



An
Coimisiún
Pleanála

Inspector's Report PL-501019-KY-26

Development

Refurbishment of The Phoenix Cinema building and existing outbuildings and the construction of an extension to The Phoenix Cinema building to provide an innovative regional cultural centre.

Location

The Phoenix Cinema, Sráid Na Dadhgaide, Daingean Uí Chúis, Co. Chiarraí

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

2561221

Applicant(s)

Dingle Phoenix Projects CLG

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party

Appellant(s)

Liam O'Keeffe

Observer(s)

Traolach Ó Buachalla

Date of Site Inspection

25th May 2026

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1 The subject site, which has a stated area of 0.146 hectares, is located within the town centre of Dingle, Co. Kerry. The site currently contains The Phoenix cinema, together with smaller galvanised outbuildings. The remainder of the site comprises a grassed area, which is currently overgrown. A number of low-quality trees are located along the site boundaries.
- 1.2 The site is located between Dykegate Street to its north, Avondale to its west and Mall Road to the south. The Mall River flows along the southeast boundary separated from the site by a brick wall. The surrounding context is a mix of urban streetscapes, with a mix of building styles and heights evident. Residential properties abound the site along both Dykegate Street, The Mall and Avondale.
- 1.3 It is stated in the documentation that the cinema was last used as such in 2021.

2.0 Proposed Development

- 2.1 The proposed development, as per the submitted public notices, comprises the
- demolition of elements of the existing buildings on site to facilitate the proposal
 - refurbishment of The Phoenix Cinema building and existing outbuildings
 - construction of an extension to The Phoenix Cinema building
 - associated reuse and extension of outbuildings to provide an innovative regional cultural centre
 - all associated site and infrastructural works
- 2.2 The following is a summary of the key characteristics of the proposed development:

Table 1:

Site Area	0.146 ha
Frontage	Onto Avondale, Dykegate Street and The Mall River
Gross floor area of existing buildings	714.30m ²

Demolition Works	239.90m ²
Gross floor area of proposed works	2029.20m ²
Height	1-3 storeys
Uses	Multi-functional space to include: • Multi-disciplinary performance space • Gallery and gallery shop • Screening room/cinema • Lounge • Bar/restaurant/café with associated kitchen • Offices and staff welfare • Bookable rooms • Second performance/workshop space and multi-purpose studio • Central connecting courtyard <u>Proposal also includes for:</u> • 2 no. artists residential studios with independent access from Avondale (not residential units but intended as temporary accommodation for visiting artists) • 2 no. terraces at 1st and 2nd floor overlooking courtyard • All associated site development works including drainage, landscaping boundary treatments, footpath upgrades, public

	lighting and electrical services, as required
Opening Hours	Monday-Thursday 9am-11.30pm Friday and Saturday 9am- 12.30am Sunday 9am-11.00pm
Access	<u>Principal Entrance</u> - from Dykegate Street (as per existing) <u>Secondary Entrance</u> - along Avondale to facilitate access to the artists' studios and servicing <u>Loading bay</u> - along Avondale (within the site boundary)
Parking	10 no. cycle parking spaces
Services	Existing connection to public mains (water supply) and public sewer (wastewater management). Surface water disposal to watercourse

2.3 A letter of consent from the owners of the site (Yvonne McGuinness and Cillian Murphy, Directors) (dated 15/12/2025) is attached to the file confirming their consent to Dingle Phoenix Projects CLG and their appointed consultants to proceed as requested to submit a planning application for development on the above-named lands (The Phoenix Cinema, Sráid Na Dadhgaide, Daingean Uí Chúis, Co. Chiarraí). It further states that this does not convey to Dingle Phoenix Projects CLG any interest in the subject lands and is for the sole purpose of allowing a planning application to be submitted.

2.4 A letter of consent from Kerry County Council, Director of Corporate Services (dated 04/12/2025) is also attached to the file confirming that Kerry County Council has no objection to the inclusion of public realm/footpaths within the proposed project application, as proposed, and that the Council is agreeable to the inclusion of the

letter of consent within the relevant project application documentation. It is stated that the letter of consent is without prejudice to the planning process and is for the purpose of planning and project application processes only.

3.0 Planning Authority Decision

3.1 Decision

GRANT permission subject to 13 no. conditions

3.2 Planning Authority Reports

3.2.1 Planning Reports

Planner's Report- Reflects decision of planning authority; grant of permission recommended

3.2.2 Other Technical Reports

Dingle Roads Office- Grant of permission recommended; conditions recommended (dated 23/02/2026)

County Archaeologist- Condition recommended (dated 14/01/2026)

Environment Section- Conditions recommended (dated 24/02/2026)

Environmental Assessment Unit (EAU)- project provides for biodiversity protection and enhancement in accordance with requirements of KCDP; conditions recommended (dated 17/02/2026)

Flooding, Coastal and Marine Unit- Satisfied that proposal will not have an adverse flooding impact on the area and has incorporated sufficient flood mitigation measures; conditions recommended (dated 04/02/2026)

3.3 Prescribed Bodies

Uisce Eireann- Further Information requested to ensure adequate provision of public water and wastewater services and to assess feasibility of connection(s) to the network (dated 22/01/2026)

Inland Fisheries Ireland- proposal is directly adjacent to the Milltown (Kerry)_30, Mall River, which is a spawning and nursery ground for Salmonids. However, the river is currently of poor status with a contributing factor being lack of diverse habitat for

spawning, invertebrate food and juveniles/adults resting pools. Conditions recommended (undated, received by planning authority on 23/02/2026)

3.4 Third Party Observations

A significant number of observations were received by the planning authority, of which the majority expressed support for the proposed development. Concerns were raised in other submissions received relating to matters including impacts on residential amenity, car parking provision/traffic impacts, development scale, lack of provision of housing on site and impacts on mature tree.

4.0 Planning History

No recent relevant history

5.0 Policy Context

5.1 National Planning Policy

Section 28 Ministerial Guidelines

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Appropriate Assessment Guidelines for Planning Authorities

Other policy documents of note:

- National Planning Framework, First Revision

- Regional Spatial & Economic Strategy for the Southern Region
- Design Manual for Urban Roads and Streets (DMURS)
- Climate Action Plan

5.2 Local Planning Policy

Development Plan

Kerry County Development Plan 2022-2028 applies

Subject site is located within a Galetacht area

Section 8.2.1 Arts & Culture

Objectives KCDP 8-19 to KCDP 8-23 (inclusive) relate to arts and culture. Of particular note:

Objective KCDP 8-21: Promote the development of a vibrant cultural and creative sector in the County as a key enabler for enterprise growth, innovation, regeneration, place-making and community development, health and well-being and support measures under Culture 2025, Creative Ireland Strategy 2017-2022, and Action Plan for Rural Development.

