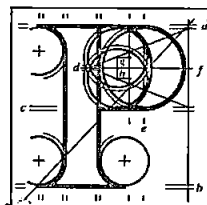


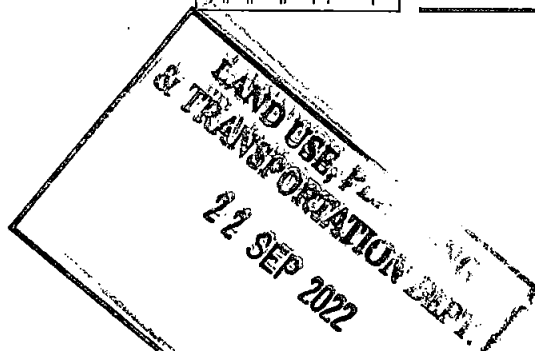
Our Case Number: ABP-314646-22

Planning Authority Reference Number: SD22A/0289



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 21 September 2022

Re: The development will consist of the amendment of Condition no. 3 (ii) and 3 (iii) of the permission granted under Reg. Ref. SO21A/0042 that related to the Gas Plant of the overall permitted development only. 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.
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).

Please be advised that the Board will consider the validity of the appeal and will revert to you in due course.

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,

Tel	Tel	(01) 858 8100
Glaó 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

- (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,
- (vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,
- (viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,
- (ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,
- (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,
- (xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

- a) Certified Manager's Order,
- b) the site location, site layout maps, all plans and
- c) particulars and all internal reports.
- d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

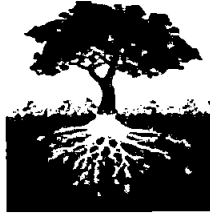
Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

Teil	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1890 275 175
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D01 V902	D01 V902



Sustainability 2050

10 The Cloisters, Kells, Co Meath. A82C9Y7 086 8731707 caogafiche@gmail.com

Promoting sustainability, efficient energy use, environmental protection, and community well-being

The Secretary of An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01V902,
September 15th 2022

AN BORD PLEANÁLA	
LDG-	<u>017 855-22</u>
ABP-	_____
19 SEP 2022 ^{GR}	
Fee: €	<u>220</u> Type: <u>Cash</u>
Time:	<u>15:39</u> By: <u>havel</u>

Re: Section 37 (4) c Of the Planning and Development Act 2000 as amended, Third Party Appeal to An Bord Pleanála of the Decision by South Dublin County Council to grant, planning permission for development on 22/08/2022, by Manager Order Reference PR/1082/22 file SD22A/0289 amending Condition no. 3 (ii) and 3 (iii) of the parent permission granted under Reg. Ref. SO21A/0042 which was accompanied by

Planning Application Reference: SD22A/0289

an E.I.A.R

Development Address: Site within the townland of Ballymakailly, West of Newcastle Road (R120), Lucan, Co. Dublin

Applicant: EdgeConneX Ireland Limited

Appellant: Sustainability 2050, 10 The Cloisters, Oldcastle Road, Kells, Co Meath A82C9Y7

Appellant Address: Sustainability 2050, 10 The Cloisters, Oldcastle Road, Kells, Co Meath A82C9Y7

Address for correspondence: John Callaghan, Sustainability 2050, 10The Cloisters, Oldcastle Road, Kells, Co Meath A82C9Y7

Development description: *The development will consist of the amendment of Condition no. 3 (ii) and 3 (iii) of the permission granted under Reg. Ref. SO21A/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.

Dear Secretary,

The Board are petitioned to refuse permission for the development on grounds set out in the following pages.

The Appeal is laid out in the following format:

- 1.0 The Legal Basis for the Appeal
- 2.0 The Standing of the Appellant
- 3.0 Introduction (A Simplified explanation of why the Grant of Permission is Flawed.)
- 4.0 The EU Energy Context
- 5.0 Energy and Climate Policy & Law
- 6.0 The Specific Grounds of Appeal
- 7.0 Enclosures

1.0 The Legal Basis for the Appeal

This appeal is made under section 37.4 of the planning and development act 2000 as amended.

(4) (a) Notwithstanding subsection (1), where in accordance with the permission regulations any prescribed body is entitled to be given notice of any planning application, that body shall be entitled to appeal to the Board before the expiration of the appropriate period within the meaning of that subsection where the body had not been sent notice in accordance with the regulations.

(b) The Board may dismiss any appeal made under paragraph (a) where it considers the body concerned was not entitled to be sent notice of the planning application in accordance with the permission regulations.

F329(c) Notwithstanding subsection (1), a body or organisation referred to in paragraph (d) shall be entitled to appeal to the Board against a decision by a planning authority on an application for development (being development in respect

of which an F330[environmental impact assessment report] was required to be submitted to the planning authority in accordance with section 172) before the expiration of the appropriate period within the meaning of that subsection.

