

An tAcht um Pleanáil agus Forbairt, 2000, arna leasú

Planning and Development Act 2000, as amended

Údarás Pleanála: Comhairle Contae Chiarraí

Planning Authority: Kerry County Council

Uimhir Thagartha ar an gClár Pleanála: 25/61221

Planning Register Reference Number: 25/61221

Achomharc ó Liam O'Keeffe in aghaidh an chinnidh a rinne Comhairle Contae Chiarraí an 25 Feabhra 2026 cead a dheonú, faoi réir coinníollacha, do Dingle Phoenix Projects CLG i gcomhréir leis na pleananna agus na sonraí a taisceadh leis an gComhairle sin.

Forbairt Bheartaithe: Tá achar thart ar 0.146 heicteár sa láithreán, agus tá éadanas aige ar Ascaill Avondale, ar Shráid na Dadhgaide agus ar Abhainn an Mhalla; tá cuid den láithreán suite laistigh de Limistéar Caomhantais Ailtireachta. Is éard atá sa bhforbairt bheartaithe ná codanna de na foirgnimh atá ann cheana ar an láithreán a scartáil chun an togra a éascú, foirgneamh The Phoenix Cinema agus na foirgnimh choimhdeacha atá ann cheana a athchóiriú, síneadh a chur le foirgneamh The Phoenix Cinema, agus na foirgnimh choimhdeacha ghaolmhara ar an láithreán lena mbaineann a athúsáid agus a shíneadh, chun ionad cultúrtha réigiúnach nuálach (thart ar 2,029.2 méadar cearnach) a chur ar fáil. Cuimsíonn an togra trí fhoirgneamh ar an láithreán, idir aon stór agus trí stór ar airde, agus áirítear ann an méid seo a leanas: spás taibhithe ildisciplíneach; siopa gailearaí; gailearaí; seomra scagtha/scannáin; beár toglainne/bialann/caifé agus cistin ghaolmhar; oifigí

agus saoráidí leasa foirne; seomraí in-áirithinte; dara spás taibhithe/ceardlainne; stiúideo ilfheidhmeach; clós lárnach nasctha; agus beidh siad uile ceadúnaithe mar spás ilfheidhmeach; mar aon le dhá stiúideo cónaithe d'ealaíontóirí a mbeidh rochtain neamhspleách orthu ó Ascaill Avondale. Tá deich spás páirceála do rothair beartaithe laistigh de limistéar an chlóis láir. Tá dhá ardán beartaithe ar an gcéad urlár agus ar an dara hurlár a bheidh ag féachaint amach ar an gclós. Beidh príomhbhealach isteach an ionaid chultúrtha ó Shráid na Dadhgaide, áit a bhfuil na pointí rochtana reatha ar an láithreán suite. Soláthróidh an fhorbairt bheartaithe rochtain do choisithe ó Shráid na Dadhgaide chuig príomhfhoirgneamh beartaithe an ionaid agus chuig an bhfoirgneamh ilfheidhmeach. Feabhsóidh an fhorbairt an pointe rochtana do choisithe agus d'fheithiclí chuig limistéar an chlóis lárnaigh trí shocrú rochtana uasghrádaithe ar an gclós a chur ar fáil. Cuirfear pointe rochtana tánaisteach nua ar fáil chuig an láithreán do choisithe agus d'fheithiclí feadh Ascaill Avondale. Tá sé seo beartaithe chun, i measc nithe eile, rochtain ar stiúideonna na n-ealaíontóirí agus seirbhísiú na forbartha a éascú. Cuirfear bá luchtaithe ar fáil feadh Ascaill Avondale, laistigh de theorainn an láithreáin. Áirítear leis an togra seo na hoibreacha láithreáin agus bonneagair uile a bhaineann leis, os cionn agus faoi bhun na talún, lena n-áirítear soláthar seirbhísí uisce; draenáil agus naisc d'fhuíolluisce agus d'uisce dromchla; togra maolaithe; pábháil thréscaoilteach; na hoibreacha tírdhrechtaithe go léir; limistéir ghinearálta ghléasra; cóireáil tírdhrechtaithe ar na teorainneacha; uasghráduithe ar chosáin de réir mar is gá; soilsiú poiblí de réir mar is gá; agus seirbhísí leictreachais, ar fad ag The Phoenix Cinema, Sráid na Dadhgaide, Daingean Uí Chúis, Contae Chiarraí.

