In accordance with the provisions of Section 37(1) of the Planning and Development Act 2000 (as amended), An Taisce wishes to appeal the decision on 20th April 2022 of Fingal County Council to grant permission for the above application.

1. Climate Action and Low Carbon Development (Amendment) Act 2021

An Taisce submits that the compatibility of the proposal with the legal obligations of the Climate Action and Low Carbon Development (Amendment) Act 2021 (hereafter referred to as the Climate Act) must be established as a preliminary matter.

The Climate Act stipulates that Ireland must achieve net zero emissions by 2050 (climate neutrality) and a 51% reduction in emissions by 2030 relative to 2018 levels. In furtherance of these statutory obligations, the Climate Act requires the development of five-year carbon budgets and sectoral emissions ceilings. To achieve the Climate Act's 2050 net zero target, Ireland's energy system will have to be fully decarbonised.

The subject proposal will consume very significant amounts power, requiring 150MW or 1,310GWh of electricity annually. With regard to the emissions that will be generated to fulfil this electricity requirement, Section 9.7.2.2 of the EIAR states that: "*The indirect CO₂ emissions from electricity to operate the facility will not be significant in relation to Ireland's national annual CO₂ emissions.*" However, the applicant has calculated that the development will likely generate 450,000 tonnes of CO₂eq per year. This amounts to approximately 0.82% of Ireland's total annual emissions (based on 2019 EPA data). The applicant goes on to state that: "*This will have an indirect, long-term, negative and slight impact on climate*".

An Taisce submits that this analysis is insufficient to justify the proposal against the statutory emissions reduction obligations of the Climate Act. Any individual development will, in all likelihood, only contribute a small proportion of Ireland's annual emissions and represent a small proportion of a given carbon budget. However, individual developments must demonstrate alignment with the statutory sectoral emission reduction plans, the broader carbon budgets, the 51% emissions reduction obligation for 2030, and the 2050 climate neutrality obligation. It is submitted that it has not been demonstrated how the proposal is to be compatible with the trajectories required to achieve a 51% emissions reduction by 2030 and net zero by 2050, both of which will necessarily involve progressively tightening carbon budgets and sectoral emissions ceilings. This of particular importance given the ongoing proliferation of data centres in Ireland.

It is crucial to note that the required participation of the proposed development in the EU Emission Trading Scheme and the purchase of the associated emissions permits relates to mitigation obligations under EU climate law. This does not negate, prevent or act in place of the obligations under the national carbon budgets and sectoral emissions ceilings in accordance with the Climate Act.

2. Strengthening of Condition 3

Subject to the compatibility of the proposal with the Climate Act being demonstrated, An Taisce submits that Condition 3 of the grant of permission by Fingal County Council requires strengthening. Condition 3 states:

"Prior to the commencement of operation of the development hereby permitted, the developer shall submit for the written agreement of the Planning Authority details of a Corporate Purchase Power Agreement that the developer has entered into which demonstrates that the energy consumed by the development on site is offset with new renewable energy generation. The Agreement shall comply with the following:

- (a) The new renewable energy projects shall not be supported by government, consumer or other public subsidies.*
- (b) The new renewable energy projects shall be located in Ireland.*
- (c) The new renewable energy projects shall be provided by the applicant's group, that is, Huntstown Power Company Limited.*
- (d) The new renewable energy generation shall relate to energy that is not being generated at the date of grant of this permission."*

In order for the condition to fulfil its stated purpose of ensuring that energy consumed by the development on site is offset with new renewable energy generation, it is submitted that additional points should be added to the condition requiring the Agreement to comply with the following:

- That the amount of electricity generated by the new renewable energy projects is equal to or greater than the electricity requirements of the data centre; and
- That the new renewable energy projects are fully operational prior to the commencement of operation of the data centre.

Yours sincerely,

Phoebe Duvall

*Planning and Environmental Policy Officer
An Taisce – The National Trust for Ireland*

Ian Lumley

*Head of Advocacy
An Taisce – The National Trust for Ireland*



**Ian Lumley,
An Taisce
Tailors Hall
Back Lane
Dublin 8**

Date: 28th Sept, 2021

ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION on a PLANNING APPLICATION

THIS IS AN IMPORTANT DOCUMENT!

KEEP THIS DOCUMENT SAFELY, YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE **ONLY** FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANÁLA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

PLANNING AUTHORITY NAME

FINGAL COUNTY COUNCIL

PLANNING APPLICATION REFERENCE NO.

FW21A/0151

A submission/observation in writing, has been received from Ian Lumley,
An Taisce **on** , **in relation to the above planning application.**

The appropriate fee of €20.00 has been paid. (Fee not applicable to prescribed bodies).

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations, 2006 and will be taken into account by the Planning Authority in its determination of the planning application.

J Boyle

Reg. Ref. FW21A/0151

For Senior Executive Officer

Fingal County Council Stamp

Area: Blanchardstown Mulhuddart

Development:

- Demolition of 2 no. existing residential dwellings and ancillary structures to the east of the site (c.344qm total floor area);
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- External plant and 58 no. emergency generators located within a generator yard to the east and west of Buildings A and B at ground level. The area is enclosed by a c.6.5m high louvred screen wall;
- The proposed data halls (Buildings A and B) are arranged over 3 storeys with a gross floor area of C.37,647sqm each;
- The overall height of the data hall buildings is c28m to roof parapet level and c32m including roof plant, roof vents and flues.

The total height of Buildings A and B does not exceed 112m OD (above sea level);

- The proposed development includes the provision of a temporary substation (c.32sqm), water treatment building (c. 369sqm and c.7.7m high), 7 no. water storage tanks (2,800m³ in total and c.6.4m high each), 2 no. sprinkler tanks (c.670m³ each and c.7.9m high each) with 2 no. pump houses each (c.40sqm and c. 6m high each);
- The total gross floor area of the data halls and ancillary structures is c.75,775sqm;
- All associated site development works, services provision, drainage upgrade works, 2 no. attenuation basins, landscaping and berming (c.6m high), boundary treatment works and security fencing up to c.2.4m high, new vehicular entrance from the North Road, secondary access to the south west of the site from the existing private road, all internal access roads, security gates, pedestrian/cyclist routes, lighting, 2 no. bin stores, 2 no. bicycle stores serving 48 no. bicycle spaces, 208 no. parking spaces including 10 no. accessible spaces, 20 no. electric vehicle charging spaces and 8 no. motorcycle spaces;
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- A proposed 220kv substation located to the south west of this site will be subject of a separate Strategic Infrastructure Development application to An Bord Pleanála under section 182A of the Planning and Development Act 2000 (as amended);
- An Environmental Impact Assessment Report (EIAR) is submitted with this application.

AI received 11/02/2022

AI deemed significant **

revised public notices 24/2/2022

Location: Lands adjacent to Huntstown Power Station, North Road, Finglas, Dublin 11

Reg. Ref. FW21A/0151

Applicant: Huntstown Power Company Limited

Application Type: Permission

Date Received: 24 February, 2022

Please note that all planning applications, including submissions/objections will be published on the Council's website.