

File With _____

SECTION 131 FORM

Appeal NO: ABP 318180

Defer Re O/H

TO: SEO

Having considered the contents of the submission ~~dated~~ received 3/6/24 from

Sarah Zimmermann 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 material issues

E.O.: Pat B

Date: 06/06/2024

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 FORM

Appeal No: ABP 318180-23

M _____

Please treat correspondence received on 3/6/24 as follows:

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

S131 resp from Serrah Zimmerman

LID 416

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 <input checked="" type="checkbox"/> <u>P.B.</u>
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	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>[Signature]</u>	AA: <u>Fadime Khatib</u>
Date: <u>6/6/24</u>	Date: <u>6/6/24</u>

J. Sweeney

Patrick Buckley

From: Bord
Sent: Tuesday 4 June 2024 10:11
To: Appeals2
Subject: FW: Re Case Number: ABP-318180-23
Attachments: UniversalDevelopersLLC_ABP-318180-23.pdf

From: Fingal One Future <fingalonefuture@gmail.com>
Sent: Monday, June 3, 2024 9:27 PM
To: Bord <bord@pleanala.ie>
Subject: Re Case Number: ABP-318180-23

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 Mr Buckley

Please find attached observations on Environmental Impact Assessment Report re construction of data centre and associated works by Universal Developers LLC, Cruiserath Road, Dublin 15
Case Number ABP-318180-23
Case FW22A/0308

Kind regards
Sarah Zimmermann
Fingal One Future

On Behalf of Fingal One Future
fingalonefuture@gmail.com

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K32W449

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Mr Patrick Buckley
An Bord Pleanála
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Delivered by email to bord@pleanala.ie

Observations on Environmental Impact Assessment Report re construction of data centre and associated works by Universal Developers LLC, Cruiserath Road, Dublin 15

Case Number ABP-318180-23

Case FW22A/0308

These observations are made on behalf of the Fingal One Future group, local grassroots, non-partisan group campaigning to improve sustainability in Fingal. Fingal One Future is part of the One Future network, which is supported by Friends of the Earth and Stop Climate Chaos.

Dear Mr Buckley,

It is our view that the applicant's latest information does not demonstrate how the proposed development would align with legally binding carbon budget obligations. We are concerned that the proposed development would undermine the achievement of the state's carbon budget programme. An Bord Pleanála and the applicant must adhere to legally binding climate obligations.

An Bord Pleanála has legal obligations pertaining to Section 15 of the 2015 Climate Act (as amended by the 2021 Act) addresses obligations on relevant bodies, including 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."

An Bord Pleanála is bound by the obligations of the Climate Action Plan and 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 including for the electricity and industry sectors which are most relevant to proposed development¹. The applicant has not demonstrated compatibility with carbon budget obligations and that by extension the Proposed Development does not constitute proper planning and sustainable development and therefore should be rejected. The proposed development will impose significant pressures on electricity sector decarbonisation due to increased electricity demand, as well as due to use of onsite diesel generation, and it is unclear how the operation of the proposed development over its lifetime will be compatible with increasingly stringent carbon budgets and Sectoral Emissions Ceilings.

We strongly reject the applicant's argument that the inclusion of expected demand from this site in EirGrid's demand projections suffice in terms of adherence with climate obligations. UCC MaREI has produced research on Irish electricity and gas demand to 2050 in the context of the state's climate obligations and we request that the Board considers the findings of this research.

☒ *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.*

1 <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/>

2 https://www.friendsoftheearth.ie/assets/files/pdf/ucc_marei_-_research_report_-_final.pdf

The following observations address some statements made in the AWN Technical Environmental

"Thus, the IEMA Guidelines (IEMA, 2022) are recognised throughout Ireland and the UK as the authoritative guidance on greenhouse gas (GHG) and climate impact assessment."

- IEMA Guidelines (or any industry guidelines) do not replace or have higher legal standing than the state's carbon budget programme under the 2021 Climate Act. This point is also relevant to the applicant's assertions in subsequent sections.

"...including the installation of 285 Photovoltaic panels...."

