



Inspector's Report

PL-500931-KY-26

Development	Upgrade existing hard play area with new basketball & tennis court surfacing, and construction of a new padel court.
Location	Killahane , Firies , Killarney Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2560658
Applicant(s)	The Board of Management Firies National School
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	David & Niamh Curtin
Observer(s)	None
Date of Site Inspection	27 th May 2026
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 1.170 ha and comprises Firies National School located within Firies village. The site is located at the junction of the regional road R561 and local road L11044. Site boundaries comprise mature trees and hedgerows to the west beyond which is Firies Close, a residential development of two storey dwellings. The boundary to the south comprises mature hedgerow beyond which is the regional road R561, to the north is undeveloped fields and to the east is local road L11044.
- 1.2. The site contains a single storey school building and to the south of which is an existing sports field surrounded by ball netting. To the south of the school building is a hard surface area with basketball court and a grassed area.

2.0 Proposed Development

- 2.1. Permission is sought to upgrade the existing hard play area with new basketball and tennis court surfacing, construction of a new paddle court with dedicated floodlighting all complete with associated fencing, gates, activity wall and school crest signage.
- 2.2. Following a request for further information the proposal was amended to incorporate a 4m high timber acoustic wall on the northern and western side of the proposed padel court.

3.0 Planning Authority Decision

3.1. Decision

On 11th February 2026 Kerry County Council issued notification of a decision to grant permission subject to 6 conditions.

3.1.1. Conditions

Condition 2: The use of the outdoor sports facilities of the school for sporting activities shall cease daily, on or before 21.00 and shall not be used after that time on any evening unless otherwise agreed in writing with the Planning Authority. Reason: In the interest of residential amenity.

Condition 3: 3.a. The floodlights shall be installed by suitably qualified specialists to ensure the floodlights shall be directed onto the playing surface of the pitch and cowled so as not to cause detrimental impact to adjoining residential properties.

b. All on-site lighting shall be cowled and directed away from the public road and shielded horizontally and vertically to prevent glare or light spillage outside the site.

c. The use of the floodlighting for sporting activities shall cease daily on or before 21:30 and shall not be used after that time on any evening unless otherwise agreed in writing with the Planning Authority.

d. In the event of complaints being received regarding alleged injurious impact arising from the floodlighting to which this permission relates and, upon investigation by Kerry County Council, such complaints are found to be justifiable the developer shall, upon written receipt of notification from the Planning Authority, retain the services of a suitably qualified specialist to conduct a Light Impact Assessment and identify remediation measures required in order to abate said impact. The developer shall ensure that all such measures are fully implemented and shall be liable for all costs incurred therein. Reason: In the interest of residential amenities, road safety and to prevent light pollution.

Condition 4: In the event of complaints being received regarding alleged injurious impact arising from the noise to which this permission relates and, upon investigation by Kerry County Council, such complaints are found to be justifiable the developer shall, upon written receipt of notification from the Planning Authority, retain the services of a suitably qualified specialist to conduct a Noise Impact Assessment and identify remediation measures required in order to abate said impact. The developer shall ensure that all such measures are fully implemented and shall be liable for all costs incurred therein. Reason: In the interest of residential amenities and to prevent noise pollution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report dated 18/09/2025 can be summarised as follows:

- The site is zoned M2 Village Centre in the Killarney Municipal District LAP 2018-2024.

- The proposed development is consistent with the layout and activities of the school.
- There are no negative visual impacts associated with the proposed development.
- Further information is required in relation to the intended use of the facilities by the wider community; hours of intended use; a light impact assessment and mitigation measures to remove impact on road users and residential property; and a noise impact assessment of the proposed padel court.

Following a request for further information, the Planning Officer's report dated 11/02/2025 can be summarised as follows:

- The applicant has outlined the use of the sports courts primarily for the use of the pupils. Other users would include local community and sporting groups and local families which currently avail of the school facilities. This is considered a reasonable and normal arrangement.
- The applicant has stated the intended use of the padel court will be until 8pm daily. With the addition of the acoustic barrier, it is considered reasonable that such hours of use would extend until 9pm.
- Conditions will be attached to ensure light is cowled away from the road.
- A noise impact assessment has been submitted and provides clarity as to the extent of mitigation required, an acoustic barrier is proposed to reduce the levels of noise from the courts.
- It is considered reasonable that the outdoor sporting and leisure activities of pupils and other participants should be accommodated at an existing school. It is to be expected that there would be periods of a level of noise generated by the pupils and participants that is common to all schools and it is reasonable to consider the noise levels of activities that would be facilitated by the proposed development would be consistent with those currently generated on a daily basis.
- Having regard to the issues and concerns of the residents of an adjoining property to the school

- It is considered that the applicant has responded to concerns of the residents of an adjoining property by providing additional measures designed to mitigate any potential nuisance or impact upon the adjoining residential properties.
- It is recommended that permission is granted.

