

To: An Bord Pleanála
64 Marlborough Street,
Dublin 1.

AN BORD PLEANÁLA	
LDG-	053474 -22
ABP-	
17 MAY 2022	
Fee: €	20.00 Type:
Time:	16.34 By: HAND

BB/COC

17th May 2022

**Re: Our Clients: John Conway and Louth Environmental Group of 91 St.
Nicholas Avenue, Dundalk, Co. Louth**
Re: Appeal Planning Application Number: FW21A/0151
Applicant: Huntstown Power Company Limited
Fingal County Council

Dear Sirs/Madam,

On behalf of the above-named Clients, we wish to lodge an Appeal on the proposed development the subject matter of Planning Application Ref No. FW21A/0151, granting permission by letter and email to our office dated the 22nd April 2022 to Lands adjacent to Huntstown Power Station, North Road, Finglas, Dublin 11. Comprising application, 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 louvered 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.

We enclose herewith copy of our submissions made to Fingal County Council on the 21st September 2021, Acknowledgement from Finglas County Council of our submissions dated the 28th September 2021 and the decision from Finglas County Council.

We also enclose herewith cheque in the sum of €220.00 being the fee payable with this Appeal.

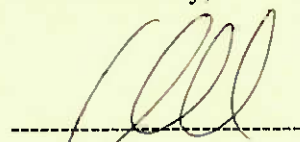
The grounds and reasons for our submission/observations are detailed hereinafter.

- (a) The planning application does not comply with the requirements of the Planning and Development Act 2000 (as amended) and associated Regulations. The applicant has failed to notify the Commission for Regulation of Utilities – which is so required in circumstances where the proposed development will have an impact on energy infrastructure.
- (b) The planning application does not comply with the requirements of the 2001 Regulations (as amended), the EIA Directive or the Habitats Directive in circumstances where there insufficient information and detail presented, including in relation to how the proposed development would operate via linkage/connection to the national grid.
- (c) The proposed development should be subject to a complete Environmental Impact Assessment in accordance with the provision of national law and the EIA Directive (as amended), having regard to the nature of the project.
- (d) The Proposed Development does not comply with the requirements of the Planning and Development Act 2000 (as amended) (*under Part XAB of the 2000 Act (ss.177R-177AE)*) and the Habitats Directive. Due to inadequacies and lacunae in the AA Screening Report and NIS prepared by the Developer the Board does not have sufficient and/or adequate information before it to carry out a complete AA Screening and AA in relation to the proposed development.

- (e) Inadequate information has been provided in the NIS to screen out the potential impact of the proposed development on birds/bats – reference to generic statements is not a substitute for expert scientific opinion as to the potential impact of the proposed development, during both construction and operational phases on birds, including bird flight lines and collision risks.
- (f) The AA Screening assessment, included in the NIS, does not provide sufficient reasons or findings, as required under Art.6(3) of the Habitats Directive and national law, to the requisite standard – the conclusions/statements made therein do not identify any clear methodology and no analysis is offered in respect of the AA Screening conclusions in respect of the protected sites “screened out” at the said AA Screening stage.
- (g) No regard and/or inadequate regard has been given to the cumulative effects of the proposed development, in combination with other development in the vicinity, on the protected sites.
- (h) There is no information within this application on the proposals to connect the power plant and site to the national grid and the source of gas proposed, the Climate Action and Low Carbon Development (Amendment) Act 2021 is not referenced in Section 4.2.3 of the Planning Report.
- (i) Water usage. Peak demand of water usage stands at around 1,000,000 litres of water per day. Rainwater collection cannot be relied upon, due to uneven patterns of precipitation which will become even more erratic as the climate changes. Cooling the data centre will divert a valuable resource away from the local community, a situation which is likely to get worse as water scarcity becomes more of a problem and population increases. A region with ample water today may become water-stressed in 10 to 30 years. We have recently witnessed that protracted periods of temperatures above 26 C with no precipitation are becoming more frequent in Ireland. The UN expects water demand to outpace supply by almost 40% as soon as 2030. Greater consideration needs to be given to how available resources are going to be used. The average data centre uses a lower estimate of 500,000 litres per day. Amazon’s large network of data centres in Dublin, stated it could use 296,000 litres of water a day, a facility on Belgard Road could use 319,680 litres per day and one in Blanchardstown could use 328,8000 litres per day.
- (j) Ireland is one of the EU’s worst carbon emission offenders and faces fines of more than €250 million for missing 2020 targets on reducing greenhouse gas emissions. Missing later targets will trigger steeper fines.

