

File With _____

SECTION 131 FORM

Appeal NO: ABP 313 583 22Defer Re O/H ☐

TO: SEO

Having considered the contents of the submission dated/ received 8/7/24
fromProinsias Mac
Shiann 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 more reasonsE.O.: [Signature]Date: 10/7/24

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: _____

M _____

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

to: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORMAppeal No: ABP 313583-22

M _____

Please treat correspondence received on 8/7/23 as follows:

1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with BP 233. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐

Amendments/Comments

8/31 Rep P McF21D 22/7

4. Attach to file

(a) R/S ☐(d) Screening ☐(b) GIS Processing ☐(e) Inspectorate ☐(c) Processing ☐RETURN TO EO ☐Plans Date Stamped ☐Date Stamped Filled in ☐EO: [Signature]AA: Dillon ColcolanDate: 10/7/24Date: 10/7/24

Jamie Sweeney

From: Bord
Sent: Monday 8 July 2024 15:57
To: Appeals2
Subject: FW: ABP Case Number ABP-313583-22 - Request for Observations
Attachments: Planning Letter - Proinsias Mac Fhlannchadh ABP.pdf

From: Proinsias Mac Fhlannchadh <[REDACTED]>
Sent: Monday, July 8, 2024 3:26 PM
To: Bord <bord@pleanala.ie>
Subject: ABP Case Number ABP-313583-22 - Request for Observations

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.

Dear sir/madam,

Please see the attached in relation to the above referenced case Number which requests for observations have been sent to parties,

Regards,

Proinsias

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ABP Case No – ABP-313583-22

Ref; Planning Application – FW21A/0151

Dear sir/madam,

Thank you for your letter dated the 2nd of July, 2024 inviting parties to submit observations on the information provided as part of this planning appeal to An Bord Pleanála. Please see my observations below on the documents for consideration.

1. In section 2.1 of the Brock McClure Report (page 4) it states that *"Microsoft...has committed to achieving 100% renewable energy coverage by 2025."* Given that this is 6 months away there is no evidence provided by the applicant and their end user as to their current status in achieving these goals on the island of Ireland. I ask that the Bord should challenge the applicant on this matter
2. In Section 2.2 of the report, it is noted that all these plans to offset the energy consumed with renewables *"are subject to planning permission."* There is no indication how readily achievable these scheme are given the delays in realising same currently in the planning process. I ask that the Bord should challenge the applicant on this matter further
3. In Section 2.2 of the report, it is noted the proposed development and its renewables offset *"support the objective of operating the proposed development on an annual net energy zero basis that would support Irelands overall climate action targets."* There is quite a difference between net zero and net **energy** zero. There is no indication how this phrase aligns with Irelands climate action target and from which plan the applicant is referring to. I ask that the Bord should challenge the applicant on this matter further.
4. In Section 2.4 of the report, noting that the Brock McClure report states that *"the proposed Data Centre....will therefore not place any further burden on the local grid that is not forecast by the grid operator,"* the Bord should seek clarification of this statement relative to the number of Amber alerts which have been issued by Eirgrid in the past months and whether sufficient capacity exists within the grid. I ask that the Bord should challenge the applicant on this matter further.
5. In Section 2.8 of the report it is stated that *"the proposed development would result in a minor adverse impact."* The EIAR provided as part of this application does not take into account the cumulative effects/ impacts of this proposed development in combination with other similar data centre developments in the greater Dublin area. This is a systemic deficiency of the Environmental Impact Assessment (EIA) process as defined by the Environmental Impact Assessment Directive, which requires that direct, indirect and cumulative impacts be fully assessed and mitigated. To note there are other Data centres in the immediate area and there are many more envisaged in the immediate environs (see Planning references (SD22A/ 0156, SD22A/0333, SD20A/0295, SD21A/ 0241, SD20A/0283 and a subsequent number of planning applications lodged since then.) This is reference to the existing, permitted and applied for permissions and those under construction as outlined above.
6. In section 1.36 and 1.37 of the AWN Consulting report, the consultant makes reference to an assumption that the GHG gas emission will decrease in a linear fashion to reach 100 cCo2/ KWH in line with government policy." Noting the EPA publication on the 27th of May, 2024 stating that *"Almost all sectors are on a trajectory to exceed their national sectoral emissions ceilings for 2025 and 2030, including Agriculture, Electricity and Transport,"* I request that the Bord challenge the consultant on their use of the figures of the Government policy noting that these targets are going to be missed.
7. In Section 1.37 of the AWN consulting report it states that *"the power generation mix in 2030 is forecast by Eirgrid to be 83% renewable."* Noting the KPMG published report "Act Now - Accelerating onshore renewable energy in Ireland," it was found in this report that *"95% of experts surveyed reckon planning delays and insufficient electricity grid capacity will make the goal impossible,"* the applicant should be asked to confirm whether they believe that the objectives underpinning their assumptions are realistic in light that Ireland is forecasted to miss its renewable energy generation targets.
8. In section 2.16 of the AWN consulting report, this building alone will consume 2.9% of the Electricity Sectoral Ceiling. One has to question the validity and the appropriateness of these EIARs as there is yet to be one presented what would contradict the development objective of their client relative to the stated goals of the country when it comes to the Environment.