Cinneadh

Cead a DHEONÚ don fhorbairt bheartaithe thuas i gcomhréir leis na pleananna agus na sonraí luaite, bunaithe ar na cúiseanna agus na cúinsí faoi bhun agus faoi réir na gcoinníollacha atá leagtha amach thíos.

Cúiseanna agus Cúinsí

Ag féachaint d'úsáid stairiúil an láithreáin mar phictiúrlann, do chineál agus do scála na forbartha beartaithe, agus do bheartais agus do chuspóirí Phlean Forbartha Chontae Chiarraí 2022–2028 agus Phlean Ceantair Áitiúil Limistéar Toghcháin Chorca Dhuibhne 2021–2027, go háirithe Cuspóir WK-RT-2, lena bhféachtar le lár baile bríomhar agus saibhir ó thaobh an chultúir de a chur chun cinn, meastar, faoi réir chomhlíonadh na gcoinníollacha atá leagtha amach thíos, go gcuirfeadh an fhorbairt bheartaithe le forbairt na hearnála cultúrtha agus cruthaithí i gContae Chiarraí, gur úsáid iomchuí den láithreán athfhorbraíochta seo i lár an bhaile a bheadh inti agus nach mbainfeadh sí de thaitneamhachtaí amhairc ná cónaithe an cheantair. Dá réir sin, bheadh an fhorbairt bheartaithe ag teacht le pleanáil chuí agus forbairt inbhuanaithe an cheantair.

Coinníollacha

1. Déanfar an fhorbairt agus críochnófar í i gcomhréir leis na pleananna agus na sonraí a taisceadh in éineacht leis an iarratas, arna leasú leis na pleananna agus na sonraí breise a cuireadh faoi bhráid an údaráis phleanála an 18 Feabhra 2026, seachas de réir mar is gá ar shlí eile chun na coinníollacha seo a leanas a chomhlíonadh. I gcás ina gceanglaítear leis na coinníollacha sin sonraí a chomhaontú leis an údarás pleanála, comhaontóidh an forbróir na sonraí sin i scríbhinn leis an údarás pleanála sula gcuirfead tús leis an bhforbairt, agus déanfar an fhorbairt agus críochnófar í i gcomhréir leis na sonraí comhaontaithe.

Cúis: Ar mhaithe le soiléire.

2. Feisteofar fuinneoga Stiúideonna 1 agus 2 atá beartaithe (an t-ingearchló thiar) go buan le gloiniú teimhneach. Sula gcuirfear tús leis an bhforbairt, cuirfidh an forbróir líníochtaí leasaithe faoi bhráid an údaráis phleanála ar scála iomchuí lena gcomhaontú i scríbhinn, agus an t-athrú seo iontu.

Cúis: Chun taitneamhachtaí cónaithe atá ann cheana a chosaint agus ar mhaithe le pleanáil chuí agus forbairt inbhuanaithe an cheantair.

3. Iarrtar ar an iarratasóir bearta deartha sonracha, a chomhaontófar leis an údarás phleanála, a ionchorprú chun saoraidí neadaithe a chur ar fáil do ghabhláin ghaoithe, trí 'bhrící do ghabhláin ghaoithe' a leabú i ngnáthchúrsaí aghaidheanna na bhfoirgneamh, 'boscaí do ghabhláin ghaoithe' a shuiteáil faoi na sceimhleacha, nó 'túir do ghabhláin ghaoithe' a chur ar fáil i gclóis. Déanfar iad sin a shuíomh agus a shuiteáil i gcomhairle le héiceolaí cáilithe agus ag féachaint do na ceanglais deartha shonracha do na speicis ar a bhfuiltear ag díriú agus don treoirleabhar náisiúnta 'Saving Swifts' (2019). Cuirfidh éiceolaí atá cáilithe go cuí fianaise ar shuiteáil cheart faoi bhráid an údaráis phleanála.