Objective KCDP 8-22: Support development of a vibrant network of community arts and cultural hubs as locations for collaboration and creativity.

Section 8.4 Built Architectural Heritage

Objective KCDP 8-38: Seek the retention and appropriate repair and upgrading of historic, buildings, structures, road bridges, railway bridges and tunnels throughout the county, subject to environmental assessment.

Section 8.4.3 Architectural Conservation Areas (ACA)

Corca Dhuibhne Electoral Area Local Area Plan 2021-2027 applies

Dingle is designated as a Regional town.

Zoning: M2- Town Centre

Table 2.6 Zoning Matrix- 'Cinema/Theatre/Recreational Hall (Class 11)' and 'Gallery/Museum/Community Hall (Class 10)' are both 'Open to Consideration'

It is an objective of the Council to:

Objective D-TC-1: Promote the development of the town centre as an attractive location for shopping, business, tourism, residential and community life.

Subject site is partially located within the Daingean Uí Chúis/ Dingle Architectural Conservation Area (ACA)- as shown in section 3 (page 82) of Plan.

Section 3.2.9.2 Architectural Conservation Areas (ACA)- Objectives D-ACA1 to D-ACA-3 (inclusive) are applicable.

Section 2.5.5 Arts, Heritage & Culture

The local authority will ensure that ... potential is maximised to ensure that arts/heritage will play a central role in the development of the town and villages of the MD area. Kerry County Council will work in partnership with the education and creative sector, communities and other agencies to develop creativity and cultural hubs in key locations in the area, where possible.

Section 3.2.2 Strategic Issues and Strategy

In order for Dingle / Daingean Uí Chúis to develop in a sustainable manner it is important that;

- The linguistic and musical heritage of the town is promoted with further development of educational facilities for linguistic and cultural heritage

Section 3.2.8.7 Arts & Culture

It is an objective of the Council to:

Objective D-SIA-1: Seek the sustainable provision of recreational, social and cultural facilities required to meet the needs of the town and safeguard existing recreational, social and cultural facilities in the town for public benefit.

Objective D-SIA-8: Work with the community in the area in order to promote the visual arts and to use blank spaces for artistic creation etc

Objective D-ACA-3: Preserve the town's architectural heritage and encourage development that is designed in a manner that is in keeping with the scale, character and pattern of the existing built fabric and urban form. New developments must be designed to a high architectural standard and must take cognisance of local design features and materials.

Note:

I highlight to An Coimisiún that the statutory public consultation on the proposed material alterations to **Variation No. 3 of the Kerry County Development Plan 2022–2028** relating specifically to the **Castleisland–Corca Dhuibhne Municipal District Settlement Plan** closed on April 10th 2026. It is intended that the Proposed Variation No. 3 – Castleisland-Corca Dhuibhne Municipal District Settlements' Plan, will replace the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027. The subject site is located within the boundary of this draft Settlement Plan. The zoning of the site remains unchanged in this draft Settlement Plan.

I note that section 2.2.7 Sustainable Communities and Social Infrastructure of this draft Plan provides commentary on The Phoenix cinema project (namely the proposed development) and I refer An Coimisiún to same.

5.3 Natural Heritage Designations

The nearest designated sites are Mount Brandon SAC (Site Code: 000375) circa 800m north and Dingle Peninsula SPA (Site Code: 004153) circa 2.1km south.

5.4 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2, in the appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of the 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.

5.5 AA Screening

5.5.1 See Appendix 3 below.

5.5.2 I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended.

5.5.3 The nearest designated sites are Mount Brandon SAC (Site Code: 000375) to the north of the town circa 800m distant and Dingle Peninsula SPA (Site Code: 004153) to the south of the harbour circa 2.1km distant. There is no hydrological or ecological

'Source-Pathway' linkage between the proposed development site and the SAC. Given that the drainage networks outfall to Dingle Harbour, it is considered that there are tenuous indirect hydrological pathways to the Dingle Peninsula SPA (c. 2.1km south of the subject site) during the construction and operational phase of development. There is no direct linkage between the proposed development site and any European site.

- 5.5.4 In summary, the proposal provides for the refurbishment of The Phoenix Cinema building and existing outbuildings and the construction of an extension to the cinema building to provide an innovative regional cultural centre on a site of stated area 0.146 ha. It is located within the settlement boundary of Dingle. The proposed project is within a built environment on an existing hard standing site. The Mall River flows along the southeast boundary separated by a brick wall. The habitat on site is not suitable for feeding by Qualifying Interest birds. Identified habitats include Dry Meadow (GS2), Built Land and Artificial Surfaces (BL3); Scrub (WS1); Treeline (WL1) and Pond/mill base (FL8). There are some sycamore and willow trees on site, all of Category C condition. No rare or protected habitats were recorded. First schedule invasive species Japanese Knotweed (*Fallopia japonica*) and medium-impact invasive Buddleia (*Buddleja davidii*) have been found onsite in the rectangular garden area to the southwest of the subject site. The site is classified as Flood Zone A/B and a Justification Test for the development has been undertaken.
- 5.5.5 Concerns regarding impacts on designated sites were not raised in the appeal submission received. The planning authority have not raised concerns in this regard. They state that there are no Natura 2000 sites within the vicinity of the site or downstream. There is no pathway for impact or effect to any such site and the requirement for AA can be ruled out with certainty.
- 5.5.6 An AA Screening Report was submitted with the application. It states that having taken into consideration the foul and surface water drainage from the proposed development, the distance between the proposed development to designated conservation sites, lack of direct hydrological pathways or biodiversity corridor links to conservation sites, and the dilution and settlement effect within the existing public surface water drainage network and the substantial marine environment at Dingle Harbour, it is concluded that the proposed development would not give rise to any significant effects to designated sites. It continues by stating that the construction

and operation of the proposed development will not impact on the conservation objectives of qualifying interests of European sites.

5.5.7 Having considered the nature, scale and location of the project, 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:

- Scale and mixed-use nature of the proposed development
- Distance to the nearest European site and lack of connections
- The hydrological distance of indirect pathways to these European Sites where any likely pollutant in surface waters would be sufficiently diluted and or dispersed
- AA Screening of the planning authority

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 (under Section 177V of the Planning and Development Act 2000) is not required.

5.6 Water Framework Directive

5.6.1 The proposed development comprises works to an existing structure on Dykegate Street, Dingle, Co. Kerry.

5.6.2 I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water body in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows.