3.2.2. Other Technical Reports

County Archaeologist: No objections noted.

3.3. Prescribed Bodies

None on file

3.4. Third Party Observations

Two observations received were from the third-party appellant and issues raised are similar to issues raised in the third party appeal.

4.0 Planning History

4.1. The following recent planning applications at the appeal site are noted:

2560389: Permission granted by Kerry County Council for change of use of existing disused open space to staff car parking complete with associated works at Firies National School.

2460544: Permission granted by Kerry County Council to modify existing agricultural access to provide for emergency vehicles to attend Firies National School, provision of internal access road and all ancillary site works.

21471: Permission granted by Kerry County Council for construction of a stand alone toile/store structure and ancillary services and areas.

191266: Permission granted by Kerry County Council for construction of an all weather playing pitch at a revised location, fencing, netting, lighting and ancillary services and areas.

5.0 Policy Context

5.1. Kerry County Development Plan 2022-2028

Section 6.3.1 refers to Sporting, Leisure Facilities and Open Space and outlines policy to support sustainable provision and development of outdoor and indoor sporting and community facilities. Objective KCDDP 6-32 seeks to facilitate the sustainable provision of sports facilities having regard to local recreational needs.

KCDDP 11-42 Requires proposals for development that include the provision of external lighting, to clearly demonstrate that the lighting scheme is the minimum needed for security and working purposes and also to ensure that external lighting and lighting schemes are designed so that the incidence of light spillage is minimised ensuring that the amenities of adjoining properties, wildlife and the surrounding environment are protected.

Volume 6 outlines Development Management Standards wherein Section 1.7.5 refers to Schools and states that in assessing proposals the PA will have regard to, inter alia, impact on local amenities and out of school hours uses/dual functioning of school facilities.

The site was zoned M2 Village Centre in the Killarney Municipal District Local Area Plan 2018-2024. Variation No. 2 of the Kerry County Development Plan 2022-2028 replaces the Killarney Town Development Plan and the Killarney Municipal District Local Area Plan 2018-2024 and came into effect on 19th January 2026 and does not contain objectives relating to Feries.

5.2. Natural Heritage Designations

The appeal site is located c. 4.5km north of Castlemaine Harbour SAC Site Code: 000343 and c.6km south of Slieve Mish Mountains SAC, Site Code: 002185.

5.3. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal has been received from David and Niamh Curtin and can be summarised as follows:

- There will be a separation distance of 25.53m and 28.28m. The nature of padel as a high impact sport with repetitive ball strikes against rigid surfaces, players shouting and social interaction and peak usage during evenings and weekends will result in noise which is intrusive and incompatible with a private dwelling.
- In addition to a tennis court, basketball court and 2 metre high concrete wall which will also be available for rent outside school hours.
- No mitigation is proposed for this part of the development.
- The proposed intensively used recreational facility is incompatible in close proximity to an existing home and alternative siting should be considered.
- Reliance on post mitigation design does not substitute for appropriate separation distances and compatible land use planning.
- The proposed 4m high acoustic fence will appear overbearing from the appellants dwelling and garden and cause overshadowing and reduction in natural light to the garden and habitable rooms.
- The combined effects will result in a significant adverse impact on residential amenity.
- The PA did not adequately assess daylight, overshadowing or visual dominance impacts.
- The proposal fails to comply with the Development Plan which contains clear objective to protect residential amenities of existing dwellings and prevent undue noise, disturbance or loss of amenity and ensure that new development does not result in overbearing, overshadowing or loss of outlook.

6.2. Applicant Response

No response received.

6.3. **Planning Authority Response**

No response received.

6.4. **Observations**

None received.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issue in this appeal relate to the impact of the proposed development on the residential and visual amenities of neighbouring properties.

7.2. The appeal site comprises an existing primary school and grounds which include an existing playing pitch. There is an existing hard surfaced area to the south of the school building which is proposed to be upgraded to provide for two new acrylic painted sports surfaces surrounded by mesh fencing, a padel court and a concrete target wall and play wall.

