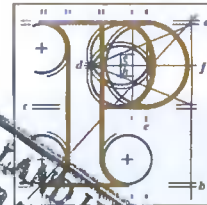


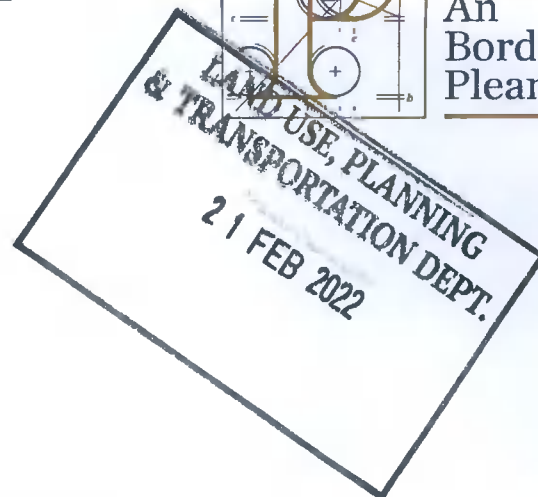
**Our Case Number:** ABP-312749-22

**Planning Authority Reference Number:** SD21A/0042



**An  
Bord  
Pleanála**

South Dublin County Council  
Planning Department  
County Hall  
Tallaght  
Dublin 24



**Date:** 18 February 2022

**Re:** Demolition of abandoned house, shed and derelict farm building. Construction of 2 data centres and 3 gas powered generation plants. EIAR submitted to PA.  
Site within the townland of Ballymakailly, West of Newcastle Road (R120), Lucan, Co. Dublin

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

**Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.**

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

(i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,

(ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,

(iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,

(iv) a copy of the notification of decision given to the applicant,

(v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

(vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

Teil	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

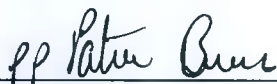
I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-312749-22) the request at 1 on page 1 of this letter has been forwarded.

Signed: \_\_\_\_\_

Print:( \_\_\_\_\_ )

Date: \_\_\_\_\_

Yours faithfully,



Liam Halpin  
Direct Line: 01-8737280

BP07

**Teil**  
**Glaó Áitiúil**  
**Facs**  
**Láithreán Gréasáin**  
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# MARSTON

PLANNING CONSULTANCY

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1

13<sup>th</sup> February 2022

AN BORD PLEANÁLA	
LDG-	049167 - 22
ABP-	
15 FEB 2022 ok	
Fee: €	3000 Type: cheque
Time:	13.16 By: Courier

Our Ref: 16008

**Re: Planning and Development Act 2000-2021 and the statutory regulations (as amended). Application by EdgeConneX Ireland Limited for development at this site within the townland of Ballymakailly to the west of the R120 (Newcastle Road), Lucan, Co. Dublin. The development will consist of the construction of two no. single storey data centres with associated office and service areas; and three no. two storey gas powered generation plant buildings with an overall gross floor area of 24,624sqm**

**South Dublin County Council Reg. Ref. SD21A/0042**

**Date of decision: 19<sup>th</sup> January 2022**

**Four week period for making appeal on or before: end of 15<sup>th</sup> February 2022**

Dear Sir / Madam,

We, Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin, D18 T3Y4; are instructed by EdgeConneX Ireland Limited, 6<sup>th</sup> Floor, South Bank House, Barrow Street Dublin 4 to lodge this first party appeal against Condition no. 3 of the decision made by South Dublin County Council to grant permission. In compliance with the statutory regulations, we enclose herewith a cheque payable to An Bord Pleanála for the sum of €3,000.00 as the appropriate appeal fee in this instance, as an Environmental Impact Assessment Report (EIAR) was submitted with the application, and within the statutory four week period for making the appeal.

Our clients welcome the positive overall nature of the decision to grant permission with conditions for the proposed development. The premise of the condition that is the subject of this appeal appears, based on the Chief Executive's Report, to be to provide the Planning Authority with the ability to control and facilitate a change to more sustainable fuels, if they become available, in the future. However, it is contended that the condition creates significant uncertainty for the applicant, in the way it is worded, in this instance. We respectfully submit that the applicant has already outlined in their response to the Clarification of Additional Information sought by the Planning Authority (which is appended to this appeal), that they have future proofed the gas plant to be able to utilise more renewable sources of fuel when they become readily available in Ireland. However, the severity of the wording of the condition creates significant uncertainty from our client's perspective that is not justified in this instance. The same objective can be addressed by amending the wording of the condition that currently states:

**"3. GAS Plants - Temporary**

- (i) *Prior to the commencement date of the first operation of the first gas plant, the Planning Authority shall be contacted in writing to confirm the date on which the first gas plant shall first commence operation.*
- (ii) *Five (5) years from the date the first gas plant first commences operation, the gas plants and all associated and related ancillary structures shall cease operation unless prior to the end of the five-year period, planning permission has been sought and granted for its continued use.*
- (iii) *All structures related/associated with the gas plants shall be removed from the entire site within a year of the ceasing of operation, unless prior to the end of the five-year period, planning permission has been sought and granted for its continued use.*

**REASON: To enable the impact of the development to be reassessed having regard to changes in technology, climate action and energy supply"**

We respectfully submit that if the Board are mindful to uphold the arguments set out in this appeal of Condition no. 3 then we request that they condition that the subject development be undertaken in accordance with the revised conditions.

In addition, given that this is an appeal of a condition of the permission that does not in any way affect the overall nature and extent of the permission granted, we request that the Board exercise its discretion and consider the appeal under s.139 of the Planning and Development Act 2000 (as amended). We respectfully submit that this is fully appropriate given that the application was determined positively by the Planning Authority in granting permission for the development. Prior to addressing the condition specifically it is important given the complexity of the application to set the appeal in context.

## 1. The appeal in context

### *The location and description of subject site*

The proposed Data Centre facility and Power Plants are to be located on a site of 22.1ha. to the immediate west of the recently realigned R120 within the townland of Ballymakailly, Lucan, Dublin 22. The site in terms of its current use can be split into two areas with the majority of the land forming open grassland; and a former farmhouse and associated barns as well as similar buildings forming a small part of the northern part of the site to the immediate south of the Grand Canal.



*Aerial view of application site (refer to architectural drawings of Existing Site Plan and all buildings to be demolished that accompany the application for greater detail)*

The majority of the site that remains in grassland contains field boundaries in the form of hedgerow and small trees along its southern and western boundary that forms the townland boundary between Ballymakailly and Gollierstown to the west and Grange to the south. The site also contains five enclosed fields to the north-east and a larger L-shaped field that extends from the realigned road at the south-east to the canal to the north-west. An agricultural access road leads from the realigned R120 to the north-east of the overall site to the former agricultural buildings.

The eastern boundary of the site has been subject to a compulsory purchase order by South Dublin County Council to facilitate the Adamstown / Newcastle Road improvement scheme. This has resulted in a significant length of hedgerow being removed by the Council to facilitate the road works for some 430m of the eastern boundary with lengths of hedgerows remaining of 100m to the south-east, and 130m to the north-east along the realigned road. The former road remains in situ at the south-east corner of the site.

The site is bounded by the Grand Canal, and a lane along part of its south side and planting, to the north. A bungalow and both the original and new bridge over the Grand Canal lie to the north-eastern corner of the site. The realigned R120 bounds the site to the east with a number of residential properties bounding the road to its east. The data centre campus of the applicant granted and implemented that allows for future

expansion under Ref. SD16A/0214, SD16A/0345 and SD17A/0141/SD17A/0392 as well as SD18A/0298 is located to the rear of these residential properties to the east of the R120. The site is bounded by further agricultural land zoned for development to the south and west. A traveller site is located some 180m to the south-west of the site. The eastern part of the site has been subject to a compulsory purchase order by South Dublin County Council to facilitate the R120 improvement scheme.

The lands have been subject to now completed archaeological investigation work under licence from the National Monuments Service, Department of Culture, Heritage and the Gaeltacht on behalf of South Dublin County Council.

The site is relatively flat though there is a slope towards the north-east corner. The site is currently accessed only via agricultural access points from the east off the R120 and from the north off the access road to the abandoned agricultural buildings.

The site is located between the N4 and N7 national primary roads and is served by an improving local road network including the regional roads R120 (which has been recently upgraded including a new bridge over the Grand Canal), R134 and R136 (The Grange Castle Road) and the road network through the Grange Castle Business Park.

### **South Dublin County Development Plan 2016-2022**

The South Dublin County Development Plan is the statutory planning document that covers the entire South Dublin administrative area. The Plan was adopted in June 2016. The Proposed Development is to be located within an area zoned EE (Enterprise and Employment) under the County Development Plan with the stated aim:

*"To provide for enterprise and employment related uses."*

The proposed use is a permitted use under this zoning. Significant precedent exists for the establishment of this use on other EE zoned lands in the area. EE zoned areas are established economic industrial areas running essentially in an arc northwards from City West to Grange and Grange Castle. The northern part of the lands is zoned RU. No element of the proposed development is proposed within this zoning that will contain the landscape berms and the attenuation ponds; as well as a public park.

## **2. Planning history**

*Reg. Ref. SD19A/0042 / ABP Ref. PL06S.305948*

Permission was granted on the 5<sup>th</sup> October 2020 for the phased development of 4 single storey data halls within two data centre buildings all with associated plant at roof level, 32 standby generators, office and service areas, service road infrastructure, car parking, and an ESB substation/transformer yard. An EIAR was submitted with the application for the development that had an overall gross floor area of 17,685sqm. The development also included a temporary gas-powered generation plant within a walled yard containing 19 no. generator units (15 + 4 arrangement) with associated flues (each 17m high) to be located to the west of the proposed data halls.

Following a request for Further Information, the number of generators within the Power Plant was reduced to only 8 operating with two back up units and limited to a lifespan of two years.

The decision of the Council was subject to 19 conditions. Condition no. 16 relating to noise outlined that operational noise shall not exceed 45dB(A) Leq 1 hour between 2000 and 0800, and 55dB(A) Leq 1 hour at all other times. The condition in full stated:

*"The operational noise level shall not exceed 55 dB(A) Leq 1 hour (corrected for any tonal or impulsive component) at the nearest noise sensitive locations, including dwellings, between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) Leq 1 hour at any other time. All sound measurement shall be carried out in accordance with ISO 1996-1:2016 "Acoustics - Description, measurement and assessment of environmental noise - Part 1: Basic quantities and assessment procedures". Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development."*

This permission has not commenced on site.

*ALP Ref. VC06S.311907*

This application for a proposed underground 110kV transmission lines between the permitted Kishoge substation on the application site, to the permitted Aungierstown - Castlebaggot underground transmission line within the Grange Castle South Business Park is currently subject to Pre-Application Consultations with An Bord Pleanála. If deemed as being a Strategic Infrastructure Development then an application will be made to the Board for the underground transmission lines. This application will connect the development that is the subject of this appeal and the already permitted data centre onsite to the national grid.

### **3. Permitted development**

The decision of the Planning Authority to grant permission was made on the 19<sup>th</sup> January 2022, following a request for Additional Information and Clarification of Additional Information from the Council and a comprehensive response to each request. We refer the Board to the fact that the primary element of development was not materially amended under these responses.

The Permitted Development as granted by the Planning Authority is for two no. single storey data centres with associated office and service areas; and three no. gas powered generation plant buildings with an overall gross floor area of 24,487sqm. The layout below presents a site layout plan of the Permitted Development in the context of previously permitted scheme on the wider site, which also remains undeveloped currently.