(d) The body or organisation mentioned in paragraph (c) is a body or organisation (not being a State authority, a public authority or a governmental body or agency)—

(i) the aims or objectives of which relate to the promotion of environmental protection,

(ii) which has, during the period of 12 months preceding the making of the appeal, pursued those aims or objectives, and

(iii) which satisfies such additional requirements (if any) as are prescribed under paragraph (e).

2.0 The Standing of the Appellant

Sustainability 2050 is a qualifying NGO under section 37.4 (d).

Sustainability's Objectives include promoting:

- sustainability,
- efficient energy use,
- environmental protection,
- human wellbeing.

3 pages are attached at the end section 7.0 demonstrating Sustainability 2050 as active for more than one year.

3.0 Introduction (A Simplified explanation of why the Grant of Permission is Flawed.)

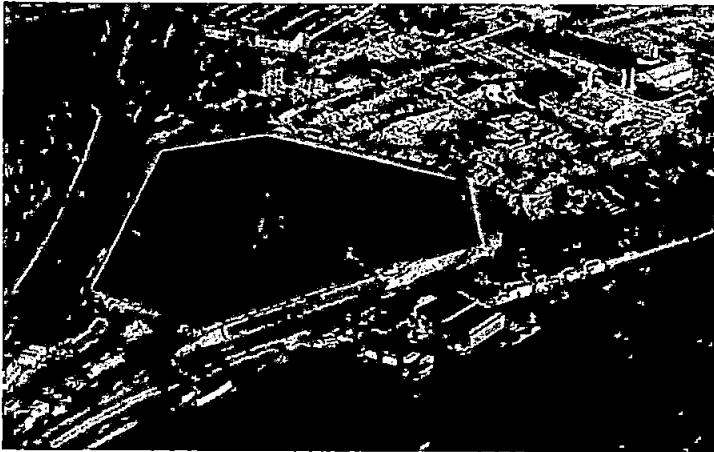
The effect the planning grant is to permit substantial scale power generation fuelled by natural gas at a location which does not avail co-generation to maximise power generation efficiency and hence reduce the demand for natural gas and other fossil fuels. If it is simply cheaper to burn gas in turbines to generate electricity without the necessity to capture waste heat and use it usefully for heating, bearing in mind that the heating sector is a major consumer of energy in Ireland.

Data Centres are very important to the Irish and European Economy as well as the World Economy. It is not suggested that the data centres should not be permitted, nor that they should only run on renewable energy which is of course a variably and intermittently available resource in Ireland. This appeal is not about making a case that Ireland is hosting too many data centres.

There is no difficulty in Ireland hosting large percentages of the EU located data sector, but proposals should accord with EU Energy and Climate Policy and Law.

Obviously the Grid is an effective and efficient way of delivering renewable electricity to commercial and domestic consumers. However when renewable output is low the use of Co Generation plants that are located to recover store and usefully use waste heat have advantages over traditional stand alone generation plants be they Coal Fired Combined

Cycle Type plants, or Combined Cycle Gas Turbines, which cannot recover and usefully use the waste heat from the transition of primary energy to electricity.



Inter-seasonal Heat Storage is already a demonstrated viable technology in Europe.

The Data Centre sector is very substantial in Ireland with the Irish Times reporting as follows on May 11, 2021

"70 operational data centres in Ireland using 900 megawatts (MW), with eight under construction with 250MW usage. Most are concentrated around Dublin which has become the largest data centre hub in Europe."

That is a scale of operation that would require a large Nuclear Plant if emissions of the order of 35 grams of CO₂ / kWh were to be targeted, a level that is a fraction of the CO₂ intensity of the Irish Grid with renewables. The Objective of the EU policy framework is to achieve Carbon Neutrality not necessarily by meeting electricity demand by renewables. The Nuclear option for Ireland is either generate nuclear or import nuclear. Ireland's stance on nuclear energy is a disadvantage for locating the lucrative though power-hungry data sector in Ireland.

By overlooking energy efficiency measures in the data sector Ireland is effectively offering a subsidy or State Aid to the Data Sector located in Ireland. This is one of the real reasons for the success of the Irish Data Sector.

4.0 The EU Energy Context

Unfortunately, The EU faces an immediate energy shortage due to war in Europe that is of an indeterminate duration. Many of Europe's Chemical Fertilizer Plants are shut down leading to a shortage of fertilizer which will reduce food output. We cannot afford to waste energy in Ireland in either the immediate, intermediate or longer term.

