

South Dublin County Council

Planning Department,
County Hall, Town Centre,
Tallaght, Dublin 24

Re: EDCDUB05 – Gas Generator Planning Cover Letter

Date: 24th June 2022
Applicant: EdgeConnex Ireland Limited
Project no: 950801 – EDCDUB05/A

Dear Sir / Madam,

On behalf of EdgeConnex Ireland Limited are applying for permission for development at this site of 22.1hectares that is located within the townland of Ballymakaily to the west of the Newcastle Road (R120), Lucan, Co. Dublin.

The development will consist of the amendment of Condition no. 3 (ii) and 3 (iii) of the permission granted under Reg. Ref. SD21A/0042 that related to the Gas Plant of the overall permitted development only, so that these aspects of the new condition shall read as follows:

Condition no. 3(ii)

Within four (4) years from the date the first Gas Plant 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.

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.

The nature and extent of the permitted Gas Plants, or any other element of the parent permission granted under Reg. Ref. SD21A/0042 will otherwise not be amended by this application. An EPA-Industrial Emissions (IE) licence will be applied for to facilitate the operation of the Gas Plant that is subject of this amendment application.

In support of this application, we enclose the following:

- Completed Planning Application form,
- 1no. Copy of Site Planning Notice (**Yellow background**)
- 1no. Copy of Newspaper Notice – Irish Daily Mail.
- 6no. Copies of Planning Report prepared by Marston Planning Consultancy.

Registered in Ireland :
No. 247166
H J Lyons (Architects) Ltd.
Registered Office:
51-54 Pearse Street, Dublin 2

Directors:
Richard Doorly
Paul O'Brien
Peter Mc Govern
Finghin Curraoin

Conor MacCabe
Martin Donnelly
Derek Byrne
Pat Hogan
Maoliosa Ó Floinn

6 no. copies of each of the following drawings prepared by Henry J Lyons

Drawing no.	Description	Scale	Format
PP-01	OS PLACE MAP	1:2500	A0
PP-03	PROPOSED SITE LAYOUT PLAN	1:1000	A0
PP-07	PROPOSED CONTEXTUAL ELEVATIONS	1:750	A0
PP6-01	PROPOSED POWER GENERATION PLANT 01 - PLANS AND SECTION	1:200	A0
PP6-02	PROPOSED POWER GENERATION PLANT 01 - ELEVATIONS	1:200	A0
PP6-03	PROPOSED POWER GENERATION PLANT 02 - PLANS AND SECTION	1:200	A0
PP6-04	PROPOSED POWER GENERATION PLANT 02 - ELEVATIONS	1:200	A0
PP6-05	PROPOSED POWER GENERATION PLANT 03 - PLANS AND SECTION	1:200	A0
PP6-06	PROPOSED POWER GENERATION PLANT 03 - ELEVATIONS	1:200	A0

- Cheque to the sum of €2210.00 to meet the required planning fee.

Your Sincerely



[Jason Murphy] [Associate]
Henry J Lyons

MARSTON

PLANNING CONSULTANCY

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

Our Ref: 16008

22nd June 2022

Re : Planning and Development Act 2000-2022 and the statutory regulations (as amended). Application by EdgeConneX Ireland Limited for permission for development at this site of 22.1hectares that is located within the townland of Ballymakaily to the west of the Newcastle Road (R120), Lucan, Co. Dublin. The development will consist of the amendment of Condition no. 3 (ii) and 3 (iii) of the permission granted under Reg. Ref. SD21A/0042 that related to the Gas Plant of the overall permitted development only

Dear Sir / Madam,

We, Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin 18 are instructed by EdgeConneX Ireland Limited to submit this supporting planning report in respect of this amendment planning application in relation to the permitted development as granted under Reg. Ref. SD21A/0042 as described above on this site of 22.1ha. within lands to the west of the R120 and within the townland of Ballymakaily at Newcastle Road, Lucan, Co. Dublin.

Our clients welcome the positive overall nature of the original decision to grant permission with conditions for the proposed development under Reg. Ref. SD21A/0042. The premise of the condition that is the subject of this amendment application 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 and potential end users, in the way it is worded, in this instance.

We respectfully submit that the applicant has future proofed the design of the Gas Plant to be able to utilise more renewable sources of fuel when they become readily available in Ireland. However, the wording of the condition creates significant uncertainty from our client's and potential end user's perspective that we seek to amend it, 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 Council are mindful to uphold the arguments set out in this amendment application of Condition no. 3(ii) and 3(iii) of Reg. Ref. SD21A/0042 then we request that the Council condition that the subject development be undertaken in accordance with the revised conditions set out hereunder.