The Proposed Development with a gross floor area of 24,624sqm (as described and defined below) is to seek permission for a period of five years for a development that will consist of the following various works, as follows:

- Demolition of abandoned single storey dwelling, remaining agricultural shed and derelict former farm building;
- Construction of 2 no. single storey data centres (12,797sqm), both with associated plant at roof level; with 24 no. standby diesel generators with associated flues (each 25m high) that will be attached to a single storey goods receiving area / store and single storey office area (2,404sqm) located to the west of the data centres as well as associated water tower and sprinkler tank and other services;
- amendments to the internal access road and omission of access to loading bay permitted under SDCC Planning Ref. SD19A/0042 / ABP Ref. PL06S.305948 that include the relocation of permitted, and new, internal security gates; and new internal access roads to serve the Proposed Development that will provide access to 39 no. new car parking spaces (including 4 no. electric and 2 no. disabled spaces) and sheltered bicycle parking to serve the new data centres;
- The development will also include the phased development of 3 no. two storey gas powered generation plants (9,286sqm) within three individual buildings and ancillary development to provide power to facilitate the development of the overall site to be located within the south-west part of the overall site. Gas Plant 1 (3,045sqm) will contain 20 no. generator units (18+2) with associated flues (each 25m high) will facilitate, once operational the decommissioning of the temporary Gas Powered Generation Plant within its open compound as granted under SDCC Planning Ref. SD19A/0042 / ABP Ref. PL06S.305948. Gas Plant 2 (3,045sqm) will contain 20 no. generator units (18+2) with associated flues (each 25m high); and Gas Plant 3 (3,196sqm) will contain 21 no. generator units (19+2) with associated flues (each 25m high). These Plants will be built to provide power to each data centre, if and, when required. The Gas Plants will be required as back-up power generation once the permanent power connection via the permitted substation is achieved;
- New attenuation pond to the north of the site;
- Green walls are proposed to the southern elevation of each Power plant, as well as to the northern elevation of the generator compound of the data centres, and enclosing the water tower/pump room compound; and a new hedgerow is proposed linking the east and west of the site; and
- Proposed Above Ground Gas Installation compound to contain single storey kiosk (93sqm) and boiler room (44sqm).

The development will also include ancillary site works, connections to existing infrastructural services as well as fencing and signage. The development will include minor modifications to the permitted landscaping to the west of the site as granted under SDCC Planning Ref. SD19A/0042 / ABP Ref. PL06S.305948. The site

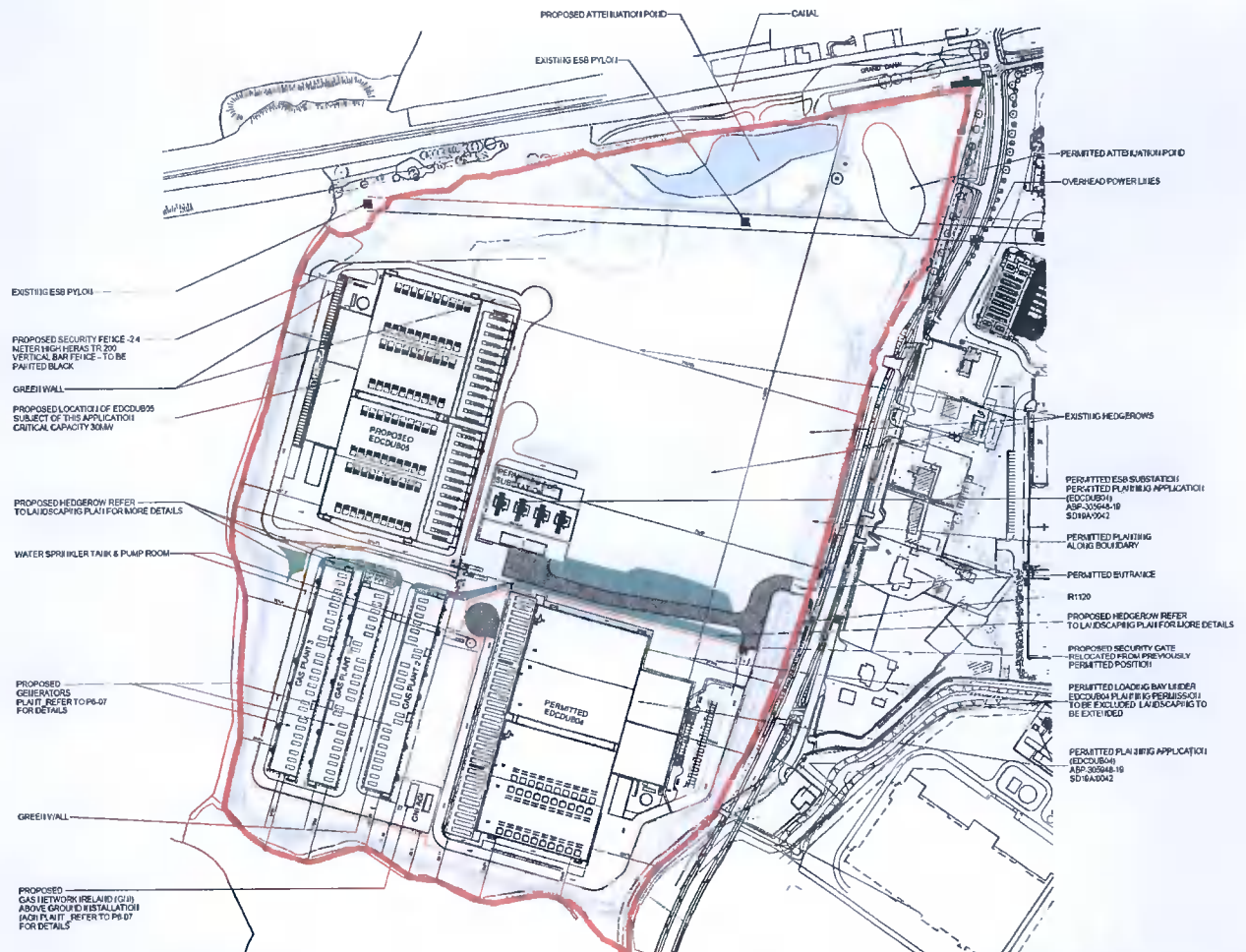
will remain enclosed by landscaping to all boundaries. The development will be accessed off the R120 via the permitted access granted under SDCC Planning Ref. SD19A/0042 / ABP Ref. PL06S.305948.

**Response to Additional Information Request**

The Additional Information (AI) Response focussed on the following issues

- Clarification of uses within the RU zone and an opening up of parts of this zone as an amenity space;
- Justification of the energy generation element of the proposal having regard to climate change and renewable energy policy;
- Additional photomontages and site sections(with landscaping) to indicate the fully developed proposal within its context having regard to levels and landscaping;
- Updated design statement that sets out the sensitive design approach (single storey) and overall landscape master planning approach to the development;
- Confirmation that there is no section 22 landfill on the site;
- Confirmation of drainage connections;
- Additional landscaping details including boundary along the Grand Canal; and
- An assessment of the impact of the proposal on natural site features.

As outlined above, none of these issues altered the nature and extent of the proposed development as originally applied for.



Permitted site layout plan with new data centre and gas plants shaded cream; and already permitted data centre as granted under SD19A/0042 to the south-east of the site not shaded

**Response to Clarification of Additional Information**

In order to facilitate a robust and comprehensive response on this matter a request for a 3 month extension of the normal 6 month period for addressing such matters was requested, and granted by the Planning Authority. The response was made within this period.

The Clarification of Additional Information (CAI) response addressed the concerns of the Planning Authority regarding the balance between development and climate action and resilience. The response confirmed that the applicant has received and executed a grid connection agreement with Eirgrid and, therefore, the long-term primary supply of electricity will come from the national grid infrastructure. Eirgrid have stipulated under the Data Centre Connection Policy 2019 that in order for the data centre to receive a firm grid connection, it must install on-site generation to match its load.

This connection agreement stipulates that this generation must be capable of running continuously for an extended period of time not limited by fuel reserves. This would be in multiple individual intervals during peak daily usage in winter that is estimated to be up to 500 hours per annum, to meet this requirement, gas engines have been chosen because currently no other renewable or storage technology can provide this at a commercial scale. We submit that this is critical to the consideration of this appeal.

The installation of gas engines supports the resilience of the grid through the provision of flexible and dispatchable generation. By making high efficiency flexible gas generation available at the immediate point of demand, this actually reduces the requirement for future grid reinforcements and relieves congestion in the locality, thus reducing cost to consumer through lower transmission reinforcement costs. The Climate Action plan also recognises the need for a diversified portfolio of generation up to 2030 and beyond in order to deliver grid stability and system services arising from increasing renewable energy penetration. High efficiency gas engines, along with storage and interconnection are recognised as contributing to this solution and facilitating greater levels of intermittent renewables.

We respectfully submit that it is not the case that there is an absence of power supply available via Eirgrid and this is an incorrect interpretation of current system issues. Grid constraints (as opposed to grid reinforcements) are created through a combination of factors, including the lack of any new conventional generation being added to the grid over the past decade. By bringing new flexible generation to the point of demand, not only does this ease grid constraints, it will also provide much needed flexible capacity on the grid to facilitate the increased level of renewables aspired to in the Climate Action Plan 2021.

In addition the CAI clarified the nature and extent of the publicly accessible biodiversity park (outlined in dashed orange line on the image below) and boundary treatments with access points. The boundary of this public park will be defined by a 1.2m high timber post and rail fence. Condition no. 9 of the decision requires the applicant to provide an additional pedestrian / cyclist public access to the park along the eastern boundary at the R120. This condition is welcomed and has not been appealed by the first party.



Excerpt from Drawing no. 208 from Kevin Fitzpatrick Landscape Architecture indicating the extent by orange dashed line of the public park



We respectfully submit that under the currently planned timeline it is envisaged that the Gas Plant will operate as the primary source of power until such time as the Eirgrid MIC offer is expanded. The applicant has already executed its connection agreement with Gas Network Ireland to support the proposed and already permitted data centre. This does not alter the consideration of the application as has been made to the Council, and the response to the Clarification of Further Information in this instance.

This will ensure that the proposed development is fully connected to, and powered from, the National Grid. The proposed Gas Plant, that is subject of this application will supply and reinforce the national grid once this connection is achieved.

#### **4. Grounds of appeal**

The full grounds of appeal together with the arguments, reasons and considerations upon which these are based are set out below. For clarity and ease of reference we propose to deal with each individual element of the condition being appealed as stated in the Notification of Decision to Grant Permission of South Dublin County Council and outline our response to each element in turn.

##### ***Omission / amendment of condition no. 3***

Whilst clearly welcoming in principle the positive decision of the Planning Authority in respect of this development, we are seeking that the Board delete or amend conditions 3(ii) and 3(iii) of the permission.

Condition no. 3(ii) of the notification of decision to grant permission states:

*(ii) Five (5) years from the date the first gas plant first commences operation, the gas plants and all associated and related ancillary structures shall cease operation unless prior to the end of the five-year period, planning permission has been sought and granted for its continued use.*

Condition no. 3(iii) of the notification of decision to grant permission states:

*(iii) All structures related/associated with the gas plants shall be removed from the entire site within a year of the ceasing of operation, unless prior to the end of the five-year period, planning permission has been sought and granted for its continued use.*

The reason provided for these parts of the decision are *"to enable the impact of the development to be reassessed having regard to changes in technology, climate action and energy supply"*.