- (k) According to Host in Ireland/Bitpower figures, the data centre industry was responsible for 1.85% of electricity-related carbon emissions in the country during 2020, and this is expected to reach 2.2% by 2025.
- (l) An Taisce recommends that information always be sought on the level of energy use required to serve the proposed development, the specific sourcing for the proposed energy use, and the measures proposed to ensure that the project will not create any increase in electricity generation causing greenhouse gas emissions.
- (m) There are now 70 operational data centres in Ireland using 900 megawatts (MW), with eight under construction with 250MW usage and 26 with planning approval and are expected to double by 2025. In the last year alone, there has been a 25% growth in these centres. Within nine years these centres will consume 30% of the state's total electricity demand.
- (n) This development would be in breach of the Climate Action Plan 2021.

Yours faithfully,



Christine O' Connor,
BKC Solicitors



C O'Connor
BKC Solicitors
252 Harold's Cross Rd
Harold's Cross
Dublin 6W
D6WT384

Date: 28 September, 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 has been received from C O'Connor BKC Solicitors, 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, 2001 -2013 and will be taken into account by the Planning Authority in its determination of the planning application.

Amy Finn

for Senior Executive Officer

Development:

- 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 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.

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

Area: Blanchardstown Mulhuddart

Applicant: Huntstown Power Company Limited

Application Type: Permission

Date Received: 24 August, 2021

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.

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



C O'Connor BKC Solicitors
252 Harold's Cross Rd
Harold's Cross
Dublin 6W
D6WT384

Date: 22-Apr-2022

Register Ref.: FW21A/0151

Area: Blanchardstown Mulhuddart

Development:

- Demolition of 2 no. existing residential dwellings and ancillary structures to the east of the site (c.344sqm 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;
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c.75,775sqm;

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- 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

Applicant: **Huntstown Power Company Limited**

App. Type: Permission

Date Recd: **24-Feb-2022**

Dear Sir/Madam,

I wish to inform you that a **DECISION** to GRANT PERMISSION was made by Order dated 20-Apr-2022 for the above proposal. Details of the Planning Authority's conditions and reasons are attached.

It should be noted that valid objectors, applicants or prescribed bodies may appeal to An Bord Pleanála against the decision or any conditions attached to the Council's decision **within four weeks** beginning on the date of the Council's decision.

Interested parties are advised to consult An Bord Pleanala to ascertain if an appeal has been lodged by the applicant.

All appeals against decisions of the Planning Authority and all correspondence in relation to new and existing appeals should be addressed to The Secretary, An Bord Pleanala, 64 Marlborough Street, Dublin 1. (Tel.01-8588100). **Any appeal made to An Bord Pleanala will be invalid unless it is fully complete and the correct fee is received by An Bord Pleanala within the statutory appeal period.**

The fee for a third party appeal is €220, to request an Oral Hearing is a further €50, which must also be done within the statutory appeal period. For full details please refer to 'Making a Planning Appeal under the 2000 Planning Act' and 'Guide to Fees payable to the Board', which can be viewed on www.pleanala.ie.

Submissions or observations made to An Bord Pleanala by or on behalf of a person other than the applicant must be accompanied by a fee of €50 and must be received within **four weeks** from the receipt of the appeal by An Bord Pleanala. Please see details of Conditions attached to Decision to GRANT PERMISSION.

Yours faithfully,

Amy Finn

for **Senior Executive**

Officer

NOTIFICATION OF DECISION TO GRANT PERMISSION

In pursuance of its function under the Planning & Development Act 2000 -2007 a **DECISION** to GRANT PERMISSION was made by Order dated 20-Apr-2022 for the above proposal.

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

23 CONDITIONS(S) AND REASON(S) FOR GRANT PERMISSION

1. The development shall be carried out in its entirety in accordance with the plans, particulars, specifications, and information lodged with the application on 24/08/2021 and as amended on 11/02/2022, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2. The permitted use of the development shall be strictly as indicated on the submitted plans, drawings and documentation (data hall). The offices shall remain ancillary to the data hall use permitted.
Any change of use, subdivision or amalgamation, whether or not such change or subdivision would otherwise constitute exempted development, under the Planning and Development Regulations 2001(as amended) shall not be undertaken without a prior grant of permission.

