

**SECTION 254 - PLANNING AND DEVELOPMENT ACT 2000 (as amended)
PLANNING AND DEVELOPMENT REGULATIONS 2001 (as amended)**



Comhairle Contae an Chabháin
Cavan County Council

I hereby apply for licence to erect/construct/place and maintain an appliance(s) apparatus, or structure(s) on/under/over or along public road in accordance with particulars, as under:

Name of applicant _____

Address of applicant _____

Phone Number _____

Name of Agent (if any) _____

Address of Agent _____

Phone Number _____

Particulars of appliance(s)/ structure(s) for which licence is required

Proposed location of appliance(s)/structure(s)

Period for which licence is required - From _____ To _____

Insurance Company _____

Policy Number _____ Expiry Date _____

Is there €6.5m Public Liability cover in place? _____

I have read and agree to the attached Terms & Conditions

Applicant's Signature _____ Date _____

NOTE: Section 254 applications relating to Outdoor Dining should be returned to Kathleen Reilly, Cavan County Council, Courthouse, Farnham Street, Cavan or by email to kareilly@cavancoco.ie

All other applications should be returned to: Planning Section, Cavan County Council, Johnston Central Library, Farnham Street, Cavan e: plan@cavancoco.ie

EXPLANATORY NOTES
PLEASE READ NOTES BELOW BEFORE COMPLETING THE FORM

A licence must be obtained in order to erect, construct, place or maintain any of the following on, under, over or along a public road

- A vending machine
- A town or landscape map for indicating directions or places
- A hoarding, fence or scaffold
- An advertisement structure
- A cable, wire or pipeline
- A telephone kiosk or pedestal
- Any other appliance, apparatus or structure, which may be prescribed as requiring a licence under this section of the Planning and Development Act 2000 (as amended) incl. Tables and chairs outside a hotel, restaurant, public house or other establishment where food is sold for consumption on the premises

A person applying for a licence must furnish with the application form such plans and information concerning the position, design and capacity of the appliance, apparatus or structure. Such plans and information should include:

- DIAGRAM:** Showing design, dimensions and all wording/symbols/legends on structure
- SPECIFICATION:** Materials to be used in construction and finish of the structure
- SITE MAP:** Copy of Ordnance Survey Map, scale 1:2500, showing location of the structure
- LAYOUT PLAN:** Plan of site, scale of 1:1500, showing exact location of structure in relation to road, fence etc

The planning authority may grant a licence for a specified period and subject to conditions.

The decision of the planning authority can be appealed to An Bord Pleanála.

Where in the opinion of the planning authority that due to the:

- Increase or alteration of traffic on the road
- Widening of the road
- Any improvement to the road

The appliance, apparatus or structure causes an obstruction or becomes dangerous, the authority may by notice in writing, withdraw the licence and require the licensee to remove the appliance, apparatus or structure at their own expense.

FEES FOR LICENCES

Where the licence is for a period of one year, the appropriate fee is as indicated in Column 2 of the attached Schedule, e.g. licence for one year for vending machine is €125.00

Where the licence is for a period of more than one year, the fee is the fee for one year for each of the years or part of the year for which the licence was granted, e.g. licence for 5 years for vending machine is €125.00 x 5 = €625.00

Where the period is for a period of less than one year, the fee is equal to one tenth of the fee for one year for each month or part of a month, e.g. licence for hoarding licence for six months is €1,250.00 /10 = €125.00 x 6 = €750.00

Fees under Section 254 of the Act in respect of specified appliances, apparatus and structures

Column 1 - Appliance, Apparatus or Structure	Column 2 - Licence Fee
(a) A vending machine or coin operated machine (not being a weighing machine)	€125
(b) A town or landscape map for indicating directions or places	€25
(c) A hoarding, fence or scaffold (not being a hoarding, fence or scaffold bounding a public road)	€1,250.
(d) An advertisement structure	€630
(dd) An advertisement structure (being of a fingerpost type not exceeding 1 metre in length) consisting of a direction sign	€50
(e) A cable, wire or pipeline (not being a cable for conducting electricity for domestic or agricultural purposes or a drain or waterpipe)	€25 per 100 metres length or part thereof
(f) A telephone kiosk or pedestal	€630
(g) A case, rack, shelf or other appliance, apparatus or structure for displaying articles, whether or not for the purpose of advertisement or sale in, or in connection with, any adjacent business premises.	€125
(h) Tables and chairs outside a hotel, restaurant, public house or other establishment where food is sold for consumption on the premises	€125 per table
(i) An advertisement consisting of any text, symbol, emblem, model, device or logo	€630
(j) A pipe or an appliance with a pipe attachment for dispensing air or water, not being a pipe of appliance attached to a petrol or oil pump.	€25
(k) A weighing machine	€63
(l) A bring facility	€25