Cúis: Chun pobail phórúcháin áitiúla gabhlán gaoithe a chothabháil.

4. Cuirfear na bearta maolaithe agus na gealltanais faireacháin a shainaithnítear sa Tuarascáil um Pleanáil Tírdhreacha, sa Mheasúnú Tionchair Crannadóireachta, sa Phlean um Bainistíocht Comhshaoil Tógála agus sna pleananna agus sna sonraí eile a cuireadh isteach leis an iarratas chun feidhme go hiomlán, seachas de réir mar is gá ar shlí eile chun coinníollacha eile a chomhlíonadh.

Cúis: Ar mhaithe le soiléire agus le cosaint an chomhshaoil le linn chéimeanna tógála agus oibriúcháin na forbartha beartaithe.

5. Sula gcuirfear tús leis an bhforbairt ar an láithreán, fiosróidh an t-iarratasóir ceanglais uile an údaráis phleanála maidir le speicis ionracha a dhíothú ón láithreán agus comhlíonfaidh sé iad. Maidir leis seo, cuirfidh an t-iarratasóir measúnacht agus ráiteas modheolaíochta faoi bhráid an údaráis phleanála freisin maidir leis an mbealach is fearr le hábhar ar an láithreán atá éillithe le speicis ionracha a láimhseáil, lena gcomhaontú i scríbhinn, sula gcuirfear tús le haon obair ar an láithreán. Tabharfar sa ráiteas modheolaíochta sonraí maidir leis na criosanna maolánacha, an bailitheoir údaraithe dramhaíola atá ainmnithe agus an clár cóireála leanúnaigh. Déanfar na hoibreacha faoi mhaoirseacht speisialtóra i speicis ionracha, a dhéanfaidh faireachán ar gach imscrúdú láithreáin agus ar gach obair eile agus a chuirfidh, nuair a bheidh siad críochnaithe, tuarascáil faoi bhráid an údaráis phleanála ag deimhniú go bhfuil próiseas bainte na speiceas ionrach sásúil.

Cúis: Ar mhaithe le cosaint an chomhshaoil agus le forbairt ordúil.

6. (a) Is ag ealaíontóirí amháin a úsáidfear na haonaid stiúideo chónaithe atá beartaithe, ar feadh tréimhsí gearra, agus ní úsáidfear iad chun críocha ginearálta ligean gearrthéarmach ná le haghaidh áitiú buan lánaimseartha.

(a) Ní dhéanfar an dá aonad stiúideo chónaithe a dhíol ná a scaradh ar aon bhealach eile ón bhforbairt bheartaithe.

Cúis: Ar mhaithe le soiléire.

7. Le linn chéim oibriúcháin na forbartha beartaithe, ní rachaidh an leibhéal torainn thar na teorainneacha seo a leanas:

- (a) leibhéal fuaime rátaithe 55 dB(A) idir 07:00 agus 23:00, agus
- (b) 45 dB(A), 15 nóiméad, agus 60 dB LAfmax, 15 nóiméad, gach tráth eile (agus ceartúchán déanta i gcás comhpháirt thónúil nó ríogach), arna dtomhas ag aon phointe feadh teorainn an láithreáin.

Cuirfear nósanna imeachta chun comhlíonadh na teorann seo a chinneadh faoi bhráid an údaráis phleanála lena gcomhaontú i scríbhinn sula gcuirfear tús leis an bhforbairt.

Cúis: Chun taitneamhachtaí cónaithe na réadmhaoine i gcomharsanacht an láithreáin a chosaint.

8. Comhlíonfaidh an forbróir ceanglais uile an údaráis phleanála maidir le bóithre, rochtain, soilsiú agus socruithe páirceála, lena n-áirítear saoráidí chun feithiclí leictreacha a athluchtú.

Cúis: Ar mhaithe le sábháilteacht agus áisiúlacht tráchta.

9. Ní dhéanfar oibreacha forbartha láithreáin ná oibreacha tógála ach amháin idir 07:00 agus 19:00, ón Luan go dtí an Aoine, an dá lá sin san áireamh, idir 08:00 agus 14:00 ar an Satharn, agus ní dhéanfar aon obair ar an Domhnach ná ar laethanta saoire poiblí. Ní cheadófar imeacht ó na huaireanta sin ach amháin nuair a bheidh ceadú i scríbhinn faighte roimh ré ón údarás pleanála.



