

09:45:37 1 THE TRIBUNAL RESUMED AS FOLLOWS ON FRIDAY,  
2 10TH FEBRUARY 2006 AT 10.30 A.M.

3

4 CHAIRMAN: Good morning, Ms. Dillon.

10:39:27 5

6 MS. DILLON: Good morning, sir. Mr. Dunlop please.

7

8 Continuation of examination of Mr. Frank Dunlop by Ms. Dillon:9 Q 1 We had finished, yesterday, Mr. Dunlop with your involvement in 1991 with  
10 various councillors on a limited basis and with Mr. Jones, is that correct?

10:39:56

11 A Good morning, Ms Dillon. Yes, that's correct.

12 Q 2 I think early in 1992, you had formed a view that there were three fairly  
13 contentious matters that were likely to come up in the course of the  
14 Development Plan?

10:40:10

15 A Correct.

16 Q 3 And you were involved in all three, isn't that right?

17 A That's correct.

18 Q 4 And you had identified the Ballycullen lands as being one such potential  
19 rezoning that was likely to be controversial?

10:40:22

20 A Correct.

21 Q 5 Yes, why did you form the view that Ballycullen would be controversial?

22 A Well, the history to it as outlined to me by Mr. Jones and given the identity  
23 of the councillors who had expressed opposition to anything taking place on the  
24 lands before that point.

10:40:42

25 Q 6 Would it have been your opinion in relation to those councillors, Councillors  
26 Muldoon and Cass, that if they were opposed to something, it would be extremely  
27 difficult to get them to change their view?28 A In order in the context of Councillor Muldoon, definitely, impossible. And in  
29 the context of Councillor Cass, amenable. By that I mean would listen to  
30 reason, would come to a meeting and discuss matters and raise issues but at the

10:41:07

- 10:41:12 1 end of the day, might still have the same view but would meet and discuss it  
2 whereas with Councillor Muldoon, no way.
- 3 Q 7 Would your advice to Mr. Jones in early 1992 have been that he would have had a  
4 reasonably serious fight on his hands to successfully rezone those lands?
- 10:41:30 5 A Yes.
- 6 Q 8 Right. Now, I think that at 1590 please and we will go quite quickly I think  
7 through the telephone attendance and the diary records, Mr. Dunlop. This is  
8 the 17th January 1992, Mr. Brooks, Mr. Oliver Brooks telephones you at 10  
9 minutes past 11?
- 10:41:48 10 A Correct.
- 11 Q 9 And Mr. Liam Lawlor, the late Mr. Lawlor phones you at 20 to 1?  
12 A Yes.
- 13 Q 10 Now, Mr. Brooks is recorded as making a number of phone calls, may the Tribunal  
14 take it insofar as Mr. Oliver Brooks and Mr. Frank Brooks telephoned you, it  
10:42:02 15 was only in connection with the Ballycullen lands?
- 16 A Absolutely.
- 17 Q 11 And that you had no other dealings with them other than on behalf of Mr. Jones?  
18 A None whatever.
- 19 Q 12 I think you wrote to Mr. Jones on the 20th January 1992 at page 1591 and you  
10:42:21 20 provided him in this letter with an outline of, as you saw, the potential  
21 timescale in relation to the appropriate time at which a motion would be  
22 lodged?
- 23 A Yes.
- 24 Q 13 And I think that while you initially at that stage formed a view that the  
10:42:35 25 special meetings would begin in April 1992 and you thought that your matters  
26 would be dealt with in June or July, in fact they didn't come to be dealt with  
27 until October of 1992?
- 28 A Correct.
- 29 Q 14 But I think you did advise him in that letter that some matters would span more  
10:42:50 30 than one meeting because of their contentious nature?

- 10:42:53 1 A Correct.
- 2 Q 15 And I think you identified that the Monarch proposal in the Carrickmines Valley  
3 was one such matter?
- 4 A Correct.
- 10:42:59 5 Q 16 And you did outline in that letter that the Development Plan would have to be  
6 completed by the 31st December 1992?
- 7 A Correct.
- 8 Q 17 That the manager had requested an extension but the council members had voted  
9 against it, so all matters were going to have to be dealt with and the final  
10:43:20 10 plan made and adopted by Dublin County Council between the 20th January 1992  
11 and the 31st December 1992?
- 12 A Correct.
- 13 Q 18 And it was based on that time line that you initially advised Mr. Jones that  
14 his lands were likely to come up for consideration in June or July of 1992?
- 10:43:34 15 A Correct.
- 16 Q 19 So in early to mid-1992, you would have been working towards a preparation of a  
17 proposal for the councillors based on June or July 1992?
- 18 A Correct.
- 19 Q 20 But that in fact turned out to be October.
- 10:43:46 20 A Yes.
- 21 Q 21 Yes. Now, I would draw one matter to you in relation to that letter which is  
22 at paragraph D, and you identified there at paragraph D that the process which  
23 is the process of reviewing all of the maps for the Dublin area would begin  
24 with map 28 which is the south eastern part of the county and move north wards  
10:44:13 25 to map 1?
- 26 A Yes.
- 27 Q 22 And I think you gave that advice to Mr. Jones because that was what had been  
28 decided by the meeting of the council on the 13th January 1990?
- 29 A The answer is yes.
- 10:44:22 30 Q 23 Yes. 1991, sorry, 1992 sorry at that the meeting of the 13th January 1992.

- 10:44:31 1 A Yes. Normally it went 1 to 28, the officials in their wisdom one can -- it  
2 could be all sorts of reasons for it, in their wisdom decided to go the other  
3 way, it would go from the back forward, as I said to you yesterday, it would go  
4 from Dun Laoghaire to Skerries.
- 10:44:48 5 Q 24 You would start with map 1 and it concludes with map 28?
- 6 A Yes.
- 7 Q 25 Yes, and then if you reverse the process, you start with map 28 and conclude  
8 with map 1.
- 9 A And that brings Mr. Jones' land in because he is in the 20s.
- 10:45:00 10 Q 26 So on that basis, on that view, you formed the view that because they were  
11 starting in that order, that you were going to come up for hearing as it were  
12 in June or July of 1992?
- 13 A Correct.
- 14 Q 27 And the record of the meeting of the council of the 13th January 1992 which you  
10:45:15 15 sent to Mr. Jones is at page 1594 and the last paragraph of the record of the  
16 meeting records "That in response to a request received from the Chairman, it  
17 is proposed to start dealing with maps in the south eastern part of the country  
18 as far as possible work in reverse order from that, followed by the council in  
19 its last consideration of maps."
- 10:45:37 20 In other words to commence with representations relating to map 28.
- 21 A Correct.
- 22 Q 28 Now, it would appear in a later point in the year, Mr. Dunlop, that decision  
23 was reversed and they commenced a deal with the maps at map 1 instead of map  
24 28?
- 10:45:50 25 A Yes. That's correct.
- 26 Q 29 And that had the effect of deferring consideration of map 20 to further, isn't  
27 that right?
- 28 A Yes.
- 29 Q 30 And that's why the timetable wasn't adhered to effectively?
- 10:46:00 30 A There was interaction, my understanding of it at the time was that there was

- 10:46:03 1 interaction between various bodies, developers, lobbyists and whatever and the  
2 council or whatever happened, there was a reversal of the procedure that had  
3 been adopted.
- 4 Q 31 So it had been agreed in January they would start at map 28 and work backwards  
10:46:19 5 but that was reversed later?
- 6 A Yes.
- 7 Q 32 Do you have any idea as to why that agreement happened they agreed to take the  
8 maps in reverse order?
- 9 A There was some surprise, without going into a long lengthy explanation about  
10:46:29 10 it, there was some surprise expressed at the time and a lot of disquiet  
11 expressed at the time when the council came forward, the officials came  
12 forward with the proposal because a lot of people were prepared to deal with it  
13 on the basis of traditional 1 to 28. And a lot of people I presume had a lot  
14 of interest in land at anything from 1 to 10 and they wanted matters dealt with  
10:46:55 15 as quickly as possible, notwithstanding the fact even that even if it was dealt  
16 with at that stage, nothing could happen until the plan was made eventually.  
17 So speaking, I don't have any direct knowledge of this, I remember, I recall a  
18 lot of anger and frustration at the time with people who had obviously put a  
19 lot of work into making submissions, on the basis that when the council decided  
10:47:21 20 that this was the procedure in the past, they took it that that would happen  
21 again.
- 22 Q 33 Yes, it would appear according to the record of the meeting of the county  
23 council that's on screen in the final paragraph, that the decision to start or  
24 commence with map 28 was in response to a request received from the then  
10:47:36 25 Chairman.
- 26 A Yes.
- 27 Q 34 So it would appear from that record that the Chairman had requested that they  
28 start consideration at map 28.
- 29 A Yes.
- 10:47:43 30 Q 35 Do you recognise who was the Chairman in 1992?

- 10:47:46 1 A In 1992, Tommy Boland, I'm afraid I don't know, was it Therese Ridge?
- 2 Q 36 I will come back to that, Mr. Dunlop. If we move on then to February of 1992,
- 3 after your communication with Mr. Jones at page 1597 and these are records of
- 4 your telephone messages, it would appear Mr. Jones rang you at 10.25, the late
- 10:48:17 5 Mr. Liam Lawlor rang three times on that day?
- 6 A Yes.
- 7 Q 37 It would appear no other councillors contacted you at that time on that day?
- 8 A Yes.
- 9 Q 38 If we move to Thursday, 20th February 1992 at 1599, it would appear that at 10
- 10:48:32 10 o'clock, June Murphy rang about the invoice for the cheque from Ballycullen
- 11 Farms and she rang again at 10.45 and Liam rang at 11.05 and there's no other
- 12 record in relation to councillors contacting you on that day, isn't that right?
- 13 A Yes.
- 14 Q 39 If we turn to 1602, sorry I beg your pardon, 1603, we see dated the same date
- 10:49:00 15 the 20th February 1992, an invoice from you to Miss June Murphy of Ballycullen
- 16 Farms in the sum of 5,000 pounds with no VAT element, isn't that right?
- 17 A Correct.
- 18 Q 40 And it would appear from your document at 1602, that you were provided with a
- 19 cheque accompanied with a compliments slip on which you have written the words
- 10:49:26 20 "20th February 1992, 5,000 pounds paid."
- 21 A Correct.
- 22 Q 41 That's the second payment of 5,000 you received, at this stage in February
- 23 1992, you had been paid 12,500?
- 24 A That's right.
- 10:49:37 25 Q 42 And I think, again in February of 1992 on the 25th February, at 1613,
- 26 Mr. Hussey at 12.05 of the Jones Group is recorded as having telephoned you?
- 27 A That's right.
- 28 Q 43 And I think this is the first recorded entry in relation to Mr. Hussey at page
- 29 1613?
- 10:49:56 30 A Yes.

- 10:49:57 1 Q 44 And do you recollect why Mr. Hussey contacted you on that occasion?
- 2 A No, I can only assume that it was in relation to Beechill but I cannot say that
- 3 categorically.
- 4 Q 45 It would appear from the documents, Mr. Dunlop, that we are going to look at
- 10:50:21 5 that Mr. Hussey then became involved from this point on in Ballycullen to some
- 6 degree?
- 7 A As we saw yesterday, there was some calls from Mr. Hussey almost on the basis
- 8 of passing along a message from Mr. Jones. But then I did say to you very
- 9 early on a day or two ago that at some stage Mr. Hussey did become involved in
- 10:50:43 10 meetings with Mr. Jones in relation to Ballycullen only.
- 11 Q 46 Yes. And the record also records at 3.15, telephone call from Charlie O'Connor
- 12 who is a councillor I believe?
- 13 A That's correct.
- 14 Q 47 And I think at 1614 which is the continuation of the messages of the 25th
- 10:50:58 15 February 1992, it records three more calls from Mr. Charlie O'Connor?
- 16 A Correct.
- 17 Q 48 And he was a councillor, isn't that correct?
- 18 A That's correct.
- 19 Q 49 And I think a county councillor --
- 10:51:08 20 A For the Tallaght area.
- 21 Q 50 Which would be the area in which these lands are located, isn't that right?
- 22 A Yes.
- 23 Q 51 Do you know why Mr. O'Connor contacted you on that date, around that time?
- 24 A Just for completeness, these are calls in to my office, they are not calls,
- 10:51:24 25 they may well have been generated by a call from me and that's a reply call or
- 26 response call. Notwithstanding that, who generated the call, he is calling me
- 27 and I suspect very strongly he is calling me, the only reason he would be
- 28 calling me is this relation to matters in front of Dublin County Council and in
- 29 this instance, more likely to be Ballycullen but I wouldn't say so absolutely
- 10:51:49 30 categorically because of other issues that were going on at the time.

- 10:51:51 1 Q 52 Yes. Would it have been Mr. O'Connor's habit to contact you in connection with  
2 lands in his area or would he normally respond to a call you made seeking to  
3 speak with him?
- 4 A No. I would say in fairness to him, he would respond to a call I made, if I  
10:52:07 5 did not meet him in the environs of Dublin County Council and I was not looking  
6 for him, given the nature of the man, he would return the call.
- 7 Q 53 He telephoned you on four occasions on that day?
- 8 A Yes.
- 9 Q 54 On the 2nd March 1992 at 1616, at 10.05 and again at 12.10, Mr. Jones  
10:52:29 10 telephones you and he arranges a meeting for the 5th March in Beechill?
- 11 A Yes.
- 12 Q 55 And that meeting I think does take place and is recorded in your diary for the  
13 5th March. There is also a telephone call at 2.55 from Liam and at 2.40 from  
14 Pat Dunne?
- 10:52:46 15 A Yes.
- 16 Q 56 Is that Pat Dunne, the late Mr. Dunne who was a member of the Fianna Fail  
17 Party, he has been described as the Fianna Fail whip in Dublin County Council  
18 by some persons?
- 19 A Correct but at this point was no longer a member of Dublin County Council.
- 10:53:00 20 Q 57 But was still in contact with you?
- 21 A Yes.
- 22 Q 58 And we don't need to deal with that. If I could move on to 1623 please. On  
23 the 5th March 1992, recorded in your diary is an entry for "C Jones at  
24 Beechill" and this I think reflects the fact that a meeting took place in  
10:53:18 25 Beechill with Mr. Jones?
- 26 A That's the one you just referred to, as Mr. Jones ringing to set up this  
27 meeting and that is the one I diared as a result of that call.
- 28 Q 59 Yes. And there do not appear to be any documents surrounding that meeting, Mr.  
29 Dunlop, provided by you or indeed by Mr. Jones?
- 10:53:36 30 A No.

- 10:53:36 1 Q 60 But would the meeting would only have been to discuss Ballycullen.
- 2 A Absolutely.
- 3 Q 61 And the progress reports?
- 4 A Correct.
- 10:53:41 5 Q 62 At this stage had you made contact with many councillors in connection with  
6 Ballycullen?
- 7 A Yes, I would have used the occasion of meeting councillors in Dublin County  
8 Council to identify the fact that I was involved with Ballycullen.
- 9 Q 63 Yes.
- 10:53:55 10 A And that any issues arising in relation to it would be dealt with through me.
- 11 Q 64 And would it have been your practice, Mr. Dunlop, in the business in which you  
12 were involved to keep, when you met councillors, whether by arrangement or by  
13 accident, to deal with them with the pieces of land in which you had an  
14 interest?
- 10:54:11 15 A Yes.
- 16 Q 65 In other words, you wouldn't necessarily confine your meeting with a particular  
17 councillor to one parcel of land?
- 18 A No, no.
- 19 Q 66 You might discuss several pieces of land that you had an interest in?
- 10:54:22 20 A Again for context, it's the Development Plan, so obviously as we progressed,  
21 without referring by name to a major issue that was on the blocks at the time,  
22 everybody knew I was involved in that, it was for me to identify as we  
23 progressed who else or what other parcels of land, unless they were told  
24 otherwise by the developer themselves, I always took the opportunity to tell  
10:54:48 25 them listen I am involved in this.
- 26 Q 67 You would have taken every opportunity to promote your pieces of land if I can  
27 call them that, in other words the lands in which you had been retained to  
28 secure rezoning with any councillor that you met, albeit you may have met them  
29 specifically to discuss a single development?
- 10:55:04 30 A Yes.

- 10:55:05 1 Q 68 I think on the 5th March 1992, at 1624, again on that date, Ms. Mary O'Sullivan  
2 of the Jones Group, do you know Mary O'Sullivan, did you ever meet her? Did  
3 you know who she was?
- 4 A No. No, I can just recollect meeting somebody in Mr. Jones' outer office you  
10:55:28 5 know but that's as much as I know.
- 6 Q 69 And at 3.25, there's a telephone call from Liam and two numbers are left. That  
7 again is Mr. Lawlor, is that correct?
- 8 A What time again sorry?
- 9 Q 70 If you look at 3.25?
- 10:55:40 10 A Yes, mobile and Leinster House.
- 11 Q 71 Was it Mr. Lawlor's habit to contact you on an almost daily basis?
- 12 A Hardly a day would go by whether there would be at least one contact with  
13 Mr. Lawlor.
- 14 Q 72 And I think on that entry at the 5th March 1992 at 1025, Ms. O' Sullivan is  
10:56:02 15 referring to "three o'clock is fine at Beechill", and I think on that day you  
16 had a meeting at 3.30 as we have already seen?
- 17 A Right.
- 18 Q 73 And I think on the 12th March 1992, you again have an entry in your diary for  
19 Mr. Jones at 1626 and the reference here is "draft for C Jones"?
- 10:56:23 20 A Yes.
- 21 Q 74 Now, it would appear that on the 12th March, you wrote to Mr. Jones, isn't that  
22 right, at 1628? And you provided him with a documentation that is set out at  
23 A, B and C in that letter.
- 24 A Yes.
- 10:56:46 25 Q 75 And you set out an overview note vis-a-vis the timeframe within which we have  
26 to operate?
- 27 A Yes.
- 28 Q 76 You set out a recommended schedule of contact together with named  
29 responsibilities and you set out a draft text of information leaflet for  
10:57:00 30 distribution locally amongst councillors and amongst residents and community

- 10:57:04 1 and sporting organisations and then you proceed to cancel a meeting you had  
2 arranged with Mr. Jones.
- 3 A Yes.
- 4 Q 77 Now, you have not provided the Tribunal with copies of any of the document at A  
10:57:16 5 B or C and neither indeed has Mr. Jones. The document in particular,  
6 Mr. Dunlop, I want you to think about is the document identified at B, the  
7 recommended schedule of contact together with named responsibilities. What was  
8 that document?
- 9 A Well I think to avoid confusion, you did put up a document yesterday which had  
10:57:37 10 various lists of names.
- 11 Q 78 Yes.
- 12 A I would be very surprised if there was any major difference in that because  
13 that document yesterday if my recollection is correct, related to a post 1990,  
14 June 1991 local election.
- 10:57:52 15 Q 79 Yes.
- 16 A And we identified the various people. I doubt if it would have been any  
17 substantial change in that.
- 18 Q 80 I think the document you are talking about is the document at 1499 and I think  
19 its in fact probably two or three pages beyond that. Yes, I think if we could  
10:58:09 20 go to the next two pages on or three pages on, on that document. This is the  
21 August 1991 document?
- 22 A Correct.
- 23 Q 81 That you prepared after the local election and I think identified there on that  
24 page are the members who comprised the 26 members that will be of South Dublin  
10:58:26 25 county council and on the following page you identify other persons that have  
26 to be contacted. Yes, if we go back to the document at 1628 then which is your  
27 letter of the 12th March 1992, and as best you can, Mr. Dunlop, can you  
28 recommend assuming you are correct, it was that list you were talking about,  
29 you have then said together with named responsibilities?
- 10:58:48 30 A Yes.

- 10:58:49 1 Q 82 What were you doing with the list? Were you allocating people who were to talk  
2 to certain councillors or whose responsibility it was to deal with the  
3 councillors?
- 4 A Yes, essentially is the answer. The likelihood is if that document were  
10:59:02 5 recovered and I just apologise, I don't know what happened to the document but  
6 would in the main be a responsibility allocation to me in relation to the  
7 councillors, if there were other people as per the document of August of 1991  
8 where there was other people and I recommended that Mr. Jones contact them.
- 9 Q 83 They were the local...
- 10:59:28 10 A We went through that yesterday.
- 11 Q 84 They were the local...
- 12 A TDs and ministers.
- 13 Q 85 This document is also being circulated to T O Brooks at the bottom?
- 14 A Yes.
- 10:59:37 15 Q 86 Would that have been because he would have had some persons on the list whom he  
16 should approach?
- 17 A Well, yes. Yes is the answer. On the premise that he had already been in  
18 contact with individuals, particularly on Fianna Fail side.
- 19 Q 87 And when you had your meetings with Mr. Jones and indeed if Mr. Brooks was at  
10:59:57 20 the meetings, would Mr. Jones or Mr. Brooks have recounted to you their  
21 contacts with politicians?
- 22 A Yes, I only recall one meeting and at most, two but certainly one meeting at  
23 which Oliver Brooks was present and he would recount that he had met a variety  
24 of people on the Fianna Fail side either by arrangement or by coincidence in  
11:00:23 25 the context of Fianna Fail activities.
- 26 Q 88 And who do you recollect Mr. Brooks saying he had met?
- 27 A I think the most contact that he ever had was Tom Kitt.
- 28 Q 89 And you recollect Mr. Brooks telling you or you being told that Mr. Brooks had  
29 said that he had met Mr. Kitt?
- 11:00:40 30 A John Hannon.

- 11:00:41 1 Q 90 And Mr. Hannon?
- 2 A Yes.
- 3 Q 91 I think you did subsequently arrange a meeting between Mr. Jones and Mr. Hannon
- 4 that took place in Wynne's Hotel?
- 11:00:50 5 A I did, yes. Correct.
- 6 Q 92 That was later in September 1992?
- 7 A Correct.
- 8 Q 93 And I think on the 12th March 1992, you had also a number of telephone messages
- 9 of calls into your office at page 1627. You have a message at 9.15 "Liam in
- 11:01:08 10 Lucan" and then at 9.45, beneath the name that's there, you have "rang Mary"
- 11 Chris Jones' secretary, "Mary away until next Wednesday" -- a telephone
- 12 messages was received, "Mary away until next Wednesday", message as to who is
- 13 looking after her job, "document will be couriered over this afternoon" and
- 14 there's an entry for Marian McGennis, "arranging a meeting in your office on
- 11:01:31 15 the following Wednesday."
- 16 A Yes.
- 17 Q 94 And then Miss Therese Ridge and at the very end, an entry for Liam at 5.20
- 18 which is Liam Lawlor?
- 19 A Yes.
- 11:01:42 20 Q 95 There has been come contact with councillors who were recorded in the telephone
- 21 calls into your office, isn't that correct?
- 22 A Yes, and we are dealing solely with telephone calls here, we are not dealing
- 23 with any other contacts with councillor in Dublin County Council or diary
- 24 references but solely dealing with telephone calls?
- 11:02:01 25 Q 96 And diary contacts?
- 26 A Yes. Right.
- 27 Q 97 Yes, of councillors who were involved in this module?
- 28 A The only point I make is that these calls are coming in to my office and
- 29 obviously there's long lists of calls, that means I am out of the office
- 11:02:14 30 because these are not, the calls that come through when I'm there and I take

- 11:02:18 1 them, they are not recorded. So these calls are evidence of absence from the  
2 office as much as anything else, you could assume and I will be saying that in  
3 the vast majority of instances I am elsewhere, which is Dublin County Council.
- 4 Q 98 Throughout the duration of the Development Plan, you previously told the  
11:02:39 5 Tribunal it was your habit to attend at the development, at the special  
6 meetings of Dublin County Council?
- 7 A Correct.
- 8 Q 99 And to be in attendance for matters that involved your clients?
- 9 A Correct.
- 11:02:48 10 Q 100 Just excuse me for one moment. And then I think that on the 16th March 1992,  
11 at 1629, you have on your diary, you have an entry for a meeting with Mr. Jones  
12 on the 16th March 1992 which is the meeting you had cancelled in your letter?
- 13 A Yes.
- 14 Q 101 That appears to have rescheduled to the 18th March 1992, isn't that right?
- 11:03:18 15 A Yes.
- 16 Q 102 And that is again then cancelled and the meeting takes place on the 19th March  
17 1992?
- 18 A Correct.
- 19 Q 103 Now, I think in fact we will see from 1630 the 16th March, that Mr. Derry  
11:03:33 20 Hussey contacts you to cancel the Wednesday meeting and to reassign the meeting  
21 to Thursday.
- 22 A Yes.
- 23 Q 104 And the meeting will take place on Beechill?
- 24 A Yes.
- 11:03:44 25 Q 105 Isn't that right?
- 26 A Correct.
- 27 Q 106 And I think that meeting takes place on the 19th and there's no records in  
28 records in relation to that meeting but that again the matter that would have  
29 been discussed between yourself and Mr. Jones would have been ongoing progress  
11:04:00 30 in relation to Ballycullen?

- 11:04:01 1 A The date of the meeting again, Ms. Dillon?
- 2 Q 107 The date of the meeting is the 19th March 1992.
- 3 A Yes, I would say almost exclusively Ballycullen.
- 4 Q 108 And may, I think you said yesterday that entries referable to TPH in your diary
- 11:04:16 5 do not refer to Mr. Hand. Was it your habit in recording diary entries for
- 6 Mr. Hand to refer to him as Tom Hand or T Hand or TH?
- 7 A T Hand, H, T Hand or Tom Hand.
- 8 Q 109 TPH is a different individual?
- 9 A Yes.
- 11:04:33 10 Q 110 It would appear at 1629 on the 20th March, you have an entry for LL on the 20th
- 11 March, may the Tribunal take it that entries LL relate to the late Mr. Liam
- 12 Lawlor?
- 13 A Correct.
- 14 Q 111 I think on the 20th March at 1632, which is the day after your meeting with
- 11:04:53 15 Mr. Jones, you have telephone calls at 10 o'clock from Liam and then at 10.30
- 16 and 11.25 from Mr. Oliver Brooks?
- 17 A Correct.
- 18 Q 112 Now again, Mr. Brooks would only have been contacting you about Ballycullen?
- 19 A Yes.
- 11:05:10 20 Q 113 In general Mr. Mr. Brooks contacted you, what issues were for discussion
- 21 between the two of you?
- 22 A Well, it would be either to tell me something that he had found out or
- 23 transpired at a meeting that he had with somebody or he had met somebody or he
- 24 was talking to somebody and he had been down at Dublin County Council which he
- 11:05:32 25 used to attend, began to attend at this period as well, not very frequently but
- 26 certainly he did attend on a number of occasions and he would have wider
- 27 contacts within, almost exclusively within the Fianna Fail organisation.
- 28 Q 114 And --
- 29 A So this would be to tell me something, to ask me something or should he do
- 11:05:50 30 something.

- 11:05:50 1 Q 115 Would Mr. Brooks in the normal course, if he had met some Fianna Fail  
2 councillor and had a discussion with him, Ballycullen, report back to you to  
3 say this person is in favour or this person seems to think it's a good idea or  
4 matters such as that sort?
- 11:06:04 5 A Or I was talking to X and he or she said that it would be better if we did  
6 something else or we presented it a different way or went for less land for  
7 residential or whatever. Matters of that nature.
- 8 Q 116 It would have been your normal practice, Mr. Dunlop, would it not, to have in  
9 each case with each piece of land, that you were promoting to have had a mental  
11:06:30 10 list of those who were likely to be for, against and possibly neutral?
- 11 A Yes.
- 12 Q 117 Isn't that right? So that any information that was coming in to your office  
13 about any councillor or their attitude or approach was valuable information?
- 14 A Yes.
- 11:06:43 15 Q 118 Regardless of the source of the information?
- 16 A You see again, not to delay matters but 1991, the scene dramatically changes  
17 because Fianna Fail have lost a considerable number of seats so therefore the  
18 arithmetic is changed. So therefore you can't depend any more on automatic,  
19 you can with one or two exceptions on an automatic Fianna Fail support. But  
11:07:09 20 it's not enough any more. You don't have the numbers so you need other  
21 support. You need leakage from other parties. And that's where any  
22 information in relation to what anyone's opinion is what should or shouldn't be  
23 done is important, or was important.
- 24 Q 119 I don't want to in any way put words in your mouth Mr. Dunlop, but are you  
11:07:32 25 telling the Tribunal that prior to the local election of June 1991, that there  
26 was automatic support from the Fianna Fail councillors who were then in Dublin  
27 County Council?
- 28 A No, you are not putting words in my mouth at all. I have said that fairly  
29 consistently from day one. There were a number of exceptions but you could  
11:07:53 30 virtually take it that as a result of a group meeting or party meeting prior to

- 11:08:02 1 meetings of the council and the word was it's okay, we are in favour of, that  
2 that would automatically mean that the virtual totality of the Fianna Fail  
3 elected representatives would vote for.
- 4 Q 120 So the situation up to June of 1991, you could focus your entire attention on  
11:08:18 5 Fianna Fail party and persuading them because they had a majority on the  
6 council?  
7 A Yes but not, not totally exclusively and prior to June, prior to the election  
8 of 1991, we only had one I think major issue. And there was, not to use, there  
9 was a sort of a corporate strategy to get as much support as it possibly could  
11:08:49 10 for that particular development and we did pay particular attention to a lot of  
11 people in other parties at the time. Internally however in Fianna Fail, there  
12 was significant differences in relation to that dispute. In relation to that  
13 piece of land because the proposal for it almost replicated a proposal that was  
14 going to take place four miles away. So that caused internal difficulties  
11:09:15 15 within the Fianna Fail party, so that meant that we had to recognise that  
16 various people in one area, for electoral reasons, for straightforward keeping  
17 the voters happy reasons, they could not vote with us.
- 18 Q 121 But in general, and leaving aside that development which you need not name,  
19 Mr. Dunlop, as I understand what you are telling the Tribunal, is that your  
11:09:38 20 task became more difficult?  
21 A Correct.
- 22 Q 122 After June of 1991?  
23 A Yes.
- 24 Q 123 Because the variety of people with whom you had to deal changed?  
11:09:46 25 A Correct.
- 26 Q 124 And became greater.  
27 A Correct.
- 28 Q 125 And you could no longer rely upon the group meeting in the Fianna Fail rooms in  
29 advance of the council meeting?  
11:09:55 30 A Correct.

