

LICENCE APPLICATION
SIGNS, APPLIANCES,
STRUCTURES & STREET
FURNITURE



Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council
PLANNING DEPARTMENT

Planning & Development Act, 2000 (as amended) - section 254
Planning & Development Regulations 2001 (as amended) - article 201

APPLICANT DETAILS (not agent on behalf of applicant)

Name	Email
Phone	Mobile
Address	
Company Registration Number (<i>where appropriate</i>)	

PERSONS(S) SUBMITTING DRAWINGS & APPLICATION DETAILS (if different from above)

Name	Email
Phone	Mobile
Address	

PROPERTY LOCATION

Address
Eircode

PROPOSED LICENCED AREA

General Description of Proposed Development

- Scaffolding / Hoarding / Fence
- Fingerpost Sign (not exceeding 1 metre in length)
- Advertising Structure
- Tables & Chairs outside a hotel, restaurant, public house or other establishment where food is sold for consumption on the premises
- Any other appliance, apparatus or structure (*provide details*)

Length (m)

Area (m²)

Width (m)

Height (m)

No. Of Chairs

No. Of Tables

Table Dimensions (*where applicable*)

Description of any screen(s) to be used (height, materials, colours, supports, etc.)

Proposed Hours of Operation (*where applicable*)

Proposals for storage, securing, covering of street furniture outside of stated hours of operation

Applicant's legal interest in premises (or adjacent commercial premises)
(i.e. freehold, leasehold etc.)

PUBLIC INDEMNITY INSURANCE

Name of Insurance Company

Public Indemnity Insurance Policy Number

Policy Expiry Date

ENCLOSURES

All applications must be accompanied by:

Four copies of a **site location map** to scale of not less than 1:1,000 in built up areas and 1:2,500 in all other areas clearly outlining the area to be licensed in red with the area of any associated business premises outlined in blue.

Yes No

Four copies of plans (scale 1:500 or 1:200 as appropriate) and elevations (Scales 1:50, 1:20, 1:10 as appropriate) and sections as are necessary to describe the proposed development

Yes No

Drawings, photographs or specifications of proposed furniture/equipment

Yes No

Please note: Waterford City and County Council has decided to waive the annual licence fee for all applications received in 2021 for tables and chairs outside a hotel, restaurant, public house or other establishment where food is sold for consumption on the premises.

FREQUENTLY ASKED QUESTIONS

Q1. What appliances, apparatus and structures are subject to licensing under Section 254 of the Planning & Development Acts 2000-2015, as amended?

A person shall not erect, construct, place or maintain, along a public road, save in accordance with a licence granted by the Planning Authority, any of the following:-

- (a) a vending machine
- (b) a town or landscape map for indicating directions or places
- (c) a hoarding, fence or scaffold
- (d) an advertisement structure
- (e) a cable, wire or pipeline
- (f) a telephone kiosk or pedestal
- (g) a case, rack, shelf or other appliance, apparatus or structure for displaying articles for the purposes of advertisement or of sale in, or in connection with, any adjacent business premises.
- (h) tables and chairs outside a hotel, restaurant, public house or other establishment where food is sold for consumption on the premises
- (i) a coin-operated machine other than a vending machine
- (j) an advertisement consisting of any text, symbol, emblem, model, device or logo
- (k) a pipe or appliance with a pipe attachment for dispensing air or water not being a pipe of appliance attached to a petrol or oil pump
- (l) a weighing machine
- (m) a bring facility
- (n) a cabinet used as part of a wired broadcast relay service by a person licensed under the Wireless Telegraphy (Wired Broadcast Relay License) Regulations 1974 (S.I. No. 67 of 1974)
- (o) a lamp post
- (p) a bridge, arch, tunnel, passage or other similar structure which is used or intended for use other than by the public and was constructed on or after 1st October 1964
- (q) a cellar or other underground structure constructed on or after the 1st October 1964
- (r) a cable for conducting electricity for domestic or agricultural purposes.

Q2. If I obtain a permit for my proposed appliance etc. will I need planning permission for the same appliance?

No. Section 254(7) of the Planning & Development Act 2000-2015 provides that development on/along a public road carried out in accordance with a licence under Section 254 shall be exempted development for the purpose of the Act.

Q3. What matters will be considered by the Planning Authority?

In considering an application for a licence under this section a planning authority, or the Board on appeal, shall have regard to -

- (a) the proper planning and sustainable development of the area,
- (b) any relevant provisions of the development plan, or a local area plan,
- (c) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- (d) the convenience and safety of road users including pedestrians.

Q4. Can I appeal the decision of the Planning Authority?

- (a) Any person may, in relation to the granting, refusing withdrawing or continuing of a licence under this section or the conditions specified by the planning authority for such a licence, appeal to An Bord Pleanála
- (b) Where an appeal under this section is allowed, the Board shall give such directions with respect to the withdrawing, granting or altering of a licence under this section as may be appropriate, and the planning authority shall comply therewith.

