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SECTION 131 FORM

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Appeal NO: ABP - 3/3 583-22. TO:SEO Having considered the contents of the submission dated/ received S/6/22 from Ingal One Fubure. 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 1450es 1015ed E-O:: Date: 27,722
To EO: Section 131 not to be invoked at this stage.
Section 131 to be invoked – allow 2/4 weeks for reply.
Please prepare BP Section 131 notice enclosing a copy of the attached submission to: Task No:
Allow 2/3/4weeks – BP
AA: Date:

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File With _____

CORRESPONDENCE FORM

Please treat correspondence received on	as follows:
1. Update database with new agent for Applic	cant/Appellant
2. Acknowledge with BP	1. RETURN TO SENDER with BP
3. Keep copy of Board's Letter	2. Keep Envelope: 3. Keep Copy of Board's letter □
Amendments/Comments	
4. Attach to file	
	RETURN TO EO
	RETURN TO EO
(a) R/S ☐ (d) Screening ☐ (b) GIS Processing ☐ (e) Inspectorate ☐	RETURN TO EO
(b) GIS Processing ☐ (e) Inspectorate ☐	RETURN TO EO Plans Date Stamped Date Stamped Filled in

Jbservation on ABP313583-22

Planning reference

FW21A/0151

Application type

Permission

Proposal description

- 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.

Al received 11/02/2022
Al deemed significant **
revised public notices 24/2/2022

Location/Address/Eircode

Lands adjacent to Huntstown Power Station, North Road, Finglas,

Dublin 11

Applicants name

Huntstown Power Company Limited

Registration date

24 Feb 2022

Decision date

20 Apr 2022

Decision

GRANT PERMISSION

Final grant date Appeal lodged date

Appeal decision date

ABP Reference
Appeal decision

Application status

Decision Made by Fingal County Council

Status description

This application was received by Fingal County Council on 24 Aug 2021 and registered on 24 Feb 2022. On 20 Apr 2022, the decision GRANT

PERMISSION was made by Fingal County Council.

Appeal type

Agent name (company) Brock McClure Planning & Development Consultants

Officer name Jennifer Casserly

Final date for third party observations/submissions 31 Mar 2022

Application date

24 Aug 2021

Eircode

These observations are made by Fingal One Future, a local, grassroots, non-partisan group campaigning to improve sustainability in Fingal. Fingal One Future is a part of the One Future network, which is supported by Friends of the Earth and Stop Climate Chaos.

In accordance with the provisions of Section 37(1) of the Planning and Development Act 2000 (as amended), Fingal One Future wishes to make an observation on appeals to the decision on 20th April 2022 of Fingal County Council to grant permission for the above application:

1. SID – Strategic Infrastructure Development:

Huntstown Power Co. Ltd had included this data centre in an application to An Bord Pleanála ref 306723 (June 2020). As data centres were not covered under this provision they were referred to Fingal County Council for this part of the application.

As outlined above, the applicant entered into pre-application consultations for the purposes of seeking a determination from the Board on whether the proposed development of a data centre and GIS substation would comprise SID. At the first pre-application consultation meeting, the prospective applicant was advised that given the provisions inserted by s.49 of the Planning and Development (Amendment) Act 2018, which inserted a fifth section to the Seventh Schedule entitled "Communications and Data Infrastructure" had not been commenced, that the Board could not consider the data centre element of the proposal.

They made a planning application on 24 Aug 2021 to Fingal County Council.

Therefore for the purpose of this latter application data centres were not considered strategic infrastructure developments.

2. Planning Zones:

The subject site is zoned Objective 'HI' the objective of which is to provide for **heavy industry**. Data centres do not qualify as heavy industry and therefore the application is contrary to the Fingal County Development Plan 2017-2023.