- 11:09:55 1 Q 126 And if I understand what you are telling the Tribunal correctly it that prior  
2 to this happening you could on occasion be told after the group meeting was  
3 over and before the council meeting proper took place, look that development is  
4 o.k. that's in order, that's fine, that's going to go through?
- 11:10:13 5 A True.
- 6 Q 127 You know in advance of the meeting prior to June of 1991 how the vote was going  
7 to go?
- 8 A No question.
- 9 Q 128 And that situation then changed with the change in the low composition of the  
11:10:21 10 council in June of 1991?
- 11 A Yes it did.
- 12 Q 129 And you found yourself then in the activities with which you were involved  
13 dealing with a whole new deck of cards as it were?
- 14 A Correct.
- 11:10:30 15 Q 130 And you had new faces to deal with?
- 16 A Yes.
- 17 Q 131 Some of whom would have been unknown quantities to you.
- 18 A Absolutely.
- 19 Q 132 Insofar as you would not have known whether they would have been willing  
11:10:39 20 participants in the activities that you were involved in?
- 21 A Correct.
- 22 Q 133 And how did you go about establishing whether or not people were bribeable,  
23 Mr. Dunlop?
- 24 A Well, I think the participants, while after the local elections in 1991 did  
11:10:59 25 bring dramatic changes, there were still quite a significant number of  
26 participants and I think I have already said, who were disposed to operating  
27 the system. I think I have already said in another module to you in relation  
28 to one individual in particular who comes up in this module and that's Tom  
29 Hand, so I am not naming him out of sequence because he does come up in this  
11:11:22 30 module and I outlined both in narrative statement and because it hasn't come to

- 11:11:30 1 directive evidence yet, I outlined in a narrative statement how it was  
2 recommended to me that I would approach this individual. That was Tom Hand.  
3 Because a Fianna Fail councillor had spoken to him and that he was approachable  
4 and that he understood.
- 11:11:42 5 Q 134 How the system worked.  
6 A Yes.  
7 Q 135 But in relation to the --  
8 A Sorry to interrupt and obviously I subsequently found out, not only that  
9 Mr. Hand understood that but that he had been operating the system himself with  
11:11:57 10 other people. I didn't know anything about that at the time.  
11 Q 136 Yes, the Fianna Fail councillor who told you that, have you identified that  
12 councillor before?  
13 A Oh yes, he has been identified, not in -- he will be coming up in this module.  
14 Q 137 Is he in this module?  
11:12:13 15 A Yes, he is.  
16 Q 138 It relates to a different module however in which he told me but he is coming  
17 up in this module?  
18 A Yes. Do you want me to write it down.  
19 Q 139 No, I don't want you to write it down, Mr. Dunlop. I have an abhorrence of  
11:12:28 20 lists. I think we can leave that.  
21 A Do you want me to say it?  
22 Q 140 No, no I don't want you to say it, because it's not an allegation that counsel  
23 is aware of will be dealt with in this module so we will leave it for the  
24 moment. Can we turn to look at page 1633, Mr. Dunlop, which is an entry in  
11:12:41 25 your diary. And I want you to look particularly at the 25th March 1992 and at  
26 the top of it at 8.50 you have an entry "rang B Cass re Ballycullen" and  
27 beneath that at 10.30, you have "rang J Hannon re Ballycullen."  
28 A Yes.  
29 Q 141 Now, can you confirm first of all that those entries were contemporaneous, in  
11:13:03 30 other words you put them into your diary in or around the 25th March 1992?

- 11:13:07 1 A Oh yes.
- 2 Q 142 And you have a meeting at 2.30, Chris Jones et al?
- 3 A I draw your attention to the pen and type of writing, it's the same. Yes,
- 4 Chris Jones et al, 2.30.
- 11:13:20 5 Q 143 Beneath that you have an entry "4 o'clock Pat Rabbitte."
- 6 A Yes.
- 7 Q 144 Can I ask you first of all starting with Ms. Cass whether you spoke with her
- 8 that day?
- 9 A Well it says rang, yes.
- 11:13:31 10 Q 145 Right. And why were you noting a telephone call in your diary that you had
- 11 made to Ms. Cass?
- 12 A Well I didn't speak to her very often. I can't say particularly why I put down
- 13 that I rang her. Maybe for record purposes to remind me that I had, when I was
- 14 talking to Chris Jones that I had done so. There were other references in my
- 11:13:58 15 diary from time to time about ringing people but I would say just purely for
- 16 personal record that I had rung her and John Hannon in relation to Ballycullen.
- 17 Q 146 And I think Ms. Cass had been one of the strongest adversaries in relation to
- 18 Ballycullen?
- 19 A She had been a signatory to a motion.
- 11:14:17 20 Q 147 As indeed had Mr. Hannon been a signatory to another motion seeking the same
- 21 result, the rezoning from E industrial back to B agriculture which had been
- 22 passed in May of 1991?
- 23 A Correct.
- 24 Q 148 Isn't that right? So you were contacting Mr. Hannon who is also an opponent an
- 11:14:32 25 of the Ballycullen rezoning and are you -- sorry, who up at that point had
- 26 sought the rezoning of the Ballycullen lands back to B?
- 27 A Yes, again I have no background knowledge as to why John Hannon did what he did
- 28 in relation to the rezoning from E to B on the date that you mentioned
- 29 yesterday. I have no knowledge whether that was, on his own initiative or
- 11:15:02 30 anyone's initiative, including Mr. Jones. I don't know. It does appear odd,

- 11:15:09 1 except in the circumstances of electoral reasons. It may well be that he was  
2 under significant pressure as a local elected representative.
- 3 Q 149 Are you saying that what is odd was that Mr. Hannon signed a motion to rezone  
4 the Ballycullen lands from industrial E to agriculture B in May of 1991?
- 11:15:31 5 A Yes.
- 6 Q 150 Okay, you are aware that Mr. Hannon proposed an amendment to the substantive  
7 Lydon/Hand motion to rezone the lands to A1?
- 8 A Yes, I do.
- 9 Q 151 And it was Mr. Hannon's amendment that put the density limitation of 360 house  
11:15:47 10 on the land, isn't that right?
- 11 A The reason I raise the flag is quite simple, it's agriculture land zoned by the  
12 council themselves to industrial, part of the land, to industrial. I do recall  
13 at least one occasion, Mr. Jones saying something to the effect to me that it  
14 was worthless. Industrial was worthless. And that it would never happen, so  
11:16:14 15 that's the reason I just say to you that it's slightly odd to see a dezoning  
16 motion but the dating and the circumstances may explain it. It is May 1991,  
17 there is a local election in June 1991.
- 18 Q 152 Are you suggesting that in fact that it would have suited Mr. Jones' purposes  
19 in May of 1991 to have the lands dezoned from E industrial back to B,  
11:16:43 20 agriculture?
- 21 A Let me put it this way, if I had been advising him at the time I would have  
22 said yes, get that off that immediately.
- 23 Q 153 Right and get it back to B agriculture?
- 24 A Yes.
- 11:16:52 25 Q 154 Because that gave you a clean starting sheet?
- 26 A Correct.
- 27 Q 155 Now, if we go back to 1633, Ms. Cass has told the Tribunal in her statement  
28 that she has no recollection of meeting with you or contact with you in  
29 connection with the Ballycullen lands. Now, I think that in fact there are  
11:17:12 30 letters that were drafted by you but which are signed by Mr. Jones that are

- 11:17:16 1 sent to Ms. Cass, is that right?
- 2 A Correct.
- 3 Q 156 But you say you did have contact yourself with her?
- 4 A Yes.
- 11:17:22 5 Q 157 I think in relation to Mr. Hannon, Mr. Hannon confirms to the Tribunal that you  
6 set up a meeting for himself and Mr. Jones which took place in September of  
7 1992 in Wynne's Hotel?
- 8 A Yes.
- 9 Q 158 And he confirms that meeting and he also confirm there would have been  
11:17:41 10 telephone contact with you, he doesn't dispute you rang him although he does  
11 appear to dispute that he does have meetings on a one to one basis with you?
- 12 A To revert back to ten minutes ago, I did say that John Hannon would be in  
13 regular contact with Oliver Brooks in the context of the Fianna Fail contact.  
14 So any communication that might have been taking place certainly would have  
11:18:06 15 been taking place at that level. I have absolutely no doubt in my mind that I  
16 spoke to John Hannon on an individual basis, either solely in relation to  
17 Ballycullen or in relation to Ballycullen and other matters.
- 18 Q 159 Yes. Mr. Hannon confirms that he did have conversations with you, I think what  
19 Mr. Hannon is saying is that he does not recollect any face to face individual  
11:18:32 20 meeting with you although he acknowledges the meeting with Mr. Jones?
- 21 A Well the only time I ever had any meetings I think so except once in a local  
22 context, the only meetings I ever had with John Hannon because of the nature of  
23 his occupation was in the environs of Dublin County Council and various hotels.
- 24 Q 160 And there is an entry at 4 o'clock for Pat Rabbitte after the 2.30 entry for  
11:18:57 25 Mr. Christopher Jones?
- 26 A Yes.
- 27 Q 161 Would that contact or that meeting with Mr. Rabbitte have been in connection  
28 with Ballycullen?
- 29 A In the over all context of how these matters are developing, I would say there  
11:19:09 30 is no doubt in my mind that t it related to Ballycullen. It could well also

- 11:19:15 1 have related to other matters.
- 2 Q 162 Mr. Rabbitte says in his statement to the Tribunal or his letter to the
- 3 Tribunal through his solicitors that he says that Mr. Dunlop says that he had
- 4 arranged to meet with him he will accept the statement but if the meeting
- 11:19:28 5 happened he has no memory of it. And that can be found at page 2775. But do
- 6 you say that was probably a face to face meeting?
- 7 A Yes but in fairness to Mr. Rabbitte I have to say I could not say to you
- 8 definitively now where that meeting took place. I have met Mr. Rabbitte in
- 9 various places from time to time, including his home and including his office
- 11:19:51 10 when he was Minister of State, well he was what was know as the "super junior
- 11 Minister of State" and attended cabinet meetings and I met him in the environs
- 12 of Dublin County Council.
- 13 Q 163 Yes. I think that you did write, I think, to Mr. Jones at a later stage
- 14 advising that you would set up a meeting with Mr. Rabbitte after Easter?
- 11:20:15 15 A Correct.
- 16 Q 164 I think, we come to that document in a moment. I think then on the 26th March
- 17 1992 at 1634, you have three telephone calls, ten past nine, 10 to 11 and 10 to
- 18 12 from Mr. Chris Jones and you also had a call at 12.25 from Mr. Tony Fox.
- 19 A Yes.
- 11:20:38 20 Q 165 Now, may the Tribunal take it the only matters that you had contact with Mr.
- 21 Fox about were matters relating to the Development Plan?
- 22 A Absolutely.
- 23 Q 166 And that Mr. Fox was either returning a call that you had made to him or he is
- 24 initiating a call to you?
- 11:20:52 25 A One or the other.
- 26 Q 167 And you had no other matters to discuss with Mr. Fox other than the Development
- 27 Plan?
- 28 A Correct.
- 29 Q 168 And he was at that time a councillor?
- 11:20:59 30 A Yes, he was.

- 11:21:00 1 Q 169 And I think on the 30th March at 1636, you have three telephone calls, one at  
2 10 o'clock from Mr. Lawlor, one at 10.15 from Oliver Brook and one at 12.25  
3 from Mr. Lawlor again.
- 4 A Yes.
- 11:21:16 5 Q 170 And again the entry in relation to Mr. Brook would relate to Ballycullen?  
6 A Correct.
- 7 Q 171 And again this shows ongoing contact?  
8 A Yes.
- 9 Q 172 And would it be fair to describe your understanding of Mr. Brooks' role in the  
11:21:27 10 activities as being one of the contact persons with the Fianna Fail  
11 councillors?  
12 A Yes.
- 13 Q 173 And it is likely therefore that the matters Mr. Brooks was discussing with you  
14 was his ongoing contact with Fianna Fail councillors?
- 11:21:37 15 A Correct.
- 16 Q 174 I think then on the 2nd April 1992 you have a meeting with the Jones Group,  
17 it's recorded in your diary at 1637, at 2 Adelaide Court and you also have  
18 later that evening a meeting recorded for Firhouse Community Council, Spawell  
19 and is that meeting with the Firhouse Community Council likely to have been in  
11:22:02 20 connection with the Ballycullen lands?  
21 A Yes, it was.
- 22 Q 175 And I think in fact there was ongoing contact between yourself and Mr. Jones  
23 and Mr. Brooks with the Firhouse Community Council and other local community  
24 councils seeking to get their support?
- 11:22:16 25 A Correct, to go back to the meeting that afternoon in Adelaide Court, Mr. Hussey  
26 was at that meeting.
- 27 Q 176 Yes and is it the position that what you would have been discussing with  
28 Mr. Hussey and Mr. Jones at that meeting would probably have been the meeting  
29 you were going to have that night?
- 11:22:33 30 A Correct.

- 11:22:33 1 Q 177 With the Firhouse Community Council because the position was, Mr. Dunlop, was  
2 that if you could get the local community councils in favour of the rezoning  
3 and produce documentary evidence that the local council were in favour of the  
4 rezonings, that would carry great weight with the local councillors?
- 11:22:49 5 A It was a double whammy, if the local community organisation or residents  
6 organisation were in favour of it, that message percolated down to the  
7 councillors, whereas the contrary sometimes was if the residents were against  
8 it then the councillors were against it.
- 11:23:09 9 Q 178 Because the councillors were going to be elected or not elected from a pool  
10 that would have included Firhouse Community Council and Knocklyon Community  
11 Council?
- 12 A This is the voting group of the local councillor.
- 13 Q 179 It was part of your statutory you had outlined previously to Mr. Jones to get  
14 the community councils on side as it were?
- 11:23:28 15 A Correct.
- 16 Q 180 And I think on the 2nd April -- Would you have attended that night? At that  
17 meeting?
- 18 A I am virtually certain I did but I can't recall, I have attended so many of  
19 these community residential meetings over the course of a number of years. I  
11:23:45 20 can't specifically recall anything about it. It's in the Spawell, whatever you  
21 call that golf complex there on the, as you approach Tallaght. I can't say to  
22 you, I am virtually certain it would be very odd if I wasn't there, but I can't  
23 tell you anything about it. I am sure it related solely to answering questions  
24 as to what the development was about and how many houses there were going to be  
11:24:15 25 or, the normal questions that one would expect in that context.
- 26 Q 181 And to see could you achieve some compromise that allow them to support what  
27 you were proposing?
- 28 A Correct.
- 29 Q 182 And I see on the diary Mr. Dunlop, the following day, you have a meeting with  
11:24:30 30 LL Mr. Lawlor at one o'clock?

- 11:24:32 1 A That's right.
- 2 Q 183 I think on the 2nd April at page 1638, you have a phone call from Mr. Colm  
3 McGrath, 10.05 asking you to return his call. You have a phone call from  
4 Mr. Lawlor at 11.50 and a phone call at 12.25 from Mr. Chris Jones?
- 11:24:49 5 A Yes.
- 6 Q 184 And again Mr. McGrath the only matters you would have had, is that correct with  
7 Mr. McGrath would have been matters pertaining to the Development Plan?
- 8 A Correct.
- 9 Q 185 And on the following page on the same day, 1639 which is still the 2nd April  
11:25:03 10 1992, Mr. McGrath leaves another message that he wants to discuss the fax he  
11 sent over this morning?
- 12 A Correct.
- 13 Q 186 Can you say whether or not those contacts with Mr. McGrath would have been in  
14 connection with Ballycullen or otherwise?
- 11:25:15 15 A I would say composite, certainly as we move forward, and we see the increase in  
16 the contact with councillors, you are talking about issues that are coming  
17 forward at the Development Plan. I don't know when the first meeting of the  
18 Development Plan was, it just escapes me at the minute but as we move forward,  
19 people are getting quite anxious both on the developer side and on the  
11:25:37 20 councillors side so people are looking for comfort and want to know what's  
21 happening and also in fairness to give information.
- 22 Q 187 And on the 6th April 1992 at 1640, you have a telephone call at half nine from  
23 Mr. Jones saying he is moving around and he will call you back and he does that  
24 at 10.20 and this is Mr. Jones keeping in touch what's happening, how are  
11:26:01 25 things progressing?
- 26 A Correct.
- 27 Q 188 And would you have been reporting on an ongoing basis to Mr. Jones on your  
28 councillor contact?
- 29 A Not in detail but certainly would be telling him that, giving him an overall  
11:26:15 30 view as to what the possibilities were arising out of the general contact.

- 11:26:21 1 Q 189 And again --
- 2 A If there was a specific, for example, if there was somebody very specific who
- 3 was one hundred percent in favour, obviously it would be mentioned. If there
- 4 was somebody who came from off-side unexpectedly who was one hundred percent
- 11:26:40 5 against, obviously, because that's somebody that we would have to talk to.
- 6 Q 190 I think on the same day, 3.30 on the following page, 1641 you are asked to ring
- 7 Mr. Lawlor in Lucan?
- 8 A Yes.
- 9 Q 191 On the 8th April 1992, now, the activity city stage seems to increase, Mr.
- 11:26:57 10 Dunlop, and was that because at that stage everybody was still of the belief
- 11 that you were commencing with map 28.
- 12 A Yes, I think so.
- 13 Q 192 On the 8th April 1992 at 1642, Mr. Jones is recorded as ringing you at 9.30,
- 14 Mr. Sean Lyons at 11.35, Mr. Chris Jones at 12.45, Colm McGrath at 12.45,
- 11:27:21 15 Mr. Liam Lawlor at 3.45?
- 16 A Yes.
- 17 Q 193 And the matters that you would have had in common with these people were the
- 18 Development Plan and with Mr. Jones the lands at Ballycullen?
- 19 A Correct, notwithstanding the fact that at this stage Liam Lawlor is not a
- 11:27:38 20 councillor. He is still involved.
- 21 Q 194 He is still a player?
- 22 A A player. Yes.
- 23 Q 195 Did you regard Mr. Dunlop as a person who still wielded influence in the
- 24 council, sorry Mr. Lawlor as being a person who wielded influence in the
- 11:27:50 25 council although he no longer had a seat?
- 26 A Yes.
- 27 Q 196 And was Mr. Lawlor someone who could provide votes if necessary or if he was in
- 28 favour of the development, could he persuade people?
- 29 A Persuade is a better word rather than provide, persuade.
- 11:28:09 30 Q 197 He is still a person of importance in Dublin County Council, albeit that he was

- 11:28:15 1 no longer a county councillor himself?
- 2 A Let me put it the other way, if you reverse it, it might be a little more
- 3 explicable, that is I know a number of councillors who quote unquote expressed
- 4 categorically to me that they admired Liam's method. They admired the way he
- 11:28:34 5 went about things and would have had meetings and ongoing contact with him.
- 6 Q 198 And would have been persuaded or would have listened attentively to
- 7 Mr. Lawlor's views in relation to a matter.
- 8 A They may have been again without going up a cul-de-sac here, they may have
- 9 been, they may have looked upon him with a jaundiced eye. That wasn't out of
- 11:28:57 10 any difficulty that they might have had about any methods that Liam might have
- 11 been involved in. It might be purely out of administration and maybe jealousy
- 12 or like, I could do that too.
- 13 Q 199 I think you have previously, no, I will leave that. At 1643 Mr. Dunlop you
- 14 write to Ms. Cass on the 8th April 1992. And in the first line you say "As I
- 11:29:32 15 mentioned to you sometime ago, I would like to discuss with you a submission to
- 16 the draft County Development Plan" and would that refer to your earlier diary
- 17 record where you record yourself as having spoken to Breda Cass?
- 18 A Yes, but I mean you have to told me now which comes slightly as a surprise to
- 19 me, that Ms. Cass said she never had any contact with me in relation to
- 11:29:54 20 Ballycullen. I am now saying to her by letter as I mentioned to you sometime
- 21 ago and I am enclosing, I am talking to you about Ballycullen.
- 22 Q 200 That's a matter for Ms. Cass obviously when she comes to give evidence but you
- 23 write this letter and you set out the reasons why you think the lands should be
- 24 rezoned and you set out that Mr. Jones is an old friend of yours and he is
- 11:30:17 25 genuinely interested in doing something positive on the lands but he wasn't,
- 26 was he?
- 27 A No, no that's a little bit over the top.
- 28 Q 201 You seek her valuable guidance and you in the final paragraph, you say to her,
- 29 you ask her to ring Chris Jones and arrange a meeting and that you have told
- 11:30:32 30 him that in all my previous contacts and consultations with you on other

- 11:30:35 1 matters, you were extremely principled, pragmatic and helpful.
- 2 A Yes.
- 3 Q 202 Are you massaging or gilding the lily there?
- 4 A Well I think that's part of, you know, this sycophancy that sometimes one has
- 11:30:53 5 to indulge in when you are in the PR business, no longer involved in it but in
- 6 fairness to the lady, and I did say this at the outset, in contrast to another
- 7 person, she would meet you, she would discuss issues and I did meet her with
- 8 other developers from time to time. She would discuss issues with you very
- 9 objectively and would point out to you where you might have difficulties.
- 10 Sometimes you might have difficulties that you didn't anticipate yourself.
- 11
- 12 So, she was -- she was very I think principled, I do recall sending her a gift
- 13 one Christmas, I think she returned it. If that's principle. She was
- 14 pragmatic. As I have just outlined and she was helpful and that is that you
- 11:31:42 15 could actually approach her. She just did not put up a barrier just because
- 16 you were representing a developer. She said right, okay, I will talk to you.
- 17 Q 203 And I think on the 9th April 1992, at 1644, you have a telephone call from
- 18 Mr. Derry Hussey and you have an arrangement with Mr. Tom Hand at the
- 19 restaurant at Chinatown at Sandymount.
- 11:32:06 20 A Yes.
- 21 Q 204 And he says he will see you at the restaurant and he can be contacted at 727777
- 22 which is the telephone number of Dublin County Council?
- 23 A Correct.
- 24 Q 205 So that he was telling you where you could contact him, isn't that right?
- 11:32:20 25 A That's correct. Yeah.
- 26 Q 206 Now, I think that you also wrote on the 9th April 1992, having written on the
- 27 8th April 1992 to Ms. Cass, you then write to Mr. Jones on the 9th April at
- 28 1645 and you were still of the belief at this stage that the tranche of maps
- 29 will include Ballycullen and that you will schedule for discussion in late May
- 11:32:46 30 or early June?

- 11:32:47 1 A Correct.
- 2 Q 207 And you say you should continue as if you were scheduled for continuation in  
3 late may or early June, you believe there will be delay at this stage?
- 4 A Yes.
- 11:32:56 5 Q 208 You attach a letter you sent to councillor Breda and you make the comment,  
6 "your views on it will not be become."  
7 A Well, I think that is because of the last paragraph.
- 8 Q 209 And you, this is because of the last paragraph in your earlier letter?
- 9 A Yes.
- 11:33:12 10 Q 210 And would it also -- did Mr. Jones -- had Mr. Jones ever expressed a view to  
11 you about Ms. Cass?  
12 A Yes.
- 13 Q 211 Did he have a view of her because she was an opponent to what he was trying to  
14 do with the Ballycullen lands?
- 11:33:25 15 A Yes.
- 16 Q 212 And would it be fair to say he wasn't a fan of her approach?
- 17 A That would be putting it mildly.
- 18 Q 213 All right. And I think that letter was copied also to Mr. Hussey.
- 19 A Yes.
- 11:33:34 20 Q 214 And at this stage in relation to Bally -- the only matter you were discussing  
21 here really is Ballycullen, is that correct?  
22 A Correct.
- 23 Q 215 That you are now dealing with Mr. Hussey and Mr. Jones in connection with  
24 Ballycullen and you are copying your correspondence from Mr. Jones to  
11:33:50 25 Mr. Hussey?  
26 A Yes.
- 27 Q 216 So he is now fully involved in the process. And on the 10th April 1992 at  
28 1646, you have a telephone call at 9.35 from Doreen Dalton of the Jones Group,  
29 at 11.05 from Liam "will call back" and at 2.25 from Liam Lawlor?
- 11:34:07 30 A Yes.

- 11:34:08 1 Q 217 Right. On the 13th April 1992 at 1648, you receive a phone call from Mr. Jones  
2 at 9.35, Mr. Colm McGrath at 10.30 and Mr. Tom Hand at 11.05 making arrangement  
3 to meet again in Chinatown on the following day?  
4 A Yes.
- 11:34:29 5 Q 218 Again would it be fair to say the matters you had in common with Mr. McGrath  
6 and Mr. Hand at that stage were the Development Plan and also the only matter  
7 you had in common with Mr. Jones was Ballycullen?  
8 A Correct.
- 11:34:45 9 Q 219 This is all in connection with moving the process along to getting a motion in  
10 to Dublin County Council seeking the rezoning of the lands?  
11 A Correct. Always remembering, Ms. Dillon as we progress, everybody is -- we are  
12 talking about the Development Plan so the issue of Ballycullen is one  
13 definitely, there may as well have been other issues discussed as well.
- 11:35:06 14 Q 220 On the 14th April 192 at 1650 and 1651 together please, you receive phone calls  
15 from a number of councillors, and ex councillors, Mr. Lawlor rings at 11  
16 o'clock, Mr. Tom Hand confirms at 11.30 "he will see you at 12.30" and that  
17 meeting was in Chinatown, isn't that right?  
18 A Yeah.
- 11:35:23 19 Q 221 Mr. Colm McGrath rings at 20 past 12 and leaves a number where he can be  
20 contacted. Mr. Charlie O'Connor rings at 12.25 and he leaves two numbers where  
21 he can be contacted before one o'clock and after one o'clock. Mr. Jones rings  
22 you at 2.50 and Mr. Bill Maher rings at 3.05 who has arranged a meeting with  
23 Knocklyon Presbytery and that I think transpires to be a meeting in connection  
24 with Knocklyon Community Council in connection with Ballycullen?  
11:35:55 25 A Yes.
- 26 Q 222 And on the following page Councillor Liam Creaven rings you and he leaves a  
27 number where you can ring him tomorrow.  
28 A Correct.
- 29 Q 223 Now, all of those contacts with Mr. Hand, Mr. McGrath, O'Connor and Mr. Creavan  
11:36:00 30 would have been in connection with the Development Plan?

- 11:36:02 1 A Yes.
- 2 Q 224 And it seems to me that some people, Mr. Dunlop, are leaving you quite precise  
3 instructions as to where they can be contact and between what times?
- 4 A Correct.
- 11:36:11 5 Q 225 And this would seem to suggest that those people knew that you needed to know  
6 where they would be.
- 7 A Correct.
- 8 Q 226 At a particular time, is that right?
- 9 A Correct.
- 11:36:19 10 Q 227 And was that because in terms of people had to be accessible or contactable so  
11 they could be present for the relevant votes?
- 12 A Correct and other matters.
- 13 Q 228 And when you say other matters?
- 14 A It may well be for example if there's an arrangement between a particular  
11:36:36 15 councillor and myself about matters that this Tribunal is interested in, that  
16 they will be at a certain place.
- 17 Q 229 Yes. In other words that you would have making arrangements about paying  
18 meetings?
- 19 A Correct.
- 11:36:47 20 Q 230 I don't think there's any reason to be coy about that, Mr. Dunlop.
- 21 A No but as we go along, I don't want to appear that I'm not acknowledging on  
22 each occasion that for completeness sake, all of those contacts, you were  
23 absolutely correct, relate to the Development Plan. That's the global picture.  
24 The detail as we progress as the Development Plan begins relate to individual  
11:37:14 25 items.
- 26 Q 231 But not all of your contacts with councillors that are recorded relate to  
27 payments?
- 28 A No, no.
- 29 Q 232 Isn't that right? And you had contacts with, for example, it's not suggested  
11:37:15 30 that Mr. Charlie O'Connor received any money from you in connection with

- 11:37:20 1 Ballycullen?
- 2 A That's correct.
- 3 Q 233 But none the less you did have extensive contact with Mr. O'Connor as we will
- 4 see throughout your telephone records? Isn't that right?
- 11:37:30 5 A As we progress, it relates largely to two other developments.
- 6 Q 234 Yes. But you would have ongoing contact increasing in intensity with some
- 7 councillors?
- 8 A Yes.
- 9 Q 235 And some of these were arrangements that were made where you would meet them in
- 11:37:44 10 order to make payments?
- 11 A Correct.
- 12 Q 236 And a lot of the times but not all of them as I understand your evidence where
- 13 you actually made arrangements to meet people are recorded in your diary?
- 14 A Correct.
- 11:37:53 15 Q 237 I think if you, if we turn to 1652 please, this is a fax from Mr. Jones to you,
- 16 Mr. Dunlop, it's undated but it's dated by Mr. Jones as happening on the 14th
- 17 April 1992. Mr -- in his Affidavit of Discovery, Mr. Jones dates this fact as
- 18 occurring on the 14th April 1992 and in this he says to you, "Dear Frank, I am
- 19 anxious to get the text of the submission that Don Lydon has to make to the
- 11:38:25 20 council."
- 21 A Yes.
- 22 Q 238 Is it likely that what Mr. Jones is referring to there is the motion?
- 23 A The text of the submission that Don Lydon has to make to the council. Just for
- 24 the moment now Ms. Dillon, sorry to delay you.
- 11:38:44 25 Q 239 No, no. Take your time?
- 26 A The text of the submission, it's an odd phrase.
- 27 Q 240 This is Mr. Jones' phrase and Mr. Jones will undoubtedly explain to the
- 28 Tribunal precisely what he meant by it?
- 29 A The answer, you see, it's quite possible because if it relates to the motion,
- 11:39:00 30 it needs an accompanying map so the map has to appear from somewhere, so the

11:39:06 1 map either appears from the developer himself or the architect advising the  
2 developer who has drawn up the plans or the submission, so it is possible that  
3 it could refer to the motion. I am just a little bit thrown by the use of the  
4 word submission because as you know, yesterday we were talking about various  
11:39:23 5 submissions that were made to the council.