Q5. What information does the Planning Authority need?

- 1. Completed application form
- 2. Plans and information as follows:-
 - Four copies of Site Location Map to scale of not less than 1:1,000 in built up areas and 1:2,500 in all other areas are required, with the location of the proposed sign/appliance etc. marked in red thereon.
 - Four copies of plans (scale 1:500 or 1:200 as appropriate) and elevations (Scales 1:50, 1:20, 1:10 as appropriate) and sections as are necessary to describe the design, capacity of the sign / appliance / apparatus / structure. If sign / appliance / apparatus / structure as proposed to be located in part of existing premises the front elevation showing the impact of the proposals on the existing premises is required.
 - Details of advertisement display / text / logo to be used on sign
 - Full details of colours to be used
 - Full details of material to be used
 - Full details of support structures
 - Your proposals and commitment to ongoing maintenance
 - Photographs of the apparatus, structure, appliance, sign post may additionally be furnished but cannot act as a substitute for these particulars

Q6. If I proceed on carrying out my development and do not obtain a licence, what will happen?

- (a) Any person who – erects, constructs, places or maintains an appliance, apparatus or structure referred to in Question (1) on, under, over or along any public road without having a licence, or
- (b) Erects, constructs, places or maintains such an appliance, apparatus or structure on, over or along any public road otherwise than in accordance with a licence or
- (c) Contravenes any condition subject to which a licence has been granted to him or her –
Shall be guilty of an offence.

It is the policy of Waterford City and County Council to prosecute such offenders. Fines/penalties up to €1,500 / 6 months imprisonment or both may be imposed by the Court.

NOTES/GENERAL CONDITIONS

1. Where a licence is granted for the placing of chairs and tables outside of a commercial establishment, a copy of the licence shall be prominently displayed outside the premises so as to be clearly visible by members of the public and officials of Waterford City and County Council.
2. The Licensee shall be required to maintain a Public Liability Insurance policy, which provides cover to a minimum value of €6.5 million indemnifying Waterford City and County Council against third party claims.
3. Only Waterford City and County Council shall carry out work on the public road/footpath. Holes may not be made in the public road/footpath without the permission of Waterford City and County Council.
4. All costs incurred by Waterford City and County Council, including any repairs to the public road and services necessary arising as a result of the operation of the licence, shall be at the expense of the licensee.
5. Access for maintenance purposes to public lighting equipment and the associated under-ground or over-head services shall be available at all times.
6. All water main covers, sewer manholes and service access points for utilities shall be accessible at all times and no table or chair or other item of street furniture shall be positioned over a fire hydrant.
7. Waterford City and County Council may rescind the license or reduce the licensed area in any particular case, where the occupied space is required in the interests of public safety and/or convenience or to facilitate an event during the course of the licence period.

LICENCE FEES IN RESPECT OF SPECIFIED APPLIANCES, APPARATUS AND STRUCTURES

Where a licence is granted for any of the categories of development set out in Table 1 below, the appropriate fee shall be paid to the planning authority for each year or part of a year for which the licence is granted:

Table 1: Use/Development Category	Annual Fee
A vending machine or coin operated machine (not being a weighing machine)	€125
A town or landscape map for indicating directions or places	€25
A hoarding, fence or scaffold (not being a hoarding, fence or scaffold bounding a public road)	€1,250
An advertisement structure (other than an advertisement structure specified below)	€630
An advertisement structure (being of a fingerpost type not exceeding 1 metre in length) consisting of a direction sign	€50
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 or part thereof
A telephone kiosk or pedestal	€630
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
Tables and chairs outside a hotel, restaurant, public house or other establishment where food is sold for consumption on the premises	€125 per table
An advertisement consisting of any text, symbol, emblem, model, device or logo	€630
A pipe or an appliance with a pipe attachment for dispensing air or water, not being a pipe or appliance attached to a petrol or oil pump	€25
A weighing machine	€63
A bring facility	€25

Note: Where the licence is granted for a period of less than one year, the appropriate fee shall be equal to one tenth of the fee for one year for each month or part of a month for which the licence is granted.

Where a licence is granted for any of the categories of development set out in Table 2 below, a one-off fee as set out shall be paid and no additional fees will be payable in respect of any renewal of a licence for such an appliance, apparatus or structure:

Table 2: Use/Development Category	Licence Fee
A cabinet used as part of a wired broadcast relay system by a person licensed under the Wireless Telegraphy (Wired Broadcast Relay Licence) Regulations, 1974.	€125
A lamp-post.	€25
A bridge, arch, tunnel, passage or other similar structure used or intended for use other than by the public and constructed on or after 1 October 1964.	€125
A cellar or other underground structure constructed on or after 1 October 1964.	€125
A cable for conducting electricity for domestic or agricultural purposes.	€125

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