

File With _____

SECTION 131 FORM

Appeal NO: ABP 314485-22Defer Re O/H ☐Having considered the contents of the submission dated/ (received) 02/04/2024
fromBernadette Conaty-Beyer I recommend that section 131 of the Planning and Development Act, 2000
be not be invoked at this stage for the following reason(s): no new material issuesE.O.: Pat BDate: 08/04/2024

For further consideration by SEO/SAO

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached
submission

to: _____ Task No: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 314485-22

M _____

Please treat correspondence received on 02/04/2024 as follows:

1. Update database with new agent for Applicant/Appellant _____	1. RETURN TO SENDER with BP _____
2. Acknowledge with BP <u>23</u>	2. Keep Envelope: <input type="checkbox"/>
3. Keep copy of Board's Letter <input type="checkbox"/>	3. Keep Copy of Board's letter <input type="checkbox"/>

Amendments/Comments <u>Bernadette Conaty-Beyer response to S.131</u>
<u>12/03/24: 02/04/24</u>

4. Attach to file (a) R/S <input type="checkbox"/> (d) Screening <input type="checkbox"/> (b) GIS Processing <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/> (c) Processing <input type="checkbox"/>	RETURN TO EO <input type="checkbox"/>
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	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Pat B</u>	AA: <u>Anthony McNally</u>
Date: <u>18/04/2024</u>	Date: <u>25/04/2024</u>

Stephen Sutton

From: Bord
Sent: Tuesday 2 April 2024 13:59
To: Appeals2
Subject: FW: Bernadette Conaty Beyer Observation Dublin Airport Noise Contour Maps
Attachments: BERNADETTE CONATY-BEYER ABP NOISE CONTOURS MAPS OBSERVATION.docx

From: B BEYER <bbeyer2021@gmail.com>
Sent: Tuesday, April 2, 2024 1:49 PM
To: Bord <bord@pleanala.ie>; B BEYER <bbeyer2021@gmail.com>
Subject: Bernadette Conaty Beyer Observation Dublin Airport Noise Contour Maps

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Hi,

Please see my observation attached relating to new noise contour maps.

Thank you,

Bernadette Conaty-Beyer
085-8640064

Kilcoskan,

The Ward,

Co. Dublin

30th March 2024

RE: Case Number ABP- 314485-22 Relevant Action Application Dublin Airport

To whom it may concern,

I recently received a letter from you in relation to new noise contour maps submitted by the DAA and I have been asked to make an observation on it.

I, along with other members in our community on 22nd February 2024, attended a meeting with top management from IAA in IAA HQ in D'Olier Street. We discussed the flight paths at Dublin Airport which also highlighted noise contours. It was clear from our meeting that DAA can operate Dublin Airport runways in Dependent Mode (departures off North Runway and Arrivals on South runway) and this would comply with their 2007 planning permission and would not require these new noise contours. We thanked the IAA for the meeting as the IAA team were very transparent to us and stated that the current path the DAA are flying off the North Runway is the only flightpath that the DAA have submitted to them for approval. There are other flight paths that could work but DAA have not submitted these paths to IAA for approval.

So therefore, we clearly know now as of 22nd February 2024, that contrary to what DAA saying to public and media domain that they need to fly this flight path due to "safety and security reasons", this is not true. Our meeting with IAA highlighted that this current flightpath is the only path DAA have actually submitted to IAA and asked them to approve. There are other paths and the IAA do not design flight paths, etc.. – they just approve them.

Therefore, DAA and AIRNAV need to get DEPENDENT MODE maps submitted to IAA for approval ASAP and that will fix all this flight path mess. With Dependent Mode operations, it is not necessary to have these new noise contours as they will be flying in accordance to their 2007 planning permission. An Bord Pleanála, I ask you to please put pressure on DAA to operate in Dependent Mode.

In 2021, I was granted planning permission for my new home in Kilcoskan based on the noise contours as in the Fingal Development Plan. Please see condition 8 on my Fingal County Council planning decision (ref: F21A/0317) where Fingal clearly state my land in Kilcoskan is in noise zone D (dated 29th July 2021).

Then take a look at DAA letter, (dated 15th June 2021) where they state that my same land in Kilcoskan is in Noise Zone C. So did the DAA know as far back as June 2021, that they were planning on flying a

different flight path and that aircrafts would be flying over homes from August 2022 that were not part of their original planning? This letter needs to be investigated further.

See both planning letters below from Fingal County Council and DAA.

After reviewing the new maps on An Bord Pleanála website, I am absolutely shocked that these new maps are completely different than the maps that were in the application that DAA got approved planning permission for as per 2007. These noise contour maps are completely different to maps when I submitted for planning permission for my home in 2021. How can such a large change, adding over 7 square kilometers to these maps, be approved without a proper public consultation. Especially for the affected home owners and landowners and rural village and Kilcoskan National School that is now affected.

Surely there's legislation and proper planning that forbids such bullish behaviour like this. Who is in charge of lands in Fingal – is it Fingal County Council or DAA? It is quite clear that a yes decision on this relevant action, will undermine the planning decision process in Ireland. It would open the doors for rogue developers and opportunists to take advantage of our planning system in Ireland if this relevant action is approved.

Not only is my local area Coolquoy, Kilcoskan The Ward being potentially bullied into new noise zones, but also many people in Co Meath are now being pushed into this and those buying and living in Co. Meath, would never expect to have to have any concerns about operations at Dublin Airport but now they do.

My children attend Kilcoskan school and I am so worried about all the children and staff at the school. Noise levels can reach up to 80 decibels and especially when the children are playing outside in the school yard. The new noise contours will have massive health and developmental consequences for the school children and all children living in the area. I have attached photos below for you to review.

On 28th March 2024, I brought my children to an ENT specialist in Bons Secour Hospital (I can provide full details to you if required) and I spoke about my concerns regarding the loud aircrafts and how loud the noise is at Kilcoskan National School and the very experienced ear noise consultant stated to me that WHO have noise recommendations, children's health recommendations, at work noise levels, and this must be followed and that ABP should do the right thing by applying these guidelines.

