

REPORT OF THE TECHNICAL COMMITTEE ON OBJECTIONS TO PROPOSED DETERMINATION

TO:	Directors
FROM:	Technical Committee, Industrial Control and Environmental Regulation Programme
DATE:	06 August 2026
APPROVAL:	
RE:	Objection to Proposed Determination for Edgeconnex Ireland Limited, Newcastle Road, Lucan, County Dublin. IEL Reg. No.: P1204-01.

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:	24 August 2023
PD ISSUED:	06 November 2025
FIRST-PARTY OBJECTION RECEIVED:	1
THIRD-PARTY OBJECTION RECEIVED:	1
SUBMISSIONS ON OBJECTIONS RECEIVED:	2

1 Company

The licence application relates to Edgeconnex Ireland Limited (hereafter referred to as the applicant). The licence application is for the operation of an installation comprising two data

centres, an energy centre and associated infrastructure at Newcastle Road, Lucan, County Dublin.

The proposed data centre installation, composed of EDCDUB04 and EDCDUB05, will consist of two buildings housing information and communication technology (ICT) infrastructure. The proposed installation will be supplied energy from the national grid. In the event of a loss or reduction in electricity supply from the national grid, the installation will have 48 no. back-up generators available to provide power. These back-up generators must not operate for more than 100 hours per generator per annum excluding testing and maintenance purposes.

The proposed energy centre (ESSDUB97) comprises 20 no. gas-fired reciprocating engines. A maximum of 18 of the 20 gas engines will run simultaneously during a power outage with two gas engines as standby. These gas engines will have the capability to operate continuously but will be operated non-continuously in accordance with the proposed licence conditions. The proposed licence conditions restrict the use of these gas engines to periods where instruction is received by EirGrid to supplement grid capacity.

The applicant applied to the Agency for an Industrial Emissions Licence as the capacity of the power generation and ICT installation exceeds the 50 Megawatt thermal input (MWth) threshold of class 2.1 in the First Schedule of the Environmental Protection Agency Act 1992, as amended (hereafter referred to as the EPA Act).

There were two submissions received in relation to the application, and these were considered by the Board at PD stage.

2 Consideration of the Objection

The Technical Committee, comprising of Brian Coffey (Chair), and Laura Lyons of OES, has considered all of the issues raised in the first-party and third-party objections received, 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 also considers one first-party and one third-party submission on the objections.

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

3 First-Party Objection

The applicant has made one point of objection relating to three parts of Schedule A: Limitations of the Proposed Determination.

For clarity any Submission on Objections made by the Third Party in relation to the First Party objections are dealt with in association with the objection to which they relate.

A.1 Schedule A: Limitations

The applicant objects to Schedule A: Limitations of the PD, specifically points 2, 3 and 4 within Schedule A.1 Gas Engine operation, which states:

A.1 Gas Engine operation

- 1. Up to 18 no. of the 20 no. gas engines (A2-1 to A2-20) can operate simultaneously on natural gas at any particular time, subject to points 2, 3 and 4 below.*
- 2. Gas engines can only operate when instruction from EirGrid has been received.*
- 3. Gas engines can only operate within the timeframe set by EirGrid.*
- 4. The maximum number of gas engines permitted to operate will be the minimum reasonably required to make up the shortfall in electricity load arising from the EirGrid instruction, allowing for practical operational requirements.*

The applicant has stated that the gas engines are designed to provide alternative power at the proposed installation where there is a shortfall in power from the national electricity grid. However, the applicant states that this shortfall may not solely be triggered by an instruction from EirGrid or occur within the timeframe set by EirGrid.

The applicant states that the current Schedule A removes the flexibility needed to provide redundancy during all power events. They state that the full range of events that may require gas engine operation cannot be exhaustively defined in advance as their nature is inherently unpredictable. Example of these events such as local faults or emergencies are included in the applicant's objection.