Cúis: Chun taitneamhachtaí cónaithe na réadmhaoine sa chomharsanacht a chosaint.

10. Comhlíonfaidh na socruithe draenála, lena n-áirítear maolú agus diúscairt uisce dromchla, ceanglais an údaráis phleanála maidir leis na hoibreacha agus na seirbhísí sin. Sula gcuirfear tús leis an bhforbairt, cuirfidh an forbróir Iniúchadh ar Uisce Stoirme Chéim 2 – Céim an Dearaidh Mhionsonraithe faoi bhráid an údaráis phleanála lena chomhaontú i scríbhinn. Ar chríochnú na forbartha, cuirfear Iniúchadh ar Uisce Stoirme Chéim 3 – Iniúchadh Críochnúcháin faoi bhráid an údaráis phleanála lena chomhaontú i scríbhinn, lena léireofar go bhfuil bearta an Chórais Draenála Uirbí Inbhuanaithe suiteáilte agus ag feidhmiú mar a dearadh agus nár tharla aon naisc mhíchearta ná aon damáiste don bhonneagar draenála uisce stoirme le linn na tógála.

Cúis: Ar mhaithe leis an tsláinte phoiblí agus le bainistiú uisce dromchla.

11. Sula gcuirfear tús leis an bhforbairt, déanfaidh an forbróir comhaontú um nasc le hUisce Éireann chun socrú a dhéanamh do nasc seirbhíse leis an soláthar uisce poiblí agus/nó leis an líonra bailiúcháin fuíolluisce.

Cúis: Ar mhaithe leis an tsláinte phoiblí agus chun a chinntiú go mbeidh saoráidí leordhóthanacha uisce agus fuíolluisce ar fáil.

12. Déanfar an láithreán a tírdhreachú de réir na scéime cuimsithí mionsonraithe tírdhrechtaithe a ghabh leis an iarratas a cuireadh isteach, mura gcomhaontófar a mhalairt i scríbhinn leis an údarás phleanála sula gcuirfear tús leis an bhforbairt. Coinneoidh an forbróir seirbhísí ailtire tírdhreacha atá cáilithe go cuí ar feadh thréimhse iomlán na n-oibreacha forbartha láithreáin. Cuirfear an scéim tírdhrechtaithe

cheadaithe chun feidhme ina hiomláine sa chéad séasúr plandála tar éis chríochnú na forbartha nó gach céime den fhorbairt, agus déanfar aon ábhar plandála a fhaigheann bás nó a bhaintear laistigh de thrí bliana ón bplandáil a athsholáthar sa chéad séasúr plandála ina dhiaidh sin. Ní úsáidfear ach speicis dhúchasacha i ngach plandáil crann agus tor. Ní dhéanfar aon chrann ar an láithreán a leagan ná a ghearradh le linn na tréimhse ón 1^{Márta} go dtí an 31 Lúnasa. Ní chuirfear aon soilsiú seachtrach ar fáil ar an láithreán a bheidh dírithe i dtreo Abhainn an Mhalla. Fiosróidh an t-iarratasóir ceanglais an údaráis phleanála maidir le haon oibreacha atá beartaithe ar Abhainn an Mhalla agus comhlíonfaidh sé iad.

Cúis: Ar mhaithe le cosaint an chomhshaoil.

13. Ní dhéanfar aon chomharthaíocht, fógra ná struchtúr fógraíochta (lena n-áirítear aon cheann ar forbairt dhíolmhaithe é faoi na Rialacháin um Pleanáil agus Forbairt, 2001 (arna leasú)), seachas iad siúd atá léirithe ar na líníochtaí a cuireadh isteach leis an iarratas, a chur suas ná a thaispeáint ar na foirgnimh ná laistigh de chúirtealáiste an láithreáin, mura n-údaraítear a leithéid le deonú breise ceada pleanála.

Cúis: Ar mhaithe le taitneamhacht amhairc.

