



An
Bord
Pleanála

Board Order ABP- 315726-23

Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/1060

Appeal by Mary Mahony of 151 Pinewood Estate, Killarney, County Kerry and by Pat Fleming and Others care of Leahy Planning Limited of Mill Road House, Mill Road, Ennis, County Clare against the decision made on the 16th day of January, 2023 by Kerry County Council to grant permission subject to conditions to Pinewood Residents Association care of Eileen Mayse of 69 Pinewood Estate, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construct a community recreational area to include a multi-use games area (muga) with two number goal ends and basketball hoops, outdoor exercise area, erection of three metres high fencing, associated pedestrian access and ancillary site works all at Pinewood Estate, (site of the old basketball court) Park, Killarney, County Kerry.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature and extent of the proposed development and to the former use of the proposed development site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 12th day of December, 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All equipment and surfacing installed shall comply with the requirements of the standards that apply to equipment used in publicly accessible areas (EN1176:2019 and EN1177:2018 or any other statutory provision amending or replacing them). An independent inspection report confirming compliance shall be undertaken following completion by the Register of Play Inspectors International/Royal Society for the Prevention of Accidents or other independent body confirming compliance with the above standards and a copy submitted to the planning authority.



Reason: In the interest of safety of users of the facility.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a community recreational area as specified in the lodged documentation, unless otherwise authorised by a prior grant of planning permission.

Reason: To protect the amenities of property in the vicinity.

4. The hours of operation of the proposed development are 0900 to 2100 hours, except during the winter season (the beginning of December to the end of February), when the hours of operation are restricted to 0900 to 1700 hours only.

Reason: In the interest of residential amenity.

5. Other than for health and safety purposes only, no advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected unless authorised by a further grant of planning permission.

Reason: In the interest of orderly development.

6. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. A management scheme, providing adequate measures for the management and maintenance of the proposed development, including measures to control noise, and a system for logging and addressing complaints, shall be submitted to and agreed in writing with the planning authority, and available publicly, before the proposed development comes into operation.

Reason: To provide for the future maintenance of the development in the interest of residential amenity and orderly development.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenities.



Una Crosse

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 30th day of May 2023