S. 37

File With _____

SECTION 131 FORM

Appeal NO:_ABP 322575-25 **Defer Re O/H** ☐

Having considered the contents of the submission dated/ received 16/6/25 from

An Taisce 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 issues raised

E.O.: Cathy Carleton **Date:** 17/6/25

For further consideration by SEO/SAO

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: _____ **Task No:** _____

Allow 2/3/4weeks – BP_____

EO: _____ **Date:** _____

AA: _____ **Date:** _____

S. 37

File With _____

CORRESPONDENCE FORM

Appeal No: ABP_____

M _____

Please treat correspondence received on _____ **as follows:**

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with BP _____ 3. Keep copy of Board's Letter ☐	**1. RETURN TO SENDER with BP**_____ 2. Keep Envelope: ☐ 3. Keep Copy of Board's letter ☐

Amendments/Comments

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:	**AA:**
Date:	**Date:**

Validation Checklist

Lodgement Number : **LDG-080847-25**
Case Number: **ABP-322575-25**
Customer: **~An Taisce**
Lodgement Date: **16/06/2025 12:01:00**
Validation Officer: **Cathy Carleton**
PA Name: **Mayo County Council**
PA Reg Ref: **2460708**
Case Type: **Normal Planning Appeal PDA2000**
Lodgement Type: **Observation / Submission**

An Bord Pleanála

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes

Observation - Prescribed Body

· BPHI

· Update file cover.

Run at: 17/06/2025 12:13

Run by: Cathy Carleton

cathq

Ronan Megannety

From: Bord
Sent: Tuesday 17 June 2025 08:07
To: Appeals2
Subject: FW: Ref. 322575
Attachments: 20250616-ABP-322575.pdf

From: Phoebe Duvall <Phoebe.Duvall@antaisce.org>
Sent: Monday 16 June 2025 18:54
To: Bord <bord@pleanala.ie>
Subject: Ref. 322575

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.

A Chara,

Please find attached a submission from An Taisce in relation to Ref. 322575.

Kind regards,

Phoebe Duvall

Senior Planning and Environmental Policy Officer
An Taisce - The National Trust for Ireland
5 Foster Place, Dublin 2, Ireland
Phone: 01 454 1786
www.antaisce.org

Company Reg. No. 12469 | Charity Ref. No. CHY4741 | Charity Regulator No. 20006358
An Taisce is a membership-based charity
Join at www.antaisce.org/membership

Please note that I work Monday through Thursday.

An Taisce
The National Trust for Ireland
5 Foster Place
Dublin 2, Ireland
D02 V0P9

20250616-ABP-322575

An Bord Pleanála
64 Marlborough Street,
Rotunda,
Dublin 1

Sent by email to: bord@pleanala.ie

16th June 2025

Ref: 322575
App: Mayo Data Hub Limited
For: Construction of a data centre and all associated site works
Site: Mullafarry and Tawnaghmore Upper, Killala, Co. Mayo

A Chara,

An Taisce wishes to make the following observations on the above third party appeal.

1. Current Climate and Energy Use Context

The annual growth in the storage and processing of electronic data is a major climate and resource consumption issue, both globally and in Ireland. As of the end of 2024, there were 92 operational data centres in the Republic of Ireland, with the majority of these being located in the Greater Dublin Area.[1] Numerous others are at various stages of the planning and construction processes.

