

M. Kenny

S.37

File With

SECTION 131 FORM

Appeal No

ABP— 313 583-22

Defer Re O/H

☐

To

SEO

Having considered the contents of the submission dated/received ~~Feb~~ 16/8/22 from Fingal One Future, 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 issues raised

Signed

[Signature]

Date

31/8/22

EO

To

EO

Section 131 not to be invoked at this stage.

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

☐☐

Signed

SEO

Date

Signed

SAO

Date

M

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

To

Task No

Allow 2/3/4 weeks

BP

Signed

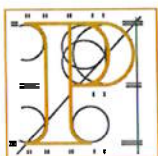
EO

Date

Signed

AA

Date



An
Bord
Pleanála

Planning Appeal Online Observation

Online Reference

NPA-OBS-001144

Online Observation Details

Contact Name
Meredith Deegan

Lodgement Date
16/08/2022 13:02:17

Case Number / Description
313583

Payment Details

Payment Method
Online Payment

Cardholder Name
Meredith Deegan

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

☒

Yes — P.T.O.

☐

N/A — Invalid

Signed

Planning Authority Reference Number: FW21A/0151
ABP Case Number: ABP-313583-22

Fingal One Future
% Pat O’Gorman
86 Rockingham
Drynam Road
K67 H6V2

Mr. Garry Dorgan
Executive Officer
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Dear Mr. Dorgan,

Thank you for your correspondence dated 27 July 22, referring to the response made on the appeal for Huntsdown Data Centre.

Fingal One Future wishes to make the following observations in relation to the Applicant’s response to An Taisce’s appeal:

Local Resident Group not in Support

The Applicant states, “We note that none of the adjoining landowners or local residents appealed Fingal’s decision to grant permission”.¹ The statement that no local residents appealed Fingal’s decision to grant planning permission for Huntstown Data Centre is incorrect. Fingal One Future, a grass-roots climate action group made up of local residents, submitted an observation on the An Taisce planning appeal to An Bord Pleanála in June 2022. This observation carries the same weight as a planning appeal. The observation was accompanied by 192 signatures from Fingal residents concerned about the negative impacts of data centres on our climate and energy grid. Fingal One Future also made a submission on the planning application to Fingal County Council. To date, no effort has been made by the Applicant to engage with Fingal One Future, and Fingal One Future is unaware of any efforts made to engage with or to make local residents aware of any planning applications for a data centre.

Lack of Current Legislation

¹ p.12 Huntstown Power Company’s response to Appeal

In its response to An Taisce's appeal, the Applicant references current climate legislation, specifically the lack of legislation with regard to data centres specifically:

The government will review its strategy on data centres to ensure that the sector will be in alignment with sectoral emissions ceilings and support renewable energy targets (62%-81% reduction in emissions by 2030.)²

The current lack of legislation should be seen as such: a gap that the government intends to fill. It does not signal a 'green light' for any data centre planning permission. Until the above review takes place, a conservative approach to planning permission for data centres needs to be taken, to ensure that Ireland is not in breach of climate targets. The current planned growth in data centres is incompatible with the achievement of the 2030 51% emissions target to be established by the Climate (Amendment) Bill. UCC MaREI analysis has indicated that projected data centre development will directly undermine necessary mitigation, resulting in a likely 40% emissions reduction instead of the at least 60% for the sector required if Ireland is to meet its overall 51% commitment, given the challenges in other sectors.

Carbon Offsetting as a False Solution

The Applicant states, "Through these obligations, it is the goal of the Applicant that for every unit of energy consumed by the data centre a unit of new renewable energy generation would be dispatched to the wider electricity system to offset it".³ We do not agree with the applicant's statement that emissions resulting from the operations of the Data Halls constructed at Huntstown can be offset in order to meet our emissions targets as outlined in the Climate Action Plan and Sectoral Emissions Ceilings, and to reduce our emissions by 51% as is legally binding under the current Climate Law. Carbon offsetting is considered to be a false solution by many leading environmental NGOs which does not reduce overall atmospheric concentrations of CO₂. As Friends of the Earth International have pointed out:

In the case of offsets, one entity keeps emitting carbon while another reduces their own emissions or sequesters CO₂, theoretically by an equivalent amount. Because one entity continues emitting, at best there are no overall emission reductions from an offset.

The FOEI position would be that Carbon offsetting is a false solution - seen as the main corporate strategy for continuing emissions-as-usual.⁴

² p. 11 of CAP 2021, referenced on p. 15 of the Applicant's response

³ p. 17 Huntstown Power Company's response to Appeal

⁴ <https://www.foei.org/wp-content/uploads/2021/04/Friends-of-the-earth-international-carbon-unicorns-english.pdf>

According to researchers from Lancaster University, if we rely on carbon offsetting and the hope of future technologies to extract carbon from the atmosphere, rather than reducing emissions at source, then up to 1.4°C extra warming could occur.⁵ Increasing Ireland's energy needs through the construction of data halls at Huntstown continues Ireland's reliance on fossil-fuel generated electricity, at a time when Ireland's focus needs to be on moving all electricity generation to sustainable sources.

Accountability with Regard to Corporate Purchase Power Agreements

While Fingal One Future does not support the construction of any data centre at Huntstown, we would like to account for the possibility that An Bord Pleanála may yet grant planning permission to the applicant. With this in mind, we reiterate our support for An Taisce's request that, should planning permission be granted, Condition 3 is strengthened. 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.

