



To: Directors of Planning in each local authority

CC: Chief Executives
Senior Planners
An Bord Pleanála
Office of the Planning Regulator
Directors of Regional Assemblies

Circular Letter PL 03/2024

09 May 2024

Re: Planning and Development (Street Furniture Fees) Regulations 2024 (S.I. 196 of 2024)

I am directed by Mr. Darragh O'Brien, T.D., Minister for Housing, Local Government and Heritage to advise that he has signed the above set of Regulations which have immediate effect. A copy of the Regulations is attached for information.

Having regard to supporting small businesses where possible, the Regulations are aimed as a continued support for the hospitality and tourism sector in the current challenging economic climate facing that sector, while also facilitating increased vibrancy and commercial activity in urban areas.

Planning and Development (Street Furniture Fees) Regulations 2024 (S.I. 196 of 2024)

These new Regulations amend the fees chargeable for street furniture licences under section 254 of the Planning and Development Act 2000, as amended 'the Act', and Schedule 12, Part 1 of the associated Planning and Development Regulations 2001, as amended, in order to assist in reducing the cost burden for hotels, restaurants, public houses and other establishments where food is sold for consumption on their premises outdoors. In this regard, the street furniture licence fee for tables and chairs to facilitate the consumption of food outside such premises is reduced from €125 per table to €0 per table. This reduced fee arrangement, which extends the waiver originally introduced in 2021, will apply for the remainder of the current year. Where fees have been paid in advance, these should be refunded for the relevant period.

Previously circulars [Circular PL06/2021, PL 04/2022, PL07/2023] stated that planning authorities should, on request, in order to facilitate the submission of good quality licence applications, assist and offer advice to prospective applicants on local policies in this regard. This



should be undertaken again in 2024 with the matters to be taken into consideration but not limited to, outlined in Appendix 1.

Where a licence is being granted in respect of a public road that is being closed on a temporary basis for summer 2024, the local authority should make the applicant aware of the temporary nature of the road closure and the possibility that the licence may not be granted in subsequent years.

In addition, the letter dated 09 May 2024 issued by Minister O'Brien to Directors of Planning regarding accessibility and universal design should be read in conjunction with this Circular. Where any issues arise as a result of the structures placed on a public road, this should be taken into consideration when an application to renew the licence is submitted.

Planning authorities should, where necessary, make it known publicly in their functional area that establishments who wish to cater for outdoor dining on public roads require a licence under section 254 of the Act and that there is no cost for the remainder of 2024.

Any queries in relation to this Circular letter should be emailed to planning@housing.gov.ie.

Terry Sheridan
Principal
Planning Policy and Legislation

Attachments for information:

- Copy of Planning and Development (Street Furniture Fees) Regulations 2024 (S.I. 196 of 2024)
- Letter dated 09 May 2024 regarding consideration of licences for outdoor dining



Appendix 1: Matters for consideration

Planning authorities are requested when processing licence application to give consideration at a local level to, among other things:

- relevant apparatus standards, the impacts on pedestrians, the impacts on residential amenity including those arising from noise impacts and hours of operation, the implications for traffic management and the potential impact on Architectural Conservation Areas (ACAs);
- the principles of Universal Design when assessing a licence application to ensure that the wider area is accessible, useable and convenient to all those who wish to use or pass through it, while also ensuring that any alternative street layout arrangements proposed in order to facilitate further outdoor dining, such as the relocation of designated accessible parking bays on temporarily pedestrianised streets, are appropriate and fit for purpose;
- the potential impact of such structures where they are proposed to be attached to a protected structure - requests received by a planning authority under section 57 of the Act seeking a declaration as to the type of works which it considers would or would not materially affect the character of the structure should be expedited;
- what structures are “necessary/ essential” to facilitate outdoor dining in the particular circumstances and avoiding the granting of licences for unnecessary structures;
- the need for such structures/awnings to be in general keeping with the streetscape. Planning authorities should exercise appropriate judgement and discretion in relation to advertisements and it is recommended that a condition should be attached to a licence for any awning etc. to the effect that such structures shall not be used for advertising purposes other than the name of the premises;
- attaching a condition that freestanding structures should be removed when not in use. Such freestanding furniture should be stored within the building when not in use (i.e. outside of trading times) in order to facilitate street cleansing and servicing/deliveries to premises;
- potential litter issues arising from the facilitation of takeaways and outdoor dining and the taking of certain measures, including attaching conditions in this regard to licence applications and increasing the frequency of street cleaning services particularly in temporarily pedestrianised areas;
- giving favourable consideration, as appropriate, to premises on pedestrianised streets and squares, streets with wider footpaths etc. subject to compliance with local policies and standards while also facilitating outdoor dining in other locations as appropriate.