REASON: To avoid any misunderstanding as to the proper construction of this permission and to regulate the use of the development and to ensure proper planning control is maintained.

3. 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.

REASON: In the interests of sustainable development.

4. The duration of this permission shall be for a period of ten years.

REASON: In the interests of clarity.

5.
 - (a) All mitigation measures identified in the Natura Impact Statement and the Environmental Impact Assessment Report (including the addendum to the Environmental Impact Assessment Report) shall be implemented in full in the construction and operation of the development.
 - (b) A Mitigation Implementation Schedule shall be prepared and submitted by the developer prior to commencement of development for the written agreement of the Planning Authority. The schedule shall contain a numbered list of all the construction and operation-related mitigation measures to be implemented, the company / person(s) responsible for implementation of each measure and the timing / duration of each mitigation measure. The

schedule shall include the measures set out in the Environmental Impact Assessment Report (and Addendum to the Environmental Impact Assessment Report), the Natura Impact Statement, and other documentation as required. The Mitigation Implementation Schedule shall be supported as appropriate, by mapping outlining the location of the mitigation measures.

REASON: In order to ensure protection of the local environment.

6. Prior to commencement of development, final Construction Environmental Management and Construction Noise and Vibration Management Plans shall be submitted for the written agreement of the Planning Authority. This shall include all applicable mitigation measures identified in the Mitigation Implementation Schedule (using the nomenclature of that Schedule) and all other applicable items referred to in other conditions. The Plan shall include the provision of Class 1 Full Retention petrol /oil interceptors (or their equivalent) and shall be supported, as appropriate, by mapping outlining the location of the mitigation measures.

REASON: In order to ensure protection of the local environment and the amenities of the area.

7. The following requirements of the Planning Authority shall be complied with in full:
 - a) A 2.0 footpath and a 2m cycle segregated path along the boundary of the existing site and the North Road shall be provided and designed in accordance with the NTA Cycle Manual. The design and construction details including ducting, drainage and lighting/replacement hedgerow shall be agreed in writing with the Planning Authority prior to commencement of development.
 - b) Internal crossing points for pedestrians shall be raised or ramped so the pedestrians and cyclists retain priority through the site.
 - c) A Detailed Construction Management Plan shall be prepared by the main contractor including a detailed Construction Traffic Management Plan which would address in detail haulage routes, interpeak deliveries schedules and the off-site car parking and proposed construction staff transport facilities. Proposed traffic management on the public road shall be agreed with the Traffic Section, Operations Department of Fingal County Council through the Road Opening licensing system.
 - d) Road Safety Audits shall be carried out as part of the proposed development at the relevant stages as outlined in current edition of Transportation Infrastructure Ireland guidelines GE-STY-1027.
 - e) A minimum of 10% of EV charging points shall be available from completion of the proposed development with all ducting and services provided as part of the proposed development to facilitate non-disruptive retro fitting of EV charging points for all of the remaining parking spaces.
 - f) A final Mobility Management Plan shall be submitted within one year following occupation of the development for the written agreement of the Planning Authority. The measures identified in the Mobility Management Plan shall be implemented for the development and expanded to include

monitoring and surveys and tax saver schemes, the appointed mobility management coordinator shall be responsible for implementing the measures once the development is occupied

g) The applicant shall comply with any future requirement of the Planning Authority in relation to additional mitigation works in relation to glint and glare issues that may arise but may only become apparent when the installation is commissioned.

h) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.

i) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense.

j) All works to the public road shall be in accordance with the Fingal County Council's taking in-charge standards and carried out at the expense of the developer.

REASON: In the interest of traffic safety.

8. The following requirements of the Planning Authority shall be complied with in full:

a) No surface water / rainwater is to discharge into the foul water system under any circumstances.

b) The surface water drainage must be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.

REASON: In the interests of the proper planning and sustainable development of the area.

9. (a) Prior to the commencement of development, details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority. Sample panels shall be erected on the site at the time of submission of the details.

(b) Noise insulation shall be provided in the administrative and staff welfare areas as detailed in the noise impact assessment technical report by AWN Consulting on 11th February 2022.

REASON: In the interests of orderly development and the visual amenities of the area.

