

2021 Scheme for Outdoor Spaces during a time of Physical Distancing

1. Introduction

- 1.1 This scheme forms part of Donegal County Council's response to the emerging challenges presented by Covid-19 for businesses operating in the tourism and hospitality sector and has been considered by the elected members and is additional to the other business supports and interventions being delivered by the Council.
- 1.2 The business sector in Donegal is responding and adapting to the government roadmap for gradual re-opening on a phased basis, while meeting public health and safety guidelines and maintaining customer's confidence throughout.
- 1.3 The Councils ongoing engagement with the Letterkenny Chamber of Commerce, Irish Hotel Federation of Ireland and Fáilte Ireland has highlighted the immediate concerns and issues affecting businesses during this initial phase of recovery. It is evident that interventions relating to the reallocation of outdoor spaces to facilitate businesses re-opening is a key issue for businesses in the tourism and hospitality sector from the perspective of providing additional capacity to enable compliance with social distancing requirements and achieving financial viability.
- 1.4 This scheme focuses on the use of outdoor space (in the control of the Council) to support businesses re-opening during the recovery phase while also having a strong focus on ensuring accessibility for all, creating safe space for essential workers and services users and facilitating all other stakeholders.

2. Safe and Suitable Outdoor Space for Businesses

- 2.1 Four categories have been identified for the purposes of this scheme.
 - a) Frontage on businesses with a wide enough footpath to facilitate dining/seating while meeting all public health requirements and facilitating the needs of all other stakeholders. Businesses with the frontage, who already have made an application or indicated that they intend to make an application, will have preference of use over any adjoining neighbours or other applicants who might be seeking the same space.
 - b) Frontage on businesses but requires the adjacent car parking space to meet public health requirements. In this case, businesses with frontage will have preference of use but the Council, as part of the review, will retain sufficient space to meet the needs of businesses in the area and will not make available more than 30% of the available car

parking spaces under this scheme. The 30% will be measured within a 100m stretch in both directions from the premises under consideration.

- c) Instances where a number of local businesses come together and identify communal space that meets all public health requirements and facilitates the needs of all other stakeholders.
- d) Larger communal areas where a local entity (such as a Chamber of Commerce, Community Development Group etc.) establishes a larger shared outdoor facility to provide extra dining/seating area under this scheme and potential locations may include town squares and/or other civic spaces. The Council is currently endeavoring to source funding that may support such initiatives.

Note: The Council will consider closing road lanes to public traffic if this is requested to facilitate applicants. Such a situation will require more extensive engagement and analysis and early consultation by the applicant(s) is recommended. It is expected that the turnaround on such applications would be longer than the 10 days mentioned below.

3. How the scheme will work

3.1 Businesses are required to apply to Donegal County Council for a [Section 254 licence](#) and the Council will facilitate a prompt assessment of applications under this scheme with a commitment to process all applications within 10 working days of receipt of completed application.

3.2 This turnaround time is dependent on applicants providing all the required information at the outset as set out in the Section 254 process and the associated operating guidelines presented in Appendix 1. To facilitate this, information on the process is set out [here](#). In addition, pre-application enquiries from interested parties can be facilitated by contacting planning@donegalcoco.ie

3.3 Waiving of fees: Fees associated with Section 254 Licenses will be temporarily waived from 1 January 2021 to 31 December 2021 as they relate to this scheme.

4. Summary

4.1 In summary, this scheme presents an agile, collaborative county-wide approach in response to the emerging challenges presented by Covid-19 that provides for:

- A swift response to assist the tourism and hospitality sectors in preparation for a phased return to business enabling physical distancing whilst maximizing customer capacity by ensuring optimal use of outdoor space.

- Advice can be provided to interested parties by contacting planning@donegalcoco.ie in addition information is available on www.donegalcoco.ie.
- A prompt assessment of applications under [Section 254 / Licensing of Appliances](#) within 10 working days of receipt of a complete application.
- Temporarily waiving fees associated with Section 254 Licences from 1 January 2021 to 31 December 2021.
- A favourable approach to open shared communal space for existing businesses to operate in a manner complying with public health requirements and meeting all other stakeholders needs.
- The Council will monitor the evolving application of this scheme and will be responsive to any emerging issues.
- The Council may amend the scheme from time to time.

Appendix 1

Guidelines for Temporary Footpath Cafe Uses and/or Retail Use

- Temporary facilities will only be permitted for restaurants, Cafes, Bars with food service, specialty food outlets that are otherwise permitted under the provisions of the Planning & development Act 2000 (as amended)
- Temporary licences permitted under these guidelines shall extend no later than 31/12/2021. Donegal County Council reserves the right to revoke any temporary licences issued under Section 254 of the Act.
- The business owner is responsible for the safe operation of the licensed facility and is responsible for obtaining any consents required under other legislation (e.g. for environmental health purposes, Fire safety etc)
- The business owner shall mitigate any negative impacts on abutting or nearby residential development.
- No outdoor speakers or sound systems shall be used in association with licensed temporary uses.
- Designated disabled parking bays shall not be licensed for temporary use under these guidelines.
- Temporary licensed facilities shall not be permitted on existing loading bays, bus-stops or bike lanes unless otherwise relocated by Donegal County Council in response to CoVID-19 requirements for social or physical distancing.
- Licensed areas permitted under these guidelines must ensure that obstructions to other street traffic (pedestrian or vehicular) are not created. A clear path of pedestrian travel should be maintained.
- Any umbrellas should give sufficient clearance above the walking surface of the pavement.
- The business owner/licensee is responsible for maintaining any structure and equipment in a safe and clean condition and must include keeping the area free of potential dangers or obstructions to street users.
- Business owners are responsible for any insurance issues arising for their use of any temporary area subject of this proposal.
- If an arrangement is granted whereby customers are seated adjacent to public traffic, the business owner will be responsible for the provision of an appropriate divider or barrier to protect the customers from traffic.

S.254 of P&D Act re Licensing of Street Furniture – Key components & considerations

To respond appropriately to changing outdoor space needs and to permit review and revision to a longer-term response to potential new uses on main streets and town centre locations, any

licences that may be issued in response to Covid-19 physical distancing guidelines are temporary in nature. Any licenses issued will be valid only up to 31st December 2021.

Licence applications that are submitted:

- Must include appropriate location maps, plans and other information regarding the position design and capacity of appliance, apparatus or structure;
- Are assessed in the context of:
 - (a) proper planning and sustainable development
 - (b) relevant provisions of the dev plan or local area plan
 - (c) Number and location of existing appliances/structures
 - (d) convenience and safety of road users/pedestrians
 - (e) and can't 'create a nuisance'
- In consideration of a license the Council can attach conditions relating to the placement and operation of any facilities. Such conditions can relate to:
 - Hours of use;
 - The nature of uses proposed;
 - Consumption of alcohol;
 - Social distancing requirements;