

File With _____

SECTION 131 FORM

Appeal NO: ABP 313583-22Defer Re O/H ☐

TO: SEO

Having considered the contents of the submission dated/ received 13/6/24
fromAn Taisce I recommend that section 131 of the Planning and Development Act, 2000
is/ not be invoked at this stage for the following reason(s): per Board DirectionE.O.: [Signature]Date: 19/6/24

To EO: _____

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

MTash-390865-24Please prepare BP 70 - Section 131 notice enclosing a copy of the attached
submissionto: other partiesAllow 2/3/4 weeks – BP 70EO: [Signature]Date: 2/7/24AA: Faahimie KhatiporaDate: 02/07/24

CORRESPONDENCE FORM

Appeal No: ABP 513303-24

M

Please treat correspondence received on 13/6/80 as follows:

- | | |
|---|---|
| 1. Update database with new agent for Applicant/Appellant _____ | |
| 2. Acknowledge with BP <u>23</u> | 1. RETURN TO SENDER with BP _____ |
| 3. Keep copy of Board's Letter <input type="checkbox"/> | 2. Keep Envelope: <input type="checkbox"/> |
| | 3. Keep Copy of Board's letter <input type="checkbox"/> |

Amendments/Comments

S 137 resp An Tausche

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4. Attach to file

- (a) R/S ☐ (d) Screening ☐
(b) GIS Processing ☐ (e) Inspectorate ☐
(c) Processing ☒

RETURN TO EO ☐

EO:

Plans Date Stamped ☐Date Stamped Filled in ☐

AA: Fadime Khalilova

Date: 19/06/2024

Date:

| | | |
|----|---|----|
| 19 | 6 | 24 |
|----|---|----|

James

Mary Tucker

From: Bord
Sent: Thursday 13 June 2024 11:40
To: Appeals2
Subject: FW: Ref. 313583
Attachments: 20240613-ABP-313583.pdf

From: Phoebe Duvall <Phoebe.Duvall@antaisce.org>
Sent: Thursday, June 13, 2024 11:33 AM
To: Bord <bord@pleanala.ie>
Subject: Ref. 313583

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

A Chara,

Please find attached a submission from An Taisce in response to the Board's request for comment on Ref. 313583.

Regards,

Phoebe Duvall

Senior Planning and Environmental Policy Officer
An Taisce - The National Trust for Ireland
5 Foster Place, Dublin 2, Ireland
Phone: 01 454 1786
www.antaisce.org

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An Taisce is a membership-based charity
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Please note that I work Monday through Thursday.



An Taisce

The National Trust for Ireland

5 Foster Place

Dublin 2, Ireland

D02 V0P9

20240613-ABP-313583

An Bord Pleanála
64 Marlborough Street
Dublin 1

Sent by email to: bord@pleanala.ie

13th June 2024

Ref. 313583

App. Huntstown Power Company Limited

For: Demolition of 2 no. existing residential dwellings and construction of 2 no. data hall buildings. EIAR submitted with application

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

A Chara,

Thank you for requesting comment from An Taisce on the above application under s.137 of the Planning and Development Act 2000 (as amended).

Point no.1 of the Board's request

The Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy, despite being repeatedly utilised as a basis, framework and justification for further data centre development, was never subject to Strategic Environmental Assessment (SEA) per EU Directive 2001/42/EC. To An Taisce's knowledge no SEA screening was conducted.

We consider that the content of Statement could constitute setting a framework for future development consent of projects listed in Annexes I and II to the EIA Directive. Indeed, the Statement's Principles for Sustainable Data Centre Development are described as "*A set of national principles that should inform and guide decisions on future data centre development.*" Therefore, because it has not undergone SEA or SEA screening, we submit that the Statement and the content therein should not be used as a framework or criteria to justify or permit development. Furthermore, given the significant and wide-ranging climate and environmental implications of data centre development, it is submitted the Statement falls within the ambit of the Aarhus Convention and should have been subject to public consultation, which as far as An Taisce is aware it was not.

It should be noted that the CJEU has generally taken a broad approach to the interpretation and application of the various aspects of the SEA Directive.

