

**AN BORD PLEANÁLA**

LDG- 067540-33  
ABP- 318180-23

**12 OCT 2023**

Fee: € 270 Type: Card

Time: 13:11 By: Hand

An Bord Plean.



**Planning Appeal Check List**

(Please read notes overleaf before completing)

1. The appeal must be in writing (e.g. not made by electronic means).

1. State the –

- name of the appellant (not care of agent)
- address of the appellant (not care of agent)

FRIENDS OF THE EARTH  
(SERRY MAC EUILLY)  
9 MOUNT STREET

3. If an agent is involved, state the –

- Name of the agent
- Address of the agent

DUBLIN 2  
DOZKGS9

4. State the Subject Matter of the Appeal \*

- Brief description of the development FINGAL CO CO APPROVAL OF UNIVERSAL DEVELOPERS APPLICATION
- Location of the development CRUSHERATH RD, LEORDATA CENTRES DUBLIN 15
- Name of planning authority FINGAL COUNTY COUNCIL

• Planning authority register reference number FW22A/0308

\* Alternatively, enclose a copy of the decision of the planning authority as the statement of the Subject Matter of the Appeal.

5. Attach, in full, the grounds of appeal and the reasons, considerations and arguments on which they are based. - SEE ATTACHED

6. Attach the acknowledgement by the planning authority of receipt of your submission or observations to that authority in respect of the planning application, the subject of this appeal. (Not applicable where the appellant is the applicant). - SEE ATTACHED

7. Enclose/Pay the correct fee for the appeal and, if requesting an oral hearing of same, the fee for that request see "Guide to fees Payable" under heading of Making an Appeal on Home Page of this website for current fees. PAID ON 12/10/23 AT ABP

8. Ensure that the appeal is received by the Board in the correct manner and in time.

OBJECTION + ORAL HEARING REQUEST

Signed: [Signature]

Date: 12/10/23

A format similar to the above may also be used where a person is making submissions or observations on an appeal in accordance with section 130 of the Planning and Development Act 2000 as amended. Substitute 'observer' for 'appellant' and 'submission/ observation' for 'appeal' at each reference. Item 6 and that part of 7 concerning an oral hearing request are not applicable to the making of submissions or observations

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AN BORD PLEANAIA

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13 OCT 2023

F. No. 6 \_\_\_\_\_

Time: \_\_\_\_\_

AN BORD PLEANAIA

LOG \_\_\_\_\_

ABR \_\_\_\_\_

13 OCT 2023

F. No. 6 \_\_\_\_\_

Time: \_\_\_\_\_

[Delivered by hand to address below]

The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1

Jerry Mac Evilly  
Friends of the Earth Ireland  
9 Mount Street  
Dublin 2  
D02 K659

12 October 2023

**RE Appeal of Planning Approval by Fingal Co Co re Case FW22A/0308: Universal Developers LLC application for a seven year planning permission for data centre development on a site at Cruiserath Road, Dublin 15 :**

Dear Secretary,

Friends of the Earth wishes to appeal the planning approval of Fingal County Council on 18 September 2023 concerning case reference FW22A/0308.

By way of introduction, Friends of the Earth wishes to note that the applicant has not provided suitable information to ensure alignment with Government policy, in particular emissions reductions in accordance with the Climate Act of July 2021. Friends of the Earth remains concerned that the proposed development represents a serious risk of carbon lock-in. Information provided does not ensure compliance with legal binding climate targets and the Government's Policy Statement on Data Centres. Fingal Co Co's conditions as part of their planning approval also fail to ensure this compliance.

Friends of the Earth's objections are set out in the sections below in line with the Council's information requests.

**Climate Obligations on the County Council and ABP :**

Section 15 of the 2015 Climate Act (as amended by the 2021 Act) addresses obligations on relevant bodies, which include both County Councils and An Bord Pleanála. It notes:

*"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."*

We do not consider that Fingal County Council has performed its functions consistent with Section 15(1). The Climate Action Plan and long-term strategy are instruments by which Government ensures consistency with carbon budgets which are legally binding. An Bord Pleanála is also bound by these obligations. Therefore compliance with the s.15 provision entails that An Bord Pleanála must address whether the proposed development aligns with the carbon budget programme provided for in the Climate Act. (The Government subsequently set out the levels of these carbon budgets and associated sectoral emission ceilings in 2022<sup>1</sup>). We contend that the proposed development did not demonstrate compatibility with carbon budget obligations, that by extension does not constitute proper planning and sustainable development and therefore should have been rejected by Fingal Co. Co.