1. Compliance with Statutory Regulations

The plans and particulars which accompany this application have been screened by reference to the Planning and Development Regulations 2001 (as amended), as set out below.

- The Site Location Map has been prepared on an OS base to a scale of 1:2,500 for the application. An Ordnance Survey Datum local benchmark is indicated on the Map. The application site is outlined in red on this map. The OS map indicates the location of all six site notice locations. The red line of this application replicates the same red line as per the parent permission under Reg. Ref. SD21A/0042.
- The Proposed Site Layout Plan is to a scale of 1:1,000, as agreed previously with Tracy McGibbon (acting SEP) prior to making of the planning application for the parent permission, and indicates the location of the application site in relation to the surrounding environment. Relevant features (such as buildings, trees and roads) adjoining or in the vicinity of the application site are all shown. The drawing indicates the permitted roof plan as granted under Reg. Ref. SD21A/0042 as well as the permission granted under SD19A/0042. The Gas Plants that are subject of Condition no. 3 of the permission under Reg. Ref. SD21A/0042 to be amended are suitably identified.
- As per article 22(2)(iv), the site notice positions (6 no.) are shown clearly on the Site Location Map and wider map as per the parent permission. These positions are conspicuous and meet the requirements of article 19(1)(c) as they are located at the existing main vehicular and pedestrian entrance to the site from a public road, and at the site itself fully in accordance with Article 19 of the Regulations. The site notices are on yellow paper in accordance with Article 19(4) of the Regulations as the site incorporates the site of the application made under Reg. Ref. SD22A/0105.
- All other statutory plans, elevations and sections, unless otherwise stated, are drawn to scales of not less than 1:200, in accordance with Article 23(1)(b) and (2) of the Regulations. This ensures that a detailed level of information is provided to the Planning Authority to enable their full assessment of the application. As this application relates to an amendment of a condition that relates to the Gas Plant only, only elevations and floor plans of the Gas Plant are included as part of this application.
- The proposed floor and roof plans and elevations for the already permitted Gas Plant are indicated on drawings submitted with the application. These drawings show the levels pertaining to the site. Floor levels are shown on all plans, sections and elevations of the proposed development. All levels are relative to Ordnance Survey Datum.
- As the scale of the overall development is such that at a scale of 1:200 the contiguous elevations do not fit onto an A0 plan we have submitted two contiguous elevations, as agreed with Tracy McGibbon (acting SEP) prior to making of the parent application, at 1:750 on an A0 drawing. The Gas Plant that is subject to Condition 3 of the parent permission is shaded in cream on this contiguous elevation drawing.
- The principal dimensions including height of the different elements of the already permitted development and the site are indicated on the plans, elevations and sections as lodged with this application in accordance with article 23(1)(f).
- All drawings are clearly coloured and marked to distinguish the proposal, in accordance with article 23(1)(e).
- All OS mapping is appropriately identified in accordance with article 23(1)(g).
- The north point is indicated on all relevant maps and plans in accordance with article 23(1)(h).
- The newspaper notice appeared in the Irish Daily Mail, and which is recognised as an appropriate newspaper for a planning application in this area.
- The nature of the application (amendment of a condition of permission) does not fall into any of the specific classes of development under Section 2 of Schedule 9 of the Planning and Development Regulations 2001 (as amended). As no new works are proposed under this application, the application fee applicable must therefore be classed under Class 13 that requires a fee of €10 for each 0.1ha.. the overall application site is 22.1ha. and therefore the fee applicable is €2,210. Payment for this is made with the application. This fee was discussed with Zoe McCauley of the Planning Registry prior to making the application