14. Leagfar gach cábla seirbhíse a bhaineann leis an bhforbairt bheartaithe (amhail cáblaí leictreachais, teileachumarsáide agus teilifíse comhchoitinne) faoin talamh. Cuirfidh an forbróir duchtáil ar fáil chun bonneagar leathanbhanda a éascú laistigh den fhorbairt bheartaithe.

Cúis: Ar mhaithe le taitneamhacht amhairc agus chónaithe.

15. D'ainneoin na bhforálacha maidir le forbairt dhíolmhaithe sna Rialacháin um Pleanáil agus Forbairt, 2001, nó aon fhorála reachtúla lena leasaítear iad nó a chuirtear ina n-ionad, ní chuirfear suas ná ní shuiteálfar aon ghléasra breise, painéil ghréine/PV, innealra, struchtúir teileachumarsáide, gaothráin, lúvair ná ductanna ar dhíon na forbartha beartaithe mura n-údaraítear iad le deonú breise ceada pleanála.

Cúis: Chun taitneamhacht amhairc an cheantair a chosaint.

16. Déanfar tógáil na forbartha a bhainistiú de réir Plean Bainistíochta Tógála agus Comhshaoil, a chuirfear faoi bhráid an údaráis phleanála lena chomhaontú i scríbhinn sula gcuirfear tús leis an bhforbairt. Áireofar sa phlean seo, i measc nithe eile, sonraí agus suíomhanna na gcomhdhúl tógála atá beartaithe, sonraí faoin modh tógála atá beartaithe don fhorbairt, lena n-áirítear bearta bainistíochta torainn agus deannaigh, sonraí faoi shocruithe tráchta agus faoi bhealaí do thrácht tógála, páirceáil le linn chéim na tógála, agus diúscairt dramhaíola tógála/scartála lasmuigh den láithreán.

Cúis: Ar mhaithe leis an tsábháilteacht phoiblí agus le taitneamhacht chónaithe.

17. Sula gcuirfear tús leis an bhforbairt, ullmhóidh an forbróir, nó aon ghníomhaire atá ag gníomhú thar a cheann, Plean Bainistíochta Acmhainní agus Dramhaíola (RWMP), mar atá leagtha amach i dTreoirínte Dea-Chleachtais na Gníomhaireachta um Chaomhnú Comhshaoil maidir le Pleananna Bainistíochta Acmhainní agus Dramhaíola a Ullmhú do Thionscadail Tógála agus Scartála (2021), lena n-áirítear léiriú ar thograí chun cloí leis an dea-chleachtas agus leis na prótacail. Áireofar sa RWMP tograí sonracha maidir leis an gcaoi a ndéanfar éifeachtacht an RWMP a thomhas agus faireachán a



dhéanamh uirthi; cuirfear na sonraí sin ar an gcomhad agus coinneofar iad mar chuid den taifead poiblí. Ní mór an RWMP a chur faoi bhráid an údaráis phleanála lena chomhaontú i scríbhinn sula gcuirfear tús leis an bhforbairt. Cuirfear gach taifead (lena n-áirítear taifid maidir le dramhaíl agus gach acmhainn), de réir an RWMP chomhaontaithe, ar fáil lena n-íniúchadh san oifig láithreáin i gcónaí.

Cúis: Ar mhaithe le pleanáil chuí agus forbairt inbhuanaithe.

18. Cuirfear plean ina mbeidh sonraí maidir le bainistiú dramhaíola laistigh den fhorbairt, lena n-áirítear saoráidí a sholáthar chun dramhaíl a stóráil, a scaradh agus a bhailiú, go háirithe ábhair in-athchúrsáilte, agus chun na saoráidí sin a oibriú ar bhonn leanúnach, faoi bhráid an údaráis phleanála lena chomhaontú i scríbhinn sula gcuirfear tús leis an bhforbairt. Ina dhiaidh sin, déanfar an dramhaíl a bhainistiú de réir an phlean chomhaontaithe.

Cúis: Chun bainistiú cuí dramhaíola agus, go háirithe, ábhar in-athchúrsáilte, a chinntiú ar mhaithe le cosaint an chomhshaoil.