The basis for this position is that the proposed development will impose significant pressures on

<sup>1</sup> <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/>

electricity sector decarbonisation and it is at best unclear how the operation of the proposed development over its lifetime will be compatible with the increasingly stringent carbon budgets. The application for onsite diesel generation and associated long-term additional emissions merits examination in this regard. Additional gas demand, i.e. the expected impact of increased running of fossil fuel generators in the Single Electricity Market due to increased data centre demand, as a result of the proposed development, also requires evaluation. We do not consider that Fingal Co Co sufficiently analysed these requirements nor is information provided by the applicant sufficient (see below).

It is important to note that, according to the EPA projections to 2030 indicate that the state is not on track to meet the first two carbon budget targets based upon existing and planned measures, with estimated gaps to target of 40-55Mt CO<sub>2</sub> eq in the first carbon budget period and 77-127Mt CO<sub>2</sub> eq in the second period<sup>2</sup>. This entails that the constraints on emissions in the remaining budget years will increase. The upcoming Climate Action Plan 2024 (expected in Q4 2023) will therefore impose higher constraints. The CRU also recently consulted on this issue in their Call for Evidence on Review of Large Energy Users Connection Policy<sup>3</sup>. Their forthcoming decision this year will have direct implications for data centre operations and compliance with the electricity sector's emissions ceiling

Data centres and other large energy users are expected to account for 28% of all electricity demand by 2031. The Climate Change Advisory Council most recently recommended data centres shifting demand to times when the output of renewable energy from the system is high and avoid the use of on-site high-emission generation.<sup>4</sup> No such conditions were placed on the applicant by Fingal Co Co and it is not clear that analysis by relevant bodies noted above informed its decision.

Sections below address specific failings in the applicant's proposal and decision by Fingal Co. Co.

#### Renewables CCPA and Incoherence with Government 'Statement on the Role of Data Centres'

- Regarding the Fingal Co Co condition to enter into a renewable CCPA, we are concerned that use of a CPPA will 'crowd out' renewables development which would otherwise be used to decarbonise the Irish electricity system. i.e. the applicant is seeking to make use of a renewable project that would otherwise be used to ensure emissions reductions nationally. UCC MaREI have indicated on the basis of their TIMES Ireland Model and SEC analysis that *'If significant growth in future renewable electricity generation is ultimately required mainly to serve strong data centre demand growth, this will further limit the potential for transport, buildings and industry sectors to meet their decarbonisation commitments. This is the case as replacing fossil fuels through electrification is also among the most cost-effective and achievable mitigation measures available in these other sectors.'*<sup>5</sup>
- The point above is related to the fact that the requirement for this to be "new renewable energy project" is insufficient. In effect a renewable project that is in the pipeline and likely to receive planning/connection agreement (but is yet to be built) will be used to decarbonise the Irish electricity system, given existing Government policy commitments and schemes in support of such developments. The only way to ensure a truly new and additional renewable project would be for Amazon itself to commit to the construction of

<sup>2</sup> <https://www.epa.ie/news-releases/news-releases-2023/ireland-projected-to-fall-well-short-of-climate-targets-says-epa.php>

<sup>3</sup> <https://www.cru.ie/publications/27533/>

<sup>4</sup> <https://www.climatecouncil.ie/councilpublications/annualreviewandreport/CCAC-AR-2023-FINAL%20Compressed%20web.pdf>

<sup>5</sup> [https://www.friendsoftheearth.ie/assets/files/pdf/ucc\\_marei\\_research\\_report\\_final.pdf](https://www.friendsoftheearth.ie/assets/files/pdf/ucc_marei_research_report_final.pdf)

an entirely new renewables project at or alongside the Amazon development.