The work that the local community group SMTW FORUM do for communities in Fingal and Meath is incredible. Only for this group of volunteers keeping our communities up to date, we would never be able to keep up with DAA and the sneaky way they are operating Dublin Airport, profiteering at the expense of the health of residents and staff in our local communities. The DAA refuses to hold a public meeting with local communities, so these noise contour maps is another example as to how there is no public engagement from DAA. The team from SMTW FORUM held an emergency public meeting on 21st March 2024 on Coolquoy Lodge, (photos attached) attended by top minister including Helen McEntee, Minister Joe O'Brien, TD's Darren O'Rourke, Duncan Smith and massive crowd of over 400+ in attendance, standing room only. At this public meeting, SMTW FORUM had large print outs of new noise contour maps for people to view and showing these new noise zones and the different areas of Fingal and Meath affected. It should be DAA holding this type of meeting with the public not the volunteers

from SMTW FORUM, but this is how bullish and disconnected the DAA have become to our communities in Fingal and Meath. It needs to stop.

WHO recommends that my children (ages 2yrs – 7 yrs) sleep up to 13 hours per night, how can this be possible with these new noise contours. My new home has the best insulation that money can buy, but we are still hit with very loud decibel levels inside my home 60db+ when my kids go to bed. Its awful. Please see photos below my childrens bed and the aircraft flying over their bedroom window at such a low levels. I was never warned about this when seeking planning permission for my home as the aircrafts were not to fly over my home. They were supposed to fly straight out until 5 nautical miles and then turn but they now turn and its over my home and local community. We were never warned or consulted on this.

PROTECTED BAT SPECIES IN COOLQUOY: I understand that we have a selection of 3x protected bat species living in Coolquoy, the Ward and I fear that they may be wiped out from their natural habit and country surroundings by these new noise contours. (Ref: ABP-311588-21 page 70 of inspector's report)

Other points I am concerned about and attached various photos and documents for your attention:

1. My family and neighbours are shocked to see that the noise contours have extended hugely into our community and that a very significant number of dwellings are now included within the noise eligibility contours. Firstly, we note that there was no notice of this fact in any of the planning notices for this application to date. I am a home owner and landowner in Coolquoy / Kilcoskan area and I have never been consulted by any authority that my properties and lands could be potentially placed into new noise zones. Surely this is unlawful? How do the DAA think they have the right to dictate the noise zones of my lands, yet Fingal County Council clearly show my lands to be in Zone C and D?

Many of my neighbours and residents in communities across Fingal and now County Meath, who thought they were not affected by this application are now inside these contours but yet were never publicly notified until they attended a public meeting held by St Margarets /The Ward residents' group who explained this to all of us. The volunteers in SMTW FORUM do amazing work and our communities would be lost without them. We would not know what is going on as the DAA has not held a public meeting for the local communities since 2016.

None of the newspaper or site notices informed the public. Secondly, the people who now know they are within the contours have not been given the opportunity to make a submission/observation as they do not qualify because they did not make a submission previously as they thought they were unaffected. An Bord Pleanála did not give a public notice of this significant additional information. The above is totally unacceptable and unjust to the communities affected.

2. We note that the correspondence from Tom Phillips & Associates refers to the ANCA Regulatory Decision regarding eligibility to the noise insulation scheme and suggest that the change in contours is as a result of their assessing that the increased area is as a result of them considering this new area which contains dwellings to having “very significant” effects. We note that the DAA have never carried out significant test criteria within any of the EIAR they have submitted and therefore they have not met with the EIA directive. This is a fundamental flaw in the assessment as the EIA directive is clear, all significant impact on environment must be identified, quantified and mitigation proposed. That has not happened to date. For areas under the North Runway this involves comparing the scenario with no flights from the North Runway to a scenario where there will be night flights. This has not been done.
3. Tom Phillips refers continuously to the regulatory decision by ANCA in his correspondence. However, what is not contained in his correspondence but is within the EIAR relating to these noise contours is that the proposal does NOT meet the Noise Abatement Objective of ANCA in future years. The proposed 2025 Scenario will fail the NAO when compared to 2019 when the total of the existing population, permitted developments and zoned developments are summed together. “2025 exceeds 2019 by 4,541 people (1533 v 6074).
4. Why have the noise contours grown. St Margarets The Ward residents carried out noise monitoring on the north runway flight path and found the noise levels to be far beyond those PREDICTED by DAA. Their noise predictions are not accurate and unfounded and they are trying to obtain permission by manipulating numbers. Why can they not submit actual noise results along the flight path which has been in operation since August 2022. The community could.
5. Reference is made to the noise zones on Fingal development plan. These noise zones must now be revised due to the proposed flight path over our area. Fingal County Council consider that there should be no residential development allowed in noise zone A as it is considered harmful to health or otherwise considered unacceptable due to the high levels of aircraft noise. However, the flight path now being operated by DAA is putting many existing residences in Noise Zone A and B which is just not acceptable from a health point of view. Meath Development Plan is now also invalid because these new noise contour maps involve lands and dwellings in Co.Meath now. This clearly shows that both authorities, Fingal County Council and Meath County Council, were never consulted by DAA on these new noise contour maps.
6. The noise insulation grant as proposed is not fit for purpose and is totally insufficient to protect for night noise. Measurements of noise in bedrooms of housing already insulated indicate that the noise levels exceed the recommendation in Fingal Development Plan are not sufficient to protect human health.

7. In summary planning is an afterthought for DAA. The continued actions and lack of engagement by DAA show that they do not respect planning legislation or decisions of An Bord Pleanála. DAA also have zero consideration for their neighbours living around Dublin Airport. This application must be refused permission.

Thank you for reading my observation.

I fully trust that the An Bord Pleanala team will do the right thing and REFUSE PERMISSION for this DAA relevant action.

Regards,

Bernadette Conaty-Beyer

Please see images and documents below for your review:

MY PLANNING APPLICATION NOISE CONTOURS:

Fingal County Council:

Please see condition 8 on my Fingal County Council planning decision (ref: F21A/0317) where Fingal clearly state my land in Kilcoskan is in noise zone D (dated 29th July 2021) .