19. Éascóidh an forbróir measúnú seandálaíochta an láithreáin agus déanfaidh sé socrú chun ábhair nó gnéithe seandálaíochta a d'fhéadfadh a bheith ar an láithreán a chaomhnú, a thaifeadadh agus a chosaint. Chuige sin, déanfaidh an forbróir an méid seo a leanas:

- (a) fógra i scríbhinn a thabhairt don údarás phleanála ceithre seachtaine ar a laghad sula gcuirfear tús le haon oibríocht ar an láithreán (lena n-áirítear imscrúduithe hidreolaíocha agus geoiteicniúla) a bhaineann leis an bhforbairt bheartaithe, agus



(b) seandálaí atá cáilithe go cuí a fhostú sula gcuirfear tús leis an bhforbairt. Déanfaidh an seandálaí measúnú ar an láithreán agus faireachán ar gach obair fhorbartha láithreáin. Tabharfar aghaidh sa mheasúnú ar na saincheisteanna seo a leanas:

- (i) cineál agus suíomh an ábhair sheandálaíochta ar an láithreán, agus
- (ii) tionchar na forbartha beartaithe ar an ábhar seandálaíochta sin.

Cuirfear tuarascáil, ina mbeidh torthaí an mheasúnaithe, faoi bhráid an údaráis phleanála agus, de thoradh an mheasúnaithe sin, comhaontóidh an forbróir i scríbhinn leis an údarás phleanála na sonraí maidir le haon cheanglais seandálaíochta bhreise (lena n-áirítear, más gá, tochailt sheandálaíochta) sula gcuirfear tús leis na hoibreacha tógála. Mura mbaintear comhaontú amach maidir le haon cheann de na ceanglais sin, déanfar an ní a tharchur chuig an gCoimisiún Pleanála lena chinneadh.

Cúis: Chun oidhreacht seandálaíochta an cheantair a chaomhnú agus chun caomhnú (in situ nó trí thaifead) agus cosaint aon iarsmaí seandálaíochta a d'fhéadfadh a bheith ar an láithreán a áirithiú.

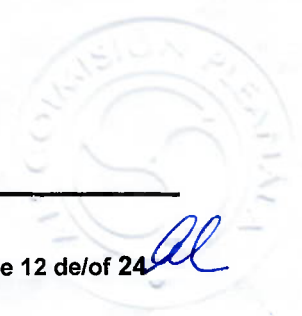
20. Sula gcuirfear tús leis an bhforbairt, taiscfidh an forbróir leis an údarás phleanála éarlais airgid, banna ó chuideachta árachais, nó urrús eile chun soláthar agus críochnú sásúil bóithre, cosán, príomhphíblínte uisce, draenacha, spáis oscailte agus seirbhísí eile is gá i dtaca leis an bhforbairt a áirithiú, mar aon le comhaontú lena gcumhachtaítear an t-údarás áitiúil an t-urrús sin, nó cuid de, a úsáid chun aon chuid den fhorbairt a chur i gcrích go sásúil. Is mar a chomhaontóidh an t-údarás phleanála agus an forbróir a bheidh foirm agus méid an urrúis, nó, mura

mbaintear comhaontú amach, déanfar an ní a tharchur chuig an gCoimisiún Pleanála lena chinneadh.

Cúis: Chun críochnú sásúil na forbartha a chinntiú.

21. Íocfaidh an forbróir ranníocaíocht airgeadais leis an údarás pleanála i leith bonneagair agus saoráidí poiblí a théann chun tairbhe d'fhorbairt i limistéar an údaráis phleanála agus atá á gcur ar fáil, nó atá beartaithe lena gcur ar fáil, ag an údarás nó thar a cheann, de réir théarmaí na Scéime Ranníocaíochta Forbartha arna déanamh faoi alt 48 den Acht um Pleanáil agus Forbairt, 2000, arna leasú. Íocfar an ranníocaíocht sula gcuirfear tús leis an bhforbairt nó i cibé tráthchodanna a éascóidh an t-údarás pleanála, agus beidh sí faoi réir aon fhorálacha innéacsaithe is infheidhme den Scéim tráth na híocaíochta. Comhaontóidh an t-údarás pleanála agus an forbróir na sonraí maidir le cur i bhfeidhm théarmaí na Scéime nó, mura mbaintear comhaontú amach, déanfar an ní a tharchur chuig an gCoimisiún Pleanála chun cur i bhfeidhm ceart théarmaí na Scéime a chinneadh.