Noise Impact

7.3. The appellants raise concerns that due to the separation distance between their residential property and the appeal site, and due to the nature of padel as a high impact sport with repetitive ball strikes and players shouting, the proposal will result in noise which is intrusive and incompatible with residential use and which will occur during evenings and weekends. Concerns are also raised in relation to the proposed tennis court, basketball court and 2 metre high concrete play wall which will be available for use outside school hours.

7.4. The PA sought further information from the applicant in relation to the intended use and requiring a noise assessment. In response the applicant outlined that the proposed use is primarily for school students and as well as other community groups and that the area will be available for families to rent for birthday parties. A Noise Impact Assessment was also submitted.

- 7.5. The Noise Impact Assessment identifies nearby noise sensitive receptors which include residential properties to the west of the appeal site where the appellants property is located. The assessment found that noise levels would exceed the project criteria without mitigation due to possible impulsivity of the Padel noise. Mitigation measures are included to reduce the noise impact comprising an acoustic wall located on the western and northern sides of the padel court to further reduce noise and reduce the risk of impulsive noise transfer from ball hits off the wall on the western end of the court. The acoustic wall is proposed to be constructed of timber material. Following mitigation, the report outlines the predicted noise emissions from the development at each noise sensitive location and notes predicted maximum noise levels of 46dBA.
- 7.6. I note the appellants concerns in relation to the proposed use having regard to the proximity of their property to the proposed padel court. The eastern boundary of the appellants property adjoins the western boundary of the school site and the boundary is comprised of mature trees and hedgerow. The proposed padel court will be located a minimum distance of approximately 25m from this boundary. The proposed sports surface and play will be located approximately 54m from this boundary.
- 7.7. I note that the appeal site comprises an existing primary school and that there is an existing sports field and hard surfaced basketball/play area between the school and the appellants property and that the school is a longstanding use at this location. I also note that the Regional Road R561 is located immediately to the south of the school site and the appellants property and that the school is located in the centre of Firies village.
- 7.8. I note that the PA did not raise any concerns in relation to noise and that there is no report on file from any internal departments within the PA relating to noise. The PA attached condition No. 2 requiring that sporting activities cease on or before 21:00 and condition No. 4 relating to requirement for a Noise Impact Assessment and remediation measures in the event of noise related complaints.
- 7.9. I note that the existing school and outdoor play area are likely to emit a certain amount of noise as is the adjoining regional road. I also note that the site is located within an established village centre. I note the intended use of the proposed development is for school students and community groups and that the area will be

available for families to rent for birthday parties and that this has the potential to result in an increase in activity and associated noise levels from the proposed development. However, having regard to the existing use on site, the location within a village centre, and to the expected noise levels and mitigation measures as outlined in the Noise Impact Assessment, I consider the proposed development is acceptable at this location subject to conditions relating to hours of use and noise levels.

- 7.10. I note that the PA attached Condition 2 which requires the use of the facility shall cease on or before 21:00 and Condition 4 which requires that in the event of complaints being received regarding noise the applicant shall conduct a Noise Impact Assessment and identify remediation measures required in order to abate said impact. Noting the predicted noise levels as set out in the Noise Impact Assessment submitted, and the mitigation measures proposed, I consider it more appropriate that, if the Commission decides to grant permission, a condition should be attached that noise levels shall not exceed 55 dB(A) rated sound level during the intended operating hours of the proposed development. I also consider it appropriate to attach a condition requiring the use of the facility to cease on or before 21:00 in line with the PA's condition in this regard.

Visual Impact, Overshadowing & Daylight

- 7.11. The appeal raises concerns that the proposed 4m high acoustic fence will appear overbearing and will cause overshadowing and reduction in natural light to the garden and habitable rooms and that the PA did not assess this impact.
- 7.12. The proposed 4m high acoustic timber fence will be located on the northern and western boundary of the padel court. This fence will be located a minimum of approximately 25m from the boundary of the appellants property to the west of the appeal site. This boundary is comprised of mature trees and hedgerows. The southern boundary separating the appeal site from the adjoining regional road is comprised of mature hedgerow and the proposed acoustic fence will be set back approximately 4m from this boundary with the public road. The PA did not raise concerns in relation to the visual impact of the proposed acoustic fence and an assessment of the impacts of the fence on daylight and sunlight was not included.