- The nature of the proposed development due to size and scale.
- The location of the nearest water bodies,
- Reports of the planning authority

6.0 The Appeal

6.1 Grounds of Appeal

A third- party appeal was received from Liam O’Keeffe, which may be summarised as follows:

- Housing units are more important on this site than proposed cultural centre
- 10 families could live on the site of the proposed development- there were 17,112 individuals living in emergency accommodation in the State in January 2025 (Source Irish Times and CSO)
- Non-housing construction projects increase the cost of construction of housing units, through the laws of demand and supply using same pool of labour, machinery and building materials
- Cites figures for unemployment levels in the State and those with difficulty making ends meet. If cost of housing decreased, this would impact on figures in difficulty. Therefore, only housing should be built on the subject site
- If site were used for affordable housing, there would be less demand for new housing in the countryside. Houses should not be built in the countryside as they detract from natural beauty

6.2 Applicant Response

A response was received on behalf of the applicant, which may be summarised as follows:

- Sets out site context, planning history and planning context
- Appellant’s concerns appear to be more strategic in nature and are not specific to the details of the proposed development
- Proposed uses are envisaged by the Corca Dhuibhne Electoral LAP 2021-2027 which zones the site ‘Mixed Use Town Centre (M2)’- all uses proposed are permissible or open to consideration under this zoning objective
- A successful town centre requires a variety of use types to ensure it is an attractive place for people to spend time in. The proposed uses promote variety within the town centre on a currently underutilised plot that will create an attractive environment

- Proposal includes for the provision of 2 no. artists studios which is an attempt by the applicant to provide affordable accommodation to visiting artists who will be specifically availing of the facilities of The Phoenix
- Proposal is consistent with all local, regional and national planning policies and objectives and represents a sustainable form of development that reinstates and enhances the historic cinema use on site
- Proposal provides an innovative cultural centre that will cater for the community, artists and audiences embracing the cultural heritage of the area and promoting the Irish language through arts and cinema
- Highlights extracts from Kerry County Council Planner's Report in support of the proposal in terms of principle of development, residential amenity, visual impact and car parking

6.3 Planning Authority Response

A response was received from the planning authority, which may be summarised as follows:

- The scale and height of the new build proposed is considered appropriate to the area; is reflective of the height and form of the rear elevation of the existing cinema building and would integrate well and enhance the streetscape at this location
- Impacts on light from proposed development is acceptable and typical of a serviced plot of brownfield land in a town centre location
- The contemporary form and design of the proposed building would serve to distinguish the existing development from that proposed and would not detract from the ACA
- Former use of the site as a cinema had no provision for on-site car parking. There are a number of public car parks within walking distance. It is considered that these will adequately serve the proposed development
- An operational Waste Management Plan was submitted in support of the proposed development. The Environment Department have put forward conditions, which were attached to the grant of permission

- A mix of uses can be considered on such zoned land. Having regard to the former commercial use of the site, the continued proposed commercial use is deemed appropriate and acceptable for this town centre location. It is not considered necessary to have residential uses on this plot. Furthermore, there are sufficient lands elsewhere within the development boundary of Dingle specifically zoned for residential use

6.4 Observations

An observation was received from Traolach Ó Buachalla, which may be summarised as follows:

- Requests ACP to uphold the decision of the planning authority
- Considers proposal to be consistent with local, regional and national policy
- Site is located in an area of profound cultural richness and cultural expression, which is a fundamental facet of sustainable living and community life- references UNESCO papers relating to safeguarding of intangible cultural heritage
- Dearth of such communal spaces in the area; proposal provides a unique and welcome opportunity to place the area's rich cultural heritage at the heart of the community
- Notes vision of County Development Plan, sections 8.2.1 and 6.3 of same, together with a number of objectives which highlight the need for more physical space to support creative practitioners and support/promote/protect a vibrant cultural and creative sector
- Development of the type proposed is fundamental to the proper planning and sustainable development of Chorca Dhuibhne and to the enhancement of the community and its residents and the vitality of the Irish language

6.5 Further Responses

None

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 report/s of the local authority, having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal are as follows:

- Principle of proposed development/policy context
- Other Matters

7.2 Principle of proposed development/policy context

7.2.1 The proposed development comprises a mixed use cultural hub which comprises three main elements- (i) the existing cinema building to be used as a multi-use performance space/cinema; (ii) a new multi-functional building adjoining which also accommodates a café/bar area opening onto a central external courtyard and (iii) a two-storey gallery space/shop separated from the other elements by an external courtyard area- all fronting onto and accessed from Dykegate Street, Dingle, Co. Kerry. The site also has frontage onto The Mall and Avondale. The proposal will include multi-purpose community and education rooms, artist's studio and two artists residential studios.

7.2.2 I note from the submitted Architects Design Statement that there was first a picture house on this site in 1919, which was destroyed by fire in 1921. A second cinema on the site was also destroyed by fire in 1938. It was again rebuilt (the existing structure) and became a hub of town life in the 1960s. Over time, the venue also served as a dance hall and hosted live show-band tours making it a cultural hub beyond film alone. It permanently closed in 2021.

7.2.3 It is stated in the submitted documentation that the current proposal seeks to safeguard the existing structure as a valued part of the cultural life of the town, acting as a regional cultural centre for the wider area. It is stated that the proposal supports the creation of a newly envisioned The Phoenix- a not-for-profit, mixed business model of performance across a range of disciplines and at a range of scales. It would include a cinema use, the making and sharing of work by visual artists and

others, together with meeting and learning places, all within high quality interconnected spaces which can operate separately and together.

7.2.4 I highlight to An Coimisiún that the primary concern raised in the third-party appeal submission raises concerns regarding the nature of the proposed use. Having regard to the current housing context, levels of those living in emergency accommodation and current construction costs, the appellant considers that a residential use, in particular the provision of affordable housing, would be a more appropriate use of the site. An observer submission in support of the application notes that there is a dearth of such communal spaces in the area and that the proposal provides a unique and welcome opportunity to place the area's rich cultural heritage at the heart of the community. The first party, in response to the appeal, contend that a successful town centre requires a variety of uses to ensure it is an attractive place for people to spend time in. It continues by stating that the proposed uses promote variety within the town centre on a currently underutilised plot, that will create an attractive environment. The submission also highlights that the proposed studio units provide affordable accommodation to visiting artists who will be specifically availing of the facilities of The Phoenix. In response to the appeal, the planning authority states that a mix of uses can be considered on such zoned land and that having regard to the former commercial use of the site, the continued proposed commercial use is deemed appropriate and acceptable for this town centre location. The planning authority state that they do not consider it necessary to provide residential uses on this plot and furthermore, there are sufficient lands elsewhere within the development boundary of Dingle specifically zoned for residential use.