5.0 EU Energy and Climate Policy and related Law

The European Climate Law [Search for available translations of the preceding linkEN...](#) writes into law the goal set out in the European Green Deal [Search for available translations of the preceding linkEN...](#) for Europe's economy and society to become climate-neutral by 2050 [Search for available translations of the preceding linkEN...](#). The law also sets the intermediate target of reducing net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels.

Climate neutrality by 2050 means achieving net zero greenhouse gas emissions for EU countries as a whole, mainly by cutting emissions, investing in green technologies and protecting the natural environment.

The law aims to ensure that all EU policies contribute to this goal and that all sectors of the economy and society play their part.

Objectives

- *Set the long-term direction of travel for meeting the 2050 climate neutrality objective through all policies, in a socially fair and cost-efficient manner*
- *Set a more ambitious EU 2030 target, to set Europe on a responsible path to becoming climate-neutral by 2050*
- *Create a system for monitoring progress and take further action if needed*
- *Provide predictability for investors and other economic actors*
- *Ensure that the transition to climate neutrality is irreversible*

Key elements

The European Climate Law sets a legally binding target of net zero greenhouse gas emissions by 2050. The EU Institutions and the Member States are bound to take the necessary measures at EU and national level to meet the target, taking into account the importance of promoting fairness and solidarity among Member States.

The Climate Law includes measures to keep track of progress and adjust our actions accordingly, based on existing systems such as the governance process[Search for available translations of the preceding linkEN⁰⁰⁰](#) for Member States' national energy and climate plans[Search for available translations of the preceding linkEN⁰⁰⁰](#), regular reports by the European Environment Agency, and the latest scientific evidence on climate change and its impacts.

Progress will be reviewed every five years, in line with the global stocktake exercise under the Paris Agreement.

The Climate Law also addresses the necessary steps to get to the 2050 target:

- *Based on a comprehensive impact assessment, the EU has set a new target for 2030 of reducing net greenhouse gas emissions by at least 55% compared to levels in 1990. The new EU 2030 target is included in the Law.*
- *In July 2021, the Commission adopted a series of proposals[Search for available translations of the preceding linkEN⁰⁰⁰](#) to revise all relevant policy instruments to deliver the additional emissions reductions for 2030.*
- *The Law also includes a process for setting a 2040 climate target.*

The Climate Law includes:

- *a legal objective for the Union to reach climate neutrality by 2050*
- *an ambitious 2030 climate target of at least 55% reduction of net emissions of greenhouse gases as compared to 1990, with clarity on the contribution of emission reductions and removals*
- *recognition of the need to enhance the EU's carbon sink through a more ambitious LULUCF regulation, for which the Commission made a proposal in July 2021*

- *a process for setting a 2040 climate target, taking into account an indicative greenhouse gas budget for 2030-2050 to be published by the Commission*
 - *a commitment to negative emissions after 2050*
 - *the establishment of European Scientific Advisory Board on Climate Change, that will provide independent scientific advice*
 - *stronger provisions on adaptation to climate change*
 - *strong coherence across Union policies with the climate neutrality objective*
 - *a commitment to engage with sectors to prepare sector-specific roadmaps charting the path to climate neutrality in different areas of the economy*
- Formal adoption*

The European Climate Law was published in the Official Journal on 9 July 2021 and entered into force on 29 July 2021.

Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law')

Article 4 EU 2021/1119 Intermediate Union climate targets

1. In order to reach the climate-neutrality objective set out in Article 2(1), the binding Union 2030 climate target shall be a domestic reduction of net greenhouse gas emissions (emissions after deduction of removals) by at least 55 % compared to 1990 levels by 2030. When implementing the target referred to in the first subparagraph, the relevant Union institutions and the Member States shall prioritise swift and predictable emission reductions and, at the same time, enhance removals by natural sinks. In order to ensure that sufficient mitigation efforts are deployed up to 2030, for the purpose of this Regulation and without prejudice to the review of Union legislation referred to in paragraph 2, the contribution of net removals to the Union 2030 climate target shall be limited to 225 million tonnes of CO₂ equivalent. In order to enhance the Union's carbon sink in line with the objective of achieving climate neutrality by 2050, the Union shall aim to achieve a higher volume of its net carbon sink in 2030.

6.0 The Specific Grounds of Appeal

6.1 The planning authority must assess the application in accordance the Planning and Development Regulations 2001 to 2022.

6.2 The Planning Authority must assess the application in accordance with the Planning and Development Act 2000 as amended.

6.3 The Panning Authority must assess the application in accordance with the EIA Directive.

6.4 The Planning Authority must assess the application in accordance with the Habitats Directive.

6.5 The Planning Authority must assess the application in accordance with the Energy Efficiency Directive as recast in 2018 so far as it is transposed into Irish Law and in accordance with the direct effect of the directive in relation to elements not transposed into Irish Law.