The applicant seeks to amend Schedule A.1 to read as follows:

A.1 Gas Engine operation

- 1. Up to 18 no. of the 20 no. gas engines (A2-1 to A2-20) can operate simultaneously on natural gas at any particular time, subject to points 2 and 3 below.*
- 2. The gas engines (ESSDUB97) can only operate (excluding testing and maintenance) when the Installation electricity demand exceeds the available grid capacity.*
- 3. The maximum number of gas engines permitted to operate will be the minimum reasonably required to make up the shortfall in electricity load, allowing for practical operational requirements and redundancy.*

The applicant makes a number of points in support of this change to Schedule A.1:

- The licence application set out that ESSDUB97 will operate when the site load exceeds the capacity of the connection from EirGrid.
- The proposed operational limitation is disproportionate, in the context of total annual CO₂ emissions, given the proposed licence conditions.
- Compliance with air quality and noise standards was demonstrated under a scenario where 18 of the 20 gas engines are in continuous operation. As such, the operation of the gas engines under their proposed condition wording will be compliant.

- A reduction in grid supply may persist for longer than signalled by Eirgrid. Also, a power shortfall may occur that is not formally communicated by EirGrid. Neither of these scenarios are covered by the proposed conditions in Schedule A.
- Lower levels of air pollutants will be emitted where there is the flexibility to operate the gas plant instead of emergency gas oil generators during a longer outage event.
- Use of the gas plant in accordance with the proposed changes is consistent with Ireland's Climate Policy, including the requirements of the Climate Action and Low Carbon Development Act 2015, and with Government Statement on Data Centres.

Submission on Objection:

A third-party submission on the first-party objection was received from Dr. Colin Doyle. His submission includes the following points:

- He disagrees with the applicant's assertion that the installation is consistent with national climate policy and with the obligations arising under section 15 of the Climate Action and Low Carbon Development Act 2015 as amended. He also raises this point in his objection to the PD. This is addressed by the TC in the Climate Assessment part of this report.
- He disagrees with the applicant's interpretation of section 52(2)(e) of the EPA Act in the context of this application.
- He submits that the applicant's references to future use of renewable gases for the gas engines are speculative.
- He disputes the applicant's assertion that the proposed development aligns with national policy related to flexible gas-fired electricity generation.

Technical Committee's Evaluation:

The applicant objects to the use of their gas engines (A2-1 to A2-20) being restricted to a narrowly defined set of circumstances, specifically when instructed to do so by EirGrid.

The applicant's proposed changes would allow the use of these gas engines under a broader set of circumstances provided electricity demand exceeds grid capacity. The applicant has made a number of points, listed above, in support of their proposal.

The TC believes that the changes proposed by the applicant, particularly the proposed wording of Schedule A.1 (2), is overly broad in nature. It would effectively remove the role of EirGrid in deciding the conditions for operation of the gas engines and instead allow the applicant to decide when the gas engines are permitted to operate.

The current PD conditions link operation of the gas engines to an external instruction from EirGrid, which provides a clear trigger for the use of the gas engines. Temporary emergency situations, such as those listed by the applicant, should be managed through the use of the emergency gas oil generators, which have a maximum operation of 100 hours per year per generator under Schedule A.2 (1).

Climate considerations, including greenhouse gas emissions (GHG), climate policy, carbon budgets, sectoral emissions ceilings, mitigation measures, the role of the EU Emissions Trading System (EU ETS), and the Agency's obligations under section 15 of the Climate Action and Low Carbon Development Act 2015 (as amended), are addressed in the climate assessment section of this report.

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 potential air pollution.

Recommendation: No change

4 Third-Party Objection

One Third-Party Objection is considered:

A. Dr. Colin Doyle

For clarity any Submission on Objections made by the First Party in relation to the Third-Party objections are dealt with in association with the objection to which they relate.

With the exception of a reference to Condition 7 of the Proposed Determination, the points of objection do not relate to specific conditions of the Proposed Determination, but rather they are primarily concerned with the Agency's climate assessment.

The Technical Committee has grouped these objections as follows:

Climate change and Section 15 of the Climate Act

Dr. Doyle objects to the proposed determination on the basis that the proposed activity would give rise to significant GHG emissions and that the grant of the licence would be inconsistent with section 15 of the Climate Action and Low Carbon Development Act 2015 (as amended). He submits that the direct emissions from the on-site gas engines, and indirect emissions associated with electricity imported from the national grid, would add to national emissions and contribute to exceedance of the relevant carbon budgets and sectoral emissions ceilings. He further submits that the Agency's interpretation of the *Coolglass* Judgment¹ was too narrow, that insufficient justification was provided regarding consistency with national climate objectives.