7.2.5 The subject site is located within the settlement boundary of Dingle, which is designated as a regional town within the Corca Dhuibhne Electoral Area LAP 2021-2027. I note Objective WK-RT-2 of the Plan which seeks to 'promote a vibrant and culturally-rich town centre with enhanced social inclusion, sustainable neighbourhoods and a high level of environmental quality to ensure an excellent quality of life for all'. Section 2.5.5 Arts, Heritage & Culture of the Plan states that the local authority will ensure that ... potential is maximised to ensure that arts/heritage will play a central role in the development of the town and villages of the Municipal District area and that Kerry County Council will work in partnership with the

education and creative sector, communities and other agencies to develop creativity and cultural hubs in key locations in the area, where possible. Furthermore, Objective D-SIA-1 seeks the sustainable provision of recreational, social and cultural facilities required to meet the needs of the town and safeguard existing recreational, social and cultural facilities in the town for public benefit while Objective D-SIA-8 seeks to work with the community in the area in order to promote the visual arts and to use blank spaces for artistic creation.

- 7.2.6 The subject site is zoned 'M2- Town Centre', as set out in the Corca Dhuibhne Electoral Area LAP 2021-2027. It is stated within the Plan that proposed developments should improve the vitality and viability of the town centre and shall meet the needs of the town. Table 2.6 Zoning Matrix of the LAP states that 'shop' is 'permitted in principle' while 'gallery/museum/community hall', 'cinema/theatre/recreational hall' and 'residential unit' are all 'open to consideration'. The principle of such uses is therefore considered acceptable on this site.
- 7.2.7 The zoning objective remains unchanged in the Variation No. 3 of the Kerry County Development Plan 2022–2028 relating specifically to the Castleisland–Corca Dhuibhne Municipal District Settlement Plan.
- 7.2.8 I acknowledge the submission of the third-party and the argument put forward in relation to the need for additional housing within the area. I also acknowledge that the County Development Plan and LAP for the area both encourage a mix of uses, including residential uses within such town centre locations. I note that the proposal provides for the provision of two studio units, to be used by visiting artists utilising the facilities of The Phoenix, where they can work and reside solely on a temporary basis when undertaking residencies at the centre and working in Kerry. They are highlighted in the documentation as not being residential units but intended as temporary accommodation for visiting artists- distinctly different to a residential use, as the studios will not be for permanent occupancy. Artists would take up residence in these spaces on a temporary basis, using this space as a base to work and operate from whilst in Dingle. It is highlighted in the documentation that the provision of these studio spaces is essential to support the model of the centre proposed, as it will create a draw for significant artists to work from the centre and spend time on the Dingle Peninsula. Notwithstanding their temporary nature for visiting artists, I note that some level, albeit limited in nature, of residential use is proposed on the site.

- 7.2.9 I also note the previous, most recent use of the site as a cinema and the history of the site as such. I note that residential uses are well catered for in the immediate vicinity of the site and the extent of lands zoned for 'Existing Residential' and 'New Residential' development within the settlement boundary of Dingle (as set out in section 3 of the LAP). The Phoenix cinema historically played an important role in the cultural environment of Dingle and its surrounding hinterland. I consider that the proposed development would once again contribute to the cultural landscape of Dingle and the surrounding area and would aid in allowing arts/heritage to play a central role in the development of the town, in accordance with the provisions of the Local Area Plan. Additionally, the proposal, if permitted, has the potential to become a creativity and cultural hub at a key, accessible location within Dingle town centre- a community gain for the wider region. This is welcomed. The appropriate rejuvenation of the existing premises and redevelopment of the site would improve the visual amenity of the area and is also welcomed in principle.
- 7.2.10 Having regard to all of the above including the history of the site and the nature of the proposal, together with local policy considerations that encourage the provision of such cultural uses, I consider that the principle of the proposed development is consistent with the zoning objective and is acceptable in principle in this mixed-use, town centre location.

7.3 Other Matters

- 7.3.1 While the third-party appeal submission related primarily to a single issue, namely principle of proposed development on the site and the need for additional housing within the area, I have assessed the application de novo.

Visual Amenity/architectural heritage/design rationale

- 7.3.2 I note the subject site is located partially within the Daingean Úi Chúis/ Dingle Architectural Conservation Area (ACA)- as shown in section 3 (page 82) of the LAP. The existing cinema structure on the site is not designated as a Protected Structure within the County Development Plan/LAP nor is it located within the ACA. Nonetheless, it could be considered a landmark building within the town with its distinctive façade reminiscent of a past era. The planning authority state that the proposal will revitalise what is presently a brownfield site in Dingle town centre. They highlight that what was once a vibrant commercial space has been vacant for a

number of years. They consider that the proposed development, particularly on Dykegate Street, will revitalise the area and that the visual implications are considered very positive. This matter has not been raised as a concern in the third-party appeal submission.

- 7.3.3 I noted during my site visit that the subject site is currently vacant, the existing premises has fallen into disrepair and detracts significantly from the streetscape at this location. The existing premises is acknowledged to be in need of upgrade and rejuvenation, and I consider the overall site to be currently underutilised, given its town centre location.
- 7.3.4 An Architect's Design Statement, together with a series of photomontages/CGIs have been included in the application documentation which sets out the design rationale for the proposal. As stated above, a mixed use cultural hub is proposed which comprises three main elements- (i) the existing cinema building to be used as a multi-use performance space/cinema; (ii) a new multi-functional building adjoining which also accommodates a café/bar area and (iii) a two-storey gallery space/shop separated from the other elements by an external courtyard area. The gallery building reads as two-storey onto Dykegate Street reflecting the height of the adjoining terrace of dwellings and while the multi-performance space at three-storeys in height is taller than the existing cinema building, it integrates well with the existing structure on site. There are varying heights along Dykegate Street with single-storey to three-storey properties evident. When viewed from The Mall, the proposed structure reads as a three-storey building with lower ground floor. In my opinion, it is this elevation that is most prominent and where the bulk of the proposal is most evident. I note the submitted CGIs (in particular 153/P/S604) and I refer An Coimisiún to same. The site boundary is such that the proposal is setback from the front building line with the cottages along The Mall, which is welcomed. The proposal provides a strong corner at the junction of The Mall and Avondale and this is considered acceptable.
- 7.3.5 I consider that the redevelopment of this structure/site would be a positive addition to the streetscape at this location, allowing it to again act as a focal point within the town and for the wider community. I note the location of the site relative to the Corca Dhuibhne ACA, noting that an element of the site is located within the ACA. Objective D-ACA-3 of the Plan seeks to preserve the town's architectural heritage