The consideration of landscape impacts also states that "The subject lands are specifically zoned for this type of development". Given that data centres are not a use which is permitted in principle on H1 lands, a more considered assessment of land use zoning is required.(Condition 7)

3. EIAR:

Fingal County Council's decision on this planning application included several conditions, one of which requires more documentation from Huntstown Power Company with regard to the EIAR:

The following information is required in order to allow the planning authority complete the Environmental Impact Assessment for the proposed development: (a) An Addendum to the EIAR should be provided describing on an environmental factor by environmental factor (i.e. chapter by chapter) the full characteristics, impacts, and mitigation measures required, for the development as a whole - including the GIS substation and associated development. The Addendum may separate, as appropriate, the characteristics, impacts, and mitigation measures required for the subject application to FCC; the elements forming the application to An Bord Pleanála; and any cumulative considerations. (b) The landscape and visual impact assessment in the EIAR acknowledges the long term moderate negative visual impact

associated with the proposed development. In light of permanent impacts of this nature, it is considered that greater consideration and information is required in respect of alternative designs for the proposed development including the specific need for a data centre of this size and scale. It is noted that reference is made to the requirements of the end user in the discussion of alternative designs and layouts. However, the end user does not appear to have been confirmed in the application documentation. (Condition 7, Fingal County Council planning decision)

This level of required additional information confirms that the original application was not properly supported to warrant a grant decision. Furthermore, given the negative visual impact of the development, it should be required that alternative designs be explored prior to a granting of permission.

4. Effect on European site:

Again, insufficient evidence was supplied to prove that protected sites (NHA, SPA, SAC) were adequately protected.

Having regard to case law of the Irish High Court and the CJEU (e.g. Case C-258/11, Sweetman and others) which established that determinations cannot have lacunae and must contain complete, precise and definitive findings capable of removing all reasonable scientific doubt as to the effects of a project on a European site, the planning authority is not satisfied that the proposal would not result in significant effects on European sites. Therefore, clarification is required in the form of an updated AA Screening report. A full appraisal of the potential impacts on air quality of the proposed development once it is operational, is required, as is a fully detailed analysis of all of the links/pathways between the proposed development site and the European sites. Reference should be made to the Air Quality Assessment, and the project should be fully appraised to ensure that there is no potential for significant effects on European sites arising via air emissions from the proposed development. The review of in-combination effects contained in the AA Screening report should also be fully updated to take account of the issues related to air quality, and to include related elements of development, such as the required grid connection and the proposed 220kv substation (the SID application to An Bord Pleanála). This detailed clarification is required to enable an assessment to be made of whether the development, in view of best scientific knowledge, individually or in combination with another plan or project is likely to have a significant effect on a European site.(Condition 4, Fingal County Council planning decision)

Fingal One Future finds it contradictory that Fingal County Council has granted permission for Huntstown Data Centre to be built, and yet requires an appraisal of the impact of said data centre on air quality after such permission has been granted. Furthermore, this condition does not set out a standard of what impact on air quality would be deemed unacceptable, and what the consequences of an unacceptable impact would be.

5. Noise:

Insufficient information was supplied to show compliance with Fingal County Development Plan 2017-2023.

The application site is situated within Noise Zone C associated with Dublin Airport. Objective DA7 of the Fingal County Development Plan 2017-2023 requires noise insulation within this noise zone. The applicant is requested to submit proposals for noise insulation within the administrative and staff welfare areas of the proposed development. (Condition 5)

As above, Fingal One Future finds it contradictory that Fingal County Council has granted permission, but still requires proposals for noise insulation after such permission has been granted, with no consequences laid out for a failure to comply with noise insulation standards.

6. Industrial Emissions:

In its submission the EPA noted:

The development proposed may require an Industrial Emissions (IE) licence under Class 2.1 of the EPA Act: 'Combustion of fuels in installations with a total rated thermal input of 50 MW or more' for the emergency generators. However, it is not possible to determine whether Class 2.1 would apply from the documentation provided. An IE licence is not required for the emergency generation plant provided that such plant is not operating at greater than 50MW thermal input for more than 18 hours annually. The Agency has not received a licence application relating to the development described above.

We cannot find a reference to this licence in the conditions attached to the grant.

7. National Grid and National Plan:

This month the CSO published figures stating that data centres consumed 14% of the nation's energy in 2021. This and other new and proposed data centres could increase this consumption to 27% by 2030.

EirGrid and the Commission for Regulation of Utilities (CRU) have raised serious concerns about the energy demands of data centres.

The Oireachtas has stated that the Government "will set out, in the forthcoming Climate Action Plan, a suite of actions that will address rising energy demand, while facilitating sustainable growth in the digital and ICT sectors; —the electricity demand growth from large energy users, including data centres, requires careful management of the grid in the context of Ireland's significant decarbonisation and climate ambitions; —the Government's Statement on the Role of Data Centres in Ireland's Enterprise Strategy policy will ensure a role for data centres in enterprise policy and alignment with electricity emission reductions; and —the CRU intends to publish, as a matter of urgency, its final direction to EirGrid and ESB Networks in relation to data centre connection policy that will prioritise data centre connections based on location, the availability of on-site generation and flexibility in reducing demand when required." - (Minister for the Environment, Climate and Communications)

As such, this application should be overturned until a full national plan has been put in place in order to guarantee security of supply and ability of the grid to fulfil demand.

8. Energy Security.

The Russian war in Ukraine with the consequent disruption to energy supply will result in power shortages and outages. To allow increased consumption of power in data centres at the expense of health care, essential services, households, service sector, farming and other industries is not sustainable. The government has consistently expressed concern over energy security and the continued need for imported gas, yet they are allowing data centres to consume a growing percentage of this resource.

The national electricity grid operator, Eirgrid, has warned that the State may face an electricity shortfall over the next five winters unless it boosts supply to meet an unusual surge in demand. The operator identified data centres as the primary cause for the increase in demand.

Over the past four years, demand for energy from data centres has increased annually by 600GWh which is the equivalent of adding 140,000 households to the power system each year.

With data centres consuming significant amounts of energy to function, they have been criticised for having a negative impact on the environment. The centres are currently responsible for 1.58 percent of Ireland's carbon emissions. Due to their reliance on the national electricity grid, the facilities are mostly powered by gas. Furthermore, one centre can also use up to 500,000 litres of water per day to cool its systems — potentially rising to 5m litres per day in a heatwave.

"In a context where households are facing increasing energy bills and carbon taxes, the continued granting of planning permission to energy-intensive data centres is already being perceived as an unfair distribution of costs and benefits." (Dr Patrick Bresnihan of Maynooth University addressing the Joint Oireachtas Committee on Environment and Climate Action)

9. Sustainable Development:

Fingal County Council have made it a condition that the company provide new, renewable, Irish made energy to offset the energy consumed on the site. While this is a welcome decision it is noted that none of the existing energy applications to An Bord Pleanála satisfy this criteria:

343MW of generation inflow from Huntstown 1 CCGT power plant; o 404MW of generation inflow from Huntstown 2 CCGT power plant; o 180MW of demand outflow to the proposed data centre development; o Capability of up to 747MW of demand outflow to Corduff high voltage substation; and Capability of up to 747MW of demand outflow to Finglas high voltage substation (An Board Pleanála application 306273, Weaver's Row, Clonsilla Road, Dublin 15)

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. (Condition 10)

Should the decision be upheld, The Bord might consider strengthening and increasing the supply level of this condition.

10. Local support:

We held public information sessions in Swords and Balbriggan and found a considerable amount of awareness and support for our opposition to this development. Most people we engaged with were willing to sign a petition in support of this appeal (names listed at the end of this document). In addition, we received signatories to an online request for support. Copies of these lists are attached with emails and phone numbers excluded so as to avoid a breach of GDPR guidelines. We spoke to a number of young people currently working on data centre builds. They are appreciative of employment but acknowledged that when they were finished these centres would employ a skeleton staff. In the current environment with a demand for building skills and materials to accommodate homeless, first time buyers, Ukrainian, Syrian and other refugees these scarce resources should be redirected.

11. Conclusion:

For the reasons detailed above, Fingal One Future submits that the subject proposal has not demonstrated compliance with the legal obligations of the Climate Action and Low Carbon Development (Amendment) Act 2021 and should be refused on that basis.

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Yours Sincerely,

Pat O'Gorman 86 Rockingham Drynam Road K67 H 6V2

For and on behalf of Fingal One Future.