- The point above is equally related to the fact, while the condition refers to the renewable generation being equal to or greater to the electricity requirements of the data centres, there is no way of matching such renewable generation to data centre consumption. In essence, electricity produced by a renewable generator will flow into the Single Electricity Market. While such generation may be purchased by Amazon, there is no guarantee that decarbonised electricity from a renewable project located elsewhere will be used by the data centre site, nor is there any guarantee that this would necessarily prevent usage of fossil fuel generation in Ireland at any given time given the demands such sites place on the electricity system. It is also important to note that while demand from the data centre site will remain relatively constant renewable generation fluctuates and there is not any certainty that generation from a renewable generator elsewhere will match the demands of this data centre. Therefore, it is not clear that this generation would result in an emissions reduction commensurate with or equivalent to the additional emissions associated with that from additional fossil fuel demand. The upshot is that decarbonisation of the site and associated emission reductions cannot be ensured by such a renewables CPPA.
- Related to the above, the applicant has not demonstrated compliance with the following requirements in the Government's 2022 Statement on the Role of Data Centres, in particular parts in bold:
  - *"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.**"*
  - *In current circumstances, this renewable generation requirement would be additional to c. 120 MW of non-variable generation (typically gas-powered) to provide for the data centre when weather conditions cause renewable output to be low. Given the intermittency of our renewables, **flexibility of data centre demand to 'match' renewable generation will become increasingly important** in future and can assist in meeting our decarbonisation objectives*
  - *"...it is essential that developments **are consistent with a planned trajectory to net zero emissions...**"*
  - *The Government has a preference for data centre developments that can demonstrate the additionality of their renewable energy use in Ireland. Developments should provide clear additionality in renewable energy delivery in Ireland, whether through new generation, repowering or otherwise increasing in-country renewable energy capacity – **proportionate to the impact of their energy demand.***
  - *The Government has a preference for data centre developments in locations where there is the potential to **co-locate a renewable generation facility or advanced storage with the data centre**, supported by a CPPA, private wire or other arrangement*
  - *The Government has a preference for data centres developments that can demonstrate **a clear pathway to decarbonise and ultimately provide net zero data services.***
- Fingal Co Co's approval with conditions is not in accordance with the Government's policy statement. A decision which either directly or indirectly accepted alignment with the policy raises serious legal questions which would require further review by Friends of the Earth. In short, neither Fingal Co Co's planning approval nor the applicant's proposal includes:
  - A reduction on data centre electricity demand
  - A trajectory consistency with net zero emissions

- Clear commitments to pass the 'additionality' test for renewable energy use as noted above
  - A commitment to co-locate renewables on site.
  - A clear pathway to decarbonisation and provide net zero services.
- We note Fingal Co Co planning condition that "*No additional development shall take place above roof parapet level...unless authorised by a further grant of planning permission.*" We are concerned that this may have the perverse effect of actually disincentivising the applicant to introduce significantly more rooftop solar at any future site. We address below the incoherence and weakness in the applicant failing to commit to substantive battery and solar in the first instance. However, it is important that planning conditions do not have the effect of preventing further decarbonisation measures. While solar is referenced on certain buildings, a requirement for significant introduction of solar and battery installations across all buildings should be addressed. We note such developments are common place at data centre sites in other jurisdictions, including those belonging to Amazon.<sup>6</sup>

#### Climate Impact and GHG Emissions Data in EIAR

- By way of context, it is important that the Board takes into account analysis by University College Cork relating to data centre demand. The UCC MaREI research centre has produced detailed evidence on Irish electricity and gas demand to 2050 in the context of the state's climate obligations.<sup>7</sup> This includes the following findings on data centres which support rejection of the application given lack of compliance with climate obligations:
  - *Strong growth in data centre electricity demand... would substantially increase the challenges for the achievement of Sectoral Emissions Ceilings in the power, transport and buildings sectors. To remain within emissions ceilings, data centre demand growth represented in EirGrid's "High" scenario – a 500% in growth in electricity demand from data centres this decade – would require deployment of renewable electricity capacity at implausibly rapid rates: a quadrupling of renewable electricity generation this decade*
  - *...reducing electricity demand growth from data centres and large energy users will reduce reliance on gas plants while enabling zero carbon electricity to be directed at displacing fossil fuels in industry, heat and transport*
  - *While electricity demand growth from data centres is not the primary driver of increased gas-fired generation capacity, it creates an upwards pressure on power generation, which will drive additional fossil fuel usage and associated CO2 emissions until the power grid is fully decarbonised. All else being equal, EirGrid's "High" demand growth scenario would require a quadrupling of renewable electricity generation this decade – significantly beyond policy targets – and 31% more renewable energy generation than the "Low" demand growth scenario in 2030. However, even the "Low" growth scenario requires that 80% of electricity demand be derived from renewables in 2030.*
- With regards to 1. (b) Table 9.9 of the applicant's EIAR, the additional information on emissions is not clear or sufficient. The applicant has not guaranteed that emissions reductions would be in accordance with the Government's 'Statement on the Role of Data