Dublin Airport DAA:

Take a look at DAA letter, (dated 15th June 2021) where they state that my same land in Kilcoskan is in Noise Zone C. So did the DAA know as far back as June 2021, that they were planning on flying a different flight path and that aircrafts would be flying over homes from August 2022 that were not part of the their original planning? This DAA letter needs to be investigated further.

daa construction noise measures
Planning, Dublin Area Clack
Co. Dublin, Ireland

T: 353-1-414-1111
F: 353-1-414-4102
www.daa.ie

daa public limited company
Head Office, Dublin Airport
Co. Dublin, Ireland

The Secretary
Fingal County Council
Planning Department
County Hall
Swords
Co. Dublin



Date: 15 June 2021

Dear Sir/Madam,

Reference No: F21A/0317

Address: Kilcoskan, The Ward, Co. Dublin

Development Description: A development comprising, (i) construction of a detached, part single, part two-storey, four-bedroom dwelling and a domestic garage with on-curtilage car parking and private amenity space; (ii) provision of on-site wastewater treatment system, percolation area and surface water soakaway to serve the proposed dwelling (iii) provision of new vehicular entrance; and (iv) permission is also sought for all landscaping, boundary treatments and all ancillary site works necessary to facilitate the development.

daa, Head Office, Dublin Airport, Co. Dublin, in its capacity as a statutory consultee under Article 28(1)(i) of the Planning and Development Regulations 2001 (SI No. 600 of 2001), makes the following observation with regard to the above proposed development.

Noise Zone C

The proposed development is located within Noise Zone C. The Fingal Development Plan 2017-2023 contains the following objective in respect of this area:

Objective DA07

Strictly control inappropriate development and require noise insulation where appropriate in accordance with table 7.2 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone...

Policy objective DA07, as set out above, seeks to strictly control provision of new residential development and other noise sensitive uses within Zones A, B, C and

current Classification: Class 1 - General

where appropriate in Zone D. daa respectfully requests that, in the event of a grant of permission, a condition is attached requiring the noise sensitive uses to be provided with noise insulation to an appropriate standard, having regard to the location of the site within Noise Zone C. This is to ensure the proposed development is designed with noise mitigation to an appropriate standard in accordance with Fingal Development Plan Objective DA07.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Walsh", written over a horizontal line.

Stephen Walsh
Statutory Planner

- d) The vehicular entry-splay and ditch to be piped (i.e. the paved area lying between the edge of road carriageway and the gates/piers of the site entrance or, if no gate is provided, to a point 6m from the edge of road carriageway) shall be constructed in a bound road material or other suitable material and pipe size agreed to a detail approved in writing by the Area Engineer, Operations Section.
- e) Entrance gates shall be recessed a minimum of 6.0m from carriageway edge with wing walls/fence/hedgerow splayed at 45°. Any entrance gates shall open inwards to the site.
- f) All stormwaters shall be disposed of to soak pits or natural watercourse within the site and shall not discharge onto the public road.
- g) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the boundary at the developer's expense.
- h) All the above works shall be carried out at the developer's expense according to the specification and conditions of the Planning Authority Fingal County Council.

Reason: In the interests of traffic & pedestrian safety

- 7.
 - a) The applicant shall sign a connection agreement with Irish Water prior to commencement of development and adhere to the standards & conditions set out in that agreement. All development shall be carried out in compliance with Irish Water standards, codes & practices. Any proposals by the applicant to divert or build over existing water or wastewater services shall be submitted to Irish Water for written approval prior to commencement of works. Separation distances between existing Irish Water assets and proposed structures, other services, trees etc. shall be in accordance with Irish Water Codes of Practice & Standard Details.
 - b) Supervision of construction of the on-site waste water treatment system shall be carried out by a suitably qualified (Fetac / QQI), experienced and competent professional.
 - c) No foul drainage shall discharge into the surface water system under any circumstances. The foul drainage shall be in compliance with the 'Regional Code of Practice for Drainage Works Version 6.0' FCC April 2006, or the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single dwellings (October 2009), whichever is applicable.
 - d) No surface water/rainwater shall discharge into the foul water system under any circumstances. The surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works', Version 6.0, FCC, April 2006.

Reason: In the interest of public health.

- 8. The proposed dwelling shall be provided with noise insulation to an appropriate standard as required by the Fingal Development Plan 2017-2023.

Reason: In the interests of residential amenity having regard to the location of the site within Dublin Airport Noise Zone D.

- 9. The entire premises shall be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and

URGENT PUBLIC MEETING SIGNS AROUND NORTH DUBLIN & MEATH:



**PUBLIC INFORMATION
MEETING**

**AIRCRAFT NOISE
& POLLUTION**

COOLQUOY LODGE
Thurs 21st March
8pm

ALL WELCOME

SMTW FORUM

WrongWayDAA.com

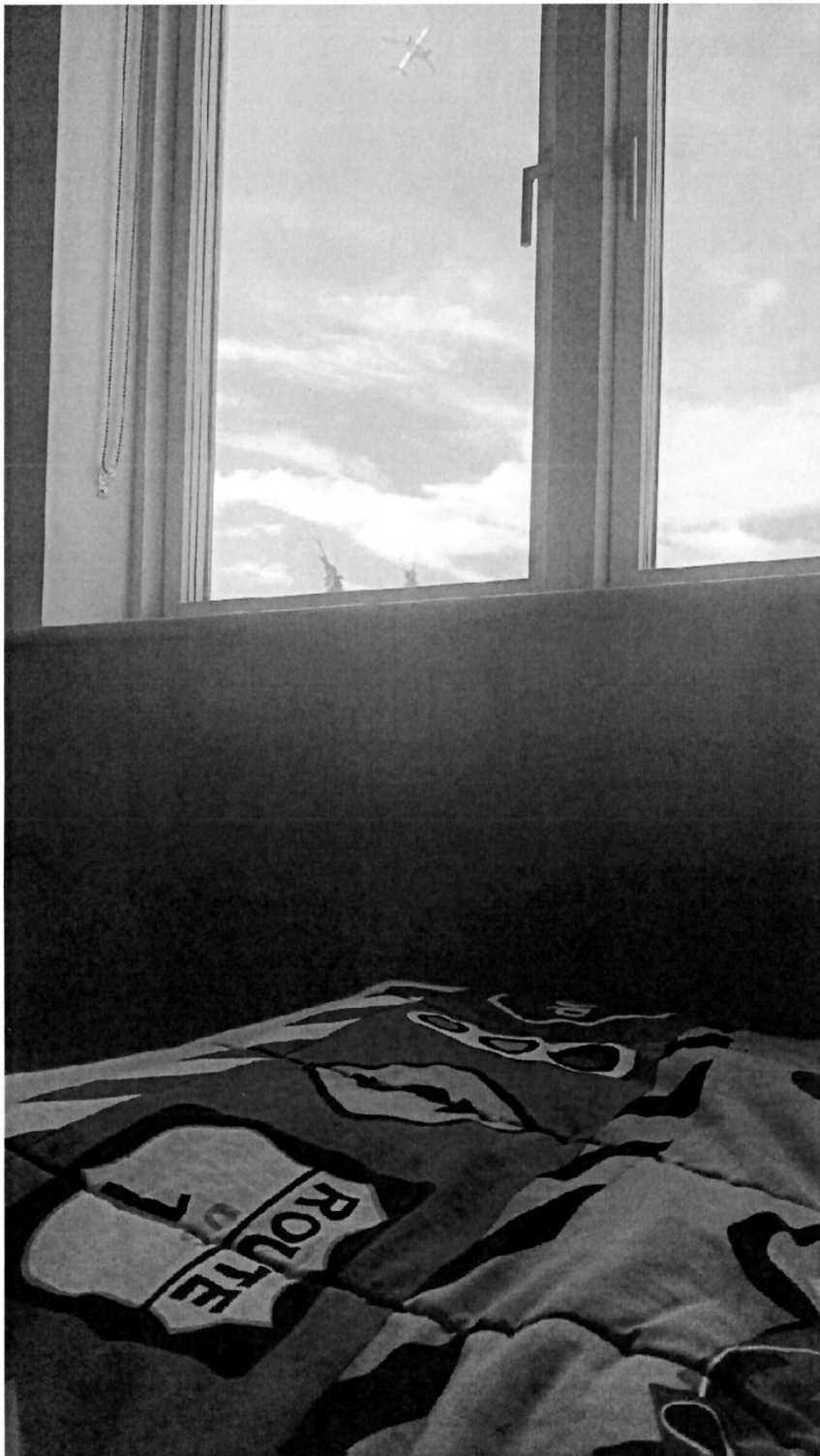
PUBLIC MEETING SIGN AT ST.MARGARETS NATIONAL SCHOOL



PUBLIC MEETING SIGN AT KILCOSKAN NATIONAL SCHOOL



PHOTOS OF FLIGHTS GOING OVER MY CHILDRENS BEDROOM WINDOWS. SHOWING YOU THIS IN DAYLIGHT SO YOU CAN SEE IT IS THE SAME AT NIGHTTIME BUT IT IS HARD TO CAPTURE IT CLEARLY IN DARKNESS. THESE NIGHTFLIGHTS NOISE CONTOURS ARE EXTREMELY DISTURBING FOR OUR CHILDRENS SLEEP:



MORE FLIGHTS GOING OVER MY CHILDRENS BEDROOM WINDOWS:



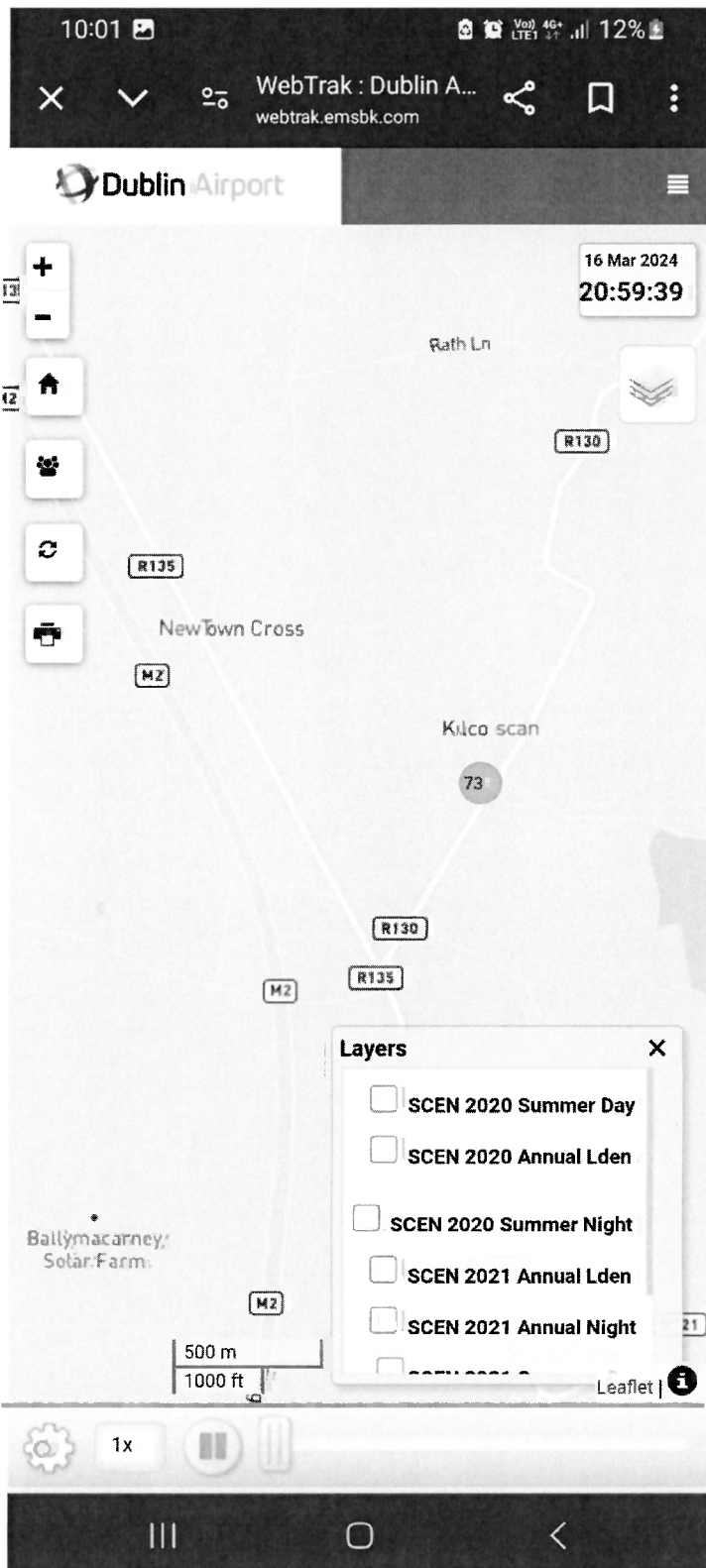
FLIGHTS GOING OVER KILCOSKAN SCHOOL AS KIDS ARE IN SCHOOL:

