

REPORT OF THE TECHNICAL COMMITTEE ON OBJECTIONS TO PROPOSED DETERMINATION.

TO:	Directors
FROM:	Technical Committee Industrial Control & Environmental Regulation Programme
DATE:	10 September 2026
APPROVAL:	Brian Meaney
RE:	Objection to Proposed Determination for Amazon Data Services Ireland Limited Clonsaugh Business and Technology Park, Dublin 17, Dublin, D17 V303, IEL Reg: P1186-02

Application Details	
CLASSES OF ACTIVITY (UNDER EPA ACT 1992 AS AMENDED):	2.1 Combustion of fuels in installations with a total rated thermal input of 50 MW or more.
APPLICATION RECEIVED:	31 July 2024
PD ISSUED:	30 April 2026
FIRST PARTY OBJECTION RECEIVED:	1
THIRD PARTY OBJECTION RECEIVED:	0
SUBMISSIONS ON OBJECTIONS RECEIVED:	0

1 Company

The licence review application relates to an expansion of an existing data centre to include two new data storage buildings (Building U and V) resulting in the inclusion of an additional 12 back-

up generators, to supply power to the operations of the site should there be an interruption in supply of power from the national grid. The changes proposed will bring the total number of back-up generators on site to 52 and the total number of data storage buildings to five (Building U, V, W, X, and Y); as a result of the change the combined thermal input from the combustion plant will increase from 219.12 MW_{th} to 290.95 MW_{th}.

There was one submission received in relation to the application, and this was considered by the Board at PD stage.

2 Consideration of the Objection

The Technical Committee, comprising of Guy Price (Chair), and Eoin McCaffrey, has considered all of the issues raised in the objection and this report details the Committee's comments and recommendations following the examination of the objections and the documents associated with the industrial emissions licence application.

This report considers the first party objections received.

The points of objection raised are summarised below. However, the original objection should be referred to for greater detail and further expansion of particular points.

3 First Party Objection

The licensee has made seven main points of objection relating to specific Conditions and Schedules of the Proposed Determination (PD). The points of objection are dealt with in the order below.

A. Condition No. 3.13.6, Firewater retention, requirement for automatic diversion

The licensee objects to the condition because it imposes a requirement to install automatic diversion of storm water in the event of a fire or a spillage at the site. The licensee states that any requirement for the automatic diversion of firewater should be determined via risk assessment, as required by Condition 3.13.1 to 3.13.5 of the PD. The licensee also confirms that the any risk of spillage to storm water is mitigated by established controls at the site.

Technical Committee's Evaluation:

Conditions 3.13.1 and 3.13.2 requires the licensee to complete a risk assessment in relation to firewater retention using the guidelines issued by the Agency. Conditions 3.13.3 and 3.13.4 require the outcome of that process to be completed within nine months and all recommendations to be implemented in timelines specified by the Agency. The TC considers that any requirement for automatic diversion of firewater should be determined by the process required under Conditions 3.13.1 to 3.13.5 of the PD. The TC recommends that the condition should not require automatic diversion of storm water prior to completion of that process.

The second part of Condition 3.13.6 is the control of a spillage to storm water. Spillages are controlled by Conditions 3.9, 3.14, 8.4 and 8.5 and the TC considers that spillages are adequately controlled by these broader conditions and controls of the PD. The TC recommends Condition 3.13.6 be omitted from the PD as requested.

Reason for Decision:

The TC has reached its conclusion on the basis of the following consideration:

To ensure clarity, and a consistent and proportionate approach to the control of firewater in line with Agency guidance, following the completion of an appropriate risk assessment.

