

An Board Pleanála
64 Marlborough Street,
Dublin 1
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Mannix Coyne
Bracetown
Clonee
Co. Meath
12/10/2023

Re: Third Party appeal in relation to the grant of planning permission for data centre by Universal Developers LLC at Cruiserath Road, Dublin 15

Planning Authority: Fingal County Council
Planning Reference: FW22A/0308
Applicant: Universal Developers LLC
Location: Cruiserath Road, Dublin 15

Dear Sir/Madam,

I wish to lodge an appeal to the granting of planning permission to the development as referenced above for the reasons below.

- The carbon emissions the proposed development will have on the environment and the demands it will place on Energy Infrastructure. The proposed development requires energy from the national grid for it to function. In chapter 9 of the Environmental Impact Assessment Report, carbon emissions for the development based on a 3 year average (2019-2021) SEAI CO₂ emissions factor is given as:

'The Proposed Development in conjunction with the Permitted Developments and future indicative development, has an estimated peak operational demand of 219.7MW per year in total which translates to 1,925GWH annually. This equates to approximately 607,523 tonnes of CO₂eq per year.'

According to the EPA (1.), in 2021, Ireland's provisional GHG emissions are estimated to be 61.53 million tonnes carbon dioxide equivalent (Mt CO₂eq). This would mean that this data centre campus alone would represent 1% of Ireland's total greenhouse gas emissions, a staggering figure for a single development.

The effect of these carbon emissions on the environment have not been adequately assessed and are totally incompatible with the Climate Action Plan's (2.) aims to achieve a 51% reduction in overall greenhouse gas emissions by 2030. According to the Climate Advisory Council (3.) we are falling behind in our emission reductions for the national carbon budgets agreed for 2021–2025 and 2026–2030, this development will exacerbate the situation.

The applicant makes little reference to the impact of the development on national carbon budgets and instead refers only to the impact of the development on the larger pond that is the EU wide ETS market and in effect framing the impact of the proposed development as imperceptible.

The proposed development is not exempt from the national carbon budgets. The Climate Action Plan 2023 is explicit on this:

"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."

Likewise, the Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy (4.) states:

"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."

Also mentioned in the Statement is that EirGrid predicts that if all contracted capacity were connected, data centres would make up between 25% and 33% of Ireland's electricity demand by 2030. In the UK this figure is approximately 2.5% (5.) and the EU average being between 1.4-1.6% (6.). The demand placed by data centres on the Irish grid is clearly unsustainable. Ireland's electricity grid has not been designed to host the globe's insatiable demand for data.

Under the Climate Action and Low Carbon Development (Amendment) Act 2021, the planning authority is obligated to:

"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."*

- The proposed development has not been subject to a complete Environmental Impact Assessment or Appropriate Assessment. The project needs to be considered in its entirety for screening purposes. Under guidelines issued by the EPA (7.) *"The EIAR must contain adequate information to enable the CA to carry out an assessment of all likely significant effects of the project on the environment."* Likely significant effects should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project. The EPA guides: *"The description of other projects can loosely be grouped under two headings: Off-site and Secondary Projects. The effects of these can often be as significant as those of the main project and must not be overlooked."*

Fingal County Council in its Notification of Decision to Grant Permission conditioned the development with the following related to CPPA:

"13. Prior to the commencement of development, the applicant 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 matched by new renewable energy generation in line with the Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy. 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 and full details of these including consent details shall be provided;*
 - c) The new renewable energy projects shall be provided by the applicant's group, that is Amazon.com, Inc.*
 - d) The new renewable energy generation shall relate to energy that is not being generated at the date of grant of this permission.*
 - e) The amount of electricity generated by the new renewable energy projects shall be equal to or greater than the electricity requirements of the data centres in operation at any given time.*
 - f) The new renewable energy projects shall be fully operational prior to the commencement of operation of the data centres having regard to the phased nature of the proposed development.*
- REASON: In the interests of sustainable development."*

This planning condition represents a significant secondary project that would likely not arise but for the principal project and could be described as integral to the project in how the condition is to be discharged. There has been a failure in the EIAR report to assess other projects integral and significant to the development.

Renewable energy installations require a significant land (or sea) footprint compared with other forms of power generation and have serious significant impacts on the receiving environment. The Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy highlights that

"in order to meet the 80% renewable target, a data centre consuming on average 100 MW would require an additional c. 180 MW of offshore wind, or 230 MW of onshore wind, or 730 MW of solar, to match this extra demand with sufficient renewables, accounting for their intermittency. This assumes

the data centre is located where it can access renewable sources. 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."

Each data centre will require a significant installation of renewable energy to offset its energy requirements while also accounting for intermittency. The capacity to deliver renewable energy in Ireland is finite. With data centres making up between 25% and 33% of Ireland's electricity demand by 2030, a significant portion of our renewable energy generation will be used to service the data centre industry, an industry which is dominated by a handful of major players at the expense of the Irish domestic demand requirements and on Ireland's obligations to GHG gas reduction.