6 Q 241 Well, if I put it to you like this, are you aware of any formal written  
7 submission made by Mr. Lydon to the council?

8 A No, no.

9 Q 242 But you are aware that Mr. Lydon signed motions in connection with  
11:39:37 10 Ballycullen/Beechill that had been prepared by you?

11 A Yes.

12 Q 243 Any event the document if the date of it is correct would seem to suggest that  
13 by the 14th April 1992, Mr. Jones was aware that Mr. Lydon was going to have  
14 some part to play in the Ballycullen or Beechill lands?

11:39:54 15 A Absolutely.

16 Q 244 Isn't that correct?

17 A Correct.

18 Q 245 And he is coming to you to ask you to get the submission, whatever he meant by  
19 submission, from Mr. Lydon in connection with the Dublin County Council?

11:40:04 20 A Yes.

21 Q 246 And presumably you were to get it and let him see it?

22 A Yes.

23 Q 247 Isn't that right? So that's what he is looking for there, some document from  
24 Mr. Lydon, so at this stage in April 1992 Mr. Jones knows that Mr. Lydon is  
11:40:17 25 involved and he is funnelling his requests for information from Mr. Lydon  
26 through you?

27 A Yes.

28 Q 248 Now, I think on the 15th April 1992, you wrote a letter to Mr. Jones in  
29 connection with Ballycullen Farms at 1659 please. Now, the first paragraph is  
11:40:38 30 identifies that the first meeting to consider the Development Plan is

- 11:40:42 1 Thursday,30th April 1992. So that's going to be the date of the first meeting,  
2 so there has been slippage already?
- 3 A That's right.
- 4 Q 249 They are going to start with map 28.
- 11:40:51 5 A Mm-hmm.
- 6 Q 250 The manager and the chairman will decide dates and you refer to map 27 which  
7 had Cherrywood on it and you say that's going to be highly controversial?
- 8 A Correct.
- 9 Q 251 You think it will probably take more than one meet to go deal with it. You say  
11:41:07 10 three, because you have a submission to the plan requesting the zoning of the  
11 lands at Ballycullen from agriculture to residential, you require a motion to  
12 be submitted nine working days before the date your map will be considered.
- 13 A Yes.
- 14 Q 252 So you are again reaffirming to Mr. Jones the necessity for the motion.
- 11:41:22 15 A Yes.
- 16 Q 253 The motion must be signed by a councillor accompanied by a relevant map and the  
17 area for rezoning outlined in red. The map must also be signed by the  
18 councillor within the red boundaries, I attach the text of the motion. Now,  
19 there's no text of the motion to be found with that letter but there's an  
11:41:37 20 undated motion that was provided by Mr --
- 21 A Me.
- 22 Q 254 By you I think, it's dated 4th February 1991, it's at 1368 and while it's dated  
23 the 4th February 1991, is it likely that it was this motion or something like  
24 this that you were providing to Mr.--
- 11:41:57 25 A It's possible, though I just draw your attention to the fact that that dates  
26 4th February 1991 which is prior to my initial contact with Mr. Jones. It is  
27 possible if I provided that, that that is something that Mr. Jones or any  
28 representative of Mr. Jones gave to me. It's not on the typeface of anything  
29 that came out of my office and it's not the method which I used when I was  
11:42:20 30 preparing motions.

- 11:42:21 1 Q 255 But you would accept that even if that is not the motion itself that you  
2 attached the text of a motion to Mr. Jones in April of 1992?  
3 A Yes.  
4 Q 256 You say at paragraph 4, "I have arranged to see P Rabbitte immediately after  
11:42:35 5 Easter", that's Mr. Pat Rabbitte, is that right?  
6 A That's correct.  
7 Q 257 You had previously had an entry in your diary for Mr. Rabbitte, is that right?  
8 A Yes.  
9 Q 258 Now, this I suggest to you, this entry in relation to Mr. Mr. Rabbitte, Mr.  
11:42:47 10 Dunlop, I must suggest to you could only have related to Ballycullen?  
11 A Absolutely. Oh the reference in the letter, yes.  
12 Q 259 Yes. If we go back to 1659, it could only have related to Ballycullen because  
13 it's headed "Ballycullen Farms" and your only dealings with Mr. Jones were in  
14 connection with Ballycullen or Beechill?  
11:43:03 15 A Yes.  
16 Q 260 And we have yet seen no documentary evidence that Beechill, that anything had  
17 been discussed in connection with Beechill, isn't that right, to this point in  
18 time?  
19 A Yes and just going back in history a bit, Mr. Rabbitte is not the Labour Party  
11:43:17 20 at this stage.  
21 Q 261 He is Democratic Left?  
22 A And there are at this stage clear difficulties appearing on the horizon in  
23 relation to members of Democratic Left. One of whose members represented if  
24 not the area immediately in which the lands were located, I won't mention his  
11:43:38 25 name, but certainly he would be nearby and he had indicated at an early stage  
26 that there was no way he was going to support it.  
27 Q 262 And in general, was it the practice of Democratic Left to follow the  
28 recommendation of the managers insofar as rezonings were concerned?  
29 A With the exception of one.  
11:43:58 30 Q 263 What was the exception?

- 11:44:00 1 A Will I name him?
- 2 Q 264 Well is it --
- 3 A With the exception of one councillor, I should say, of Democratic Left, he
- 4 subsequently left Democratic Left or was thrown out, I can't remember which but
- 11:44:11 5 the answer to your question is yes, they would not specifically put it forward
- 6 in that format, that there was supporting the manager, they would put it from a
- 7 different political perspective.
- 8 Q 265 Are you aware of only one case, don't name the person, where a person of
- 9 Democratic Left voted against the managers's recommendation?
- 11:44:32 10 A Certainly one. I would have to wrack my brains as to the members of Democratic
- 11 Left at the time. No, I think no. I think there was another member who was
- 12 amenable to voting for developments but I would have to check the records of
- 13 that but certainly one comes straight to mind.
- 14 Q 266 It's not Mr. Rabbitte?
- 11:45:04 15 A It's not Mr. Rabbitte. No.
- 16 Q 267 Would the perception in general have been insofar as the left of centre parties
- 17 were concerned that in general they were less pro-rezoning than the other
- 18 parties?
- 19 A Yes.
- 11:45:15 20 Q 268 And that would have included Democratic Left and Labour?
- 21 A Correct.
- 22 Q 269 Now you are aware, Mr. Dunlop, that Mr. Rabbitte voted against the manager's
- 23 recommendation in Ballycullen and voted in favour of the rezoning?
- 24 A Yes.
- 11:45:26 25 Q 270 In your experience of dealing with Mr. Rabbitte in Dublin County Council, was
- 26 that Mr. Rabbitte's -- am I going too fast -- Sorry. In your experience of
- 27 dealing ...
- 28
- 29 CHAIRMAN: It might a good time to take a break for the sake of the
- 11:45:40 30 stenographer for the movement. Break for about 15 minutes

11:46:09 1

2 MS. DILLON: Thank you, sir.

3

4 THE TRIBUNAL THEN RETURNED FOR A SHORT BREAK

11:46:11 5

AND RESUMED AS FOLLOWS

6

7 MS. DILLON: Mr. Dunlop, just before the break, I was asking you about Mr.

8 Rabbitte and I pointed out to you that Mr. Rabbitte had voted in favour of the

9 rezoning of the Ballycullen lands against the manager's recommendation.

12:06:38 10

A Correct.

11 Q 271 And I was about to ask you had you ever known Mr. Rabbitte to vote against the  
12 manager's recommendation other than in this particular case?

13 A I can't say that I do, really. I approached him on a number of issues, some of  
14 which he definitely voted against or abstained. And I don't mean that

12:07:16 15

deliberately, I mean probably wasn't there. No, in general, I have to say the

16 word I used in relation to Councillor Cass, very pragmatic. I mean

17 ideologically would be at the other end of the spectrum to most of the people I

18 would have been representing and most of them would have a very jaundiced view

19 and would very reluctantly, if ever, agree to meet him. Notwithstanding any

12:07:52 20

willingness on the part of Pat Rabbitte to meet. So the general view, the

21 general orientation was that he would be against.

22 Q 272 Yes and when you say that you met or you discussed with Mr. Rabbitte a number  
23 of developments, do you include among them the Ballycullen lands?

24 A Yes, I do.

12:08:13 25

Q 273 Yes. And in general, would it be the position that councillors took their lead  
26 from the local councillor?

27 A Oh yes.

28 Q 274 And was Mr. Rabbitte the local councillor for Democratic Left or was that  
29 Mr. Tipping?

12:08:26 30

A That was Mr. Tipping, yes.

- 12:08:27 1 Q 275 And he was the local councillor in the local -- the local Democratic Left  
2 councillor in the area?
- 3 A Correct.
- 4 Q 276 Was he opposed to this rezoning?
- 12:08:35 5 A To my recollection, yes and also was reluctant to become involved, was  
6 reluctant to discuss matters, which wasn't unusual, that was his modus  
7 operandi. He just, he made his decision and he didn't want to talk too much to  
8 anybody about it.
- 9 Q 277 Would it have been unusual or strange that two members of the Democratic Left  
10 would take a difference approach to a vote in relation to a single development?
- 11 A Yes, it would.
- 12 Q 278 So you would say it was unusual then that Mr. Rabbitte would have voted in  
13 favour of the rezoning of the Ballycullen lands and that Mr. Tipping would have  
14 voted against the rezoning of the Ballycullen lands?
- 12:09:12 15 A Yes.
- 16 Q 279 In general were Democratic Left minded to present a united front in terms of  
17 their votes, when voting on council matters?
- 18 A With the exception of one whose name has not been mentioned here who does not  
19 arise in this instance, or in any other instance as far as -- maybe in another  
12:09:29 20 module, but that would be correct.
- 21 Q 280 If we can go back then to the document at 1659 please. And at the end of that  
22 at paragraph 4, you have arranged to see Mr. Rabbitte immediately after Easter.  
23 Isn't that right?
- 24 A That's correct.
- 12:09:50 25 Q 281 And so that would mean that you must have contacted Mr. Rabbitte and arranged  
26 to see him in connection with the Ballycullen lands and is it likely that that  
27 meeting took place?
- 28 A It is likely that contact was made, whether it was a face to face meeting or  
29 telephone contact, I just cannot absolutely say.
- 12:10:06 30 Q 282 Yes but what you have actually said there, you have arranged to see Mr.

- 12:10:10 1 Rabbitte immediately afterwards and that would suggest you actually had a face  
2 to face meeting with him?
- 3 A I had arranged to meet him.
- 4 Q 283 And that that would have been a meeting in connection so far as you were  
12:10:19 5 telling Mr. Jones in any event, a meeting in connection with the Ballycullen  
6 lands?
- 7 A Yes.
- 8 Q 284 And it is a fact that Mr. Rabbitte subsequently voted in favour of the rezoning  
9 of the Ballycullen lands although he was not present at the confirming meeting  
10 in 1993. If we could look at 1876 please. Now, this is a record of those who  
11 were present at the meeting on the 29th October 1992 and you will see that Mr.  
12 Rabbitte is present and if we look at 1903, I think, the earlier page 1902 we  
13 will see that Mr. Rabbit, sorry I beg your pardon, Mr. Tipping and Mr.  
14 Rabbitte, I beg your pardon, are both recorded as voting in favour of the  
12:11:11 15 Ballycullen rezoning, isn't that is correct?
- 16 A Could you just hold that on screen for a second. Yes.
- 17 Q 285 If you look at the second last line and I was in error when I said previously  
18 Mr. Tipping had voted against it, I was in error, so that in fact both members  
19 of Democratic Left voted in favour of the rezoning of these lands.
- 12:11:29 20 A Correct. Just hold it for one moment.
- 21 Q 286 Yes.
- 22 A Yes.
- 23 Q 287 And I think you also arranged at 1660, a meeting with the planning committee of  
24 Knocklyon community council for Wednesday, 22nd April and again I think that  
12:11:57 25 meeting took place and you attended, is that right?
- 26 A Yes.
- 27 Q 288 And again it would have been similar to the earlier meeting in relation to the  
28 other council which was seeking their support?
- 29 A Correct.
- 12:12:07 30 CHAIRMAN: Sorry I just want to make clear what the position is in relation to

12:12:14 1 the Ballycullen vote. Is it the case now that there was unanimity amongst the  
2 Democratic Left members in relation to that vote?  
3 A No. If we go back to that voting record page that you just had on the screen.  
4  
12:12:32 5 MS. DILLON:1902 please  
6 A That's why I just asked for it to be held.  
7  
8 CHAIRMAN: But there were --  
9 A I will tell you judge as we go along.  
12:12:42 10  
11 CHAIRMAN: Who were the, but in relation to that vote, who were the Democratic  
12 Left councillors?  
13 A Well Sean Barrett, Fine Gael, Mick Billane, Democratic Left, Cathal Boland,  
14 Fine Gael, Peter Brady Fianna Fail, Seamus Brock Fianna Fail, Larry Butler  
12:12:58 15 Fianna Fail, Breda Cass Fine Gael, at that point. Betty Coffey, Fianna Fail,  
16 Richard Conroy, Fianna Fail, Liam T Cosgrave Fine Gael, M J Cosgrave Fine Gael,  
17 Liam Creaven Fianna Fail, Margaret Farrell Fianna Fail, Tony Fox Fianna Fail,  
18 Cyril Gallagher Fianna Fail, Sean Gilbride Fianne Fail, Richard Greene  
19 Independent, Tom Hand Fine Gael, John Hannon Fianna Fail, Finbar Hanrahan  
12:13:19 20 Fianna Fail, Cait Keane, PD, Michael Keating, then Fine Gael. Michael Kennedy,  
21 Fianna Fail, Stanley Laing Fine Gael, Larry Lohan PD, Don Lydon Fianna Fail,  
22 Sean Lyons Independent, Marian McGennis, Fianna Fail, Colm MCGrath Fianna Fail,  
23 Donal Murray Fine Gael, Trevor Matthews Fianna Fail, Tom Morrissey Fine Gael at  
24 that point.  
12:13:43 25  
26 Charlie O'Connor, Fianna Fail, Ann Ormonde Fianna Fail, Catherine Quinn PD.  
27 Pat Rabbitte, Democratic Left. Therese Ridge, Fine Gael. Ned Ryan, Fianna  
28 Fail, Sheila Terry at that point PD. Don Tipping, Democratic Left. Colm  
29 Tyndall, Fine Gael, sorry, I beg your pardon, Colm Tyndall, PD and GV Wright,  
12:14:13 30 Fianna Fail. So judge, Pat Rabbitte, Don Tipping, and Mick Billane.

- 12:14:20 1  
2 CHAIRMAN: So they all voted the same way?  
3 A Correct. Exactly the point -- yes exactly, the point is that I am not  
4 absolutely certain --
- 12:14:33 5  
6 MS. DILLON: 1903 please.  
7 A I am not absolutely certain ... yes, that is, who the devil is that there,  
8 Councillor Frank Buckley, Labour, Eithne Fitzgerald, Labour, well these sort of  
9 automatically fall into place. Eithne Fitzgerald, Labour, Larry Gordon, Green,  
10 can't remember his first name, Healy, Green, Joe Higgins, whatever. Kelleher,  
11 Tom Kelleher, Labour. Olivia Mitchell, Fine Gael. Mary Muldoon, Fine Gael,  
12 Mary Mullarney, Green. Betty Reeves, I am not absolutely certain. Trevor  
13 Sergeant obviously Green, Alan Shatter Fine Gael. Frank Smith Fine Gael and E  
14 Walsh, E Walsh I am not absolutely certain at that stage whether Eamonn Walsh  
12:15:27 15 was either the member of the Labour Party or Democratic Left. I think -- I  
16 think he was Democratic Left. I am not one hundred percent certain.  
17  
18 CHAIRMAN: All right. Well subject to that, Mr. Higgins I think is the  
19 socialist, not in the whatever party.
- 12:15:48 20 A I couldn't remember the name, judge, I am sorry, I didn't mean to be offensive,  
21 I was going to say Trotskyite but I thought that might be more offensive, I  
22 just couldn't remember. I think Ms. Dillon you will find that Eamonn Walsh is  
23 certainly, he is certainly in the Labour Party now but I am not absolutely one  
24 hundred percent certain that he was in Democratic Left.
- 12:16:19 25 Q 289 MS. DILLON: According to the document that Mr. Lawlor faxed to you after the  
26 1991 election, Mr. Eamonn Walsh was labour.  
27 A Labour, yes.  
28 Q 290 And I think at page 1510 --  
29 A Yes, yes.  
12:16:34 30 Q 291 At the bottom of that page?

- 12:16:37 1 A Yes.
- 2 Q 292 Now, I think if we go back to the document at 16 -- yes, Mr. Rabbitte was  
3 Worker's Party.
- 4 A Worker's Party. There's been such a transformation in that area, I.
- 12:16:50 5 Q 293 As was Mr. Tipping, he was a member of the Worker's Party.  
6
- 7 CHAIRMAN: Then they were all the Democratic Left were Worker's Party.
- 8 A At that point. Yes, at that point.  
9
- 12:16:59 10 CHAIRMAN: That clarifies it.  
11
- 12 Q 294 MS. DILLON: I think after you had written that letter, Mr. Dunlop, on the  
13 16th April 1992 at page 1661, you again have a number of calls and at 10  
14 o'clock, Mr. Lawlor, at 11.35, at 12 o'clock Mr. Lawlor, Mr. Liam Creavan says  
12:17:22 15 "he will see you later that afternoon."  
16
- 16 A Yes.
- 17 Q 295 At 12.15, Mr. Lawlor an the 2.35, Derry Hussey, at 4.10, Charlie' Conor and  
18 again insofar as Mr. Hussey is concerned, it would have been in connection with  
19 Ballycullen?
- 12:17:36 20 A Yes, there's no reference to Beechill at this stage as yet.
- 21 Q 296 And indeed I think that on the 22nd April, you had arranged to meet Knocklyon  
22 Community Council and that is recorded in your diary at 1663 after a meeting  
23 with Mr. Jones, isn't that right?
- 24 A Correct, yes.
- 12:17:56 25 Q 297 And again, you would have made that arrangement for the purpose of seeking  
26 support for the Ballycullen development.
- 27 A That's a cross reference to the Mr. Maher who called to the office in relation  
28 to --
- 29 Q 298 Setting up that meeting?
- 12:18:08 30 A Yes.

- 12:18:08 1 Q 299 And again I think on the 22nd April which is the same day Mr. Jones rang you at  
2 page 1664 and that is the same date as the meeting with the Knocklyon Community  
3 Council, the second entry, 9.40, Mr. Chris Jones and on the following day page,  
4 which is the same date, the 22nd April 1992, there are telephone calls at 4.35  
12:18:31 5 from Mr. Colm McGrath, at 5 o'clock from Senator Don Lydon, it's recorded as  
6 "Dan Lydon" but I presume it's Don Lydon and at ten past five it's Mr. Derry  
7 Hussey again.
- 8 A Yes.
- 9 Q 300 Now Mr. McGrath and Mr. Lydon ring you on the 22nd April 1992.
- 12:18:48 10 A Yes.
- 11 Q 301 Right. Now your diary records a meeting with both of those gentlemen on the  
12 following day, the 23rd April 1992, and is it likely that the telephone contact  
13 was setting up those meetings?
- 14 A Yes.
- 12:19:02 15 Q 302 On 1662, on the 23rd of April 1992, you have an 8.30 or 9.30 meeting, I cannot  
16 say what it is with Mr. Don Lydon in Stillorgan?
- 17 A Yes, that's correct. In relation to the Chairman's point, something has just  
18 struck me and I have just see a reference to it now. If you hold that on  
19 screen, Ms. Dillon, while I deal -- yes, Don Lydon, yes, at 9.30 on the 23rd.  
12:19:35 20 GV Wright at 12 o'clock and Colm McGrath at quarter to one.  
21
- 22 Now, the point I want to make arising out of the question the chairman asked,  
23 there is a name on Saturday, the 25th, Denis O'Callaghan. Now, if my  
24 recollection is correct, Denis O'Callaghan was a member of Democratic Left and  
12:19:57 25 was actually a member of Dublin County Council at that stage if he -- he may  
26 well still be.
- 27 Q 303 Yes. We will just check that. We will checks that and what point are you  
28 making in any event .
- 29 A No, no. The chairman asked whether or not all of the Democratic Left  
12:20:16 30 representatives shall the Worker's Party, sorry, as that they were voted in

- 12:20:19 1 favour of the motion. I am virtually certain a Denis O'Callaghan was elected  
2 for the Worker's Party after the June 1991 election and you will see that that  
3 is reference, it's on Saturday morning, Ballyogan Community Hall, Ballyogan  
4 Road, that's not too far away if memory serves me right from Ballycullen.
- 12:20:44 5 Q 304 And again, would that have been a meeting that took place in on the 25th -- on  
6 Saturday, 25th, was that meeting something that would have taken place in  
7 connection with Ballycullen or otherwise?
- 8 A Most likely, it may also be in relation to other matters in relation to the  
9 Development Plan.
- 12:21:07 10 Q 305 Yes. And if we go back to the meetings on the 23rd April 1992, you have three  
11 meetings recorded there," "Mr. Don Lydon, Mr. GV" which I presume is a  
12 reference to GV Wright at "L House", Leinster House?
- 13 A Mr. Don Lydon at Stillorgan where he works and GV Wright at Leinster House and  
14 Colm McGrath, it doesn't say where, the likelihood is that was at Dublin County  
15 Council.
- 12:21:34 16 Q 306 Do you recollect what that meeting with Mr. Lydon was about?
- 17 A Certainly it was about the Development Plan. There has never been to my  
18 recollection an occasion in which I met or spoke to Don Lydon other than in the  
19 context of the Development Plan other than meeting him on occasion socially.
- 12:21:55 20 And similarly, that applies to both GV Wright and Colm McGrath, probably was  
21 not exclusively in relation to Ballycullen but certainly in relation to the  
22 Development Plan and there would be no doubt in my mind that Ballycullen was an  
23 issue.
- 24 Q 307 And Mr. Lydon has previously told the Tribunal in open session on day 387, Mr.  
12:22:20 25 Dunlop, "That insofar as the meeting that is recorded on the 23rd April 1992 is  
26 concerned, he said that on the 23rd April, that could be right because he did  
27 bring, as I said, a named person to meet me one time, it could have been then,  
28 I don't know."
- 29 A Yes.
- 12:22:37 30 Q 308 Now he is suggesting there and he is no more than suggesting because he says he

- 12:22:41 1 doesn't know, that that could be an occasion on which you brought somebody else  
2 to meet him.
- 3 A Yes. It's possible. I couldn't say for definite that he is right or wrong.  
4 It is possible but if it related to Ballycullen, if we can put it in that  
12:23:03 5 context, if it related to Ballycullen solely I don't ever recollect bringing  
6 anybody from Ballycullen, relating to Ballycullen to meet Don Lydon.
- 7 Q 309 I think Mr. Lydon was suggesting in that evidence that a different person had  
8 been brought, nothing to do with Ballycullen. If that were to be the case,  
9 that you had brought somebody else that was unconnected to Ballycullen to meet  
12:23:31 10 are Mr. Lydon on the 23rd April 1992, it would be unlikely that you would be  
11 discussing Ballycullen with them?
- 12 A No, I wouldn't rule that out. But I do as I said, I do not recollect ever  
13 bringing anybody in relation to Ballycullen to see Don Lydon, I do recollect  
14 bringing another individual in relation to another development to see Don Lydon  
12:23:57 15 so he would be right about that. On one -- or on some occasion I did bring  
16 somebody to see him.
- 17 Q 310 Yes. Do you remember when you provided Mr, did you provide Mr. Lydon with the  
18 text of the Ballycullen motion?
- 19 A Yes, did I.
- 12:24:12 20 Q 311 Do you recollect when it was, would it have been in April or as early as that?
- 21 A In the context of the letter that I wrote to Mr. Jones, I would say that it  
22 probably, it's in or around the time, this time, that everybody is getting very  
23 anxious about motions and maps, so it is, I cannot say specifically when but  
24 it's in or around this time that the overtures would have been made.
- 12:24:42 25 Q 312 In relation to --
- 26 A Ballycullen and the map.
- 27 Q 313 And if you made or had a discussion with Mr. Lydon in April of 1992, in  
28 connection with the motion and the map, presumably that discussion was directed  
29 towards the signature on the motion and the map?
- 12:24:57 30 A Yes.

- 12:24:58 1 Q 314 And if it happened as early as April 91992, did a discussion about money pass  
2 between yourself and Mr. Lydon?  
3 A If it happened at that stage, the likelihood is yes.
- 4 Q 315 And what was Mr. Lydon's attitude in relation to the Ballycullen map and  
12:25:14 5 motion?  
6 A Well it was in favour. He was supportive. There was an issue in relation to,  
7 I am slightly blind sided here, Ms. Dillon, in the context of the dates because  
8 I know that the signature, the date on the motion is September, 1992. It is  
9 possible that at this stage, I did talk about Ballycullen and a motion and a  
10 map, to Don Lydon. Particularly in the context of the letter from Chris Jones  
11 to me shortly beforehand. But I cannot absolutely say.
- 12 Q 316 Do you think it's more likely that you would have discussed the map and the  
13 motion and the is signature closer to the time when the map an the motion was  
14 actually signed?  
15 A I think that is more probable.
- 16 Q 317 Would it have been in that context that you would have discussed with  
17 Mr. Lydon?  
18 A Yes.
- 19 Q 318 Insofar as the entry to Mr. GV Wright and Colm McGrath are concerned on the  
12:26:23 20 23rd April 1992, can you tell the Tribunal what those meetings were about?  
21 A Well certainly in, both those contexts and to give some credence to Mr. Lydon  
22 saying that it was a possibility that there was another person present, it is  
23 likely that those meetings particularly because it is GV Wright is mentioned,  
24 that there was another person being introduced in relation to another module.  
12:26:53 25 But if that was the case, it would be normal for me to put that in the diary.  
26 To bring Mr. X and his name would appear. So the fact that there is nobody  
27 else mentioned brings me to, leads me to believe that these were meetings that  
28 I had with these individuals in relation to the Development Plan and in  
29 relation to specific issues including Ballycullen?
- 12:27:23 30 Q 319 And insofar as Mr. Denis O'Callaghan on Saturday 25th is concerned, it would

- 12:27:29 1 appear from the document, Mr. Lawlor provided to you, that Mr. O' Callaghan is  
2 recorded as being a member of the Worker's Party at that time.
- 3 A Yes.
- 4 Q 320 Now, I think that on the 23rd April 1992, at page 1666, Mr. Derry Hussey wrote  
12:27:48 5 a letter to Miss Mary Sullivan of the Firhouse Community Council and this  
6 letter is solely in connection with the rezoning of the Ballycullen lands?
- 7 A Correct.
- 8 Q 321 Did you draft that letter?
- 9 A No. I don't think I did.
- 12:28:08 10 Q 322 So that means Mr. Hussey was actively involved in connection with the  
11 Ballycullen lands?
- 12 A And it was at the meeting.
- 13 Q 323 And was at the meeting with Knocklyon Community Council?
- 14 A Yes.
- 12:28:18 15 Q 324 And I think indeed a second letter was sent by Mr. Hussey on the same day, on  
16 the 23rd April, 1667 referring again to that meeting and repeating the  
17 assurances that had been given at that meeting about the zoning of the lands  
18 and the density.
- 19 A Yes.
- 12:28:35 20 Q 325 I think at 1668 on the 24th April 1992, you had telephone calls at 11.15 from  
21 Derry Hussey, 11.25 Colm McGrath, 11.40 Liam, 11.45 Brenda Cass, which I assume  
22 is Breda Cass, 11.50 Liam, please call him at Lucan at 12.15 Colm McGrath at  
23 2.35 Chris Jones, is that correct?
- 24 A Yes.
- 12:29:10 25 Q 326 Now, you had phone calls, Mr. Dunlop, from Derry Hussey and Mr. Chris Jones,  
26 isn't that right?
- 27 A That's correct.
- 28 Q 327 And insofar as Miss Breda Cass is concerned, she would have received your  
29 letter of the 8th April 1992 and this is likely to be and subject to whatever  
12:29:27 30 Ms. Cass will say, her response, she's contacting you about the letter you had

- 12:29:33 1 sent her?
- 2 A And that's her home phone number.
- 3 Q 328 And Ms. Cass will deal with that and her statement when she comes to give  
4 evidence.
- 12:29:40 5 A Yes.
- 6 Q 329 And I think then on the 27th April 1992 at 1670, you have four calls on this  
7 day at 9.15 and 10.10 from Mr. Jones and on the following page which is the  
8 continuation of the same day, at 1671, you have two more calls from Mr. Jones  
9 and a phone call from Mr. Liam Cosgrave?
- 12:30:01 10 A Yes.
- 11 Q 330 So now another councillor is contacting you, isn't that right?
- 12 A Sorry, I don't mean to be offensive, Mr. Denis O'Callaghan has also called now,  
13 I have introduced his name.
- 14 Q 331 And Mr. Jones called twice on this page and once on the previous page and again  
12:30:18 15 the only matter Mr. Jones could be ringing about was Ballycullen?
- 16 A Yes, I know this is a small point, Ms. Dillon and I wouldn't like to give the  
17 impression that I didn't want to be cooperative but do the pages from the  
18 telephone calls all have to appear in the sense that everybody's name has to  
19 appear? There's lots of names that are appearing and people paying attention  
12:30:42 20 to them, all quite legitimate but I wouldn't like anybody to suggest that some  
21 of those names appearing on that list who have nothing to do with politics at  
22 all would have any inferences made against them.
- 23
- 24 CHAIRMAN: Well I think we accept there's nothing untoward towards, I mean  
12:31:01 25 these are just evidence of phone calls, there's nothing to be taken  
26 specifically from the fact that any particular name appears, whether that  
27 person will be a politician or anyone else
- 28 A There's a lot of business people names, Judge, appearing.
- 29
- 12:31:16 30 CHAIRMAN: Yes and I am sure --

- 12:31:18 1 A I don't want to be in a position where I --
- 2
- 3 CHAIRMAN: Well I mean there's no doubt in our minds that most and possibly
- 4 all of these people are quite innocent insofar as our ...
- 12:31:34 5
- 6 MS. DILLON: Again Mr. Dunlop on the 1st May 1992 at 1672, you have telephone
- 7 calls from Mr. Colm McGrath, Mr. Chris Jones at 9.50, at 2.10, Mr. Colm McGrath
- 8 and 3.35, Mr. GV Wright and he leaves a phone number.
- 9 A Yes, his office number in Malahide.
- 12:31:54 10 Q 332 Yes. So again Mr. McGrath and Mr. Wright are contacting you?
- 11 A Yes.
- 12 Q 333 And again, does the same situation pertain in relation to these calls, it's in
- 13 relation to the connection with the Development Plan and the conversations may
- 14 have included Ballycullen but not necessarily exclusively?
- 12:32:09 15 A Correct.
- 16 Q 334 On the 7th May 1992, at 1673, you have telephone calls from Mr. Chris Jones,
- 17 Mr. Charlie O'Connor in connection with Councillor Margaret Farrell, Niall
- 18 Lawlor look for Mr. Liam Lawlor, at 12.35, Mr. Chris Jones about a meeting on
- 19 the following day which you then confirm on the following page at 1674 and
- 12:32:34 20 again, Mr. Lawlor rings at five to two. And the first entry there is the
- 21 meeting is confirmed for Beechill on the following day, isn't that right?
- 22 A Yes.
- 23 Q 335 On the 12th May 1992, 1675, you have telephone calls from Mr. Jones at 11.30
- 24 and Mr. Hand at 11.45?
- 12:32:55 25 A Correct.
- 26 Q 336 And again at this stage no motion has been signed, isn't that the position?
- 27 A Correct.
- 28 Q 337 On the 14th May 1992 at 1676 at 9.10, Mr. Chris Jones rings and says he is at
- 29 home for half an hour and leaves a number. Isn't that right?
- 12:33:12 30 A Correct.