10. The following requirements of the Planning Authority shall be complied with in full:

a) Landscape Plan:

The submitted landscape plan shall be implemented no later than the first planting season following completion of site construction works.

b) Landscape and maintenance specifications:

A site-specific specification shall be submitted for the written agreement of the Planning Authority in relation to the proposed meadows, i.e. seed mix, treatment of soil and maintenance regime.

A site-specific maintenance specification shall be submitted for the written agreement of the Planning Authority in relation to the proposed woodland planting (in terms of short, medium and long term works - thinning requirements etc.) as well as for the existing hedgerow planting (e.g. coppicing etc.)

c) Tree and Hedgerows:

To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention as outlined within the submitted tree report.

The appointed arboricultural consultant shall be engaged by the applicant for the duration of the project, to liaise with works contractor & Fingal County Council's Parks Planning Officer and monitor and record (photograph and report site inspection dates) all tree protection measures.

A tree bond of €65,000 shall be lodged with the Council prior to the commencement of development in order to ensure that the trees and hedgerows are protected and maintained in good condition throughout the course of development. This bond will be held by Fingal County Council for a period of three years post construction which may be extended in the event of possible construction related defects. The arborist's records (of site inspection dates and photographs) to be submitted to the Council prior to the request for release of this Tree Bond.

All works on trees shall follow proper arboricultural techniques conforming to BS3998: 2010 Tree Works - Recommendations.

REASON: To ensure the provision of amenity afforded by appropriate landscape design.

11. Any removal of vegetation, including trees and hedges from the development site shall only be carried out in the month from September to February inclusive, i.e. outside the main bird nesting season.

REASON: To prevent the destruction of the nests , eggs and young of bird breeding on the development site.

12. Prior to commencement of the development, the applicant/developer shall submit details for the written agreement of the Planning Authority, of the various waste streams, including expected tonnages, which will be generated during site clearance/demolition and construction phases. The applicant/developer shall also confirm any proposed exportation/importation of soil and stone material including destination/source locations, quantities

and if any material will be assessed under Article 27.

REASON: In the interest of public health.

13. The following requirements shall be complied with in respect of archaeology:

a) The applicant shall engage the services of a suitably qualified, experienced and licence eligible archaeologist to co-ordinate the mitigation proposals contained in the EIAR for archaeological excavations (preservation by record) and archaeological monitoring of ground works. The archaeologist will provide a schedule of archaeological excavation works that will take place in advance of the commencement of any construction works. The schedule of the archaeological works (incorporating the results of ongoing excavations under Licence No. 21E0185) will be included in the Method Statement submitted with the Archaeological Licence application.

b) The archaeologist will excavate and 'preserve by record' features identified in the testing phase and will be prepared to monitor under licence all other ground works associated with the development. The archaeologist will also make arrangements for the protection of archaeological features within the development site during the course of construction works.

c) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

d) The Planning Authority and the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

REASON: To ensure the continued preservation (either in situ or by record) of places, caves, sites, feature or other objects of archaeological interest.

14. No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

REASON: To protect the visual amenities of the area.

15. A strategy in relation to the use of cranes during construction shall be agreed in writing with the Irish Aviation Authority (IAA) and the Dublin Airport Authority (DAA) prior to the commencement of any development on site.

REASON: In the interest of aviation safety.

16. The following requirements shall be complied with in full as follows:

a). During the demolition and construction phase no heavy construction equipment/machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 8.00a.m. or after 7.00p.m., Monday to Friday, and before 8.00 a.m. and after 1.00p.m. on Saturdays. No activities shall take place in site on Sundays or Bank Holidays. No activity, which would reasonably be expected to cause annoyance to residents in the vicinity, shall take place on site between the hours of 7.00p.m. and 8.00a.m. No deliveries of materials, plant or machinery shall take place before 8.00a.m. in the morning or after 7.00p.m. in the evening.

