

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

**SECTION 131 FORM**

Appeal NO: ABP 318160-23

Defer Re O/H

TO: SEO

Having considered the contents of the submission ~~dated~~ received 19/6/24  
from

John Callaghan 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 issue

E.O.: [Signature]

Date: 20/6/24

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 FORM**

Appeal No: ABP 318780-23

M \_\_\_\_\_

Please treat correspondence received on 19/6/24 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
<u>S131 resp from John Callaghan</u>
<u>L10 24th</u>

4. Attach to file (a) R/S <input type="checkbox"/> (d) Screening <input type="checkbox"/> (b) GIS Processing <input type="checkbox"/> (e) Inspectorate <input checked="" type="checkbox"/> (c) Processing <input type="checkbox"/>	RETURN TO EO <input type="checkbox"/>
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	Plans Date Stamped <input type="checkbox"/> Date Stamped Filled in <input type="checkbox"/>
EO: <u>[Signature]</u>	AA: <u>Faahimie Khatijee</u>
Date: <u>20/6/24</u>	Date: <u>20/06/24</u>

## Dillon Corcoran

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**From:** John Callaghan <joncallaghan@gmail.com>  
**Sent:** Wednesday 19 June 2024 16:54  
**To:** Bord; Appeals2  
**Subject:** Re: Submission at the invitation of the Board dated June 4th, 2024, File ABP-318180-23 Planning Authority Case Reference: FW22A/0308 on the submission of Mr Colin Doyle. Dear Secretary,  
**Attachments:** Submission on File File ABP-318180-23 June 19th.pdf

**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.

John Callaghan  
10 The Cloisters  
Oldcastle Road  
Kells,  
Co Meath.  
A82 C9Y7

The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1, D01 V902

June 19<sup>th</sup>, 2024

**Re: Submission at the invitation of the Board dated June 4<sup>th</sup>, 2024, File ABP-318180-23 Planning Authority Case Reference: FW22A/0308 on the submission of Mr Colin Doyle.**

Dear Secretary,

Please see the attached submission.

regards

John Callaghan

John Callaghan  
10 The Cloisters  
Oldcastle Road  
Kells,  
Co Meath.  
A82 C9Y7

The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1, D01 V902

June 19<sup>th</sup>, 2024

**Re: Submission at the invitation of the Board dated June 4<sup>th</sup>, 2024, File ABP-318180-23  
Planning Authority Case Reference: FW22A/0308 on the submission of Mr Colin Doyle.**

**Dear Secretary,**

I wish to thank the Board for the opportunity to comment on the above Submission.

**Achieving Net Zero and interpreting a Climate Action Plan<sup>1</sup>.**

Achieving Net Zero emission is an extraordinary challenge particularly without the direct use of nuclear power, given the intermittent and seasonal variability nature of wind power and solar energy at 53° North.

The Government Website<sup>2</sup> defines the Climate Action Plan as follows:

*The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.*

It must be that in an innovative Europe that many of the solutions to net zero will emerge over the run up to 2050 using a Systems Approach which would see serial amendments to the Climate Action Plan. The UK Government publication **Net Zero Strategy: Build Back Greener October 2021<sup>3</sup>** defines "a systems approach to the net zero journey"

*3. The characteristics of the net zero challenge – requiring action by multiple parties across the public and private sectors, delivery at pace, and management of large uncertainties – underline the need for strong coordination in policy development and clear signalling to markets. Government taking a systems approach to policy will help to navigate this complexity. We must consider the environment, society, and economy as parts of an interconnected system, where changes to one area can directly or indirectly impact others. This will help to ensure we design policy to maximise benefits, account for dependencies, mitigate conflicting interests and take account of learning as we go. It reduces the risk of unintended consequences, ensuring individual decisions designed to help achieve net zero do not end up hindering it or other important objectives.*

<sup>1</sup> <https://assets.gov.ie/293730/00ee6688-fc2a-4897-8077-de73280ec7fc.pdf>

<sup>2</sup> <https://www.gov.ie/en/publication/79659-climate-action-plan-2024/> accessed June 5<sup>th</sup>, 2024, 14.06