GHG emissions and mitigation measures

¹ *Coolglass Wind Farm Limited v An Coimisiún Pleanála* [2025] IEHC 1, subsequently upheld on different grounds in *Coolglass Wind Farm Limited v An Coimisiún Pleanála* [2026] IESC 5.

Dr. Doyle argues that Condition 7 of the PD does not provide effective climate mitigation as the proposed measures are unlikely to significantly reduce GHG emissions or offset the development's climate impact. He states that restrictions on the back-up generators would not address the principal emissions from the gas engines or from grid electricity, that energy efficiency requirements would not significantly reduce emissions from a new BAT-compliant installation and that feasibility studies or reporting requirements would not themselves secure emissions reductions.

EU Emissions Trading System

Dr. Doyle argues that participation in the EU ETS should not be regarded as a mitigation measure for national climate impacts as it does not require emissions reductions from the installation itself and that any emission reductions achieved elsewhere in Europe through the ETS would not contribute to Ireland's compliance with its national carbon budgets or Sectoral Emissions Ceilings.

Indirect and cumulative emissions

Dr Doyle submits that indirect emissions associated with electricity imported from the national grid should be considered when assessing the climate impact of the activity. He also submits that the cumulative climate impact of the wider campus including other consented or potential future development should be considered in determining the licence application.

Submission on Objection:

A first-party submission on this third-party objection was received from the applicant. The first-party submission included a legal opinion from a Senior Counsel. The submission includes the following points:

Climate change and Section 15 of the Climate Act

The Applicant disagrees that granting the licence would be inconsistent with Section 15 of the Climate Act and argues that the proposed development is consistent with the Department of Climate, Energy and the Environment (DECC) *Climate Action Plan 2025*. The applicant states that the proposed activity is consistent with CAP 2025 by supporting demand-side flexibility, renewable gas generation and electricity system resilience.

The applicant further submits that the proposed gas engines provide flexible generation capacity, which is required under national energy policy and can support the integration of renewable electricity onto the grid. They also contend that large-scale data centres are more energy efficient than dispersed enterprise data storage arrangements, thereby contributing to overall efficiency gains.

The Applicant rejects Dr. Doyle's interpretation of the *Coolglass* Judgment and refers to Senior Counsel opinion that the decision does not require the EPA to refuse all developments that generate emissions. The Applicant argues that the EPA correctly interpreted the *Coolglass* Judgment and may lawfully grant the licence where its obligations under Section 15 have been

considered. It further contends that Dr. Doyle's position extends the reasoning of the Coolglass case beyond the specific circumstances considered by the Court.

GHG emissions and mitigation measures

The Applicant submits that Dr. Doyle's assessment does not reflect the proposed operating arrangement for the installation. It stated that the data centres are not intended to operate as islanded data centres and that the EirGrid connection will be the primary source of power for the campus. The Applicant submits that the gas engines would provide flexible generation in accordance with EirGrid's requirements and would support electricity system resilience.

The Applicant further contends that the Proposed Determination conditions provide an appropriate framework for energy efficiency, emissions management and future decarbonisation. It refers to requirements for energy efficiency, energy audits, feasibility studies and incorporation of approved recommendations into the site's environmental objectives and targets.

EU ETS

The Applicant argues that the EU ETS is a central element of EU and Irish Climate policy and should be taken into account. They state that the EU ETS operates through a declining emissions cap and carbon pricing mechanism, which is intended to drive emission reductions over time. The Applicant states that direct emissions from the gas engines and electricity-related emissions are addressed within the ETS framework.

Indirect and cumulative emissions

The Applicant considered that the grid-related emissions may be too remote from the licence activity to require assessment as part of this licence application. Without prejudice to that position, the Applicant disputes Dr. Doyle's emission factor and states that it overestimates that emission because it does not reflect the current projected decarbonisation of Ireland's electricity grid.

In relation to cumulative impacts, the Applicant submits that the current licence application relates only to the activity before the Agency. They state that DUB06 and additional energy centres do not form part of the present application and that any future licence application or licence review would be assessed separately.

