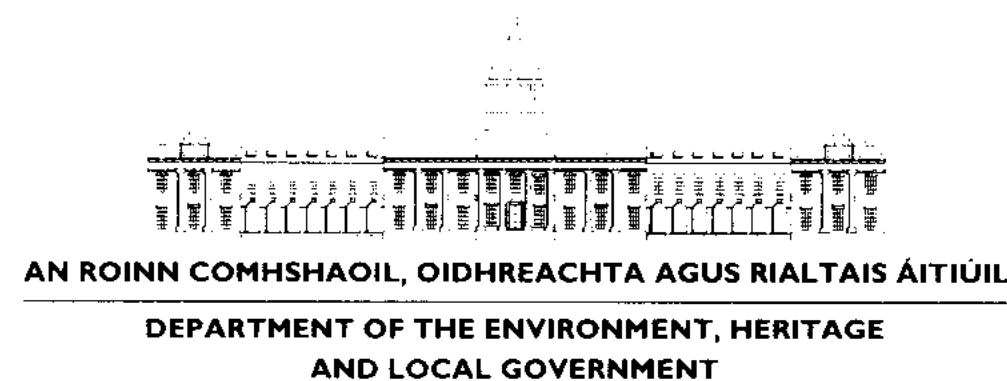


Oifig an Aire
Office of the Minister



Please quote ref: 1848/DR/06

2 October 2006

Mr. Benny Hickey
Head of Corporate Services
South Dublin County Council
County Hall
Town Centre
Tallaght
Dublin 24

South Dublin County Council
Corporate Services Department

- 5 OCT 2006

Dear Mr. Hickey,

I have been asked by Mr. Dick Roche T.D., Minister for the Environment, Heritage and Local Government, to refer to your recent letter, forwarded to this Office by the Department of Justice, Equality and Law Reform in relation to the granting of planning permission for off-licences.

As you are aware, it is a reserved function of South Dublin County Council to make a development plan under the Planning and Development Act 2000. Section 10 of the Act provides that the development plan shall include objectives for the integration of the planning and sustainable development of the area with the social, community and cultural requirements of the area and its population.

The Draft Development Plan guidelines currently open for consultation suggest that this objective allows for linkage to be made between the development plan of the local authority and the current CDB strategy in an effort to bring the socio-economic and physical planning processes closer together. Economic and social considerations are clearly central to proper planning and sustainable development and must underpin the strategy, policies and specific objectives of the plan. However, the Guidelines do emphasise that the underlying approach should be that the development plan should take account of those matters that are particularly relevant to land-use.

In 2005, the Planning and Development Regulations 2001 (S.I. 600 of 2001) were amended to require shops, which wish to change into an off-licence or to sell alcohol other than wine as a subsidiary element of the shop's trade to obtain planning permission. The 2005 regulations (S.I. 364 of 2005) were signed by the Minister and came into effect on 14 July 2005.

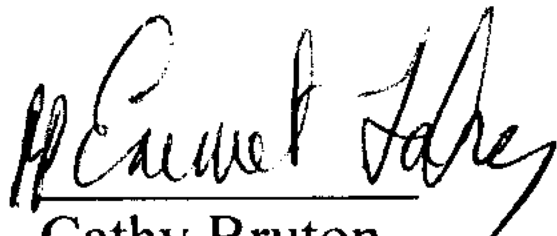
The planning system is not a suitable mechanism for regulating any concerns regarding the sale of alcohol through off-licences. There is already a mechanism for dealing with off-licences in that to operate an off-licence i.e. a spirit and/or beer retailer's off-licence a court certificate must be obtained annually under the Licensing Acts 1833-2000 from the District Court. Objections to the issuing or renewal of a



certificate may be made via the District Court. Any concerns regarding the operation of any such retail outlets would more appropriately be dealt with by An Garda Síochána and the relevant authorities when the certificate comes up for granting or renewal.

I hope this clarifies the position.

Yours sincerely,


Cathy Bruton
Private Secretary