We respectfully submit that these conditions are inappropriate and indicate an incorrect understanding and assessment of the timeline of the capacity for green gas and/ or hydrogen fuels to become available in the future, and the ability of the applicant to influence this. In this regard we refer the Board to the consideration of this matter within the Chief Executive's Order having regard to our response to the request for CAI. This states:

*"The current feasibility of renewable energy technologies has been explored, with the proposal for the use of gas being justified. However, it is noted that the context in which it is justified, can significantly change going forward, both in terms of energy technology and policy developments. It is noted that the gas plant would be built with the capacity to run off green gas and/or hydrogen in the future. **However, the Planning Authority considers it necessary to review the overall use of onsite gas in the future.** A condition should therefore be included to allow for a review of the use of a gas plant on the site in 5 years after the first operation takes place on the site, in light of new/greener technologies that may be developed in the interim. (own emphasis)"*

The Irish gas grid operator, Gas Networks Ireland (GNI), in its Vision 2050 strategy from 2020, sets out a clear trajectory for transitioning the Irish gas grid to net zero over the coming decades, which includes increased volumes of green renewable gas, carbon capture and storage along with green hydrogen production, all of which are recognised and supported in the Climate Action Plan. Therefore, as the gas grid transitions to lower carbon intensity, so too will the flexible gas generation deployed onsite for the benefit of the wider grid, including potential carbon capture and storage along with corporate power purchase agreements for the supply of renewable natural gas. Our client's both welcome this transition, and have planned for this transition in the future proofing of the site to enable it to use green gas and/or hydrogen in the future. We submit that GNI recognise in their Vision 2050 Strategy, that *"the gas network has a long-term*

role to play in meeting our nation's energy demand and that Ireland cannot achieve its climate ambitions without it". Limiting our client's significant investment in required infrastructure to five years appears warranted and not required in this instance.

In our considered opinion, the wording of the condition is overly restrictive in this instance. The attachment of this condition is not, as is often the case with time restrictive conditions, based on concerns about the long term impact of the development on the area; or the need to undertake a review of its impacts over a shorter period; but aimed at ensuring the transition to green gas and/or hydrogen. This will be provided for by GNI themselves, and is outside the control of the applicant. It is also important to state at this point that as gas is identified as playing such an important role in transitioning to a more renewable based energy sector, and is available, that the application cannot in any way be considered as being premature.

We respectfully submit to the Board that there is a need for conditions to be reasonable. In this instance it must be questioned whether the wording of this condition can be considered as reasonable as the principle of the proposed development has been deemed as acceptable; but the Council are seeking the applicant to either reapply for the same development in five years-time (or within it); or that they remove the plant from the site. We note that no reference is made in the condition to the primary purpose of the condition (to move to green gas and/or hydrogen), as outlined above.

The condition therefore lacks precision (*see Dun Laoghaire Corporation v Frescatis Estates Ltd.*), and in our considered opinion lacks meaning. It would seem far more appropriate that a condition be attached that required the applicant to undertake a review of the ability to use green gas and / or hydrogen through the national gas infrastructure prior to the expiration of the five years of the permission within which they have to implement their permission; or that this condition be removed in totality. To require the applicant to reapply appears futile and unjustifiable in this instance.

As outlined above the gas plant has the capacity to run off green gas and/or hydrogen in the future, when it becomes available. At present, the quantities of green gas and hydrogen produced in Ireland are low, however, GNI and the Climate Action Plan / Government policy, anticipate these volumes increasing materially up to 2030, which is c. 3 years after the condition requires the gas plant to cease. However at what rate its availability increases is out of the applicant's control.

The green gas / hydrogen produced can be injected into the grid and therefore we would not need to retrofit the existing infrastructure to convert the gas engines from natural to renewable gas, with the intention to use renewable when sufficient volumes are available.

We respectfully submit that the applicant has committed to sourcing 100% of their energy from the national grid through renewable sources. There is the opportunity to facilitate a mix of technologies, however, at present Eirgrid does not facilitate hybrid grid connections (i.e. connections that combine two different types of technologies such as gas engines and batteries / wind / solar), and the later are not sufficiently reliable to utilise currently. As already outlined above there are significant renewable benefits to the use of gas as back-up energy source to the national grid.

It is unequivocal that the gas plant has the capacity to operate under other fuel sources going forward that will enable it to continue to reinforce the grid on fully green fuel supplies such as green biomethane and green hydrogen. The gas plant is therefore future proofed to utilise more renewable sources of fuel when they become readily available in Ireland. The critical matter here is that when these fuels become available are outside the control of the applicant. It is therefore unacceptable to condition the development so that the power plant ceases in five years.

Furthermore, we submit that high efficiency gas, as is proposed to be used for the power plant in this instance, is a lower carbon generation solution (compared to coal, peat and oil generators currently on the Irish grid) which balances the grid and provides stability and flexibility during times of low wind / solar (addressing the unreliability and intermittency of renewables), along with critical inter-seasonal capacity over a longer duration than storage, for example.

Having such flexible low carbon generation facilitates greater levels of renewable penetration, along with supporting the decarbonisation of the Irish gas grid through carbon capture and storage, green biomethane, and green hydrogen going forward. We can confirm our client is willing to accept a condition that requires

them to undertake an evaluation as to whether this is possible within the five year term from the date of the permission being granted.

## **5. Conclusion**

We respectfully submit that as stated previously, the appellant welcomes in principle the decision of South Dublin County Council to grant permission in respect of this development. However, as elaborated upon above we respectfully request the following:

We respectfully request that Condition no. 3(ii) and 3(iii) shall be omitted / amended based on the evidence submitted with this appeal as follows:

### **Condition no. 3(ii)**

*Within four (4) years from the date the first gas plant first commences operation, the applicant or operator shall undertake a review with GNI of the ability to serve the Gas Plant with green gas and / or hydrogen (or similar fuels) shall be investigated and reported to the Planning Authority. Any ability for the Gas Plant to be operated with green gas and / or hydrogen (or similar fuels) shall be implemented within an agreed timeline agreed with GNI.*

We submit that the wording of Condition no. 3(ii) as revised enables the omission of Condition no. 3 (iii). Alternatively, the wording of this part of the condition can be revised as follows:

### **Condition no. 3(iii)**

*If the applicant receives a firm offer from Eirgrid under which the gas plant is not required, and the connection has been realized with capacity onsite from Eirgrid, then the gas plants shall be removed from the entire site within a year of the ceasing of operation.*

This would enable the gas plants to be removed without the need to seek permission for the change, and would be entirely in accordance with the proper planning and sustainable development of the area.

Given that this is an appeal that does not affect the nature and extent of the permission, we request that the Board exercise its discretion and consider the appeal under s.139 of the Planning and Development Act 2000 (as amended).

In conclusion, for all of the foregoing arguments, reason and considerations, An Bord Pleanála is invited to uphold the decision of the Planning Authority but to omit and where required to amend condition no. 3 (ii) and (iii) to the notification of decision to grant permission which issued from the Planning Authority on the January 2022, and to grant planning permission for this development on the basis that by its nature and extent, the proposal as originally submitted would accord with the proper planning and sustainable development of this area including the preservation and improvement of amenities thereof.

We look forward to an early and favourable response on this matter.

Yours faithfully,



Anthony Marston (MIPI, MRTPI)  
**Marston Planning Consultancy**

An Rannóg Talamhúsáide, Pleanála agus Iompair  
Land Use, Planning & Transportation Department  
Telephone: 01 4149000 Fax: 01 4149104 Email: [planning.dept@sdblincoco.ie](mailto:planning.dept@sdblincoco.ie)

Marston Planning Consultancy  
23, Grange Park  
Foxrock  
Dublin 18

**NOTIFICATION OF DECISION TO GRANT PERMISSION  
PLANNING AND DEVELOPMENT ACT 2000 (as amended) & PLANNING  
REGULATIONS THEREUNDER**

<b>Decision Order Number:</b> 0081	<b>Date of Decision:</b> 19-Jan-2022
<b>Register Reference:</b> SD21A/0042	<b>Date:</b> 14-Dec-2021

**Applicant:**

EdgeConneX Ireland Limited

**Development:**

Construction of two single storey data centres with associated office and service areas; and three gas powered generation plant buildings with an overall gross floor area of 24,624sq.m that will comprise of the following: Demolition of abandoned single storey dwelling, remaining agricultural shed and derelict former farm building; Construction of 2 single storey data centres (12,797sq.m), both with associated plant at roof level, with 24 standby diesel generators with associated flues (each 25m high) that will be attached to a single storey goods receiving area/store and a single storey office area (2,404sq.m) located to the west of the data centres as well as associated water tower and sprinkler tank and other services; Amendments to the internal access road and omission of access to loading bay permitted under SDCC planning Ref. SD19A/0042/ABP Ref. PL06S.305948 that include the relocation of permitted, and new, internal security gates; and new internal access roads to serve the proposed development that will provide access to 39 new car parking spaces (including 4 electric and 2 disabled spaces) and sheltered bicycle parking to serve the new data centres; The development will also include the phased development

of 3 two storey gas powered generation plants (9,286sq.m) within three individual buildings and ancillary development to provide power to facilitate the development of the overall site to be located within the south-west part of the overall site. Gas plant 1 (3,045sq.m) will contain 20 generator units (18+2) with associated flues (each 25m high) will facilitate, once operational the decommissioning of the temporary Gas Powered Generation Plant within its open compound as granted under SDCC Planning Ref. SD19A/0042/ABP Ref. PL06S.305948. Gas plant 2 (3,045sq.m) will contain 20 generator units (18+2) with associated flues (each 25m high). and, Gas plant 3 (3,196sq.m) will contain 21 generator units (19+2) with associated flues (each 25m high). These plants will be built to provide power to each data centre, if and, when required. The gas plants will be required as back up power generation once the permitted power connection via the permitted substation is achieved; New attenuation pond to the north of the site; Green walls are proposed on the southern elevation of each power plant, as well as to the northern elevation of the generator compound of the data centres, and enclosing the water tower/pump room compound, and a new hedgerow is proposed linking east and west of the site; Proposed above ground gas installation compound to contain single storey kiosk (93sq.m) and boiler room (44sq.m). The development will also include ancillary site works, connections to existing infrastructural services as well as fencing and signage. The development will include minor modifications to the permitted landscaping to the west of the site as granted under SDCC planning Ref. SD19A/0042/ABP Ref. PL06S.305948. The site will remain enclosed by landscaping to all boundaries. The development will be accessed off the R120 via the permitted access granted under SDCC planning Ref. SD19A/0042/ABP Ref. PL06S.305948. An EPA-Industrial Emissions (IE) licence will be applied for to facilitate the operation of the gas powered generation plant. An Environment Impact Assessment Report (EIAR) has been submitted with this application. All on a site of 22.1hectares.

**Location:**

Site within the townland of Ballymakailly, West of

Newcastle Road (R120), Lucan, Co. Dublin

**Floor Area:**

**Time extension(s) up to and including:**

**Additional Information Requested/Received:** 20-Apr-2021/02-Sep-2021

**Clarification of Additional Information Requested/Received:** 29-Sep-2021/14-Dec-2021

**DECISION TO:** Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, for the reasons set out in the First Schedule hereto, to **GRANT PERMISSION** for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said decision is subject to the said conditions.

#### **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the condition(s) set out hereunder is thereby in accordance with the proper planning and sustainable development of the area.

#### **SECOND SCHEDULE**

##### **Conditions and Reasons:**

1. Development to be in accordance with submitted plans and details.

The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on the 2nd of September 2021 and Clarification of Further Information received on 14th of December 2021, save as may be required by the other conditions attached hereto.

**REASON:** To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2. Previous Permission

All conditions attached to the permission granted under Reg. Ref. SD19A/0042/ABP Ref. PL06S.305948 to which this application will have the effect of creating modifications to, shall apply, save as may be required by the other conditions attached hereto.

**REASON:** To ensure that the development shall be in accordance with the previous permission.

3. GAS Plants - Temporary

(i) Prior to the commencement date of the first operation of the first gas plant, the Planning Authority shall be contacted in writing to confirm the date on which the first gas plant shall first commence operation.

