

10:15:44 1

**THE TRIBUNAL RESUMED AS FOLLOWS ON FRIDAY,**

2

**9TH JULY 2004 AT 10.30 A.M:**

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CHAIRMAN: Good morning.

10:44:26 5

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MR. GALLAGHER: Good morning, sir. Mr. O' Callaghan please.

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MR. LAWLOR: Chairman, could I seek your advice and clarification on the

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decision of the High Court, when I raised the matter at the close of business,

10:44:41 10

it's suggested that you had to consider the detail of the verdict.

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CHAIRMAN: You had to what?

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MR. LAWLOR: You had to consider the detail of the verdict.

10:44:50 15

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CHAIRMAN: Yes.

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MR. LAWLOR: Yourself and your colleagues.

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10:44:52 20

CHAIRMAN: That will take some days, there will be no decision made, we have

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to decide the extent of any appeal the Tribunal might want to take to the

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Supreme Court, but that won't be a decision that will be made in the immediate

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future but certainly over the next couple of weeks.

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10:45:16 25

MR. LAWLOR: It's just how could the barrister for you in the High Court at ten

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past two on the day in question, announce that it was going to be appealed

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and it was being carried on RTE News that --

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CHAIRMAN: It will be appealed but it's the extent of the appeal and a lot of

10:45:30 30

work has to go into that, but that's a matter for the Tribunal to decide in due

10:45:34 1 course, we are not going to discuss it in public.  
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3 MR. LAWLOR: Could you not cut the losses and give us the documents and save  
4 the taxpayer. You are already lost money in the High Court and now you are  
10:45:47 5 going to the Supreme Court.  
6  
7 CHAIRMAN: We do what we have to do.  
8  
9 MR. LAWLOR: Does the Oireachtas have no say in it, no?  
10:45:52 10  
11 CHAIRMAN: No.  
12  
13 MR. LAWLOR: Should you not consult the Oireachtas?  
14  
10:45:55 15 CHAIRMAN: Mr. Lawlor, this is a matter for us and we are not going to discuss  
16 it in public.  
17  
18 MR. LAWLOR: I again put it on the record your barrister stated it was being  
19 appealed before you even read the judgment.  
10:46:06 20  
21 CHAIRMAN: He was entitled to state that.  
22  
23 MR. LAWLOR: Should he not have stated he would await guidance from the  
24 Chairman.  
10:46:12 25  
26 CHAIRMAN: No.  
27  
28 MR. LAWLOR: Okay, thank you chairman.  
29  
10:46:15 30

**CONTINUATION OF QUESTIONING OF MR. OWEN O'CALLAGHAN**

**BY MR. LAWLOR:**

CHAIRMAN: Good morning, Mr. O' Callaghan.

A Good morning.

MR. LAWLOR: Am I in possession, Chairman?

CHAIRMAN: Yes.

Q 1 MR. LAWLOR: Thank you. Mr. Callaghan, just very briefly on Cooldrinagh, I don't intend to dwell on it at all really other than to, I just want you to repeat to the Tribunal the Section 4 had gone in and had been withdrawn before you met me, isn't that correct?

A That is correct.

Q 2 Now, could you just recall for the Tribunal your meeting with me and would you agree with me that I was very vociferous in my A, objections that had lodged in the first place and B, that I had very vigorously put it to you that the council's policy was the Balgaddy project and while it could have been argued that the Cooldrinagh project wouldn't have unduly interfered in the potential of Balgaddy, because of the frustration of nothing happening for so long, anything that was going to impinge on Balgaddy was undesirable from a political and planning point of view in that greater Lucan/Clondalkin area. Would you agree that was the sort of general consensus about management and council with the exception of my colleagues who put the motion in?

A Well, yes, to answer that question, few questions, when I did meet you you mentioned to me that if I had spoken to you previously about Cooldrinagh, that you would have told me it would have been a waste of time to even make an application for it. And that the chosen site for that particular part of west County Dublin was the Balgaddy site and you suggested to me at the time that I should proceed and go ahead with that particular site, that was the one that

10:48:21 1 had proper zoning and that was the one that would be supported by the local  
2 council. And that my efforts at Cooldrinagh were a complete and utter waste of  
3 time.

4 Q 3 Just we'll leave Cooldrinagh on this point, I think it should be put on the  
10:48:38 5 record, maybe it's more for the Chairman and colleagues really but I know and  
6 Mr. Gallagher was absolutely correct that it was zoned agricultural, but there  
7 are derelict industrial buildings on the lands, isn't that right?

8 A That is correct. This is Cooldrinagh?

9 Q 4 Yes.

10:48:57 10 A That is correct, that's correct.

11 Q 5 It was the site of the old Tara Co-op buildings?

12 A Correct.

13 Q 6 Which would have been a grass drying plant in its day and there are was exempt  
14 under the 1963 Act and didn't require planning permission so you could erect  
10:49:14 15 buildings and agricultural zoned land for specific purposes and that was the  
16 original purpose of what was on that site, isn't that, is that your  
17 recollection of the buildings that were on the site and there were quite  
18 extensive buildings?

19 A Of the buildings, yes, you have me lost with the planning but yes, the  
10:49:31 20 buildings on the site were quite extensive and were quite derelict at the time  
21 and I believe that locally, the local consensus was that they would prefer to  
22 see them demolished.