Amend Condition No. 3.13 to read as follows:

- 3.13.1 The licensee must carry out a risk assessment to determine the retention requirements for firewater run-off from the installation.
- 3.13.2 The risk assessment, and any subsequent reports or programmes, must be completed in accordance with all guidelines issued by the Agency with regard to firewater retention.
- 3.13.3 The licensee must submit the firewater risk assessment report based on the assessment in Condition 3.13.1- of this licence to the Agency for approval within nine months of the date of grant of this licence.
- 3.13.4 The licensee must implement the recommendations of the firewater risk assessment report, as approved by the Agency, within the timeframes specified by the Agency.
- 3.13.5 The firewater risk assessment report must be reviewed and updated as necessary, as required by the Agency.
- ~~3.13.6 In the event of fire, or a spillage to storm water, the storm water collection system must provide for the automatic diversion of storm water for collection and appropriate management.~~

B. Condition No. 3.19.3 – amendment to the legislation reference used in the condition

The licensee objects to the condition because it does not clearly reference the relevant legislation in full. That the cited legislation – Directive (EU) 2023/2413 (RED III) – is only an amendment to Directive (EU) 2018/2001 (hereafter RED II) and not a standalone piece of legislation.

Technical Committee's Evaluation:

The reference text '*Directive (EU) 2023/2413 (RED III)*' is defined in full within the Glossary of Terms of the PD, which cites the relevant directive in full, the title of which details how '*RED III*' is an amendment to '*RED II*' (as well as other relevant legislation). The TC considers that the term, as defined in the Glossary of Terms, is sufficiently clear in its reference to appropriate legislation.

The TC recommends no change to Condition 3.19.3.

Reason for Decision:

The TC has reached its conclusion on the basis of the following consideration:

To ensure clarity in relation to the interpretation of the conditions of the licence.

Recommendation: No change.

C. Condition 3.20 – amendment to the control of evaporative cooling process water (ECPW).

The licensee objects to the condition because *‘it applies fixed and prescriptive requirement for the segregation of ECPW from the storm water network without sufficient regard to the scope and applicability of BAT 14’* of the large combustion plant Best Available Techniques (BAT) Commission Implementing Decision (CID) 2021/2326¹(hereafter LCP CID 2021/2326), *‘the specific characteristics of the installation, or the technical feasibility of implementation within prescribed timelines’*.

The licensee further clarifies how they consider that BAT 14 has not been considered appropriately, that the design of the buildings and cooling system and storm water network was made at the time of planning and subsequently developed and segregation of ECPW from storm water is unplanned, and that they have supplied information in licensee returns to the Agency with regard to challenges to obtaining samples from the cooling water discharge for analysis for the purpose of a feasibility study required under Condition 3.17 of the existing licence P1186-01. The licensee proposes to replace Condition 3.20 in full, segregating the requirement for Building U from Building W, X and Y. For Building U, the licensee also proposes to extend timelines for an action plan from three months to 9 months and implementation of measures from 6 months to 18 months. For Building W, X and Y the licensee includes a proposal to undertake a feasibility study for *‘diversion, segregation or otherwise’* of the ECPW within six months, an action plan within three months of approval of feasibility study, and to implement measures within 18 months.

In addition, the objection clarifies that only Building V does not utilise an evaporative cooling system and request its removal from the condition.

Technical Committee’s Evaluation:

While the licensee states that BAT 14 of LCP CID 2021/2326 has not been considered appropriately, section 6.3.1 of the IR for P1186-02 sets out the information considered and requested in making the recommendations in the PD, including licensee returns, existing licence conditions on feasibility studies, requests for further information, and submissions by the licensee that the cooling water will consist of only concentrated dissolved minerals and salts. The inspector concluded *‘Based on the information available, the Inspector has determined that the licensee has not provided sufficient evidence that the evaporative cooling process water..... is uncontaminated’*. The IR further details that storm water is defined in the existing licence and RD as *‘rainwater run-off from roof and non-process areas’* and so the ECPW could not be considered as falling within that definition. The objection has not provided any further

¹ COMMISSION IMPLEMENTING DECISION (EU) 2021/2326 of 30 November 2021 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for large combustion plants.

information that would allow the TC to reconsider the recommendation of the Inspector to segregate the ECPW from the storm water discharge.

The TC notes that the licensee has referenced an engineering report stating that the diversion of ECPW to foul sewer is '*not technically feasible while maintaining the operation of the site*'. This report has not been provided to the Agency, so it is not possible for the TC to consider this indication on feasibility. The TC consider the proposal to require another feasibility study for the segregating ECPW from storm water for Building W, X and Y has not been evidenced further in the objection to allow the TC to reconsider the recommendation of the Inspector to segregate the ECPW from the storm water discharge.