Additional Fee for advertising use

In the case of:-

- Any machine or similar appliance, apparatus or structure, more than one quarter of the surface area of which is used for advertising purposes
- Any town or landscape map more than one third of the surface area of which is used for advertising purposes

- Any other appliance, apparatus or structure any part of the area of which is used for advertising purposes,

the amount of the fee shall be increased by the amount of the fee payable in respect of an advertisement structure which is on a public road, e.g. town or landscape map is €25 with more than one third surface area for advertising - €25 plus the advertising fee of €630, total due is €655

Please refer to Section 254 of the Planning and Development Act 2000 (as amended) and Part 17 – Chapter 1 of the Planning and Development Regulations 2001 (as amended) for further details.

TERMS & CONDITIONS

1. The granting of this licence refers only to the placing of tables and chairs and accessories etc. on a public footpath / public realm adjacent to the applicant's property. It does not permit any advertising or the storage and display of goods at the location.
2. The maximum number of tables and chairs including dimensions, and total area of required space shall be as specified in the licence.
3. The licensed area for tables and chairs shall be enclosed by way of screens/ wind breaker, the design of which, including material proposed to be used, must be agreed by Cavan County Council.
4. A copy of the licence shall be prominently displayed at the main entrance outside the premises, so as to be clearly visible by members of the public and officials of Cavan County Council. The licence will be deemed invalid if on inspection items are found in the licensed area for which a licence has not been granted.
5. The granting of a licence does not automatically guarantee the renewal in subsequent years.
6. The licensee shall not sub-let the licensed area.
7. A change in use of the licensed area will require the submission of a new licence application.
8. The granting of a street furniture licence may not be taken as authorisation to proceed with building or other operations in respect of which the permission of Cavan County Council may be necessary under any other legislation.
9. The licensee shall maintain the area used for tables and chairs or other furniture in an acceptable condition so as not to constitute a nuisance.
10. (a) Furniture and other structures shall be removed immediately if requested by Cavan County Council at the expense of the licensee. Equally, Cavan County Council reserves the right to withdraw, suspend or vary the terms of the licence at any time. No claim for damages or loss of income under any heading shall be taken against Cavan County Council

for suspending, withdrawing or varying the terms of the licence.

(b) No claim for compensation shall be entertained in respect of damages or losses suffered as a direct or indirect consequence of the maintenance requirements of any statutory undertaker.

(c) All costs incurred by Cavan County Council, including any repairs to the public realm and services necessary arising as a result of the operation of the licence, shall be at the expense of the licensee. Only Cavan County Council shall carry out work on the public realm/footpath. The licensee shall enter into an agreement with Cavan County Council to pay for any repairs to the footpath or public realm arising from the licence.

(d) Holes may not be made in the public realm/footpath without the permission of Cavan County Council.

11. A clear and direct entry between the public footpath and the entrance to the premises shall be maintained at all times. The tables and chairs or other structures of street furniture etc, shall not obstruct visibility at junctions, accesses, etc.

12. No musical apparatus shall be used within the licensed area. And no music etc. shall be played or broadcast within the licensed area.

13. Access for maintenance purposes to public lighting equipment and the associated under-ground or over-head services shall be available at all times.

14. Cavan County Council may reduce the licensed area in any particular case, where the occupied space is required in the interests of public safety to facilitate an event during the course of the licence period.

15. Heating appliances are subject to the following conditions:

- No heaters are to be used without approval from the Cavan County Council.
- Heating appliances and seating must be located so as not to obstruct escape routes.
- All heating appliances should have the CE Mark and must be installed by a competent installer, maintained and used strictly in accordance with the manufacturer's requirements.

CHECKLIST	
	Completed Application Form
	Relevant Fee – see fees above <i>*Please note that the fees for Section 254 Licence relating to outdoor dining will be waived in 2021 and will be re-introduced in 2022*</i>
	Site Location Map – clearly showing location of the proposed appliance/structure and the existing premises
	Scaled Drawing - with dimensions of the proposed appliance / structure clearly indicated
	Copy of Insurance Policy / Schedule – with indemnity to Cavan County Council up to €6.5m