Cúis: Ceanglaítear leis an Acht um Pleanáil agus Forbairt, 2000, arna leasú, go gcuirfear coinníoll leis an gcead lena gceanglaítear ranníocaíocht de réir na Scéime Ranníocaíochta Forbartha arna déanamh faoi alt 48 den Acht.



Appeal by Liam O’Keeffe against the decision made on the 25th day of February 2026 by Kerry County Council to grant, subject to conditions, a permission to Dingle Phoenix Projects CLG in accordance the plans and particulars lodged with the said Council.

Proposed Development: The site extends to approximately 0.146 hectares with frontage onto Avondale, Dykegate Street and The Mall River and is partially located within an Architectural Conservation Area. The proposed development consists of the demolition of elements of the existing buildings on site to facilitate the proposal, the refurbishment of The Phoenix Cinema building and existing outbuildings and the construction of an extension to The Phoenix Cinema building and associated reuse and extension of outbuildings on the subject site to provide an innovative regional cultural centre (approximately 2029.2 square metres). The proposal extends across three number buildings on the site, ranging in height from one – three storeys and comprises the following: multi-disciplinary performance space, gallery shop, gallery, screening room/cinema, lounge bar/restaurant/café with associated kitchen, offices and staff welfare, bookable rooms, second performance /workshop space, multi-purpose studio, central connecting courtyard; all to be licensed as a multi-functional space; together with two number artists residential studios with independent access from Avondale. 10 number cycle parking spaces are proposed within the central courtyard area. Two number terraces at first and second floor are proposed overlooking the courtyard. The principal entrance to the cultural centre will be from Dykegate Street, where the existing site access points are located. The proposed development provides pedestrian access to the proposed main centre building and multipurpose building from Dykegate Street. The development will enhance the pedestrian/vehicular access point to the central courtyard area, providing an upgraded courtyard access arrangement. A new secondary access point to the site for pedestrians/vehicles is provided along Avondale. This is to facilitate, inter alia, access to the artists’ studios and servicing for the development. A loading bay is provided along Avondale, within the site boundary. This proposal includes all associated site and infrastructural works above and below ground to include provision for water services; foul and

surface water drainage and connections; attenuation proposal; permeable paving; all landscaping works; and general plant areas; landscaped boundary treatment; footpath upgrades as required; public lighting as required and electrical services, all at The Phoenix Cinema, Sráid Na Dadhgaide, Daingean Uí Chúis, Contae Chiarraí.

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 historical use of the site as a cinema, to the nature and scale of the development proposed and to the policies and objectives of the Kerry County Development Plan 2022-2028 and the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027 in particular Objective WK-RT-2 which seeks to promote a vibrant and culturally-rich town centre, it is considered that, subject to compliance with the conditions set out below, the proposed development would contribute to the development of the cultural and creative sector in Kerry, would be an appropriate use of this town centre brownfield site and would not detract from the visual or residential amenities of the area. 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 submitted to the planning authority on the 18th day of February 2026, 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 windows to proposed Studios 1 and 2 (west elevation) shall be permanently fitted with opaque glazing. Prior to commencement of development, the developer shall submit revised drawings to the planning authority at an appropriate scale for their written agreement incorporating this change.

Reason: To protect existing residential amenity and in the interest of the proper planning and sustainable development of the area.

3. The applicant is requested to incorporate specific designed measures to be agreed with the planning authority for provision of nesting for swifts, through the use of 'swift bricks' into the normal courses of facades, 'swift boxes' under eaves, or 'swift towers' in courtyards. These are to be located and installed in consultation with a qualified ecologist and with reference to the specific design requirements for the targeted species and the 'Saving Swifts' national guidance booklet (2019). Evidence of

proper installation will be provided by a suitably qualified ecologist to the planning authority.

Reason: To provide for maintenance of local breeding populations of swift.