(ii) Five (5) years from the date the first gas plant first commences operation, the gas plants and all associated and related ancillary structures shall cease operation unless prior to the end of the five-year period, planning permission has been sought and granted for its continued use.

(iii) All structures related/associated with the gas plants shall be removed from the entire site within a year of the ceasing of operation, unless prior to the end of the five-year period, planning permission has been sought and granted for its continued use.

REASON: To enable the impact of the development to be reassessed having regard to changes in technology , climate action and energy supply options.

4. Waste Heat

(a) Proposals for waste-heat recovery and ongoing delivery to a local heat-network shall be provided and implemented on site as relevant, in conjunction with the commencement and operation of the proposed development. Prior to the commencement of development, a timeframe for implementation of waste heat proposals shall be submitted for the written agreement of South Dublin County Council, unless otherwise agreed in writing.

(b) Such proposals shall include all necessary infrastructure for waste heat recovery from the proposed development and delivery through a primary waste-heat water circuit to either, the boundaries of the site or to an Energy Centre (when constructed as part of local heat network distribution) for connection to heat network. Such proposals shall be submitted for the written agreement of South Dublin County Council, unless otherwise agreed in writing.

(c) Where waste heat recovery and utilisation proposals have been explored and, subject to the written agreement of South Dublin County Council, have been deemed to be technically or otherwise unfeasible, details of future proofing of the building fabric, heat recovery and conversion systems and safeguarding of pipework/infrastructures routes up to the site boundaries to facilitate future waste heat connection to a local district heating network, shall be submitted for the written agreement of South Dublin County Council or as otherwise agreed in writing.

REASON: To promote the utilisation and sharing of waste heat and comply with Policy E5 of the South Dublin County Development Plan 2016-2022.

5. Roads

(a) Prior to commencement of development, the applicant shall submit a developed Construction Traffic Management Plan for the written agreement of the Planning Authority.

(b) Prior to commencement of development, the applicant shall submit a developed Construction & Demolition Waste Management Plan (C&DWMP) for the written agreement of the Planning Authority.

(c) A Mobility Management Plan shall be completed within six months of opening of the proposed development. The Mobility Management Plan shall be submitted for the written agreement of the Planning Authority.

(d) Footpath, cycle track and kerb shall be dished and widened and dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened vehicular access.

(e) Post construction, the condition of the footpath, cycle track, development's access in the vicinity of public road shall be assessed, and any found defects shall be reinstated to its original state at the applicant's expense.

(g) All items and areas for taking in charge including areas currently in SDCC's charge shall be undertaken to a taking in charge standard.

REASON: In the interest of traffic safety and the proper planning and sustainable development of the area.

6. Archaeological Monitoring, Recording and Reporting

(a) The applicant/developer shall employ a qualified Archaeologist, licensed to carry out Archaeological Monitoring of all sub-surface works carried out within the proposed development site. This will include the archaeological monitoring of the removal of topsoil, the excavation of trenches for foundations, services, access roadway, etc. associated with the proposed development.

(b) Should archaeological material be discovered during the course of Archaeological Monitoring, the applicant/developer shall facilitate the archaeologist in fully recording the material. The applicant shall also be prepared to be advised by the Department with regard to the appropriate course of action, should archaeological material be discovered.

(c) The archaeologist shall prepare and submit a report, describing the result of the Archaeological Monitoring, to South Dublin County Council and the Development Application Unit of the Department of Environment, Heritage and Local Government within six weeks following completion of Archaeological Monitoring.

REASON: To facilitate the recording and protection of any items of archaeological significance that the site may possess.

7. Landscape Masterplan

(i) The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping which accompanied the application, unless otherwise agreed in writing with the Planning Authority.

(ii) Prior to the commencement of development of any works on the site, the applicant shall submit for the written agreement of the Planning Authority, the following revised landscape proposals:

(a) Detailed section and planting plan for the attenuation pond edge, which shall incorporate a profile that shall be stepped and planted with emergent plant species. It shall be clearly demonstrated that planting plan for the attenuation pond edge shall create habitat and enhance biodiversity and create a safe space for humans.

(b) The fencing around the attenuation ponds within the public park shall be removed and revised safety measures shall be delivered through profiling and planting/landscaping.

(c) Details of maintenance accessibility for those responsible for 'taking in charge'.

(d) The maintenance access gate located to the west of the Publicly Accessible Biodiversity Park, as notated on Kevin Fitzpatrick Landscape Architecture Drawing 201 dated 04/11/21, shall be a minimum 4m wide and shall be capable of enabling



maintenance vehicular access.

(e) All access gates and fencing shall have the following specification, unless otherwise agreed in writing with the Planning Authority:

- (i) Heavy-duty metal, round bar, minimum diameter 16mm
- (ii) Galvanised
- (iii) Powder coated matt black
- (iv) Maximum 1.8m high

Prior to the commencement of development all details of gates and fencing shall be agreed in writing with the Planning Authority.

REASON: the interests of biodiversity, amenity, compliance with Development Plan Policy, the provision, establishment and maintenance of a reasonable standard of landscape and the proper planning and sustainable development of the area.

#### 8. Landscape Architect

(a) Prior to the commencement of the development,

(i) the services of a qualified Landscape Architect (or qualified Landscape Designer) shall be appointed and retained as a Landscape Consultant, throughout the entire life of the construction works

(ii) The planning authority shall be notified of the appointment of the qualified Landscape Architect (or qualified Landscape Designer) as outlined in item (a)i.

(b) A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are fully completed, and the Certificate shall be to the satisfaction of the Planning Authority and shall be in accordance with the permitted and agreed landscape proposals.

(c) The installation of attenuation tree pits shall be supervised by the project landscape architect.

REASON: To ensure full and verifiable implementation of the approved landscape design.

#### 9. Pedestrian/Cyclist Entrance from R120

Prior to the commencement of development an additional pedestrian/cyclist public access to the park shall be provided at the eastern boundary of the site at the R120, unless otherwise agreed in writing with the Planning Authority.

REASON: In the interests of providing full accessibility to the park and in the interest of proper planning and sustainable development of the area.

#### 10. Ecology

(a) The developer shall appoint and retain the services of a qualified ecological consultant for the duration of the development.

(b) The consultant shall ensure that the relevant mitigation measures recommended in the EIAR prepared by Marston Planning Consultancy are implemented in full.

REASON: In the interest of protecting the ecology and biodiversity.

#### 11. Tree Protection

All the recommendations pertaining to tree retention, tree protection and tree works, as detailed in The Tree File Ltd Tree Protection Plan and Arboricultural Report, both dated November 2021 and submitted on 14 December 2021 shall be implemented.

(i) Prior to the commencement of development, the arborist shall submit photographs and confirmation that fencing for retained trees meets BS5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations' for the written agreement of the Planning Authority.

(ii) All tree felling, surgery and remedial works shall be completed prior to the erection of the tree protection fencing. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work – Recommendations. The clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season (1st day of March to the 31st day of August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000.

REASON: To protect existing trees onsite.

## 12. Arboriculture

(a) Prior to the commencement of any permitted development,

(i) The services of a qualified arborist as an arboricultural consultant shall be appointed for the entire period of construction activity.

(ii) The planning authority shall be notified in writing of the appointment of the qualified arborist as outlined in item (a)i) and shall state the name of the consultant.

(b) The arboricultural consultant shall visit the site, at a minimum, on a monthly basis, and shall ensure that all recommendations in the tree reports and plans submitted with the application and agreed with the Planning Authority are implemented in full.

(c) (i) The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report.

(ii) The completion certificate shall be submitted for written agreement upon completion of the works.

(d) The applicant shall implement all the recommendations pertaining to tree and hedgerow management as detailed in The Tree File Ltd, Tree and Hedge Management Report dated 14th August 2021 submitted 2nd September 2021.

REASON: To ensure the protection of trees to be retained on site in the interests of climate adaptation, proper planning and sustainable development.

## 13. Casement Aerodrome

(a) The operation of cranes shall be coordinated with Air Corps Air Traffic Services, no later than 28 days before use, contactable at [airspaceandobstacles@defenceforces.ie](mailto:airspaceandobstacles@defenceforces.ie) or 01-4037681

(b) The developer shall implement adequate bird control measures during the construction phase to mitigate the effects of birds on Air Corps flight operations.

(c) An Aviation Impact Assessment will be submitted to Military Air Traffic Services on all potential emissions. The assessment shall cover the possible effects of exhaust plumes or any other associated impact on flight operations at Casement Aerodrome.

(d) Mitigations may be required in relation to the management of wildlife attracted to attenuation ponds or other water features. Should negative effects of bird activity on Irish Air Corps operations arise, the owner shall put measures in place to mitigate these effects to an acceptable level.

(e) The applicant/developer shall submit written confirmation that a glint and glare assessment has been submitted to Military Air Traffic Services. Should negative effects become apparent on air or ATC operations as a result of the photovoltaic cells, then the owner shall take measures to mitigate these effects to an acceptable level.  
REASON: In the interests of aviation operation and safety.

14. Public Park

(i) The public park shall be open to the public during day light hours, unless otherwise agreed in writing with the Planning Authority.

(ii) Prior to the commencement of development the management details of the body responsible for the management of the park shall be submitted to the Planning Authority for written agreement.

REASON: In the interest of the proper management of this park and ensure public accessibility.

15. Mitigation Measures

The mitigation measures and commitments identified in the Environmental Impact Assessment Report (EIAR) and other plans and particulars submitted with the planning application, shall be implemented in full by the developer, except as otherwise may be required in order to comply with other conditions.

REASON: In the interest of the protection of the environment.

16. Irish Water Connection Agreement.

(a) Prior to the commencement of development the applicant or developer shall enter into water connection agreement with Irish Water.

(b) Prior to the commencement of development the applicant or developer shall enter into wastewater connection agreement with Irish Water and the owner of the private foul drainage infrastructure.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

17. Drainage - Irish Water.

(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

18. SuDS Implementation

The submitted SuDS scheme shall be implemented within a timescale which shall be agreed in writing with the Planning Authority and shall thereafter be managed and maintained in accordance with the approved details and submitted within the Sustainable Drainage Strategy.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage

Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2.

19. Taking in Charge

(a) All areas proposed for taking in charge shall be to a taking in charge standard that ensures ease of maintenance including ease of access.

(b) A taking in charge drawing shall be submitted to for the written agreement of the Planning Authority and shall clearly identify what sections, if any, are proposed to be taken in charge by SDCC and shall include any phasing provisions which will apply to the public open space.

(c) If a management company is taking in charge the public open space, the management company's details shall be submitted with the written confirmation and a detailed drawing.

REASON: To ensure that designs, materials and specifications shall meet with the requirements of the Local Authority and the Development Agency and in the interests of proper planning and sustainable development.

20. Environmental Health

(a) No equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 hours on Saturdays nor after 19:00 hours on weekdays and 13:00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays. Any work outside of these hours shall only be permitted following a written request to the Planning Authority and subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unwanted noise outside the hours stated above.

(b) Where intrusive machinery is required to be used at short notice, the main contractor shall ensure that nearby sensitive locations are informed prior to works commencing.

(c) Noise levels arising from construction activities shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting a person in any premises in the neighbourhood.

(d) The development must not give rise to any impulsive or tonal noise at any noise sensitive locations.

(e) Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

(f) The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials on site as would give reasonable cause for annoyance to any person in any residence, adjoining premises or public place in the vicinity.

(g) During the construction / demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust

nuisances.

REASON: In the interests of environmental health.

21. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €1,510,435.40 (one million five hundred and ten thousand four hundred and thirty five euros and forty cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contribution shall be paid prior to commencement of development, or in such phased payments as the Planning Authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing [customerservice@water.ie](mailto:customerservice@water.ie).