and encourage development that is designed in a manner that is in keeping with the scale, character and pattern of the existing built fabric and urban form. It further states that new developments must be designed to a high architectural standard and must take cognisance of local design features and materials. Having examined the proposal before me, I am of the opinion that the proposal is in compliance with this objective of the LAP. The proposal would not detract from the ACA and would instead complement it with this new addition to the streetscape. Section 1.6.5 of the operative County Development Plan (Vol. 6) relates the development works within ACAs and I refer An Coimisiún to same. I consider that the proposal will conserve and enhance the character of the ACA and will respect the scale, massing, proportions, design and materials of existing structures. A contemporary design, considered to be of high architectural standard, has been put forward for the new elements of the proposal, which reflect the form, proportions and design of the existing cinema building. The existing cinema building is being repaired and upgraded. I am of the opinion that, if permitted, the proposal would enhance the streetscape at this location. Exact details relating to materiality could be adequately dealt with by means of condition, if An Coimisiún is disposed towards a grant of permission. The scale, character and pattern of the proposal is considered appropriate at this location and I am satisfied with the design rationale put forward. The proposal may form a catalyst for further similar high-quality developments in the wider area.

Residential Amenity

- 7.3.6 I note concerns raised in the submissions received by the planning authority regarding impacts on residential amenity, including devaluation of neighbouring property. The planning authority state that the proposal is not likely to impact significantly on residential amenities in the area. This matter has not been raised in the third-party appeal submission. In terms of impacts on the amenity of existing development in the area, I acknowledge at the outset that there will be a change in outlook as the site moves from its current brownfield nature to that accommodating a development of the nature and scale proposed. This is not considered to be a negative. I note that there are existing residential properties adjoining the site on Dykegate Street, Avondale and The Mall.

- 7.3.7 In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. I note that a Shadow Assessment (Impact Neighbours) was submitted with the application documentation. It examines the impact that the proposed development will have on the existing neighbouring properties in terms of shadow. The analysis has been carried out in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice - Third Edition (BRE Guidelines 2022). I have considered the report submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight: A guide to Good Practice (2011). The latter document is referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights (2018). I have carried out a site inspection.
- 7.3.8 In designing a new development, it is important to safeguard the daylight to nearby buildings. I have had regard to the guidance documents referred to in the Ministerial Guidelines and the Kerry County Development Plan to assist in identifying where potential issues/impacts may arise. The standards described in the guidelines are intended only to assist my assessment of the proposed development and its potential impacts. Therefore, while demonstration of compliance, or not, of a proposed development with the recommended BRE standards can assist my conclusion as to its appropriateness or quality, this does not dictate an assumption of acceptability or unacceptability. I note that the criteria under section 3.2 of the Building Height Guidelines at the scale of site/building include the performance of the development in relation to minimising overshadowing and loss of light.
- 7.3.9 In relation to overshadowing, BRE guidelines state that an acceptable condition is where external amenity areas retain a minimum of 2 hours of sunlight over 50% of the area on the 21st March. The submitted report concludes that 86% of tested neighbouring amenity spaces pass the BRE 2-hours of sunlight on the 21st of March or 0.8 ratio requirement and that the proposed development complies with the requirements of the BRE Guidelines for impact on amenity Sunlight/Shadow.

7.3.10 Having examined the proposal, I have some concerns regarding the proximity of the proposed development, in particular the two-storey kitchen element on the residential properties along The Mall (Group B4 as indicated in submitted Shadow Assessment). I note that currently these gardens do not meet the BRE guidelines in terms of receiving 2-hr of sunlight on March 21st and this will remain unchanged with the current proposal. Currently however, there is a wall and single storey shed along this boundary, which is to be replaced with a two-storey kitchen element. While I acknowledge the design rationale providing enclosure to the courtyard area, I consider that given the proximity to these properties; their relatively limited rear open space provision and its quality in terms of receiving sunlight, together with the fact that this kitchen element is proposed to be constructed along the boundary with their properties, the proposed two-storey kitchen element could, in my opinion, have an excessively overbearing impact on these properties and could detract from the residential amenity that they currently enjoy. I recommend that if An Coimisiún is disposed towards a grant of permission that this kitchen structure be reduced to single storey in height with flat roof element.

7.3.11 I note concern was raised in one of the third-party submissions to the planning authority in relation to impacts of noise on surrounding residential properties. The planning authority did not raise concern in this regard and the matter was not raised in the third-party appeal submission received. I note the proposed opening hours which are Mon-Thurs until 11.30pm; Fri/Sat until 12.30am and Sunday until 11.00pm. Notwithstanding the town centre location of the site, I do acknowledge the proximity of residential properties to the site. The Kerry County Development Plan states that it is the policy of the Council to protect existing and encourage additional residential uses and areas within the town centre in order to maintain vibrant local neighbourhoods. This is considered reasonable. In order to protect the amenity of surrounding residential properties, I recommend a noise mitigation condition be attached to any grant of permission relating to noise levels in the outdoor courtyard area.

7.3.12 To conclude, having regard to the assessment and conclusions set out above, I am of the opinion that the proposed development will lead to the urban regeneration of

this underutilised brownfield site and that an effective urban design solution has been put forward which will enhance the streetscape at this location. While there may be some impacts on nearby properties (for example rear garden 2.A1 identified in submitted Shadow Assessment), this level is considered to be acceptable. While there will be some impacts, on balance, the associated impacts, both individually and cumulatively are considered to be acceptable. The planning authority have not raised concerns in this regard. This is a zoned, serviceable site and I consider the proposal appropriate at this location. I consider that the proposal does not represent over-development of the lands in question. I am generally satisfied that, subject to conditions, the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Traffic and Transport

- 7.3.13 I note that some third-party submissions to the planning authority raised concerns regarding lack of car parking facilities for the proposed development. I note this was not raised as a concern in the appeal submission. The planning authority have not raised concerns in this regard.
- 7.3.14 A Mobility Management Strategy and Servicing and Access Strategy was submitted with the application documentation. As stated above, the subject site is located within an area zoned for Town Centre uses (M2), as set out in the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027. Such town centre locations are designated as Area 2, in section 1.20.7 of Volume 6 of the County Development Plan 2022-2028. Table 4 sets out maximum parking requirements. As per Table 4, there is no parking requirement within Area 2 for developments of the nature proposed. Furthermore, I note that unrestricted on-street parking is available in the vicinity of the site, together with a number of public car parks within 500m of the site. There are 2 no. bus stops within 280m distant. 10 no. bicycle parking spaces are proposed. Having regard to all of the above, I am satisfied with the non-provision of car parking in this instance and consider the proposal to be in compliance with the requirements of the County Development Plan in this regard.