Technical Committee's Evaluation:

The TC notes that the Inspector's Report and Proposed Determination were finalised between the Coolglass High Court Judgment and the subsequent Supreme Court judgement. Consequently, this report updates the assessment of the proposed activity to align with the case law related to Section 15 of the Climate Action and Low Carbon Development Act 2015. The climate instruments referred to in S. 15(1) are assessed and discussed individually in the Climate Assessment section below.

Dr. Doyle asserts that the proposed Condition 7 will be ineffectual in reducing GHG emissions. The purpose of the energy efficiency audits and alternative energy feasibility studies is to identify pathways to lower GHG emissions over the lifetime of the licence. These audits are to align with national climate targets, which will also change over time.

Dr. Doyle's concerns regarding the EU ETS are addressed in the Section 15 assessment section of this report below.

Further consideration of Section 15 of the Climate Action and Low Carbon Development Act 2015 (as amended)

1. Site-specific information

The potential direct effects on climate from the installation are from CO₂ and CH₄ emissions released from the combustion of natural gas in the 20 no. engines (10.3 MW each) and gas oil in the 48 no. back-up generators (6.9 MW each).

CO₂ emission calculations have been carried out for the projected fuel usage outlined in the application and are based on the EPA's published ETS2 CO₂ Emission Factors for 2024². The annual direct emissions from the installation are estimated at 354,468 tonnes CO₂ eq. This is based on the continuous operation of 18 no. gas engines on natural gas, the testing and maintenance of the 48 no. back-up generators on gas oil for 17 hours, and the emergency operation of the 48 no. back-up generators on gas oil for less than 100 hours, per generator, per annum.

The gas supply to the installation is through the national gas network operated by Gas Networks Ireland (GNI). The planned introduction of biomethane/hydrogen into the natural gas network in future, as set out in GNI's *Pathway to a Net Zero Carbon Network* published 2024, will lead to a gradual reduction in emissions over time.

Indirect emissions of CO₂ arise from the use of electricity from the national grid if this electricity is generated from the combustion of fossil fuels. The amount of electricity to be used from the national grid by the installation would be approximately 358,300 MWh. Under the EU ETS, these indirect CO₂ emissions are reported at the original electricity generating plant. The carbon intensity of electricity in Ireland has fallen in recent years, down from 375 gCO₂/kWh in 2018, to 254 gCO₂/kWh 2023 and is predicted to decrease further to 100 gCO₂/kWh in 2030 as a result of the increase in renewables to 70% of the electricity market by 2030.

Overall, the activity will result in a net increase in CO₂ emissions. The impact of direct emissions from the installation are considered significant in accordance with guidance published in 2022 and 2026 by the UK Institute of Sustainability and Environmental Professionals (formerly IEMA)³ and therefore mitigation measures are required.

² [ETS2 CO₂ Emission Factors 2024 \(EPA, 2025\)](#)

³ Assessing Greenhouse Gas Emissions and Evaluating their Significance (IEMA, 2022), Assessing Greenhouse Gas Emissions and Evaluating Their Significance, Edition 2.1 April 2026 with Supplementary Guidance' (ISEP, 2026)

It is noted that the Agency is prohibited under the IED from setting emission limit values (ELV) on direct GHG emissions from industrial installations that are regulated under the EU ETS, unless necessary to ensure that no significant local pollution is caused. For this installation, it is considered that no significant local pollution issues might arise because of GHG emissions that warrant a condition.

The applicant has proposed a number of mitigation measures. The applicant will employ a variety of technology to maximise the efficient use of energy within the installation, including a Building Management System (BMS) and the development of an Energy Efficiency Management System (EnEMS) which sets out the energy targets for the installation. Energy efficiency will be integrated into the site's Environmental Management System (EMS). Environmental procedures and policies, relating to energy management and efficiency, will be developed and will meet the requirements listed in BAT 1 of the Reference Document on Best Available Techniques (BAT) for Energy Efficiency.

2. Section 15 assessment

The climate instruments referred to in s. 15(1) of the Climate Act are assessed and discussed individually in the following sections.

(a) the most recent approved climate action plan

CAP 2025, along with its predecessors, outlines the actions and strategies necessary to progress towards the goals of a 51% reduction in GHG emissions by 2030 and reaching climate neutrality by no later than 2050.