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014 the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001, as amended.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001, as amended, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.

*Brian Connolly*  
for Senior Planner

21-Jan-2022

## NOTES

### (A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

### (B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
2. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:  
**The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.**
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
  - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development.....€4,500.00 or €9,000 if an E.I.A.R. is involved
  - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
  - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)..... €660.00
  - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) ..... €220.00
  - (e) Application for leave to appeal..... €110.00
  - (f) Appeal following a grant of leave to appeal..... €110.00
  - (g) Referral ..... €220.00
  - (h) Reduced fee (payable by specified bodies) ..... €110.00
  - (i) Submission or observations (by observer) ..... €50.00
  - (j) Request from a party for an Oral Hearing..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification  
at Telephone 01-858 8100

Senior Administrative Officer,  
Planning Department,  
South Dublin County Council,  
County Hall,  
Town Centre,  
Tallaght,  
Dublin 24

Our Ref: 16008

13<sup>th</sup> December 2021

**Re : Planning and Development Act 2000-2021 and the statutory regulations (as amended).  
Application by EdgeConneX Ireland Limited for development at this site within the townland of Ballymakailly to the west of the R120 (Newcastle Road), Lucan, Co. Dublin. The development will consist of the construction of two no. single storey data centres with associated office and service areas; and three no. two storey gas powered generation plant buildings with an overall gross floor area of 24,624sqm**

**Reg. Ref. SD21A/0042**

**Date of additional information request: 20<sup>th</sup> April 2021**

**Date of three month extension to: 27<sup>th</sup> January 2022**

### **ADDITIONAL INFORMATION**

Dear Sir / Madam,

We, Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin 18 are instructed by EdgeConneX Ireland Limited to submit this formal response to the request for Clarification of Additional Information that was dated the 29<sup>th</sup> September 2021 in relation to the planning application for the development as described above.

This response and accompanying reports and drawings, have comprehensively addressed all the elements of the Clarification of Additional Information (CAI) request in a reasonable manner fully justifying the development. Our response is submitted fully within the three month extension issued by South Dublin County Council on the 15<sup>th</sup> October 2021 to the six month response time for dealing with such issues. This extended the period for responding to the Clarification of Additional Information up to the 27<sup>th</sup> January 2022.

The response is undertaken following consultation with Waterways Ireland, Weston Aerodrome and South Dublin County Council. The response is accompanied by the following:

- 6 no. copies of Energy Statement prepared by Ethos Engineering Ltd. addressing part of point 1 of the CAI request;
- 6 no. copies of letter and drawings by Pinnacle Consulting Engineers addressing points 3, 4 and 5 of the CAI request (Drawings no. 201 and 202);
- 6 no. copies of technical note by AWN Consulting Ltd. addressing point 5 of the CAI request;
- 6 no. copies of drawings addressing the biodiversity park and wetland sections by Kevin Fitzpatrick Landscape Architecture addressing points 2 and 8 of the CAI request; and
- 6 no. copies of arborist response that includes an Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement by The Tree File Ltd. to point 6 of the AI request

Given the complexities of the energy issue, which has been primarily addressed under this point, 6 no. copies of this covering report are also included.



### **Addressing the Clarification of Addition Information request**

This response has comprehensively addressed the concerns of the Planning Authority in terms of all elements but particularly in relation to balancing the development with climate action and resilience. We can confirm that the applicant has received and executed a grid connection agreement with Eirgrid and, therefore, the long-term primary supply of electricity will come from the national grid infrastructure. Eirgrid have stipulated under the Data Centre Connection Policy 2019 that in order for the data centre to receive a firm grid connection, it must install on-site generation to match its load. Therefore, to get a connection to the national grid, the data centre must install on-site generation and Eirgrid have stipulated that this generation must be capable of running continuously for an extended period of time not limited by fuel reserves. This would be in multiple individual intervals during peak daily usage in winter that is estimated up to 500 hours per annum, to meet this requirement, gas engines have been chosen because no other renewable or storage technology can provide this at a commercial scale.

Regarding the need for grid reinforcements and large demand connections in this area, as stated by the planning authority, the installation of gas engines supports the resilience of the grid through the provision flexible and dispatchable generation.

By making high efficiency flexible gas generation available at scale at the immediate point of demand, this actually reduces the requirement for future grid reinforcements and relieves congestion in the locality, thus reducing cost to consumer through lower transmission reinforcement costs. The Climate Action plan also recognises the need for a diversified portfolio of generation up to 2030 and beyond in order to deliver grid stability and system services arising from increasing renewable energy penetration. High efficiency gas engines, along with storage and interconnection are recognised as contributing to this solution and facilitating greater levels of intermittent renewables.

We respectfully submit that it is not the case that there is an absence of power supply available via Eirgrid and this is an incorrect interpretation of current system issues. Grid constraints (as opposed to grid reinforcements) are created through a combination of factors, including the lack of any new conventional generation being added to the grid over the past decade. By bringing new flexible generation to the point of demand, not only does this ease grid constraints, it will also provide much needed flexible capacity on the grid to facilitate the increased level of renewables aspired to in the Climate Action Plan 2021.

Our written response, which should be assessed in conjunction with the submitted details listed above and in the cover letter, is provided below in respect of each point raised in the Council's request.

### **ADDITIONAL INFORMATION RESPONSE**

1. Following the further information response, the Planning Authority considers that there is a need to balance the demand for development with climate action and resilience as well as the capability of the national grid to provide for such developments. The Planning Authority is concerned with the current proposal to partially power the data centres with a gas generator due to the absence of capacity in the national grid.

The applicant is advised that the Planning Authority has concerns in relation to the number and extent of large demand connections in this area and the demand for future grid reinforcements. It is noted that Action 20 of the Climate Action Plan, 2019 states:

'Implement energy actions under the Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy to ensure that large demand connections are regionally balanced to minimise grid reinforcements'.

The absence of power supply via Eirgrid appears to demonstrate that the proposed development will contribute to a future demand for grid reinforcements in this area. In this context, the applicant is advised that the proposed development may be premature pending a stable connection to the national grid and the use of gas powered generators conflicts with the macro policies in the Development Plan around Energy and Climate Action.

In relation to Item 2 of the Additional information request, the applicant is requested to provide clarification by provision of the following:

- Justification for the form of energy production proposed in relation to climate change and renewable energy policy.
- More detailed information on the feasibility of renewable energy technology. The applicant states that it may be possible to incorporate measures at the 'detailed design stage', however, the Planning Authority is of the opinion that it should be provided at the planning stage.

- **Details and evidence of connection agreements of power and gas. Correspondence from Eirgrid indicating the flexible connection agreements must be provided. The applicant should also clarify what would happen should a separate infrastructure application not receive permission.**
- **A list of mitigation measures associated with the gas generators, along with detailed justification of each measure and the details of operations.**

### **Response**

This part of the response has been undertaken in collaboration with the applicant EdgeconneX Ireland Ltd. and Ethos Engineering Ltd.. This application is now running concurrently with a Pre-Application Consultation Request for a Strategic Infrastructure Development (SID) that will facilitate 2 no. underground 110kV transmission lines between the permitted Kishoge 110kV GIS substation in Ballymakailly and the permitted Aungierstown – Castlebaggot underground 110kV transmission lines at Grange Castle South Business Park, Baldonnel, Dublin 22 (ABP Ref. VC06S.311907).

This application will almost certainly, subject to ABP decision, be determined as a SID application, and is due to be determined by the Board in Q3, 2022. It is currently projected to be built and operational in Q1, 2024. This will ensure that the proposed development is fully connected to, and powered from, the National Grid.

We respectfully submit that prior to addressing the four questions requested under this part of the Clarification of Additional Information (CAI), it is important to clarify the function of the proposed gas plant.

The gas plant is dual purpose as follows:

1. to provide continuous power to the permitted and proposed data centres should the Eirgrid connection not be realised at the time of commissioning of the facility. This is expected to be a maximum of two years.
2. once the Eirgrid connection is realised the gas plant will only ever be utilised to reinforce the national grid. In that scenario the plant is only envisaged to run at the request of Eirgrid in response to a grid event as per their flexible demand policy.

The plant will therefore provide security of supply to the national grid as a whole by providing additional capacity under the terms of the flexible connection agreement.

Currently all Data Centre connections being offered by Eirgrid in the Dublin region are being offered on a flexible basis. Flexible demand is electrical load for a data centre that must be reduced on instruction from Eirgrid via the National Control Centre (NCC).

Eirgrid have also noted the following in relation to Data Centre Connections:

1. Flexible demand will be available to customers seeking to connect in constrained areas.
2. Capacity review to be performed following the annual T-4 capacity auction to determine if additional firm access can be made available.
3. Firm capacity will be provided for data centres where on-site dispatchable generation is made available to Eirgrid.
4. Finalised agreements for connections are based on a site achieving planning permission.
5. Flexibility will be allowed for MIC ramping in constrained areas.

These policies are driving the need for on-site generation on data centre sites to ensure security of supply for the grid as a whole, until such time as transmission and generation capacity short-falls are addressed. Eirgrid have published plans to increase the available capacity on the grid by 50% by 2030 that takes into consideration both the existing number and expected future data centres that will come on stream during this period as well as the aim to move significantly towards more renewable sources of energy generation during the period to 2030.

Based on the policies above, to get a connection to the national grid, the stipulation of Eirgrid is that a data centre must install on-site generation. This on-site generation must be capable of running continuously for an extended period of time not limited by fuel reserves. This would be in multiple individual intervals during peak daily usage in winter that is estimated up to 500 hours per annum.

Due to this stipulation, the applicant is required to utilise gas to provide back-up power, as no other renewable or storage technology can provide this at a commercial scale and to the degree of certainty to ensure the Eirgrid of the back-up that they require. Further details on this are provided in the technical note on this issue by Ethos Engineering Ltd. that accompanies this response.

### **Changing policy**

Policy in terms of both climate change and data centres has significantly altered over the last few years. This has led to the publication of the Climate Action Plan 2021 at the start of November 2021; and the publication on the 23<sup>rd</sup> November 2021 by the Commission for Regulation of Utilities (CRU) of their "*Direction to the System Operators related to Data Centre grid connection processing*". Both of these documents are the most up to date policy documents governing climate action and grid connections for data centres.

We respectfully submit that the applicant, in making this response, recognises the need to balance the demand for development with climate action and resilience that is reflected in both the Council's own Climate Action Plan 2019; as well as the recently published national Climate Action Plan 2021. This more recent Climate Action Plan has replaced the Climate Action Plan 2019, that contained Action 20 relating to data centres. A far broader policy approach now applies to data centres under Climate Action Plan 2021.

The policies and long term aims of Climate Action Plan 2021 are based on continuing to facilitate data centre development, subject to certain criteria, and future reviews, up to 2030. The Plan recognises, and takes account of the changes in demand for electricity over the next 10 years; and that this will alter the profile for demand and recognises that the forecast growth in data centres will represent a challenge to Ireland's emissions targets.

The Government policy set out under the Climate Action Plan 2021, states that the strategy on data centres will be reviewed to ensure that growth of such users can only happen in alignment with our sectoral emissions ceilings and renewable energy targets. There are currently no planned reviews and this document and the recent CRU policy document clearly set out that each data centre must be considered on its own individual merit, and must, due to Eirgrid's requirement, have an on-site back-up power source.

We respectfully submit that it is in this context that the current application must be considered by the Planning Authority. Having regard to this, the proposal has been considered as worthy of a connection agreement from Eirgrid, and the details of this, in the form of a redacted version of the applicant's contract with Eirgrid, accompanies this response.