- The applicant does not address the reason for the 285 maximum. Additional solar PV and battery storage, including across extensive existing roof area and all appropriate buildings would be integral to preventing additional electricity system pressures and onsite diesel generation.

"the assessment assumed continuous 100% operational load for the data centre development, however annual average load is likely to be closer to 80%" [with regard to the DECC publication 'Summary of Analysis to Support Preparation of the Sectoral Emissions Ceilings']

- DECC does not comment on likelihood in the document in question.

- The relevant DECC statement is in a footnote which states "Data centre capacity is based on the EirGrid forecast of 790-1770 MW by 2030, assuming a load factor of 80%". This refers to a (now out-of-date) assumption for EirGrid's calculation of potential data centre capacity.

"the Proposed Development will replace existing and future computing, and IT activities which have a higher GHF profile, with savings of up to 80%..."

- The application has not substantiated the statement that the Proposed Development will "replace" such computing nor the 80% savings claim.

- The statement assumes the Proposed Development is to be used solely to replace existing local IT storage. It is evident that the Proposed Development would be used at least in part, if not in the main, to provide additional storage for new customers.

"the committed mitigation (Corporate Power Purchase Agreement (CPPA) for new renewable energy) will mitigate any residual GHG emissions"

- This claim is not substantiated with adequate analysis.

- This does not address emissions associated with use of onsite diesel generators.

"The precautionary approach of utilising CPAs as a mitigation measures should also be noted. Given that the national grid will likely to achieve net zero significantly before 2040; it can be argued that even in the absence of CPPAs the pre-mitigation could, in actual fact, be characterised as minor adverse, as the trajectory of GHG emissions will align with the 1.5C compliant trajectory and achieve net zero in advance of 2050 with the national grid predicted to obtain net zero by 2040 (ESB Networks, 2023)."

- The applicant must demonstrate prevention/mitigation of its impacts, as opposed to general assertions regarding future systems it relies on.
- As noted above, state authorities have not commented likelihood.
- The applicant must address its emissions impact now (i.e. if developed) not future general state emissions.

"...a CPPA for the power demand for the proposed project has been welcomed and conditioned under the Planning Authority's decision to grant permission (A similar approach and condition by the Board would be welcomed.)"

- As previously noted, 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.

- While Fingal's CCPA condition refers to the renewable generation being equal to or greater to the electricity requirements of the data centres, we are unclear as to how renewable generation can be matched to data centre consumption. While such generation may be purchased by Amazon, in order for it be a genuine mitigation measure it must guarantee that this would prevent usage of fossil fuel generation in Ireland and result in an emissions reduction commensurate with or equivalent to the emissions associated with fossil fuel demand.

- In the 2023 Climate Action Plan it is noted: "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".

- In this latest EIAR submission, the applicant notes that these CAP 2023 commitments, as well as the Government's most recent policy 'Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy', and suggest that policies only apply to 'new unforeseen demand growth and not 'existing' demand such as the Proposed Development.

- Fingal One Future would underline that if Government policy was intended to only apply to new development it would have stipulated clearly this differentiation. At no point do any relevant Government policy commitment suggest that any contracts in EirGrid's energy projections and modelling are simply excluded.

- The applicant has not transparently respond to or demonstrated compliance with the following requirements in the Government's 2022 Statement on the Role of Data Centres, in particular parts underlined:

☒ "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."

☒ "...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.

The information by the applicant provided does not provide additional information on:

- 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 remain of the view that back up generation relying on renewable diesel has a high likelihood of adverse climate and environmental impacts. Energy demand reduction must be the top priority followed by proven solutions such as battery storage.

- 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.²⁴ Growing demand for biofuels like palm oil increases pressure on agricultural land which leads to deforestation.²⁵

In conclusion, we remain of the view that the Board should reject the application. We thank the Board for their consideration of the above information and are happy to provide further information upon request.

With kind regards,
Sarah Zimmermann
OBO Fingal One Future

²⁴ <https://ourworldindata.org/what-are-drivers-deforestation>

²⁵ <https://www.transportenvironment.org/discover/palm-oil-not-green-fuel-says-eu/>