<sup>3</sup> <https://assets.publishing.service.gov.uk/media/6194dfa4d3bf7f0555071b1b/net-zero-strategy-beis.pdf> Page 62

4. A systems approach does not attempt to design a 'perfect' net zero end-state thirty years into the future. It aims to enable innovative and desirable solutions to be developed, and to ensure that decisions are made when needed, based on the best evidence available at that time and with the fullest possible range of considerations brought to bear. This includes taking a dynamic approach to policymaking and updating our assumptions on an ongoing basis; considering public reactions to a policy; accounting for where a particular investment or technology deployment may affect another sector's decarbonisation; and considering the net costs and benefits across different parts of the economy and environment.

6. Work will continue to develop this approach further. This Strategy encompasses changes from across the system that will need to be delivered to achieve net zero.

7. As summarised in Figure 3 below, each sector of the economy will play a vital role in the future net zero system, and these are highly connected – changes in one area can directly or indirectly impact others.

8. Applying a systems approach to policymaking can help to address complex policy challenges, including to identify interdependencies. The case study below for electric vehicles demonstrates the need to understand the complex interactions which drive change. Government will continue to test and update its understanding of systems and how they relate to one another, which forms an important part of how we will monitor delivery, explored further in the Embedding net zero in government chapter.

#### **The Supreme Court Judgement in Friends of the Irish Environment Limited v An Bord Pleanála [2020] IESC 14<sup>4</sup>**

The case is very interesting in that it concluded at paragraph 8.14 that:

*“Had standing been established or had similar proceedings been brought by persons who undoubtedly had standing, then it would have been necessary for this Court to consider the circumstances in which climate change measures (or the lack of them) might be said to interfere with the right to life or the right to bodily integrity.”*

It might have availed the Court, and may yet avail the Court to consider that 99.9%<sup>5</sup> of energy related emissions to the atmosphere are emitted outside the Republic of Ireland and that such emissions are growing at approximately 0.6% per year.

Were the Superior Courts to consider the impact of the failure of an Irish Government to achieve emissions reduction on a Citizen's right to life and bodily integrity, a Court would have conclude that World emissions as opposed to Irish Emissions impact on the climate, being accountable for 99.9% of emissions. Of course, local emissions of PM particles could directly impact health outcomes whereas world emissions are more remote.

A question must arise too as to what extend Government Policy is Justiciable if at all.

#### **Electrification of heating and Transport.**

EU and Irish policy envisage the electrification of the transport and motive sectors along with the electrification of heating through the use of heat pumps. Ground source heat pumps and low

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<sup>4</sup> [https://www.courts.ie/acc/alfresco/681b8633-3f57-41b5-9362-8cbc8e7d9215/2020\\_IESC\\_49.pdf/pdf#view=fitH](https://www.courts.ie/acc/alfresco/681b8633-3f57-41b5-9362-8cbc8e7d9215/2020_IESC_49.pdf/pdf#view=fitH)

<sup>5</sup> See data page 12 BP Statistical Review of World Energy 2022 | 71st edition

<https://www.bp.com/content/dam/bp/business-sites/en/global/corporate/pdfs/energy-economics/statistical-review/bp-stats-review-2022-full-report.pdf>

temperature heating systems can deliver high COPs<sup>6</sup> (coefficient of performance) in terms of electrical energy input to thermal energy output.

Eirgrid who are charged with transmitting a reliable and sufficient quantity of electricity to meet demand for each of the 31,557,600 seconds in an average year, publishes a demand forecast for the next ten years, each year.

The most recent forecast Ten-Year Generation Capacity Statement 2023–2032 January 2024<sup>7</sup> envisages a large range of possible electricity demand by 2032.