- 12:33:12 1 Q 338 And then Mr. McGrath, sorry, the entry for Mr. McGrath clearly does not relate  
2 to this module and then at 2.30, Linda, Pat Rabbitte's secretary, telephones  
3 and she says that "Pat Rabbitte is not available today but he will be talking  
4 to councillors over the weekend and will get back to you."
- 12:33:27 5 A Yes.
- 6 Q 339 Now, do you know what that entry relates to?
- 7 A Well that obviously, first of all talking to councillors over the weekend means  
8 that the councillors in his own party and it obviously relates to matters that  
9 I have discussed with him. Otherwise he wouldn't be calling back. So, it  
12:33:46 10 relates to the possibility is, it relates to, the probability I should say, it  
11 relates to a number of issues, including Ballycullen.
- 12 Q 340 You had previously written to him and sorry you had previously written to  
13 Mr. Jones and you had told Mr. Jones you would be contacting Mr. Rabbitte after  
14 Easter and then you are contacted by Mr. Rabbitte's secretary who says that he  
12:34:08 15 will be talking to councillors and you make the point that the councillors  
16 there are not councillors in general but Worker's Party councillors as they  
17 then were?
- 18 A Yes.
- 19 Q 341 All right. Do you recollect having any further contact in around this time  
12:34:20 20 with after this weekend with Mr. Rabbitte?
- 21 A Offhand, I don't recollect. No.
- 22 Q 342 Did you lobby Mr. Rabbitte in connection with this development?
- 23 A Yes. I spoke to him, yes.
- 24 Q 343 Did you lobby other Worker's Party members in connection with this development?  
12:34:41 25 A Yes, in the environs of Dublin County Council.
- 26 Q 344 You would have spoken to the other members?
- 27 A Yes.
- 28 Q 345 Would you have spoken to the members of the Labour Party?
- 29 A Yes, those of whom who would speak to me.
- 12:34:51 30 Q 346 But not all of them would?

- 12:34:53 1 A Correct.
- 2 Q 347 And I think that then on the following, on the 18th May 1992 at 1678, you again  
3 record calls from Tom Hand at half nine and Mr. Jones at 9.45 and I think on  
4 the 20th May at 1680, you have a meeting at 9 o'clock, sorry I beg your pardon,  
12:35:18 5 you have a telephone call from Mr. Jones at 9 o'clock, Mr. Liam Cosgrave at  
6 10.15, he tells you "he is moving around and will call later." At 10.30,  
7 Mr. Tipping tells you "that there's a meeting Friday week, the 29th May in the  
8 county council offices on O'Connell Street." Do you know what that's in  
9 connection with?
- 12:35:38 10 A That's Don Tipping of the Worker's Party. The probability is that, that is, I  
11 think, Don Tipping was the whip of the Worker's Party. I may not be a hundred  
12 percent accurate in that but certainly, I think what he is doing is, he is  
13 ringing me to tell me that whatever I discussed or whatever lobbying I had done  
14 with him or his fellow Worker's Party councillors, is going to be discussed in  
12:36:18 15 the County Council Offices in O'Connell Street. It would have been certainly,  
16 unless you can show me that there was a scheduled council meeting at that time  
17 for the morning, it's most unusual, council meetings were normally in the  
18 afternoon except if there were special meetings of the Development Plan, on  
19 occasion they were in the morning, so this is a meeting, I suspect, of the  
12:36:41 20 Worker's Party, where they are going down through the various items that in the  
21 Development Plan that they have been lobbied about.
- 22 Q 348 Well you do not record in your diary for the 29th May, Mr. Dunlop, any entry  
23 for Mr. Tipping or the Worker's Party or Dublin County Council?
- 24 A No, I wouldn't -- that is reinforces in my view what I'm saying is that if it  
12:37:08 25 is a party meeting and it's the Worker's Party meeting, I wouldn't be there.
- 26 Q 349 And I think that that record of the 20th May records Mr. Jones ringing you on  
27 three occasions s at 9 o'clock, 10.40 and 12.40?
- 28 A Yes.
- 29 Q 350 And on the continuation of that telephone attendance at 1681, at 2.40, Mr. Colm  
12:37:27 30 McGrath rings and at 4.40, Mr. Liam Lawlor?

- 12:37:31 1 A 4.40, yes.
- 2 Q 351 And then again on the 25th May 1992 at 1682, at 10.45, Mr. Derry Hussey rings  
3 you about a possible meeting at 3 o'clock on the Friday, at the Adelaide Road  
4 and asks you to call him.
- 12:37:48 5 A Yes.
- 6 Q 352 And at 11.50, Mr. Tom Hand rings and at 12.05, Mr. Liam Cosgrave rings and at  
7 3.30 Mr. Liam Lawlor rings?
- 8 A Yes.
- 9 Q 353 I think you do in fact have a meeting at 3.30, it's recorded in your diary at  
12:38:03 10 1684, for the 29th May 1992 with Mr. Jones?
- 11 A Twenty?
- 12 Q 354 The 29th. If you see the entry for "Chris J, Adelaide Road."
- 13 A Yes.
- 14 Q 355 For the 29th and I think indeed that that was a meeting at which I think Murray  
12:38:24 15 O'Laoire were also in attendance, do you remember meeting them?
- 16 A I met them on a number of occasions both at Beechill and here. Adelaide Road,  
17 I am not sure who the occupants of the Adelaide Road offices were but I mean it  
18 was an office I meet both Mr. Jones and Mr. Hussey on a number of occasions.
- 19 Q 356 I think in a later letter that I will look at in a moment of the 2nd June  
12:38:48 20 Murray O'Laoire record the fact they were at a meeting with Mr. Jones on the  
21 Friday?
- 22 A Yes.
- 23 Q 357 And it's likely that's a meeting at which you were also present, this meeting  
24 in fact.
- 12:38:59 25 A Yes, okay.
- 26 Q 358 I think on the 2nd June 1992 at 1685, at 10.40, Mr. Derry Hussey rings, at  
27 11.05 Mr. Lawlor rings, at 12.15, Mr. Colm McGrath rings.
- 28 A Yes.
- 29 Q 359 And on the same day, but in the afternoon at 2.10, 1686 Mr. Hand rings and he  
12:39:19 30 tells you "he is at home from 4 o'clock" and at 3.15, Mr. Charlie O'Connor

- 12:39:25 1 rings?
- 2 A Yes.
- 3 Q 360 So again you have ongoing contact with councillors at this time and they are
- 4 contacting you, isn't that correct, Mr. Dunlop?
- 12:39:31 5 A Yes, just for completeness there, Ms. Dillon, could you give me the day rather
- 6 than the date.
- 7 Q 361 Tuesday, the 2nd.
- 8 A Well there is a likelihood that those calls come in with the frequency that
- 9 they do as a result of some meeting that is already taking place in Dublin
- 12:39:51 10 County Council, be it a committee meeting or a council meeting.
- 11 Q 362 And it comes in in connection with information that the councillor has, is that
- 12 right, to give you in connection with the meeting?
- 13 A Correct.
- 14 Q 363 And I think at 22 sorry, at 1687 on the 2nd June, Murray O'Laoire sends a
- 12:40:13 15 letter to Mr. Dermot Hussey in connection with the residential development at
- 16 Ballycullen Farms and they enclose a note on submission to the Draft
- 17 Development Plan as requested at our meeting on Friday and you will recollect
- 18 that your diary on the previous Friday recorded a meeting?
- 19 A Correct, yes.
- 12:40:28 20 Q 364 Which would suggest that they were all at the meeting, isn't that right?
- 21 A Correct.
- 22 Q 365 Mr. Hussey, Mr. Jones and Murray O'Laoire and he says "I think Frank Dunlop
- 23 should take this and polish it up, improve it for whatever audience it is
- 24 intended. I have kept it to one page on purpose as I suspect that no more will
- 12:40:44 25 be read by any councillor. So he is preparing a one page document on the
- 26 Ballycullen rezoning for councillors?
- 27 A That's right.
- 28 Q 366 "You will see I have included the A1 zoned lands at 90 acres as suggested at
- 29 the meeting. Further discussions with Dr. Brian Meehan suggested the horse
- 12:41:03 30 trading I discussed will take place but obviously if Frank Dunlop's feelings

- 12:41:07 1 from the councillors is if a lesser figure will swing the vote, then getting  
2 some rezoning takes precedents."  
3 Now, would I be correct there saying that it's your expertise with the  
4 councillors that is going to decide here will they are going to go with 90  
12:41:20 5 acres or 60 acres for A1 residential?  
6 A Yes, how much did they think, you know, popular traffic will bear. I mean in  
7 the context, if they are going to vote for rezoning, controversial and all that  
8 it is, if they are going to vote for rezoning, no matter how minimal it happens  
9 to be, they are going to make an estimation of how that's going to impact on  
10 them in their local area or otherwise.  
11 Q 367 Yes. And it would seem to be suggesting that any residential zoning on some  
12 land is better than no residential zoning at all?  
13 A Oh absolutely.  
14 Q 368 Isn't that the position. And he also makes the point in almost the last  
12:41:59 15 paragraph that insofar as the motion is concerned, it's preferable if more than  
16 one councillor especially if they are from different parties, sign the motion  
17 and the map?  
18 A Well, with due respect, I don't mean to suggest that he didn't know the system  
19 but the technical requirement is such that you have to have a proposer and a  
12:42:21 20 seconder. Two signatures.  
21 Q 369 And also what is being prepared here is a one page document to be circulated to  
22 the councillors and again, no motion or map are being provided but they are  
23 being told the motion and map will be needed?  
24 A Again, can I just revert to one point there, while I say technical, legally I  
12:42:39 25 am not one hundred percent certain that one signature would suffice.  
26 Q 370 Yes, I think the position is that one signature would suffice unless it was a  
27 material contravention?  
28 A Section 4 material contravention.  
29 Q 371 I think at 1668 the one page document is provided and I just want to draw to  
12:42:57 30 your attention one matter in relation to that, sorry, 1688. This is the

12:43:03 1 document that's referred to in the Murray O'Laoire letter that's going to be  
2 circulated to the councillors and under the heading "zoning" the following is  
3 said, "they wish to have their lands consisting of 190 acres rezoned as  
4 follows, 90 acres A1 and 100 acres objectively F, open space and residential."

12:43:23 5 A And recreational.

6 Q 372 Sorry I beg your pardon, open space and recreational amenities. Just to talk  
7 very briefly about objective F, open space and recreational, in terms of  
8 zoning, was it more valuable to have your lands zoned objective F than B,  
9 agriculture?

12:43:40 10 A F. Well in the estimation of both developers and councillors, from the point  
11 of view of the developer in this particular instance, the argument he is making  
12 is quite simple, there's a farm there, because of residential development  
13 that's taken place nearby, it's no longer possible to carry on agriculture.  
14 It's a consistent argument that's made and has been made throughout the  
15 Development Plan by many landowners and developers within the particular  
16 context that we are talk being, this is the proposal. They have a farm. They  
17 want to move the animals and the agricultural business elsewhere. Therefore  
18 they have a body of land which is sitting right bang in the middle of  
19 residential development that is already taking place and they don't see why  
20 they cannot do the same.

12:44:08 21  
22 So, in the knowledge that there is severe opposition coming from both local  
23 residential elements, notwithstanding where the local residential elements came  
24 from or how long they have been there, the fact of the matter is there's  
12:44:31 25 opposition and there's opposition on the part of the local councillors who tend  
26 to follow the public estimation in any particular instance, so getting an F  
27 zoning, which is open space and recreational, open space, not obviously as  
28 valuable from a collateral point of view in the context of agricultural zoning  
29 but valuable in the context of willingness on the part of the developer to show  
12:45:24 30 those people who are opposing any development that they are willing to provide

- 12:45:29 1 whatever it is.
- 2 Q 373 But is it not the case that under the zoning F, Mr. Dunlop, under the heading
- 3 recreational amenities, one would be permitted to put a hotel on these lands,
- 4 there are permitted uses for development under recreation amenities and F
- 12:45:42 5 zonings that are forbidden under a B zoning, which is agriculture?
- 6 A You could put a funeral home on it.
- 7 Q 374 There are certain permitted uses under F that are not permitted under B?
- 8 A Correct, yes.
- 9 Q 375 And that therefore, if one were to succeed in having these lands rezoned in
- 12:45:57 10 their entirety from B which permitted of no development to either A1 or a
- 11 combination of A1 and F, you are getting residential development permitted on
- 12 some of the lands but you have other developments open for consideration on the
- 13 F or open space lands.
- 14 A Yes, and just again for completeness, you are now into a position where it
- 12:46:19 15 allows for the owner or the developer, he has now got the foot in the door, he
- 16 has got zoning on the land, it's not exactly what he may ultimately, what he
- 17 wants immediately but it is an open door to change as we saw in relation to the
- 18 office and industrial zoning earlier on, where that was zoned and dezoned.
- 19 Q 376 But it would be easier to move from a position of F to a position of
- 12:46:45 20 residential than to move from B to residential.
- 21 A Oh absolutely.
- 22 Q 377 So that in achieving an F zoning on the lands that did not achieve an A1
- 23 zoning, if one was taking a long-term view on it, that is a step on the road,
- 24 if one wishes to go down it, towards seeking subsequent A1 zoning on those
- 12:47:04 25 lands?
- 26 A Very valuable step.
- 27 Q 378 And ultimately in fact these lands were all zoned residential or the
- 28 substantial portion of them, in the later development plans?
- 29 A I think there's over 600 houses on them.
- 12:47:15 30 Q 379 Yes. But that it's an easier position to move from an F zoning to an A1 zoning

- 12:47:20 1 than to move from a B zoning?
- 2 A Yes.
- 3 Q 380 So in a in seeking the rezoning of the lands, they were seeking the rezoning of
- 4 the entire lands.
- 12:47:33 5 A Oh, yes.
- 6 Q 381 To residential and to open space and recreational?
- 7 A A1 and F.
- 8 Q 382 And I think that at page 1691, Mr. Dunlop, on the 3rd June 1992, you have three
- 9 meetings, you have a meeting at 2.30 with Mr. Stanley Laing, you have a meeting
- 12:47:50 10 at 4.30 with Mr. Liam Cosgrave and you have a meeting at 9 p.m. with Mr. Tony
- 11 Fox?
- 12 A Correct.
- 13 Q 383 Now, insofar as the meeting with Mr. Cosgrave is concerned, I think you have
- 14 previously told the Tribunal about this meeting and in respect of the
- 12:48:06 15 Carrickmines 1 inquiry?
- 16 A Correct.
- 17 Q 384 I think you have told them it was primarily in connection with that inquiry,
- 18 that module, that you met Mr. Cosgrave on that occasion?
- 19 A Correct.
- 12:48:17 20 Q 385 Insofar as Mr. Stanley Laing is concerned, why were you meeting him at this
- 21 time?
- 22 A Stanley Laing, Fine Gael, not normally associated with support for development
- 23 but is recorded as voting for development but not always. The likelihood there
- 24 is that first of all, yes, the Development Plan. Secondly, in the context of
- 12:48:44 25 the Development Plan, probably Ballycullen with other issues and as the
- 26 Development Plan progresses, just to reprise what I said earlier on, as I
- 27 become more and more involved with a number of people, these meetings are very
- 28 valuable because it may be an opportunity, the only opportunity that I have
- 29 over a period of a week or two weeks, to discuss particular issues with these
- 12:49:10 30 councillors.

- 12:49:11 1 Q 386 And that you think it's likely then that when you met Mr. Laing and that  
2 amongst other matters you would have discussed Ballycullen with him?  
3 A Yes.
- 4 Q 387 And at 9 p.m. you have for Mr. Tony Fox?  
12:49:23 5 A Yes.
- 6 Q 388 Can you outline to the Tribunal what that meeting with Mr. Fox was in  
7 connection with?  
8 A Notwithstanding the late hour, and the probability is that that was at Tony  
9 Fox's home and I did meet him at his home on a number of occasions, that again,  
12:49:39 10 the same principle applies in relation to the Development Plan and issues that  
11 are arising or potentially will arise.
- 12 Q 389 Mr. Fox on day 384, gave evidence in connection with this meeting and he said  
13 that it was unlikely that he would have arranged to meet you at 9 p.m. on a  
14 summer's evening. And he seems to be suggesting that such a meeting did not  
12:50:01 15 take place.
- 16 A Well, the only answer that I can give and I think I gave it before, the very  
17 fact it's in my diary and the very fact it's at that hour is sufficient proof  
18 to me, together with the fact it's not deleted or cancelled, that it took  
19 place.
- 12:50:20 20 Q 390 I think on the 4th June 1992, which is a Thursday, at page 1689, you have a  
21 number of contacts from a number of councillors and in fact the numbers now  
22 seem to be increasing, Mr. Dunlop, Mr. Colm McGrath rings and gives you two  
23 numbers at 9.40. Mr. Liam Lawlor rings at 10.38 and he is waiting for the  
24 order of business, presumably in the Dail. Mr. Tom Hand rings at 11.20,  
12:50:48 25 Senator Don Lydon rings at half past 12. Mr. Tomorrow hand rings at 3.30, at 4  
26 o'clock Michael Keating rings, he rings again at 4.25 on the next page and Liam  
27 Creavan rings at 4.25?
- 28 A Correct.
- 29 Q 391 So again, all of these councillors would have had the Development Plan in  
12:51:05 30 common with you, is that right?

- 12:51:06 1 A That's correct, yes.
- 2 Q 392 And you also have an entry at 1689, the Thursday, the same day, where you rang  
3 Mr. Jones about being your guest at lunch the following day. But no such entry  
4 appears in your diary for the following day. Is the increase in the contact,  
12:51:29 5 do you see the entry?
- 6 A I just bemused by that, I don't know what that means. Obviously he wasn't  
7 available or, it could well be political function, I am not sure.
- 8 Q 393 I don't think any entry appears in your diary for that date. But there is now  
9 an increase in the contact passing between yourself and the councillors and the  
12:51:50 10 Development Plan review has now started.
- 11 A Correct.
- 12 Q 394 And the meetings that are taking place now are the motion meetings, isn't that  
13 right?
- 14 A They are meetings to discuss a number of things, individual developments that I  
12:52:04 15 am involved in. Not always therefore not always solely specifically about one.  
16 Though that's not to say that some of the meetings.
- 17 Q 395 You misunderstand me Mr. Dunlop, I am saying the council meetings that are  
18 taking place at that time, they are the special meetings of the council and  
19 they are considering the review of the Development Plan?
- 12:52:30 20 A Oh I beg your pardon. Correct.
- 21 Q 396 The plan has been on public display.
- 22 A Yes.
- 23 Q 397 Now, if anybody wants to change the zoning that was proposed in the Draft  
24 Development Plan, a motion must be put before the council seeking the rezoning.
- 12:52:36 25 A Correct, that's right.
- 26 Q 398 Those motions can only be put before the council by councillors, isn't that  
27 correct?
- 28 A Yes.
- 29 Q 399 So that there is two things happening. There are the review of the Development  
12:52:46 30 Plan has now commenced and is in full flight, full state as it were. And there

- 12:52:51 1 is parallel with that an apparent increase in the contact passing between  
2 yourselves and councillors.
- 3 A Correct.
- 4 Q 400 And is that increase in the contact between yourself and the councillors  
12:53:01 5 predicated on the mutual matters you had, the Development Plan and the various  
6 developments?  
7 A Yes.
- 8 Q 401 And were many of these councillors the people who normally proposed or seconded  
9 the motions with which you were involved?  
12:53:15 10 A Yes, with the exception of one for two who weren't councillors like Liam Lawlor  
11 what is gone, yes the simple answer is, yes.
- 12 Q 402 Now, I think on the 15th June 1992, you met Mr. Jones at Beechill at 1692 which  
13 is a Monday. And on the 19th June at page 1693, on the 19th June was a Friday,  
14 you receive a fax in which you were told that the drawings will be ready by  
12:53:47 15 Tuesday, Mr. Derry Hussey has asked the author of the document to let you know  
16 that the drawings will be ready by Tuesday.
- 17 A Yes, I don't know what's meant by drawings. In that particular instance,  
18 architectural drawings, that is coming from an architectural firm.
- 19 Q 403 But the map --  
12:54:08 20 A The drawing is the map, yes it's the map.
- 21 Q 404 Did not the case that the map that's attached to the motion of the 28th  
22 September 1992 is a map that's prepared by Murray O'Laoire?  
23 A Murray O'Laoire, that's correct.
- 24 Q 405 And sorry, every motion must have a map attached to it?  
12:54:26 25 A Outlined in red.
- 26 Q 406 So there's two parts of the matter. You have to, you prepare the motion but  
27 somebody has to give you a map which also has to be signed?  
28 A Yes.
- 29 Q 407 Is it not likely then what you are being told here on the 19th June 1992 is  
12:54:41 30 that a drawing or a map will be ready by Tuesday next?

- 12:54:44 1 A Correct.
- 2 Q 408 Because you need to, whoever is signing the motion must sign the map?
- 3 A Correct.
- 4 Q 409 Now you receive on the 25th June 1992 a message from Mr. Derry Hussey at 1695.
- 12:55:02 5 Now, this is a message that's sent, a fax message to Frank Dunlop from Derry  
6 Hussey and it stays "I told Tom Hand that I would come back to him to indicate  
7 the square footage which would we would think would be appropriate for  
8 development on the site here. Based on the latest development, it would seem  
9 to us that something between 130 and 140 square feet would be of the order of  
12:55:25 10 what we think would be appropriate. Could you let Tom Hand know this.  
11 Obviously we would be very interested if he is any news or reaction to the  
12 rezoning."  
13 The first if I think I want to point out to you there, Mr. Dunlop, is that  
14 Mr. Hussey seems to be regarding you as the person to contact Mr. Hand?
- 12:55:44 15 A Correct.
- 16 Q 410 The next thing I want to ask you, what does the first paragraph relate to?
- 17 A Well, this is now, we are now into Beechill, I suspect, we are not into  
18 residential development, we are talking about a site and what 130 to 140 square  
19 feet, not very large, would be of the order of what we think would be  
12:56:07 20 appropriate. He is talking about as it appears to me here, Beechill. The  
21 offices at Beechill. Any proposal that there would be to have the land at  
22 Beechill rezoned.
- 23 Q 411 The final paragraph "Obviously we would be have I interested if he has any news  
24 or reaction to the rezoning." Is that not more likely to have been in  
12:56:29 25 connection with Ballycullen?
- 26 A Two things if I make the point here. The first sentence I told Tom Hand.
- 27 Q 412 I'm going to come back to that. If we just deal with the question which is --
- 28 A Yes, it is distinctly possible that that refers to Ballycullen.
- 29 Q 413 Because at this stage, no application for rezoning on the Beechill lands had  
12:56:46 30 been made, isn't that correct?

- 12:56:47 1 A Yes.
- 2 Q 414 And there's nothing in the documentation to this point in time to suggest that  
3 any attempt had been made or any advice sought from anybody in connection with  
4 the Beechill lands?
- 12:56:57 5 A Correct.
- 6 Q 415 Now, I want to take you back to the first sentence wherein Mr. Hussey is  
7 recorded as saying "I told Tom Hand that I would come back to him", that would  
8 suggest Mr. Hand had a meeting with Mr. Hussey?
- 9 A Yes.
- 12:57:15 10 Q 416 And I think Mr. Hussey doesn't dispute that he had a meeting or certainly had a  
11 meeting with Mr. Hand?
- 12 A Yes.
- 13 Q 417 Now, you, did you organise a meeting for Mr. Hussey with Mr. Hand?
- 14 A Yes, I was asked to, by Mr. Hussey.
- 12:57:26 15 Q 418 If this is the meeting that you organised, then that request had to take place  
16 prior to the 25th June 1992?
- 17 A Correct.
- 18 Q 419 Right. It is not yet known or indeed may never be known when Mr. Hussey met  
19 Mr. Hand but if you organised the meeting,?
- 12:57:46 20 A Why would we not know when that meeting took place?
- 21 Q 420 It's not recorded in your diary?
- 22 A No but would Mr. Hussey not have recorded it?
- 23 Q 421 I don't think Mr. Hussey has any diaries relevant to that period, he doesn't  
24 dispute he met Mr. Hand?
- 12:58:00 25 A I am just saying the point is, it wouldn't be known, I mean it is pretty  
26 obvious from the text that he met him.
- 27 Q 422 If you are the person who set up the meeting as you say you were between  
28 Mr. Hand and Mr. Hussey, then that contact had to take place prior to the 25th  
29 June 1992?
- 12:58:18 30 A Yes.

- 12:58:20 1 Q 423 And if the subject matter of the meeting between Mr. Hussey and Mr. Hand was  
2 the rezoning of Beechill.
- 3 A Correct.
- 4 Q 424 It would mean that prior to the 25th June, somebody had decided to regularise  
12:58:30 5 the Beechill position?
- 6 A That's correct.
- 7 Q 425 I will come back to talk to you, Mr. Dunlop, in relation to Mr. Hand and  
8 Mr. Hussey later, we will try and get matters through to the end of 1992, if we  
9 can. On the 29th June at 1696 which is a Monday, Ms. June Murphy of Mr. Jones'  
12:58:51 10 office is concerned to know had you got drawings and they would be the drawings  
11 in relation to the Ballycullen lands?
- 12 A Yes.
- 13 Q 426 The second entry and in fact after 12.50, there is a note recorded that you had  
14 received the drawings after 12.50?
- 12:59:06 15 A Yes.
- 16 Q 427 And before Tuesday, the 30th June. You see, so you now have the maps,  
17 Mr. Dunlop, isn't that right?
- 18 A Yes, I don't understand why she is saying I sent them over to her but that's  
19 not relevant really but --
- 12:59:21 20 Q 428 But what is relevant is that maps were being sent to you and the only reason  
21 you would need maps, Mr. Dunlop, was to prepare the motion to get the map and  
22 the motion signed and I think on Monday, the 13th June at 1697, Mr. Hand is  
23 recorded as "will call on Thursday." Now Thursday would be the 16th July?
- 24 A Yes.
- 12:59:45 25 Q 429 And again, this could be in connection with the earlier letter from Mr. Hussey,  
26 isn't that right?
- 27 A Correct, yes.
- 28 Q 430 You received a telephone call from Mr. Hand that he will call on Thursday,  
29 prior to Mr. Hand making that call to you, Mr. Hussey has asked to you pass on  
13:00:12 30 a message in relation to square footage to Mr. Hand and sound him out about the

- 13:00:17 1 rezoning of Ballycullen?
- 2 A Yes.
- 3 Q 431 Mr. Hand is now contacting you a couple of days later and he is saying he will
- 4 call on Thursday, isn't that right?
- 13:00:24 5 A The only reason I pause there Ms. Dillon, I knew I was away and I am just back
- 6 on the 15th but I don't see any reference to Councillor Hand in my diary on the
- 7 16th. He just called obviously.
- 8 Q 432 Telephone called.
- 9 A Yes.
- 13:00:40 10 Q 433 I think on the 17th July at 1698 which is Friday, the 17th July, you record two
- 11 telephone calls into your office from Mr. Jones and one from Mr. Lawlor who
- 12 calls at 4.30.
- 13 A Correct.
- 14 Q 434 And on the 20th July, a meeting is set up for the 21st July in Ballycullen,
- 13:01:01 15 sorry in Beechill in connection with Ballycullen?
- 16 A Yes.
- 17 Q 435 And that's recorded in your diary at 1701. Isn't that correct? I want to draw
- 18 to your attention here, just very briefly before lunch, Mr. Dunlop, is the fact
- 19 that you do record a meeting with Mr. Hand on the 22nd. Which is scribbled
- 13:01:22 20 out.
- 21 A Yes. 12.35, Tom Hand, yes, lunch is scribbled out.
- 22 Q 436 That's then moved to the 23rd.
- 23 A Correct.
- 24 Q 437 And that is moved again apparently?
- 13:01:33 25 A To the 24th.
- 26 Q 438 Now, that would suggest that you are meeting, you have a reason to meet
- 27 Mr. Hand in around the time that Mr. Hussey has asked you to meet with
- 28 Mr. Hand?
- 29 A Correct.
- 13:01:43 30 Q 439 And it's likely that this was the meeting.

13:01:45 1 A Yes, I will resume it there. Mr. Dunlop after lunch.

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CHAIRMAN: All right. Two o'clock.

4

13:02:05 5 THE TRIBUNAL THEN ADJOURNED FOR LUNCH

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14:04:58 1 THE TRIBUNAL RESUMED AS FOLLOWS

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3 CONTINUATION OF EXAMINATION OF MR. FRANK DUNLOP BY MS. DILLON:

4

14:06:05 5 Q 440 Good afternoon, sir, good afternoon, Mr. Dunlop. I think just before lunch,  
6 date wise, we were at the 21st July and on the Tuesday, at 1702, Tuesday, 21st  
7 July, your telephone records record incoming calls from Mr. Tom Hand, Mr. Chris  
8 Jones and Mr. Tom Hand again. Isn't that right?

9 A That's correct, yes.

14:06:33 10 Q 441 And I think that we have seen that you had had an appointment made with  
11 Mr. Hand that you had had to cancel?

12 A That's right.

13 Q 442 But that meeting did subsequently take place.

14 A Yes.

14:06:45 15 Q 443 Yes. And I think on the following day on the 21st, on the same day sorry, the  
16 2st July, you faxed Mr. Jones at 17023 please, cancelling a meeting which you  
17 were due to have that day with Mr. Jones and seeking to reschedule it, isn't  
18 that right?

19 A That's correct.

14:07:07 20 Q 444 And then he responded to you on 1704 on the same date suggesting a meeting the  
21 following day.

22 A Yes.

23 Q 445 21st July. And at that point in time, in late July 1992, Mr. Dunlop, would the  
24 matter of primary concern at that stage have been the preparation of a motion  
14:07:25 25 and maps and getting signatures and to get it on the agenda?

26 A Correct.

27 Q 446 On the 22nd July at 1705 which is a Wednesday, you have a meeting with  
28 Mr. Jones?

29 A Yes.

14:07:40 30 Q 447 Which is the one that had been cancelled from the previous day.

- 14:07:43 1 A Yes.
- 2 Q 448 And again, would this have been part of your ongoing discussions with Mr. Jones  
3 about how the matter was progressing?
- 4 A Correct.
- 14:07:51 5 Q 449 And in particular, in relation to the matter that you had particular  
6 responsibility for was contact with the councillors?
- 7 A Correct.
- 8 Q 450 So it was your job to report to Mr. Jones how matters were progressing from a  
9 councillor point of view?
- 14:08:04 10 A Yes, Mr. Jones wanted to hear as much good news as he possibly could, you know,  
11 how things were going.
- 12 Q 451 And would that at this stage have included both Beechill and Ballycullen?
- 13 A At this stage, yes, I think so. I am virtually certain at this stage, yes.
- 14 Q 452 Now, the matter in relation to Beechill was a much simpler matter than  
15 Ballycullen, is that right?
- 14:08:27 16 A That's correct.
- 17 Q 453 The situation was that while the lands had been zoned F, they had all been  
18 built on around the locality and in fact, they had been proposed for an F  
19 zoning, an industrial zoning in the Development Plan?
- 14:08:44 20 A Correct.
- 21 Q 454 And Mr. Jones's concern or the concern at the time was that would that zoning  
22 are permitted office development?
- 23 A Yes.
- 24 Q 455 And what they were seeking was confirmation for the E zoning that it would be  
14:08:54 25 include office development at that site?
- 26 A Yes.
- 27 Q 456 And ultimately, without any great opposition from the professional planners,  
28 that was granted, isn't that right?
- 29 A Yes.
- 14:09:02 30 Q 457 So it wasn't a matter that was going to cause a great deal of controversy or

- 14:09:06 1 indeed any controversy?
- 2 A It was almost, the phrase that's used in a residential development, it was
- 3 almost infill, it was surrounded by fairly modern offices that had been built
- 4 and it was here standing alone almost very, in not dilapidated but certainly
- 14:09:28 5 in, you know, less salubrious circumstances.
- 6 Q 458 But the manager accepted because the circumstances surround it, that he had no
- 7 real opposition to permitting office development.
- 8 A Yes.
- 9 Q 459 And following the manager's report effectively, in relation to Beechill, that
- 14:09:47 10 was agreed, isn't that right?
- 11 A That's correct.
- 12 Q 460 And the motion was withdrawn that Mr. Hand and Mr. Lydon signed in relation to
- 13 Beechill?
- 14 A Correct.
- 14:09:54 15 Q 461 And the final written statement was amended to permit specifically for office
- 16 development at Beechill?
- 17 A Correct.
- 18 Q 462 And in terms of looking at the two jobs that you had to do Mr. Dunlop,
- 19 Ballycullen on the one hand and Beechill on the other, in terms of input, which
- 14:10:09 20 would have taken the greater portion of your time?
- 21 A Oh Ballycullen, unquestionably.
- 22 Q 463 From the time that you were asked to take up the tasks in relation to Beechill,
- 23 would you have seen it as something that was going to cause difficulty?
- 24 A None whatsoever.
- 14:10:21 25 Q 464 Did you speak to Mr. Hand about the Beechill matter, the Beechill development?
- 26 A Yes, I did.
- 27 Q 465 When did you do that?
- 28 A I cannot absolutely, I can't say exactly when I spoke to him but when I went to
- 29 speak to it him, he is already talking to me now at this stage in the context
- 14:10:37 30 of Ballycullen. And at this stage, I have introduced the issue of motions and

- 14:10:47 1 signatures and I think you will find that I have said that when I brought the  
2 issue of Beechill to him and the question of a motion and map signatures, he  
3 made the remark that he wanted Lydon to sign first. As a turned out, Lydon  
4 signed one of them first, as distinct from the other. There was no great  
14:11:15 5 difficulty in relation to Ballycullen, they both -- in relation to Beechill,  
6 they both came together. From his point of view, and from my point of view,  
7 they were one. I was treating them as one, as an entity.
- 8 Q 466 Does it follow that the first name on the motion is usually the first  
9 signature?
- 14:11:34 10 A Yes, because the, from the political point of view, straightforward technical  
11 point of view as well, the first name is the proposer, so if anybody is called  
12 on to actually speak at the meeting, dealing with the issue, it's the proposer  
13 which is usually the first name on it.
- 14 Q 467 And we have already seen in the letter we looked at this morning that  
14:11:54 15 Mr. Hussey had met Mr. Hand by this stage?
- 16 A Correct.
- 17 Q 468 Now was that meeting between Mr. Hussey and Mr. Hand set up by you?
- 18 A Yes.
- 19 Q 469 And who asked to you set up the meeting?
- 14:12:04 20 A Mr. Hussey.
- 21 Q 470 Mr. Hussey asked you?
- 22 A Yes the sequence of events, Mr. Jones asked me to talk to Mr. Hussey in  
23 relation to Beechill, I met Mr. Hussey and Mr. Hussey asked me having  
24 recommended to him that he ought to meet Mr. Hand, he asked me to set up a  
14:12:22 25 meeting with Mr. Hand.
- 26 Q 471 And did you do so?
- 27 A Yes I did.
- 28 Q 472 And were you present at that meeting?
- 29 A No, I was not there.
- 14:12:27 30 Q 473 You didn't attend, simply facilitated the meeting?

- 14:12:31 1 A No.
- 2 Q 474 Did you yourself have separate discussion with Mr. Hand about the Beechill  
3 motion?
- 4 A Yes, I did.
- 14:12:37 5 Q 475 Did Mr. Hand envisage any difficulties in the matter proceeding?
- 6 A Well, the orientation there was no matter what you were talking to Mr. Hand,  
7 there was always going to be difficulties because the more difficult it was,  
8 the more problems it caused and therefore the more requirement that there might  
9 be.
- 14:12:52 10 Q 476 When you say the more requirement there might be, do you mean the more  
11 expensive it would be?
- 12 A Correct, yeah.
- 13 Q 477 In other words, the greater the problem, the more money Mr. Hand wanted?
- 14 A Correct.
- 14:13:00 15 Q 478 Was it the says in relation to the signing of both Beechill and Ballycullen  
16 motions, Mr. Hand was looking for money?
- 17 A Yes.
- 18 Q 479 And did you pay him a figure in respect of each motion or did you pay him in  
19 respect of both?
- 14:13:11 20 A I made a total contribution.
- 21 Q 480 Did he seek a greater sum than the one you ultimately paid?
- 22 A Yes.
- 23 Q 481 How much did he seek?
- 24 A Five.
- 14:13:18 25 Q 482 How much did you pay him?
- 26 A Two.
- 27 Q 483 And in relation to Mr. Lydon?
- 28 A I paid him two.
- 29 Q 484 And what was the fee sought by Mr. Lydon?
- 14:13:25 30 A The discussion that took place with Mr. Lydon was in the context of what are

- 14:13:32 1 you going to do for me and arising out of that discussion, I agreed with him,  
2 two.
- 3 Q 485 And that was for his signature on the motions?
- 4 A Yes.
- 14:13:41 5 Q 486 And where did the meeting do you know between Mr. Hussey and Mr. Hand take  
6 place?
- 7 A Beechill.
- 8 Q 487 At the offices of Beechill?
- 9 A Yes.
- 14:13:50 10 Q 488 Now, I think again Friday, 24th July, at 1706, Mr. Jones rings twice and you  
11 will see Mr. Jones rings at 25 past 11 and five past three?
- 12 A Yes.
- 13 Q 489 And just after 12 o'clock, there's a note presumably by your secretary, "rang  
14 Mary and in Chris Jones office, FD will call Mr. Jones at 3 o'clock."
- 14:14:15 15 A Yes.
- 16 Q 490 And obviously you hadn't because Mr. Jones then rings you at five past three  
17 and again on the 27th July, the Monday at 1707, at 25 past 10, you have a  
18 telephone call from Mr. Colm McGrath and then 12.15, Derry Hussey from the  
19 Jones Group.
- 14:14:37 20 A Yes.
- 21 Q 491 And was that in connection with Ballycullen or Beechill or both?
- 22 A Both I would say.
- 23 Q 492 Now --
- 24 A More probably in the context of probably at this stage, while it's, he has  
14:14:50 25 become involved in Ballycullen, it's more likely to be an immediate interest in  
26 Beechill because Beechill was going to come first anyway.
- 27 Q 493 Because of the map?
- 28 A Yes.
- 29 Q 494 On the 29th July, Mr. Dunlop, you had a meeting with your banker, Mr. Ahern.  
14:15:07 30 Isn't that right, at 1708?

- 14:15:12 1 A Yes.
- 2 Q 495 And you are making an application here for an advance of funds for a proposed  
3 investment?
- 4 A Correct.
- 14:15:18 5 Q 496 And the planned repayment schedule is set out and I want to draw your attention  
6 to what is said at paragraph B, it says "50,000 pounds by the 30th November  
7 1992, fee income from the Jones Group relating to the zoning of a parcel of  
8 land at Ballycullen, Firhouse for leisure or housing development purposes."
- 9 A Correct.
- 14:15:41 10 Q 497 Now, do you accept that you would have told Mr. Ahern your bank manager on the  
11 29th July 1992 that you expected to make 50,000 pounds by the end of November  
12 1992 from --
- 13 A Obviously that's his note, yes.
- 14 Q 498 You don't dispute the note?
- 14:15:53 15 A Oh no.
- 16 Q 499 Now, why, can I ask you this, when you were telling him that, was that the  
17 truth?
- 18 A By the end of November, what date is the letter?
- 19 Q 500 The letter, it's not a letter, it's an attendance, the 29th July 1992.
- 14:16:14 20 A It's probably inflated somewhat but I'm telling him that I'm expecting to make  
21 money out of the Ballycullen zoning, yes.
- 22 Q 501 But you are not telling him you expect to make 17,500 pounds.
- 23 A No, no, I accept that.
- 24 Q 502 Which is the position that you had maintained to the Tribunal up to the day  
14:16:30 25 before yesterday?
- 26 A Correct.
- 27 Q 503 But you had told your bank manager in July 1992 that you expected to make  
28 50,000 pounds by the end of November 1992, which is a figure Mr. Dunlop that is  
29 much closer to the actual figure you received than the one that you had told  
14:16:44 30 the Tribunal about, isn't that right?

- 14:16:46 1 A Correct.
- 2 Q 504 And can I ask you also in relation to one other matter that's on that document
- 3 down towards the end, there is a reference there to you having 10,000 pounds in
- 4 Allied Irish Bank in Jersey?
- 14:16:59 5 A Yes.
- 6 Q 505 Now, did you have an account at Allied Irish Bank in Jersey?
- 7 A Yes, I did.
- 8 Q 506 What was the name of that account?
- 9 A Gosh, I can't remember the name of the account but it was my account. It was
- 14:17:11 10 set up by AIB for me.
- 11 Q 507 Are you talking about the Xerxes account?
- 12 A Yes, that's it exactly. Xerxes.
- 13 Q 508 Yes, but Xerxes account was not with the Allied Irish bank in Jersey?
- 14 A No but that was the beginning, I am not -- that was the beginning of the Xerxes
- 14:17:34 15 account, I think that was the beginning of the Xerxes account.
- 16 Q 509 Between now and Tuesday morning, Mr. Dunlop, would you check your records and
- 17 see to establish whether in fact you held an account at Allied Irish Bank in
- 18 Jersey?
- 19 A Just to avoid confusion now in for one second, there's absolutely no doubt that
- 14:17:53 20 an account was established for me by AIB College Street in Jersey, it was
- 21 called Xerxes. Whether that is the beginning of the establishment of that
- 22 account, I can't absolutely answer that question but I did not have two
- 23 accounts.
- 24 Q 510 Sorry the account that you are referring to as AIB Jersey is the Xerxes
- 14:18:15 25 accounts, X e r X e s which was the name of a company that you maintained in
- 26 Jersey?
- 27 A That's right.
- 28 Q 511 And that company, that bank account that that company held was established for
- 29 you by Allied Irish Bank in College Street?
- 14:18:32 30 A As it then was, yes.

- 14:18:33 1 Q 512 And that would have been done, would it, by Mr. Ahern?
- 2 A Correct.
- 3 Q 513 On foot of a conversation with you?
- 4 A Correct.
- 14:18:39 5 Q 514 So when you talk about AIB Jersey, you mean the Xerxes bank account in whatever  
6 bank it was?
- 7 A It was subject to the invitation you issued to me to check it for you, which I  
8 will, yes, that is my understanding.
- 9 Q 515 We might revisit that on Tuesday, Mr. Dunlop. And if we could move to the 31st  
14:19:00 10 July at 1710, Mr. Dunlop, it would appear that you received two telephone calls  
11 early in the morning, one from Mr. Jones and one from Mr. Lawlor?
- 12 A Correct.
- 13 Q 516 And again, in so far as Mr. Jones is concerned, your contact at this stage,  
14 which is the end of July, is in relation to the upcoming rezoning of  
14:19:20 15 Ballycullen?
- 16 A Yes.
- 17 Q 517 And possibly Beechill. Is that right?
- 18 A That's correct.
- 19 Q 518 Now, on the 4th August which is a Tuesday at 1711 you receive a telephone call  
14:19:30 20 from Mr. Colm McGrath who asks you to contact him.
- 21 A Yes.
- 22 Q 519 At 11 o'clock. And at 1712 which is Friday, the 7th August, you have a  
23 telephone call at 9.50 from John Ahern at Allied Irish Bank?
- 24 A Yes.
- 14:19:47 25 Q 520 Is that not likely to have been in connection with the matter you had discussed  
26 with him on the 29th July?
- 27 A More than likely, yes, highly probable. Yes.
- 28 Q 521 And at 11 o'clock, you have a telephone call from Mr. Colm McGrath and at four  
29 o'clock, Mr. Liam Lawlor and you also have a contact with Mr. Chris Jones'  
14:20:05 30 office?

- 14:20:05 1 A Correct.
- 2 Q 522 Right. On the 10th August 1992, at 1714, Mr. John O'Halloran rings you?
- 3 A Yes.
- 4 Q 523 And this is Mr. O'Halloran who was a county councillor at that time?
- 14:20:25 5 A Correct.
- 6 Q 524 And this is one of the councillors that you say you paid a small sum of money
- 7 to in connection with Ballycullen being part of an over all payment of 5,000?
- 8 A Yes.
- 9 Q 525 And Mr. Derry Hussey rings you presumably in connection with
- 14:20:33 10 Ballycullen/Beechill and again, there are two telephone calls, one from
- 11 Mr. Lawlor and one from Mr. Lawlor's office?
- 12 A Correct, yes.
- 13 Q 526 Now, on the 11th August, at 1713, you have an entry in your diary, "ring PR."
- 14 And beneath that, "also TH."
- 14:20:56 15 A Yes.
- 16 Q 527 Now insofar as the "TH" is concerned, is that Mr. Tom Hand?
- 17 A Yes, it is.
- 18 Q 528 And who is the "PR"?
- 19 A Pat Rabbitte.
- 14:21:03 20 Q 529 And why were you seeking to contact Mr. Hand and Mr. Rabbitte on the 11th
- 21 August 1992?
- 22 A Well in relation to the issue, an upcoming issue which obviously is
- 23 Ballycullen.
- 24 Q 530 Are you satisfied that that contact would have been with both gentlemen would
- 14:21:20 25 have been in connection with Ballycullen?
- 26 A I would say predominantly other than unless the documentation shows otherwise,
- 27 to establish a meeting, some of these conversations or meetings that took place
- 28 with people were to establish meetings with other people in relation to the
- 29 Development Plan as it progressed. But in the context of ringing them, it's
- 14:21:42 30 obviously ringing them about an issue on the Development Plan.

- 14:21:45 1 Q 531 You have a meeting recorded in your diary on the 13th which is for Tom Hand or  
2 "T Hand, usual spot." Would that have been Mr. Hand and the usual spot would  
3 have been a restaurant?  
4 A Sandymount.
- 14:21:57 5 Q 532 You also have a "TPH" on the 14th but that's not Mr. Hand?  
6 A That's the other individual we have alluded to before.
- 7 Q 533 Now on the 11th August which is the same day you make the note to yourself to  
8 ring Mr. Rabbitte and Mr. Hand, on Tuesday, the 11th August at 1715, Mr. Hand  
9 rings you at 10 past 12.
- 14:22:19 10 A Yes.
- 11 Q 534 And Mr. McGrath rings you.  
12 A Yes.
- 13 Q 535 Mr. Derry Hussey rings you at 3.55 and Mr. Lawlor rings you?  
14 A Yes.
- 14:22:27 15 Q 536 I think I should say, Mr. Dunlop, that when you provided your second last  
16 statement to the Tribunal in connection with Ballycullen, you identified for  
17 the Tribunal all contacts and meetings, be they telephone or diary with  
18 Mr. Hussey and Mr. Jones, isn't that right? And it's been circulated, you  
19 prepared a typed list of those contacts.
- 14:22:46 20 A I did.
- 21 Q 537 In an abbreviated form?  
22 A Yes.
- 23 Q 538 I think then on the 12th August 1992 at page 1717, Mr. Hand rings again.  
24 A Yes.
- 14:22:57 25 Q 539 And Mr. Lawlor rings twice. Now, you have an entry in your diary for the 13th  
26 August, isn't that right? We have looked at it a moment ago?  
27 A Yes, I have.
- 28 Q 540 "T Hand usual spot".  
29 A Yes.
- 14:23:12 30 Q 541 Isn't it likely that this meeting on the 12th August was setting up the actual

- 14:23:16 1 appointment, face to face appointment?
- 2 A Yes, I might suggest to you it's probably two things. One, he is ringing from
- 3 Dublin County Council, it's the afternoon, and he is either telling me
- 4 something that's going on or has happened or has information and is asking to
- 14:23:34 5 meet the following day.
- 6 Q 542 And did Mr. Hand continually feed you information about developments and report
- 7 back to you on what was happening in the council?
- 8 A Quite regularly, yes.
- 9 Q 543 And did other councillors do that as well?
- 14:23:44 10 A Yes, in relation to specific developments, they did.
- 11 Q 544 So if you said to a particular councillor that you knew or that you had paid
- 12 money to or that you paid money to in the past that you had a particular
- 13 interest in a development, they would keep you up to date with what was going
- 14 on?
- 14:23:59 15 A Correct, most of the information, Ms. Dillon, just again for completeness,
- 16 because it was never changing pattern, meetings are scheduled to take place and
- 17 sometimes these announcements are made at ordinary council meetings and I would
- 18 get a telephone call or a message to say that the schedule has changed or these
- 19 this is the schedule of meetings that's to take place in relation to the
- 14:24:25 20 Development Plan.
- 21 Q 545 And that would be information that you would need no case your particular
- 22 matter was changed on the agenda or the order of business?
- 23 A If it was going to come up sooner or going to be delayed.
- 24 Q 546 Again you have a meeting with Mr. Jones and Mr. Hussey on the 17th August 1992
- 14:24:42 25 that's a Monday at 1718 please. You have a meeting at half ten which you have
- 26 circled in your diary?
- 27 A Yeah.
- 28 Q 547 And again that would have been about Ballycullen and Beechill and how matters
- 29 were progressing?
- 14:24:59 30 A Yes.

- 14:24:59 1 Q 548 And by this stage, there's no sign of a map or motion, isn't that is right, Mr.  
2 Dunlop?
- 3 A We may have the map but there's no sign of anything lodged, we have the map, we  
4 have the motion, a copy of the motion which we have, which I have prepared and  
14:25:11 5 sent to them. But it's not, nothing has happened yet.
- 6 Q 549 Is that because there's no immediate sign of the Ballycullen map being reached  
7 in Dublin County Council?
- 8 A Correct.
- 9 Q 550 Is that what would cause movement to happen in terms of activity of something  
14:25:26 10 actually being done would be as one approached the actual date on which map 20  
11 was going to be dealt with?
- 12 A Correct, as I think you know, you will see there's a telephone call or a  
13 message from Tom Hand telling me when the meetings are going to take place and  
14 what issue would come up.
- 14:25:41 15 Q 551 I think then on the 17th August at page 1719, you have starting at 3.05, phone  
16 calls from Mr. Lawlor, 4.05 from Mr. McGrath, at 4.05 also from Patricia  
17 Murray, was she associated with the Jones Group?
- 18 A The name doesn't -- the name doesn't strike a bell.
- 19 Q 552 And Mr. Hand rings again at 4.55.
- 14:26:11 20 A Yes.
- 21 Q 553 That time of day, normally the business of the council would have been  
22 concluded?
- 23 A If there was a meeting, what day was it, if there was a meeting with the  
24 council.
- 14:26:20 25 Q 554 On a Monday and matters would be over there then and Mr. Hand is ringing you?
- 26 A Correct.
- 27 Q 555 On Tuesday, 18th August at 1720, commencing at 2.40, you have telephone calls  
28 from Mr. Lawlor at 3.30 again from Mr. Lawlor's office, at 3.30 from Mr. Jones,  
29 at 4.05 from Mr. Jones, at 4.10 from Mr. Ahern who is your bank manager to whom  
14:26:46 30 you had made the earlier application, at 4.10 Mr. Jones, is that right?

- 14:26:50 1 A Correct.
- 2 Q 556 On the 18th August, Mr. Dunlop, you issue an invoice at 1722?
- 3 A Yes.
- 4 Q 557 And we have looked at this invoice I think on Wednesday when we were looking at
- 14:27:04 5 the sequence of the events and this is the invoice that you addressed to
- 6 accounts payable, the Jones Group and it has no number on it and subsequent to
- 7 which Mr. Hussey writes to you accepting your terms.
- 8 A Correct.
- 9 Q 558 Now, the letter from Mr. Hussey is date 28th August 19 the 2 at 1727, this is
- 14:27:28 10 on headed notepaper of Beechill Properties Limited and the letter says "Dear
- 11 Frank, thank you are for your letter of the 25th August. I have discussed it
- 12 with Denis McGee, we would like to accept the proposal with a view to having
- 13 the zoning changed and I enclose a cheque in respect of your fee." I will
- 14 point out the following matters to you; this is a letter from or on behalf of
- 14:27:46 15 Beechill Properties Limited?
- 16 A Yes.
- 17 Q 559 Beechill Properties Limited was the company that owned the lands at Beechill,
- 18 isn't that correct?
- 19 A That's correct.
- 14:27:52 20 Q 560 Ballycullen Farms own the land at Ballycullen?
- 21 A Yes.
- 22 Q 561 If this letter is correct, it means you sent a letter of the 25th August
- 23 proposing to Mr. Hussey a proposal or in relation to getting the rezoning of
- 24 Beechill, is that right?
- 14:28:08 25 A The recommendations yes.
- 26 Q 562 A recommendation and you also on the 18th August for whatever purpose issued an
- 27 invoice?
- 28 A Yes.
- 29 Q 563 The Tribunal has been furnished with no other invoice around this time, isn't
- 14:28:20 30 that correct?

- 14:28:20 1 A Yes.
- 2 Q 564 And I think you agreed with me that in the absence of any other invoice that it  
3 is likely that when the cheque is sent to you on the 28th August 1992, it is in  
4 relation to the invoice that is dated the 18th August 1992?
- 14:28:34 5 A That's highly probable, yes.
- 6 Q 565 Now, the cheque that's enclosed is a cheque in respect of your fee, is that  
7 right?
- 8 A Yes.
- 9 Q 566 The fee that is on the invoice is 7,500?
- 14:28:48 10 A Yes.
- 11 Q 567 Would that not suggest to you that the fee you are charging for Beechill is  
12 7,500?
- 13 A Yes, it could suggest that. I can't be absolutely certain about that.
- 14 Q 568 And you are thinking, Mr. Dunlop, or maybe you are not, there's a later  
15 document that says in relation to the staged payments for Beechill?
- 14:29:04 16 A Yes.
- 17 Q 569 But insofar as these documents are concerned, Mr. Hussey's letter says I  
18 enclose a cheque in respect of your fee?
- 19 A Yes.
- 14:29:15 20 Q 570 Not sending you a letter saying here is the first part of your fee or the  
21 second part of your fee.
- 22 A No. On the premises that these documents are complete, which I would suggest  
23 they are not but I mean that's not for me to decide, then your proposition is  
24 correct, if the documents are not complete, first of all, the first issue  
14:29:36 25 obviously would not be working for anything in relation to Beechill for  
26 nothing. And while I accept that the work in relation to Beechill was far less  
27 onerous or demanding than in relation to Ballycullen, I can't imagine that it  
28 was just 7 and a half.
- 29 Q 571 That may very well be, Mr. Dunlop, but it may very well be in the documentation  
14:30:07 30 that we are missing which is your letter of the 25th August, you had set out a

- 14:30:10 1 fee proposal of which this is the first part?
- 2 A Correct.
- 3 Q 572 But insofar as the this particular payment is concerned, I think the position
- 4 is that you have no record of what you did with the money.
- 14:30:21 5 A No.
- 6 Q 573 And there's no lodgments identifiable in your bank accounts that would account
- 7 for the cashing of this cheque and the receipt of the funds?
- 8 A Correct.
- 9 Q 574 That would mean, Mr. Dunlop, that when you received this money on the 28th
- 14:30:32 10 August 1992, that you cashed the cheque?
- 11 A Most probable.
- 12 Q 575 And that you would have had available to you at that stage 7,500 pounds in
- 13 cash?
- 14 A Correct.
- 14:30:44 15 Q 576 I want to draw to your attention, just the invoice again at 1722, Mr. Dunlop.
- 16 And this invoice does not include a claim for VAT?
- 17 A Correct.
- 18 Q 577 And would that be a reason why you were in a position to cash it? Because it
- 19 didn't include VAT?
- 14:31:01 20 A Yes.
- 21 Q 578 Because if it had included VAT you would have been liable to make a VAT return
- 22 in respect of it?
- 23 A Correct.
- 24 Q 579 Now, the matter about which you submit the invoice is professional services in
- 14:31:13 25 respect of public affairs programme and communications training. Well now
- 26 there's no communications training, what you were doing here, this is your fee
- 27 for lobbying and securing the rezoning of the Beechill lands?
- 28 A Correct.
- 29 Q 580 Or a portion of your fee. Now, when you made your arrangements with Mr. Hussey
- 14:31:29 30 and you had your discussion with Mr. Hussey in relation to the Beechill lands,

- 14:31:34 1 did you discuss with him what you were going to have to do to secure the  
2 rezoning of the Beechill lands?
- 3 A Yes.
- 4 Q 581 And in what manner did you discuss it?
- 14:31:44 5 A Well it's a reprise of to a lesser extent but of the what you had to do in  
6 relation to the other lands which he was involved in as well, Ballycullen. But  
7 to a far lesser extent because it's less controversial, there's not going to be  
8 too many people jumping up and down about it and I think even at that stage,  
9 even though this doesn't appear in any of the documentation, I think at that  
14:32:13 10 stage the indications were from contacts between the professional architect and  
11 urban planner advisers, with the planners and if you recollect in one of the  
12 letters from Murray O'Laoire I think it was or Dr. Brian Meehan was saying that  
13 the planners should be contacted to see what was suitable or not.  
14 But the point is, yes, I would have spoken to Mr. Hussey in similar terms in  
14:32:46 15 relation to Beechill as I did with Mr. Jones and him in relation to  
16 Ballycullen.
- 17 Q 582 When you say you spoke to him in similar terms, what I'm talking about here did  
18 you have a discuss with Mr. Hussey about what you were going to have to do to  
19 secure the rezoning, that you were going to have to bribe councillors to get  
14:33:03 20 the rezoning --
- 21 A We are back to the ways of the world.
- 22 Q 583 That's the point. Is your conversation with Mr. Hussey a conversation in which  
23 you confirmed to him the ways of the world?
- 24 A Yes.
- 14:33:13 25 Q 584 Will have to apply?
- 26 A Yes.
- 27 Q 585 And he agrees and with that from or from that, you deduce that he is aware of  
28 and amenable to using the corrupt system of paying councillors in Dublin County  
29 Council?
- 14:33:25 30 A Correct.

- 14:33:26 1 Q 586 But other than that, you have no positive assertion from Mr. Hussey to that  
2 end.
- 3 A No.
- 4 Q 587 All right. On the 19th August 1992, which was a Wednesday at page 1723,  
14:33:38 5 Mr. Hand contacts you at 10 to 11. 10.50.
- 6 A Yes.
- 7 Q 588 And on the 25th August 1992, which is the date of your letter to Mr. Hussey  
8 that we have just looked at, do you remember Mr. Hussey in his letter to you  
9 said "Thank you for your letter of the 25th August" and we don't have a copy of  
14:33:59 10 that letter?
- 11 A Correct.
- 12 Q 589 But on the 25th August, Mr. Hussey rings you, which is obviously in response to  
13 your letter?
- 14 A The letter that he has received.
- 14:34:07 15 Q 590 Which is the letter setting out whatever fee structure you had proposed for the  
16 rezoning of the Beechill lands?
- 17 A Yes.
- 18 Q 591 And that's why he would have contacted you on that occasion, it would have been  
19 in connection with Beechill?
- 14:34:18 20 A Highly probable.
- 21 Q 592 Right. I think on the same date at the following page, 1725, you also received  
22 telephone calls from Mr. Hand and also I think another councillor, who is not  
23 involved in this module. At 4.50, Mr. Hand and at 4.55 another councillor and  
24 again on the 27th August 1992 at 1726, both Mr. Hussey and Mr. Jones contact  
14:34:43 25 you?
- 26 A That's right.
- 27 Q 593 Mr. Hussey is on at 9.45 and Mr. Jones at 3 o'clock and Mr. Hussey sends you a  
28 letter dated the 28th August accepting your terms, isn't that right?
- 29 A Correct.
- 14:34:56 30 Q 594 And on the 28th August, at 1728, Friday, the 22nd August, Mr. Jones contacts

- 14:35:02 1 you again and asks to you ring him in Beechill. At 1728 at 12.15 and Tom Hand  
2 makes an arrangement with you for Chinatown in Sandymount on Tuesday at lunch  
3 time?
- 4 A Correct.
- 14:35:23 5 Q 595 Now, on the week beginning the 31st August, at 1729, you have an appointment to  
6 meet Mr. Jones on Monday, the 31st.
- 7 A Yes.
- 8 Q 596 You have an appointment at 12.30 on Wednesday the 2nd with Mr. J Hannon in the  
9 Gresham?
- 14:35:41 10 A Correct.
- 11 Q 597 You have an appointment with Mr. Jack Larkin at 3 o'clock on Wednesday the 2nd.
- 12 A Yes.
- 13 Q 598 Now that entry for Mr. Larkin will be one of the few diary entries for  
14 Mr. Larkin, is that correct?
- 14:35:55 15 A Yes.
- 16 Q 599 Can you recollect what that entry was about?
- 17 A It certainly for completeness, it's certainly in relation to do with the  
18 Development Plan. You were absolutely correct, it is one of the rare occasions  
19 on which Jack Larkin's name appears in the diary. The reason Jack Larkin's  
14:36:14 20 name doesn't regularly appear in the diary in contrast with others is because  
21 Jack Larkin was easily contactable, you knew where to get him and you knew  
22 where he was at specific times. If you need me to go further into that, I will  
23 but that's -- this is obviously me requiring, having set up a meeting with him  
24 in relation to Ballycullen.
- 14:36:38 25 Q 600 And do you say that this meeting was a meeting you set up with him in  
26 connection with Ballycullen?
- 27 A Yes and in the context of the Development Plan, I cannot categorically say  
28 there were other matters discussed because that was as I have explained to you  
29 earlier, that was an opportunity to talk to people on an ongoing basis about  
14:36:55 30 lots of issues.

- 14:36:56 1 Q 601 Would it have been your normal practice so far as Mr. Larkin is concerned to  
2 have met him at the council?  
3 A That meeting probably did not take place in the council, it probably took place  
4 in a hotel nearby.
- 14:37:08 5 Q 602 Would you normally have met Mr. Larkin in or around the council?  
6 A One place in particular that if you wanted Jack Larkin you knew where to get  
7 him at a specific time.  
8 Q 603 And where was that?  
9 A In the corner of Conway's Pub at any time from 12.30 on.
- 14:37:22 10 Q 604 And was that where you paid Mr. Larkin?  
11 A Yes.  
12 Q 605 And you would know to meet him there and you would go there to pay him?  
13 A Yes.  
14 Q 606 And as far as Mr. Hannon is concerned, you have an appointment at 12.30 in the  
15 Gresham?  
16 A Yes.  
17 Q 607 What was your meeting with Mr. Hannon about?  
18 A There's no doubt in my mind that that related to Ballycullen and again, I would  
19 suggest that there is one or two other matters that he had, I had expressed and  
14:37:51 20 interest in lobbying him about, I have already said that, not great difficulty  
21 in contacting John Hannon but he had a regular job from 9 to 5 so it was  
22 difficult in establishing meetings with him and sometimes he found it difficult  
23 to get to council meetings himself. So this is an opportunity to talk to him  
24 about Ballycullen and other issues.
- 14:38:12 25 Q 608 And certainly Mr. Hannon did ultimately on the 28th October 1992 propose an  
26 amendment to Mr. Lydon and Hand's motion which was passed unanimously,  
27 restricting the density on the residential portions of the lands?  
28 A Yes, again, I cannot say to you what the genesis of that was. I certainly  
29 didn't ask him to do that, to make that amendment.
- 14:38:42 30 Q 609 Was it the sort of amendment that it made could save the day?

- 14:38:47 1 A Correct.
- 2 Q 610 In other words that councillors who wouldn't vote for unlimited residential  
3 density, if it was capped at 360 houses for the 60 acres would have voted in  
4 favour of it?
- 14:38:56 5 A Yes, the corollary is an issue of somebody looking for 500,000 square feet of  
6 shopping development and people tell you well, if you bring it down to 250, we  
7 will vote for it. It's a compromise which occurs in the actual circumstances  
8 of a particular meeting because people know there and then if this particular  
9 forum was the council and we had been discussing various matters, each of us  
10 would be aware of what, to a large extent what the other was going to do.
- 11 Q 611 But it would mean if you were proposing a motion to limit the density on a  
12 particular amount of land to in this case 360 houses on 60 acres, that then you  
13 as the proposer or seconder had no objection to the residential portion but you  
14 did have an objection to unlimited density?
- 14:39:22 15 A Correct.
- 16 Q 612 Right. Now, insofar as the meeting of the 31st August is concerned with  
17 Mr. Jones, sorry at 6 o'clock on the 2nd September, sorry the 1st September, on  
18 that diary entry, Mr. Dunlop, you have a meeting with N Ryan in the Aisling  
19 Hotel. At 6 o'clock.
- 14:39:43 20 A Yes. N Ryan.
- 21 Q 613 If you look at the --
- 22 A Yes.
- 23 Q 614 Is that Mr. Ned Ryan?
- 24 A It is, yes.
- 14:40:04 25 Q 615 Was this meeting in connection with Ballycullen or Beechill?
- 26 A No, I don't think it was in relation to either because I think there was a  
27 third party present. It's governed by another entry in the diary for the first  
28 and 2nd.
- 29 Q 616 And if I just take you back briefly to the meeting with Mr. Jones on the 31st  
14:40:34 30 August, that was a meeting that included the architects because they

- 14:40:37 1 subsequently wrote?
- 2 A Correct.
- 3 Q 617 Following the meeting with documentation to proceed with documentation to
- 4 provide a booklet and documentation that was to be circulated to the
- 14:40:46 5 councillors. And that was copied to you, I think, those documents are at 1731
- 6 and 1732.
- 7 A Yes.
- 8 Q 618 So that this would have been a meeting involving all of the team.
- 9 A Yes.
- 14:40:58 10 Q 619 And your focus at the meeting would have been to provide the information in
- 11 relation to the councillors?
- 12 A Correct.
- 13 Q 620 Right. And in the third paragraph, sorry, the fourth paragraph of that letter,
- 14 the author notes "that he is to bring the proposals and they are the proposals
- 14:41:14 15 to produce a booklet or brochure summarising the rezoning proposals, to draft
- 16 stage by early next week with a view to meeting Frank Dunlop and Oliver and
- 17 Frank Brooks", do you see the fourth paragraph?
- 18 A This is in August.
- 19 Q 621 Yes, this is in the 31st August and this arises after the meeting because in
- 14:41:38 20 the very first line it says "Dear Chris, it was good to meet with you today",
- 21 the 31st August 1989 and that's the meeting that's in your diary for the same
- 22 day.
- 23 A Yes.
- 24 Q 622 So the entire team was present at this and again the proposal is being moved
- 14:41:54 25 forward now with the preparation of a booklet for the councillors?
- 26 A That's correct.
- 27 Q 623 And documentation is going to be provided to you and Mr. Jones and Mr. Oliver
- 28 and Frank Brooks.
- 29 A Yes.
- 14:42:03 30 Q 624 Because this is going to be sent on to the councillors?

- 14:42:05 1 A Correct.
- 2 Q 625 Now in except 1992, Mr. Dunlop, you prepared a draft of a letter for councillor  
3 Breda Cass at 1733.  
4 Now, this is a draft of a letter that's addressed to councillor Cass and I  
14:42:33 5 think that we see that on the 17th September, 1992, the final version of this  
6 letter but signed by Mr. Jones, is sent to Councillor Cass  
7 A Yes.  
8 Q 626 But you are the author of the document, isn't that right?  
9 A Yes.  
14:42:46 10 Q 627 And you set out there in the first paragraph that there has been a meeting  
11 which is a meeting between Mr. Cass and, sorry Mrs. Cass and Mr. Jones, because  
12 he is going to sign the letter.  
13 A Yes.  
14 Q 628 What is happening here, that is a change from the previous proposal is the  
14:43:04 15 amount of residential acreage has been reduced from 90 acres to 60, isn't that  
16 right?  
17 A That's correct.  
18 Q 629 Now, there's no question of density or anything at this stage but the  
19 Ballycullen Farms Limited is reducing the amount of residential zoning it's  
14:43:17 20 looking for on its lands?  
21 A Correct.  
22 Q 630 And attached to that is a draft document setting out the reasons why the  
23 councillors should support the development, isn't that right?  
24 A That's correct.  
14:43:28 25 Q 631 And that would be based on the documentation provided by Murray O'Laoire?  
26 A Yes.  
27 Q 632 And in addition, there are provided maps at 1090 please. And if we turn this  
28 map, this map is also attached to that letter and I think this map ultimately  
29 becomes the motion map.  
14:43:53 30 A That's correct.

- 14:43:53 1 Q 633 And at the side of that map, Mr. Dunlop, zoning of objective A1 is 60 acres?
- 2 A Yes.
- 3 Q 634 And that is in the centre of the lands through the words Ballycullen, isn't
- 4 that right?
- 14:44:09 5 A Yes, correct.
- 6 Q 635 And then the lands beneath that and to the immediate north of it, they are all
- 7 going to be zoned F, open space.
- 8 A Yes.
- 9 Q 636 But there's no suggestion that any portion of the lands are going to be rezoned
- 14:44:21 10 B, agriculture?
- 11 A No.
- 12 Q 637 Now, I think ultimately, Mr. Jones sent the final draft of that together with
- 13 that documentation to Ms. Cass?
- 14 A Yes, he did.
- 14:44:32 15 Q 638 Now if that is so and I think you can see the final draft of the letter at page
- 16 1767, that it would mean that Mr. Jones had met Ms. Cass?
- 17 A Correct.
- 18 Q 639 Right. Is that correct?
- 19 A That's correct.
- 14:44:48 20 Q 640 And she was one of the major objectors, isn't that right?
- 21 A Correct.
- 22 Q 641 To the proposed rezoning.
- 23 A Yes.
- 24 Q 642 But I think she subsequently took a more amenable view in relation to the
- 14:45:00 25 proposal?
- 26 A Correct.
- 27 Q 643 Is that right?
- 28 A Yes.
- 29 Q 644 Yes.
- 14:45:04 30 A I think that's the way I have outlined to you, that was her attitude. She was

- 14:45:08 1 approachable and would be amenable to discussing it. What the end result would  
2 be, you never knew but in this instance, there was a change.
- 3 Q 645 I think, subject to correction, that at the meeting on the 29th, that when the  
4 lands were dealt with, at the amending motion, yes, was seconded by councillor  
14:45:40 5 Cass, at 1902, the motion that we mentioned a movement ago with Councillor  
6 Hannon which is the amendment limiting the density, is seconded by Councillor  
7 Cass, so effectively what councillor Cass is saying here is that she's not  
8 objecting to the A1 residential but she is limiting the density that's put on  
9 the lands?
- 14:46:03 10 A Yes.
- 11 Q 646 So that the 60 acres which are passed are capped at 360 houses and you can't  
12 put any more than that?
- 13 A Temporarily.
- 14 Q 647 Be that as it may, but as far as this meeting is concerned, this is the  
14:46:13 15 position, that the councillors are voting to rezone it to residential but to  
16 cap it at 360 houses?
- 17 A Correct.
- 18 Q 648 And that amendment as seconded by Councillor Cass would represent a shift in  
19 Councillor Cass's position from the position she had adopted in May of 1991  
14:46:28 20 where she proposed the rezoning of the lands from industrial back to  
21 agriculture?
- 22 A A pretty dramatic change.
- 23 Q 649 Do you know any reason why Ms. Cass changed her view or changed her approach in  
24 relation to the lands?
- 14:46:42 25 A No, the only thing I could say is that you know she was met, proposals and  
26 options were listened to, obviously a compromise resulted. I am not quite  
27 certain at this stage whether Ms. Cass was still in Fine Gael or not. I know  
28 she left Fine Gael at some stage, I am not quite certain whether it was at some  
29 stage during the course of the Development Plan she left Fine Gael. She may  
14:47:09 30 not have been under the same strictures, we will say, but be that as it may be

- 14:47:19 1 the fact of the matter is that she, it was recommended that she be met, she was  
2 met, she was listened to, proposals were put and obviously a compromise was  
3 reached.
- 4 Q 650 Because the change that had taken place between the first correspondence with  
14:47:32 5 Ms. Cass and the second correspondence was that you had reduced the amount of  
6 residential land that you were seeking?
- 7 A Correct.
- 8 Q 651 There is no suggestion in case there's any ambiguity, Mr. Dunlop that you paid  
9 Ms. Cass in relation connection with these lands or any other lands?
- 14:47:48 10 A No. That's absolutely correct.
- 11 Q 652 And it was not your view, I think, that Ms. Cass, that her vote could be  
12 purchased?
- 13 A No, no.
- 14 Q 653 On the 1st September 1992 at 1737, your telephone records record telephone  
14:48:04 15 calls from Mr. John O'Halloran, Mr. Liam Lawlor at 10.50 and Colm McGrath at  
16 4.35, now Mr. McGrath rings just to let you know that he rang?
- 17 A Yes.
- 18 Q 654 Contact is being maintained and it would seem to be the same people who are  
19 keeping in contact with you, Mr. Dunlop?
- 14:48:20 20 A Correct.
- 21 Q 655 On the 2nd September the following page at 1739 in fact, you were contacted by  
22 Mr. Hand, Miss Marian McGennis at 11.40, Mr. Colm McGrath at 12.55 and at 4.30  
23 on the following page, by Mr. Liam Lawlor?
- 24 A Yes and at 11.50.
- 14:48:43 25 Q 656 By Mr. Sean Ardagh who was also a councillor at the time and on the 3rd  
26 September 1992 at 1741, Mr. Colm McGrath rings you, he rings you at 10 past 11  
27 and rings you again at 4.45 and you have a telephone call from Therese Ridge in  
28 connection with Mr. John O'Halloran and some difficulties a friend of Mr.  
29 O'Halloran has?
- 14:49:06 30 A Yes.

- 14:49:07 1 Q 657 And then at 1742, you have a telephone message on the 4th September, which is a  
2 Friday, Mr. Lawlor at 9.30 and 10.50 from Mr. Hand.  
3 A Yes.  
4 Q 658 Now Mr. Hand provides you with a list of meetings.  
14:49:21 5 A Correct.  
6 Q 659 And times of meetings.  
7 A Yes.  
8 Q 660 And these are described by whoever takes the note as development planning  
9 meetings?  
14:49:28 10 A Yes.  
11 Q 661 Are these the council meetings?  
12 A Correct, sorry they are the special meetings of the council to deal with the  
13 Development Plan.  
14 Q 662 But that's the only business they will be dealing with, the Development Plan?  
14:49:37 15 A They are extra to the ordinary scheduled monthly council meetings that take  
16 place.  
17 Q 663 So he gives the you the order of the meetings, the dates of the meetings and  
18 the times of the meetings?  
19 A Correct.  
14:49:48 20 Q 664 But you will still have to find out what maps are going to be dealt with at the  
21 meetings.  
22 A Correct.  
23 Q 665 But you have been provided with some of the information?  
24 A Yes.  
14:49:57 25 Q 666 And at 12 o'clock Kilbride, spelt with a K also, will call later." Is that Mr.  
26 Sean Gilbride?  
27 A Yes it is.  
28 Q 667 And he was also contacting you?  
29 A Correct.  
14:50:04 30 Q 668 Now, on the following Monday which is the 7th of September 1992 at 1745, you

- 14:50:09 1 contain two notes in your diary, one is to ring Sean Ardagh and the other to  
2 arrange to meet Ann Ormonde.
- 3 A Yes.
- 4 Q 669 Would these have been in relation to matters to do with Dublin County Council?
- 14:50:24 5 A Absolutely.
- 6 Q 670 And would they have been to do with Ballycullen or Beechill?
- 7 A Yes and perhaps and possibly other matters.
- 8 Q 671 And possibly other matters. You will note that on the Tuesday, you do have an  
9 appointment to meet Ann Ormonde?
- 14:50:40 10 A Yes, I do, yes.
- 11 Q 672 And if you go to the Wednesday, you have an appointment to meet Mr. Sean  
12 Ardagh?
- 13 A Correct.
- 14 Q 673 You also have an appointment to meet Mr. Gilbride which I will come to deal  
15 with in a minute?
- 14:50:51 16 A Yes.
- 17 Q 674 But the diary appears to record the fact that you made telephone contact in the  
18 first instance with Mr. Ardagh and Miss Ormond and followed it up with  
19 meetings?
- 14:51:01 20 A Yes.
- 21 Q 675 And can I just ask you without identifying the person, do you see the initial  
22 TR at one o'clock? On Monday, the 7th.
- 23 A On which day?
- 24 Q 676 Monday, the 7th.
- 14:51:13 25 A Yes.
- 26 Q 677 Is that person a councillor?
- 27 A No, that person is not and that person is deceased.
- 28 Q 678 You are talking about Mr. Tom Roche?
- 29 A Senior.
- 14:51:23 30 Q 679 Of National Toll Roads?

- 14:51:24 1 A Yes.
- 2 Q 680 But that the initial in the diary is not that of any other any person other  
3 than when that initial is used?
- 4 A No.
- 14:51:32 5 Q 681 I think on the 7th September, which is the date we are looking at in the diary,  
6 you also received a number of phone calls at 1746, you received a telephone  
7 call from Mr. Jones' secretary and you received three telephone calls from  
8 Mr. Ned Ryan between that page and the following page?
- 9 A Yes.
- 14:51:56 10 Q 682 Why would Mr. Ryan have been ringing you on three occasions s on the 7th  
11 September 1992?
- 12 A Probably because I put in a call into him and he is returning the call. Or it  
13 may well be as a result of some meeting or other that he has been at in the  
14 context of the other matter, if you recall he appeared in the diary for a  
15 meeting in the Aisling Hotel, it may well be in connection with that. But  
16 given the circumstances surrounding the dates and the timing, and the knowledge  
17 that we have now at this stage as to when the map, when the meetings are taking  
18 place, it is highly likely that I am now making calls to councillors to  
19 establish what their position is as best I can.
- 14:52:47 20 Q 683 For Ballycullen?
- 21 A Yes.
- 22 Q 684 And Beechill?
- 23 A And Beechill, yes.
- 24 Q 685 You also have a telephone call from Mr. Gilbride at 12.30.
- 14:52:57 25 A Yes.
- 26 Q 686 Would that call have been to arrange the meeting that's recorded in your diary  
27 for the following day?
- 28 A Yes. It could well be.
- 29 Q 687 What's happening here, you are in the first place making telephone contacts and  
14:53:08 30 then trying to follow it up with face to face contact?

- 14:53:10 1 A Correct.
- 2 Q 688 And the necessity for a lot of these meetings relates to people with whom you  
3 don't necessarily have a prior financial arrangement or understanding?
- 4 A Not necessarily, no. But it also, just to in case there's misunderstanding,  
14:53:24 5 sometimes these calls are made because people have been, we have missed one  
6 another or they haven't attended a meeting and I haven't met them or they have  
7 attended a meeting and they are gone and we have missed one another in the  
8 environs of Dublin County Council.
- 9 Q 689 But certainly it seems to be the position sorry, I should just say you also  
14:53:42 10 have a telephone entry in relation to a meeting with Mr. Jones but just let's  
11 stay for the moment with Mr. Gilbride, you do have a meeting recorded in your  
12 diary at 1745 for the following day, the 8th September, for both Sean Gilbride  
13 and Ann Ormonde?
- 14 A Correct.
- 14:54:00 15 Q 690 And you have a little X beside those. Does anything arise from that? From the  
16 X?
- 17 A No.
- 18 Q 691 Does it mean the meeting took place?
- 19 A No, I don't think it particularly does, no.
- 14:54:11 20 Q 692 Is it likely that at those meetings you would have discussed with Mr. Gilbride  
21 or Ms. Ormonde the Ballycullen and Beechill lands?
- 22 A Certainly no question that they discussed Ballycullen and Beechill with Ann  
23 Ormonde. And possibly a much larger development and certainly the same with  
24 Gilbride, Sean Gilbride.
- 14:54:38 25 Q 693 At this stage when you met Mr. Gilbride and you should note that you are also  
26 meeting the following day, the 9th, do you discuss money with Mr. Gilbride?
- 27 A Yes.
- 28 Q 694 At which of these meetings?
- 29 A Well, the beginning of this period, I cannot say which exactly but at the  
14:54:55 30 beginning of this period we are now into the Development Plan, we are into a

- 14:55:00 1 scenario where people are going to have to come up to the wire.
- 2 Q 695 And coming up to this with the Development Plan and with Ballycullen in
- 3 particular, can you outline to the Tribunal what the position was with
- 4 Mr. Gilbride, particularly what conversations did you have with him about money
- 14:55:16 5 in connection with Ballycullen?
- 6 A Well, yes in relation to Ballycullen, first of all I would ask, I ask identify
- 7 the fact I was involved, he would have been in receipt of any documentation
- 8 that would have been circulated to all the councillors in relation to
- 9 Ballycullen. I would have straightforwardly asked him for his support. He
- 14:55:38 10 would have indicated during the course of those meetings what that entailed.
- 11 Q 696 And did you agree a price with Mr. Gilbride?
- 12 A Yes.
- 13 Q 697 How much was that?
- 14 A One.
- 14:55:49 15 Q 698 1,000 pounds?
- 16 A Yes.
- 17 Q 699 Was that in connection with his support for Ballycullen and Beechill?
- 18 A Yes, I should say to you Ms. Dillon again, these things just keep coming up, if
- 19 I have said it before, please correct me. On one occasion and I cannot
- 14:56:05 20 specifically say that it was this occasion, but Sean Gilbride said to me you
- 21 will have to look after Jack.
- 22 Q 700 And that is by that, did you understand him to be referring to Mr. Jack Larkin?
- 23 A Correct.
- 24 Q 701 Did you have a separate conversation with Mr. Jack Larkin in connection with
- 14:56:23 25 Ballycullen?
- 26 A Yes I did.
- 27 Q 702 And did he also seek money in connection with his support with his --
- 28 A Yes, he did.
- 29 Q 703 And did you agree with price are Mr. Larkin?
- 14:56:35 30 A Yes.

- 14:56:35 1 Q 704 What price did you agree with him?
- 2 A One.
- 3 Q 705 You made these payments later, I will come to deal with the payments shortly.
- 4 When you were meeting these councillors in or around early September and you
- 14:56:45 5 were discussing the Development Plan, which councillors, how do you know which
- 6 councillors were going to be the ones who would look for money?
- 7 A Well, that's --
- 8 Q 706 I mean for example, if I can just suggest you don't suggest Ms. Ormonde ever
- 9 looked for money for her support?
- 14:57:05 10 A No, no, no.
- 11 Q 707 For her vote?
- 12 A Not her vote, we gave a political contribution but that's completely separate.
- 13 Q 708 Now Ms. Ormonde says that in connection with Ballycullen, she had no contact
- 14 with you at all about Ballycullen and that's a matter for Ms. Ormonde when she
- 14:57:20 15 comes. You don't suggest insofar as this piece of land is concerned that
- 16 Ms. Ormonde sought money in return for her vote?
- 17 A No.
- 18 Q 709 Did you ever suggest to people such as Ms. Ormonde that you would pay them for
- 19 their vote?
- 14:57:33 20 A No.
- 21 Q 710 Why not?
- 22 A These are matters that were raised by the politicians themselves.
- 23 Q 711 So you never offered money in an unsolicited, you never offered improper or
- 24 corrupt money unless it was solicited to you?
- 14:57:46 25 A Sought, in a variety of ways, in a variety of language, some very direct, like
- 26 Mr. Gilbride on another occasion, it would cost you or whatever.
- 27 Q 712 But you are not in any doubt that money was being sought in return for support?
- 28 A None whatsoever.
- 29 Q 713 Right. You did not initiate the process, is that what you are saying, you did
- 14:58:17 30 not go to Mr. Gilbride and say I will pay you for your support?