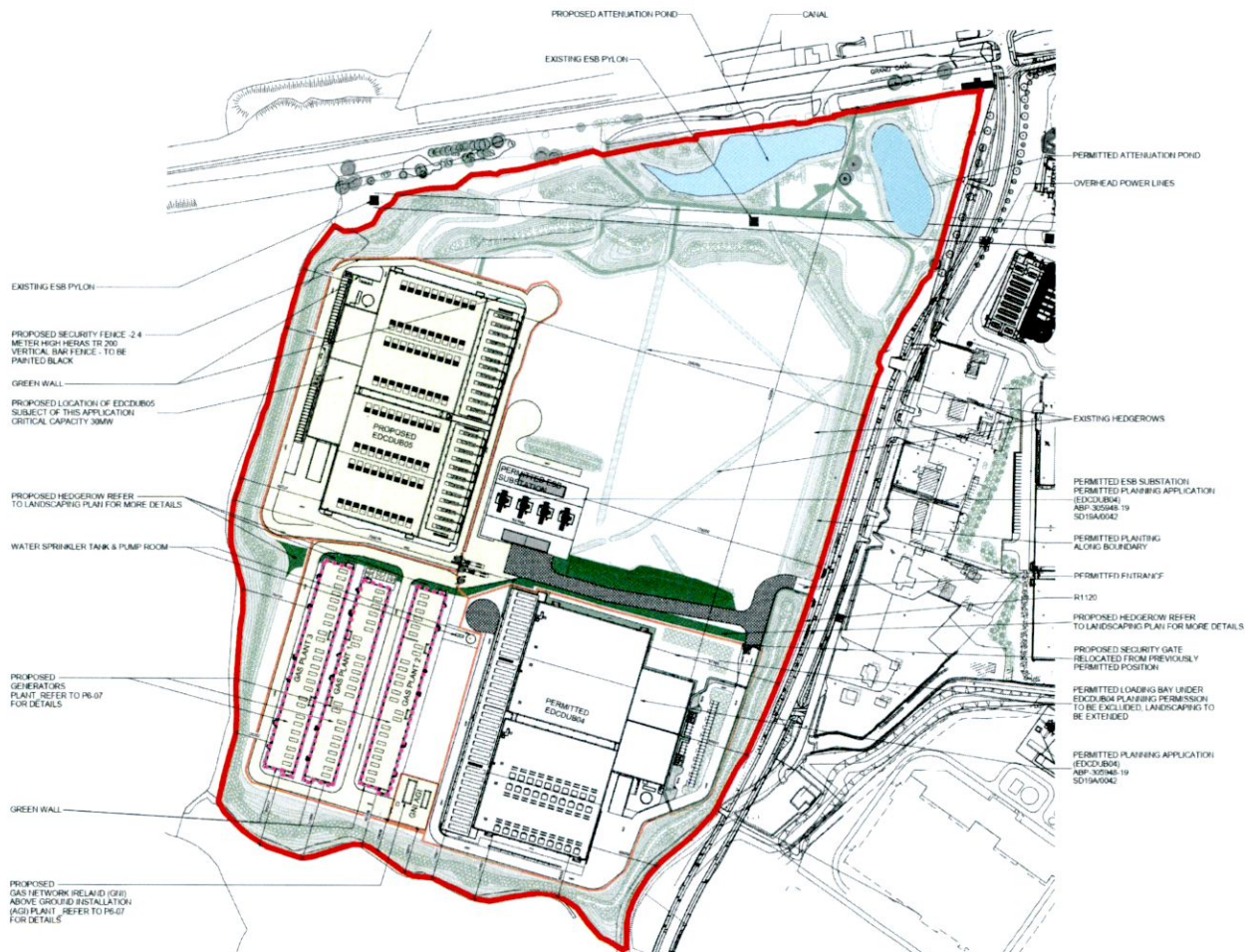
The legal interest of the applicant in making this application is fully set out in the application package. The applicant is in full ownership of the application site. The new Senior Executive Planner (Colm Harte) for the area was consulted prior to the making of this application, and without prejudice to the determination of this application, considered the revised wording acceptable in principle.

2. The amendment of condition no. 3 application in context

The permitted Data Centre and Gas Plant received its Final Grant of Permission under Reg. Ref. SD21A/0042 on the 24th March 2022. It was permitted to form Phase 2 of the overall development of a site of 22.1ha. to the immediate west of the recently realigned R120 within the townland of Ballymakailly, Lucan, Dublin 22. It is this permission that is subject of this amendment application.

The permitted Phase 2 of the development of the site, that is subject of this amendment application, was for two no. single storey data centres with associated office and service areas; and three no. gas powered generation plant buildings (Gas Plant) with an overall gross floor area of 24,487sqm. This now permitted development is located on the western side of the overall site and is shaded cream on the permitted site layout plan below. The permission also created a public park within the landscape buffer to the north of the overall site within the RU zone. Each of the Gas Plants that are subject of this amendment application is outlined in pink below. **No alteration to the nature and extent of the Gas Plant is proposed under this application.**

Phase 1 of the development of the site was granted under Reg. Ref. SD19A/0042 / ABP Ref. PL06S.305948 on the 5th 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 that had an overall gross floor area of 17,685sqm. This Phase 1 development, included the master planning of the landscaping of the entire site so that it created a landscape and biodiversity corridor around the site.



Permitted site layout plan with data centre and gas plants granted under Reg. Ref. SD21A/0042 shaded cream; and the previously permitted data centre as granted under SD19A/0042 to the south-east of the site not shaded. The Gas Plants subject of this amendment application are outlined in pink.