6.6 The Planning Authority must assess the application in accordance with the Waste Framework Directive in so far as it is transposed into Irish Law and in accordance with the direct effect of the directive in relation to elements not transposed into Irish Law.

6.7 The Planning Authority must have regard to the Carbon Capture Directive and acknowledge the role of carbon capture within the EU's intermediate and long-term climate targets.

6.8 The Planning Authority must have regard Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law')

6.9 The Planning Authority is referred to the Recast Renewable Energy Directive 2018 and the following Recitals:

(33) In order to function, heat pumps enabling the use of ambient and geothermal energy at a useful temperature level or systems providing cooling need electricity or other auxiliary energy. The energy used to drive those systems should therefore be deducted from the total usable energy or energy removed from the area. Only heating and cooling systems where the output or energy removed from an area significantly exceeds the primary energy needed to drive them should be taken into account. Cooling systems contribute to energy use in Member States and it is therefore appropriate that the calculation methods take into account the share of renewable energy used in such systems in all end-use sectors.

(45) The coherence between the objectives of this Directive and the Union's other environmental law should be ensured. In particular, during assessment, planning or licensing procedures for renewable energy installations, Member States should take account of all Union environmental law and the contribution made by energy from renewable sources towards meeting environmental and climate change objectives, in particular when compared to non-renewable energy installations.

(48) In order to facilitate and accelerate the setting of minimum levels for the use of energy from renewable sources in buildings, the calculation of those minimum levels in new and existing buildings subject to major renovation should provide a sufficient basis for assessing whether the inclusion of minimum levels of renewable energy is technically, functionally and economically feasible. Member States should allow, inter alia, the use of efficient district heating and cooling or, where district heating and cooling systems are not available, other energy infrastructure to fulfil those requirements.

(49) To ensure that national measures for developing renewable heating and cooling are based on comprehensive mapping and analysis of the national renewable and waste energy potential and that such measures provide for increased integration of renewable energy, by supporting, inter alia, innovative technologies such as heat pumps, geothermal and solar thermal technologies, and waste heat and cold, it is appropriate to require that Member States carry out an assessment of their potential of energy from renewable sources and the use of waste heat and cold in the heating and cooling sector, in particular to promote energy from renewable sources in heating and cooling installations and promote competitive and efficient district heating and cooling. To ensure consistency with energy efficiency requirements for heating and cooling and reduce administrative burden, that assessment should be included in the comprehensive assessments carried out and notified in accordance with Article 14 of Directive 2012/27/EU of the European Parliament and of the Council (12).

(77) The potential synergies between an effort to increase the uptake of renewable heating and cooling and the existing schemes under Directive 2010/31/EU of the European Parliament and of the Council (14) and Directive 2012/27/EU should be emphasised. Member States should, to the extent possible, have the possibility to use existing administrative structures to implement such effort, in order to mitigate the administrative burden.

(78) In the area of district heating, it is therefore crucial to enable the fuel-switching to energy from renewable sources and prevent regulatory and technology lock-in and technology lock-out through reinforced rights for renewable energy producers and final consumers, and bring the tools to final consumers to facilitate their choice between the highest energy-performance solutions that take into account future heating and cooling needs in accordance with expected building performance criteria. Final consumers should be given transparent and reliable information on the efficiency of district heating and cooling systems and the share of energy from renewable sources in their specific heating or cooling supply.

(79) In order to protect consumers of district heating and cooling systems that are not efficient district heating and cooling systems and to allow them to produce their heating or cooling from renewable sources and with significantly better energy performance, consumers should be entitled to disconnect and thus discontinue the heating or cooling service from non-efficient district heating and cooling systems at a whole building level by terminating their contract or, where the contract covers several buildings, by modifying the contract with the district heating or cooling operator.

(98) Land should not be converted to accommodate the production of agricultural raw material for biofuels, bioliquids and biomass fuels if its carbon stock loss upon conversion could not, within a reasonable period, taking into account the urgency of tackling climate change, be compensated for by the greenhouse gas emission savings resulting from the production and use of biofuels, bioliquids and biomass fuels. This would prevent

unnecessary, burdensome research by economic operators and the conversion of high-carbon-stock land that are demonstrated to be ineligible for producing agricultural raw materials for biofuels, bioliquids and biomass fuels. Inventories of worldwide carbon stocks indicate that wetlands and continuously forested areas with a canopy cover of more than 30 % should be included in that category.

Comment: Recital 98 limits the possibilities for producing green gas in Ireland by growing biomass as feedstock for bio-digestion. Hence the reason more emphasis should be placed on waste heat recovery and district heating.

(100) Agricultural feedstock for the production of biofuels, bioliquids and biomass fuels should be produced using practices that are consistent with the protection of soil quality and soil organic carbon. Soil quality and soil carbon should therefore be included in monitoring systems of operators or national authorities.