Drainage

- 7.3.15 I note that report of Uisce Eireann to the planning authority which requests Further Information to ensure adequate provision of public water and wastewater services and to assess feasibility of connection(s) to the network. Uisce Éireann confirmed that a Pre-Connection Enquiry (PCE) was submitted for the proposed development in December 2025, which was being assessed at the time UE submitted their report to the planning authority (27/01/2026). The planning authority note the report of Uisce Eireann and state that it is known that this town centre site is served by public water supply and public sewerage and there has been no indication in recent years in relation to any lack of capacity in Dingle for water and wastewater services. The planning authority are satisfied that this matter can be adequately dealt with by means of condition.
- 7.3.16 A Drainage Services Report was submitted with the application documentation, together with a Flood Risk Assessment. A Construction Environmental Management Plan (CEMP), which also includes Surface Water Management measures was also submitted as part of the application documentation.
- 7.3.17 Having regard to the information before me, I am satisfied that this matter can be adequately dealt with by means of condition. I note the commentary from the planning authority in relation to capacity matters and their opinion that the matter can be adequately dealt with by means of condition. I note that this is a brownfield site with existing connections to mains infrastructure- the proposal involves the upgrade of existing services. SuDS measures have been proposed. I have examined the Uisce Eireann 10-year Water Supply Capacity Register, which states that for Dingle there is potential capacity available, with LOS improvement required. I have also examined the Uisce Eireann Wastewater Treatment Capacity register, which states that the Dingle WWTP has an estimated spare capacity of 4881 PE. I note that a PCE was submitted by the applicants but not yet assessed by Uisce Eireann. I have no information before me to believe that the proposed development would be prejudicial to public health and I consider that this matter could be adequately dealt with by means of condition, if An Coimisiún is disposed towards a grant of permission.
- 7.3.18 The Flood Risk Assessment identified the potential for flood risk at the site, with the

Mall River identified as the primary source of flooding. Published South Western CFRAM flood maps indicate that the site is partially located within areas of high and moderate flood risk, corresponding to Flood Zones A and B. The proposed development has been designed to respond to this constraint through site layout, finished floor levels, and the incorporation of appropriate flood risk mitigation measures. No highly vulnerable uses are proposed at ground floor level. All highly vulnerable uses, including the artists' studios, are located at first and second floor levels, well above predicted flood levels for the 1% AEP Mid-Range Future Scenario event, thereby ensuring that flood risk to occupants is low and acceptable. Mitigation measures have been put forward. Hydraulic modelling of the post-development scenario demonstrates that the proposed development will not increase flood risk upstream or downstream of the site and will not adversely impact flood flow paths. A Justification test was undertaken as a precautionary measure, which concluded that the proposed development satisfies the criteria of the Justification Test and is appropriate in flood risk terms. The planning authority have not raised concerns in relation to this matter with the Flooding, Coastal and Marine Unit stating that they are satisfied that proposal will not have an adverse flooding impact on the area and has incorporated sufficient flood mitigation measures. They have recommended conditions, in the event of permission being granted for the proposed development. Having regard to all of the information before, I am satisfied in this regard. Non vulnerable uses are proposed at ground floor level and I am satisfied that the proposed development will not result in flooding elsewhere.

Tree Removal/Biodiversity

- 7.3.19 One of the third-party submissions received by the planning authority raised concerns regarding the removal of a tree from the site. The planning authority have not raised concerns in relation to tree removal. They state that these are either self-seeded immature willow or non-native sycamore. None are considered to be of significant ecological value and overall, it is considered that the project provides for biodiversity protection and enhancement in accordance with the requirements of the current Kerry County Development Plan. The matter was not raised as a concern in the third-party appeal submission.

- 7.3.20 An Appropriate Assessment Screening and Bat Fauna Assessment; Landscape Planning Report and Arboricultural Impact Assessment were included with the application documentation. A Tree Survey was undertaken which noted that the main trees are located within a disused yard to the rear of the cinema. A cluster of scrub and buddleia was identified within the site. All 12 trees on site (willow and sycamore) were identified as being Category C2 (low quality, fair condition) and all are proposed to be removed to facilitate the proposed development.
- 7.3.21 The proposal includes for a courtyard area, designed as a flexible, open-plan space capable of accommodating a variety of functions related to the café/restaurant, gallery & cinema. Landscaping is proposed which includes for a large specimen tree within the main space. A small, landscaped tranquil garden is also proposed in the north-eastern portion of the site. At The Mall, the stream corridor remains unchanged in terms of its bank profile, with riparian planting and Sustainable Urban Drainage (SuDS) measures within the redline boundary.
- 7.3.22 I am satisfied with the extent of tree removal proposed, all of which are identified as being of low quality species, which is necessary to facilitate the proposed development. This is somewhat inevitable on any such similar sites. The site is being rejuvenated with community gain for the wider area. Additional compensatory planting is proposed. I am satisfied that any loss of trees/planting would not be so great as to warrant a refusal of permission.
- 7.3.23 The planning authority have attached a condition relating to the provision of swift bricks, or suitable alternative, into the proposed development. I recommend that if An Coimisiún is disposed towards a grant of permission that a similar type condition be attached to any such grant.
- 7.3.24 The report of Inland Fisheries Ireland to the planning authority is noted, which recommends conditions in the event of a grant of permission. These conditions relate to the carrying out of bioengineering instream works in the channel of The Mall river within the site, so as to reintroduce natural forms and features to improve fishery value, biodiversity and improve ecology under the WFD. I note that The Mall river channel is outside of the site boundary, as outlined in red. Other conditions include improve the biodiversity of the riparian zone on the site and other construction conditions. I consider that these matters (which are inside the red line

boundary) could be adequately dealt with by means of condition. This could be dealt with under a landscaping condition.

- 7.3.24 I have no information before me to believe that the proposed development would negatively impact on biodiversity, to such an extent as to warrant a refusal of permission.

Consideration of Local Authority Conditions

- 7.3.25 Table 2 below details the reasoning behind my recommended conditions for the proposed development.