Planning condition 13 issued by Fingal County Council and similar conditions relating to CPPA issued on other developments do not take into consideration the likely serious secondary consequences for the receiving environment and the demand that will be placed on it to deliver energy to service these developments.

- The EIAR fails to implement correctly its proposed IEMA methodology of the use of a *'reasonable worst-case scenario rather than an absolute worst-case scenario'* in quantifying GHG emissions by the use of assumptions which minimise the likely GHG emissions associated with the development.

The applicant, in their Further Information Response uses a projected carbon intensity on the national grid of 100gCO₂/kWh based on ESB presentations and implements a linear interpolation to this figure in the intervening years. This approach is not a *'reasonable worst-case scenario'* nor is it considered likely.

This ESB projected carbon intensity is based on aims of the Climate Action Plan being met in their entirety which, as mentioned earlier, the Climate Advisory Council has already stated we have exceeded carbon budgets. It also assumes targets set for the delivery of offshore wind and other renewables will be met which according to a recent industry survey (8.) is unlikely to happen:

"A survey of professionals working in the energy sector has found that almost 70% believe that the Government's delivery target for offshore wind is either 'extremely challenging' (42%) or 'completely unrealistic' (27%). The survey, carried out by business-law firm Mason Hayes & Curran (MHC), found that just 7% of respondents believed that the increased target of 7GW was 'realistic and achievable'."

The optimism in the applicants' assumptions on carbon intensity of the nation grid is further highlighted in the recent announcement to delay the decommissioning of Moneypoint Power Station until 2029, 4 years later than when it was initially due to be decommissioned and in contradiction to information contained in the applicants EIAR. The Irish Times (9.) writes:

"The coal-burning Moneypoint power station in Co Clare is to be kept open until 2029 because electricity produced there may be needed to maintain the security of national supplies despite the high level of carbon emissions it releases."

With the EPA in 2023 (10.), furthering highlighting:

"Despite previous announcements made to phase out coal, it's future use is somewhat uncertain. Fuel prices and the need for coal due to unavailability of enough gas-fired generation and lower renewables must be considered."

- Cumulative Impact of the Proposed Development. This Development will now constitute another Data Centre type structure to add to the proliferation of such structures already built, in construction and planned for this immediate area. I believe that the cumulative impact and the in-combination effects of all these Developments has not been adequately taken account of.

With each development treated by planning authorities on a case-by-case basis, there is no overarching strategy to assess the impact of these energy and carbon intensive developments at a national level. The applicant in their submission has framed the GHG impact of their development in the context of the EU wide ETS market. At this EU wide scale, all potential developments individually would appear imperceptible, as no single raindrop feels themselves responsible for the flood. However, if all potential developments were to proceed based on this framing of imperceptibility, the outcome would clearly be unsustainable. At some level the in-combination effects of all these developments needs to adequately be considered.

- When an application for planning permission for further phases of a masterplan is made, a full EIA is required which in turn will both assess cumulative impacts with all existing or approved developments and potential environmental impacts of future phases of a masterplan as to avoid a situation where project splitting of the application arises.

As mentioned earlier the EIAR must contain adequate information to enable the CA to carry out an assessment of all likely significant effects of the project on the environment. In its request for further information, Fingal County Council requested the applicant to:

"Submit details in respect of the additionality of the applicant's renewable energy use in Ireland as per principle No. 3 of the statement. The reference to the applicant's involvement in 3 no. wind farms is noted. Details should be provided in respect of how much energy already utilised by the applicant's operations in Ireland are being offset by these proposals and if the quantity of electricity generated would offset the proposed development in addition to current activity."

It therefore difficult to understand the applicant's refusal to provide detailed information on the existing energy use of the previous developments at Cruiserath Road in light of the requirements of an EIAR mentioned above.

- The applicant fails to demonstrate comprehensively how it intends to provide renewable additionality and how the renewable energy is proportionate to the impact of their energy demand.
- The scientific consensus regarding the effect of Green House Gas emissions on Climate Change is indisputable. The granting of planning permission to this development and the consequent production of significant GHG emissions with the environmental consequences of these emissions, contravenes my unenumerated constitutional rights to a healthy environment, the right to life and the right to bodily integrity.

Your Sincerely,

A handwritten signature in black ink, appearing to be 'Mannix Coyne', written over a horizontal line.

Mannix Coyne



Mr. Mannix Coyne
Bracetown
Clonee
Co. Meath
D15 TF89

Date: 19 January, 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 PLEANÁLA 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. Mannix Coyne, 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.

Catherine Egan

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.

Location: Cruiserath Road, Dublin 15.

Area: Blanchardstown Mulhuddart

Applicant: Universal Developers LLC

Application Type: Permission

Date Received: 16 December, 2022

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.

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



Comhairle Contae Fhine Gall
Fingal County Council

**An Roinn um Pleanáil agus
Infrastruchtúr Straitéiseach**
Planning and Strategic
Infrastructure Department