4. The mitigation measures and monitoring commitments identified in the Landscape Planning Report, Arboricultural Impact Assessment, Construction Environmental Management Plan and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

5. Prior to the commencement of development on site, the applicant shall ascertain and comply with all requirements of the planning authority with regards to the eradication of invasive species from the site. In this regard, the applicant shall also submit an assessment and method statement on how best to deal with invasive species contaminated material on site shall be submitted to the planning authority, for their written agreement, prior to the commencement of any works on site. The method statement shall provide details of the buffer zones, nominated authorised waste collector and on-going treatment programme. The works shall be carried out under the supervision of an invasive species specialist, who shall monitor all site investigations and other works and who, on completion shall submit a report certifying that the removal process of invasive species is satisfactory.



Reason: In the interests of environmental protection and orderly development.

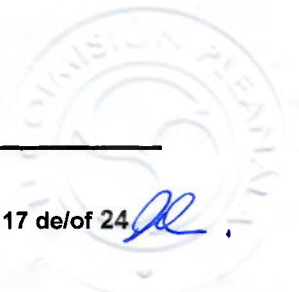
6. (a) The proposed residential studio units shall be used by artists for short term periods and shall not be used for general short-term letting purposes or for full-time permanent occupancy.
- (c) The two residential studio units shall not be sold or otherwise separated from the proposed development.

Reason: In the interest of clarity.

7. 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 0700 to 2300, and
 - (d) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at any point along the boundary of the site.

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.



8. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles.

Reason: In the interests of traffic safety and convenience.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900, Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

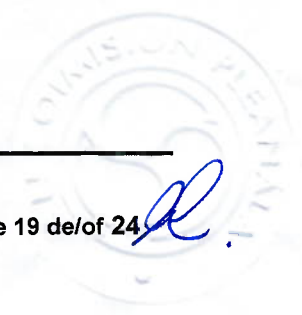


11. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann to provide for a service connection to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

12. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter. All tree and shrub planting shall be native species only. No clearing or cutting of any trees on site during period beginning on 1st day of March to the 31st day of August. No externally fitted lighting shall be provided on site, which directs into the Mall River. The applicant shall ascertain and comply with the requirements of the planning authority in relation to any proposed works to the Mall River.

Reason: In the interest of protecting the environment.



13. No signage, advertisement or advertisement structure (including that which is exempted development under the Planning and Development Regulations, 2001 (as amended)), other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

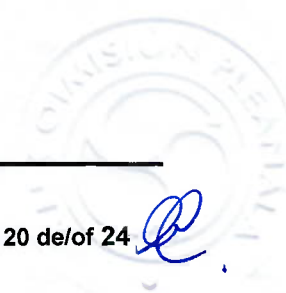
Reason: In the interest of visual amenity.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

15. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional plant, solar/PV panels, machinery, telecommunications structures, fans, louvres or ducts shall be erected or installed on the roof of the proposed development unless authorised by a further grant of permission.

Reason: To protect the visual amenity of the area.



16. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide, inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including noise and dust management measures, details of traffic arrangements and routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

17. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

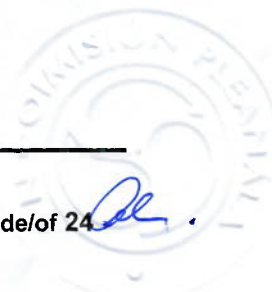


18. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

19. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
 - (i) the nature and location of archaeological material on the site, and



- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

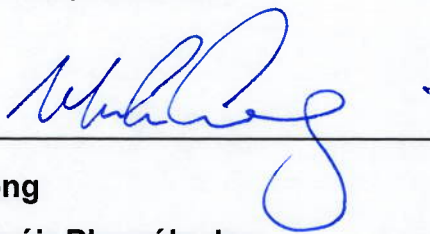
Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Mick Long
Coimisinéir Pleanála den
Coimisiún Pleanála atá
údaraíthe go cuí chun séala
an Coimisiún a
fhíordheimhniú

Planning Commissioner
of An Coimisiún Pleanála
duly authorised to
authenticate the seal of
the Commission.



Dátaithe ar an

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lá seo de

July

2026