- 7.13. Having regard to the separation distance between the proposed acoustic fence and the appellants property, and to the presence of mature trees separating the appeal site from the appellants property, I do not consider the proposed fence is likely to appear overbearing from the appellants property. I also note that the presence of mature hedgerow between the appeal site and the public road is likely to minimise any potential visual impacts from the public road. Furthermore I note the existing development on the site which includes a school, sports playing pitch and ball netting and I consider the proposal is appropriate for this location in terms of visual impact.
- 7.14. In relation to potential overshadowing, again I note the separation distance and presence of mature trees as well as the orientation of the acoustic fence to the east of the appellants property and I am therefore satisfied that the proposal is unlikely to give rise to unacceptable overshadowing impacts or loss of daylight to the appellants property.
- 7.15. Having regard to the above, I am satisfied the scale of the proposed development is acceptable and would not have a significant detrimental impact on the visual amenities of neighbouring properties.

Conclusion

- 7.16. Having regard to the above I am satisfied that the proposed development complies with Development Plan Volume 6 Section 1.7.5 with regard to impact on local amenities and I do not agree with the appellants concerns that the proposal fails to comply with the Development Plan in relation to the protection of residential amenities.

8.0 AA Screening

- 8.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive.

I have considered case PL-500931-KY-26 in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The proposed development is located within an established school site and comprises upgrades to an existing hard play area with new basketball & tennis court surfacing, and construction of a new paddle court. The closest European Sites are Castlemaine Harbour SAC Site Code:

000343 located c. 4.5km south of the site and Slieve Mish Mountains SAC, Site Code: 002185 located c.6km north of the site.

Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- The scale and nature of the development
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.
- Having regard to the screening determination of the PA.

8.2. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Water Framework Directive

9.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

10.0 Recommendation

- 10.1. I recommend that planning permission should be granted for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the nature and extent of the proposed development to upgrade an existing hard play area with new basketball and tennis court surfacing, and construction of a new padel court; to the nature of the site; to the existing pattern of development in the area, including neighbouring dwellings; it is considered the proposed development generally accords with the Policies and Objectives of the Kerry County Development Plan 2022-2028, including Objective KCDP 6-32 sustainable provision of sports facilities and Section 1.7.5 of Volume 6 relating to impact on local amenities, and would not impact unduly on the amenities of the area. It is considered that, subject to conditions, the proposed development is in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as further amended by the plans and particulars received by the Planning Authority on the 19th day of December 2025, 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. The following shall be complied with:
 - a) The floodlights shall not be used or otherwise be left switched on between the hours of 21:30pm and 08.30am daily, unless otherwise agreed in writing with the Planning Authority.
 - b) All floodlights shall be cowled to divert light away from the public road and from residential properties in the vicinity. The floodlighting shall be directed/cowled onto the playing surface so as to minimise any light overspill upwards, sideways or in the direction of neighbouring dwellings and so as not to cause glare to public road users.

Reason: To protect residential amenities, in the interest of traffic safety and proper planning and sustainable development

3. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 08:30 to 21:00, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times , (corrected for a tonal or impulsive component) as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site

4. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise, traffic management, and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

5. The sports facility shall only be used between 08:30 hours and 21:00 hours on Mondays to Sundays inclusive.

Reason: In the interest of residential amenity

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Bernadette Quinn

Planning Inspector

09th June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500931-KY-26
Proposed Development Summary	Upgrade existing hard play area with new basketball & tennis court surfacing, and construction of a new paddle court.
Development Address	Killahane , Firies , Killarney Co. Kerry
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
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<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
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<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold Class 10. Infrastructure projects (b) (iv) urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes <input type="checkbox"/>	
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No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)
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Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500931-KY-26
Proposed Development Summary	Upgrade existing hard play area with new basketball & tennis court surfacing, and construction of a new paddle court.
Development Address	Killahane , Firies , Killarney Co. Kerry
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The proposal relates to works to upgrade an existing hard play area with new basketball & tennis court surfacing, and construction of a new paddle court. The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to	Briefly comment on the location of the development, having regard to the criteria listed

<p>be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated in a village he receiving location is not particularly environmentally sensitive and is removed from sensitive natural habitats, designated sites and identified landscapes of significance in the County Development Plan. The site is not of historic or cultural significance. Given the scale and nature of development and mitigation proposed there will be no significant environmental effects arising.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>

There is no real likelihood of significant effects on the environment.	EIA is not required.
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Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)