Table 2:

PA Condition No.	Subject	Included/Modified/Excluded in Schedule of Conditions and reasons
1	Plans and Particulars	Modified Covered in Condition No.1 (Standard ACP condition)
2	Contributions	Modified Covered in Condition No.20 (Standard ACP condition)
3	Built in accordance with revised drawings	Modified Covered in Condition No. 2
4	Occupancy of studio units	Modified Covered in Condition No.6
5	Working Hours	Modified Covered in Condition No.9 (Standard ACP condition)
6	Archaeology	Modified Covered in Condition No.19 (Standard ACP condition)
7	Drainage	Modified Covered in Condition No.8 & 9 (Standard ACP condition)

8	Environmental Protection	Modified Covered in Condition No. 3, 4, 12 (Standard ACP condition)
9	Ecology	Modified Covered in Condition No.3, 4 (Standard ACP condition)
10	Environmental Protection/Noise/Waste	Modified Covered in Condition No.3, 4, 7, 16, 17, 18 (Standard ACP condition)
11	Drainage	Modified Covered in Condition No.10 & 11 (Standard ACP condition)
12	Roads	Modified Covered in Condition No.8 (Standard ACP condition)
13	Landscaping	Modified Covered in Condition No.12 (Standard ACP condition)

8.0 Recommendation

I recommend a GRANT of permission, subject to conditions

9.0 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 Objective WK-RT-2 of the Corca Dhuibhne Electoral Area LAP 2021-2027 which seeks to promote a vibrant and culturally-rich town centre, it is considered that the proposed development would be an acceptable use of this brownfield site, would not detract from the visual or residential amenities

of the area and would be consistent with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 23rd day of December 2025 and 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.	Prior to commencement of development, the developer shall submit to the planning authority for their written agreement: (i) Revised drawings at an appropriate scale showing the reduction in height of the proposed general kitchen building to a maximum single-storey height with flat roof. The first-floor element shall be omitted from the proposal (ii) Revised drawings at an appropriate scale showing windows to proposed Studios 1 and 2 (west elevation) shall be permanently fitted with opaque glazing (iii) 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: In the interests of clarity; to protect existing residential amenity and the proper planning and sustainable development of the area
3.	The mitigation measures and monitoring commitments identified in the Landscape Planning Report, Arborists Report, Construction and 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. Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments in a single document, as identified in the submitted documents and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.
4.	Prior to the commencement of development on site, the applicants 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 applicants 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
5.	Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Reason: In the interest of visual amenity.
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. (b) The two residential studio units shall not be sold or otherwise separated from the proposed development Reason: In the interests 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 (b) 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. In particular:

	(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense. (b) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works, A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site. Reason: In the interest 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 in exceptional circumstances 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 relevant Section 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 (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) 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 3 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 March to 31st August. No externally fitted lighting shall be provided on site, which directs into The Mall river Additionally, 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 interests 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 interest 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 or telecommunications structures shall be erected on the roof of the proposed development. No fans, louvres or ducts shall be installed 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 hours of working, noise

	and dust management measures, details of arrangements for 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.	Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. Reason: In the interest of sustainable waste management.
18.	A plan containing details for the management of waste (and, in particular, recyclable materials) 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 Bord 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 Bord 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 Bord 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.
--	---

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.

Lorraine Dockery
Senior Planning Inspector

11th June 2026

Appendix 1- Form 1 - EIA Pre-Screening

Case Reference	PL-501019-26
Proposed Development Summary	Refurbishment of The Phoenix Cinema building and existing outbuildings and the construction of an extension to The Phoenix Cinema building to provide an innovative regional cultural centre
Development Address	The Phoenix Cinema, Sráid Na Dadhgaide, Daingean Uí Chúis, Co. Chiarraí
	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? (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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ 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)	Part 2, Schedule 5, Class 10 (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.

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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Lorraine Dockery

Date: 11th June 2026

Appendix 2- Form 2 - EIA Preliminary Examination

Case Reference	PL-501019-26
Proposed Development Summary	Refurbishment of The Phoenix Cinema building and existing outbuildings and the construction of an extension to The Phoenix Cinema building to provide an innovative regional cultural centre
Development Address	The Phoenix Cinema, Sráid Na Dadhgaide, Daingean Uí Chúis, Co. Chiarraí
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).	Proposed development is described in section 2.0 above. The site area of 0.146 ha. The proposed development involves the refurbishment of an existing historical building, and together with an extension would provide a regional cultural centre in Dingle. The development has a modest footprint and comes forward as a stand-alone project, 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.
Location of development (The environmental sensitivity of geographical areas likely to 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).	This is a brownfield site within an established urban area. The development is removed from sensitive natural habitats and designated sites and landscapes of identified significance in the County Development Plan. It is considered that the proposed development would not be likely to have a significant effect, individually or in-combination with other plans and projects, on a European Site.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, its location, likely limited magnitude and spatial extent of effects, and absence of in-combination effects, there is no potential for significant effects on the environment factors listed in section 171A of the Act

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: Lorraine Dockery **Date:** 11th June 2026

Appendix 3: AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	See section 2.0 above I have considered the proposed integrated tourism development and associated site works at Dingle, Co. Kerry in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A detailed description of the proposed development is presented in Section 2 of my report and detailed specifications of the proposal are provided in the AA Screening Report and other planning documents submitted by the applicant. In summary, the subject site is located within the settlement of Dingle, Co. Kerry, within the defined settlement boundary. It has a stated area of 0.146 hectares. The proposal provides for the refurbishment of The Phoenix Cinema building and existing outbuildings and the construction of an extension to The Phoenix Cinema building to provide an innovative regional cultural centre. The proposed development will be served by public mains connections. SuDS measures are proposed, which are standard measures in all new such developments and are not included to avoid/reduce an effect to a Natura 2000 site. The site is brownfield in nature comprising a vacant cinema, outbuildings and a garden area. The site is located within Flood Zone A/B. No highly vulnerable uses are proposed at ground floor level. All highly vulnerable uses, including the artists' studios, are located at first and second floor levels, well above predicted flood levels for the 1% AEP Mid-Range Future Scenario event, thereby ensuring that flood risk to occupants is low and

	acceptable. Hydraulic modelling of the post-development scenario demonstrates that the proposed development will not increase flood risk upstream or downstream of the site and will not adversely impact flood flow paths. A Justification test was undertaken as a precautionary measure, which concluded that the proposed development satisfies the criteria of the Justification Test and is appropriate in flood risk terms. No significant effects are anticipated. The application site was surveyed by ecologists with habitat, mammal and bat surveys undertaken at the appropriate time of year and in accordance with standard methodologies.
Brief description of development characteristics and potential impact mechanisms	Refurbishment of The Phoenix Cinema building and existing outbuildings and the construction of an extension to The Phoenix Cinema building to provide an innovative regional cultural centre..
Screening report	Y
Natura Impact Statement	N
Relevant submissions	The planning authority have not raised concerns in this regard. They state that there are no Natura 2000 sites within the vicinity of the site or downstream. There is no pathway for impact or effect to nay such site and the requirement for AA can be ruled out with certainty. The NPWS have not raised concerns in this regard- no report received. Uisce Eireann have not yet examined the submitted CoF and request Further Information in this regard. There are however no known capacity issues in Dingle. The report of the IFI is noted, which recommends conditions in the event of a grant of planning permission. Third- party submissions do not raise concerns regarding impacts of proposed development on designated sites and their Qualifying Interests.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The proposed development site is not located within any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). The nearest designated sites are:

- Mount Brandon SAC (Site Code: 000375) to the north of the town circa 800m distant and
- Dingle Peninsula SPA (Site Code: 004153) to the south of the harbour circa 2.1km distant

These are considered to be the only European sites are potentially with a zone of influence of the proposed development.