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Directors: Stuart McCaul (Chair), Trish O'Connell (Vice Chair), Laura Segura Gutierrez (Hon Secretary), John Conroy (Treasurer)

Olivia Rogers, Rónán O'Brien, Finbarr Murray, Helen Shaw, Terri Morrissey, Sinead Mercier, Phil Doyle

Without prejudice to the above observations, we note the following with regard to the additionality of renewables. Progress toward the national 80% renewables target has been significantly diluted by the ongoing proliferation of high energy demand developments, in particular data centres. The higher the total electricity demand, the more renewable capacity is needed to reach the 80% target. Therefore, the more energy intensive developments, like data centres, that come onstream, the more difficult it will be to reach that target. Indeed, SEAI figures show that the share of renewables has not increased since 2020, largely due to the impact of data centres¹.

Even if additional renewable capacity equivalent to the power demand of the subject proposal is brought on stream, we would highlight that there is a finite amount of land and marine area available for renewables. Therefore, the more renewables developments that are built purely for offsetting the power demand of new large energy users, the less area is available for renewables developments that go towards meeting our significant existing mitigation needs, thereby still contributing to the overall dilution of progress towards our renewables target.

Point no.2 of the Board's request

An Taisce notes that since the issuing of the Board's request for comment, the Government has approved the Climate Action Plan 2024 which is now the relevant Plan that must be taken into account by the Board in determining the appeal.

Alignment of the proposal with the requirements of the Climate Action and Low Carbon Development Act 2015 (as amended) must be determined. Section 15(1) of the Climate Act places obligations on relevant bodies, including An Bord Pleanála:

"15(1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

- (a) the most recent approved climate action plan,*
- (b) the most recent approved national long term climate action strategy,*
- (c) the most recent approved national adaptation framework and approved sectoral adaptation plans,*
- (d) the furtherance of the national climate objective, and*
- (e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State."*

On time compliance with two carbon budgets and the corresponding sectoral emissions ceilings): 295Mt for 2021-2025 and 200Mt for 2026-2030 based on a 2018 baseline is legally binding per the Climate Act. The Climate Action Plans are legally bound by the carbon budgets, therefore, per s.15(1) above, An Bord Pleanála is also bound to objectives of the budgets and sectoral ceilings in its decision making. It should be noted that emissions in each sector represent the sum of all individual emitters. While An Bord Pleanála cannot of course retrospectively refuse applications on the basis of the carbon budgets and sectoral ceilings, etc., it is submitted that the Board does need to take those into account for all proposals going forward and that it would be practicable to do so.

We would highlight to the Board that in the intervening time since the subject application was appealed, both the Climate Change Advisory Council (CCAC) and the Environmental Protection

¹ <https://www.businesspost.ie/politics/irelands-renewable-energy-still-at-2020-levels-says-seai/>

Agency project a failure to comply with the first two carbon budgets in the absence of immediate course adjustment and urgent measures. The EPA's latest emissions projection report released in May 2024² indicates that *"Almost all sectors are on a trajectory to exceed their national sectoral emissions ceilings for 2025 and 2030, including Agriculture, Electricity and Transport"*, and that *"The first two carbon budgets (2021-2030) will not be met, and by a significant margin of between 17 and 27 per cent."* Any overshoot of the 2021-2025 carbon budget will need to be carried over into the 2026-2030 period, thereby making that budget and the corresponding sectoral ceilings, including for electricity, even more stringent. This should all be taken into account by the Board in discharging its responsibilities under s.15(1).

Additionally, we would note that participation of any 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 legal obligations under the national carbon budgets and sectoral emissions ceilings in accordance with the Climate Action and Low Carbon Development Act 2015 (as amended).

Regarding the matching of demand and supply, please see our comments in the preceding section of this submission on renewables additionality and dilution.

Please acknowledge this submission and advise us of any decision made.

Is mise le meas,

Phoebe Duvall
Senior Planning and Environmental Policy Officer
An Taisce – The National Trust for Ireland

² <https://www.epa.ie/news-releases/news-releases-2024/ireland-is-projected-to-exceed-its-national-and-eu-climate-targets.php>