South Dublin County Development Plan 2016-2022

The South Dublin County Development Plan remains the statutory planning document that covers the entire South Dublin administrative area. The Plan was adopted in June 2016. The Gas Plants of the Permitted

Development are 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.”

There are no new works proposed under this application. 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 already permitted Gas Plants that this amendment application relates to are located within this zoning that will contain the already permitted landscape berms and the attenuation ponds; as well as a public park.

3. Function of the Gas Plant

The function of the Gas Plant is not proposed to be altered under this application beyond the need to reapply for its continued use within five years, and the need for its use to cease otherwise. Under the original application; response to the Additional Information request and the Clarification of the Additional Information the function of the Gas Plant was set out under Reg. Ref. SD21A/0042. This led to the positive grant of permission that is now the subject of this amendment of Condition no. 3 of this permission.

The various responses set out that the function of the Gas Plant sought to address and balance the development with climate action and resilience. As outlined under the Clarification of Additional Information response under the parent permission, our client 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 was accepted by the Planning Authority in reaching a decision to grant permission under Reg. Ref. SD21A/042.

As outlined under the parent permission 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 2021 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.

As recognised in the positive decision of the Planning Authority 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.

We refer the Planning Authority to the fact that no alterations to the function of the Gas Plant, beyond those imposed under Condition 3(ii) and 3(iii) are sought to be amended under this application.

4. Nature and extent of amendment of Condition no. 3 (ii) and 3(iii) of the parent permission under Reg. Ref. SD21A/0042

The need to amend conditions 3(ii) and 3(iii) of the parent permission, and 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 Final Grant of Permission of South Dublin County Council issued on the 24th March 2022 and outline our response to each element in turn.

Amendment of condition no. 3 (ii) and 3(iii)

Whilst clearly welcoming in principle the positive decision of the Planning Authority in respect of this development, we are seeking that the Council 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 note that the condition was attached to the permission at a time of significant uncertainty and prior to the Policy Statement of Security of Electricity Supply issues by the Government in November 2021; and the CRU Direction of November 2021 to EirGrid and ESBN (that stipulated that data centres can connect to transmission and distribution grid) Direction under S34(1) of the Electricity Regulation Act 1999, as amended.

We note that the consideration of this matter within the Chief Executive's Order having regard to our response to the request for Clarification of Additional Information stated:

*"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 2021.

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 both welcomes 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 unwarranted 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 gas is identified as playing an important role in transitioning to a more renewable based energy sector.

We respectfully submit that there is a need for conditions to be reasonable. In this instance we note that the principle of the now permitted development has been deemed as acceptable and we submit that the wording of the condition will be overly restrictive and adds significant risk to attracting potential end users. In this regard we note that this condition, or a similar worded condition was not attached to other similar applications subsequently, such as under Reg. Ref. SD21A/00241. It is also not in accordance with current Government, CRU and Eirgrid policy relating to these forms of development.

The current wording of the condition requires 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.

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. 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 our client 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 appropriate, in our considered opinion, to amend the condition of the parent permission so that the power plant is not subject to the five year caveat.

Furthermore, we submit that high efficiency gas, as is proposed to be used for the Gas 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 parent permission being granted.

5. Conclusion

We respectfully submit that as stated previously, the applicant welcomes in principle the decision of South Dublin County Council to grant the parent permission, subject to conditions, under Reg. Ref. SD21A/0042. However, as elaborated upon above we respectfully request the following amendments under this application. We respectfully request that Condition no. 3(ii) and 3(iii) shall be amended based on the evidence submitted with this application as follows:

Condition no. 3(ii)

Within four (4) years from the date the first Gas Plant 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)

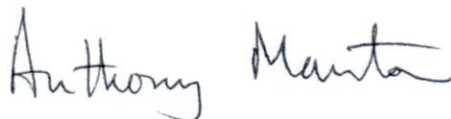
If the applicant receives a firm offer from Eirgrid under which the Gas Plant is not required, and the connection has been realized with capacity onsite from Eirgrid, then the Gas Plants shall be removed from the entire site within a year of the ceasing of operation.

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, and removes the uncertainty from the decision for the applicant and potential end users.

In conclusion, for all of the foregoing arguments, reason and considerations, we respectfully request South Dublin County Council to accept the contents of this amendment application, and to assess the subject development on its own individual merits and to grant planning permission to amend condition no. 3 (ii) and (iii) to the Final Grant of permission which issued from the Planning Authority on the 24th March 2022, and to grant planning permission for the amendments, as cited above, on the basis that by their nature and extent, it will ensure that the already permitted development 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,



Anthony Marston (MIPI, MRTPI)
Marston Planning Consultancy