While the licensee requests the inclusion of a requirement to set out within three months of the date of grant of licence measures to minimise cooling water discharges, they set no timelines for implementation, and the TC consider it unnecessary to include this.

The TC agrees with the proposal from the licensee that the control of the management of ECPW arising from Building U, as built, should be equal to that for Buildings W, X and Y. However, the licensee has requested various changes to the timelines for the completion of action plans relating to the segregation of ECPW. The proposals from the licensee are different for Building U and Buildings W, X, and Y. The TC recognises that, subject to the complexity of the solution proposed and to be progressed by the licensee, additional time will likely be required beyond the three months set in the PD for completion of an action plan. For clarity, to ensure treatment of all four buildings is equal, and in light of the fact that an action plan is now also required for Building U, the TC recommends a revised timeline for the completion of all action plans relating to Buildings U, W, X and Y – from three months to six months.

Condition 3.20 as proposed in the PD is not prescriptive in how the ECPW must be segregated, it sets an objective but not how that objective must be achieved. The TC notes that the licensee has referenced an engineering report which has given them an indication that the diversion of ECPW to foul sewer '*is not technically feasible*'. This report has not been provided to the Agency, so it is not possible for the TC to consider this indication of feasibility and associated timelines. The licensee further clarifies that they are currently undertaking a further feasibility study to be completed in Q3 of 2026 to '*evaluate alternative management measures including reduction, collection, containment, partial segregation and other practicable option*'. The licensee has confirmed a specific solution which will likely require further design, possible third-party authorisation, construction and potential consents that will require additional timelines to be considered for its delivery.

However, the TC recognises that, subject to the complexity of the solution that is proposed and progressed by the licensee, additional time will likely be required beyond the six months set with the PD to achieve the objective of the segregation of ECPW from storm water. The TC recommends an extended timeline for the segregation of the ECPW from the storm water from within six months to within 12 months as proposed by the licensee, but with no further timeline extension beyond this deadline.

The licensee has also requested the removal of Building V from the condition as it does not include an evaporative cooling system. The TC agrees with this proposal from the licensee. Considering all the above, the TC recommends that condition 3.20 be amended to provide for additional timelines for completion of an action plan and segregation of the ECPW system from the storm water systems.

Reason for Decision:

The TC has reached its conclusion on the basis of the following consideration:

In the interest of the protection of the environment and human health from water pollution.

Recommendation:

Amend Condition No. 13.20 to read as follows,

3.20 Evaporative Cooling Process Water (including but not limited to circulated cooling water, water drained/ flushed from air handling system pipework and water from air handling unit sump tanks).

~~3.20.1 For Buildings U and V, evaporative cooling process water must not be discharged to the storm water network.~~

3.20.12 For Buildings **U**, W, X and Y,

3.20.12.1 The licensee must submit an action plan to the satisfaction of the Agency, within ~~six~~ **three** months of the date of grant of this licence, for the segregation of evaporative cooling process water from the storm water network.

3.20. 12.2 This action plan must outline the measures to segregate evaporative cooling process water from the storm water network and the separate treatment of evaporative cooling process water.

3.20. 12.3 The licensee must segregate evaporative cooling process water from the storm water network within **12** ~~six~~ months of date of grant of this licence.

D. Condition 6.13.1 – monitoring for noise management plan.

The licensee objects to the wording of the condition as they consider it could be interpreted as requiring back-up generators to be operated solely for the purpose of completing the annual noise survey.

Technical Committee's Evaluation:

The condition sets out that the noise *'survey must take place when the back-up generators are operational, for any one of three reasons; testing, or maintenance, or when the generators are operational to power the site'* (with the permissible annual operating hours defined in Schedule

A of the PD). The condition does not require the licensee to undertake any of these operations solely for the purpose of this survey, they only need to ensure a survey is completed when any one of these operations is being undertaken.