If there is any occasion when work must be carried on outside daytime hours, the Environmental Health Unit, Fingal County Council, local residents and businesses in areas which are likely to be affected by noise from the proposed works should be notified in advance e.g. in letter or leaflet or advertisement form, of:

- Name, address and telephone number of the company carrying out works
- Nature of and reason for works
- Likely duration and times of work

b) All construction work carried out on site shall have regard to B.S.5228: 2009+A1:2014 'Noise and Vibration control on construction and open sites to minimize noise from construction operations.

c) All noisy equipment shall be fitted with effective silencers and/ or sealed acoustic covers. Should noise levels exceed the threshold level, steps shall be taken by the contractor to review the works and implement additional mitigation measures. Noise attenuation measures such as shrouding and/or the use of acoustic enclosures shall be used for noisy construction activities as outlined in chapter 10 of the Environmental Impact Assessment Report.

d) During the demolition and construction phase all necessary steps shall be taken to contain dust and airborne pollutants arising from the site and to prevent nuisance to persons in the locality. This shall include i) covering skips, ii) covering slack heaps, iii) netting of scaffolding, iv) regular road and pavement damping and sweeping, v) use of water spray to suppress dust, vi) proper paved or hard stand access for trucks and vehicles to and from the site to prevent dirt and dust from the site being carried from the site on to public roads etc.

e) The generation of airborne dust shall be kept to a minimum. During dry periods, dust emissions from heavily trafficked locations on/off site shall be controlled by the spraying of surfaces with water and wetting agents. Windblown dust emissions on site surfaces shall be sprayed by a mobile tanker bowser. Dust barriers shall be provided at dust sensitive locations i.e.

adjacent to residential/commercial properties where large volumes of dust are likely.

- f) Diesel generators shall only be used in the case of an emergency and routine testing and shall ensure safe air dispersal.
- g) Generator testing shall be carried out during daytime periods (i.e. between 08:00 to 19:00hrs Monday to Friday and shall not exceed a free field level of 55dB LAeq,1hr at nearby residential noise sensitive locations. No more than one generator shall be tested at a time.
- h) The noise contribution from the development once operational shall not exceed the background level by 10dB(A) or more or exceed the limits below whichever is lesser.
Daytime (07:00 to 19:00 hrs) - 55dB LAr, 15mins
Evening (19:00 to 23:00 hrs) - 50dB LAr, 15mins
Night-time (23:00 to 07:00 hrs) - 45dB LAeq, 15mins
As measured 1 metre from the facade of the nearest noise sensitive location/s.
Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.
- i) Noise and vibration monitoring shall be carried out by a competent person for the duration of the demolition and construction phase and for 1 month after the development is fully operational, copies of which shall be made available to the Planning Authority if requested.

REASON: in the interest of proper planning and the protection of amenities in the area.

- 17. No advertising, signage or other publicity material, including that which is exempted development under the Planning and Development Regulations 2001, as amended, shall be posted on the structures permitted in this application. Save for that which is exempted development under the Planning and Development Regulations 2001 (as amended), no advertising, signage or other publicity material shall be posted within the curtilage of the subject site without the prior receipt of planning permission by the Planning Authority, or from An Bord Pleanála.

REASON: In the interests of visual amenity and the proper planning and sustainable development of the area.

- 18. The developer shall provide a piece of public art or sculpture or architectural feature, to be designed in consultation with the Council (please contact Public Art Coordinator, within the Community Culture & Sports Division of Fingal County Council). The piece of art shall have a relationship with the area. The location of the piece of art shall be agreed with the Parks and Green Infrastructure Division prior to the commencement of works on site.

REASON: To comply with Objective DMS05 of the Fingal Development Plan 2017-2023.

19. All services to the development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

REASON: In the interest of amenity.

20. The developer shall comply in full with the following:
- a) All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense.
 - b) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of Fingal County Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.

REASON: To protect the amenities of the area.

21. The applicant shall sign a connection agreement with Irish Water, prior to the commencement of the development and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with Irish Water Standards codes and practices.

REASON: To ensure proper planning & sustainable development.

22. A special contribution under section 48 (2) (c) of the Planning and Development Act 2000 of €39,372.30 shall be paid to Fingal County Council in respect of the upgrading of the junction of the R135/North Road with the northbound slip road from the N2.
23. Prior to Commencement of development the developer shall pay the sum of €6,510,742 (updated at date of commencement of development, in accordance with changes in the Tender Price Index) to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of payments shall be agreed in writing with the planning authority prior to the commencement of development.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.

Note on above Condition:

Please note that with effect from 1st January 2014, Irish Water are now the Statutory Body responsible for both water and waste water services (excluding surface water). Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. A separate charge will be levied by Irish Water in relation to the provision of water and/or wastewater treatment infrastructure and connections to same. Further details are available on the Irish Water website www.water.ie, Tel. (01) 6021000.

NOTE 1: The applicant is advised that under the provisions of Section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE 2:

The applicant is advised that the onus is on them to comply in full with the Building Control Regulations.