<sup>6</sup> <https://www.datacenterdynamics.com/en/news/uks-scc-deploys-solar-panels-on-birmingham-data-center-roof/>  
<https://www.datacenterdynamics.com/en/news/stellium-datacenters-to-use-solar-power-at-newcastle-uk-data-center/>  
<https://em360tech.com/tech-news/top-ten/microsoft-power-singapore-data-centre-rooftop-solar-panels>  
<https://www.aboutamazon.eu/news/sustainability/amazon-unveils-its-largest-fulfillment-center-solar-panel-installation-in-europe>  
<https://www.aboutamazon.com/news/sustainability/solar-power-delivers-a-win-win-win>

<sup>7</sup> [https://www.friendsoftheearth.ie/assets/files/pdf/ucc\\_marei\\_-\\_research\\_report\\_-\\_final.pdf](https://www.friendsoftheearth.ie/assets/files/pdf/ucc_marei_-_research_report_-_final.pdf)

Centres' or in accordance with Climate Action Plan and the industry sector's Sectoral Emissions Ceiling under the Climate Act (see further below).

- As noted above, the Climate Act in July 2021<sup>8</sup> introduced a climate neutrality target for 2050, as well a 51% emissions reduction target by 2030. Legally binding 5-year carbon budgets and sectoral emissions ceilings for both the electricity and industry sectors in accordance with these budgets have also been produced.<sup>9</sup> The applicant has not demonstrated how significant increases in electricity demand and emissions increases associated with diesel generators are in compliance the electricity and industry sectoral emissions ceilings.
- We reiterate that the participation of the development in the EU Emission Trading Scheme and purchase of associated allowances/permits relates to mitigation obligations under EU climate law, including the EU Effort Sharing Decision. Compliance with EU commitments does not negate, prevent or act in place of national carbon budgets and sectoral emissions ceilings in accordance with 2015 Climate Act as amended in 2021. Any assessment which directly or indirectly accepted such a contention would also raise serious legal questions which would require further review by Friends of the Earth.
- We **strongly reject** the statement that the Climate Action Plan 2021 (and 2023) provides that emissions from data centres covered by the ETS are subject to EU-wide rather than national targets. The applicant refers to Box 2.1 in the 2021 Climate Action Plan which provides information on the ETS, however this in no way indicates that industry sectors under the ETS are outside of national climate law as a result. Box 2.1 is clearly labelled 'Ireland's EU climate targets' (i.e. only addressing EU requirements).
- It is also noted on page 95 of the Climate Action Plan 2021 "The forecast growth of data centres clearly represents a challenge to Ireland's emissions targets." Data centre compliance with binding carbon budgets has also been addressed by the Minister in the Oireachtas: *'Flexible and decarbonised demand from large energy users, such as data centres, is critical to protecting security of supply and ensuring consistency with the binding carbon budgets'*.<sup>10</sup>
- The applicant fails to address the following commitments in the 2023 Climate Action Plan: *"In the short- and medium-term, new demand growth from large energy users, such as data centres, will have to be moderated to protect security of supply **and ensure consistency with the carbon budget programme**".* The 2023 Climate Action Plan notes that demand growth from data centres will need to be "moderated" and "achieve carbon-free demand". The information provided does not demonstrate consistency with the carbon budget programme, nor with moderation or decarbonisation of its electricity demand. The applicant also has not highlighted how it is supporting the achievement of the industry sectoral emissions ceiling (See page 35 of the Climate Action Plan).
- Section 10 page 44-45 of the applicant's information also does not amount to any demonstration of compliance with the Climate Act. The applicant refers to general information on the ETS in the 2023 Climate Action Plan and makes the deliberately misleading assertion that *"thus the indirect electricity emissions and the direct emissions from backup diesel generators will both require greenhouse gas permits under the ETS in order to operate and thus the GHG emissions associated with the Proposed Development will be in line with Section 13.3.5 of the 2023 CAP which stresses the*