Comment: Planning Conditions mandating use of green gas have the potential to cause adverse climate impact.

(104) In order to minimise the administrative burden, the Union sustainability and greenhouse gas emissions saving criteria should apply only to electricity and heating from biomass fuels produced in installations with a total rated thermal input equal to or exceeding 20 MW.

Comment: The application does not quantify the Primary Energy Input in relation to the onsite generation.

(105) Biomass fuels should be converted into electricity and heat in an efficient way in order to maximise energy security and greenhouse gas emissions savings, as well as to limit emissions of air pollutants and minimise the pressure on limited biomass resources.

Comment: Even if the onsite generators are to run on renewable fuel there is still a need to consider energy efficiency and avoid wasting heat.

(114) If land with high stocks of carbon in its soil or in its vegetation is converted for the cultivation of raw materials for biofuels, bioliquids and biomass fuels, some of the stored carbon will generally be released into the atmosphere, leading to the formation of carbon dioxide (CO₂). The resulting negative greenhouse gas impact can offset the positive greenhouse gas impact of the biofuels, bioliquids or biomass fuels, in some cases by a wide margin. The full carbon effects of such conversion should therefore be taken into account in calculating the greenhouse gas emissions savings of particular biofuels, bioliquids and biomass fuels. This is necessary to ensure that the greenhouse gas emissions saving calculation takes into account the totality of the carbon effects of the use of biofuels, bioliquids and biomass fuels.

Comment: The proposal to utilise green gas in future should be explored in relation to environmental impact during the evaluation and assessment of the application.

The following definitions from Article 2 of the Renewable Energy Directive 2018 are relevant:

The following definitions also apply:

(1) 'energy from renewable sources' or 'renewable energy' means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and geothermal energy, ambient energy, tide, wave and other ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas, and biogas;

(19) 'district heating' or 'district cooling' means the distribution of thermal energy in the form of steam, hot water or chilled liquids, from central or decentralised sources of production through a network to multiple buildings or sites, for the use of space or process heating or cooling;

(20) 'efficient district heating and cooling' means efficient district heating and cooling as defined in point (41) of Article 2 of Directive 2012/27/EU;

(21) 'high-efficiency cogeneration' means high-efficiency cogeneration as defined in point (34) of Article 2 of Directive 2012/27/EU;

(22) 'energy performance certificate' means energy performance certificate as defined in point (12) of Article 2 of Directive 2010/31/EU;

(23) 'waste' means waste as defined in point (1) of Article 3 of Directive 2008/98/EC, excluding substances that have been intentionally modified or contaminated in order to meet this definition;

(24) 'biomass' means the biodegradable fraction of products, waste and residues from biological origin from agriculture, including vegetal and animal substances, from forestry and related industries, including fisheries and aquaculture, as well as the biodegradable fraction of waste, including industrial and municipal waste of biological origin;

Article 24 (of the Renewable Energy Directive)

District heating and cooling

1. Member States shall ensure that information on the energy performance and the share of renewable energy in their district heating and cooling systems is provided to final consumers in an easily accessible manner, such as on the suppliers' websites, on annual bills or upon request.

2. Member States shall lay down the necessary measures and conditions to allow customers of district heating or cooling systems which are not efficient district heating and cooling systems, or which are not such a system by 31 December 2025 on the basis of a plan approved by the competent authority, to disconnect by terminating or modifying their contract in order to produce heating or cooling from renewable sources themselves.

Where the termination of a contract is linked to physical disconnection, such a termination may be made conditional on compensation for the costs directly incurred as a result of the

physical disconnection and for the undepreciated portion of assets needed to provide heat and cold to that customer.

3. Member States may restrict the right to disconnect by terminating or modifying a contract in accordance with paragraph 2 to customers who can demonstrate that the planned alternative supply solution for heating or cooling results in a significantly better energy performance. The energy-performance assessment of the alternative supply solution may be based on the energy performance certificate.

4. Member States shall lay down the necessary measures to ensure that district heating and cooling systems contribute to the increase referred to in Article 23(1) of this Directive by implementing at least one of the two following options:

(a) Endeavour to increase the share of energy from renewable sources and from waste heat and cold in district heating and cooling by at least one percentage point as an annual average calculated for the period 2021 to 2025 and for the period 2026 to 2030, starting from the share of energy from renewable sources and from waste heat and cold in district heating and cooling in 2020, expressed in terms of share of final energy consumption in district heating and cooling, by implementing measures that can be expected to trigger that average annual increase in years with normal climatic conditions.

Member States with a share of energy from renewable sources and from waste heat and cold in district heating and cooling above 60 % may count any such share as fulfilling the average annual increase referred to in the first subparagraph of this point.