These documents provide greater clarity to the Planning Authority in terms of the justification for the form of energy production and how that ties into the medium and long term Government and Eirgrid strategies in terms of energy production and capacity, and added detail on the feasibility of renewable energy technology being used in the development. Before addressing the points raised, it is incumbent that the roles and functions of the statutory bodies involved in energy production, and policy changes, and how the proposal falls into these are outlined.

### **What is the CRU's role in energy policy and data centre connections?**

The Commission for Regulation of Utilities (CRU) mission is to protect the public interest in Water, Energy and Energy Safety and one of their four strategic objectives is to deliver sustainable low-carbon solutions with well-regulated markets and networks. In their decision paper of the 22<sup>nd</sup> November, the CRU have confirmed that it will work with Eirgrid and ESB Networks, government and wider industry to facilitate the delivery of an electricity generation fleet that can meet Ireland's Climate Action Plan 2021 (CAP) target of up to 80% of electricity demand from renewable energy sources by 2030, whilst ensuring Ireland's energy needs are met. These targets align with the *National Development Plan 2021 – 2030* which commits to increasing the share of renewable electricity up to 80% by 2030.

We respectfully submit that these changes to a greater reliance on renewable electricity are clearly outside the control of the applicant, but are strongly welcomed as the applicant already sources 100% renewable power through a supplier via the national grid. The CRU in their decision paper have outlined criteria that both Eirgrid and ESB Networks will need to consider in assessing data centre connection applications to determine whether to make a connection offer. In this regard we note that the application already has a Flexible Demand Connection Agreement with Eirgrid, a copy of which accompanies this response.

Irrespective of this, and for the clarification of the Planning Authority we have provided an assessment of the current proposal having regard to the four criteria set out by the CRU in their decision paper issued on the 27 November. This has directed EirGrid and ESBN to assess future applications for the connection of data centres by reference to the following assessment criteria to determine whether a connection offer can be made within the system stability and reliability needs of the electricity network:

***The location of the data centre applicant with respect to whether they are within a constrained or unconstrained region of the electricity system***

It is clear that the Greater Dublin Area has been identified as a constrained region in terms of the national grid following the publication by Eirgrid of the 'Data Centre Connection Offer Process and Policy' Document published in July 2019. As the Eirgrid offer to the applicant was made subsequent to this date it is reasonable to conclude that the offer was made with full regard to this constraint, and that the application as now proposed fully meets the conditions of that connection agreement.

***The ability of the data centre applicant to bring onsite dispatchable generation (and/or storage) equivalent to or greater than their demand, which meets appropriate availability and other technical requirements as may be specified by the relevant SO, in order to support security of supply.***

The proposed gas plant that forms part of this application will provide onsite energy production that will supply and reinforce the national grid that will ensure the security of supply of electricity to the wider national grid if and when required.

***The ability of the data centre applicant to provide flexibility in their demand by reducing consumption when requested to do so by the relevant SO in times of system constraint through the use of dispatchable on-site generation (and/or storage) which meets appropriate availability and other technical requirements as may be specified by the relevant SO, in order to support security of supply.***

The proposed gas plant that forms part of this application will enable the applicant to provide flexibility in their demand for power by reducing consumption from the wider national grid when requested to do so in times of system constraint. The nature of the gas plant is designed to meet the appropriate availability and other technical requirements in order to reinforce the national grid that will ensure the security of supply of electricity to the wider national grid if and when required.

***The ability of the data centre applicant to provide flexibility in their demand by reducing consumption when requested to do so by the relevant SO, in times of system constraint, in order to support security of supply.***

We can confirm that the applicant, through the provision of the gas plant, will be able to reduce their requirement of power from the national grid when requested to do so by having the back-up power gas plant on site.

***Summary***

We refer the Planning Authority to the fact that the CRU has not afforded priority to these criteria and that Eirgrid and ESB Networks need to be afforded flexibility in considering the assessment criteria to decide whether it is appropriate to make a connection offer, and that each connection must be considered on its own merits.

We respectfully having regard to these new criteria the applicant clearly meets the new requirements. Irrespective of this, they already have a Flexible Demand offer from Eirgrid and a gas connection offer from Gas Network Ireland to provide power to the gas plant. These offers were made in the context of the full knowledge of Eirgrid working to a greater reliance on renewable power by 2030.

***Eirgrid offer to Edgeconnex***

We respectfully submit that in this instance the applicant is already in receipt of a connection offer from Eirgrid to connect their permitted substation (known as Kishoge) into the national grid. This offer was made by Eirgrid on the 21<sup>st</sup> August 2020 in the full knowledge of the constraints within the Greater Dublin area. Given this was made following both the 'Data Centre Connection Offer Process and Policy' Document published in July 2019 by Eirgrid and the National Climate Action Plan 2019; it is only reasonable to

conclude that the locational requirements and other criteria in place at the time, were considered to have been met. The nature of this offer is that it will facilitate the gas plants proposed under this application to supply and reinforce the national grid in c. Q1, 2024.

***The absence of power supply via Eirgrid appears to demonstrate that the proposed development will contribute to a future demand for grid reinforcements in this area.***

We respectfully submit that it is not the case that there is an absence of power supply available via Eirgrid and this is an incorrect interpretation of the current system issues. Grid constraints (as opposed to grid reinforcements) are created through a combination of factors, including the lack of any new conventional generation being added to the grid over the past decade. By bringing new flexible generation to the point of demand, not only does this ease grid constraints, it will also provide much needed flexible capacity on the grid to facilitate the increased level of renewables aspired to in the Climate Action Plan.

**Justification for the form of energy production proposed in relation to climate change and renewable energy policy**

The policy relating to climate change and renewable energy policy is set out under the South Dublin County Council Climate Change Action Plan 2019; and the recent Government publication of published Climate Action Plan 2021: Securing Our Future. We note that the Climate Change Action Plan 2019 was prepared having regard to the wider *A Strategy towards Climate Change Action Plans* for the Dublin Local Authorities, published in 2017; and must therefore be considered to be in accordance with this strategy.

We respectfully submit that the subject development is fully in accordance with the principles and targets of the South Dublin County Council Climate Change Action Plan 2019, which seeks to improve the energy efficiency and reduce greenhouse gas emissions; whilst making South Dublin a more climate-resilient region. Having regard to this, we note that the applicant has incorporated energy efficiency into its buildings and use of plant; has sought to maximise transport accessibility by non-car users wherever possible; ensured flood resilience; is proposing Sustainable Urban Drainage Systems and proposes an 80m wide biodiversity strip created from existing farmland, that includes a public park, adjacent to the Grand Canal. These all add to providing a more climate-resilient county.

***Energy production***

There are two energy production elements to consider having regard to the above that relates to energy production from the national grid and the use of gas to directly power the power plant on site.

The site is currently provisioned to utilise PV panels above the Administration block, as part of this submission the developer now plans to maximise the use of PV throughout the entire roof area of the data centre and the energy centre. It is also proposed to erect PV panels on the roof of the office element of the permitted data centre under Ref. SD19A/0042 (this would be subject to a separate planning application).

The applicant seeks to implement a cooling system design for its data centres that minimises use of water. The cooling system will place practically no demand on the local water network with minimum demand for system top up. This is a much more sustainable approach than has been taken by other data centres.

Climate Action Plan 2021 seeks to increase the proportion of renewable electricity by up to 80% by 2030, and therefore the applicant will be drawing from this reserve and this significant shift to a more renewable based electricity production to serve the national grid. The aim to also increase the capacity of the national grid to take account of data centres already subject to connection agreements is fully allowed for under the Climate Action Plan 2021. These strategies are to run parallel to each other to ensure that future connections of data centres is in alignment with sectoral emissions ceilings and support these renewable energy targets.

The use of renewables as a fuel source for heating and cooling the building was examined, along with other options to reduce the reliance on fossil fuel use on-site given the increased levels of wind farm connectivity. However, none of the other options explored were considered to adequately meet the requirements of Eirgrid that gas can provide.

In that regard, the applicant proposes to utilise new, high-efficiency gas engines within the back-up power plant. These plants are required, irrespective of data centres, as they supply grid balancing services which

in turn facilitate greater levels of renewables to connect to the grid; and to replace older, less efficient and higher carbon intensity fossil fuel generators, such as coal, peat and oil generation that are currently operating but with a plan to de-commission them over the coming years. This will aid the move across to a more renewable energy production as we move to 2030.

In addition, the Irish gas grid operator, Gas Networks Ireland, in its Vision 2050 strategy from 2020, sets out a clear trajectory for transitioning the Irish gas grid to net zero over the coming decades, which includes increased volumes of green renewable gas, carbon capture and storage along with green hydrogen production, all of which are recognised and supported in the Climate Action Plan. Therefore, as the gas grid transitions to lower carbon intensity, so too will the flexible gas generation deployed onsite for the benefit of the wider grid, including potential carbon capture and storage along with corporate power purchase agreements for the supply of renewable natural gas.

High efficiency gas, as is proposed to be used for the power plant in this instance, is a lower carbon generation solution (compared to coal, peat and oil generators currently on the Irish grid) which balances the grid and provides stability and flexibility during times of low wind / solar (addressing the unreliability and intermittency of renewables), along with critical inter-seasonal capacity over a longer duration than storage, for example.

Having such flexible low carbon generation facilitates greater levels of renewable penetration, along with supporting the decarbonisation of the Irish gas grid through carbon capture and storage, green biomethane, and green hydrogen going forward. The gas plant has the capacity to operate under other fuel sources going forward that will enable it to continue to reinforce the grid on fully green fuel supplies such as green biomethane and green hydrogen. The gas plant is therefore future proofed to utilise more renewable sources of fuel when they become readily available in Ireland.

The Climate Action Plan also notes the requirement for an additional 5000MW of new generation by 2030 at least 2000 MW coming from conventional and primarily gas fired power generation plants. By making high efficiency flexible gas generation available at scale at the immediate point of demand, this actually reduces the requirement for future grid reinforcements and relieves congestion in the locality, thus reducing cost to consumer through lower transmission reinforcement costs. The Climate Action Plan also recognises the need for a diversified portfolio of generation up to 2030 and beyond in order to deliver grid stability and system services arising from increasing renewable energy penetration. High efficiency gas engines, along with storage and interconnection are recognised as contributing to this solution and facilitating greater levels of intermittent renewables.

Furthermore, we note that it is established Government policy (as stated in the Policy Statement on Security of Electricity Supply that is dated November 2021) that it is a national priority to construct (and therefore by default grant permission for) gas fired power plants to combat the squeeze on electricity supplies in the short to medium term. The latest bid auction has identified several suppliers that will add capacity through operating on gas. The focus on gas as a short to medium term solution will enable the closure of coal and peat burning plants; and will bridge the gap to renewables achieving 80% by 2030. The Policy Statement by Minister Ryan is fully in accordance with CRU policy, and whilst recognising the significant projected growth in energy demand, which is only partly due to data centres concludes that:

- *“the development of new conventional generation (including gas-fired and gasoil/distillate-fired generation) is a national priority and should be permitted and supported in order to ensure security of electricity supply and support the growth of renewable electricity generation;*
- *it is appropriate that existing conventional electricity generation capacity, including existing coal, heavy fuel oil and biomass fired generation, should be retained until the new conventional electricity generation capacity is developed in order to ensure security of electricity supply;*
- *the connection of large energy users to the electricity grid should take into account the potential impact on security of electricity supply and on the need to decarbonise the electricity grid;*
- *it is appropriate for additional electricity transmission and distribution grid infrastructure, electricity interconnection and electricity storage to be permitted and developed in order to support the growth of renewable energy and to support security of electricity supply; and*
- *it is appropriate for additional natural gas transmission and distribution grid infrastructure to be permitted and developed in order to support security of electricity supply.”*

This Policy Statement supports the Commission for Regulation of Utilities (CRU) and EirGrid as they carry out their statutory roles to ensure security of electricity supply in Ireland. It provides clarity to investors and

planning authorities that the Government fully supports the actions being taken by the CRU and EirGrid, including the need to develop new gas-fired generation capacity. The proposed Multi-Fuel Generation Plant, will support the further decarbonisation of the grid as more renewable sources are brought on line.

