



**Comhairle Contae
Dhún na nGall**
Donegal County Council

Application for licence under Section 254 for use of Outdoor Spaces

I hereby wish to apply to Donegal County Council for a licence under section 254 of the Planning and Development Act 2000, to place/maintain /retain an appliance / apparatus / structure/sign (Delete whichever does not apply) on, under over or along a public road in accordance with the particulars as under;-

Name of Applicant			
Address			
Eircode			
Telephone No			
E Mail Address			
Type of appliance/ apparatus/ structure/sign for which licence is required:- (Full description must be given)			
Proposed location of appliance/apparatus/ structure/sign for which licence is required:- (Map to be attached)			
Type of licence. Please specify whether new or renewal	New		Renewal
Period for which licence is sought:-	From:	To:	
Fee Payable:	Exempt		
Signature of Applicant:			
Dated:			

Application cannot be processed unless accompanied by the documents listed below.



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Before incurring any expenditure or submitting your application you should contact the area engineer for advise as to whether what you are proposing would be acceptable from a traffic safety and social distancing point of view

The engineer for each MD is listed below

Glenties	Brendan McFadden
Letterkenny	Fergal Doherty
Donegal	Mark Sweeney
Inishowen	Seamus Hopkins
Stranorlar	Claire McKeever
Engineers can be contacted by calling 074-9153900	

Documents required for an application for a section 254 licence

- ◆ Site location map to scale of 1/2500 (3 no copies)
- ◆ Site layout plan showing location of proposed appliance/apparatus/structure (3 no copies)
- ◆ Drawing to scale of proposed appliance/apparatus/structure/sign (3 no copies)
- ◆ Copy of Insurance Policy

Consideration of Licence Application

Regard must be had to

- ◆ Proper planning and sustainable development of the area
- ◆ Relevant provisions of Development Plan / Local area plan
- ◆ Number and location of existing licensed appliance / apparatus /structure/ signs
- ◆ Convenience and safety of road users (incl pedestrians)

Appeal Opportunity

An appeal to the granting, refusing, withdrawing or continuing of a licence may be made to an Bord Pleanála



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Appendix 1

Draft 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 licenses permitted under these guidelines shall extend no later than 31/12/2020. Donegal County Council reserves the right to revoke any temporary licenses 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



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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 enable appropriate responses 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, it is proposed that any licences that may be issued in response to Covid-19 physical distancing guidelines are temporary in nature. Any licences issued will be valid only up to 31st December 2020.

Licences 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 licence 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;