Member States shall lay down the necessary measures to implement the average annual increase referred to in the first subparagraph of this point in their integrated national energy and climate plans pursuant to Annex I to Regulation (EU) 2018/1999.

(b) Ensure that operators of district heating or cooling systems are obliged to connect suppliers of energy from renewable sources and from waste heat and cold or are obliged to offer to connect and purchase heat or cold from renewable sources and from waste heat and cold from third-party suppliers based on non-discriminatory criteria set by the competent authority of the Member State concerned, where they need to do one or more of the following:

(i) meet demand from new customers;

(ii) replace existing heat or cold generation capacity;

(iii) expand existing heat or cold generation capacity.

5. Where a Member State exercises the option referred to in point (b) of paragraph 4, an operator of a district heating or cooling system may refuse to connect and to purchase heat or cold from a third-party supplier where:

(a) the system lacks the necessary capacity due to other supplies of waste heat and cold, of heat or cold from renewable sources or of heat or cold produced by high-efficiency cogeneration;

(b) the heat or cold from the third-party supplier does not meet the technical parameters necessary to connect and ensure the reliable and safe operation of the district heating and cooling system; or

(c) the operator can demonstrate that providing access would lead to an excessive heat or cold cost increase for final customers compared to the cost of using the main local heat or cold supply with which the renewable source or waste heat and cold would compete.

Member States shall ensure that, when an operator of a district heating or cooling system refuses to connect a supplier of heating or cooling pursuant to the first subparagraph, information on the reasons for the refusal, as well as the conditions to be met and measures to be taken in the system in order to enable the connection, is provided by that operator to the competent authority in accordance with paragraph 9.

6. Where a Member State exercises the option referred to in point (b) of paragraph 4, it may exempt operators of the following district heating and cooling systems from the application of that point:

(a) efficient district heating and cooling;

(b) efficient district heating and cooling that exploits high-efficiency cogeneration;

(c) district heating and cooling that, on the basis of a plan approved by the competent authority, is efficient district heating and cooling by 31 December 2025;

(d) district heating and cooling with a total rated thermal input below 20 MW.

7. The right to disconnect by terminating or modifying a contract in accordance with paragraph 2 may be exercised by individual customers, by joint undertakings formed by customers or by parties acting on behalf of customers. For multi-apartment blocks, such disconnection may be exercised only at a whole building level in accordance with the applicable housing law.

8. Member States shall require electricity distribution system operators to assess at least every four years, in cooperation with the operators of district heating or cooling systems in their respective area, the potential for district heating or cooling systems to provide balancing and other system services, including demand response and storing of excess electricity from renewable sources, and whether the use of the identified potential would be more resource- and cost-efficient than alternative solutions.

9. Member States shall ensure that the rights of consumers and the rules for operating district heating and cooling systems in accordance with this Article are clearly defined and enforced by the competent authority.

10. A Member State shall not be required to apply paragraphs 2 to 9 of this Article where:

(a) its share of district heating and cooling is less than or equal to 2 % of the overall consumption of energy in heating and cooling on 24 December 2018;

(b) its share of district heating and cooling is increased above 2 % by developing new efficient district heating and cooling based on its integrated national energy and climate plan pursuant to Annex I to Regulation (EU) 2018/1999 or the assessment referred to in Article 15(7) of this Directive; or

(c) its share of systems referred to in paragraph 6 of this Article constitutes over 90 % of total sales of its district heating and cooling.

6.10 The geographic location of the proposed generators raises issues relating to alternatives and alternative locations. Piping recovered waste heat from cogeneration from the Data Centre complex to locations where it could be usefully used is an option. A second reasonable option is locating the generation plant adjacent to a location with heat demand, and transmitting the electricity to the data centre. The CRU can issue permits.

6.11 The presumption that data centres can be grid fed with power on a 24-7-365 basis must take account of the energy transition planned by the EU. Feeding the Data centre when the grid is renewable rich with low CO₂ intensity electricity is well and good subject to the Data centre maximising energy efficiency to minimise demand. Ireland has very little co-generation infrastructure which can recover waste heat to usefully use 90% of the primary energy input.

There is no information submitted in the application dealing with technologies to minimise electricity demand.

The Grid Electricity Sector is not well placed to generate additional back-up power when the renewable output is low or at a minimum. Distributed Generation utilising cogeneration technology has advantages over traditional Stand Alone CCGT Plants. Utilising peaking plant extensively such as OCGT is terribly inefficient with many open cycle gas turbines operating at efficiencies of just above 30%.

6.12 In addition to its medium and longer 2050 objective on a climate neutrality the EU is facing an immediate energy crisis in a situation where the availability of electricity cannot be presumed or guaranteed. Precious energy resources cannot be wasted through inefficient use in the short, medium or long term.