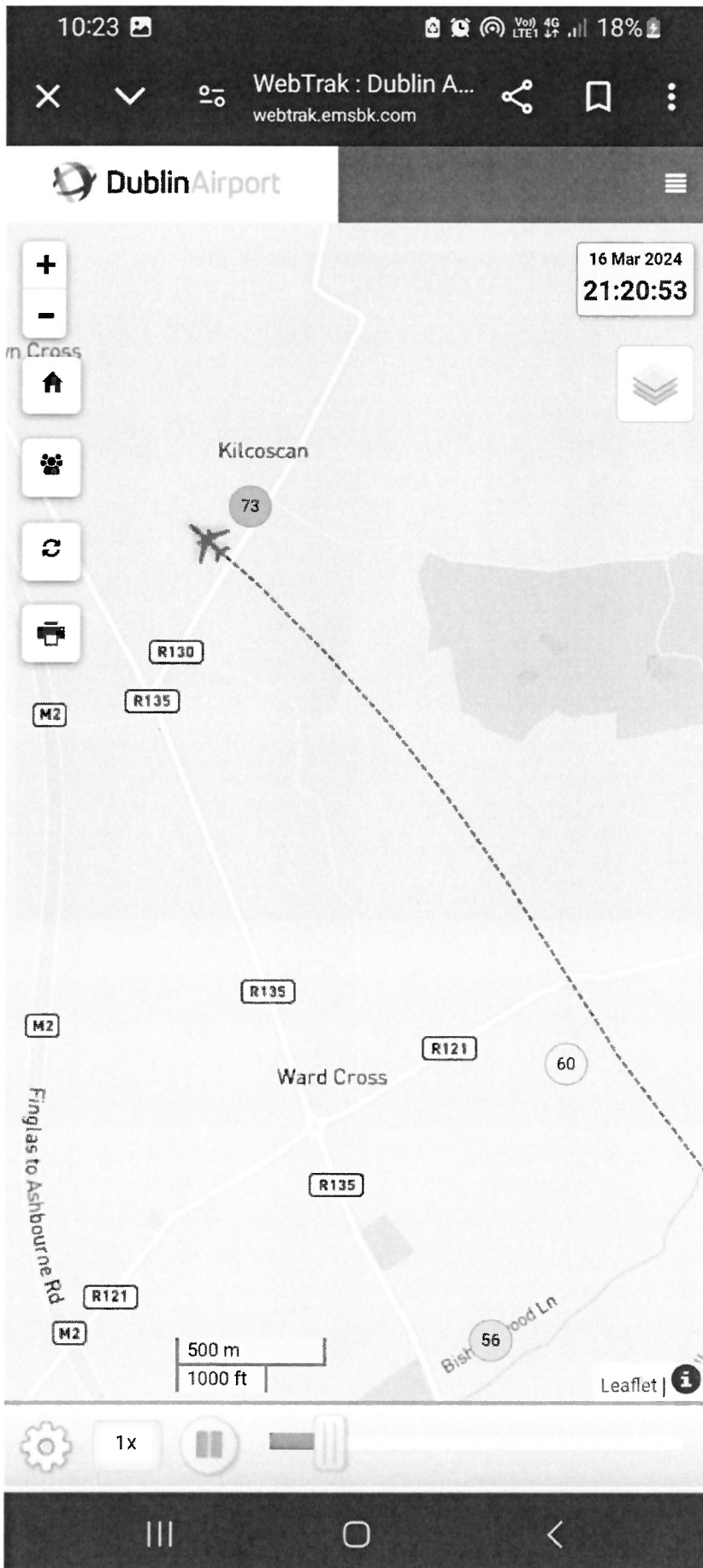


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PLEASE SEE evidence of 73dB showing at Kilcoskan Nation School. This is very serious on our childrens health and development.





PICTURES OF MY NEW HOME. These new noise contours never existed when I started to build my home in January 2022. Then Flights started going over my new home in August 2022. My new home is now in these new noise contour maps as “insulated by planning condition”See map below. My home is the only new dwelling on his map.