The TC does not consider it onerous for the licensee to schedule, once per year, a noise monitoring survey to coincide with the operation of combustion plant at the installation, without any need to operate back-up generators solely for the purpose of noise monitoring.

The TC recommends no change to Condition 6.13.1.

Reason for Decision:

The TC has reached its conclusion on the basis of the following consideration:

To ensure the annual noise survey considers the noise emissions from the typical operation of the backup generators.

Recommendation: No change.

E. Condition No. 7.1.1, energy efficiency, net electrical efficiency of combustion plant

The licensee requests the condition is omitted in full or if the *'Agency is minded'* to maintain the condition that it be amended to apply only to *'new combustion plant'*. The licensee objects to the condition as energy efficiency testing does not apply to plant that operate for less than 1,500 hours per annum in line with the limitations of LCP CID 2021/2326 when the back-up generators for the site are limited (as per *Schedule A Limitations* of the PD) to 150 hours of operation per annum. In addition, the requirements of the LCP CID 2021/2326 do not apply to combustion plant of less than 15MWth which is the scenario at the installation. Further, the licensee *'considers it unclear from the condition whether additional retrospective performance testing (of combustion plant) is required'*. The licensee considers such retesting of existing plant would result in unnecessary fuel usage, increased air emissions and environmental impacts solely for testing purposes of existing plant already commissioned under the existing licence P1186-01.

Technical Committee's Evaluation:

The testing of combustion plant for the purpose of determining energy efficiency was completed during the commissioning phase of all existing combustion plant under licence P1186-01. The licensee has also confirmed in their licence application that efficiency testing will be carried out after any modification that could impact energy efficiency.

The TC considers that retrospective testing of current combustion plant is not required as combustion plant already operating at the installation has already been commissioned. Any testing of combustion plant should apply to commissioning of new combustion plant, added to the licence as part of or after this licence review. The condition also sets out that such testing is also carried out *'after modification'* and this is not restricted to only new plant because testing after each relevant modification of a combustion unit will be necessary. The TC recommends the inclusion of additional wording as requested.

The TC recommends Condition 7.1.1 be amended.

Reason for Decision:

The TC has reached its conclusion on the basis of the following consideration:

To ensure a clear, consistent and proportionate approach in line with requirements of the relevant BAT.

Recommendation: amend condition 7.1.1 as follows.

7.1 Energy efficiency

7.1.1 For each combustion plant at the installation, the licensee must determine the net electrical efficiency of the combustion plant by carrying out a performance test at full load, according to EN standards, after the commissioning of ~~the unit~~ **combustion plant associated with emission points A3-41 to A3-52** and after each modification that could significantly affect the net electrical efficiency of ~~the a~~ **combustion** unit. If EN standards are not available, BAT is to use SO, national or other international standards that ensure the provision of data of an equivalent scientific quality.

F. Schedule B.1, Emissions to air – monitoring limitation.

The licensee objects to the detail included in *Schedule B.1 Emissions to air* as *Table B.1-1* does not include the wording of footnote 2 of BAT 4 from the LCP CID 2021/2326; the footnote confirms that the ‘*monitoring frequency does not apply where plant operation would be for the sole purpose of performing an emission measurement*’.

Technical Committee’s Evaluation:

The European Union (Medium Combustion Plants) Regulations 2017 (SI 595/2017) (hereafter the MCP Regulations) have been applied to the monitoring of parameters in Schedule B.1 of the PD. The TC notes that the MCP Regulations does not include a limitation in relation to monitoring frequency as proposed. However, the PD includes limitations regarding the operation of plant in Schedule A.1 and A.2 and any monitoring requirements would be limited to completion during permitted operating hours. The TC considers such a footnote is unnecessary as the operation of the combustion plant is already sufficiently limited by Schedule A of the PD. The hours of operation proposed in the PD give ample opportunity for the licensee to complete the monitoring requirements with Schedule B during intended hours of operation, and without the need to operate plant for the sole purpose of performing an emission measurement.

Reason for Decision:

The TC has reached its conclusion on the basis of the following consideration:

To ensure a consistent and proportionate requirement in compliance with the MCP Regulations.

Recommendation: no change.