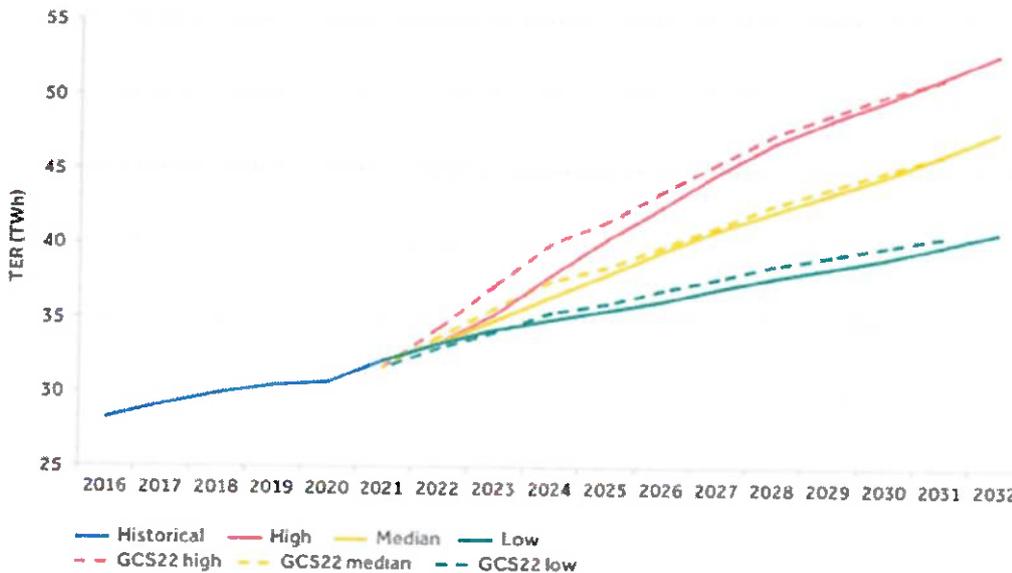


Figure 2: Total Electricity Requirement forecast for Ireland

Figure 1 above from page 15 Ten-Year Generation Capacity Statement 2023–2032 January 2024 (see footnote 2)

Eirgrid set out their meridian demand forecast by sector on page 16. (The meridian demand scenario envisages achieving 100% of the CAP23 targets will be met in the heat and transport sectors)

<sup>6</sup> Carnot Efficiency of a heat pump  $EffC=1-T_c/T_h$  where  $T_c$  is the cold temperature and  $T_h$  is the hot temperature.

<sup>7</sup> <https://cms.eirgrid.ie/sites/default/files/publications/19035-EirGrid-Generation-Capacity-Statement-Combined-2023-V5-Jan-2024.pdf>