The Climate Action Plan also notes the requirement for an additional 5000MW of new generation by 2030 at least 2000MW coming from conventional generation. By making high efficiency flexible gas generation available at scale at the immediate point of demand, this actually reduces the requirement for future grid reinforcements and relieves congestion in the locality. The Climate Action Plan also recognises the need for a diversified portfolio of generation up to 2030 and beyond in order to deliver grid stability and system services arising from increasing renewable energy penetration. High efficiency engines, along with storage and interconnection are recognised as contributing to this solution and facilitating greater levels of intermittent renewables.

We respectfully submit that the energy strategy set out by the applicant is governed by Eirgrid who operate under and in accordance with Government policy and strategy that is set out under Climate Action Plan 2021.

***More detailed information on the feasibility of renewable energy technology. The applicant states that it may be possible to incorporate measures at the 'detailed design stage', however, the Planning Authority is of the opinion that it should be provided at the planning stage.***

We respectfully refer the Planning Authority to the stand alone report by Ethos Engineering that has undertaken an assessment of the current feasibility of using renewable energy technology that accompanies this CAI submission.

As outlined above the gas plant has the capacity to run off green gas and/or hydrogen in the future. At present, the quantities of green gas and hydrogen produced in Ireland are low, however, GNI and the Climate Action Plan / Government policy, anticipate these volumes increasing materially up to 2030. The green gas / hydrogen produced can be injected into the grid and therefore we would not need to retrofit the existing infrastructure to convert the gas engines from natural to renewable gas, with the intention to use renewable when sufficient volumes are available.

We respectfully submit that the applicant will source 100% of their energy from the national grid through renewable sources. There is the opportunity to facilitate a mix of technologies, however, at present Eirgrid does not facilitate hybrid grid connections (i.e. connections that combine two different types of technologies such as gas engines and batteries / wind / solar), and the later are not sufficiently reliable to utilise currently. As already outlined above there are significant renewable benefits to the use of gas as back-up energy source to the national grid.

We note that it is established Government policy (as stated in the Policy Statement on Security of Electricity Supply that is dated November 2021) that it is a national priority to construct (and therefore by default grant permission for) gas fired power plants to combat the squeeze on electricity supplies in the short to medium term. The latest bid auction has identified several suppliers that will add capacity through operating on gas. The focus on gas as a short to medium term solution will enable the closure of coal and peat burning plants; and will bridge the gap to renewables achieving 80% by 2030.

We refer the Planning Authority that a district heating system may be available in the region in the future and we can confirm that there is sufficient space on site to connect to a waste heat recovery building in such a scenario. The development of the Clonburris SDZ Planning Scheme is recognised in the SDCC Climate Change Action Plan as having been developed in conjunction with the Clonburris Energy Master Plan. This Master Plan identifies a range of delivery mechanisms that include the creation of local heat networks. It is notable that the Planning Scheme boundary runs to the new bridge over the Grand Canal to the immediate north-east of the site. The implementation of such a scheme within Clonburris, or elsewhere, would enable heat rejected by the processes on the application site, to be provided to the surrounding area should sufficient demand exist for this.

The use of the VRF heat pump provides the opportunity to provide all heating and cooling efficiently using electricity. This reduces the reliance on fossil fuels and is a 'green' technology under the TGD Part L 2021, listed as one renewable energy option to meet the requirements of NZEB.

***Details and evidence of connection agreements of power and gas. Correspondence from Eirgrid indicating the flexible connection agreements must be provided. The applicant should also clarify w/ would happen should a separate infrastructure application not receive permission.***

We attach with this CFI submission the details and evidence of the connection agreements between the applicant with Gas Network Ireland and Eirgrid. Some elements of these agreements are redacted from a commercial sensitivity perspective but we can confirm that all deposits required from the applicant as part of these agreements are paid and each connection agreement has been executed. A letter from BCEI Ireland Ltd. who act on behalf of Edgeconnex in Ireland, and dated the 23<sup>rd</sup> November accompanies this response that sets out each of the agreement references, and that the agreements have been officialised by both parties under both agreements. This letter also confirms that the nature of the offer of the connection agreement for the planned substation "Kishoge" is one that is a "Flexible Demand Arrangement".

As already set out above in this response, this application is now running concurrently with a Pre-Application Consultation Request for a Strategic Infrastructure Development (SID) that will facilitate underground 110kV transmission lines between the Kishoge 110kV GIS substation in Ballymakilly and the permitted Aungierstown – Castlebaggot underground 110kV transmission lines at Grange Castle South Business Park, Baldonnel, Dublin 22 (ABP Ref. VC06S.311907). This application will almost certainly, subject to ABP decision, be determined as a SID application, and is due for a final decision on the application in Q3, 2022. It is currently projected to be built and operational in Q1, 2024.

We respectfully submit that under the currently planned timeline it is envisaged that Gas Plant 1 and 2 will operate as the sole source of power on a temporary basis. The applicant has already executed its connection agreement with Gas Network Ireland to support the proposed and already permitted data centre. This does not alter the consideration of the application as has been made to the Council, and the response to the Clarification of Further Information in this instance.

This will ensure that the proposed development is fully connected to, and powered from, the National Grid. The proposed Gas Plant, that is subject of this application will supply and reinforce the national grid once this connection is achieved.

***A list of mitigation measures associated with the gas generators, along with detailed justification of each measure and the details of operations***

We respectfully submit that a range of mitigation measures have been utilised in the design of the gas generators. These include emission and acoustic measures that mitigate the impact on the local environment. These were fully considered within the EIAR that was submitted with the application. The acoustic assessment undertaken as part of the EIAR undertook several scenarios. This assessment included the acoustic consultants working with the design team to reduce noise levels associated with the gas plant. This included the housing of the gas plant within noise insulated buildings that significantly reduces the noise levels associated with the gas plant. It is also propose to mitigate the generator exhaust stacks associated with the gas plant. The details of all this design mitigation is included in detail within Appendix 9.4 of the EIAR submitted with the application.

Furthermore, we submit that the design of the gas plant is a lower carbon generation solution (compared to coal, peat and oil generators currently on the Irish grid) which balances the grid and provides stability and flexibility during times of low wind / solar (addressing the unreliability and intermittency of renewables), along with critical inter-seasonal capacity over a longer duration that storage, for example.

The gas plant has been designed to be future proofed so that it has the capacity to operate under other fuel sources going forward that will enable it to continue to reinforce the grid on fully green fuel supplies such as green biomethane and green hydrogen. The gas plant is therefore future proofed to utilise more renewable sources of fuel when they become readily available in Ireland.

Having such flexible low carbon generation facilitates greater levels of renewable penetration, along with supporting the decarbonisation of the Irish gas grid through carbon capture and storage, green biomethane, and green hydrogen going forward.



**2. The response to Item 6 of the Additional Information request is not considered to be satisfactory. The applicant is requested to clarify whether the Irish Aviation Authority is satisfied with the proposed development.**

#### **Response**

In accordance with point 6 of the original Additional Information, and this point of the Clarification of Additional Information, contact was made both with the Irish Aviation Authority and Weston Aerodrome. A response was received from Weston Aerodrome on the 6<sup>th</sup> December 2021, following their comprehensive review of the application. This letter and the email that it was attached to, is attached to the rear of this response (Appendix A) and confirms that the Aerodrome is satisfied that the proposed development will not negatively impact upon the operation of the aerodrome, thus fully addressing Item 6 of the original Additional Information request. At the time of making this response no response has been received from the Irish Aviation Authority. However, given that the originally response raised related to the Weston Aerodrome, we submit that this Item has now been comprehensively addressed.

**3. The response to Item 8 of the Additional Information request is not considered to be satisfactory.**

**(a) The applicant is requested to provide details of intervening features such as swales, channel rills, rain gardens to treat and convey water to the attenuation pond. SuDS are limited to permeable paving and tree pits with the intervening part of the treatment train, prior to discharge to the attenuation pond, missing and detailed proposals are requested that include SuDS features that convey and treat runoff in the intervening ground between the building/car park zone and the attenuation basin. The profile of the attenuation pond should be stepped and planted in zones to provide greater ecological diversity and access for wildlife.**

**The drawings submitted shall highlight the location and detail section view of all SuDS features, shall also highlight available surface water attenuation capacity within each feature and demonstrate how these features are linked to the on site surface water drainage system.**

- Swales/Filter Drains to drain surface water run off from Roads
- Tree pits
- Bio Retention Rain Gardens
- Rainwater Harvesting for use within data halls where possible

**(b) Initial attenuation assessments carried out by Water Services indicate that the overall proposed attenuation volumes for the 1 in 100 year storm (2645m<sup>3</sup>) is potentially undersized by 20%. The applicant is requested to submit a drawing showing an additional overall attenuation volume of 20% is provided for the site by way of the use of Sustainable Drainage features (SuDS).**

#### **Response**

A detailed response from Pinnacle Consulting Engineers accompanies this submission. Their accompanying cover letter, and drawings have incorporated 2 no. bio-retention rain gardens; a bio-retention swale and weirs. These measures, as per the CFI request, will treat and convey water from the building / car park zone to the proposed attenuation pond. These details are shown on Drawing no. 201107-PIN-ZZ-DR-202 and how it connects into the surface water drainage system is shown on Drawing no. 201107-PIN-ZZ-DR-201. The drawings also show sections through each of the new SUDS measures being proposed in this instance as per the CFI request.

In addition, the drawings show the surface water attenuation capacity of all SUDS measures. The Consulting Engineers have also reviewed the question of the overall attenuation volumes for the 1 in 100 year storm plus 20% climate change. We can confirm that the attenuation volume now proposed amounts to a volume of 3,207m<sup>3</sup>. This will be provided in the form of 2 no. bio-retention rain gardens (225m<sup>3</sup>) and surface water attenuation pond (2,982m<sup>3</sup>) and is above the 3,174m<sup>3</sup> requested by the Water Services Department of the Planning Authority. This is comprehensively addressed under the response from Pinnacle Consulting.

**4. The response to Item 10 of the Additional Information request is not considered to be satisfactory.**

**In order to assess the feasibility of a connection to public waste water infrastructure further information is requested as follows; The applicant is requested to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of connection to the public waste water infrastructure. Please note this is required for indirect connections to the public system also. The Confirmation of Feasibility (COF) must be submitted to the planning**

department as the response to this further information request. Pre-connection enquiries can be made at <https://www.water.ie/connections/get-connected/>.

#### Response

Further to the above request, the applicant, through the project consulting engineers – Pinnacle; and have made an Irish Water Pre-Connection Enquiry (Ref. no. CDS21008013). We refer the Planning Authority that the Confirmation of Feasibility is likely to take some 16 weeks from the date of lodgement and a copy of the correspondence from Irish Water, and dated the 1<sup>st</sup> December 2021, is attached to the response from Pinnacle Consulting Engineers. As noted in this letter the proposed wastewater connection for this development connects to the Irish Water network via private infrastructure. It is only at connection application stage that written confirmation from the owner of the infrastructure (SDCC) is required by Irish Water. The applicant would welcome a suitable condition being attached to the decision that requires this consent prior to commencement of development.