<sup>8</sup> See Climate Action and Low Carbon Development (Amendment) Act 2021.

<sup>9</sup> <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/>

<sup>10</sup> <https://www.oireachtas.ie/en/debates/question/2023-05-09/148/speech/364/>

*importance of the EU ETS in reducing industry GHG emissions'*. For the avoidance of doubt, the ETS system does not replace or take legal primacy over the state's carbon budget programme. Indeed any such erroneous interpretation if accepted would have removed the need for, and the legal effect of, the 2021 Climate Act in the first place. We have legal concerns regarding Fingal Co Co's failure to address this misrepresentation.

- We **strongly reject the interpretation in section 2** of the applicant's information that as emissions have cumulative effects at global level *"the effects of GHG emission from specific cumulative projects therefore in general should not be individually assessed...given that "there is no basis for selecting any particularly (or more than one) cumulative project that has GHG emission for assessment over any other"*. Such an interpretation undermines the legitimacy of the entire emissions assessment. This leads to the outlandish conclusion that only an assessment of all projects at the same time can only be assessed. To be clear, the use of new and additional onsite diesel generators at a new development will lead to new and additional emissions in Ireland and must be addressed in the context of Ireland's 2021 climate law. The applicant has not demonstrated how it would mitigate such emissions other than to point to vague assertion that some projects can replace more emitting projects elsewhere. Global IEMA principles neither pre-empt or preclude the necessity to adhere with carbon budgets and sectoral emissions ceilings in Ireland.
- The applicant notes *'that there is no local code, utility, or regulatory requirements or recommendations for number of hours to estimate operation of emergency back-up generation'*. The CRU is currently consulting on precisely this issue as part of their Call for Evidence on Review of Large Energy Users Connection Policy. As noted the CRU's decision on this issue in Q4 2023 will have affect the running and compliance with the electricity sectors emissions ceiling.<sup>11</sup> We urge the Board to review the CRU's consultation (and forthcoming decision). We would strongly oppose any granting of planning permission which pre-empts the CRU's decision and/or actively undermines a future CRU direction on the subject.
- The applicant contends an absence of specific guidance in relation to industrial facilities. There is considerable guidance and data available for industrial facilities at EU level<sup>12</sup> and from the UK<sup>13</sup>, which the applicant discounts. The SEAI has also undertaken specific analysis on data centre electricity consumption.<sup>14</sup>
- We do not see the salience of Amazon's global climate pledge goal given that the applicant notes that "we do not release a breakdown of energy use or renewable energy generation in individual regions".
- We question the relevance of carbon intensity information. Such information simply relates to activities undertaken by energy generators supplying to the Single Electricity Market. Naturally such intensity is projected to decline as renewables and storage at national level increases. However, it does not address the additional impact resulting from the operation of new diesel generators.

#### Environmental Impact

- In relation to additional information provided in the applicant's EIAR, the applicant has

<sup>11</sup> <https://www.cru.ie/publications/27533/>

<sup>12</sup> [https://environment.ec.europa.eu/topics/industrial-emissions-and-safety/industrial-emissions-directive\\_en](https://environment.ec.europa.eu/topics/industrial-emissions-and-safety/industrial-emissions-directive_en)

<sup>13</sup> <https://www.gov.uk/guidance/industrial-emissions-standards-and-best-available-techniques>

<sup>14</sup> - see section 6 SEAI Heating and cooling in Ireland Today

<https://www.seai.ie/publications/Heating-and-Cooling-in-Ireland-Today.pdf>

not addressed in sufficient detail the impact and mitigation measures associated with the level of NO<sub>2</sub> from '97 of the 108 no. back-up diesel generations for the Proposed and Permitted Development for 72 hours per year...as well as weekly testing and quarterly maintenance...and emissions...at the neighbouring BMS and Alexion facilities'.