European Site (Code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening Y/N
Mount Brandon SAC (Site Code: 000375) <u>Conservation Objective</u> Maintain or restore the favourable conservation	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea	800m	N No spatial overlap No pathway from subject site	N The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that

condition of the species and habitats listed as QI/SCI for this SAC	uniflorae and/or Isoeto-Nanojuncetea [3130] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Vandenboschia speciosa</i> (Killarney Fern) [6985]			the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.
---	--	--	--	---

	<u>Mount Brandon SAC National Parks & Wildlife Service (2016)</u>			
Dingle Peninsula SPA (Site Code: 004153) <u>Conservation Objective</u> Restore the favourable conservation condition of the species and habitats listed as QI/SCI for this SPA	Fulmar (Fulmarus glacialis) [A009] Peregrine (Falco peregrinus) [A103] Chough (Pyrrhocorax pyrrhocorax) [A346] <u>Dingle Peninsula SPA National Parks & Wildlife Service</u>	2.1km	N No spatial overlap identified No likely pathway from subject site	N The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the QIs listed.
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites				
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*			
	Impacts	Effects		

Mount Brandon SAC (Site Code: 000375)	Direct: None. No risk of habitat loss, fragmentation or any other direct impact Loss of grassland/agricultural land Indirect: None. No hydrological pathways	The project is not directly connected with or necessary to the management of this European Site. Possibility of significant effects can be ruled out without further analysis and assessment.
Dingle Peninsula SPA (Site Code: 004153)	Direct: None. No risk of habitat loss, fragmentation or any other direct impact Indirect: Tenuous indirect hydrological pathways between the proposed development site and this SAC via surface and foul water drainage from the site during construction and operation. These networks outfall to Dingle Harbour.	The project is not directly connected with or necessary to the management of this European Site. Given the minimum distance from the proposed development site to this European Site (2.1 km), the scale of the proposed development, and the substantial buffer between the subject site and this SPA, any pollutants, dust or silt laden run off will be dispersed, diluted, and ultimately settle within the surface water drainage network and Dingle Harbour prior to reaching this site. Foul water will be adequately treated within the public system and therefore no significant effects are foreseen via this indirect pathway. No significant noise or vibration impacts on the qualifying interests of this SPA are foreseen. The site is not considered to be of any ecological significance for birds of this SPA given its small size, existing hardstanding nature and the wider availability of more suitable habitats in the surrounding environment. Possibility of significant effects can be ruled out without further analysis and assessment.

	Likelihood of significant effects from proposed development (alone): N
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?
	Possibility of significant effects (alone) in view of the conservation objectives of the site*

Further Commentary / discussion

I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained within the submitted reports is considered sufficient to allow me to undertake an Appropriate Assessment screening of the proposed development. The screening is supported by associated reports, including ecological field surveys involving habitat survey and mapping, bird surveys, bat surveys and Construction and Environmental Management Plan.

I do not consider that any other European Sites fall within the zone of influence of the project, based on a combination of factors including the intervening distances, the lack of suitable habitat for qualifying interests, and the lack of hydrological or other connections. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.

Invasive Species

During ecological field surveys of the study area, First schedule invasive species Japanese knotweed (*Fallopia japonica*) and medium-impact invasive buddleia (*Buddleja davidii*) have been found onsite in the rectangular garden area to the southwest of the subject site. A Site Survey report was submitted with the application documentation. Measures to eradicate the plant are not being undertaken to reduce or avoid any effect to a European site and so are not considered to be mitigation in an AA context. In the absence of any treatment, effects on European sites are not likely to arise from the identified invasive species due to the distances involved and limited extent of infestation. I am of the opinion that there is no significant risk of alteration of habitat due to spread of invasive plant species due to the distances involved and extent of infestation. I am screening this out for all designated sites, due to the nature of the development proposed, distances from designated sites; together with the conservation objectives of the designated sites. There are unlikely to be significant effects in this regard. I am satisfied in this regard. I recommend that if An Coimisiún is disposed towards a grant of permission, an invasive species management plan should be prepared which will ensure that the plants are

not spread during construction. This will include appropriate treatment and training for site personnel. This matter could be adequately dealt with by means of condition.

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development does not have the potential to result in significant effects on **Mount Brandon SAC (Site Code: 000375) and Dingle Peninsula SPA (Site Code: 004153)**.

I therefore consider that it is possible to exclude the possibility that proposed development alone would result significant effects on **Mount Brandon SAC (Site Code: 000375) and Dingle Peninsula SPA (Site Code: 004153)**. An appropriate assessment is not required on the basis of the possible effects of the project. Further assessment of in-combination with other plans and projects is not required at screening stage.

Screening Determination

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development would not result in significant effects on the **Mount Brandon SAC (Site Code: 000375) and Dingle Peninsula SPA (Site Code: 004153)** in view of the conservation objectives of a number of qualifying interest features of these sites.

It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 of the proposed development is not required.

Inspector: Lorraine Dockery

Date: 11th June 2026

Appendix 4- WFD Screening			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-501019-KY-26	Townland Address	The Phoenix Cinema, Sraid Na Dadhgaide, Daingean Ui Chuis, Co. Chiarrai
Description of project		Refurbishment of The Phoenix Cinema building and existing outbuildings and the construction of an extension to The Phoenix Cinema building to provide an innovative regional cultural centre.	
Brief site description, relevant to WFD Screening,		Site is located within the settlement boundary of Dingle on a brownfield site.	
Proposed surface water details		Discharge to Mall River.	
Proposed water supply source & available capacity		Existing connection to public mains	
Proposed wastewater treatment system & available capacity, other issues		Existing connection to public infrastructure	
Others?			

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) (Consider all phases)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
River	MILLTOWN (KERRY)_030 IE_SW_22M030400	Moderate	Review	None	Drainage.	Standard mitigation measures included in CEMP by condition	Mitigation sufficient. No residual impacts predicted.
Groundwater	Dingle IE_SW_G_033	Good	Not At Risk	None	Potential for stormwater discharges to groundwater	Standard mitigation measures included in CEMP by condition	Mitigation sufficient. No residual impacts predicted.

Inspector: Lorraine Dockery **Date:** 11th June 2026