This proliferation of data centres has largely gone unchecked in Ireland, as has their power consumption, which increased 400% between 2015 and 2022, by 31% between 2021 and 2022 alone and 20% between 2022 and 2023. As of 2023 data centres consumed 21% of Ireland's total metred electricity.[2] This is up from 5% in 2015 and 18% in 2022, and it represents more electricity use than all urban households in Ireland combined. Data centre energy use is very high in Ireland relative to that in other European member states. In 2022, for example, data centres used 18% of Ireland's

[1] https://www.bitpower.ie/images/Reports/2024_Q4_Market_Update_Ireland_v1-2.pdf
[2] https://www.cso.ie/en/releasesandpublications/ep/p-dcmec/datacentresmeteredelectricityconsumption2023/keyfindings/

electricity while data centres in the Netherlands, the next largest data centre power user in Europe after Ireland, used only 6% of the country's electricity.[3]

Such enormous power demand has a very significant carbon emissions impact and utilises a disproportionate amount of Ireland's growing renewables capacity. While the use of data is undoubtedly a crucial part of modern life, like everything, it must be done within our planetary boundaries and our legally binding carbon budgets.

1.1 Ireland's Emissions Reduction Obligations and Carbon Budget Situation

Emissions in Ireland are subject to two sets of legal obligations:

- At national level - compliance with carbon budgets and corresponding sectoral emissions ceilings per the Climate Action and Low Carbon Development Act 2015 (as amended) (hereafter referred to as the Climate Act) and its requirement to reduce national emissions in line with Ireland's fair share of global emissions: the first two budgets are 295Mt for 2021-2025 and 200Mt for 2026-2030 based on a 2018 baseline; and
- At EU level - a 42% reduction in national Effort Sharing Regulation (ESR) emissions by 2030 based on a 2005 baseline.

Focusing on the Climate Act, **on-time compliance with all carbon budget tonnages is legally binding.** In the absence of immediate course adjustment and urgent measures, both the Climate Change Advisory Council (CCAC) and the Environmental Protection Agency (EPA) project a failure to comply with the first budget and most of its sectoral ceilings and indeed with the second budget as well. Per the Climate Act, any overshoot of a carbon budget must be carried forwarded into the next budget period, thereby reducing the subsequent budget. The EPA's latest emissions report, published in May 2025, projects that Carbon Budget 1 for 2021-2025 (set at 295 Mt CO2eq) will be exceeded by 8-12 Mt CO2eq.[4] Therefore, Carbon Budget 2 for the 2026-2030 period will have to be reduced by the amount of any overshoot that occurs in Carbon Budget 1. The EPA report projects that Carbon Budget 2 will be exceeded by 77-114 Mt CO2eq (with carryover from Budget 1). Furthermore, they project that the sectoral ceilings for Budget 2 will be exceeded for several sectors, including the two relevant to this proposal – electricity and industry.

In relation to our EU obligation under the Effort Sharing Regulation, the 2025 EPA emissions report projects that Ireland will only achieve a 22% reduction, rather than a 42% reduction, by 2023.

Ultimately, to comply with the constraints of the legally binding carbon budgets, sectoral activities must add up to a figure within the relevant sectoral ceiling. Given the currently projected exceedances for Carbon Budgets 1 and 2 and their sectoral ceilings, carbon budget and sectoral ceiling compliance must mean cutting back on currently projected activities as well as not adding further new activities. This has significant implications for granting permissions for large energy users, such as the subject proposal, and should be fully taken into account by the Board in assessing whether the proposed development constitutes proper planning and sustainable development within the legal context of carbon budget constraints.

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[3] Kamiya & Bertoldi. 2024. *Energy Consumption in Data Centres and Broadband Communication Networks in the EU.* European Commission Joint Research Centre. https://interactdc.com/static/images/documents/JRC135926_01.pdf

[4] EPA (2025) Ireland's Greenhouse Gas Emissions Projections 2024-2055: https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/EPA-GHG-Projections-Report-2024-2055-May25.pdf

1.2 Climate Act Section 15 Obligations

Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended) places obligations on relevant bodies, including An Bord Pleanála:

> *"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."*

Given that Climate Action Plans are bound by the carbon budgets and sectoral emissions ceilings, per s.15(1) of the Climate Act, we submit that the Board is also bound to the objectives of the carbon budgets and sectoral ceilings in its decision making, including in planning matters.

2. Emissions Impact of the Proposal

The application particulars state that the proposed data centre will require on average 48MW of electricity operate and that this will come from the national grid. They also propose a back-up generator to run for no more than 400 hours per year to by run on hydrotreated vegetable oil (HVO).

The third party appeal details multiple highly significant issues with the applicant's assessment of the climate and emissions impact of the subject proposal, all of which should be fully considered by the Board. We wish to make the following comments on some of those points.

2.1 Carbon Budget Assessment

First, it is submitted that the applicant has not adequately assessed the proposal in relation to achieving compliance with our legally binding carbon budgets and its potential impact on that requirement. We would highlight that the figures for Carbon Budgets 2 and 3 as presented in EIAR Table 9.1 and the sectorial ceilings for those budgets in Table 9.2 are somewhat misleading and inaccurate as they will need to be reduced as a result of budget overshoots, making the requirements for emissions reductions even more stringent. Adjusting for the projected overshoots would lower the budgets and sectoral ceilings, meaning that the development will have a more significant impact on the carbon budgets and sectoral ceilings than is stated by the applicant.

There is also the issue of the "unallocated emissions" in the sectoral ceilings for Carbon Budget 2 which gives a Budget 2 total of 226 $MtCO_2e$ rather than 200 $MtCO_2e$ (before exceedances are factored in). Resolving this problem of unallocated emissions either requires the reduction the sectoral ceilings or requires carbon removal (which is not technologically viable at scale yet and is very unlikely to be by 2030). This is mentioned in the EIAR, but its impact on the ceilings and the significance of the subject proposal's emissions thereon is not discussed. Even if the unallocated emissions issue is ignored for the purposes of assessing this application, the issue of carbon budget and sectoral ceiling exceedances remains.

In EIAR Section 9.7.2.2, the applicant has calculated that "*the facility in 2030 will account for 1% of the 2030 electricity ceiling*". First, the applicant seems to be counting the emissions from the back-up generator in the total that is compared against the electricity sectoral ceiling. To our knowledge, these should be counted under the ceiling for the industrial built environment. Second, clarification is needed on what is meant by the 2030 electricity ceiling. Is it referring to the overall 2026-2030 electricity ceiling? Or have they attempted to split the electricity ceiling allocation for Budget 2 (2026-2030) into individual years? Third, it must be determined if the projected carbon budget and sectoral ceiling exceedances for Budget 1 and the resulting reductions for Budget 2 and the ceilings therein have been factored into the applicant's calculations. These will reduce the budgets and ceilings, therefore increasing the impact of the subject proposal. Fourth, the carbon budget impacts of the subject proposal have not been assessed beyond 2030, despite the fact that we know the provisional allocation for Carbon Budget 3 and have information on projected exceedances of Budget 2. This is a major omission. Fifth, figures for the impact of the proposal on the overall carbon budgets are needed.

We recommend that the Board seek a more in-depth assessment of the proposal against our carbon budgets, using the latest EPA data as well as factoring in recent proposals from the CCAC on future budgets.

To An Taisce's knowledge, the subject proposal is not included in the data used to determine the carbon budgets or project our progress towards meeting them. Therefore, even taking the applicant's conclusions regarding the impact of the proposal on the electricity ceiling at face value, in light of the EPA's projections regarding carbon budget and sectoral ceiling exceedances, it is submitted that the proposal will contribute to an exceedance of the electricity sector's ceiling. This is contrary to our legal obligations under the Climate Act.

We would also highlight that the IEMA framework, relied upon heavily by the applicant in the EIAR, does not account for the legally binding carbon budget sectoral ceiling constraints.

2.2 Reliance on Grid Decarbonisation

As discussed extensively in the appeal, the applicant relies heavily on the potential, and indeed targeted, decarbonisation of electricity in the national grid. We would emphasise, however, that Ireland is falling further and further behind on its 2030 targets, including for bringing renewable energy on stream and developing biomethane production,[5] both of which the applicant relies on in their arguments regarding the decarbonisation of the national grid.

Critically, progress towards carbon budget compliance and the displacement of existing high emissions electricity sources with renewables has been significantly diluted by the ongoing proliferation of high energy demand developments, data centres particularly.[6] The higher the total electricity demand, the more renewable capacity is needed to ensure decarbonisation of the energy sector. Therefore, the more energy intensive developments, like data centres, that come onstream, the more difficult it will be to reach that goal. Critically, the only thing the climate will actually respond to is a reduction in cumulative emissions. So, despite an increase in overall renewable energy capacity,

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[5] EPA (2025) Ireland's Greenhouse Gas Emissions Projections 2024-2055: https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/EPA-GHG-Projections-Report-2024-2055-May25.pdf; https://www.independent.ie/irish-news/ireland-falling-further-behind-in-bid-to-meet-climate-targets-revised-emissions-forecast-shows/a1189342747.html

[6] Daly, H. (2024) Data centres in the context of Ireland's carbon budgets. University College Cork. https://www.friendsoftheearth.ie/assets/files/pdf/data_centrres_and_the_carbon_budgets_-_prof_hannah_daly_dec_2024.pdf

unless that capacity keeps pace with or exceeds demand, we are not making significant progress towards achieving the decarbonisation of energy and actually reducing emissions.

Indeed, SEAI figures show that the share of renewables has not increased since 2020, largely due to the impact of data centres.[7] They state in their 2024 National Energy Projections report: "*If the scale and pace of renewable energy growth cannot exceed that of electricity demand, as was the case in 2023, then renewables are just abating further increases in emissions rather than delivering the absolute reductions in greenhouse gas emissions required.*"[8] Similarly, research from Dr. Hannah Daly in University College Cork found that since 2017 the increase in data centre power demand has outstripped all the additional electricity generated from wind power in Ireland.[9]

The assessment of potential impacts to climate in the EIAR does not address either the current and projected failures to reach grid decarbonisation-related targets or the issue of the dilution of renewables penetration. Indeed, the subject proposal will add more demand to an electricity system that is already projected to exceeded its legally binding sectoral ceilings without a guarantee contributing to matching or exceeding its power demand with new renewables (see the section on CPPAs later in this submission). It will contribute to the issue mentioned above of data centre demand outpacing renewables development. Moreover, the decarbonisation of the grid cannot reasonably be relied upon to conclude that the emissions intensity of the proposal will be insignificant or decrease over time – it is too uncertain in light of the aforementioned EPA projections, the lack of progress towards renewables/energy decarbonisation targets, and the ongoing proliferation of high-energy developments like the subject proposal.

2.3 Mitigation Measures Discussed in EIAR

The appeal raises the issue of the inadequacy of the proposed measures to mitigate the climate impact proposal, and An Taisce concurs that they are wholly insufficient. Section 9.6.2 of the EIAR lists the following mitigation measures to reduce the climate impact of the data centre:

- Artificial lighting will consist of energy efficient LED luminaires with the use of natural daylight as much as possible through the building design.
- The plant proposes to use recirculated air for Heating Ventilation and Air Conditioning (HVAC) where possible.
- A closed loop chilled water system will be used that will not consume water so there will be no impact on the local water networks aside from domestic use on admin block.
- Bicycle parking will be provided to promote more sustainable modes of travel.
- Electric vehicle charging will be provided which promotes more sustainable modes of travel.
- The PUE will be annualised to be below 1.19
- PV solar panels will be installed onsite with 50kW of input

Though these are described as "a brief summary of some of the measures", presumably these are the mitigation measures that the applicant would be conditioned to adhere to per condition 2 of Mayo County Council's decision to grant permission.

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[7] https://www.businesspost.ie/politics/irelands-renewable-energy-still-at-2020-levels-says-seai/

[8] SEAI (2024) National Energy Projections 2024: https://www.seai.ie/sites/default/files/publications/National-Energy-Projections-Report-2024.pdf

[9] Daly, H. (2024) Data centres in the context of Ireland's carbon budgets. University College Cork. https://www.friendsoftheearth.ie/assets/files/pdf/data_centrres_and_the_carbon_budgets_-_prof_hannah_daly_dec_2024.pdf

Crucially, the potential emissions savings made by these proposals are not evaluated here, and we submit that they must be quantifies. We wish to make the following comments on each of the proposed measures.

Artificial Lighting

The energy use from the lighting needed in the data centre, though not quantified here, can be assumed to be very insignificant when compared to the energy needed for the servers. Therefore, this mitigation measure cannot be considered to significantly reduce the emissions impact of the proposal.

Recirculated Air HVAC System

The emissions mitigation potential of the proposed recirculated air HVAC system require quantification before it can be assumed to reduce the significance of the proposal's climate impact.

Water Cooling

The use of a closed loop water system to reduce water consumption is not a climate mitigation measure, though it may be one for water use.

Bicycle Parking and Electric Vehicle Charging

The transport emissions of staff involved in construction and operation, though apparently not quantified, can be assumed to be very insignificant when compared to the energy needed for the servers. Indeed, the EIAR states the following in Section 9.4.2 on operational phase emissions, highlighting the relative insignificance of transport emissions:

> *"Road traffic accessing the site will emit greenhouse gases. However, the operational phase of the Proposed Development is not expected to contribute a significant volume of additional traffic on the local road network. Therefore, no local greenhouse gas assessment of the traffic impact is required for this development."*

This mitigation measure cannot be considered to significantly reduce the emissions impact of the proposal.

PUE Annualised to be Below 1.19

This is not described, discussed or assessed at all beyond the mention in the list of mitigation measures, therefore its contribution to the mitigation of climate impacts is unknown. It requires quantification.

Solar Installation

The subject application includes a rooftop solar installation that will provide 50kW of power. However, this represents approximately 0.1% of the 48MW average power demand of the data centre and is therefore negligible. This cannot be considered to be a mitigation measure that would at all decrease the significance of the emissions impact of the proposal.

Replacement of On-site Storage

Though not included in the list of mitigation, EIAR Section 9.7.3 states:

"In reference to Principle 1 of IEMA Guidance (IEMA, 2022), the Proposed Development will replace activities which have a higher GHG profile. Data centre facilities represent a significantly more efficient means of data storage when compared to a distributed model of enterprise data storage by individuals and companies (or 'enterprise sites')."

Unless the potential clients of the proposed data centre are currently using on-site servers that will verifiably be directly replaced by this proposal, we consider this justification to be irrelevant.

2.4 Mitigation Measures Discussed in Planner's Report

In conducting the Environmental Impact Assessment, the Mayo County Council Planner's Report lists the following as mitigation measures proposed for operational phase impacts of the development on climate (we note that this list differs from the applicant's list of mitigation measures):

"- A GHG emissions permit will be required for the facility which will be regulated under the EU-wide Emissions Trading System.
- Use of (Hydrotreated vegetable oil) HVO in back up generators
- Use of Corporate Power Purchase Agreements (CPPA) between renewable energy projects and project tenants which would offset residual GHG emissions."

The second two are discussed in EIAR Section 9.7.3 on determining the impact of the operational phase on climate, while the first is relied on throughout the climate chapter of the EIAR. We do not consider that these will sufficiently reduce the operational emissions impact of the subject proposal to the point where they could be considered insignificant for the following reasons.

EU Emissions Trading Scheme

The EIAR relies heavily on a discussion of the EU Emissions Trading Scheme (EU ETS) in attempting to demonstrate that the operational climate impact of the data centre would not be significant. We note that the facility's back-up generators would be required to directly participate in the EU ETS and that the emissions from many electricity installations providing power to the grid, and by extension to the data centre, would as well. However, any participation of any installation in the EU ETS and the purchase of the associated emissions permits relates to mitigation obligations under EU climate law. This does not negate, prevent or act in place of the obligations under the national carbon budgets and sectoral emissions ceilings in accordance with the Climate Act, which covers both the ETS and non-ETS sectors. Participation in the EU ETS does not guarantee compliance with national emissions limits under the Climate Act and associated legally binding carbon budgets as there is no mechanism within the ETS to do so.

Use of Hydrotreated Vegetable Oil

The use of hydrotreated vegetable oil (HVO) as the back-up generator's fuel source is already a feature of the proposed data centre's design. Furthermore, the actual lifecycle emissions-reduction benefits of HVO are questionable, as any use of palm oil as HVO can contribute significantly to deforestation and the associated carbon losses.[10] The sourcing of the HVO for the subject proposal should be confirmed and the indirect emissions quantified.

[10] https://www.irishtimes.com/environment/climate-crisis/2023/06/01/the-trouble-with-renewable-diesel/

Corporate Power Purchase Agreements

It is now common for data centre operators to enter into Corporate Power Purchase Agreements (CPPAs) with energy companies with the stated intent to "offset" data centre emissions by buying renewable energy. While CPPAs can contribute to boosting the development of renewable energy, data centres with CPPAs are still increasing the overall demand for electricity - the higher the total electricity demand, the more renewable capacity is needed to decarbonise the electricity sector. It should be noted that any new renewable capacity added via new data centers' CPPAs (unless the CPPA provides for more renewable energy than the data centre needs) will simply cover that new data centre's demand rather than dealing with our existing mitigation needs in the power sector. Recent research indicates that although half of the new wind energy capacity developed in Ireland between 2020 and 2023 was financed through CPPAs, that met just 16% of the new electricity demand from data centres between 2020 and 2023.[11]

While CPPAs could, theoretically, provide a useful tool in decarbonising data centre energy demand in some specific circumstances, to date in Ireland they are not currently effectively offsetting additional energy demands on foot of data centre development. Any CPPA used by a data centre should provide an amount of power that at a minimum meets 100% of the data centre's peak power demand but ideally exceeds it.

Timing is a significant consideration in determining the efficacy of CPPAs. If demand grows faster than renewables can meet existing demand (as is currently happening in an Irish context) it will prolong fossil fuel use and exacerbate rising energy demand. For CPPAs to be effective, the additional renewable capacity coming on stream should be aligned temporally with the powering up of the data centre.

Section 9.7.3 of the applicant's Planning Report states:

> *"In addition, the project is proximal to substantial renewable generation projects (i.e.: Glenora, Sheskin, Bellacorick, etc) and the tenants of the Project would seek to enter into CPPAs with renewable (wind) generators/producers, including direct/private wire as and when it becomes available. The Project is targeting the major technology companies as its tenant, such as Microsoft, Google, Meta, Amazon, Oracle, Coreweave, Mistral. All of these companies have made commitments to offset carbon associated with the data centres and are actively seeking CPPA opportunities to do so. The project will work with local renewable developments and its customers to facilitate such CPPAs, supporting the development of additional renewable power. This will offset residual GHG emissions associated with the Proposed Development, given that the energy consumed by the development on site would be matched by renewable energy generation."*

It does not appear that any CPPAs are in yet place (of course pending a grant of permission) or indeed in any formal stage of planning. We recommend the Board seek additional information in this regard. Notwithstanding our comments above and those made in the subject appeal on the efficacy of CPPAs in mitigating emissions, without agreements in place (or even in process) and without details of the amount of new renewable power to be covered, we do not consider that CPPAs can reasonably be included as a mitigation measure.

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[11] Daly, H. (2024) Data centres in the context of Ireland's carbon budgets. University College Cork. https://www.friendsoftheearth.ie/assets/files/pdf/data_centrres_and_the_carbon_budgets_-_prof_hannah_daly_dec_2024.pdf

District Heating

Mayo County Council included the following as condition 10 of the grant of permission:

> *"If deemed necessary and appropriate by Mayo County Council during the life of the project, the applicant shall be required to install suitable pipework to an agreed location at the sites perimeter to facilitate a district heating system. Reason: To facilitate the development of a district heating system."*

The applicant's response to Further Information Request Item 5 stated that while the proposal would be compatible with district heating in principle, "*there are no current potential immediate users in the business park, there are no plans for a district heating system or any agricultural facilities (i.e.: green-houses) which could make use of the excess-heat.*"

Therefore, we submit that the (unlikely) potential for utilising waste heat from the proposed development in a future district heating scheme should not be considered by the Board in their assessment of the climate impacts and mitigation measures.

2.5 EIAR Conclusion on Residual Impacts

EIAR Section 9.8 on the residual climate impacts of the proposal following mitigation states:

> *"Once the mitigation measures outlined in Section 9.6 are implemented, the residual impacts on climate from the construction of the Proposed Development will be short-term and slight and for the operational phase of the Proposed Development will be long-term, negative and slight. Thus, in terms of climate, both the construction phase and operational phase will be not significant."*

On the basis of the points made in the subject appeal and in the preceding sections of this submission, as well as the fact that no detailed quantitative analysis appears to have been carried out on the impact of the proposed mitigation measures, An Taisce does not consider this conclusion reached by the applicant to be adequately substantiated for the purposes of EIA.

2.6 Cumulative Impacts

Section 9.9 on cumulative climate impacts states, in its entirety:

> *"In relation to climate, all global cumulative GHG sources are relevant to the effect on climate change. As a result, the effects of GHG emissions from specific cumulative projects therefore in general should not be individually assessed. This is due to the fact that there is no basis for selecting any particular (or more than one) cumulative project that has GHG emissions for assessment over any other (IEMA, 2022)."*

An Taisce submits that this is an entirely insufficient assessment of the cumulative climate impacts of the proposal for the purposes of the EIA Directive – no assessment was actually carried out or attempted. One potential approach could be to assess the project's emissions cumulatively in the context of other existing and proposed developments within the sectoral ceilings for electricity (to cover the indirect emissions of the power demand) and within the ceiling for the industrial built environment (to cover the emissions from the back-up generators).

3. Natura Impact Statement

An Taisce considers that the NIS as written is inadequate for the purposes of Article 6(3) of the Habitats Directive.

Regarding potential impacts to water quality and aquatic ecology, the NIS assesses the potential impacts of the proposal on the Killala Bay/Moy Estuary SPA and SAC, as there is a hydrological connection between the subject site and these Natura 2000 sites. Section 1.2 of the NIS states the following regarding the Water Framework Directive:

> *"consideration of the WFD has been incorporated into this NIS where the assessment of potential impacts on Killala Bay and the Moy Estuary were assessed and necessarily considered the impact on surface waters which were potentially linked to the European sites considered in this AA."*

However, there is no evidence that WFD considerations have actually been taken into account. The WFD statuses of the nearby and receiving waterbodies, notably the Moyne stream, are not mentioned. Water quality is crucial with regard to the potential ecological impacts on the Moyne stream and downstream in the estuary, hence An Taisce considers the lack of consideration of WFD status and requirements to be a significant omission. It is difficult to understand how impacts to waterbodies and aquatic Natura 2000 sites can be adequately assessed when the water quality baseline does not appear to be taken into account. Indeed, the Moyne stream is already only at moderate status when the WFD requires it to be at least at good status by 2027.

Furthermore, we do not consider that the assessment or mitigation of potential construction impacts to surface or groundwater is adequate. The NIS relies almost entirely on the Construction Environmental Management Plan (CEMP), however, it is submitted that the NIS needs to spell out the mitigation measures in detail and discuss how they will mitigate the recognised risks to water quality.

Regarding potential air quality impacts, An Taisce has serious concerns about the applicant's assessment, particularly in relation to nitrogen deposition. First, impacts to air quality do not actually appear to be assessed in the context of any of the nearby Natura 2000 sites, despite the following statement:

> *"The impact of emissions of NOX, and nitrogen and acid deposition (as N) on ambient ground level concentrations within designated habitat sites within 20 km of the facility was assessed using AERMOD. The 20 km distance was selected based on maximum extent of the impact zone from the air emissions onsite."*

The NIS then states the following regarding nitrogen deposition:

> *"The nitrogen deposition flux for the worst-case year is 4.837 kg/ha/yr and is below the range in worst-case critical loads of 5-10 kg/ha/yr (APIS, 2023) for the various habitat types (Calcareous grassland, Vertigo angustior, Estuaries, Atlantic salt meadows (Glauco-Puccinellietalia Maritimae), Embryonic shifting dunes, Shifting dunes along the shoreline with Ammophila arenaria (white dunes), Fixed coastal dunes with herbaceous vegetation (grey dunes), Humid dune slacks) in the Killala Esker pNHA, indicating that the effects of nitrogen deposition on designated sites due to the proposed operations of the facility are direct, long-term, negative and not significant, which is overall not significant in EIA terms."*

The only specific site mentioned, despite the claim regarding assessing sites within 20km of the subject site, is the Killala Esker pNHA, which, as a pNHA, is not actually covered by the Habitats Directive and the Natura 2000 designation (though some of the habitats and species mentioned are qualifying interests of the Killala Bay SAC). The potential nitrogen deposition impacts to the various plant species protected in the Killala Bay SAC need to be assessed, as do potential impacts to peatland sites within the 20km zone of influence, including the Glenamoy Bog Complex SAC (site code: 000500) and the Bellacorick Bog Complex SAC (site code: 001922). Neither of these are mentioned, however, both of these are less than 20km from the data centre site (approximately 13km and 10km distant, respectively).

Second, notwithstanding the issue of which sites are actually assessed, the stated worst-case figure for nitrogen deposition flux is 4.837 kg/ha/yr, which is just shy of the worst-case thresholds for the habitats and species mentioned and therefore potentially still impactful. We consider that the need for assessment cannot be ruled out here, particularly given the well-recognised impact of nitrogen deposition on some of our most highly protected sites. The baselines for all potentially impacted sites (including the three SACs mentioned above) need to be established and then potential nitrogen deposition, even for moderate levels of impact, should be fully assessed.

Therefore, we consider that the assessment of potential air quality impacts to be wholly inadequate to the meet the requirements of Article 6(3) of the Habitats Directive.

Additionally, the assessments of the severity of impacts are repeatedly stated in EIA terms, for example, in NIS Section 3.5.2: "*the effects of nitrogen deposition on designated sites due to the proposed operations of the facility are direct, long-term, negative and not significant, which is overall not significant in EIA terms.*" We would highlight that the Habitats Directive is an entirely different legal instrument from Environmental Impact Assessment. They are not equivalent, and the Habitats Directive has far more rigorous requirements as set out in jurisprudence. It is unclear why the NIS is referencing or relying on EIA terms.

Ultimately, we submit that the risks to the SAC and SPA posed by the construction phase of the proposed development as well as the proposed mitigation are not articulated with the level of specificity and scientific certainty required by the Habitats Directive and the associated case law.

4. Conclusion

On the basis of the grounds of appeal, the application particulars, and the points raised in the above submission, An Taisce recommends that An Bord Pleanála overturn Mayo County Council's decision and refuse permission for the subject proposal.

Please acknowledge this submission and advise us of any decision made.

Is mise le meas,

Phoebe Duvall
Senior Planning and Environmental Policy Officer
An Taisce the National Trust for Ireland