- We would underline that the number and level of diesel generation is unprecedented and we have major concerns also relating to air quality in the local community. We do not consider that the applicant has demonstrated with sufficient clarity how air quality impacts will be mitigated to ensure compliance with air quality standards, and associated monitoring requirements.
- The limited information is not sufficient to ascertain that the proposed development will not result in significant adverse impacts on biodiversity, ecology, in the area due to both construction, operation, traffic and use of diesel generators. The proposed development would materially contravene Objectives NH27, GI22, NH20, CH05 and CH06 of the Fingal County Development Plan 2017-2023 and would therefore be contrary to the proper planning and sustainable development of the area.
- The applicant has not addressed adverse health impacts for local communities and schools associated both with construction, ongoing emissions and air pollution, in particular from 'renewable diesel' in the greater Blanchardstown and Kilshane areas. There are a number of Traveller sites located nearby and residents at these sites already face a greater burden of chronic diseases (including respiratory) than the settled population.<sup>15</sup>

#### Diesel Generator Usage

- The applicant notes that emergency generators will operate for 72 hours per year. The applicant has not provided sufficient information regarding this operation. It is not clear as to whether this represents the total number of hours for the entire number of generators at the development (i.e. cumulatively in total across the entire site) or as to whether 72 hours relates to different generator units running at different times amounting to 72 in total. In either case, the applicant has not addressed how this 72 hours can be independently verified.
- We do not consider that the applicant has provided sufficient information to guarantee that these are for emergency use only. The applicant refers to an example as being in the event of 'grid failure', however it is the case that EirGrid may require data centres to use onsite generation during **any** period of tightness in the electricity system. This could result in significantly higher levels than 72 hours.
- The applicant addresses the apparent contradiction between 72 hours and maximum 500 hours noted in the original application, noting that the 72 hours is now a stipulation of the EPA's IED licence<sup>16</sup>. The applicant contends that the 'IED licence will be an amendment to include the proposed development on grant of planning permission'. We would note that it is not guaranteed that the IED licence will be amended. There is thus a circular argument that the existing IED licence relates to max operation of 72 hours with no guarantee that a 72 hour stipulation would arise for the new facility.
- We note that the applicant 'expects to operate the emergency generators for no more than 18 hours per annum in compliance with the EAP note...'. The applicant has not

<sup>15</sup> See All Ireland Traveller health Study, 2010

<https://www.paveepoint.ie/wp-content/uploads/2013/10/AITHS-Booklet-Sep.12.pdf>

<sup>16</sup> [https://epawebapp.epa.ie/licences/lic\\_eDMS/090151b28087cade.pdf](https://epawebapp.epa.ie/licences/lic_eDMS/090151b28087cade.pdf)

provided any evidence to demonstrate the 18hour calculation.

- The applicant has not demonstrated how operation of diesel generators will be a measure of last resort (regardless of precise run time). We note in particular the need for demand reduction/flexibility measures as noted in the Government's policy statement. Fingal Co Co's associated condition is not sufficient as a "written agreement which... demonstrate the lowest possible number of generators" expressly notes that this is limited to "achieving the required power for the site" – i.e. no actual reduction in power demand is envisaged by this condition.
- It is also striking that Fingal Co Co place a condition in their approval for "lowest possible numbers of generators", as well as for a renewables CPPA, however it fails to place any conditions for use of zero carbon technologies technologies (battery storage, rooftop solar) which would have the effect of substantially reducing demand and fossil fuels usage. The applicant also fails to address technologies available to reduce or redirect operations to align with the periods of high renewables availability. With the exception of references to Corporate PPAs there is essentially no decarbonisation plans for the site nor any intention to make emissions data associated with generators available.
- We note that remedial and mitigation measures provided by the applicant for the construction phase (section 6.1) entail new actions and activities. In contrast, measures noted in the operation phase (section 6.2) do not involve any changes in activity to actively prevent use of diesel generation. We are unclear as to how the applicant is unable to put forward measures which would ensure actual reduction in demand.
- The applicant notes the limited use of solar PV on buildings E and F however this is only to "offset the lighting and IT electrical power requirements during the peak summer months for the administration and office of each building". Demand side management, energy efficiency measures, battery storage and use of solar on all available rooftops does not appear to have been considered by the applicant. This approach greatly undermines suggestions of net zero emissions pledges.
- The applicant also fails to address the revised EU Energy Efficiency Directive, as well as the new EU Corporate Sustainability Due Diligence and Reporting Directives which will require data centre companies to improve efficiency standards, to undertake cost best analyses in support of same, as well as to publicly disclose information on energy performance, carbon emissions and environmental impacts.

#### Use of Renewable/Bio Diesel<sup>17</sup>

We have concerns with proposed use of vegetable oil or HVO ('renewable diesel') and suggestions that this amounts to a mitigation measure.

- 1) The diesel used may not necessarily be renewable, as this is "subject to availability". In the event that renewable diesel is not available, and fossil diesel is used even for only 18 hours per year, this could emit the equivalent of 3,300 tonnes of CO<sub>2</sub> per year, or 89,100 tonnes if used 500 hours per year.
- 2) These emissions (resulting from what is known as indirect land-use change, or ILUC) associated with renewable diesel itself are extremely high when taking into account the whole life-cycle emissions.
- 3) There are major concerns regarding traceability controls and certification at EU level.<sup>17</sup> The EU has also adopted a delegated act which labels palm oil diesel as unsustainable,

<sup>17</sup> <https://www.euractiv.com/section/agriculture-food/news/biofuel-certification-schemes-slammed-for-failing-to-halt-fraud/>

<https://www.euractiv.com/section/biofuels/news/eu-incapable-of-detecting-fraud-in-biofuel-imports-complainant-says/>

meaning that this biofuel will no longer be counted as a green fuel to meet the EU's 2030 renewable targets, although exemptions remain.<sup>18</sup>

- 4) As noted by UCC Professor Hannah Daly<sup>19</sup>, HVO is not a carbon-neutral solution and may fuel tropical deforestation.<sup>20</sup> It is also underlined that waste is not a scalable energy source: A study by the Sustainable Energy Authority of Ireland found that waste sourced from Ireland can meet only 4 per cent of our total energy demand.<sup>21</sup>
- 5) Concerns have arisen as to whether part of the supply of its main feedstock marketed as used cooking oil (UCO) is in fact pure palm oil, one of the main drivers of deforestation.<sup>22</sup> Biodiesel from palm oil is three times worse for the climate than regular diesel while soy oil diesel is two times worse, according to a European Commission study. Growing demand for biofuels like palm oil increases pressure on agricultural land which leads to deforestation.<sup>23</sup>

In light of the above, we urge the Board to reject the application. \*

We would like to thank the Board for their consideration of the above sections and would be happy to provide further information upon request.

Is mise le mórmheas

Jerry Mac Evilly,  
Head of Policy  
Friends of the Earth

\* We also hereby request an oral hearing on the above issues. Many thanks in advance for your consideration

<sup>18</sup>

<https://www.transportenvironment.org/challenges/energy/biofuels/>

<sup>19</sup> <https://www.irishtimes.com/environment/climate-crisis/2023/06/01/the-trouble-with-renewable-diesel/>

<sup>20</sup> <https://www.nnfcc.co.uk/publications/report-imported-used-cooking-oil>

<https://www.euronews.com/green/2021/04/21/europe-s-reliance-on-used-cooking-oil-is-fuelling-deforestation-says-new-study>

<https://www.bbc.com/news/science-environment-56819257.amp>

<sup>21</sup> <https://www.seai.ie/data-and-insights/national-heat-study/sustainable-bioenergy-for/>

<sup>22</sup> <https://ourworldindata.org/what-are-drivers-deforestation>

<sup>23</sup> <https://www.transportenvironment.org/discover/palm-oil-not-green-fuel-says-eu/>



**Mr. Jerry Mac Evilly,  
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D02 K659**

**Date:** 30 August, 2023

ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION on a PLANNING APPLICATION

**THIS IS AN IMPORTANT DOCUMENT!**

KEEP THIS DOCUMENT SAFELY, YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE **ONLY** FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANALA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

**PLANNING AUTHORITY NAME:** FINGAL COUNTY COUNCIL

**PLANNING APPLICATION REFERENCE NO.** FW22A/0308

**A submission/observation has been received from Mr. Jerry Mac Evilly, Friends of the Earth, in relation to the above planning application.**

**The appropriate fee of €20.00 has been paid.** (Fee not applicable to prescribed bodies).

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations, 2001 -2013 and will be taken into account by the Planning Authority in its determination of the planning application.

*Caoimhe Halpin*

for Senior Executive Officer

**Development:**

Universal Developers LLC, intend to apply for a seven year planning permission for development on a site at Cruiserath Road, Dublin 15. The application site is located to the north of the data centre permitted

/ constructed under An Bord Pleanála Reg. Ref.: PL06F.248544 / Fingal County Council Reg. Ref.: FW17A/0025, to the west of the two data centres permitted under Fingal County Council Reg. Ref.: FW19A/0087, and to the north and west of the 220kV Gas Insulated Switchgear substation permitted under An Bord Pleanála Reg. Ref.: 306834-20. The site is within an overall landholding bound to the south by the R121 / Cruiserath Road, to the west by the R121 / Church Road and to the north by undeveloped land and Cruiserath Drive.

The proposed development consists of the following: "

- Construction of three data centre buildings (Data Centre E, Data Centre F, and Data Centre G), with a gross floor area (GFA) of c. 1, 425 sq.m, c. 20, 582 sq.m, and c. 20, 582 sq.m respectively, each over two levels (with Data Centre F and G each including two mezzanine levels);
- Data Centre F and G will be located in the north-western portion of the overall landholding, with a primary parapet height of c. 19.8 metres and each will accommodate data halls, associated electrical and mechanical plant rooms, a loading bay, maintenance and storage space, office administration areas, with plant and solar panels at roof level;
- Data Centre E (which will be ancillary to Data Centre F and G) will be located within the south-western portion of the overall landholding, with a primary parapet height of c. 13.1 metres and will accommodate data halls, associated electrical and mechanical plant rooms, a loading bay, maintenance and storage space, office administration areas, with plant at roof level;
- Emergency generators and associated flues will be provided within compounds adjoining each of the three data centre buildings (1 no. for Data Centre E, 19 no. for Data Centre F, and 19 no. for Data Centre G);
- The development includes one diesel tank and two filling areas to serve the proposed emergency generators;
- Provision of ancillary structures including two MV buildings, water storage tanks and three bin stores;
- Construction of access arrangements and internal road network and circulation areas, footpaths, provision of car parking (105 no. spaces), motorcycle parking (12 no. spaces) and bicycle parking (56 no. spaces), hard and soft landscaping and planting (including alteration to a landscaped berm to the north of proposed Data Centre E), lighting, boundary treatments, and all associated and ancillary works including underground foul and storm water drainage network, and utility cables.

An EPA-Industrial Emissions Directive (IE) licence will be applied for to

facilitate the operation of the proposed development. An Environmental Impact Assessment Report (EIAR) will be submitted to the Planning Authority with the planning application and the EIAR will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority.

AI received 03/08/23

**Location:** Cruiserath Road, Dublin 15.

**Area:** Blanchardstown Mulhuddart

**Applicant:** Universal Developers LLC

**Application Type:** Permission

**Date Received:** 3 August, 2023

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**Please note that all planning applications, including submissions/objections will be published on the Council's website.**



**Mr. Jerry Mac Evilly,  
Friends of the Earth  
9 Upper Mount Street  
Dublin 2  
D02 K659**

**Date:** 31 January, 2023

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**PLANNING AUTHORITY NAME:** FINGAL COUNTY COUNCIL

**PLANNING APPLICATION REFERENCE NO.** FW22A/0308

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*Catherine Egan*

for Senior Executive Officer

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**Location:** Cruiserath Road, Dublin 15.

**Area:** Blanchardstown Mulhuddart

**Applicant:** Universal Developers LLC

**Application Type:** Permission

**Date Received:** 16 December, 2022

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