CAP 2025 includes a sectoral-based approach that specifies legally binding sectoral emissions ceilings. The sectoral emissions ceilings outlined within the plan set out the maximum amount of GHG emissions that are permitted in different sectors of the economy during a carbon budgetary period.

The direct emissions associated with the on-site gas engines and back-up generators fall under the Buildings (Commercial and Public) sector. In the EPA's latest Greenhouse Gas Emissions Projections (2025-2030)⁴, under the 'With Additional Measures' (WAM) scenario⁵, the Buildings (Commercial and Public) sector is projected to exceed its 2026–2030 ceiling of 5 Mt CO₂ eq., with emissions projected to be 8.1 Mt CO₂ eq. The emissions from the installation will contribute to these sectoral emissions.

The indirect emissions associated with the use of electricity from the grid fall under the 'Electricity' sector. In the EPA's latest Greenhouse Gas Emissions Projections (2025-2030), under the WAM scenario, the Electricity sector is projected to exceed its 2026–2030 ceiling of 20 Mt CO₂ eq., with emissions projected to be 24.5 Mt CO₂ eq. The emissions from the installation will contribute to these sectoral emissions.

⁴ Ireland's Greenhouse Gas Emissions Projections 2025-2030, EPA (2026).

⁵ The WAM scenario is a projection of future emissions based on implemented measures included in the WEM scenario plus additional planned measures that are under discussion (as per plans, programmes or other policy documents) and have a realistic chance of implementation in the future (e.g. by 2030).

(b) the most recent approved national long term climate action strategy

The “Long-term Strategy on Greenhouse Gas Emissions Reductions”, published in 2024, sets out indicative pathways beyond 2030 towards achieving carbon neutrality for Ireland by 2050. The Long-term Strategy serves as a link between shorter-term Climate Action Plans and Carbon Budgets and the longer-term objective of the European Climate Law and Ireland’s National Climate Objective. It focuses on nationwide structural changes, including rapid renewable energy expansion, building retrofits, sustainable transport, and reducing agricultural emissions.

The Long-term Strategy is supported by the annual Climate Action Plans that update measures, actions, and sectoral targets each year (discussed under point (a) above).

As outlined in point (a) above, the installation falls within the Buildings (Commercial and Public) sector which is projected to exceed its 2026–2030 carbon budget. Mitigation measures are therefore necessary. These are discussed above under ‘Site-specific information’.

(c) the most recent approved national adaptation framework and approved sectoral adaptation plans

The National Adaptation Framework, “Planning for a Climate Resilient Ireland” (2024), provides a whole of government and society approach to climate adaptation, designed to integrate climate risks (like flooding, heatwaves, and sea-level rise) into all policy areas. It requires 13 key sectors and all local authorities to develop, update, and implement plans that reduce vulnerability to a changing climate.

South Dublin County Council published its most recent Climate Action Plan 2024-2029, in 2024. Regarding the installation, the site is located within lands zoned as EE (“industrial, enterprise, employment”) under the 2024 County Development Plan, “South Dublin County Development Plan 2022-2028”. The location has therefore been determined by the local authority as being suitable for data centre development following detailed assessments carried out at plan level including strategic environmental assessment and strategic flood risk assessment. The installation has been granted planning permission by An Coimisiún Pleanála.

(d) the furtherance of the national climate objective

The national climate objective is outlined in the Climate Action and Low Carbon Development Act 2015 (as amended) as follows: “*The State shall, so as to reduce the extent of further global warming, pursue and achieve, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy (in this Act referred to as the ‘national climate objective’).*”

Legally binding five-year carbon budgets and sectoral emissions ceilings are required by the Act “for the purpose of enabling the State to pursue and achieve the national climate objective”. The sectoral emissions ceilings are discussed under point (a) above. Project-level mitigation measures for both direct and indirect emissions are included above under ‘Site-specific information’.

(e) the objective of mitigating GHG emissions and adapting to the effects of climate change in the State.

Ireland's first carbon budget programme, comprising of three 5-year economy-wide carbon budgets, was approved by the Government in 2022⁶. The total emissions allowed under each budget are as follows:

- 2021-2025: 295 Mt CO₂ eq,
- 2026-2030: 200 Mt CO₂ eq, and
- 2031-2035: 151 Mt CO₂ eq.