23 Q 7 Yes, there was a need to try and tidy them up. Believe it or not they are  
24 still there to this day with a couple of coats of paint on them but they are  
10:49:49 25 still agricultural zoned lands?

26 A Correct.

27 Q 8 Just to finalise on the dispute which might be of again assistance to the  
28 Tribunal, the letters surfacing between solicitors and Mr. Burke objecting,  
29 that, Mr. O' Callaghan, if I could put it to you, was a dispute which you may  
10:50:07 30 not be aware of, you probably are not, in that Mr. Burke had worked a lifetime

10:50:11 1 in Tara Co-op and as a co-op, certain members felt they owned the buildings and  
2 Mr. Burke felt he owned the buildings and there was that dispute and that was  
3 reflected in these letters that were shown here yesterday, you wouldn't have  
4 been familiar with that, would you?

10:50:26 5 A This is the first time I have heard about this, Mr. Lawlor, I wasn't aware of  
6 that.

7 Q 9 The manager of the co-op and members of the co-op got into dispute because the  
8 buildings were lying derelict for many years and that was so, so just a matter  
9 of interest because the dispute arose under that basis.

10:50:43 10  
11 Just to finally clear up on Cooldrinagh, Mr. Gallagher made reference to the  
12 square footage and I can't recall the number but I think it was about eight odd  
13 thousand square metres, about 120,000 or so square feet and yet there was  
14 reference made to twice that size, it was never intended to be anything other  
10:51:03 15 than about 100,000 square feet, was it?

16 A 130,000 square feet.

17 Q 10 Could I further put to you that we have since had the district centre in Lucan,  
18 namely the SuperQuinn Centre which could be a replacement to what you proposed  
19 to Cooldrinagh working with tandem about Liffey Valley and both have been  
10:51:25 20 commercially successful, isn't that the situation out there now?

21 A Yes.

22 Q 11 Just go to the Buswells meeting please. If we could just pursue the line, Mr.  
23 O' Callaghan, that Mr. Gilmartin's version of the meeting is correct, the first  
24 thing I want to put to you is that the physical description that Mr. Gilmartin  
10:51:46 25 has given to Tribunal reflects on the physical internals of Buswells Hotel  
26 today, would you -- maybe you are not familiar with it, since the Quinn group  
27 took over the buildings, they bought an adjoining building and renovated the  
28 building, and there is a spiral staircase downstairs to a lower area in the now  
29 bar. Are you familiar with that?

10:52:08 30 A Yes, correct.

10:52:09 1 Q 12 Mr. Gilmartin explains that's his description of a meeting some eight or nine  
2 years previous when no such physical stairs existed?  
3 A That's correct.  
4 Q 13 Would you agree with that?  
10:52:21 5 A That is correct.  
6 Q 14 Mr. Gilmartin has put myself at that meeting and in his statement, if we could  
7 have Mr. Gilmartin's statement please, I'll give you 582, it's not the correct  
8 page but we will -- yes, 589. Just top paragraph there, Mr. O' Callaghan.  
9  
10:52:55 10 "I arranged a meeting with one of the councillors whose name had been given to  
11 me by Mr. Lawlor." I think it's your evidence that you might have referred to  
12 or Mr. Gilmartin asked have you any knowledge of why Mr. Gilmartin might have  
13 said that I would have given him Mr. Hanrahan's name?  
14 A That never cropped up.  
10:53:15 15 Q 15 No. Now it has been aired here at the Tribunal other than to say that would  
16 you have been aware that Finbar and myself were fairly keen political rivals in  
17 the same electoral patch?  
18 A Well, I have been told that.  
19 Q 16 Yes. Now, Mr. Gilmartin has suggested that, then Councillor Hanrahan was at  
10:53:39 20 the meeting, his evidence and his written statement is that he was on holiday  
21 in Kerry with his family and being a teacher, he would have a couple of weeks  
22 after Christmas. Mr. Deane has given evidence --  
23  
24 CHAIRMAN: Sorry Mr. Lawlor, we will just rise for a few minutes.  
11:18:53 25  
26 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK AND**  
27 **RESUMED AS FOLLOWS:**  
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29 MR. GALLAGHER: Mr. Martin has an application I understand.  
11:27:19 30

11:27:19 1 MR. MARTIN: Chairman, I wonder in the light of the upsetting circumstances  
2 this morning, and the fact that Mr. O' Callaghan has to return to give evidence  
3 on another day in any event, would the Tribunal be agreeable to adjourn his  
4 evidence for today.

11:27:32 5  
6 CHAIRMAN: Yes, certainly, in the circumstances, there's no difficulty about  
7 that. And Mr. O' Callaghan's return can be arranged between yourself and the  
8 Tribunal.

11:27:41 10 MR. MARTIN: Thanks, chairman.

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12 CHAIRMAN: And Mr. Lawlor can be informed and hopefully Mr. Sreenan will be  
13 fine. So, Tuesday at half ten.

11:28:09 15 **THE TRIBUNAL THEN ADJOURNED UNTIL TUESDAY, 13TH JULY**

16 **2004 AT 10.30 A.M.**

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