In relation to Point 1 to be considered by the Bord, in terms of the principle of grid capacity and assessment of same or lack thereof by, the Commission for the Regulation of Utilities (CRU) as a designated entity under Article 28 of the Planning and Development Act (2000) as amended in relation to data centres in the GDA, it would seem somewhat counterintuitive that projects "that may impact on the capacity of energy supply" are not considered as part of the planning process in the same way that potential impacts on the water and road infrastructure are considered by Irish Water/ TII etc. Either way, no public body is looking at the demands of this type of infrastructure (eg <10MW) at the planning stage due to the fact that the wrong body is assigned as the designated entity (the CRU and not Eirgrid) and that the Act does not consider the grid or electricity as a finite resource with limitations, in the same way water/ transport is.

Through various FOI requests I have submitted, the CRU acknowledges its glaring short comings as a "designated entity" under the Planning Act when it said *"While the CRU receives notifications pursuant to the Regulations, the CRU's **standard procedure** is to provide the details of such notifications to the transmission system operators, EirGrid plc in respect of electricity infrastructure, and Gas Networks Ireland in respect of gas infrastructure. **As they are the parties responsible for the management of the energy transmission systems, they are best placed to consider the impact such developments may have on Ireland's energy infrastructure.**"* They simply do not know is the answer. This failing is letting down local authorities when they defer for input as it is expected that any concerns will be raised at this juncture (i.e the planning stage). As a result, local authorities are precluded from going to Eirgrid or Gas Networks Ireland as they are not a prescribed body under the Act. This would be a procedural failure. IN light of this application one cannot get a confirmation whether there is existing capacity within the grid.

In light that the Planning Act is currently under review and recent changes have been proposed to same, one has to question the suitability of the CRU as a designated entity given its failure to act heretofore. This is either sheer incompetence or wilful neglect. As a country, if we fail to address these issues at the planning stages we will constantly be playing catch up on these issues. In the meantime the public are told of these extremely patronising messages like to wash your clothes at night and turn your kettle off as if these things are the issue. Accordingly I would that Bord would give further consideration to lobbying to the Department of Housing, Local Government and Heritage to;

1. The classification of Eirgrid and Gas Networks Ireland as designated entities under Article 28 in place of the CRU
2. Under Article 28(v), where the application relates to the development of energy infrastructure, or may have an impact on energy infrastructure, the planning application shall be referred to the Commission for Energy Regulation. At present, **there is no definition of energy infrastructure in the Planning Regulations** and as such local authorities consider the 'development of energy infrastructure' and the 'impact on energy infrastructure' to be infrastructural developments related to the Seventh Schedule of the Act, in particular the Energy Infrastructure list. Only in instances where a data centre is located adjacent or directly linked to an Energy Infrastructure project listed above, local authorities defer for comment from the CRU. Accordingly the term "infrastructure" needs to be clarified and the Act should make reference to energy usage rather than infrastructure to something along the lines "where the proposed development will have a power consumption of greater than 10MW, the designated entity shall be notified of the planning application.
3. In terms of our carbon budgets and legally mandated CO₂ and NO_x reduction targets under the [Climate Action Plan \(2023\)](#) there is no clarity in the Planning Acts as to whom this responsibility sits with for assessing major/ large projects for adherence to the state's goals. It is grossly unfair that this obligation has been neglected and left with local authorities. I do think that this is an extremely pertinent point if we are to ever even trend to our climate goals, never mind reach them

Kind regards,


Pádraig Mac Eilínacháda