The carbon budgets are allocated across sectors by the sectoral emissions ceilings set out by the CAP 25, discussed under point (a) above. Project-level mitigation measures for both direct and indirect emissions are included above under 'Site-specific information'.

Climate assessment conclusion

Is the activity proposed expressly prohibited by any relevant government policy, underpinned by legislation?

The proposed activity is not expressively prohibited by any relevant government policy.

The "*Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy*" (July 2022) recognises data centres as core digital infrastructure for both Ireland's and Europe's digital economies, and for strengthening Ireland's position as a strategic international location for IT services. Government policy seeks to facilitate the 'twin transitions' of digitalisation and decarbonisation of our economy and society.

More recent policy updates, including the Government's "*Large Energy User Action Plan (LEAP)*" published in January 2026 and the CRU's "*Large Energy Users Connection*" Policy published in December 2025, recognise the role of data centres as an important pillar of Ireland's digital economy and provide a framework to enable additional growth while requiring that new data centres and other large energy users must align with Ireland's energy security and decarbonisation policy goals.

During normal operating conditions, the installation will be supplied with electricity from the national grid. Outside of the normal operating conditions, the installation will be supplied with electricity by the proposed energy centre ESSDUB97 gas engine generators A2-1 to A2-20. The operation of these gas engine generators is only required following a request from the utility supplier, Eirgrid, to reduce grid electricity load. This limitation on operation is included in *Schedule A: Limitations* of the Proposed Determination. The Proposed Determination also includes limitations on the use of the 48 back-up generators (A3-1 to A3-48) whereby they must not operate for more than 100 hours per year, excluding testing and maintenance.

⁶ [Carbon Budgets 2022](#), Government of Ireland (2022)

Would the local environment be protected if the conditions of an IE licence were complied with?

The Agency, in considering an application for a licence or the review of a licence, must comply with section 83 of the EPA Act. The Agency must not grant a licence or revised licence unless it is satisfied that emissions comply with relevant ELVs and standards prescribed under regulation. In setting such limits and standards, the Agency must ensure they are established based on the stricter of both the limits and controls required under BAT, and those required to comply with any relevant environmental quality standard.

The Technical Committee (TC) notes that the Proposed Determination specifies necessary measures to provide that the installation is operated in accordance with the requirements of section 83(5) of the EPA Act and has regard to the AA screening and EIA. The Proposed Determination gives effect to the requirements of the EPA Act and has regard to submissions made. The TC considers that the conditions of the Proposed Determination provide for the protection of the local environment, subject to compliance with those conditions.

Are there measures in place to deal with GHG emissions such as an ETS permit?

Licensed installations that fall within in a category of activity under Annex I of the EU ETS "*Combustion of fuels in installations with a total rated thermal input exceeding 20 MW*" are required to obtain a GHG permit from the Agency under the ETS.

The applicant is required to apply for a GHG permit under the ETS.

The EU ETS is the cornerstone of EU emissions reduction policy, designed with climate-neutrality in mind, and is an important mitigation mechanism for all Member States' GHG reduction efforts. Article 8 of the ETS provides that, where installations carry out activities that are included in Annex I to the IE Directive, the conditions and procedures for the issuing of a GHG permit must be coordinated with those for the issue of a licence for the IE activity.

The GHG permit does not set a limit on the quantity of CO₂ emitted by the installation. The regulated entity must monitor and report each year on all CO₂ emitted from the activity and surrender sufficient emissions trading allowances to cover the emissions of the previous calendar year and purchase allowances as required. The quantity of allowances made available on the market or by free allocation is controlled at EU level and is reducing each year to ensure that overall emissions from the ETS sector meet the EU targets.

The EU has established a binding target to reduce GHGs from sectors covered by the ETS by 62% by 2030, compared to 2005 levels (this includes including power generation, large industry and large data centres). Since 2005, ETS emissions have decreased by 49.7% or 11.14 Mt CO₂eq.

Indirect emissions associated with the consumption of electricity are also covered by the EU ETS at the original electricity generating plant.

In addition to the mitigation provided by the ETS, are there further mitigation measures proposed by the applicant?