REASON: In the interests of sustainable development.⁶

An Taisce, in its appeal to the planning decision for the Huntstown Data Centre, proposed strengthening the above condition with the following, to ensure that the condition would meet its intended purpose:

- *That the amount of energy generated by the new renewable energy projects is equal to or greater than the electricity requirements of the data centre; and*

⁵ https://eprints.lancs.ac.uk/id/eprint/143814/1/quantifying_MD_AAM.pdf

⁶ Planning Decision, Fingal County Council Planning, 21/4/2022

- *That the new renewable energy projects are fully operational prior to the commencement of the operation of the data centre.*⁷

We would like to note that Fingal County Council, in a letter to An Bord Pleanála dated 13/6/2022, has no objection to the added stipulations to the above condition.

The Applicant has stated that while it intends to enter into a CPPA with a portfolio of renewable energy projects which would meet the original Condition 3, the CPPA itself depends on a grant of planning permission and would therefore not be in place prior to a granting of permission. The Applicant further states, “without a commercial route to market, such as a CPPA, these renewable developments will not be built”.⁸ While we understand the inconvenience to the Applicant of the strengthened version of Condition 3, it is necessary to have the renewable energy project in operation prior to data centre’s commencement of operation for the purpose of accountability. Should planning permission be granted without the above stipulations, it is entirely possible that the Applicant may decide that the above mentioned renewable developments are not feasible (not undertaking them at all), or delay any renewable energy developments for as long as possible as they are costly to undertake.

The Applicant has also stated that “it is not practical or appropriate to stipulate the timing and delivery of these renewable projects by way of a planning condition (sic) associated with the proposed development as proposed by the Appellant”.⁹ By not stipulating the timing of these renewable projects in relation to the data centre itself, there is a risk that the renewable projects become futile. The development of the data centre will be undertaken in phases, “ramping up its energy consumption over a period of years”.¹⁰ However, it is unclear as to when the first of the data halls will be operational, and at what pace each additional data hall will be added to this. If no renewable energy project is built prior to the commencement of operation, it is unclear as to how much of the data centre’s emissions will actually be offset during its first decade of operation, and how much of Ireland’s electricity will be used by this data centre before any renewable addition to Ireland’s electricity supply is created by the Applicant.

As the Applicant has asked for planning permission prior to any CPPAs being fully arranged and operational, it is in essence asking for planning permission without any binding agreement in place holding the Applicant accountable for its commitment to offset the data hall’s emissions, or to replace any of Ireland’s electricity supply that it may use. Should it nevertheless enter into these CPPAs, it is asking for no requisite

⁷ p. 3 An Taisce Appeal

⁸ p. 3 Huntstown Power Company’s response to Appeal

⁹ p. 4 Huntstown Power Company’s response to Appeal

¹⁰ p. 20 Huntstown Power Company’s response to Appeal

commitment for these offset projects to be built in a timely manner, in order to offset any of the data hall's emissions prior to 2030 and slow rising energy prices that local residents will be forced to bear.

The impact of Data Centres on the Security of Utility Supplies

As noted by the Commission for Regulation of Utilities (CRU), data centres and the energy required to operate them, are having a 'major impact on the Irish electricity system currently and into the foreseeable future'.¹¹ A data centre with a load of 60 megawatts (MW) is comparable to the electricity load usage of a large town or small city the size of Kilkenny.¹² Energy consumption by data centres rose by 32% between 2020 and 2021 and by 265% from 2015 to 2021.¹³ The CRU has already noted that to follow the current process of granting applications to data centres risks 'load shedding and consumers facing blackouts'.¹⁴ With Eirgrid issuing amber alerts in recent days, the security of energy supply over the coming winter months continues to raise concerns for householders and business owners across the country.¹⁵ Further demands on the grid from data centres pose serious risks for local businesses and families who will be directly affected by rolling blackouts in the coming months.

The impact of data centre expansion places a further strain on resources through their vast consumption of water. As Dr. Patrick Bresnihan has noted in his Statement to the Joint Oireachtas Committee on Environment and Climate Action, 28th September 2021: "The average data centre uses a lower estimate of 500,000 litres per day¹⁶. This figure has the potential to rise to 5 million litres per day, although this is rare – for example, during the recent heatwave in the summer of 2021." Recent heat waves as have occurred in July and August 2022 underline the urgent need to conserve and manage our water supplies appropriately. Inevitably during heatwaves such as these data centres will be required to use larger amounts of water to cool servers, placing further strain on water services. Irish Water has already noted that supplies are not secure in many regions¹⁷. The applicant, Energia has not provided

¹¹ Commission for Regulation of Utilities, pg 2, *CRU proposed Direction to the System Operators related to Data Centre grid connection*, 2021

¹² Commission for Regulation of Utilities, pg 26, *CRU proposed Direction to the System Operators related to Data Centre grid connection*, 2021

¹³ <https://www.irishtimes.com/opinion/editorial/the-irish-times-view-on-data-centres-strain-the-system-cannot-take-1.4887190>

¹⁴ Commission for Regulation of Utilities, pg 15, *CRU proposed Direction to the System Operators related to Data Centre grid connection*, 2021

¹⁵ <https://businessplus.ie/news/energy-crisis-ireland/>

¹⁶ <https://www.businesspost.ie/utilities/data-centres-use-same-amount-of-water-as-large-towns-b1092219> p. 15

¹⁷ <https://www.rte.ie/news/2022/0718/1310872-irish-water-conservation/>

any evidence for how water will be sustainably managed to deal with these scenarios.

We thank you in advance for your consideration of our observations.

Yours Faithfully

Pat O'Gorman
Fingal One Future
86 Rockingham
Drynam Road
K67 H6V2