6.13 The documentation submitted with the application is insufficient in its nature extent and scope such that the planning authority does not have enough information before it to make a reasoned decision.

6.14 The Newspaper Notice does not meet the legal requirements.

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and gates and all associated site works for Laragh, 13 Sichester Rd, Glanageary, Dublin, A96 X0H6 by Staphano Vigneron.
The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority, County Hall, Dun Laoghaire during its public opening hours.
A submission/observation may be made on payment of €20 within a period of 5 weeks from the date the application is received by the planning authority.

DUN LAOGHAIRE RATHDOWN COUNTY COUNCIL

I, Dermot Kealy, intend to apply for Permission for development at this site, 20 Elton Park, Sandycove, Co. Dublin, A96 X382. The development will consist of modifications to a previously approved development register reference number D21B0613:
(1) Lowering of sill to existing east facing window open to provide french doors, (2) Alter existing north facing window open to provide a new door (3) Provision of a roof terrace over existing flat roof, (4) The provision of a fully opaque glazed screen 1.8m high above existing roof terrace level.
This planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority, County Hall, Dun Laoghaire during its public opening hours. A submission/observation may be made on payment of €20 within a period of 5 weeks from the date the application is received by the planning authority.

SOUTH DUBLIN COUNTY COUNCIL

We, EdgeConnoX Ireland Limited are applying for permission for development at this site of 22.1 hectares that is located within the townland of Ballymakilly 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 timeframe 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. This application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of South Dublin County Council during its public opening hours of 9am - 4pm, Mon-Fri, and a submission or observation may be made to South Dublin County Council in writing and on payment of the prescribed fee (€20.00) within the period of 5 weeks beginning on the date of receipt by South Dublin County Council of the application.

DUBLIN CITY COUNCIL

I, Jake Regazzoli of 11 Newtown Cottages, Coolock, Dublin 17, D17 AV24, intend to apply for permission for a detached three bedroom two storey dormer style dwelling in garden at rear, New vehicular access to side and rear of existing dwelling and creation of area for off street parking to front of new dwelling and all associated site works.
This application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of Dublin City Council during its public opening hours and a submission or observation in relation

to the application authority in writing prescribed fee weeks beginning by the authority

DUBLIN CITY
We, MG Dove apply for to Du Planning Perm For developme 23-24, Mounta 6 & rear of I Cross Road.
The developme of Alterations to granted Permis The proposed of,

- Replacing 81 approved apa Townhouses, 1 to be 4 Storey gables and roc unit to compri each and 1 Parking Space on MountainV to be provided, level facing E2 Avenue and c be provided to property

• Alterations approved to alterations wo changes to the an escape in to the fourth elevation.
The planning inspected or p exceeding the making a copy, City Council, Block 4, Grosr Wood Quay, D opening hours A submission o to the applic in writing to l on payment (€20.00) within beginning on l the authority c such submiss will be consid authority in ma application. T nisy grant per without condit grant permissic Signed: Micha

6.15 The Planners Report Failed to assess the energy usage of the proposed development in accordance with law.

Energy Usage

It is noted that the CDP 2016-2028 includes a number of policies relating to energy, however, the principle of the development has been accepted and the application seeks to alter a condition. The proposed condition as worded, still has the potential to provide renewable energy in accordance with

E12 Objective 1:

To promote the generation and supply of low carbon and renewable energy alternatives.

Policy IE6: Electricity Infrastructure *Protect the existing electricity infrastructure and support the development of a safe, secure and reliable supply of electricity and the development of*

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Comhairle Chontae Atha Cliath Theas

PR/1082/22

Record of Executive Business and Chief Executive's Order

enhanced electricity networks as well as new transmission infrastructure projects subject to the relevant environmental assessments.

IE6 Objective 2:

To support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission / distribution of a renewable energy focused generation in line with RPO 10.22

There was no consideration of metrics such as:

- Heating, Ventilation and Air-Conditioning (HVAC) System Effectiveness
- Airflow Efficiency
- Cooling System Efficiency
- Rack Cooling Index (RCI) and Return Temperature Index (RTI)
- Energy Reuse Effectiveness (ERE)
- Power Usage Effectiveness (PUE) and Data Center Infrastructure Efficiency (DCiE)

There was no consideration of EU Energy and Climate Related Law or Resource Efficiency Law.

6.16 The Screening for Environmental Impact and Screening for Appropriate Assessment was flawed and insufficient.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

It is noted that a full EIAR was undertaken for SD21A/0042 and that the mitigation measures for this are required to be carried out via condition. A condition is recommended linking this application to the parent permission.