**5. The response to Item 11 of the Additional Information request is not considered to be satisfactory. The applicant has indicated that there is water present in some of the ditches on the site and that culverts are also present. The applicant is requested to provide a strategy for removing the culverts and also for reinstating any potential watercourses. The filling in of any ditches should be justified in terms of how it would not impact the wider network negatively.**

#### Response

An addendum to the AWN Consulting Ltd. report that was previously submitted with the Additional Information response is included with this response. While there is water present in some of the ditches these are manmade ditches that drain the existing fields and generally marking the field boundaries; these are not 'streams' as such and contain no natural portions from its headwaters to the confluence with the Griffeen River. Furthermore, the EPA Maps do not show these ditches as watercourses.

The proposed development will create new hardstanding areas over existing ditches that will be infilled. The designed stormwater network by Pinnacle Consulting Engineers replicates the existing drainage regime; by directing stormwater to an attenuation pond, that restricts outflow at Qbar rural greenfield rates and discharges to an existing stormwater main below the R120. The existing stormwater main ultimately outfalls to the Griffeen River. The sustainable urban drainage systems designed into the site will ensure that there is a negligible impact on water quality and quantity.

To clarify in respect of the culverts, the identified Culverts 2, 4, 5, are beyond the site and effectively in 3<sup>rd</sup> party ownership and it is not proposed to modify or remove these culverts. This has been confirmed by the georeferenced site boundary provided by the project Architect Henry J Lyons and project Civil Engineers Pinnacle Consulting Engineers.

There is only 1 no. culvert within the site boundary (see below). The culvert inlet is within the boundary and the outlet located at the boundary. To the north of Culvert 1, the eastern Field Ditch 6 lies outside of the property boundary (redline).



While it is acknowledged that Objective 4 of Policy G3 is to uncover existing culverts and restore the watercourse to acceptable ecological standards and for the passage of fish, where possible. The proposed landscaping berms will be located at Culvert 1, and therefore it is not possible to replace this culvert. Culvert 1, which serves a field drain, will be replaced by an extended culvert suitably sized to current Office of Public Works (OPW) guidance in accordance with Section 50 of the Arterial Drainage Act 1945.

The CFI Response prepared by Pinnacle Consulting Engineers addresses the detail on the culvert design (one only) along the north-eastern boundary of the site that will be a precast box culvert that will be 2.1m (w) x 600mm (h) x c. 9m in length. Its locations is shown on the previous page as an excerpt from the AWN report.

**6. The response to Item 13 and 15 of the Additional Information request is not considered to be satisfactory. An arborist report and tree constraints plan has been prepared by The Tree File Consulting Arborist. An Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement is also required. The applicant is requested to provide this**

#### **Response**

We refer the Planning Authority to the Tree Impact Plan and Tree Protection Plan that now accompanies the previously submitted Tree Constraints Plan, and now an updated Arboricultural Report from The Tree File Ltd. that also includes a Method Statement for the protection of trees during the proposed construction process. We respectfully submit that this response fully meets the requirements of this part of the CFI request.

**7. The response to Item 14 of the Additional Information request is not considered to be satisfactory. The applicant is requested to provide correspondence with Waterways Ireland indicating they are satisfied with the proposed boundary along the canal.**

#### **Response**

We refer the Planning Authority to Appendix B of this CFI response that sets out correspondence with Waterways Ireland indicating that they are fully satisfied with the proposed boundary plan along the canal.

**8. The response to Item 1 of the Additional Information request is not considered to be satisfactory. The applicant is requested to provide a plan clearly indicating the extent of the public park and boundary treatments, with access points, in the interests of clarity.**

#### **Response**

We refer the Planning Authority to Drawing no. 201 prepared by Kevin Fitzpatrick Landscape Architecture (KFLA) that accompanies this CFI submission. The drawing (copied below) indicates the full extent of the public park (outlined in dashed orange line on the image below) and boundary treatments with access points. The boundary of this public park will be defined by a 1.2m high timber post and rail fence.

The full extent of this boundary treatment is marked by a brown line around the public park as well as along the boundary with the Grand Canal. A detail drawing and section through this fence is included on Drawing no. 201 by KFLA. The public entrances (2 no.) into the park from the Grand Canal are shown clearly on this drawing and will be formed by a swing 1.1m high timber gate that can be locked outside of daylight hours. A maintenance access gate into the public park from the rest of the landscape area to the north of the site is also shown – this will be strictly for maintenance purposes only. As outlined previously the applicant will be responsible for the opening and closing of the public park.



Excerpt from Drawing no. 208 from Kevin Fitzpatrick Landscape Architecture indicating the extent by orange dashed line of the public park

## CONCLUSION

It is our respectful submission that this response has comprehensively addressed all the issues raised by the Planning Authority in the Clarification of Additional Information request.

In conclusion, for all of the foregoing arguments, reason and considerations, South Dublin County Council are invited to assess the subject scheme and our Clarification of Additional Information response on its own individual merits and to grant planning permission for this development on the basis that by its nature and extent, the proposal would accord with the proper planning and sustainable development of this area including the preservation and improvement of amenities thereof.

We trust that everything is in order and look forward to a favourable decision in due course.

Yours faithfully,

A handwritten signature in cursive script that reads 'Anthony Marston'.

Anthony Marston (MIPI, MRTPI)  
Marston Planning Consultancy

**Appendix A - email correspondence from Weston Aerodrome**



Weston Airport

Leixlip

County Kildare.

To:

Anthony Marston

23 Grange Park

Foxrock

Dublin

D18 T3Y4

Dear Anthony,

Reference the development by Edgeconnex Ireland Ltd at Ballymakallly west of Newcastle Road, we have no objections to this development subject to the information provided and the heights of the proposed structures as per your email.

Regards

---

Aidan Fox

Air Traffic Manager

Weston Airport

Leixlip

County Kildare

WESTON AIRPORT  
23 GRANGE PARK, LEIXLIP, DUBLIN WILLOW PARK  
WWW.WESTONAIRPORT.COM TEL: 01919 3151

**From:** Aidan Fox [mailto:afox@westonairport.com]  
**Sent:** Tuesday 7 December 2021 13:07  
**To:** Anthony Marston' <anthony@marstonplanning.ie>  
**Subject:** RE: Planning Ref. SD21A/0042

Hi Anthony  
Please see attachment re the proposed development.

Kind regards  
Aidan Fox  
Air Traffic Manager  
Weston Airport

**From:** Anthony Marston [mailto:anthony@marstonplanning.ie]  
**Sent:** Thursday 14 October 2021 17:25  
**To:** 'planning@iaa.ie' <planning@iaa.ie>  
**Cc:** 'ops@westonairport.com' <ops@westonairport.com>  
**Subject:** Planning Ref. SD21A/0042

To whom it may concern

We act as planning consultants for EdgeconneX Ireland Ltd. in relation to the above planning application.

We have been requested to consult with the Irish Aviation Authority in relation to Weston Airport under a Clarification of Further Information request. This follows an initial request which stated:

6. The applicant is requested to consider the impacts of the proposed development on the operations of Weston Aerodrome.

The Council were not satisfied with our response and have requested Clarification of Further Information on point 6 that states:

2. The response to Item 6 of the Additional Information request is not considered to be satisfactory. The applicant is requested to clarify whether the Irish Aviation Authority is satisfied with the proposed development.

The link to the data centre planning application is below. I have also attached our planning report that accompanied the initial application that was made. The additional details are set out on the planning file.

<http://www.sdublincoco.ie/Planning/Details?p=1&r=sd21a%2F0042&regref=SD21A%2F0042>

The site is located to the immediate south of the Grand Canal and to the west of the R120 some 3kms south-east of Weston Aerodrome. The application site is located within the outer conical surface of the Weston Aerodrome that is listed as being 146.3m OD. The flues of the proposed data centre and gas plants are at a height of 92.48m OD and therefore significantly below this height.

In addition, we have reviewed the planting and attenuation ponds having regard to the potential for them to attract additional birds. The proposed attenuation ponds / wetlands reflect the existing environment (next to canal) and do not present a significant probability of increasing bird presence. It is also suggested that the planting palette used for landscaping will not exceed 15% berry bearing bushes; will ensure that they are not attractive to birds. Given the timelines involved in responding to the Further Information request, I would be grateful if you could revert back to me as soon as possible.

Many thanks in anticipation

Regards

Anthony Marston  
Marston Planning Consultancy

## Appendix B – correspondence with Waterways Ireland

**From:** Stephen Deegan [mailto:Stephen.Deegan@waterwaysireland.org]  
**Sent:** Wednesday 10 November 2021 12:42  
**To:** Anthony Marston <anthony@marstonplanning.ie>  
**Cc:** 'Barry English' <barry@winthrop.ie>; 'David Gilligan' <david.gilligan@hilyons.com>; 'Jason Murphy' <jason.murphy@hilyons.com>; 'Jordan Vos' <Jordan.Vos@bcei.com>; Paul Kealy <paul.kealy@waterwaysireland.org>  
**Subject:** RE: interface with Waterways Ireland and Edgeconnex development GG

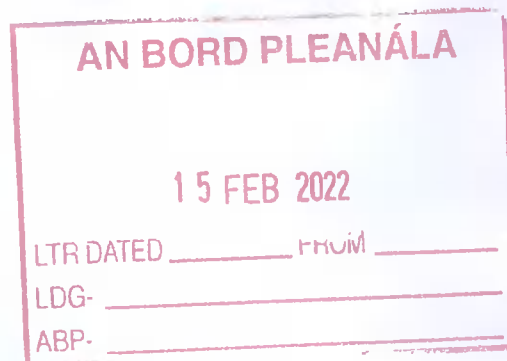
Hi Anthony,

Thanks for the email. Waterways Ireland are satisfied with the boundary proposals as described / shown in the latest drawings,

if you need any further comments, please feel free to get in touch,

Kind regards

Stephen Deegan  
Senior Engineer  
Grand Canal Metropolitan Area



**From:** Anthony Marston <anthony@marstonplanning.ie>  
**Sent:** 02 November 2021 16:02  
**To:** Stephen Deegan <Stephen.Deegan@waterwaysireland.org>  
**Cc:** 'Barry English' <barry@winthrop.ie>; 'David Gilligan' <david.gilligan@hilyons.com>; 'Jason Murphy' <jason.murphy@hilyons.com>; 'Jordan Vos' <Jordan.Vos@bcei.com>  
**Subject:** RE: interface with Waterways Ireland and Edgeconnex development GG

Hi Stephen

Further to our meeting earlier this year in relation to the interface between our client's site to the south of the Grand Canal that is located to the west of the R120, we have recently been requested to seek Clarification of Further Information in relation to seeking correspondence with Irish Waterways Ireland indicating that you are satisfied with the proposed boundary treatment along the canal. At this initial meeting you outlined that the red line boundary was incorrect on our drawings and we addressed this under the Further Information response to SDCC (please see attached revised drawing attached – Drawing no. P1-03).

You also raised concerns about our fence and boundary treatment being too industrial in nature. I can confirm that the boundary with the canal will be either formed by existing hedgerow or new hedgerow planting to the boundary between Waterways Ireland and our client's lands, with a new 1.2m high timber post and rail fence to be erected to the south side of the existing / proposed hedgerow (see Drawing no. 0401\_105). Identical fencing will be used to demarcate the attenuation ponds within this northern area; and the area being provided to be accessible to the public (see Drawing no 0401\_102).

I would therefore be grateful for a response on this in order to address this matter as a matter of urgency. Your confirmation via email would of course be sufficient. Many thanks for your assistance.

Please feel free to call me to discuss if required.

Regards

Anthony Marston  
Marston Planning Consultancy  
m:086-3837100  
23 Grange Park, Foxrock, Dublin, D18 T3Y4  
[www.marstonplanning.ie](http://www.marstonplanning.ie)