



Clare County Council

Submission on Proposed Amendments
to Draft Plan 2023-2029

by COLIN DOYLE



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delivered by hand

copy by post to: Office of Planning regulator
(for information purposes only)

7th December 2022

Re: Draft County Development Plan 2023-2029

A Chara,

Thank you for the opportunity to comment on the revised Draft CDP 2023-2029, incorporating the changes recommended in the CEO's report. I note that the points I raised in my earlier submission regarding renewable energy projections have been substantially addressed, and I am in general satisfied with the corrections which have been made. I would still have concerns on the ambitious scale of the projected renewables, but as long as it is realised that these are stretching targets within a broad renewables planning framework, I have no further comments to add.

My remaining serious concern is the lack of a Strategic Environmental Assessment (SEA) with respect to climate impact for the lands identified in CDP 6.27 (Data Centre).

Omission of consideration of climate impact of the zoned site from the SEA report means that the draft CDP 2023-2029 is non-compliant with the legal requirements of S.I. No. 436 of 2004 - Planning and Development (Strategic Environmental Assessment) Regulations 2004, as amended by S.I. No. 201 of 2011 - Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011. This non-compliance means that as matters stand adoption of the CDP 2023-2029 may be legally flawed.

There is still time to rectify this omission, and to have the final version of the draft CDP fully compliant with SEA regulations. I recommend that the consultants should be instructed to

conduct the required revision, to ensure that the CDP 2023-2029, if adopted, can withstand legal challenge.

Background and Discussion

My original comment on SEA was in point number 10 as follows:

“10. Strategic Environmental Assessment (SEA)

Include GHG impact of CDP 6.27 (Data Centre) in Strategic Environmental Assessment. Its omission leaves the SEA wide open to challenge”

In the CEO’s response it was stated that Section 5.9.3 of the SEA:

“deals specifically with Green House Gas Emissions from all sources including Data Centres”.

It is clear from a reading of section 5.9.3 that it is a general discussion of climate aspects and does not address the impact of a data centre development mentioned in CDP 6.27.

Furthermore, in the CEO’s report it was stated (emphasis added):

“On foot of the SEA Environmental Report recommendation, I consider it appropriate that a sub-section to Objective CDP 6.27 which addresses the inefficiencies in data centre energy and cooling systems should be included in the Draft Plan and this is included in my recommendation below”.

Regarding the above recommendation it needs to be made clear that limiting the scope of the SEA to “inefficiencies in data centre energy and cooling systems” would not comply with the SEA methodology, as it would exclude GHG emissions due to grid electricity consumption and on-site power generation, which are by far the largest potential GHG emissions.

In the proposed correction paragraph it is stated:

“The key source of emissions from these facilities aris from the necessary cooling system. From a climate perspective, the need for energy and cooling systems are not problems in their own right, it is the inefficiency of these systems and the underutilisation of the heat removed by the cooling system’.”

The above text is factually incorrect. The cooling system for a data centre could not be considered a key emission source, in the context of the very much larger emissions of GHG from power plants supplying electricity to the data centre and emissions from on-site electricity generation.

There is a reference to the SEA in respect of the lands zoned for the data centre in In Volume 1 Written Statement, Chapter 6 Economic Development and Enterprise, CDP 6.27, as follows:

“It is an objective of Clare County Council: To facilitate and support the development of a data centre on the Enterprise zoned lands (ENT 3) at Toureen Ennis subject to normal planning considerations and the implementation of the findings of the SEA and AA associated with this Plan.

The difficulty with the above CDP objective is that the SEA as it stands is deficient, as it does not address the potential climate impacts of the ENT 3 zoning at Toureen.

In the CEO’s report, the following modification is proposed to address my concerns on the inadequate SEA:

“Any planning application for this site must include an analysis of the impacts from Green House Gas (GHG) Emissions associated with both the energy and cooling systems on the environment in the context of Climate Change and our commitment in CAP 2021 which is to achieve a reduction of 51% in GHG emissions by 2030”.

In itself, this is a perfectly reasonable requirement, however any such a GHG impact assessment would occur after adoption of the CDP, and it could not retrospectively compensate for the absence of such an impact assessment in the SEA.

In Appendix 10.b.i, page 81 there is a note as follows regarding CDP 6.27:

“SEA Recommendation as outlined at Pre-Draft stage not included as the mitigation associated with this site is included in Appendix D of this SEA.”

Further down in Appendix D a set of mitigation measures is given for “Transformational Site 9 – Data Centre” (page 661 of the pdf). The only mitigation measure that could be interpreted as relating to GHG emissions is (emphasis added):

“• Any proposed development shall adopt sustainable practice in terms of building design, materials, construction and operation”

However, there is no qualitative or quantitative consideration of operational GHG emissions anywhere in the SEA documentation, or consideration of implications for CDP low carbon objectives.

Consultation with Prescribed Bodies

The Environmental Protection Agency (EPA) is the primary environmental authority responding to SEA competent authorities, and the EPA was consulted in preparation of the SEA for Clare CDP 2023-2029. The response from the EPA is summarised in Table 2.2, pages 38 -41 of the SEA Environmental Report. Regarding climate impacts, the EPA response includes the following advice:

“Key climate-related aspects to consider in the Plan and SEA include:

- Direct and indirect impacts of the Plan on greenhouse gas emissions and removals (Mitigation);

I submit that the SEA report did not include direct and indirect impacts of the zoned data centre site on greenhouse gas emissions and removals, and therefore did not follow the advice of the EPA.

SEA Conducted for Variation No. 1.

The consultants who prepared the SEA for the draft CDP may have been under the impression that a full SEA with respect to climate impacts was conducted for the lands zoned for the data centre in Variation no. 1 of CDP 2017-2023. This may have explained its omission from the current draft SEA for CDP 2023-2029. However, while there were numerous mentions of climate and GHG policy in the SEA for Variation No. 1 of CDP 2017-2023, there was no information provided or discussion of potential impact of operational GHG emissions from a data centre, nor even a general discussion of implications for the CDP low-carbon objectives.

The only significant reference to climate impact of the proposed data centre site in the SEA for Variation no. 1 of CDP2017-2023 is (emphasis added):

“Climate Change

In the absence of mitigation, the proposed variation consisting of the proposed ENT3 lands for Enterprise use has the potential to increase greenhouse gas emissions.

However, with effective implementation of construction management plans for each phase of potential development, the proposed construction-related greenhouse gas emissions are expected to be negligible.” P.108.

As is clear, the above only refers to construction related GHG emissions.

As I said in my original submission, it is hard to believe, but it appears to be the case, that consideration of the environmental effect of CDP 6.27 in terms of operational phase GHG emissions and consequent impact on the environment has been completely omitted from the SEA analysis for draft CDP 2023-2029, and also from the earlier SEA for Variation no.1. to the CDP 2017-2023.

I submit that this omission should be rectified as a matter of urgency.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Colin Doyle". The signature is written in a cursive, flowing style.

Colin Doyle