G. Schedule C.1 – controls of emissions to air, changes to monitoring requirements.

The licensee makes five points of objection to the control of emissions to air table C.1-1. The licensee contends the frequency and requirements of the schedule are not proportionate to the scale and characteristics of the combustion plant on-site; do not align with the requirements of the MCP Regulations or applicability of the LCP CID 2021/2326 to the scale of the activity; and do not align with existing monitoring undertaken on-site. The licensee proposes to:

1. Remove requirement for continuous monitoring of parameters ammonia (NH₃), flow and oxygen content/temperature/pressure and water vapour.
2. Replace periodic monitoring frequency in line with MCP Regulations and *Schedule B.1 Emissions to Air* of the PD.
3. Include continuous nitrogen oxide (NO_x) emissions upstream and downstream of the Selective Catalytic Reduction (SCR) abatement system.
4. Include wording to footnote 1 of the table to clarify that access to spare are applicable to abatement system only and not the monitoring equipment.
5. Include an additional footnote to clarify that *'the monitoring frequency does not apply where plant operation would be for the sole purpose of performing an emission measurement'*.

Technical Committee's Evaluation:

As set out in section 6.1.1.3 of the Inspectors Report for this licence review, the inspector has applied the principles of LCP CID 2021/2326 for the monitoring of NH₃ and SO₃. With regard to point 1. & 2. above, Schedule B.1 of the PD set out that monitoring of the emission points for relevant parameters must be done so *'At least once every five years or when three times the permitted maximum annual operating hours have elapsed'* in-line with the MCP Regulations. Schedule A of the PD also includes a limitation on the operation of combustion plant, including a limitation of 150 hours per annum on all generators including new generators with SCR abatement systems the subject of this licence review. Schedule C provides for the control of the combustion unit equipment when operational and is not considered with regard to MCP Regulations. It is therefore considered that monitoring of parameters is required and is not onerous as it is only applicable when the plant is in operation.

The licensee has also requested monitoring of parameters, including for Ammonia, be reduced in line with the frequency in Schedule B.1 of the PD. With regard to Ammonia, it is stated that this is actively managed through a continuous monitoring process to prevent slippage of Ammonia from the system rather than reliance on stack point monitoring. The TC consider as this is new combustion plant and new associated SCR abatement equipment, the licensee must demonstrate compliance and demonstrate any such monitoring of the system provides equivalent protection in the first instance.

It is noted that of the five existing parameters in the Schedule C, Table C.1-1, four parameters already provide for a change in scope of the monitoring system specified *'or as required by the Agency'*. For the reason as set out above, the combustion plant and SCR abatement equipment being new, the TC conclude that the frequency and scope of monitoring of parameters are

considered appropriate. Further, they can be subject to a request for amendment by the Agency in line with Condition 6.7 of the PD following evaluation of results. The TC recommend no change to frequency or scope of monitoring or necessary monitoring equipment prior to demonstration of compliance and evaluation of results.

Regarding point 3., the licensee requests the inclusion of NO_x monitoring both upstream and downstream of the SCR abatement system. Given this will provide a greater level of understanding of the control of the emissions from the system, the TC agree it should be provided for in the licence as a control measure.

Regarding point 4., note 1 to Table C.1-1 of the PD sets out that *'the licensee must maintain appropriate access to standby and/or spares to ensure the operation of the abatement system'*. The TC consider the condition as written is prescriptive to apply only to the operation of the abatement system and not the monitoring equipment and therefore no change is necessary to the footnote. However, the TC acknowledge the location of 'Note 1' is in the 'Key Equipment' column which refers to the monitoring equipment and not the actual operation of the abatement system. Therefore, the TC recommend it is relocated appropriately in the Table.

Regarding point 5., the TC considers that the limitations of hours, frequency and sequence of operation of combustion plant on-site as set out in *Schedule A Limitations* of the licence ensures there are sufficient controls in place that limit the operation of the plant and therefore it is considered unnecessary to include a further limitation on the operation of combustion plant.