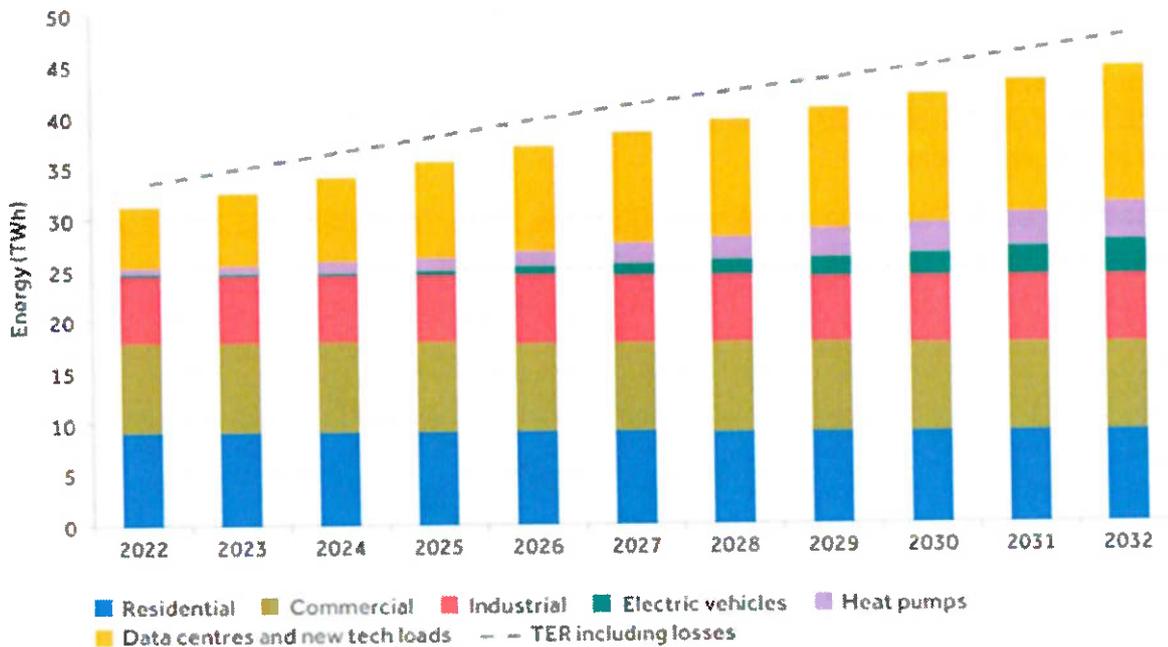


Figure 3: Ireland median demand scenario illustrating the approximate split into different sectors

Figure 2 above from page 16 Ten-Year Generation Capacity Statement 2023–2032 January 2024

The Climate Action Plan 2024 states that:

*Overarching SEA and AA Mitigation The Climate Action Plan (CAP) is a whole-of-Government plan with all relevant Departments and Agencies feeding into its development. Therefore, the relevant Departments and Agencies have legal obligations in relation to protection of the environment. These Departments and Agencies’ plans, programmes and projects must be consistently screened for SEA, EIA and AA processes as appropriate to ensure that protection of the environment and sustainable development are driving principles of CAP implementation. Where the above processes have been or are being undertaken, the measures identified to mitigate, remedy and offset negative effects must be given effect along with any associated planning conditions, at the appropriate scale and level of detail. Notwithstanding there is existing guidance related to linear infrastructure, the principle of robust constraints, site and route selection, and environmental assessment, reporting and monitoring, shall be applied to all infrastructure projects as best practice, to avoid significant negative environmental effects and to ensure the legal protection of European sites and the avoidance of adverse effects on site integrity.<sup>8</sup>*

### 3.3.3 Unallocated Emissions Savings

In the 2020 Programme for Government, it was recognised that “in setting the second carbon budget for 2026-2030, we will not yet be in a position to identify all the emerging technologies, changing scientific consensus or policies to meet our full ambition”, and that a further allocation within the overall carbon budget would be required. Section 4(3)(b) of the 2021 Climate Act provides that the roadmap of actions contained in a Climate Action

<sup>8</sup> Page 40 Climate Action Plan 2024

Plan can set out an overview of the policies and, to the extent feasible, measures, that, in the Minister's opinion, will be required for the second budget period in a carbon budget programme.

Section 6C(10) of the Act requires the Minister and Government, when preparing the ceilings, to

*“have regard for the fact that the means of achieving a climate neutral economy and other measures to enable the State to pursue the national climate objective may not yet be fully identified and may evolve over time through innovation, evolving scientific consensus and emerging technologies”.*

The sectoral emissions ceilings approved by Government in July 2022 assume 5.25 MtCO<sub>2</sub>eq. in annual unallocated savings for the second carbon budget period (2026-2030). These unallocated savings require that additional abatement measures be identified ahead of the commencement of the second carbon budgetary period.

Conclusion.

A Data Centre that is connected to the Grid and which uses renewable rich power from the grid when available is to be preferred to a Data Centre which generates its own power on site using fossil fuels and which does not recover waste heat to be usefully used in a district heat network.

Data Centres are vital elements of infrastructure. No one would build them without market demand. Article 3.3 of the Consolidated Treaty on European Union states:

*3. The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.<sup>9</sup>*

Additional gas power to complement the intermittent renewable energy feeding the grid required to meet the various phases of the development will (per the Revised Energy Efficiency Directive) either have to be connected to district heating, or connected to carbon capture and sequestration.

My considered position is that the Board should grant the application as it is grid connected. The Board should ensure that gas plants in the planning system are either connected to district heating or to carbon capture. It's not unreasonable to assess this application separately from gas generation applications.

Yours sincerely

John Callaghan for sustainability 2050

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<sup>9</sup> [https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF)