S. 37

File With _____

**SECTION 131 FORM**

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

TO:SEO

Having considered the contents of the submission ~~dated~~/received 5/05/26 from Mayo Data Hub Limited 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 planning issues

**E.O.:** Karen Byrne **Date:** 16/06/2026

---

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 2/3/4weeks – BP** _____

**EO:** _____ **Date:** _____

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

S.

File With _____

# CORRESPONDENCE FORM

**Appeal No: ABP-322575-25**

**M** _____

**Please treat correspondence received on** 5/05/26 **as follows:**

| | |
|---|---|
| **1. Update database with new agent for Applicant/Appellant** _____ | |
| **2. Acknowledge with BP** 23 _____<br>3. Keep copy of Board's Letter ☐ | **1. RETURN TO SENDER with BP** _____<br>2. Keep Envelope: ☐<br>3. Keep Copy of Board's letter ☐ |

| **Amendments/Comments** |
|---|
| Applicant's response to S.137 notice. |
| |
| |
| |
| |

| | |
|---|---|
| **4. Attach to file**<br>(a) R/S ☐ (d) Screening ☐<br>(b) GIS Processing ☐ (e) Inspectorate ☐<br>(c) Processing ☐ | **RETURN TO EO** ☑<br>Karen Byrne. |

| | |
|---|---|
| | Plans Date Stamped ☐<br>Date Stamped Filled in ☐ |
| **EO:** Karen Byrne | **AA:** A. Delaney |
| **Date:** 12/05/26. | **Date:** 12/05/26 |

JSA PLANNING

39 Fitzwilliam Place, Dublin 2, D02 ND61
+353 1662 5803
info@jsaplanning.ie
jsaplanning.ie

AN COIMISIÚN PLEANÁLA
LDG-
ACP-
05 MAY 2026
Fee: € Type:
Time: 16:44 By: HAND

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

Date: 5 May 2026
Ref.: BrC 24138

**Re: Response to An Coimisiún Pleanála under section 137 of the Planning and Development Act 2000, as amended, in respect of a proposed data centre development at Mullafarry and Tawnaghmore Upper, Killala, Co. Mayo**

**Mayo County Council Reg. Ref.: 2460708**

**An Coimisiún Pleanála Ref.: ABP-322575-25**

Dear Sir / Madam,

## 1.0 Introduction

On behalf of the applicant, Mayo Data Hub Limited, Riverside One, Sir John Rogerson's Quay, Dublin 2 (hereafter 'the applicant'), we JSA Planning, 39 Fitzwilliam Place, Dublin 2, hereby submit a response to the request of the Commission under section 137 of the Planning and Development Act 2000, as amended (2000 Act), to make a further submission or observation in relation to the above-referenced appeal. The appeal relates to a proposed data centre development at Mullafarry and Tawnaghmore Upper, Killala, Co. Mayo.

A copy of the Commission's correspondence is included at Appendix 1 to this document.

The Commission's section 137 request (dated 13th April 2026) relates to two matters on which submissions // observations were requested. The section 137 request states the following:

*"The Commission notes that the following publications form material considerations in the determination of this appeal, with particular regard to the location of the proposed data centre and how the development might be in accordance (or otherwise) with the requirements of CRU/2026236 with respect to on-site generation and/or storage capacity and renewable energy additionality:*

*Large Energy User Action Plan – Government of Ireland (January 2026)*
*CRU Large Energy Users Connection Policy – CRU/2025236 (December 2025).*

*As this would constitute a new issue in the context of the appeal, the Commission invites submissions from all parties".*

The letter requires a response by 5th May 2026.

In order to fully and robustly respond to the section 137 request, and to assist the Commission's consideration and determination of the current appeal, the following is included as an appendix to this document:

- Appendix 2: Ethos Engineering response letter on the CRU Large Energy Users Connection Policy.

The following sections provide a detailed response to each of the items in the Commission's section 137 request.

## 2.0 Response to section 137 request

### Large Energy User Action Plan (January 2026)

The Large Energy User Action Plan (hereafter 'LEAP') was published by Government on 13th January 2026. LEAP is stated to be the *"Government's strategy to facilitate future investment in energy intensive sectors, while unlocking Ireland's renewable energy opportunity".*

The LEAP is not a National Planning Statement (NPS) made under the Planning and Development Act 2024, as amended (2024 Act), although the making of a NPS in the future is one of its stated actions. Nor is the LEAP a statutory planning guideline, policy or direction made under the 2000 Act. The LEAP is therefore a matter to which ACP may have regard consistent with section 143 and the section 137 notice, but it does not bind ACP or otherwise set the framework for the granting of planning permission.

LEAP further develops principles set out under the Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy (2022), with a particular focus on the location of large energy users in regional locations outside Dublin, and their integration with and support for new renewable energy development.

LEAP sets out 17 actions, which aim to promote the development of new Large Energy User (LEU) developments within 'energy parks' in regional locations.

The majority of the actions and objectives set out within LEAP relate to internal measures (i.e. measures which are to be undertaken by Government and by state and semi-state bodies, such as the operators of the electricity transmission and distribution systems), rather than external measures (i.e. actions to be undertaken by project developers).

LEAP commits to the publication of a new National Planning Statement (NPS) under the 2024 Planning and Development Act, which will set out additional policies to inform future energy park development. LEAP states the following in relation to this new NPS:

*"Preparation of a National Planning Statement for Green Energy Parks will allow consideration of the co-location of LEUs and generation; this may include both developer-led and plan-led strategic green energy park developments, consistent with the objectives of the revised National Planning Framework.*

*The National Planning Statement will provide more clarity on large energy intensive sectors in green energy park developments and will not be sector prescriptive. Nonetheless, where it relates to data centre developments it will further give effect to the Government Statement on the Role of Data Centres in Enterprise Strategy (2022), or equivalent updated policy.*

*In cooperation with DHLGH, DETE will establish a technical workgroup to progress analysis and drafting of a National Planning Statement."*

LEAP targets the publication of this new NPS in 2026.

Alignment with LEAP

LEAP recognises that "*Developments which are consistent with the NPF and Government policy, across all regions, will remain possible and desirable in the period before and beyond 2030.*" The policy notes that both 'developer led' and 'plan-led' LEU development will be facilitated in this context.

LEAP also confirms that data centre developments will continue to align with the principles set out within the Government Statement on Data Centres (2022). A detailed explanation of how the Proposed Development aligns fully with these principles was provided within the submitted Planning Report that accompanied the application to Mayo County Council, and expanded on in the submitted response to the third party appeal.

The Proposed Development also aligns closely with the core objectives of LEAP, by virtue of the fact that it represents an 'energy park' form of development in a regional location outside of the greater Dublin area, and one which is strategically located on the electricity network.

Moreover, the Development will support the delivery of additional renewable energy generation through the delivery of additional renewable energy via corporate power purchase agreements (cPPAs).

CPPAs were integrated as a key mitigation measure in the climate impact assessment forming part of the EIAR submitted with the application, and further reinforced within the response to the third-party appeal (in particular the AWN appeal response document).

As set out in the planning application, EIAR, and response to the third-party appeal, the proposed development is proximate to substantial renewable energy generation projects (i.e. Glenora, Sheskin, Bellacorick, etc) and the tenants of the project will enter into CPPAs with renewable generators/producers, including direct/private wire as and when it becomes available. 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.

The applicant confirms that any tenant of the proposed development will enter into a CPPA (and / or private wire arrangement if available at the time) prior to the operation of the proposed data centre, in accordance with the Government's CPPA Roadmap. The requirement for CPPAs to match the energy consumed by the proposed development is integrated into the EIAR as a mitigation measure, and is committed to in this response.

It is noted that such an approach has been adopted by the Commission previously on recent data centre appeal decisions (for example ACP Ref.: 248544 and ACP Ref.: 313583).

This represents a firm commitment that CPPAs will be entered into in respect of the proposed development, prior to its commencement of operation.

Conclusion

The Proposed Development is fully aligned with the aims and objectives of LEAP, representing a 'green energy park' type development in a regional location. The development is immediately proximate to existing and planned renewable energy generation assets.

The development itself entails the delivery of a data centre with associated backup / dispatchable generation, while its energy use will be met via the delivery of new renewable generation through cPPAs in line with the Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy.

Therefore, in as far as the Commission has regard to the policies of the Government as expressed in LEAP in deciding on the current appeal, it is confirmed that the Proposed Development aligns with its aims, objectives, and overall strategy.

**CRU Large Energy Users Connection Policy- CRU/2025236 (December 2025)**

Context of the CRU Connection Policy

The Commission for Regulation of Utilities (CRU) published the Large Energy Users Connection Policy[1] on the 12th of December 2025.

The LEU Connection Policy is a statutory decision of the Commission for Regulation of Utilities (CRU) made under section 34(1) of the Electricity Regulation Act 1999, as amended (1999 Act).

Section 34(1) of the 1999 Act provides that the System Operator (ESB Networks or EirGrid as the case may be) shall offer to enter into a connection agreement subject to such terms and conditions as are specified and published from time to time by the CRU under that section and in accordance with relevant provisions of the 1999 Act.

The LEU Connection Policy is a decision of the CRU to require the System Operator to assess each new data centre demand connection by reference to new criteria "*to determine whether a connection offer can be made within the system security and reliability needs of the electricity network*". The System Operator has the exclusive statutory remit to determine whether a connection can or cannot be accommodated, based on the System Operator's assessment of each connection application made to it.

In this regard it is noted that the LEU Connection Policy is not a policy of the Government or of any individual Minister, nor is it a statutory planning guideline, policy or direction. It is expressly made under the 1999 Act and directed to the transmission and distribution system operators, not to ACP nor to any planning authority.

With respect to the LEU Connection Policy, the section 137 request asks how the Proposed Development *"might be in accordance (or otherwise) with the requirements of CRU/2025236 with respect to on site generation and renewable energy additionality"*.

In addition to the foregoing, it is noted that the system operators (ESB and EirGrid) have not yet published updated connection procedures for LEU connection applicants in response to the CRU's new LEU Connection Policy[2].

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[1] Link: https://cruie-live-96ca64acab2247eca8a850a7e54b-5b34f62.divio-media.com/documents/CRU2025236_Large_Energy_User_connection_policy_decision_paper.pdf

[2] The publication of these new connection application instructions / offer process documentation is expected imminently. While connection application procedures and requirements must align with the CRU's LEU Connection Policy, much of the detail in relation to requirements for connection applicants will be confirmed when these instructions are published by the SOs.

It is clear that the implementation of the LEU Connection Policy is wholly the remit of the two state licenced entities (i.e. ESB and EirGrid) who determine application to connect to the grid and maintain the grid. This response is set out in that context.

On Site or Proximate Dispatchable Generation and / or Storage Capacity

The LEU Connection policy sets out the following connection application assessment criterion for data centres with a MIC of equal to or greater than 10MVA (the category which the data centre forming part of the Proposed Development falls into):

*"For data centre applicants with an MIC equal to or above 10 MVA , the ability of the data centre applicant to bring new onsite or proximate dispatchable generation and/or storage capacity equivalent to or greater than their MIC (on de-rated basis), that will be capable of participating in wholesale electricity market arrangements, is separately connected and metered, which meets appropriate availability and other technical requirements as may be specified by the relevant SO, in order to support security of supply."*

In this regard, the accompanying response prepared by Ethos Engineering (Appendix 2) states the following:

*"The site, as currently designed, includes generation capable of meeting the requirement for on-site dispatchable generation and participation in the wholesale market. This will require detailed design stage adjustment of the electrical design on-site, along with the provision of additional metering (not requiring any new structures); however, this can be addressed using the proposed equipment and site layout. Any such adjustments can be implemented within the constraints of the planning application as submitted and do not impact on the existing design of the proposed development.*

*The proposed development aligns with the policy objective of supporting security of supply by pairing demand with dispatchable generation capacity."*

Thus, the development as currently designed is capable of meeting this criterion under the CRU Policy. The generators proposed within the development were described from the outset as backup / dispatchable generators. Their functioning as separately connected dispatchable assets would not give rise to any change to the proposed development, requiring only that metering and electrical design reflects this in the detailed electrical design of the development.

Provision for Additional Renewable Generation

The LEU Connection Policy states the following assessment criterion in relation to additional renewable energy generation:

*"For data centre applicants with an MIC equal to or above the de-minimis level, the ability of the data centre applicant to meet at least 80% of their annual demand through provision or procurement of additional renewable electricity generated in the Republic of Ireland. Applicants will be required to demonstrate a credible plan in relation to how they intend to meet these requirements within a 6-year period from the date of the demand site's energisation. The renewable generation contribution can be reflected (up to 80% of annual demand) on a de-rated basis against the dispatchable generation requirement."*

In this regard, as stated previously in this response, the applicant has committed that any tenant of the proposed data centre would be required to enter into CPPAs for additional renewable electricity generated in the Republic of Ireland.

Evidence of these agreements to provide for the mitigating of all residual GHG emissions (taking into account the use of on-site assets to reduce emissions also), will be provided to the Planning Authority before the data centre enters into operation.

This represents a commitment to mitigate all residual GHG emissions (after other design / project-based mitigation is taken into account as set out within the climate impact assessment) from the Proposed Development via cPPAs. Moreover, it is intended that this mitigation will be in place prior to the operation of the proposed data centre.

Thus, the commitments made in this planning application go beyond the requirements of the LEU Connection Policy (i.e. 80% of annual demand to be met through additional renewable electricity generated in the Republic of Ireland, with a 6 year period to meet this requirement).

This is based on the commitment of the applicant to mitigate GHG emissions from the outset of the operational stage of the project.

Location of the Proposed Data Centre Development

The LEU Connection Policy document notes the following criterion in relation to the location of data centre development connections:

*"The location of the data centre connection application and, if relevant, any associated onsite/proximate generation, with respect to whether they are within a constrained or unconstrained location on the electricity system. It is within the SOs remit to determine whether a connection can or cannot be accommodated based on their assessment of each application."*

In this regard, it is noted that the Proposed Development is in a regional location, outside the constrained greater Dublin area. The accompanying note prepared by Ethos Engineering (Appendix 2) confirms that the site of the proposed development is not in a constrained location, in line with this criterion of the connection policy.

Moreover, as noted above, the proposed development will be a located in an area which accommodates a range of existing and planned renewable energy assets, and it also adjacent to an existing power plant, and high voltage grid infrastructure. The wider Mayo county and surrounding region also accommodate many renewable (in particular wind) assets which are regularly required to dispatch down / curtail their output to the grid, due to the limited capacity of the grid to carry electricity in sufficient volume from the northwest to the east of the country (where the main demand centres are located). The development of a data centre on the subject site is therefore considered appropriate in terms of its location on the energy system.

As set out above however (and as recognised clearly in the CRU's LEU Connection Policy document), it is a matter for the relevant SO to determine the feasibility of connection in a given location based on the level of constraint at the time of their assessment of a connection application.

Conclusion

While the CRU's LEU Connection Policy document is clearly addressed to, and will be implemented by the SOs, the Proposed Development achieves close alignment with the criteria contained in it, and the applicant fully expects to achieve connection to the electricity system under this (or any subsequent amendment of) the CRU's Policy.

## 3.0 Conclusion

Having regard to the foregoing, it is clear that the proposed development is closely aligned with the aims and objectives of the Large Energy User Action Plan, and with the CRU's Large Energy User Connection Policy, in as far as those documents are relevant to the current planning application.

We respectfully request that the Commission proceed to grant permission for the proposed development as soon as is practicable, having regard to the fact that the Planning Authority made their decision to grant permission more than one year ago.

Please do not hesitate to contact us if any further information is required.

Yours sincerely,

JSA Planning

**JSA Planning**

JSA

Appendix 1: Letter from ACP dated 13th April 2026

**Our Case Number:** ABP-322575-25

**Planning Authority Reference Number:** 2460708

**Your Reference:** Mayo Data Hub Limited

An Coimisiún Pleanála

John Spain Associates
39 Fitzwilliam Place
Dublin 2
D02 ND61

RECEIVED
14 APR 2026

**Date:** 13 April 2026

**Re:** Construction of a data centre and all associated site works. An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) have been submitted with the planning application.
Mullafarry and Tawnaghmore Upper, Killala, Co. Mayo.

Dear Sir / Madam,

I have been asked by the Commission to refer to the above-mentioned appeal.

The Commission proposes to take into account the following:

**The Commission notes that the following publications may form material considerations in the determination of this appeal, with particular regard to the location of the proposed data centre and how the development might be in accordance (or otherwise) with the requirements of CRU/2025236 with respect to on-site generation and/or storage capacity and renewable energy additionality:**

**Large Energy User Action Plan – Government of Ireland (January 2026)**
**CRU Large Energy Users Connection Policy – CRU/2025236 (December 2025).**

**The Commission has therefore decided that it proposes to take the above mentioned matter into account in determining the appeal.**

**As this would constitute a new issue in the context of the appeal, the Commission invites submissions from all parties.**

In accordance with section 137 of the Planning and Development Act, 2000, (as amended), you are invited to submit any submission or observation that you may have in relation to the matter(s) raised on or before **5th May, 2026**. Any submission or observation you make should be confined to the issues specified above as the Commission cannot consider comments that are outside the scope of the matter(s) in question. Your submission in response to this notice must be received by the Commission on or before the date specified above.

Teil Tel (01) 858 8100
Glao Áitiúil LoCall 1800 275 175
Facs Fax (01) 872 2684
Láithreán Gréasáin Website www.pleanala.ie
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Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Any submission or observation received by the Commission after the expiration of the specified period shall not, in accordance with section 137 of the 2000 Act, (as amended), be considered by the Commission.

If you have any queries in the meantime, please contact the undersigned officer of the Commission at appeals@pleanala.ie.

Yours faithfully,

Karen Byrne

Karen Byrne
Executive Officer
Direct Line: 01-8737264

BP73 Registered Post


| | | |
|---|---|---|
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## Appendix 1: Ethos Engineering response letter on the CRU Large Energy Users Connection Policy

ETHOS

An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1

01 May 2026

Dear Sir / Madam

**Re: 2460708, Data Centre at Mullafarry and Tawnaghmore Upper, Killala, Co. Mayo: ABP-322575-25 Response**

Further to the request for additional information received from An Coimisiún Pleanála on 14th April 2026 in relation to the above application:

The correspondence specifically seeks clarification as to how the development aligns with the requirements of the Commission for Utilities Regulation (CRU) Large Energy Users Connection Policy – CRU2025236.

The applicant acknowledges that the CRU policy applies specifically to data centre developments, reflecting their distinct demand characteristics and system impacts.

It should be noted that the Transmission System Operator (TSO), EirGrid, has not yet published the application process that will implement the CRU decision in practice. This will determine how applications for connection are to be processed, which remains unknown at this time.

In relation to how the proposed development can meet the requirements of CRU Decision CRU2025236, we comment as follows:

The CRU decision, once implemented as a connection policy by the TSO, requires that prospective large energy users seeking a connection of 10 MVA or greater meet the following criteria:

- Provision of dispatchable on-site or proximate generation and/or storage matching the Maximum Import Capacity (MIC) (de-rated), separately connected and metered, and participation in the wholesale electricity market.
- A renewable energy requirement whereby the connection must be supported by new renewable generation capacity, generated in Ireland, sufficient to meet at least 80% of the facility's annual demand. There is a six-year timeline to meet this requirement post-connection. The connection cannot become operational or ramp up to its full MIC without delivery of the associated on-site or proximate generation and/or storage.

**Dispatchable Capacity & Energy Market Participation**

The site, as currently designed, includes generation capable of meeting the requirement for on-site dispatchable generation and participation in the wholesale market. This will require

detailed design stage adjustment of the electrical design on-site, along with the provision of additional metering (not requiring any new structures); however, this can be addressed using the proposed equipment and site layout. Any such adjustments can be implemented within the constraints of the planning application as submitted and do not impact on the existing design of the proposed development.

The proposed development aligns with the policy objective of supporting security of supply by pairing demand with dispatchable generation capacity.

**Demand Flexibility**

The policy allows the TSO to request demand flexibility from applicants on a case-by-case basis. The applicant will engage with any demand flexibility requirements that may be identified by the TSO.

**Renewable Generation Requirement**

Section 3.5.2 of the CRU decision outlines the requirement for renewable generation capacity. It states that this capacity must be generated in Ireland and may be achieved either through direct involvement in the construction of new renewable generation or through the use of Corporate Power Purchase Agreements (CPPAs) for wind, solar, etc.

The applicant for the proposed development confirms that the future operator of the proposed development will secure CPPAs in relation to the proposed development, which will meet its demand with net additional renewable energy generation in Ireland, in line with the Government's Renewable Electricity Corporate Power Purchase Agreements Roadmap.

This has been incorporated as a mitigation measure within the submitted EIAR.
The applicant acknowledges that demand ramp-up will be intrinsically linked to the staged delivery of associated generation and/or storage capacity, in line with CRU requirements.

**Reporting**

The policy includes requirements in relation to annual reporting on energy use and emissions. The applicant will comply with any reporting requirements introduced by the System Operator in relation to renewable energy usage and associated emissions.

**Location & Network Constraints**

The applicant acknowledges that the suitability of the connection will be assessed having regard to network constraints and locational considerations, which will be addressed as part of the TSO connection assessment process.

It is noted that the proposed location is not considered to be within a constrained region and, as such, the provision of a connection in the Mayo area aligns with the intent of the policy.

In summary, while the planning application predates the CRU Decision, the proposed development has been designed with sufficient flexibility to accommodate the requirements of the policy, including dispatchable generation, renewable energy sourcing, and location in an appropriate area having regard to network constraints, and subject to compliance with the detailed connection assessment and approval process to be defined by the TSO.

Yours Sincerely



---

Gary O'Keeffe
Director, Data Centre Lead
Ethos Engineering