Appeal Team Fran Keegan Séan Loughran Sarah Zimmerman Meredith Deegan

Supporters of Fingal One Future's observations:

		
Timestamp	I object to the granting of planning permission to Energia for the construction of a data hall at Huntstown, County Dublin, by leaving my name below:	Town and county:
5/12/2022 17:21:10	Sean Loughran	Dublin
5/12/2022 21:17:04	Dearbhla Loughran	Kinsealy, Dublin
5/12/2022 21:26:50	Eabha Loughran	Dublin ireland
5/12/2022 21:40:41	Nathan Hutchinson Edgar	Tallaght, Dublin
5/12/2022 21:46:07	Suzanne Brewer	Raheny, Dublin
5/12/2022 21:49:36	Conor Dowd	Galway City
5/12/2022 21:58:31	Eoin O Leidhin	Douglas, Cork
5/12/2022 22:24:30	Rose McCaul	Dublin
5/12/2022 23:14:20	Martina Finn	Galway
5/13/2022 7:39:14	Eddie Mitchell	Leitrim
5/13/2022 7:59:18	Abigail Watson	Raheny, Dublin 5, Co. Dublin
5/13/2022 9:19:15	Sarah Zimmermann	Balbriggan
5/13/2022 9:55:09	Elaine Walsh	Clonshaugh Dublin
5/13/2022 11:18:42	Róisín Shortall TD	Dublin North West
5/13/2022 11:45:05	Owen Robinson	Ashtown, Co Dublin
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5/13/2022 14:03:39	Susan Fox	Finglas, Dublin
5/13/2022 14:36:15	Conor Dempsey	Finglas
5/13/2022 17:21:44	Sylvia O'Gorman	Swords Co Dublin
5/13/2022 17:54:57	Oilbhe Madden	Tolka Estate, Dublin 11
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5/14/2022 17:28:27	Diane Downey	Ballyboughal co Dublin
5/14/2022 17:50:41	Aisling Kenny	Swords
5/15/2022 12:12:50	Irene Bailey	Dublin
5/15/2022 17:36:57	Dobrila	Dublin, Ireland
5/15/2022 17:52:28	Ann Behan	Monasterevin, Co. Kildare
5/15/2022 19:20:00	Cllr. Paul Mulville Fingal Social Democrats	Portrane Co. Dublin
5/15/2022 19:36:04	Fran Keegan	Portmarnock
5/15/2022 19:52:18	Elaine Baker	Cloughjordan Tipperary
5/15/2022 19:57:13	Noah Sex	Portmarnock, Dublin
5/15/2022 20:26:45	Karen Boyle	Loughlinstown, Co. Dublin
5/16/2022 6:34:55	Maura O'Donoghue	Athboy, Co. Meath
5/16/2022 10:03:17	Karen Power	Skerries, Co Dublin
5/16/2022 13:50:46	Declan Owens	Dundrum, County Down
5/16/2022 14:43:41	Aidan Whelan	Balbriggan, Fingal
5/16/2022 14:54:25	Shirley Deakin	Meath
5/16/2022 14:55:15	Juliann Bergin	Wicklow
5/16/2022 14:58:01	Nathan Jackson	Co. Kildare, Clane
5/16/2022 15:02:43	Frankie Malone	Barcelona, ireland
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5/16/2022 16:34:31	Garrett Mulcahy	Raheny Dublin 5
5/16/2022 18:08:10	Maria Arnold	Dublin
5/16/2022 18:41:30	Jennifer Mahon	Balbriggan, Dublin
5/16/2022 18:55:25	Harry byrne	Portmarnock Dublin
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5/16/2022 19:25:48	Fiachra Kennedy	Rathmines, Dublin 6
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5/16/2022 21:32:01	Leonie Baldwin	Borris, Co Carlow	
5/16/2022 21:36:25	Angela Deegan	Dublin, County Dublin	
5/16/2022 21:50:10	Pauline Conway	Blackrock, Co. Dublin	
5/16/2022 22:10:19	Shane Roberts	Dublin, Dublin	
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5/17/2022 9:00:24	Sarah O'Suilleabhain	Dalkey	
5/17/2022 9:42:26	Cllr. John Burtchaell	Mulhuddart Dublin 15	
5/17/2022 11:49:19	Tessa Stewart	Bray Wicklow	
5/17/2022 12:26:52	Aileen Young	Swords, Fingal	
5/17/2022 12:31:31	David Murray	Finglas Dublin 11	

We are a group of Fingal residents opposing the
Huntstown data centre.

We believe it not only goes against Fingal's Development Plan and the
Government's Climate Action Plan, but it simply cannot be justified at a time
when we are facing rising energy bills and Climate Change is putting our whole
society at risk.

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Government's Climate Action Plan, but it simply cannot be justified at a time
when we are facing rising energy bills and Climate Change is putting our whole society at risk.

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