Screening for Appropriate Assessment

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

- There was no discussion as to the scale of the primary energy demand of the generation plant
- There was no discussion as to the electrical conversion efficiency of the generation plant.
- There was no discussion on the potential to recover waste heat nor on the suitability of the site location for the purpose of district heating.
- The decision is flawed in concluding that a permanent commitment was made to locating all of the original development under the parent grant permanently.
- The applicant's responsibility was to submit sufficient information as would describe the project such as would avail a comprehensive assessment as required by law.

6.17 The Planning Authority failed to provide a sufficiently reasoned basis for their decision.

6.18 There was a failure to assess cumulative impacts. Fossil Fuel extraction, processing and shipping has a substantial environmental footprint, and that footprint must be increased when energy efficiency measures are dispensed with.

6.19 The Planning Authority failed to seek additional information from the applicant which they could have done under Article 33.

7.0 See attachments

Enclosures

Page 1 AIE Application toto Meath County Council September 16th 2020

Page 1 Submission on Planning File 211263 Meath Coco July 30th 2021

Page 1 Submission Planning File File KA201190 Meath County Council October 5th 2020

Sustainability

2050



10 The Cloisters,
Kells, Co Meath.
A82C9Y7
086 8731707
caogafiche@gmail.com

Promoting

- sustainability,
- efficient energy use,
- environmental protection,
- human wellbeing.

5th October 2020

Planning Department
Meathcounty Council,
Buvinda House,
Navan Co Meath,
C15 Y291

Planning Submission: File KA201190

Development Address: Townparks, Oldcastle Road, Kells, Co. Meath

Development: *a social housing scheme of 35 No. Units on the lands to the rear/south of Saint Colmcilles Nursing Home and this development is intended to supersede the proposed 22No. Single storey 2 bedroom assisTownparks, Oldcastle Road, Kells, Co. Meath*ted living units granted permission on foot of Planning file reference KA110654. The 35 No. Units will consist of 10No. two storey semi- detached 3 bedroom units - 10No. two storey semi-detached 2 bedroom units - a two storey terrace of 3No. 2 bedroom units and 12No. Apartments in 3 two storey blocks of 4 units, each block containing a 2 bedroom apartment and 3 No. 1 bedroom apartments. The development will also include for all ancillary site development works including, 1. connection to public foul water sewerage system and disposal of storm-water to on-site soak pits and 2. upgrading the existing agricultural entrance on the Oldcastle Road and farm access road along the east boundary of the site and Saint Colmcilles Nursing Home to facilitate use for residential purposes and give direct access to the proposed development

Dear Sir Madam,

Please consider the following submission when determining the above application.

Part 1 Broad Policy matters and market conditions.

- 1) A Substantial amount of land has been unzoned in Kells

Sustainability 2050



10 The Cloisters, Kells, Co Meath. A82C9Y7 086 8731707 caogafiche@gmail.com

Promoting • sustainability. • efficient energy use. • environmental protection. • human wellbeing.

30th July 2021
The Planning Department
Meathcounty Council,
Buvinda House,
Navan Co Meath,
C15 Y291

Planning **Submission:** File 211263

Development Address:

Headfort Road, Townparks, Kells, Co Meath

Development: *the erection of 3 no. two storey dwelling houses each with a detached domestic garage. Also for a new shared site entrance onto the Headfort Road with a private driveway to serve each property and to connect to public foul sewer and existing public services and to include for all ancillary site works*

Dear Sir/Madam,

Please consider the following submission when determining the above application.

Sustainability 2050



10 The Cloisters, Kells, Co. Meath. A82C9Y7 caogafiche@gmail.com 086 8731707

Promoting sustainability, efficient energy use, environmental protection, human wellbeing.

September 16th, 2020

Freedom of Information Officer
Corporate Services Department
Meath County Council
Buvinda House
Dublin Road
Navan, County Meath
C15 Y291

Application for Environmental Information, under the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 (AIE Regulations) and Information affecting the person under the Freedom of Information Act 2014.

Purpose of the Request: The Information is sought for the purpose of availing the predicament of several residents living within a proximity of 1000 metres of the Teevurcher Windfarm who complain of suffering ongoing noise nuisance depriving them of sleep.

Background:

- 1) Meath County Council granted permission for development of a five turbine windfarm modelled at 8MW output under ka120679 wherein several homes were located at substantially less than the precautionary setback distance of 500 as set out in the much criticised 2006 Wind Energy Design Guidelines.
- 2) The windfarm was constructed with an output of 10.25MW with a licence at 10.25MW issued by CER. (generator licence and an authorisation to build licence)

Yours sincerely

A handwritten signature in black ink, appearing to read "John Callaghan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Callaghan for Sustainability 2050

ENDS