Planning Appeal Check List
(Please read notes overleaf before completing)

1. The appeal must be in writing (e.g. not made by electronic means).

1. State the –

- name of the appellant
(not care of agent)
- address of the appellant
(not care of agent)

3. If an agent is involved, state the –

- Name of the agent
- Address of the agent

4. State the Subject Matter of the Appeal *

- Brief description of the development

- Location of the development

- Name of planning authority

- Planning authority register reference number

*** Alternatively, enclose a copy of the decision of the planning authority as the statement of the Subject Matter of the Appeal.**

5. Attach, in full, the grounds of appeal and the reasons, considerations and arguments on which they are based.
6. Attach the acknowledgement by the planning authority of receipt of your submission or observations to that authority in respect of the planning application, the subject of this appeal. (Not applicable where the appellant is the applicant)
7. Enclose/Pay the correct fee for the appeal and, if requesting an oral hearing of same, the fee for that request see "Guide to fees Payable" under heading of Making an Appeal on Home Page of this website for current fees.
8. Ensure that the appeal is received by the Board in the correct manner and in time.

Signed: _____

Date: _____

A format similar to the above may also be used where a person is making submissions or observations on an appeal in accordance with section 130 of the Planning and Development Act 2000 as amended.. Substitute 'observer' for 'appellant' and 'submission/ observation' for 'appeal' at each reference. Item 6 and that part of 7 concerning an oral hearing request are not applicable to the making of submissions or observations

Notes (See Check List)

1. **Rules for Making Appeals**

You are advised to check the latest version of 'A Guide to Making a Planning Appeal' issued by the Board. It is available from the Board, telephone (01) 858 8100 and on our website www.pleanala.ie. It may also be available from your planning authority.

A significant number of appeals are invalid because they are not made in accordance with the statutory rules.

2. **Appeal Fees**

You are advised to check the appropriate fee for making an appeal. Different fees apply depending on the nature of the appeal. A leaflet "Guide to Fees payable to the Board" is available from the Board, telephone (01) 858 8100 and on our website www.pleanala.ie. It may also be available from your planning authority. Note that appeal fees may change from time to time.

A significant number of appeals are invalid either because no fee or an incorrect fee is included.

3. **Time Limits**

The time limit for making an appeal is, except where the appeal is made following a successful application for leave to appeal, four weeks beginning on the date of the planning authority decision (not the day it is sent or received). Day one is the day the planning authority decision is made. For example, if the decision of a planning authority is made on Wednesday 2nd of a month, the last day for receipt of the appeal is Tuesday 29th of the same month, NOT Wednesday 30th. There are special rules where the last day falls on a day the Board's offices are closed or where the appeal period falls over the Christmas/ New Year period. See calendar facility on the Board's home page.

A significant number of appeals are invalid because they are late – sometimes, just one day late.

4. **Delivering the Appeal**

- Send the appeal by post to *The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1,*

Or,

- Deliver it by hand, to an employee of the Board (not a security person), during office hours (9.15 a.m. to 5.30 p.m. on Monday to Friday, so that the appeal reaches the Board by the last day for making an appeal.

Do not place the appeal in the Board's letterbox. A significant number of appeals are invalid because they are incorrectly delivered.

5. **Completeness**

The appeal must be fully complete from the start. You are not permitted to submit any part of it at a later time, even within the time limit. Neither are you permitted to clarify, elaborate or make further submissions either for the purposes of complying with the rules for making an appeal or otherwise, unless invited by the Board.

This document is issued as an aid to making a valid planning appeal to the Board. It may be used as a 'cover page' in making such an appeal but there is no legal or other requirement to do so. The document should be read in conjunction with the latest versions of the Board's publications "Guide to Making a Planning Appeal under the 2000 Planning Act" and "Guide to Fees payable to the Board".

This document does not purport to be a legal interpretation of the law in relation to making a planning appeal – you should consult the appropriate legislation, including sections 37 and 127 of the Planning and Development Act 2000 for the statutory rules governing the making of appeals.

