



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 07/2023**

08 June 2023

#### **Re: Planning and Development (Street Furniture Fees) Regulations 2023 (S.I. 256 of 2023)**

I have been asked 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.

As in previous years, the Regulations are aimed at assisting activity in urban areas, particularly in the hospitality, restaurant and tourism sectors.

The 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 (the Principal Regulations), 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 introduced in 2021 and 2022, will apply for the remainder of the current year. Where licence fees have already been paid by establishments in respect of the current year, these should now be refunded.

The following should be particularly noted in relation to the consideration of section 254 licences to better facilitate outdoor dining:

#### **1. Consideration of Licence Applications to better facilitate outdoor dining**

Restating the requirements of previous Circulars PL06/2021 and PL04/2022 in this connection, planning authorities are reminded that they 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 and the issues to be taken into consideration in the submission of such applications.

In this regard, planning authorities are requested 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 (including persons with mobility issues), 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 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. This will also ensure that planning authorities have regard to the convenience and safety of road users including pedestrians with mobility issues;
- 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.



Where a licence is being granted in respect of a public road that is being closed on a temporary basis for summer 2023, 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.

**2. Accessibility:**

It should be noted that the letter dated 15 July 2021 issued by previous Minister of State Burke to Directors of Planning regarding accessibility and universal design still applies. Where any issues arise as a result of the structures placed on a public road, this should be taken into account when a street furniture licence application is being considered.

Any queries in relation to this Circular letter should be emailed to: [planning@housing.gov.ie](mailto:planning@housing.gov.ie)

A handwritten signature in black ink, appearing to read 'Terry Sheridan', is positioned above the printed name.

Terry Sheridan  
Principal  
Planning Policy and Legislation

**Attachment for information:**

- Planning and Development (Street Furniture Fees) Regulations 2023 (S.I. 256 of 2023)