- 14:58:17 1 A No.
- 2 Q 714 But when Mr. Gilbride would look for support for in this case Ballycullen, you  
3 would agree a price with him?
- 4 A Correct.
- 14:58:20 5 Q 715 And you did not always if I understand your evidence in connection with Mr.  
6 Hand correctly, agree the first price that was asked?
- 7 A No. Not in Mr. Hand's case.
- 8 Q 716 No. Was it your normal case to negotiate with Mr. Hand?
- 9 A Yes.
- 14:58:30 10 Q 717 Now, I think that you also met Mr. Gilbride on the following day, the 9th.
- 11 A Yes.
- 12 Q 718 Is that correct?
- 13 A That's correct.
- 14 Q 719 You also met Mr. Sean Ardagh that day. Earlier at 11 o'clock?
- 14:58:46 15 A Yes, at 11. o'clock.
- 16 Q 720 Were those meetings in connection with Ballycullen?
- 17 A Again yes, because it's now the 9th September and matters have progressed very,  
18 very substantially. And there are other issues as well that we either need to  
19 talk about or to get his, an indication of whether he is going to support.
- 14:59:05 20 Q 721 So you are meeting all of these people to discuss the Development Plan  
21 including Ballycullen?
- 22 A Correct.
- 23 Q 722 Now. You arrange through your telephone attendances on the 8th September at  
24 1749, sorry you don't arrange, you have a telephone call from Mr. Gilbride on  
14:59:21 25 the 8th September and you meet him on the 9th September?
- 26 A Correct.
- 27 Q 723 You also have a telephone calls from Colm McGrath, Mr. Chris Jones and  
28 Miss Marian McGennis, Mr. Tom Hand and Mr. Gilbride?
- 29 A Correct.
- 14:59:33 30 Q 724 And would they have been contacts insofar as councillors are concerned that you

- 14:59:39 1 would have initiated?
- 2 A At this stage, I can't say what the proportion is between initiating and they  
3 generating. But I mean it's one or the other. They are either ringing to give  
4 an update as to positions, for example, Mr. Gilbride had a habit of ringing  
14:59:56 5 regularly to say that he had had discussions with X Y or Z in Fine Gael. And  
6 that there was a possibility that such and such a person would support.
- 7 Q 725 So he was --
- 8 A And I will talk to her or him again. And I will call you back. That type of  
9 conversation went on quite regularly.
- 15:00:17 10 Q 726 He would be giving you an indication where you might find support for  
11 developments elsewhere?
- 12 A Correct.
- 13 Q 727 On that same day, the 9th September, I think you received at 1750 and 1751  
14 three telephone calls from Mr. Colm McGrath?
- 15:00:31 15 A Correct.
- 16 Q 728 And Mr. McGrath seems to have been in very regular contact with you.
- 17 A Yes, at this stage, as we progress now, not, I wouldn't suggest daily but  
18 certainly very, very regularly.
- 19 Q 729 And Mr. Lawlor also rings you?
- 15:00:46 20 A Very regularly.
- 21 Q 730 And I think that on the 10th September 1992, you have a meeting with Mr. Don  
22 Lydon at 1748. You will see that at 10 o'clock, you have a meeting with  
23 Mr. Don Lydon?
- 24 A Yes.
- 15:01:09 25 Q 731 Now, do you know or remember what that meeting was about?
- 26 A Well, there's no question it's about the Development Plan. I think I have  
27 already said that I, it would be a rarity if I met Mr. Lydon about anything  
28 other than the Development Plan or matters relating to Dublin County Council  
29 during that period. And any entrance or telephone calls between the two of us  
15:01:34 30 relate specifically to that period, there's very rarely any other telephone

- 15:01:38 1 calls from Don Lydon or meetings with Don Lydon outside that period, except in  
2 the context of the general election, for example, or a Senate Election as the  
3 case may be.
- 4 And in Don Lydon's case, mostly in the context of a Senate election. So this  
15:01:52 5 meeting is a meeting to discuss the Development Plan and Ballycullen among  
6 other things but Ballycullen, i.e. suggest to you is the main issue.
- 7 Q 732 You have a meeting for the following day with Mr. Jones at Beechill.
- 8 A Yes.
- 9 Q 733 And in the week preceding that meeting you have met Mr. Sean Ardagh, Miss Ann  
15:02:15 10 Ormond, Mr. Sean Gilbride, twice, you have also met Mr. Don Lydon and you have  
11 had telephone contact it would appear with most of those people and you have  
12 also had telephone contact with other people that you didn't meet?
- 13 A Yes.
- 14 Q 734 Would you be reporting to Mr. Jones when you met him on the 11th?
- 15:02:33 15 A Yes, I now know or have a good birds eye view of the possibilities what's going  
16 to happen or what's not going to happen as the case may be, but this is  
17 counting heads exercise.
- 18 Q 735 Would you have indicated or reported to Mr. Jones or Mr. Hussey how much you  
19 had been asked to pay for support?
- 15:02:50 20 A No, absolutely not.
- 21 Q 736 Well why wouldn't you, if Mr. Jones knew how the ways of the world work as you  
22 suggest that he did, why would you not have discussed that with him, that by  
23 this stage Mr. Hand at least had asked you for 2,000 pounds or 5,000 pounds in  
24 support of his signature?
- 15:03:09 25 A Yes, never did.
- 26 Q 737 But I am asking you, Mr. Dunlop, in the context where you are suggesting to the  
27 Tribunal that you were satisfied that Mr. Jones and Mr. Hussey knew of the  
28 activities of Dublin County Council and agreed to you employing those, in those  
29 circumstances, what difficulty was there in you telling them well I am going to  
15:03:28 30 have to outlay X pounds or Mr. Hand is looking for five and I am going to be

- 15:03:33 1 able to get him down to two?
- 2 A I don't think there's any difficulty per se about it, it just wasn't part of
- 3 the culture, certainly as far as I was concerned and certainly in the context
- 4 of those two gentlemen, they never asked and I never gave information. Either
- 15:03:49 5 on request or voluntarily.
- 6 Q 738 You knew, Mr. Dunlop, that Mr. Hussey had met Mr. Hand?
- 7 A Yes, I did.
- 8 Q 739 You had set up the meeting?
- 9 A Yes.
- 15:03:59 10 Q 740 And Mr. Jones had also been involved with Mr. Hand, isn't that right?
- 11 A Yes.
- 12 Q 741 Now, you have, by this stage, before this meeting takes place with Mr. Jones,
- 13 been asked for 5,000 pounds, it's likely by Mr. Hand?
- 14 A Yes.
- 15:04:12 15 Q 742 And you are satisfied in your own mind that both Mr. Jones and Mr. Hussey are
- 16 aware of the activities of certain councillors and that they know you are
- 17 involved in it and they don't object to you using that system to get the
- 18 rezoning, isn't that your position?
- 19 A Correct. Well they have never said to me don't do that.
- 15:04:31 20 Q 743 No but the point is you never said to them, Mr. Dunlop, look, I am after being
- 21 asked for 5,000 from Mr. Hand and I am the not prepared to pay that but I'm
- 22 going to pay two?
- 23 A Correct.
- 24 Q 744 If as you say they were of the view that you say they were, that they knew
- 15:04:49 25 about this system, what barrier was there to you having a full and frank
- 26 discussion with Mr. Jones and Mr. Hussey about the monies you were paying.
- 27 A Well, again, you mentioned the word difficulty in a previous question, there
- 28 was no barrier per se, nobody -- I didn't say, they didn't say we are not going
- 29 to talk about X Y or Z, I just didn't raise it, I did not tell them and they
- 15:05:16 30 did not ask, this was a fact of the matter.

- 15:05:18 1 Q 745 Wouldn't it have been reasonable, Mr. Dunlop, to assume if you were all singing  
2 off the one hymn sheet or a hymn sheet of corruption as it were, there was no  
3 barrier to you having the fullest and frankest discussion with Mr. Jones and  
4 Mr. Hussey because you were all involved in the same business.
- 15:05:33 5 A Yes, well that's eminently logical and practical but the reality is somewhat  
6 different and the fact is it did not happen. That's all I'm saying to you, I  
7 can't say any more to you than that.
- 8 Q 746 But isn't one of the reasons why it mightn't have happened is because Mr. Jones  
9 and Mr. Hussey as they assert, never held any such view or had any knowledge of  
10 any corruption in Dublin County Council?
- 11 A Well I couldn't, it's up to both of them to say what they are going to say. Of  
12 what they have already said. All I can say to you is what I have said to you  
13 and I have gone through this yesterday and again today and you have put it to  
14 me in very graphic terms and I have told you exactly. My belief arising out of  
15 the discussions I had with both men was that they were aware.
- 15:06:24 16 Q 747 And what I am suggesting to you, Mr. Dunlop, is no more, is that on the balance  
17 of probabilities if you had all been equally been involved in a joint corrupt  
18 exercise as you suggested to the Tribunal you were, there was no reason for you  
19 to withhold information about payments or improper contact with councillors  
20 from your employers, isn't that right?
- 21 A I have said to you that is eminently logical and other than the fact that in  
22 reality it did not happen.
- 23 Q 748 I think then on the 14th September at 1716, you also have contact from  
24 Mr. Jones on two occasions. At 1756 at 10 past nine and at five past 10 and  
15:07:17 25 also from Mr. O'Halloran, Mr. Lawlor, Mr. Gilbride. Now Mr. O'Halloran, you  
26 have also told the Tribunal, was a councillor to whom you paid a composite  
27 figure of 5,000 pounds in small amounts?
- 28 A Correct.
- 29 Q 749 During the Development Plan.
- 15:07:31 30 A Yes.

- 15:07:32 1 Q 750 And that you don't recollect the precise amount you paid him in connection with  
2 Ballycullen but you are satisfied you did pay him?
- 3 A Yes, notwithstanding the fact that at the actual meeting, he was not present at  
4 the actual meeting.
- 15:07:50 5 Q 751 Yes. And that evening on the same day at 5.05 at 1757, Mr. O'Halloran rings  
6 and leaves a message that you were to ring the council offices and they have  
7 let for something to eat now. Do you see that?
- 8 A Yes.
- 9 Q 752 So what Mr. O'Halloran is telling you here is that the council are out, they  
10 have risen, that they have gone for something to eat and presumably they will  
11 sit on later on that evening?
- 12 A Yes and this would be, it's either a regular county council meeting, depending  
13 on the date.
- 14 Q 753 The 14th September?
- 15:08:20 15 A The 14th. It's either a regular council meeting, what day is it?
- 16 Q 754 It is the 14th is a Monday?
- 17 A Its either a regular council meeting or it is a meeting for the development  
18 plan. Normally ordinary council meetings would not go unless there was  
19 something extraordinary, would not go very late. The Development Plan meetings  
20 tended to go on for hours and hours.
- 15:08:47 21 Q 755 And I think on the following day, the 15th September 1992 at 1758, Mr. Lawlor  
22 rings but Mr. O'Halloran also rings at 3.20?
- 23 A Yes.
- 24 Q 756 And I think you meet with Mr. O'Halloran on the 16th September 1992 at 1755?
- 15:09:05 25 A Yes. At five o'clock.
- 26 Q 757 Yes at five o'clock and would that meeting have been in connection with  
27 Ballycullen?
- 28 A And other matters but definitely in relation to the Development Plan.
- 29 Q 758 And I wonder, Mr. Kavanagh, could I ask you to provide Mr. Dunlop with the  
15:09:25 30 original of his diary for September 1992. I want to draw to your attention on

- 15:09:34 1 the 17th September, 1992, you have a meeting with Mr. Jones at Beechill?
- 2 A Yes, 11 o'clock.
- 3 Q 759 But you meet Mr. O'Halloran in advance of that, on the previous evening, on the
- 4 16th?
- 15:09:48 5 A Yes.
- 6 Q 760 And again, is it likely that one of the matters you discussed with Mr.
- 7 O'Halloran was Ballycullen?
- 8 A Yes, it is.
- 9 Q 761 Would you have discussed other matters with him?
- 15:10:03 10 A Highly likely.
- 11 Q 762 Yes, because you have previously told the Tribunal that when this meeting came
- 12 up for discussion, that that meeting with Mr. O'Halloran on the 16th September
- 13 had nothing to do with Paisley Park, the matter that was then being discussed
- 14 by the Tribunal.
- 15:10:18 15 A Correct.
- 16 Q 763 You did say in your evidence at that stage that it was, it related to a
- 17 development that Mr. O'Halloran had an acute interest in, that was your
- 18 evidence?
- 19 A Yes.
- 15:10:32 20 Q 764 You said on day 369 at one of the, I can't see the exact question 70, you said
- 21 that you believed that meeting related to a development that Mr. O'Halloran had
- 22 an acute interest in?
- 23 A Yes.
- 24 Q 765 Was that development Ballycullen?
- 15:10:53 25 A Yes.
- 26 Q 766 Right. And when you gave that evidence on day 369 to the Tribunal, that that
- 27 meeting had nothing to do with Paisley Park but had to do with a different
- 28 development?
- 29 A Correct.
- 15:11:03 30 Q 767 The development that you had in mind was Ballycullen?

- 15:11:06 1 A Yes. And just for completeness, yes, without anybody suggesting otherwise,  
2 that does not mean that there was not other discussions in relation to other  
3 developments with Mr. O'Halloran at that particular point. Following the line  
4 that I have already said. That any meetings with councillors did not  
15:11:22 5 necessarily solely follow on an individual issue.
- 6 Q 768 And what did you mean when you said Mr. O' Callaghan had an acute interest in  
7 Ballycullen?
- 8 A Because he was interested in it because of the fact that there was an agreement  
9 between us.
- 15:11:37 10 Q 769 The agreement which is an agreement for an amount of money that's probably less  
11 than 500 pounds?
- 12 A Correct.
- 13 Q 770 To be paid to him in connection with his support and are you telling the  
14 Tribunal that on any occasion on which Mr. O'Halloran was paid in connection  
15:11:50 15 with the development, he had an acute interest in that development?
- 16 A Yes.
- 17 Q 771 Do you have the original of that diary in front of you?
- 18 A I have, yes.
- 19 Q 772 Can you explain to the Tribunal what is obliterated?
- 15:12:02 20 A I thought you would ask me that already. I haven't a clue. I just don't know.  
21 It's obviously something that was either completely irrelevant or I was using  
22 the diary for another purpose or doodling, I don't know, I can't tell you.
- 23 Q 773 It doesn't look, Mr. Dunlop, like doodling.
- 24 A No, well it depends on what's underneath it.
- 15:12:28 25 Q 774 It would look like more like very deliberate attempt to obliterate what's  
26 beneath it?
- 27 A It could well be, yes.
- 28 Q 775 And do you have any recollection what would have happened on the 18th  
29 September, around that time, that you might have had reason to obliterate?
- 15:12:45 30 A No, 18th September 1992, no.

- 15:12:48 1 Q 776 Now, I think you were paid a further sum of 2,500 pounds on the 16th September  
2 1992 and we have already dealt with that, Mr.-- sorry.
- 3 A Can that not be read through the back, no. Is there not a -- sorry, that's the  
4 following. That's the 22. I am looking at an entry on the 22nd which I  
15:13:16 5 thought was on the 18th.
- 6 Q 777 No but that is the entry on the 22nd is effected by what you have done to the  
7 entry on the 18th.
- 8 A Ah. Yes.
- 9 Q 778 Isn't that right?
- 15:13:27 10 A I just don't know. I haven't a clue.
- 11 Q 779 But it's obviously something that, first of all, can I ask you are the person  
12 who did that?
- 13 A Well it's the same, to a large extent it's the same ink and I presume it is the  
14 same. Nobody else would have my diary, nobody else would be writing in my  
15:13:46 15 diary.
- 16 Q 780 So far as anything has been obliterated there, it's been obliterated by you?
- 17 A I would say so. Yes.
- 18 Q 781 And you cannot recollect why that would be?
- 19 A No, I have no idea.
- 15:13:55 20
- 21 CHAIRMAN: Mr. Dunlop, do you know when you obliterated the entry on the 18th?
- 22 A I have no idea, Chairman. The only thing I can say to you, it follows on, as  
23 you notice, there's two types of pen used there, one is obviously flowing ink  
24 and the other is a biro. This is on all of that page, it means except for  
15:14:25 25 one, it all looks like to be a fountain pen. I have no idea.
- 26 Q 782 MS. DILLON: I think, Mr. Dunlop, that on the 17th, you had a meeting with  
27 Mr. Jones at Beechill which is recorded there on the un-obliterated portion of  
28 your diary, is that right?
- 29 A Yes.
- 15:14:47 30 Q 783 Now, I think there is a record of that meeting which has been provided to the

- 15:14:50 1 Tribunal by Mr. Jones at 1762 and I just want to draw to your attention the  
2 people who are recorded on this note as being in attendance. Mr. Dunlop?
- 3 A Sorry, I am intrigued by it, I don't have an answer, sorry.
- 4 Q 784 No. If you look at the entry that's on screen, it's an attendance note made by  
15:15:28 5 somebody who was apparently at a meeting on the 17th September 1992 and we have  
6 already seen from your diary beside the obliterated passage that we have just  
7 been looking at, that on the 17th September, you have a meeting with Mr. Jones?
- 8 A That's correct, yes.
- 9 Q 785 Now recorded as being present at that meeting are Mr. Van Dike who is the  
15:15:43 10 architect.
- 11 A Yes.
- 12 Q 786 Mr. Chris Jones and Lawlor, isn't that the entry?
- 13 A Yes.
- 14 Q 787 Were you at that meeting and did Mr. Lawlor attend it?
- 15:15:53 15 A No, I don't recollect any meeting that I was at with Chris Jones attended by  
16 Mr. Lawlor.
- 17 Q 788 Would that mean then Mr. Jones had one meeting with you on the 17th and then a  
18 separate meeting involving those parties?
- 19 A That would appear to be the suggestion, it would appear to be the case, yes.
- 15:16:13 20 Q 789 But you were not at a meeting at which Mr. Lawlor attended?
- 21 A No, I have never been at a meeting, I can absolutely say to the best of my  
22 recollection, I have never been at a meeting with Chris Jones and the architect  
23 and Liam Lawlor.
- 24 Q 790 On the same day as that meeting takes place on the 17th, Mr. Lawlor faxes a  
15:16:33 25 certain advices in connection with Ballycullen to Mr. Jones at 1764 and these  
26 advices are not dissimilar to the advices you yourself have given but he refers  
27 to "Since my meeting and the conclusions reached with you, I have discussed  
28 with the matter with Frank as well follows."  
29 Now, the meeting with likely to have been the meeting of the 17th which  
15:16:56 30 Mr. Lawlor is recorded as being in attendance and you are not?

- 15:16:59 1 A Yes.
- 2 Q 791 But what he is saying at the time this fax is September and it's sent on the  
3 17th September 1992, that since the time of the meeting with Mr. Jones, he has  
4 had a discussion with you which must have been on the 17th, isn't that right,  
15:17:13 5 of September?
- 6 A Yes, yes.
- 7 Q 792 And you recollect any such discussion with Mr. Lawlor?
- 8 A Not specifically but I did say I do recollect Mr. Lawlor speaking to me on an  
9 ongoing base in relation to Ballycullen.
- 15:17:32 10 Q 793 But Mr. Lawlor never requested anything in relation to you?
- 11 A No, absolutely not.
- 12 Q 794 On the following day on the 18th of September at 1765 you have telephone calls  
13 from both Mr. Lawlor and Mr. Jones, Mr. Lawlor in the morning and Mr. Jones at  
14 12.10?
- 15:17:48 15 A Yes.
- 16 Q 795 Following which on the same day you fax to Mr. Jones certain information  
17 including the redraft of the letter to Miss Breda Cass at 1766?
- 18 A Yes.
- 19 Q 796 Now, there is very little difference essentially between the advice Mr. Lawlor  
15:18:00 20 gives about the maps and the motion and that which you give, would you accept  
21 that?
- 22 A Or that I had given already previous to that.
- 23 Q 797 Yes. And this letter is another draft of a letter to go to Councillor Cass  
24 together with the documents attached to it and this letter is ultimately sent  
15:18:16 25 by Mr. Jones. Isn't that right?
- 26 A Correct.
- 27 Q 798 Now, on Monday, the 21st September, 1992, at 1722, you have a meeting with  
28 Mr. Tony Fox at 7.30, sorry, 1772.
- 29 A Yes.
- 15:18:39 30 Q 799 You see that entry at 7.30 for Tony Fox, (house). Now, I think that it's the

- 15:18:52 1 case that Mr. Fox has told the Tribunal that that was a meeting which involved  
2 another person. And, Mr. Dunlop, do you recollect that meeting, and if so,  
3 what it was in connection with.
- 4 A Well yes, while I pause there, I had been as I said to you earlier, I think I  
15:19:17 5 have said before, I have been at Tony Fox's house on a number of occasion. On  
6 one occasion certainly, there was no doubt that I brought a third person with  
7 me. I cannot absolutely say that that is the occasion.
- 8 Q 800 Yes. But you would accept that you did have a meeting with Mr. Fox at 7.30 in  
9 his house?
- 15:19:38 10 A It wouldn't be in the diary otherwise.
- 11 Q 801 In the normal course of events would meetings with the councillors houses take  
12 place on a regular basis?
- 13 A Most unusual.
- 14 Q 802 You would normally meet them at Dublin County Council or?
- 15:19:49 15 A Sometimes they would come to my office or meet them in Dublin County Council or  
16 meet them for a meal in a pub or whatever.
- 17 Q 803 But you would rarely call to a councillor's house?
- 18 A Very rarely.
- 19 Q 804 And therefore can you remember on this occasion in September 1992 why you would  
15:20:06 20 have called to Mr. Fox's house?
- 21 A No, I cannot specifically recall and as I say, I have been in his house on a  
22 number of occasions, notwithstanding anything that he might say or has said.  
23 And yet on one specific occasion, I brought a third party. In relation to the  
24 Development Plan, I hasten to add. But I cannot say to you that that was the  
15:20:35 25 occasion.
- 26 Q 805 But insofar as you ever brought a person to Mr. Fox's house, you did it on one  
27 occasion?
- 28 A Only one.
- 29 Q 806 On any other occasion which you were recorded as attending at Mr. Fox's house,  
15:20:46 30 you were on your own?

- 15:20:47 1 A I was on my own or in the company of other people who were involved in  
2 something that is not a module in this Tribunal.
- 3 Q 807 On the 22nd September 1992 at 1775, you have two telephone calls from Mr. Jones  
4 and two from Mr. Lawlor?
- 15:21:04 5 A Yes.
- 6 Q 808 And on the following day at the 23rd September, at 1776, Mr. Colm McGrath  
7 rings, Councillor John Hannon rings and he tells you that he is at a number, he  
8 will be out between 12 and 2 but he is in from five o'clock and Liam will call  
9 you later and on the following page which is the same day in the afternoon, you  
10 have calls from Mr. Sean Gilbride who is in the council this afternoon to call  
11 him there and Mr. Jones calls twice.
- 12 A That hasn't come up, but --
- 13 Q 809 That's 1777?
- 14 A Yes.
- 15:21:38 15 Q 810 I think then on the 25th September 1992, you meet Mr. Seamus Brock in the Royal  
16 Dublin Hotel, 1772?
- 17 A Yes.
- 18 Q 811 Now, would you have met Mr. Brock in connection with the Ballycullen  
19 development?
- 15:21:51 20 A Yes.
- 21 Q 812 Was Mr. Brock a person, first of all was he a person on your pay roll as it  
22 were?
- 23 A No.
- 24 Q 813 When you were meeting Mr. Brock then, it is to discuss developments that are  
15:22:02 25 upcoming and in this instance to include Ballycullen?
- 26 A Correct.
- 27 Q 814 And did you meet with him in the Royal Dublin Hotel and discuss with him the  
28 Ballycullen development?
- 29 A Yes.
- 15:22:11 30 Q 815 And did you seek his support for it and was he supportive?

- 15:22:15 1 A Just for completeness, Senator Brock, Seamus Brock was, he wasn't a regular  
2 attender, he attended council meetings obviously but he wasn't a regular  
3 attender and kept a regularly low profile in the context of developments per  
4 se. But he was on the list to be contacted and to seek support.
- 15:22:43 5 Q 816 And again, I can immediately following his name, there's Miss Margaret Farrell  
6 who I think was also a councillor?
- 7 A Yes.
- 8 Q 817 And you contacted her also for lunch?
- 9 A Correct, for lunch.
- 15:22:57 10 Q 818 But there's no suggestion you paid her any money?
- 11 A No.
- 12 Q 819 On the 25th September 1992, 1778, at this stage, Mr. Dunlop, by the end of  
13 September, the necessity for a motion was growing, more and more important.
- 14 A Frantic.
- 15:23:06 15 Q 820 You had to get the motion or else nothing was going to happen?
- 16 A Yes.
- 17 Q 821 At this stage, the contact seems to increase dramatically, isn't that right?
- 18 A Correct.
- 19 Q 822 Because Mr. Gilbride rings at 11.40 to tell you he will be down the country  
15:23:20 20 until Sunday, to call him on Monday. Liam calls you around 2 o'clock. Oliver  
21 Brooks calls you at 2.25, followed by Mr. Jones, Seamus Brock rings you at 3.45  
22 and says he will ring you on Monday, that he is in a meeting which is probably  
23 to do with the meeting you had arranged with him. Tom Hand rings at 3.55,  
24 Therese Ridge rings at 4.15 and at 5 o'clock on the following page Mr. Chris  
15:23:46 25 Jones rings again?
- 26 A Right.
- 27 Q 823 So the contact is increasing all the time, both in terms of your diaries and  
28 your telephone attendances?
- 29 A Correct.
- 15:23:53 30 Q 824 Both with Mr. Jones and with the councillors?

- 15:23:55 1 A Correct.
- 2 Q 825 And I think on the following Monday, which was the 28th September, this is the  
3 day that the motions are signed?
- 4 A Yes. This is the day that the motions are dated.
- 15:24:06 5 Q 826 Very good. But up to this particular point in time, had you met with Mr. Hand  
6 or Mr. Lydon and got the motion signed before the 28th?
- 7 A The motions are dated the 28th, signatures on the motions were appended at  
8 sometime, including the 28th, coming up to the 28th.
- 9 Q 827 When you prepared the motions did you date them for the 28th?
- 15:24:31 10 A That is something that I cannot specifically, they are dated the 28th. It's  
11 based on the requirement to have the motion and the signed map in within a  
12 particular timeframe, prior to it coming up. I think we alluded to that  
13 earlier in a letter I wrote to Chris Jones, I think it was nine clear days.
- 14 Q 828 Nine clear days?
- 15:24:55 15 A So that have would have been obviously, while we couldn't absolutely say that  
16 the Ballycullen or the Beechill issue would come up, either on the 16th or the  
17 29th October, we knew that it was odds on favourite to come up within that  
18 timeframe so therefore if you clock back, you needed to have the motion done so  
19 the motion is signed, as we know, it's in evidence, the map is signed, we know  
15:25:22 20 it's in evidence, I have meetings with the signatories at various stages  
21 including on this date, the 28th with Tom Hand at Churchtown, actually that's a  
22 mistake, Chinatown I should have said. It is highly likely, probable, that the  
23 signatures have been appended at this period up and including that time.
- 24 Q 829 Are you saying the 28th was in your mind the last day by which the motion  
15:25:53 25 should be signed?
- 26 A Yes, one of the issues, like many issues Miss Dillon, in relation to all this,  
27 it intrigues me that in the documentation that you circulated in relation to  
28 the Development Plan, I don't see a received stamped date from the council or,  
29 if there is, it's indistinct in relation to when the motion was received.
- 15:26:20 30 Because the normal practice was when you submitted a motion for the Development

- 15:26:24 1 Plan, the person who submitted it got either a copy of the receipted --
- 2 Q 830 Motion.
- 3 A Or the person submitting it and I think I have given evidence previously to
- 4 this effect that the person submitting it, for completeness sake, would actually
- 15:26:47 5 date and time the thing himself and keep a copy of it.
- 6 Q 831 Because if the motion wasn't received within the appropriate timeframe, it
- 7 wouldn't be accepted, one needed proof of the date that it had been received?
- 8 A But that's important, but the point I am making in this context is the motion
- 9 is 28th, which immediately suggests that whenever the signatures were appended
- 10 up to, and including the 28th, that it was lodged on the 28th. If it was
- 11 lodged on the 28th, normally that would be recorded in the council offices in
- 12 the planning department in relation to the Development Plan on that date.
- 13 There would be a stamp on it.
- 14 Q 832 But even in the absence of a stamp, no issue was raised by the council that
- 15 these motions were out of time and they were dealt with by the council has
- 16 having been lodged within time? isn't that correct?
- 17 A Again, just from the point of view in relation to when the signatures were
- 18 appended and the date on the motion, I am just saying, while I cannot
- 19 absolutely tell you that the motions were signed on that day, dated the 28th
- 15:27:52 20 and submitted on that day, there's no question that they were lodged, obviously
- 21 they couldn't have been a motion before the council had they not been lodged.
- 22 Q 833 Yes but --
- 23 A But normally there is a receipt stamped.
- 24 Q 834 But isn't in this case?
- 15:28:05 25 A Not that I spotted when I was going through the documentation.
- 26 Q 835 But nothing seems to turn on that Mr. Dunlop, with respect because the council
- 27 did not raise any issue in relation to the date on which they had received the
- 28 motion?
- 29 A No but it would help, certainly from my point of view, it would help just from
- 15:28:21 30 satisfaction point of view that the date on the motion was the date it was

- 15:28:25 1 lodged.
- 2 Q 836 If we look at 1783 which is one of a number of the motions and I want to draw  
3 to your attention simply the location of the signature of Mr. Lydon.
- 4 A Yes.
- 15:28:36 5 Q 837 And on one-- this is a single signature of Mr. Lydon, there is no signature of  
6 Mr. Hand and it relates to the Ballycullen lands?
- 7 A Yes.
- 8 Q 838 At 1784, you have the same motion with another signature by Mr. Lydon, this  
9 time above the word signed. Do you see that?
- 15:28:55 10 A Yes.
- 11 Q 839 And on the third motion, which is at 1785?
- 12 A Yes.
- 13 Q 840 You will see that the location of Mr. Lydon's signature, which is above of that  
14 Mr. Hand is in a different place to the preceding two?
- 15:29:12 15 A Correct.
- 16 Q 841 That would suggest that Mr. Lydon signed three copies of the motion.
- 17 A Yes.
- 18 Q 842 Is that right?
- 19 A Yes.
- 15:29:17 20 Q 843 Why would that be necessary?
- 21 A I have no idea.
- 22 Q 844 But it's likely you would have requested him to do so, wouldn't you?
- 23 A Not that I requested him to sign three motions, no, I have no idea there, I do  
24 not know what the answer to that is.
- 15:29:42 25 Q 845 Were you the person who asked Mr. Lydon to sign the motions?
- 26 A Yes.
- 27 Q 846 You met Mr. Lydon and were you present when he signed the motion?
- 28 A Yes.
- 29 Q 847 I think Mr. Lydon and I am subject to correction on this, suggests that in fact  
15:29:58 30 he was approached by somebody else, that he had no dealings with you in

- 15:30:00 1 connection with these lands.
- 2 A Sorry, i was going to suggest that if that was the case, how did his signature  
3 get appended but I mean fine, no, no, I had dealings with Mr. Lydon in relation  
4 to the signature.
- 15:30:09 5 Q 848 You didn't give the motion to anybody else to give to Mr. Lydon to get his  
6 signature?
- 7 A No.
- 8 Q 849 And insofar as the Beechill motion is concerned, which is at 1788, Mr. Lydon  
9 has signed this and Mr. Hand has signed above his signature?
- 15:30:25 10 A Yes.
- 11 Q 850 And this is the Beechill motion and the other motion that we looked at together  
12 with the map was in relation to the Ballycullen motion, isn't is that right?
- 13 A That's correct, yes, sorry, two steps back from you there, just in the context  
14 of the signature on the first --
- 15:30:50 15 Q 851 Two copies.
- 16 A Yes. First of all, I have no explanation for that, I don't know what that  
17 means, how it arose, the only extraneous matter, in relation to the signature,  
18 is the comment that was made to me by Tom Hand,that he would prefer if Don  
19 Lydon signed it first, that's the only other matter relating to the signatures  
20 on the motion.
- 15:31:13 21 Q 852 The fact that you provided to the Tribunal the two copies of the motion which  
22 contain Mr. Lydon's signature,in different locations, suggesting that he signed  
23 three motions, would that not suggest to you, Mr. Dunlop, that you for some  
24 reason asked Mr. Lydon to sign three copies?
- 15:31:30 25 A It is certainly logical, if I have copies of them and his signature are on them  
26 at different places, yes, why, I have no idea.
- 27 Q 853 Is it because that you might have needed other people to sign the motion, other  
28 than Mr. Hand?
- 29 A That wouldn't logically follow because Mr. Hand was very agreeable to signing  
15:31:58 30 the motion as I have just outlined to you earlier on. I --

- 15:32:08 1 JUDGE FAHERTY: Ms. Dillon, is it possible to put up 1783, 1784 and 1785  
2 together.  
3
- 4 MS. DILLON: I don't know if it's possible to put up the three together, I can  
15:32:20 5 certainly put up two, 1782 and 1784 which are the two with only one signature.  
6 If you take as your line, the word "signed" on one, Mr. Lydon a's signature is  
7 beneath the word signed and on the other it's above the word signed. I wonder  
8 could I enquire is it possible to put up the third one, which is at 1785.
- 9 A Ms. Dillon, I am just intrigued by it, I don't have an answer to the question  
15:33:23 10 as to why, even on your suggestion, that I might have got him to sign -- I  
11 cannot imagine why I get him to sign three.
- 12 Q 854 I'm sorry, Mr. Dunlop, let's not talk about my suggestion, if you look at the  
13 two documents and you look at the location of Mr. Lydon's signature?
- 14 A He quite obviously signed it three times.
- 15:33:32 15 Q 855 In relation to that, you provided to the Tribunal the two documents that  
16 contain Mr. Lydon's signature alone.
- 17 A Yes.
- 18 Q 856 They are your documents you have given to Tribunal, so presumably you retained  
19 them?
- 15:33:42 20 A Yes.
- 21 Q 857 Now, the question is why would you have any necessity to ask Mr. Lydon to sign  
22 the motion more than once?
- 23 A More than once, I have no idea.
- 24 Q 858 Mr. Lydon will tell the Tribunal that he had no contact with either you or  
15:33:55 25 Mr. Lawlor in connection with Ballycullen?
- 26 A Well, I disagree.
- 27 Q 859 But you say that you obtained his signature on this motion an on the Beechill  
28 motion?
- 29 A Yes.
- 15:34:06 30 Q 860 Right. And that you did so and agreed to pay Mr. Lydon in connection with the

- 15:34:10 1 matter?
- 2 A Correct.
- 3 Q 861 Is that right?
- 4 A Correct.
- 15:34:13 5 Q 862 And you agreed to pay him a sum of 2,000 pounds, is that right?
- 6 A Correct.
- 7 Q 863 Can you recollect when it was, approximately or precisely, first of all where
- 8 you made the agreement and when and was it in advance of getting his signature?
- 9 A The normal, the normal I think I said already, the normal location which I met
- 15:34:31 10 Senator Lydon was at his place of work. Or on one, if not two occasions, I met
- 11 him in the context of the Development Plan in the environs of Dublin County
- 12 Council. And at his place of work, I would have obtained the signature.
- 13 Q 864 I see.
- 14 A And I would have paid him in his place of work.
- 15:34:58 15 Q 865 In Stillorgan?
- 16 A Yes.
- 17 Q 866 Right. On the 29th September 1992, at 1793, your telephone messages record
- 18 telephone calls at 15.15 from Miss Marian McGennis and at 10.45 from Mr. Liam
- 19 Lawlor and on the following page at 1794 which is the same date which is
- 15:35:17 20 Tuesday, 29th, from Mr. Michael Keating.
- 21 A Yes.
- 22 Q 867 And Mr. Christopher Jones, now Mr. Keating was also a councillor, isn't that
- 23 right?
- 24 A At that time, yes.
- 15:35:26 25 Q 868 And would you have been contacting him and Ms. McGennis in connection with this
- 26 Ballycullen proposal?
- 27 A Yes.
- 28 Q 869 And would you or is it likely you would have been the person who lodged the
- 29 motion with Dublin County Council on or another the 28th September?
- 15:35:41 30 A Correct.

- 15:35:41 1 Q 870 On the 30th September 1992, at 1795 which is a Wednesday, you received phone  
2 calls from the following people. At 9.45, Mr. Van Dike who is the engineer.  
3 A Yes.  
4 Q 871 At 9.45, Mr. Tom Hand?
- 15:35:58 5 A Yes.  
6 Q 872 At 11 o'clock, Liam. At 10 past 11, Mr. Chris Jones.  
7 A Yes.  
8 Q 873 At 11.50, Mr. John Hannon. On the same date, but on the following page, at  
9 12.30, Don Lydon.  
10 A Yes.  
11 Q 874 Now, you meet Mr. Don Lydon on the 2nd October your diary records, is it likely  
12 this meeting with Mr. Lydon which is at 1796 was to arrange the meeting on the  
13 2nd October?  
14 A That is highly probable.
- 15:36:29 15 Q 875 You also have a telephone call from Mr. Colm McGrath who was on for you, at  
16 2.20 "Tom Hand will call later." 3.05, Ned Ryan Dublin County Council  
17 possibly, left by 4.30 but please try. So Mr. Ryan is looking for you to get  
18 in touch with him, is that right?  
19 A Correct.
- 15:36:45 20 Q 876 Mr. Gilbride is in Dublin County Council until 5 o'clock, you know where he is.  
21 Mr. Colm McGrath, 3.20, in Dublin County Council until half five, so you know  
22 where he is. 3.35, Mr. Lawlor calls and he will talk to you later. 4 o'clock  
23 Mr. Jones calls and asks to ring. At 4.45, Mr. Gilbride rings and this is  
24 Mr. Gilbride's second call to you.  
15:37:09 25 A Yes.  
26 Q 877 And he rings at 4.45 and at 5 o'clock, Liam rings, which was Mr. Lawlor. And  
27 on the next page at 1797, Mr. Colm McGrath rings again at 5.05 and that's Mr.  
28 McGrath's third call to you. So from that it can be seen, Mr. Dunlop?  
29 A And the next call is a councillor as well.
- 15:37:28 30 Q 878 Sorry, Mr. Gus O'Connell called in, he seems to have called into the office, he

- 15:37:32 1 called in at 5.25 on the off chance, call him at home tonight.
- 2 A Correct.
- 3 Q 879 Now, it would seem from that certainly by the end of September 1992, there is a
- 4 very strong increase in the activity and the contact that's passing between
- 15:37:46 5 your office and certain county councillors, isn't that right?
- 6 A Yes.
- 7 Q 880 Now, Mr. Jones seems to be in almost continual contact with you and presumably
- 8 his interest is confined to Ballycullen and Beechill?
- 9 A Yes.
- 15:38:00 10 Q 881 But all of the other councillors who ring you, would they have been ringing you
- 11 in relation to matters to do with the Development Plan?
- 12 A Correct.
- 13 Q 882 And would you have spoken to all of these councillors about those matters
- 14 including Ballycullen?
- 15:38:12 15 A Yes.
- 16 Q 883 Now, I draw to your attention specifically that at 12.30, 1796, Mr. Don Lydon
- 17 rang and that you meet Mr. Lydon on the 2nd of October.
- 18 A 2nd October, yes.
- 19 Q 884 And you meet Mr. Lydon, at page 1780, on Friday, 2nd October.
- 15:38:32 20 A Yes.
- 21 Q 885 Now, all of these telephone contacts happen on the 30th September.
- 22 A Yes.
- 23 Q 886 And you have lodged the motion?
- 24 A Yes.
- 15:38:40 25 Q 887 So now you have got over the first hurdle.
- 26 A Correct.
- 27 Q 888 So now you have to get the troops in order as it were and your numbers correct,
- 28 isn't that right?
- 29 A Correct.
- 15:38:47 30 Q 889 And there is a significant increase going on now in contact.

- 15:38:51 1 A Yes.
- 2 Q 890 And one of the matters that would have led to that was the Ballycullen motion?
- 3 A Correct.
- 4 Q 891 Because you knew there wasn't going to be any problem with Beechill?
- 15:38:59 5 A Essentially, no.
- 6 Q 892 And you do record in your diary an entry for, you do record an entry in your  
7 diary for Mr. Lydon on the 2nd October 1992?
- 8 A Correct.
- 9 Q 893 And you will see the first entry there at 9.15 is Don Lydon followed by Tom  
15:39:21 10 Hand.
- 11 A Yes.
- 12 Q 894 And I think you have told the Tribunal in a statement that you believe it was  
13 at these meetings that you paid Mr. Lydon and Mr. Hand?
- 14 A Yes.
- 15:39:31 15 Q 895 Is that correct?
- 16 A Correct.
- 17 Q 896 Now, when you outlined first of all to the Tribunal the circumstances in which  
18 you came to make the arrangement with Mr. Lydon and what happened at the  
19 meeting?
- 15:39:41 20 A Well I told him I would call him. We arranged that I would go to his office.  
21 In this instance, I cannot specifically say that it was this particular  
22 instance, but in one instance he came from his office and met me in the lobby  
23 area of the hospital in which he worked. The meeting was, took literally  
24 seconds. I handed him an envelope and I said as we agreed and he said thank  
15:40:14 25 you very much, and he went back to his meeting.
- 26 Q 897 And you presumably in the envelope was the money that you had arranged to pay  
27 him which was 2,000 pounds?
- 28 A Correct.
- 29 Q 898 Where did you get that money?
- 15:40:25 30 A I had got it from the amount of money cash I had that available to me at the

- 15:40:29 1 time.
- 2 Q 899 And this would have been part of a confluence of funds?
- 3 A Yes.
- 4 Q 900 And I will be going through with you, Mr. Dunlop, on Tuesday, the funds
- 15:40:37 5 available to you to make these payments so we will come to deal with that
- 6 rather than now, you then meet Mr. Hand on the 2nd October immediately
- 7 following Mr. Lydon.
- 8 A Correct.
- 9 Q 901 Now you are in Stillorgan with Mr. Lydon?
- 15:40:50 10 A Yes.
- 11 Q 902 Where do you meet Mr. Hand?
- 12 A At that time of the morning in his home.
- 13 Q 903 Where was Mr. Hand living?
- 14 A Dundrum.
- 15:40:57 15 Q 904 You went from Stillorgan to Dundrum?
- 16 A Yes.
- 17 Q 905 And did you meet Mr. Hand?
- 18 A Yes I did.
- 19 Q 906 Did you pay him?
- 15:41:02 20 A Yes, I did.
- 21 Q 907 The sum of 2,000 which presumably you got from the same source?
- 22 A Yes.
- 23 Q 908 Now, at this stage other than Mr. Lydon or Mr. Hand, had you paid any of the
- 24 other councillors?
- 15:41:12 25 A To my knowledge, no. To my recollection I should say, no, and I have said that
- 26 I paid the others in or around the environs of Dublin County Council, either
- 27 before or immediately after the vote and --
- 28 Q 909 Sorry.
- 29 A Sorry, the reason I say that is that I cannot say for definite other than
- 15:41:35 30 locating the environs of Dublin County Council as to the location and secondly,

- 15:41:40 1 in relation to the absolute time.
- 2 Q 910 But I think that you had indicated to the Tribunal in your statement that you
- 3 would have paid them immediately before or immediately after the two votes?
- 4 A Correct.
- 15:41:51 5 Q 911 The first is Beechill which is the 16th October and the second of which was the
- 6 28th October 1992 being the Ballycullen vote?
- 7 A Yes.
- 8 Q 912 Would it be fair to say then, taking it at its outside parameters, that between
- 9 the 1st October and say the 15th November, you would have paid the other seven
- 15:42:08 10 councillors that you say you paid in connection with Ballycullen?
- 11 A Correct.
- 12 Q 913 So that all of those councillors you would have met them and you would have
- 13 paid them. Now, insofar as those councillors are concerned, which is
- 14 councillors Gilbride, Gallagher, McGrath, Fox, Larkin, Cosgrave and O'Halloran,
- 15:42:23 15 did you attend at their homes, any of them, to make the payment?
- 16 A Not at their homes, no.
- 17 Q 914 Where were --
- 18 A I have never been, if you list them, I will tell you whose homes I have been
- 19 in.
- 15:42:33 20 Q 915 I don't want to know that, Mr. Dunlop, I want to know in this instance with
- 21 these payments?
- 22 A No is the answer.
- 23 Q 916 Did you meet any of them at their place of work and if so, whom?
- 24 A No, other than Senator Lydon.
- 15:42:47 25 Q 917 We are not talking about Senator Lydon, we are talking about the other seven
- 26 councillors. Where did you pay them?
- 27 A In the environs of Dublin County Council, either in the Royal Dublin Hotel, the
- 28 Gresham or Conway's or in the lobby of the council.
- 29 Q 918 Mr. Dunlop, you are you saying you would have stood in the lobby of Dublin
- 15:43:06 30 County Council which according to evidence the Tribunal heard before was very

- 15:43:11 1 packed and crowded and produced an envelope stuffed with cash and handed it to  
2 a councillor?
- 3 A Depended on the sometime of day, while a meeting is going on or otherwise, the  
4 lobby of Dublin County Council wasn't always packed, the lobby of Dublin County  
15:43:25 5 Council was packed before meetings, when they were trying to, people were  
6 trying to nab councillors as they went into the meeting. The answer to your  
7 question is yes, and I have given evidence to that effect previously.
- 8 Q 919 And would you have paid these councillors, would you have handed an envelope to  
9 them quite openly?
- 15:43:41 10 A Yes.
- 11 Q 920 And the same in Conway's or any of the pubs or hotels around Dublin County  
12 Council?
- 13 A How would anybody else know what was going on, I be giving them a copy of a  
14 memorandum or schedule of a meeting or minutes of a meeting.
- 15:43:58 15 Q 921 But you would always give them an envelope?
- 16 A Sorry not always have given them an envelope, it varied according to the  
17 circumstances. There would have been occasions when I have given people, I  
18 already gave evidence --
- 19 Q 922 You gave evidence of paying money wrapped in a newspapers to Mr. Colm McGrath?
- 15:44:18 20 A Correct and I gave evidence of actually giving money to Tony Fox in the street.
- 21 Q 923 Yes.
- 22 A In O'Connell Street.
- 23 Q 924 And in the Dail bar?
- 24 A In the Dail bar wrapped in another publication, I can't remember the -- I think  
15:44:31 25 it was the Evening Herald.
- 26 Q 925 But in so far as these seven payments are concerned to these councillors, it's  
27 your position that you paid these councillors with money, placed in an envelope  
28 that you handed to the councillor in public locations?
- 29 A Yes.
- 15:44:42 30 Q 926 At or near Dublin County Council?

- 15:44:44 1 A Absolutely.
- 2 Q 927 Right. And that that was your normal or habitual practice?
- 3 A In the circumstances where it was required and agreed.
- 4 Q 928 And none of these councillors sought to conduct this activity in a more private
- 15:44:57 5 location?
- 6 A No.
- 7 Q 929 And none of them sought that you would go away somewhere where there would just
- 8 be the two of you and have your conversation and do your business?
- 9 A There was nothing furtive about it like that.
- 15:45:07 10 Q 930 Notwithstanding that you were both in full knowledge engaged in an act of
- 11 corruption?
- 12 A Yes.
- 13 Q 931 That it was the habit of these councillors to conduct this act of corruption in
- 14 effectively the full glare or full light of day?
- 15:45:21 15 A On their request, I provided it as arranged.
- 16 Q 932 And I think on the 1st October 1992 at page 1806, you again received a number
- 17 of phone calls and from Councillor, sorry Mr. Brooks, Mr. Lawlor, Mr. Tom Hand
- 18 at quarter past 3 and on the following page, Mr. Gilbride and Mr. Jones.
- 19 A Yes.
- 15:45:47 20 Q 933 Now.
- 21 A Sorry what date was that meeting again? That list?
- 22 Q 934 That's all the one date which is the 1st October and the 1st October is the
- 23 date in which you have a record in your diary for Seamus Brock at the Royal
- 24 Dublin at 1780. You also have an entry for that. Now I think -- sorry I
- 15:46:08 25 should take you back to the 1st October really. For your diary entries at
- 26 1780. On that date, you meet the following councillors, you meet Mr. Tom
- 27 Morrissey, is that right?
- 28 A Yes.
- 29 Q 935 You meet Mr. Eamonn Gilmore.
- 15:46:24 30 A Mmm.

- 15:46:27 1 Q 936 You meet Mr. Trevor Matthews with a question mark you may not have met him,  
2 Mr. Seamus Brock at the Royal Dublin and Miss Therese Ridge at the Gresham?  
3 A Yes.  
4 Q 937 Now, on the following day, you meet Mr. Lydon and Mr. Hand.  
15:46:39 5 A Yes.  
6 Q 938 And you also had a meeting arranged with Mr. Keating which was struck out or  
7 cancelled?  
8 A Yes.  
9 Q 939 I think we saw a telephone entry in relation to cancelling that meeting.  
15:46:57 10 A Yes.  
11 Q 940 And I think you reschedule that meeting, is that right, with Mr. Keating.  
12 A Yes, I think I did, yes.  
13 Q 941 And in fact I think on the 2nd October at 1814, Michael Keating's secretary  
14 rang to rearrange the meeting at 10.20.  
15:47:07 15 A Correct. Yes.  
16 Q 942 And Mr. Hand rings you on the 2nd October at 10 minutes past 11 having met you  
17 at 9.15?  
18 A Yes.  
19 Q 943 You pay Mr. Hand at 9.15 and at 10 minutes past 11 he rings you?  
15:47:22 20 A Yes.  
21 Q 944 And he says "Can get him at the information desk, need to get the stuff in to  
22 him there, not at home."  
23 A Yes, I don't know what that refers to, some information he is providing with, I  
24 don't know what that is.  
15:47:35 25 Q 945 Obviously you were to give something to Mr. Hand?  
26 A Yes.  
27 Q 946 Now, according to your evidence you met him that morning and you gave him 2,000  
28 pounds?  
29 A Correct.  
15:47:46 30

- 15:47:46 1 JUDGE FAHERTY: Ms. Dillon, sorry you mentioned 9.15 in the context of  
2 Mr. Hand, I understand Mr. Dunlop's confirmation was that 9.15 related to...  
3  
4 MS. DILLON: To Mr. Lydon, that's correct. 9.45 is Mr. Hand. Sorry you meet  
15:47:58 5 Mr. Hand at 9.45 and you pay him 2,000 pounds.  
6 A Yes.  
7 Q 947 At 11.10, Mr. Hand is in Dublin County Council ringing you and asking you to  
8 get the stuff into him?  
9 A Yes.  
15:48:09 10 Q 948 Now, what stuff could Mr. Hand have been seeking from you?  
11 A I don't know what the, what he meant when he rang to say get the stuff into  
12 him, some information that he is looking for, some documentation he is looking  
13 for but I can get him at the information desk but I don't have an answer to  
14 that, I don't know what he means by get the stuff into him.  
15:48:34 15 Q 949 What was the thing Mr. Hand wanted from you?  
16 A Money.  
17 Q 950 Isn't it more likely then that what Mr. Hand is looking for here, that this is  
18 a euphemism for if as you say you are paying him he is telling you he's at the  
19 desk of the council and to get it down to him.  
15:48:50 20 A I don't think so. He didn't operate that way, he wouldn't be as silly as that.  
21 Q 951 Well he rings again at 11.40?  
22 A Yes, he is obviously looking for something and he is in, he has got into Dublin  
23 County Council and it's something to do with a meeting or whatever, but the  
24 suggestion that he might be ringing my office to say to my secretary to, in  
15:49:11 25 cold language to get the stuff into him and that that refers to money, I think  
26 it's just --  
27 Q 952 No, but you see Mr. Dunlop your secretary would not have known?  
28 A I know.  
29 Q 953 What Mr. Hand was referring but if you had an arrangement to pay him 2,000  
15:49:22 30 pounds would know exactly what he was referring to?

- 15:49:25 1 A I can absolutely assure you that is not the case.
- 2 Q 954 And he rings again at 11.40 and rings again on the same day on the following  
3 page at 2.25.
- 4 A Yes.
- 15:49:35 5 Q 955 1815. And that would suggest that whatever "Stuff" Mr. Hand had been looking  
6 for at 10 past 11, you hadn't managed to get it to him by 2.25?
- 7 A Yes. That's quite logical.
- 8 Q 956 Why else would he have been looking for you, Mr. Dunlop?
- 9 A That, I can't answer you but I can absolutely guarantee you he is not looking  
15:50:01 10 for money via telephone call to my office.
- 11 Q 957 And did he ever look for money via a telephone call?
- 12 A No, all of these matters were dealt with face to face.
- 13 Q 958 I see. I think the next matter that happened of significance in relation to  
14 the Ballycullen lands is that Mary Muldoon lodged a motion on the 2nd October  
15:50:20 15 to, seeking to rezone the Ballycullen lands, isn't that right?
- 16 A Correct.
- 17 Q 959 She put in a counter motion?
- 18 A Yes.
- 19 Q 960 At 1812. Now, up to that point in time, Mr. Dunlop, the only motion that had  
15:50:33 20 gone in was the Lydon/Hand motion to have the lands rezoned now Ms. Muldoon put  
21 in a motion to effectively counter your motion and there are going to have to  
22 be a vote on both motions, isn't that right?
- 23 A Yes.
- 24 Q 961 So now the battle lines are drawn as it were?
- 15:50:51 25 A Yes.
- 26 Q 962 So you, what steps did you take when you became aware of that motion?
- 27 A Of councillor Muldoon's motion?
- 28 Q 963 Yes.
- 29 A Not unexpected, might I add, at the time, that a counter motion would go in  
15:51:09 30 because that was normal practice. And the obverse applied, if somebody put in

15:51:15 1 a negative motion, somebody might put in a positive one. This is quite normal  
2 and as you can see it's handwritten an obviously done in the environs of Dublin  
3 County Council because you put up some motions yesterday signed in the names of  
4 other councillors where there were gaps, and they just filled in the name of  
15:51:30 5 the development and the map number. So these were readily prepared motion  
6 applications. This one is just handwritten. What steps would I have taken, we  
7 would recognised the fact that it was in, we would have gone about our lobbying  
8 with the councillors, you know, to make sure that, you know this wasn't going  
9 to divert anybody.

15:51:57 10 Q 964 And on the following day, I think after this motion is lodged, you meet  
11 Mr. Hand again on the 6th October, 2816?

12 A Yes.

13 Q 965 Is it likely that by that stage you were aware of the existence of this motion?

14 A It might well be, it's possible. And it's possible that I became aware of it  
15:52:17 15 via another councillor. I certainly wouldn't have become aware of it via an  
16 official or via the planning office so it is possible that I was made aware of  
17 it either by Tom Hand or another councillor.

18 Q 966 On the 5th October, the same date that the motion is lodged, you received,  
19 1817, Mr. Don Lydon rings you and Mr. Tom Hand ring you?

15:52:39 20 A Yes.

21 Q 967 Is it likely that they would have had notice of the motion at quickly as that?  
22 It's dated the 5th.

23 A And the motion was the 2nd.

24 Q 968 The motion was the 2nd?

15:52:50 25 A Yes, it is quite possible that certainly without any, making any negative  
26 comment, it's certainly possible that Tom Hand became aware of it very fast  
27 because he spent quite a considerable amount of time in the council offices.  
28 From Don Lydon's point of view, Don Lydon probably would not become aware of it  
29 except by circulation, which would be the norm by the officials of the council  
15:53:15 30 prior to meetings that a contrary motion had been put in.

- 15:53:18 1 Q 969 On the 6th October 1992 at page 1818, you have telephone calls from councillor  
2 Hannon, Councillor McGrath, Councillor Liam Creavan, Tom, who presumably is Tom  
3 Hand, is that right?  
4 A Yes.
- 15:53:33 5 Q 970 Chris Jones rings, Michael Keating's office rings and they confirm a meeting in  
6 Wynne's Hotel which is a meeting I think, between Mr. Jones and Mr. Keating,  
7 sorry a meeting between yourself and Mr. Keating in Wynne's Hotel?  
8 A Yes. And it may well be, and I cannot absolutely say this to you now but it  
9 may well be that that meeting actually was about something else. I am not a  
10 hundred percent certain.
- 15:53:57 11 Q 971 But what is clear from the telephone attendance is that five councillors ring  
12 you?  
13 A Yes.
- 14 Q 972 At that time?  
15 A Yes.
- 15:54:05 16 Q 973 And they are all either seeking to speak with you about some matter or want you  
17 to contact them?  
18 A Correct.
- 19 Q 974 I think on the 7th October, at 1820, you have a telephone call from Mr. Lydon  
15:54:21 20 at 9.55?  
21 A Yes.
- 22 Q 975 And he provides an address?  
23 A Yes.
- 24 Q 976 Is that right?  
15:54:25 25 A Yes.
- 26 Q 977 Now, your diary recalls that on the evening of the 7th October, you have a note  
27 call to Don L?  
28 A Correct.
- 29 Q 978 At 1819.  
15:54:35 30 A Yes.

- 15:54:36 1 Q 979 What was that in connection with?
- 2 A Well, first of all let me say to you I have never been to Don Lydon's house so
- 3 absolutely other than you putting up the address there, I wouldn't have been
- 4 able to tell you where he actually lived. The only thing that I can say to you
- 15:54:53 5 is that he was either couriating something to him, some documentation or him or
- 6 whatever but I certainly did not call to his house and whether the call refers
- 7 to a physical attendance of, a telephone call in relation to the entry in the
- 8 diary, I just can't say but I was never in Don Lydon's house.
- 9 Q 980 If you look at the entry of the 7th October, I don't know that anything turns
- 15:55:18 10 on this at 1820, Mr. Lydon rings you and he gives you directions because he
- 11 tells you to turn left?
- 12 A Yes, that's the reason I'm saying it is conceivable that I am actually in the
- 13 context of what's happening, sending him something by courier, either notes or
- 14 speaking notes or documentation in relation to, possibly Ballycullen or about
- 15:55:42 15 something else.
- 16 Q 981 Is it your position in relation to all these contacts now by early October 1992
- 17 that all of this increase in the number of contacts and the meetings that are
- 18 recorded in your diary and telephone records that are kept were all
- 19 attributable to the Development Plan?
- 15:55:57 20 A Oh absolutely.
- 21 Q 982 And you will of these contacts with the councillors, you would have discussed
- 22 with them and promoted Ballycullen?
- 23 A Yes.
- 24 Q 983 And for the nine councillors you have identified, you have met them, you would
- 15:56:09 25 have arranged to pay them and that you did in fact pay them in connection with
- 26 the rezoning of these lands?
- 27 A Correct.
- 28 Q 984 Right. And you did that, Mr. Dunlop, in an open fashion in or around the
- 29 environs of Dublin County Council in effectively in broad daylight?
- 15:56:25 30 A Yes.

15:56:25 1 Q 985 And you never ever discussed with Mr. Jones or Mr. Hussey any payment that you  
2 had made?  
3 A No.  
4 Q 986 Notwithstanding that you believed that they were complicit in what you were  
15:56:35 5 doing?  
6 A Correct.  
7 Q 987 And that's your position?  
8 A That is my position.  
9  
10 CHAIRMAN: All right, we will adjourn now until Tuesday at 10.30. Ms. Dillon,  
11 you are likely to --  
12  
13 MS. DILLON: Finish on Tuesday.  
14  
15 CHAIRMAN: Possibly during the day?  
16  
17 MS. DILLON: Yes.  
18  
19 CHAIRMAN: Those other parties who may wish to cross-examine might agree if  
15:56:54 20 they can on Tuesday amongst themselves, the order in which they will  
21 cross-examine Mr. Dunlop and we will try and keep that order for the duration  
22 of the module.  
23  
24 CHAIRMAN: All right. 10.30 Tuesday.  
15:57:09 25  
26 CHAIRMAN: Chairman.  
27  
28 MR. O'DULACHAIN: Chairman, just in relation to applying for limited  
29 representation for the Hand family, Mr. Matthews is here as instructing  
15:57:17 30 solicitor and counsel.

15:57:19 1

2 CHAIRMAN: All right. We will -- yes. Very good, we will make that order.

3

4 MR. O'DULACHAIN: Thank you.

15:57:26 5

6 CHAIRMAN: Tuesday. All right

7

8 THE TRIBUNAL THEN ADJOURNED UNTIL TUESDAY,

9 14TH FEBRUARY 2006 AT 10.30 A.M.

15:57:48 10

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