Modified June 2012



Planning Department,
Fingal County Council
County Hall, Main Street, Swords
County Dublin
K67 X8Y2

BB/COC

21st September 2021

**Re: Our Clients: John Conway and Louth Environmental Group of 91 St.
Nicholas Avenue, Dundalk, Co. Louth**
Re: Submission/Observation Planning Application Number: FW21A/0151
Applicant: Huntstown Power Company Limited

Dear Sirs,

On behalf of the above-named Clients, we wish to lodge the within written submissions/observations on the proposed development the subject matter of Planning Application Ref No. FW21A/0151, Lands adjacent to Huntstown Power Station, North Road, Finglas, Dublin 11. Comprising application, 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,

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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.

The grounds and reasons for our submission/observations are detailed hereinafter.

- (a) The planning application does not comply with the requirements of the Planning and Development Act 2000 (as amended) and associated Regulations. The applicant has failed to notify the Commission for Regulation of Utilities – which is so required in circumstances where the proposed development will have an impact on energy infrastructure.
- (b) The planning application does not comply with the requirements of the 2001 Regulations (as amended), the EIA Directive or the Habitats Directive in circumstances where there insufficient information and detail presented, including in relation to how the proposed development would operate via linkage/connection to the national grid.
- (c) The proposed development should be subject to a complete Environmental Impact Assessment in accordance with the provision of national law and the EIA Directive (as amended), having regard to the nature of the project.
- (d) The Proposed Development does not comply with the requirements of the Planning and Development Act 2000 (as amended) (*under Part XAB of the 2000 Act (ss.177R-177AE)*) and the Habitats Directive. Due to inadequacies and lacunae in the AA Screening Report and NIS prepared by the Developer the Board does not have sufficient and/or adequate information before it to carry out a complete AA Screening and AA in relation to the proposed development.
- (e) Inadequate information has been provided in the NIS to screen out the potential impact of the proposed development on birds/bats – reference to generic statements is not a substitute for expert scientific opinion as to the potential impact of the proposed development, during both construction and operational phases on birds, including bird flight lines and collision risks.

- (f) The AA Screening assessment, included in the NIS, does not provide sufficient reasons or findings, as required under Art.6(3) of the Habitats Directive and national law, to the requisite standard – the conclusions/statements made therein do not identify any clear methodology and no analysis is offered in respect of the AA Screening conclusions in respect of the protected sites “screened out” at the said AA Screening stage.
- (g) No regard and/or inadequate regard has been given to the cumulative effects of the proposed development, in combination with other development in the vicinity, on the protected sites.
- (h) There is no information within this application on the proposals to connect the power plant and site to the national grid and the source of gas proposed, the Climate Action and Low Carbon Development (Amendment) Act 2021 is not referenced in Section 4.2.3 of the Planning Report.
- (i) Water usage. Peak demand of water usage stands at around 1,000,000 litres of water per day. Rainwater collection cannot be relied upon, due to uneven patterns of precipitation which will become even more erratic as the climate changes. Cooling the data centre will divert a valuable resource away from the local community, a situation which is likely to get worse as water scarcity becomes more of a problem and population increases. A region with ample water today may become water-stressed in 10 to 30 years. We have recently witnessed that protracted periods of temperatures above 26 C with no precipitation are becoming more frequent in Ireland. The UN expects water demand to outpace supply by almost 40% as soon as 2030. Greater consideration needs to be given to how available resources are going to be used. The average data centre uses a lower estimate of 500,000 litres per day. Amazon’s large network of data centres in Dublin, stated it could use 296,000 litres of water a day, a facility on Belgard Road could use 319,680 litres per day and one in Blanchardstown could use 328,8000 litres per day.
- (j) Ireland is one of the EU’s worst carbon emission offenders and faces fines of more than €250 million for missing 2020 targets on reducing greenhouse gas emissions. Missing later targets will trigger steeper fines.
- (k) According to Host in Ireland/Bitpower figures, the data centre industry was responsible for 1.85% of electricity-related carbon emissions in the country during 2020, and this is expected to reach 2.2% by 2025.

- (l) An Taisce recommends that information always be sought on the level of energy use required to serve the proposed development, the specific sourcing for the proposed energy use, and the measures proposed to ensure that the project will not create any increase in electricity generation causing greenhouse gas emissions.

- (m) There are now 70 operational data centres in Ireland using 900 megawatts (MW), with eight under construction with 250MW usage and 26 with planning approval and are expected to double by 2025. In the last year alone, there has been a 25% growth in these centres. Within nine years these centres will consume 30% of the state's total electricity demand

Yours faithfully,

Christine O' Connor,
BKC Solicitors