The applicant would incorporate a range of measures aimed at reducing GHGs, improving energy efficiency, and supporting the development of Ireland's renewable energy infrastructure. These include the following:

- Use of energy-efficient gas engines and back-up generators meeting applicable BAT for large combustion plants.
- Implementation of an EnEMS (Energy Efficiency Management System) and energy management technologies to optimise operational efficiency and support emissions reduction.
- Energy auditing and benchmarking will form a key part of the EMS and EnEMS, to identify opportunities for reducing energy consumption and improving performance.
- Continuous monitoring of Power Usage Effectiveness (PUE) and energy efficiency key performance indicators through real-time energy monitoring and control systems.

The TC notes that the PD includes conditions to mitigate climate impacts:

- Condition 7.1 of the Proposed Determination requires the engines to achieve energy efficiency levels in line with BAT for large combustion plants.
- Condition 7.2 of the Proposed Determination requires the applicant to carry out an energy efficiency audit and identify all practicable opportunities for energy use reduction and efficiency. The recommendations of the audit must be incorporated into the Schedule of Environmental Objectives and Targets in Condition 2.2.4 of the Proposed Determination.
- Condition 7.5 of the Proposed Determination requires the applicant assess opportunities to increase renewable energy use and reduce reliance on fossil fuels, with approved measures to be incorporated into the site's environmental objectives and targets programme and reviewed at a minimum of every five years.
- Condition 7.6 of the Proposed Determination requires the applicant to have regard to the targets of the most recent National Climate Action Plan when identifying opportunities for energy use reduction at the installation.

Amendment to the mitigation measures in condition 7.5 is proposed by the TC, see below.

Does the project contribute to the need for infrastructure, economic and social progress and development?

As noted above, the Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy recognises data centres as core digital infrastructure for both Ireland's and Europe's digital economies, and for strengthening Ireland's position as a strategic international location for IT services. Ireland aims to attract investment in sectors including Artificial Intelligence (AI) and data centres. Government policy seeks to facilitate the 'twin transitions' of digitalisation and decarbonisation of our economy and society. IDA Ireland recognises data centres as a major source of foreign direct investment, highly skilled jobs, and corporation tax revenue.

Internationally, the requirement for data centres is growing due to rising global demand for cloud-based data storage (driven to a large extent by AI). Data centres provide for storage of

information at a secure and reliable off-premises facility compared to the traditional forms of distributed, on-premises data storage systems. Europe's data centre capacity is, at present, predominately based in five key clusters, one of which is Dublin. Dublin has become a hub for hyperscale and co-location centres, given its success in attracting technology companies, temperate climate and large wind energy resources.

The site is located within the administrative area of South Dublin County Council in an area zoned for the development of "Industrial, enterprise, employment" within the 2024 County Development Plan, "*South Dublin County Development Plan 2022-2028*". Therefore, the installation represents the implementation of a plan-led approach.

If the decision was to refuse, is it likely that the project would be developed elsewhere in Ireland or in another jurisdiction, potentially with higher associated emissions (displacement)?

The data centre, when completed, will house banks of servers and technical hardware to allow the applicant's clients (individuals, businesses, and organisations) to store information at an off-premises facility compared to the traditional forms of distributed, on-premises data storage systems. Data centres are generally considered more energy-efficient, per unit of computing power, than distributed on-premises servers due to economies of scale, superior high-density hardware utilisation, and advanced cooling. Given the increasing global demand for cloud-based data storage, if refused it is highly likely that the project would be continued elsewhere in Ireland or in another jurisdiction, where the emissions may be either higher or lower.

All things considered, where does the balance of consideration lie – in refusal or in grant?

Section 52(2)(e) of the EPA Act 1992, as amended, requires that the Agency shall, in carrying out its functions, ensure, in so far as is practicable, that a proper balance is achieved between the need to protect the environment (and the cost of such protection) and the need for infrastructural, economic and social progress and development.

The TC considers that the local environment will be protected if the conditions of the Recommended Determination and recommendations of this TC are complied with.

The TC has considered section 15 of the Climate Action and Low Carbon Development Act 2015 (as amended) and is satisfied that the Agency has, in so far as practicable, performed its functions in a manner consistent with that section.

Technical Committee's Evaluation:

Dr. Doyle's concerns regarding the Coolglass assessment are relevant to this Technical Committee, particularly as the Proposed Determination was issued in the period between the High Court judgement and Supreme Court judgement for this case. The Technical Committee has now reviewed the P1204-01 assessment in the context of the Coolglass Supreme Court decision and is satisfied with that the assessment carried out is consistent with Section 15 of the Climate Act.