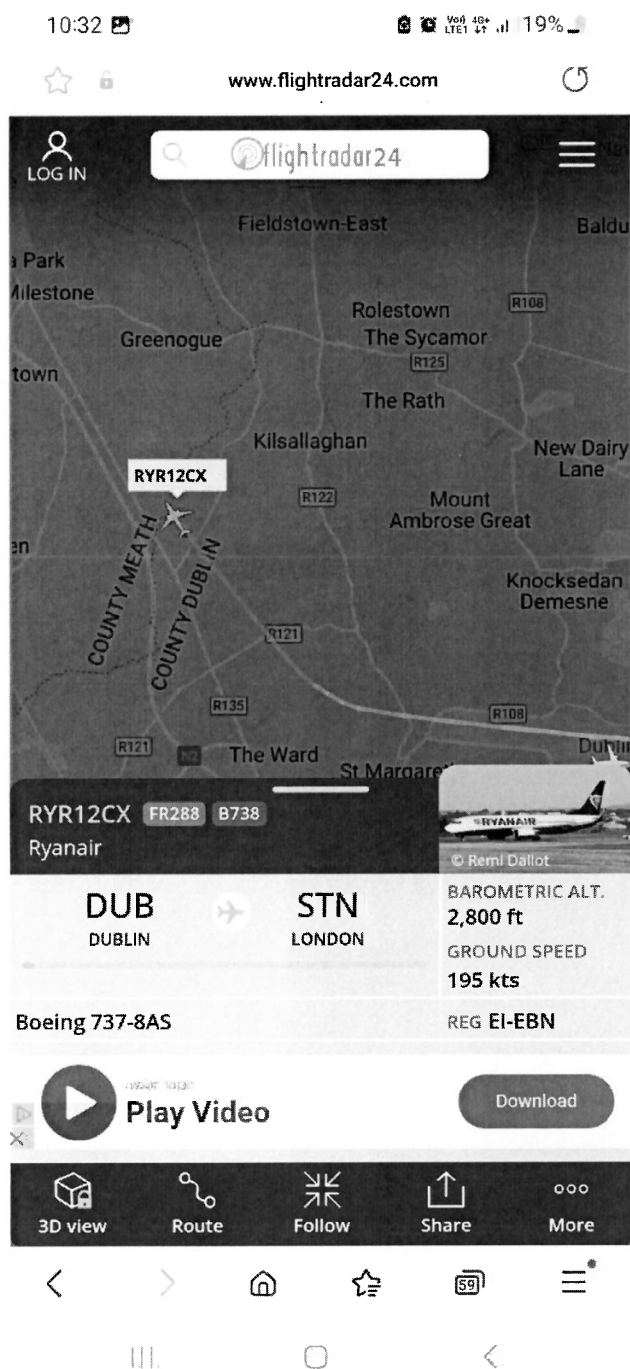


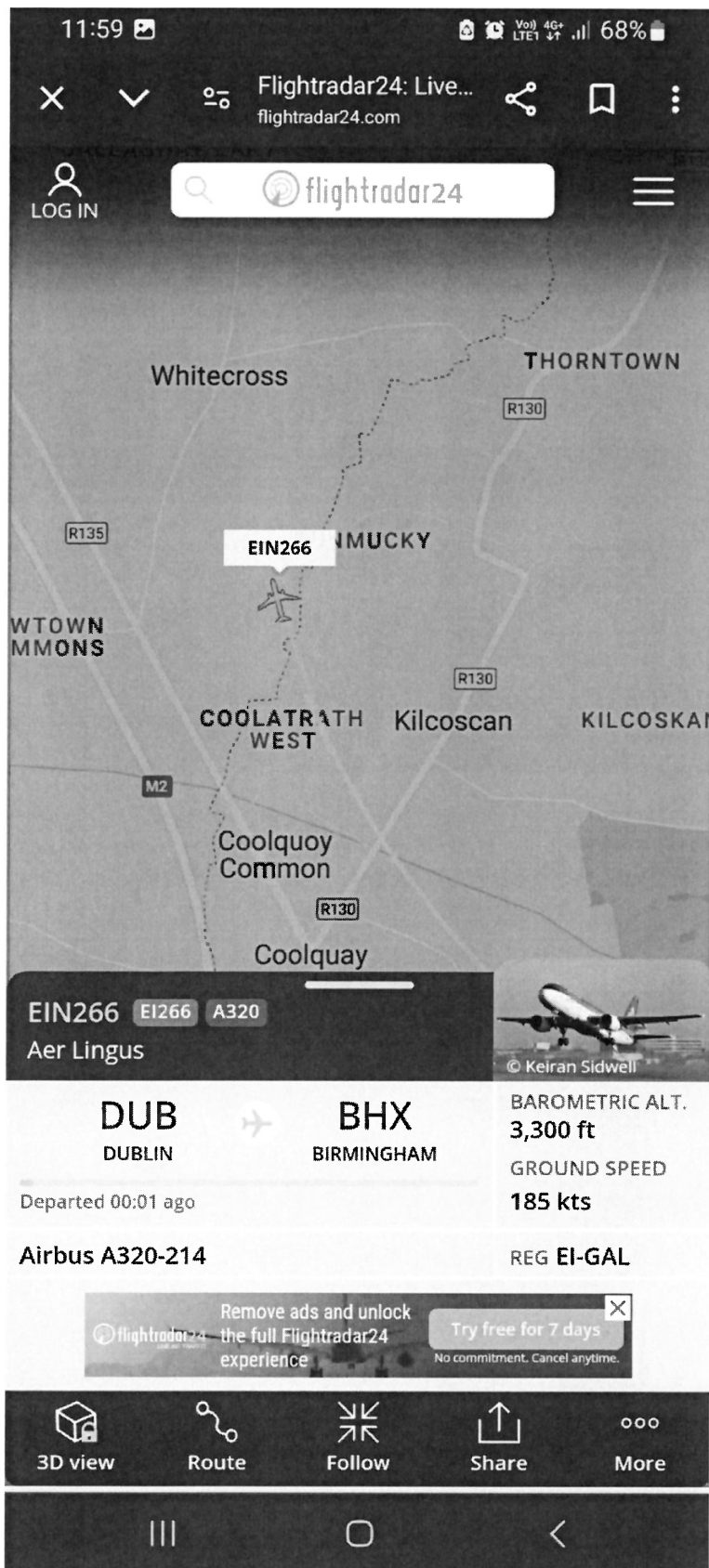


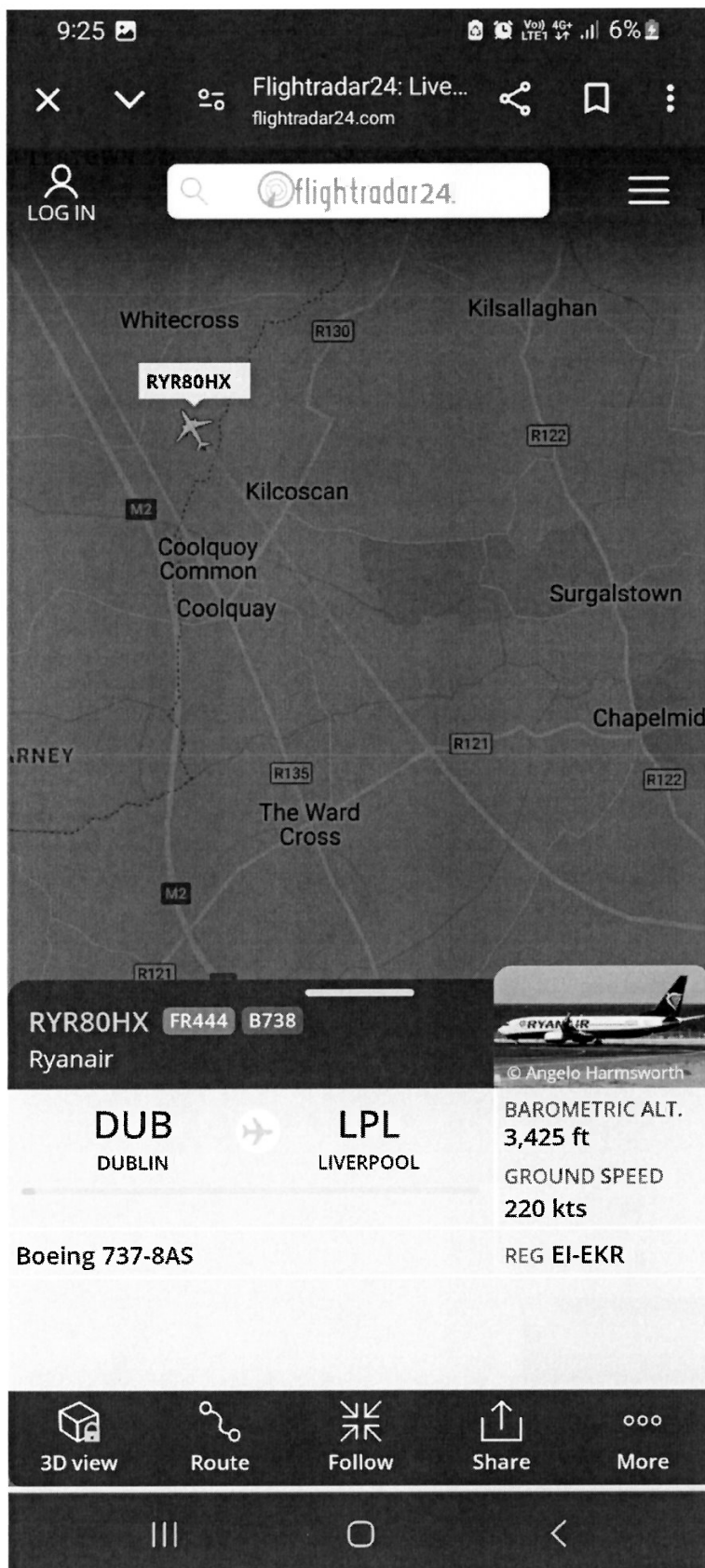


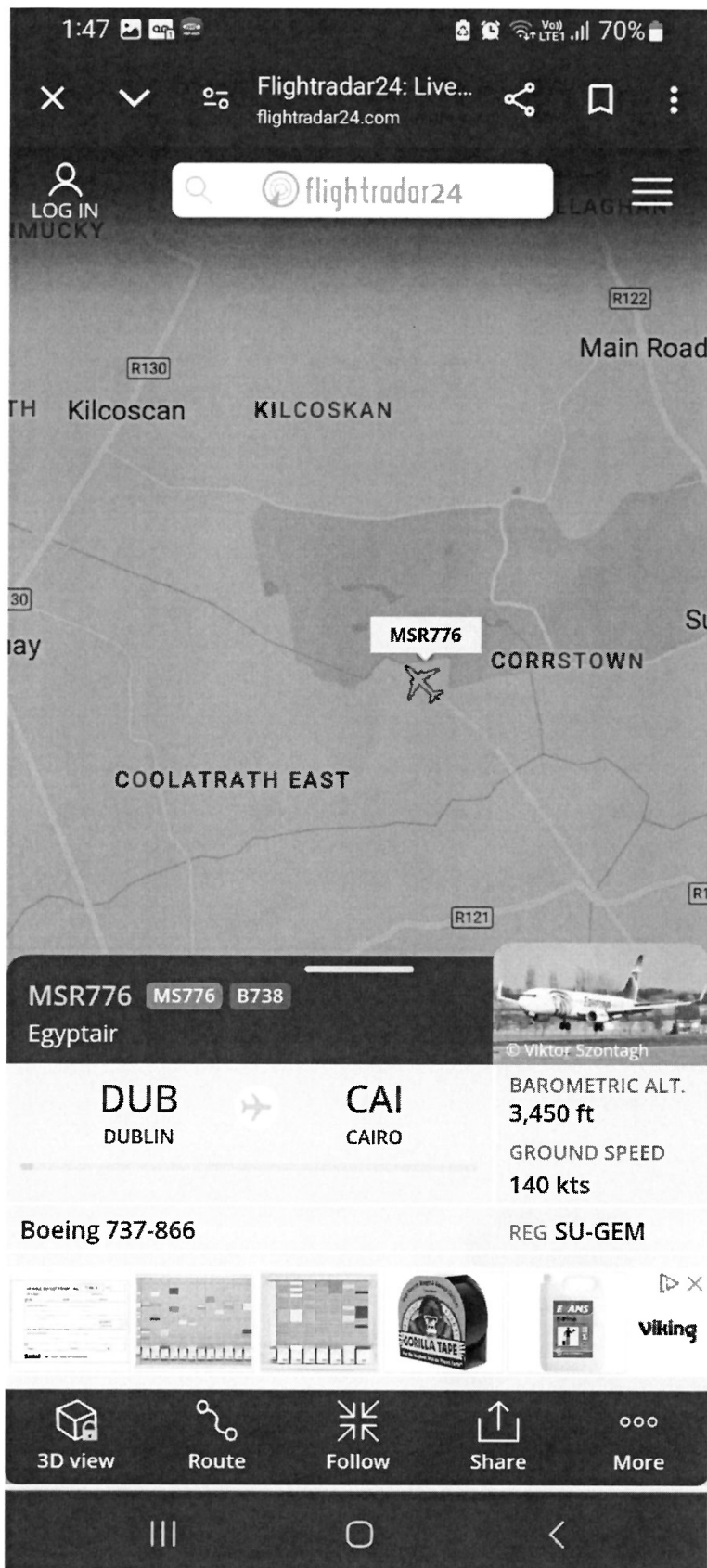


HERES SOME SCREENSHOTS FROM FLIGHT RADAR SO YOU CAN CLEARLY UNDERSTAND HOW LOW THE FLIGHTS ARE OVER OUR HOME WHICH PRODUCE HUGE NOISE LEVELS IN OUR HOME. WE WERE NEVER PREPARED FOR THIS WHEN BUILDING OUR HOME AS THE NOISE CONTOURS SAID WE ARE IN NOISE D.