The licensee in their objection has made amendments to the title of Column 3 in the table from 'Key Equipment' to 'Analysis Method/Technique', and also the key equipment for some parameters to 'EN Standard Method or as agreed with the Agency'. These changes have not been supported with any further information in the objection as to their requirement or necessity. The TC therefore consider the changes unsupported, and in any case unnecessary.

The TC recommends Table C1-1 of Schedule C be amended.

Reason for Decision:

The TC has reached its conclusion on the basis of the following consideration:

To ensure a consistent and proportionate approach for the protection of the environment in line with the requirements of relevant legislation.

Amend Table C.1-1 of Schedule C to read as follows:		
Emission Point Reference Nos.:		A3-41 to A3-50 and A3-52
Description of technique		Selective Catalytic Reduction (SCR) Advanced controlled combustion system ^{Note 1}
Control Parameter	Monitoring Frequency	Key Equipment ^{Note 1}
NO_x (upstream and downstream of SCR abatement)	Continuous	Continuous Emissions Monitoring System/SCR Onboard Controller or as required by the Agency.

NH₃	Continuous	Continuous Emissions Monitoring System/SCR Onboard Controller or as required by the Agency.
SO₃	Annually	US EPA Method - Method 8
Flow ^{Note 2}	Continuous	Continuous Emissions Monitoring System/SCR Onboard Controller or as required by the Agency.
Oxygen content, temperature, pressure and water vapour ^{Note 3}	Continuous	Continuous Emissions Monitoring System/SCR On board Controller or as required by the Agency.
Other ^{Note 4}	As required by the Agency.	As required by the Agency.
Note 1: The licensee must maintain appropriate access to standby and/or spares to ensure the operation of the abatement system. Note 2: Subject to approval by the Agency, the monitoring of flow may be undertaken in accordance with the Agency's <i>Guidance Note on EPA requirements for calculation of flue gas volume flow rate from energy consumption using Annex E of ISO EN 16911-1 (Air Guidance Note 10)</i> as may be amended or replaced by the Agency. Note 3: Measurement of the water vapour content of the flue-gas is not required if the sampled flue-gas is dried before analysis. Note 4: Additional control as established under Condition 6.1 of this licence.		

4 Appropriate Assessment – Technical Committee Review

The TC has reviewed the Appropriate Assessment Screening in the Inspector's Report and, taking into account all objections received, and the content of this TC report, the TC is satisfied that the Inspector's Report provides an adequate examination and evaluation of the effects of the activity on the European Site(s) concerned, North Dublin Bay SAC (000206), Baldoyle Bay SAC (000199), Malahide Estuary SAC (000205), South Dublin Bay SAC (000210), Howth Head SAC (000202), Rockabill to Dalkey Island SAC (003000), Ireland's Eye SAC (002193), Rogerstown Estuary SAC (000208), South Dublin Bay & River Tolka Estuary SPA (004024), North Bull Island SPA (004006), Baldoyle Bay SPA (004016), Malahide Estuary SPA (004025), North-west Irish Sea SPA (004236), Ireland's Eye SPA (004117), Howth Head Coast SPA (004113), Rogerstown Estuary SPA (004015), in the light of their conservation objectives. The TC is satisfied that the Appropriate Assessment Screening reasons stated in the Decision and Reasons for Decision of the PD do not require amendment.

The TC notes that updated Conservation Objectives have been issued by the National Parks and Wildlife Service for European Site(s), South Dublin Bay SAC (000210), as per Table 1 below since completion of the Inspector's Report. These updated Conservation Objectives have been reviewed and considered and the TC is satisfied that the Inspector's Report provides an adequate examination and evaluation of the effects of the activity on the European Sites concerned, in light of their updated conservation objectives.

Table 1. Updated Conservation Objectives
NPWS (2026) Conservation Objectives: South Dublin Bay SAC 000210. Version 2. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.

5 Overall Recommendation

It is recommended that the Board of the Agency grant a licence to the applicant:

1. for the reasons outlined in the Proposed Determination and
2. subject to the conditions and reasons for same in the Proposed Determination, and
3. subject to the amendments proposed and the reasons set out in this report.

Signed



Guy Price
for and on behalf of the Technical Committee