The TC notes that CAP 25 includes measures to increase the proportion of renewable electricity to a national target of 80% by 2030. Similarly, the CRU's *Large Energy Users Connection Policy*

(2025) requires data centres to meet at least 80% of their annual demand with renewable electricity and allows a six year 'glide path' to achieve this. The TC considers it appropriate to include a similar requirement in the Proposed Determination. As such, the TC proposes to replace Condition 7.5 Alternative Energy Sources in the Proposed Determination with a condition that aligns with these policies.

In addition, the TC proposes to include additional wording in *Schedule A: Limitations* to clarify that the limitations are subject to the other conditions of the licence, in particular the requirement under Condition 7.5.1.

Regarding the legal opinion supplied with the submission on objection by the applicant, it is broadly in agreement with the Agency's Proposed Determination. However, as noted in Dr. Doyle's objection, the opinion was based on the High Court Coolglass judgment and not the Supreme Court judgement which has since been handed down.

The TC recommends the following:

Recommendation:

Replace *Condition 7.5 Alternative energy sources* in the PD with the following:

Condition 7.5 Alternative energy sources

7.5.1 The licensee must increase direct and indirect use of renewable energy and/or zero-rated fuel, with the objective of meeting at least 80% of annual demand with renewable energy and/or zero-rated fuel, within six years of the date of commencement of the activity

7.5.2 The licensee must submit a programme of actions for approval by the Agency within six months of the date of grant of the licence setting out the pathway and proposed actions to achieve the objective set out in Condition 7.5.1.

7.5.3 The programme of actions, as approved by the Agency under condition 7.3.2 must be incorporated into the Schedule of Environmental Objectives and Targets under Condition 2.2.4 of this licence.

7.5.4 The programme of actions must be reviewed and updated annually or at intervals as required by the Agency.

7.5.5 The licensee must submit an annual progress report to the Agency on the implementation of the programme of actions established under Condition 7.5.2.

Update *Schedule A: Limitations* to add the following sentence underneath the 'SCHEDULE A: Limitations' heading:

The limitations set out below are subject to the other conditions of this licence, in particular the requirement under Condition 7.5.1

Environmental Impact Assessment Directive – Reasoned Conclusion Update

The TC has reviewed the assessment in the Inspector's Report and, taking into account all objections and submissions on objections received, and the contents of this TC report, the TC considers that the potential significant direct and indirect effects of the activity have been identified, described and assessed in an appropriate manner as respects the matters that come within the functions of the Agency, and as required by section 83(2A) of the Environmental Protection Agency Act 1992 as amended (hereafter referred to as the EPA Act).

It is considered that the monitoring, mitigation and preventative measures proposed in the Inspector's Report, and as detailed in this TC report, will enable the activity to operate without causing environmental pollution, subject to compliance with the licence conditions included in the Proposed Determination.

Appropriate Assessment – Technical Committee Review

The TC has reviewed the Appropriate Assessment Screening in the Inspector's Report and, taking into account all objections and submissions on 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 activities on the European Sites concerned, Rye Water Valley/Carton SAC (001398), Glenasmole Valley SAC (001209), Wicklow Mountains SAC (002122), Red Bog, Kildare SAC (000397), South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), Wicklow Mountains SPA (004040), South Dublin Bay and River Tolka Estuary SPA (004024), Poulaphouca Reservoir SPA (004063) and North Bull Island SPA (004006), 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 North 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 activities on the European Site concerned, in light of their updated conservation objectives.

Table 1. Updated Conservation Objectives			
Site Code	Site Name	Qualifying Interests (* denotes priority habitat)	Conservation Objectives
000210	South Dublin Bay SAC	Habitats 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand	<i>NPWS (2026) Conservation Objectives: South Dublin Bay SAC 000210. Version 2. National Parks and Wildlife Service, Department of</i>

Table 1. Updated Conservation Objectives			
Site Code	Site Name	Qualifying Interests (* denotes priority habitat)	Conservation Objectives
		2110 Embryonic shifting dunes	<i>Housing, Local Government and Heritage.</i>

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



Brian Coffey
for and on behalf of the Technical Committee