10:32



Vol 4G+ LTE1 19%




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RYR12CX **FR288** **B738**
Ryanair


© Remi Dallot

DUB
DUBLIN



STN
LONDON

BAROMETRIC ALT.
2,800 ft

GROUND SPEED
195 kts

Boeing 737-8AS

REG **EI-EBN**

 **Play Video**

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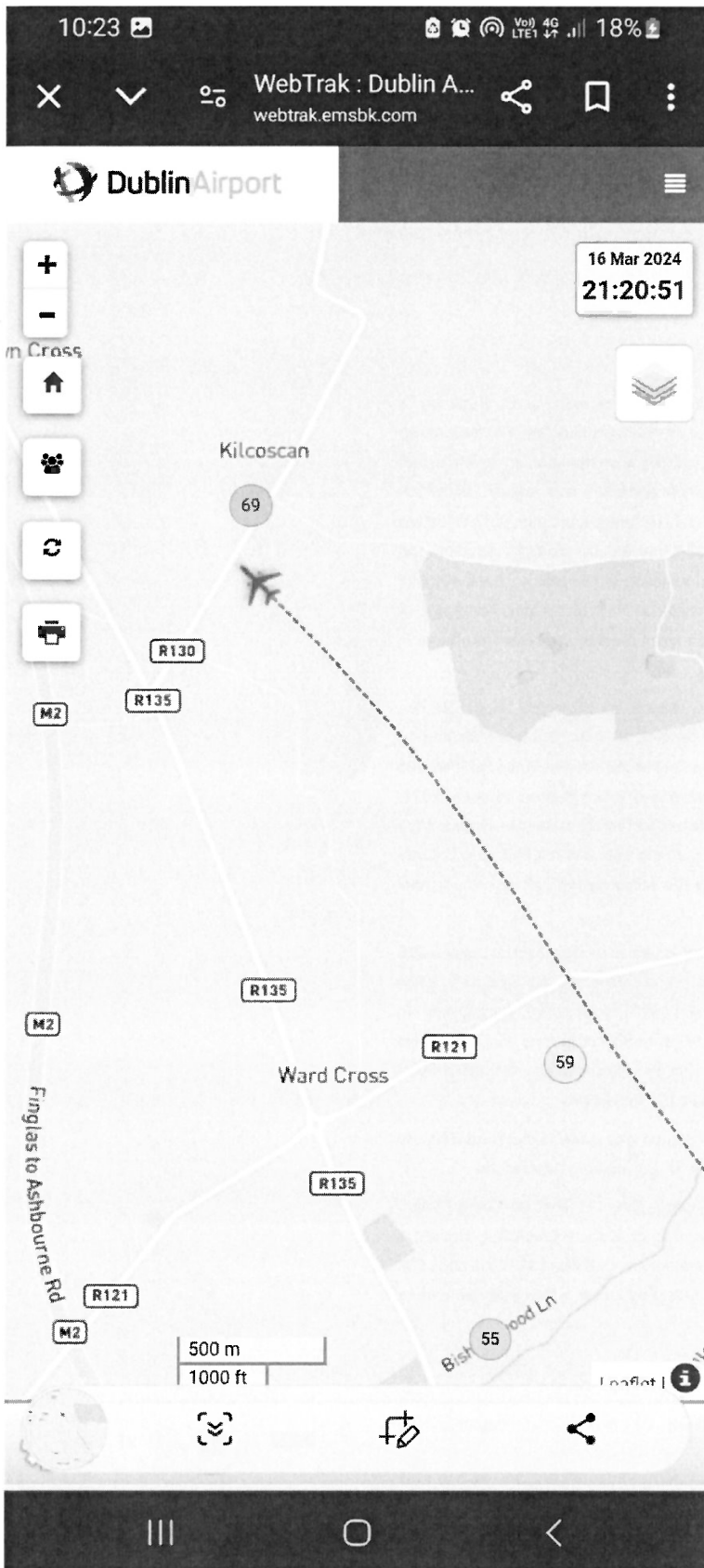












3 species of Bats in Coolquoy

- 10.11.13. The report finds that due to the disposition of open space, much of the character of the site will be retained. The site has currently, a pleasant open quality. The hedgerows to be retained will aid assimilation. The main changes arise from the height and extent of buildings across the landscape. The design approach and specific mitigation measures are intended to address these issues. The mitigation measures include the extensive planting of trees and shrubs, using native and polinator species; the connected areas of open space and the augmentation of hedgerow. These will take time to mature. While initially, the visual impact on the surrounding landscape is categorised as moderate negative in the short term, it will be moderate to neutral in the long term. I would concur with this finding.
- 10.11.14. Moore Group – Environmental Services has prepared an Ecological Impact Report. Four site surveys were carried out, on 25 February, 30 June, 8 September and 20 October 2021. The report states that the dates cover the optimal botanical, bird and bat, otter and badger survey periods. The bat survey took place on 30 June, 2021. The number of bats recorded is not stated. The report refers to the two Natura 2000 sites – the Malahide Estuary SAC (8.67 km from the site) and the Malahide Estuary SPA (8.98 km from the site). It states that there is no connectivity or ex-situ potential for interactions with other European sites.
- 10.11.15. The habitats on the site are freshwater course and drainage ditches, grassland, woodlands (scrub and hedgerow) and cultivated and arable land. No invasive species were found. No badgers nor otters were found. Three species of bats were found. No roosts were found. The bat transects largely followed the hedgerows and ditches. No rare or Annex 1 bird species were found, including winter birds. A small flock of Yellowhammer birds were observed in February but moved on.
- 10.11.16. The report did not refer to amphibians. No reference was made to the Ward River, to which the Fleenstown Great watercourse flows to, having trout populations.
- 10.11.17. The report states that there will be no direct impacts on the Fleenstown Great Stream from construction works. There will be a minor loss agricultural grassland. The scrub area are considered low value. The loss of hedgerow is described as being circa 300 metres. This does not tally with the RMDA Landscape report, which estimate it to be circa 1,074 metres.

