

**SECTION 131 FORM**

Appeal NO: ABP - 313583-22

Defer Re O/H

☐

TO:SEO

Having considered the contents of the submission dated 16/8/22 received from

Schnitzler 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

E.O.: Cory Ryan

Date: 24/8/22

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: \_\_\_\_\_

M \_\_\_\_\_

Please prepare BP \_\_\_\_\_ - Section 131 notice enclosing a copy of the attached submission

to: \_\_\_\_\_ Task No: \_\_\_\_\_

Allow 2/3/4weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

File With \_\_\_\_\_

**CORRESPONDENCE FORM**Appeal No: ABP -313583-22M S. McCormackPlease treat correspondence received on 16/8/22 as follows:

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

**Amendments/Comments**John Conway is response to S131**4. Attach to file**

- |   |   |
|---|---|
| (a) R/S <input type="checkbox"/>            | (d) Screening <input type="checkbox"/>    |
| (b) GIS Processing <input type="checkbox"/> | (e) Inspectorate <input type="checkbox"/> |
| (c) Processing <input type="checkbox"/>     |   |

RETURN TO EO ☒Conway

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Conway</u>	AA: <u>B. Zane</u>
Date: <u>17/8/22</u>	Date: <u>19-8-22</u>

**Derek Kelly**

Garry.

**From:** Christine O'Connor <Christine@bkcsolicitors.com>  
**Sent:** Tuesday 16 August 2022 15:01  
**To:** Appeals2; Bord; communications  
**Subject:** ABP-313583-22  
**Attachments:** 20220816135143943.pdf

Dear Sir/Madam,

In relation to the above reference number relating to Lands adjacent to Huntstown Power Station, North Road, Fingal, we enclose herewith reply to your recent correspondence.

Kindly confirm receipt of same.

Kind regards,

**Christine O'Connor**  
**BKC Solicitors**  
**252 Harold's Cross Road,**  
**Dublin 6 W**  
**Tel. +3531- 4976877**  
**Fax. +3531- 4976865**  
**DX 222 004**



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16<sup>th</sup> August 2022

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

**Re: Third Party Response to First Party Response on Third Party Appeals**

**ABP – 313583-22**

**Demolition of 2 no existing residential dwellings and construction for 2 no. data hall buildings. Lands adjacent to Huntstown Power Station, North Road, Fingal.**

Dear Sirs,

1. Our Client: We act for John Conway of 91 St. Nicholas Avenue, Dundalk, Co. Louth; and the Louth Environmental Group of 91 St. Nicholas Avenue, Dundalk, Co. Louth. This submission is being made on foot of receipt of a letter from the Board inviting comments/observations on a First Party Response to Third Party Appeals.
2. Our Client notes the content of the First Party Response and remains of the opinion that for reasons outlined in the Third Party Appeal below permission should be refused. By way of general comment on the First Party Response our Client notes that:
  - Sectoral emissions have recently issued (since the First Party Response was submitted) (see <https://www.gov.ie/en/press-release/dab6d-government-announces-sectoral-emissions-ceilings-setting-ireland-on-a-pathway-to-turn-the-tide-on-climate-change/>.) and are available on the Department of the Taoiseach's website. As can be seen from the above hyperlinked to that website, electricity is required to reduce its MtCO<sub>2</sub>eq emissions by 75% to 3 MtCO<sub>2</sub>eq by 2030. We understand from section 5.1.1.2 of the First Party Response that this proposed development, will have an emission profile of 387,900 tonnes of Co<sub>2</sub>eq per year. This would appear to be quite significant and the

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Principal - Brian Burns, Solicitor - Gwen McCool, Office Manager - Christine O'Connor

DX 222 004

Board should consider properly the impact of the development on the said emission ceilings.

- Our Client notes that Eirgrid has recently had to issue system alerts/warnings (two in two days<sup>1</sup>) due to power constraints in the national grid due to 'tight margins'. We also note that these warnings come against a background where Eirgrid warned in 2021 in its '*All-Island Generator Capacity Statement 2021-2030*' (at page 1 thereof<sup>2</sup>) that the State forecast capacity deficits over the next five winters, and in a scenario where "*Emissions from the Energy Industries sector increased by 17.6 per cent in 2021, driven by a tripling of coal and oil use in electricity generation,*" (News Releases 2022 | Environmental Protection Agency (epa.ie)) / as some of the States worst emitting coal and fuel oil power stations had to remain in use to meet a surge in electricity demand. It is unclear how, in these circumstances, the development of additional energy intensive data centres will enable the State to realistically take high emitting coal and fuel oil power stations offline without compromising or adversely affecting the ability of the national grid to deliver electricity to all users in the State and consequently how it amounts to proper planning and sustainable development.
- Our Client notes from a report from the Department of Enterprise, Trade and Employment, with postdates the First Party Response, '*Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy*' (see <https://enterprise.gov.ie/en/publications/government-statement-on-role-of-data-centres-in-enterprise-strategy.html>), that "*The capacity constraints experienced by our electricity system today, and the binding carbon budgets that require rapid decarbonisation of energy use across all sectors, necessarily mean that not all existing demand for data centre development can be accommodated...*" [emphasis added]. If existing demand cannot be accommodated it would seem to follow that additional development of data centres is contrary to proper planning and sustainable development.
- The First Party Response at 5.1.1.4 refers to the development having an imperceptible impact in terms of the Eu wide emission trading scheme ('ETS'). We note however that the impact is so great that it appears to amount to 0.028% (by itself) of the entire EU wide ETS. Our Client therefore requests that the Board fully engage and properly assess the

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<sup>1</sup> EirGrid warns of limited electricity supply for second time in two days (irishe Examiner.com)

<sup>2</sup> 208281-All-Island-Generation-Capacity-Statement-LR13A.pdf (eirgridgroup.com)



appropriateness of the development in light of the significant impacts of the development.

- We note that a Bat Mitigation Report and an Amphibian Survey Report were submitted as part of the response. It is unclear to our Client if ordinary members of the public have had an opportunity to consider and make submissions on those documents.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'CO'Connor', written over a horizontal dashed line.

Christine O' Connor,  
BKC Solicitors

