

10:40:10 1 **THE TRIBUNAL COMMENCED AS FOLLOWS ON TUESDAY,**

2 **21ST MARCH 2006 AT 11.30 AM:**

3

4 MR. QUINN: Morning sir.

11:36:27 5

6 CHAIRMAN: Morning.

7

8 MR. QUINN: Mr. Collins please.

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11:36:31 10 MR REYNOLDS: I appear for Mr. Collins instructed by Liam Horan, I seek limited
11 representation for Mr. Collins.

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13 CHAIRMAN: Certainly granted.

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11:36:44 15 MR. REYNOLDS: I'm obliged.

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11:36:49 1 **TIM COLLINS HAVING BEEN SWORN, WAS EXAMINED**

2 **AS FOLLOWS BY MR. QUINN:**

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4 CHAIRMAN: Morning Mr. Collins?

11:37:00 5 A. Good morning.

6 Q. 1 Mr. Collins you supplied the Tribunal with a statement on the 28 May 2003 in
7 relation to this matter I propose to read that statement to you?

8 A. Certainly okay.

9 Q. 2 And then ask you one or two questions?

11:37:11 10 A. Certainly.

11 Q. 3 Your statement is to be found on pages 199 and 200?

12 A. Yeah that's right.

13 Q. 4 You say.

14

11:37:18 15 "Robert White was personally known to me since the early 80s. We were
16 acquaintances on a social level.

17

18 He was managing director of Nosaka Limited and from henceforth in this
19 statement I shall refer to Robert White and Nosaka Limited as the one entity.

11:37:34 20

21 I was a direct of 25 per cent shareholder in the company Pilgrim Limited."

22 Can I just ask you who were the other shareholders of Pilgrim Limited?

23 A. The shareholders at the time were Tim Rowe, Denis Moore and a chap called Tony
24 Burnett at that stage.

11:37:47 25 Q. 5 That is in 19, late 1980s is it?

26 A. Yes and Mr. Burnett left the company, he was an English man and left the
27 country.

28 Q. 6 And was he replaced?

29 A. Des Richardson joined the company around that period, but took no active part
11:38:01 30 in the company, he had his own business.

11:38:03 1 Q. 7 I understand. Okay.
2
3 You go on to say "The company was an architectural practice located at 25
4 Merrion Square Dublin 2. My function within the company was marketing. My
11:38:13 5 period with the company ran from the mid 1980s until around 1992." can I just
6 ask you how was the company divided at that stage, was it divided into a
7 technical and a marketing division?
8 A. Well there were only three of us or four in the company, I was the marketing
9 head.
11:38:30 10 Q. 8 Yes.
11 A. My function was to try and get clients in and bearing in mind the time it was,
12 it was very difficult trying to get people in, to get business out of and get
13 on with it, you know.
14 Q. 9 How long had you been with the company?
11:38:43 15 A. 80 -- 88/89 I was there at the beginning.
16 Q. 10 Yes, when did the company come into existence?
17 A. Around 88 to the best of my knowledge.
18 Q. 11 Okay. Had you a background in engineering or architecture or marketing?
19 A. No, my background was in industrial flooring and I happened to meet Tim Rowe as
11:39:05 20 an architect on a job and we decided it might be a better way of trying to earn
21 a living than I was doing, you know?
22 Q. 12 Okay, so the two of you came together and then Mr. Moore joined you and the
23 gentleman you mentioned.
24 A. Yeah Tony, he was a flooring contractor as well.
11:39:21 25 Q. 13 Yes. How did you go about your marketing business, can I ask you?
26 A. God it just -- you try people that you knew, you may have heard that they
27 wanted something done and bring them along and try and see could you get a job
28 out of them simple as that.
29 Q. 14 Did you approach Mr. White?
11:39:37 30 A. Mr. White and I, we knew each other for a period of years, just socially in the

11:39:43 1 same place, having lunch and it just happened in conversation that, look we
2 have an architectural practice if you ever want something, something like that,
3 you know?

4 Q. 15 In relation to this project, did you approach Mr. White and introduce him to
11:39:57 5 the firm?

6 A. Oh I did.

7 Q. 16 Or did he approach you?

8 A. I honestly don't know who approached who, but I certainly said we'd like to
9 have, have a service that would be able to help him, you know.

11:40:08 10 Q. 17 This would have been one of the first companies I think to - sorry one of the
11 first clients of the company isn't that right?

12 A. That's very true, yes.

13 Q. 18 Would he have been the first client?

14 A. I would say he would have been possibly the second -- we did, we designed
11:40:25 15 something up in Clonskeagh which nothing ever came of, you know.

16 Q. 19 But other than that, one other design, Mr. White's involvement with the company
17 would have been that...

18 A. Oh that's his first.

19 Q. 20 His first involvement with the company but it was the company's first
11:40:39 20 involvement or second involvement with a client?

21 A. Oh his first with him yeah.

22 Q. 21 But from the company's point of view, Mr. White would have been one of your
23 first clients?

24 A. Oh no doubt about that, yeah.

11:40:56 25 Q. 22 Right. Did the company or did any people involved with the company get
26 involved themselves in any of the projects, that is to say did they ever get
27 involved in the ownership or have an interest in any of the properties in which
28 they had an interest?

29 A. No purely architectural and -- well architectural primarily, that's all.

11:41:13 30 Q. 23 Yes. Now you say "I introduced Robert White to Pilgrim in the late 1980s" I

- 11:41:18 1 think in an earlier statement, or in an affidavit, you referred, if I could
2 have 209 please, you referred to the period 1988, you see paragraph three of
3 that affidavit?
- 4 A. I do yeah.
- 11:41:30 5 Q. 24 You say "In or about 1988 I introduced Robert White to the practice?"
- 6 A. Possibly around that time, it was so long ago, you know.
- 7 Q. 25 The company I think was incorporated in, you said in 1988 also, isn't that
8 right?
- 9 A. I would imagine so, yeah. I think so, you know.
- 11:41:47 10 Q. 26 So if we can go back to your statement on 199 you say "He engaged Pilgrim
11 Limited to design a scheme on lands at Swords, County Dublin. Pilgrim
12 Limited's terms of engagement were purely architectural. Pilgrim Limited
13 designed the scheme and provided all architectural services for submission for
14 planning. All further dealings with the planning authorities and local
11:42:09 15 representatives were by the client directly, i.e. Robert White/Nosaka Limited."
16
17 Now just in relation to that, you had known Mr. White socially, you had
18 introduced him to the firm, the firm had just come into existence, it was --
19 you had introduced him in the context of your firm providing architectural
11:42:31 20 services to him.
- 21 A. That's right.
- 22 Q. 27 He had identified lands in respect of which he required those services isn't
23 that right?
- 24 A. Correct, that's correct.
- 11:42:37 25 Q. 28 The lands, are they the Duff Lands?
- 26 A. Known as the Duff Lands, yes.
- 27 Q. 29 Yes. If we could just put on screen a map provided to the Tribunal by your
28 colleague Mr. Rowe?
- 29 A. Mr. Tim Rowe.
- 11:42:51 30 Q. 30 Yes. If I could have 369 please? Now coming up on screen there is a map which

11:43:03 1 appears to set out the lands in question, isn't that right?

2 A. That's, that's right I think so that's about right yeah.

3 Q. 31 Now, just in relation to those lands, I think that the lands have running on

4 their right-hand side as we see it on the map, a lane or -- called Jugback Lane

11:43:21 5 isn't that right?

6 A. That's right yeah.

7 Q. 32 And the relevant lands are to the left of that isn't that right?

8 A. That's correct yeah.

9 Q. 33 But to the right of that there are other Duff Lands which appear to have been

11:43:30 10 acquired by Mr. White and possibly a partner Mr. Pratt, isn't that right?

11 A. I honestly don't know about that.

12 Q. 34 You don't know about that. And then beyond those lands there are further lands

13 acquired by Mr. White from Mr. Harry Baker, again Mr -- and then subsequently

14 sold to Motorola, do you know anything about those?

11:43:51 15 A. Well I, I -- Mr. White mentioned now I am sure at one stage to me, we had no

16 involvement in those.

17 Q. 35 You had no involvement. Did you know that Mr. White had acquired either of

18 those two sites?

19 A. I heard him speaking about Harry Bailey, I think there was a house on the lands

11:44:09 20 but we had nothing to do with those lands.

21 Q. 36 You had nothing to do with those lands?

22 A. No.

23 Q. 37 The impression I have got and we'll hear Mr. Rowe's evidence in a moment...

24 A. Yeah.

12:25:46 25 Q. 38 Was that when you introduced Mr. White to the firm initially, Mr -- he hadn't

26 acquired either of those two sets of lands.

27 A. But I honestly can't comment, I don't know. I honestly don't know.

28 Q. 39 What did Mr. White say to you in relation to that, did he tell you why he was

29 getting involved in those particular lands?

12:25:46 30 A. No, he said he had an idea that he could, he would like -- I honestly don't

12:25:46 1 know what he said at the time, except that he said he had, there was an
2 opportunity out here to try and get a planning on the lands and we put
3 ourselves forward to see could we help on it.

4 Q. 40 Yes. The lands I think were zoned agricultural isn't that right?

12:25:47 5 A. I don't know the agriculture -- amenity, I'm not quite sure.

6 Q. 41 I appreciate you didn't have a planning background but you would have known the
7 distinction between the different zonings achieved on lands?

8 A. It was farmland as far as I can gather, there was equestrian centre as well.

9 Q. 42 Yes. And he is now proposing to build on those lands isn't that right?

12:25:48 10 A. That's correct yes.

11 Q. 43 And your firm is being retained isn't that right?

12 A. Correct yes.

13 Q. 44 And what was the consideration payable to your firm in relation to this work?

14 A. I honestly don't know what the fee structure was at the time.

12:25:52 15 Q. 45 Is it that you can't recall --

16 A. I cannot recall.

17 Q. 46 The specific fee structure for these lands?

18 A. I honestly can't recall a specific fee structure on the lands.

19 Q. 47 This would have been your first client, isn't that right or one of your first
12:25:53 20 clients?

21 A. Correct yeah.

22 Q. 48 So the fees obviously were something that were tremendously important?

23 A. Certainly were.

24 Q. 49 And are you saying at this remove you can't remember what the structure was?

12:25:53 25 A. I can't remember what the structure were.

26 Q. 50 I think at a later stage you tell you you were never paid in relation to your
27 involvement with the lands?

28 A. Say it again please.

29 Q. 51 I think later on in your statement you say there are monies outstanding to the
12:25:54 30 company?

- 12:25:54 1 A. Well in the end of the day there were, yes.
- 2 Q. 52 Yes?
- 3 A. But we certainly got paid during the period, we got monies off Mr. White.
- 4 Q. 53 Okay, when you say there are monies outstanding there is a balance of monies?
- 12:25:54 5 A. Correct.
- 6 Q. 54 But you did get paid?
- 7 A. Oh certainly yeah we got paid during the period, yeah.
- 8 Q. 55 Now you go on at page 199 to say that I am aware that Robert White engaged
- 9 Frank Dunlop and what I understood to be a public relations role, however I
- 12:25:54 10 recall that Frank Dunlop had a conflict of interest and his interest services
- 11 were dispensed with by Robert White at an early stage. I only know this
- 12 anecdotally as I'd no direct dealings with Frank Dunlop. I may have had a
- 13 casual meeting with Frank Dunlop through a mutual client Robert White but I
- 14 cannot recall any specific meeting. As far as I was aware Pilgrim Limited did
- 12:25:55 15 not have any dealings with Frank Dunlop, as Robert White was dealing with this
- 16 aspect himself. The function of Pilgrim Limited was to prepare the planning
- 17 submission i.e. plans, drawings etcetera."
- 18
- 19 I understand from that now Mr. Collins that you are telling the Tribunal that
- 12:25:56 20 you had no contact with Mr. Dunlop in relation to this matter?
- 21 A. Well, I have a problem here.
- 22 Q. 56 Yes?
- 23 A. I may have rang Frank Dunlop, I may have gone in to Frank Dunlop and said look
- 24 Mr. White could be contacting you. Now to the best of my knowledge I don't
- 12:25:57 25 know how that happened, but if someone else tells me I have done that I
- 26 possibly did do that, but I cannot recall making the phone call, but I am
- 27 certain I did meet Robert White with Frank Dunlop.
- 28 Q. 57 Okay?
- 29 A. At some stage.
- 12:25:57 30 Q. 58 If we take 504 please, this is an entry in Mr. Dunlop's diary for 2.30 on the

12:25:58 1 9th May 1990, Mr. Dunlop says that he met with you on that date and you advised
2 him that you had recommended him to Mr. White and that Mr. White was with him.
3 A. Listen I go along with that its possibly --
4 Q. 59 You accept that?
12:25:58 5 A. I will of course yeah.
6 Q. 60 Accepting that to be the case Mr. Collins, can I ask you as of 1990 what was
7 your association with Mr. Dunlop?
8 A. I had no association with Mr. Dunlop at all.
9 Q. 61 I see.
12:25:58 10 A. I will tell you, how it came about that we felt that some stage the local
11 residents would need speaking to and we looked around to see who would be a PR
12 person and Frank Dunlop's name came up.
13 Q. 62 Well had you ever met Mr. Dunlop prior to May 1990?
14 A. I may have bumped into him around town.
12:25:59 15 Q. 63 Wasn't you say you bumped into him around town, did you know Mr. Dunlop?
16 A. I didn't know him personally no.
17 Q. 64 You didn't know him personally?
18 A. No.
19 Q. 65 How did you know him sufficiently well to approach him on the 9th May and tell
12:26:00 20 him that Mr. White would probably be contacting him?
21 A. I Could have met him around -- I honestly don't know how it came around that we
22 met, that we spoke, we were discussing -- look there will be local issues
23 needed to be looked at here and we hadn't got the skills to deal with local
24 residents and we looked around a PR company came to mind, Frank Dunlop seemed
12:26:01 25 to be at the time acting for people, you would read about him in the paper and
26 the news so I said look let's go and talk to Frank Dunlop.
27 Q. 66 Well why didn't Mr. White approach Mr. Dunlop, why was it necessary for you to
28 approach Mr. Dunlop in the first instance to effect the introduction for
29 Mr. White?
12:26:01 30 A. I may have volunteered that, more than likely I did.

- 12:26:01 1 Q. 67 But neither of you, from what you say, seem to have known Mr. Dunlop, certainly
2 you don't admit to knowing Mr. Dunlop any more than Mr. White at this time,
3 isn't that right?
- 4 A. That's right, yeah.
- 12:26:02 5 Q. 68 So how did you make the approach to Mr. Dunlop?
- 6 A. I would of possibly volunteered to do it.
- 7 Q. 69 Yes and what did you tell Mr. Dunlop when you met him on the 9th May?
- 8 A. I honestly don't remember what I said to him, as Mr. Dunlop said, I possibly
9 said to him look a chap called Mr. White will be giving you a ring to see could
10 you help him.
- 11 Q. 70 Now you also say in your statement there that you only, that you had no direct
12 dealings with Mr. Dunlop, do you want to revise that now Mr. Collins?
- 13 A. In the light of that.
- 14 Q. 71 Yes, not necessarily in the light of that just generally do you want to revise
15 that portion of your evidence?
- 12:26:04 16 A. Of course, of course yeah.
- 17 Q. 72 So you did have direct dealings with Mr. Dunlop?
- 18 A. According to that I must have been there.
- 19 Q. 73 According to your evidence, leaving the corroborative diary aside or the diary
12:26:04 20 evidence aside, do you accept that you would have met Mr. Dunlop in relation to
21 the matter?
- 22 A. I have a difficulty with that, but I have to accept it, yeah. I honestly can't
23 remember, you know.
- 24 Q. 74 Well I don't want you to admit to anything that's untrue Mr. Collins, but the
12:26:05 25 Tribunal would be anxious to establish whether or not you knew Mr. Dunlop or
26 whether you came to know him and the circumstances under which you came to
27 recommend him to Mr. White?
- 28 A. Well as I said the reason I would have recommended him was because we discussed
29 having a PR person that could deal with local issues and Mr. Dunlop's name came
12:26:05 30 forward, you know you read about him.

- 12:26:05 1 Q. 75 Well did Mr. White suggest Mr. Dunlop?
- 2 A. He could have, I honestly don't remember.
- 3 Q. 76 Did Mr. Rowe suggest Mr. Dunlop?
- 4 A. I doubt it.
- 12:26:06 5 Q. 77 Did any politician for example suggest Mr. Dunlop?
- 6 A. No.
- 7 Q. 78 You also, you knew this was going to be a material contravention isn't that
- 8 right?
- 9 A. We weren't very knowledgeable at that time on planning, now a material
- 12:26:06 10 contravention and a planning to me wouldn't mean an awful lot.
- 11 Q. 79 I thought a moment ago you indicated and admitted that you, even though you
- 12 hadn't a technical background that you knew the difference between the various
- 13 zonings and you knew this was agricultural land isn't that right?
- 14 A. That's right yeah.
- 12:26:07 15 Q. 80 You knew that you were trying to develop agricultural land and you are a firm
- 16 of architects, are you saying that you had no idea at any stage that this would
- 17 require the support of a majority of councillors?
- 18 A. Not as involved in that.
- 19 Q. 81 Sorry I don't understand?
- 12:26:08 20 A. I know I am explaining very badly, but I honestly can't answer that. I
- 21 honestly don't know, you know. You see if you understand the situation, my
- 22 situation there, I was purely as a marketing guy in the organisation trying to
- 23 drum up business for the company.
- 24 Q. 82 So are you saying that once you had introduced Mr. White to the company you had
- 12:26:09 25 no further involvement with the project?
- 26 A. That's right, yeah and my function was to go out and try and get business,
- 27 Mr. Rowe was our architect dealt with that element of it, you know.
- 28 Q. 83 After Mr. White got involved you say you had no further function?
- 29 A. That's normally it, yes.
- 12:26:10 30 Q. 84 Why did you approach Mr. Dunlop then to bring him on board?

- 12:26:10 1 A. Because it was, there was a requirement for local, someone to talk to the
2 locals on it.
- 3 Q. 85 Did you meet any politicians in connection with the --
- 4 A. Never met, I met GV Wright on one occasion to explain to him, I don't know when
12:26:10 5 it was, around the period of what we were proposing for the area.
- 6 Q. 86 Well you had an involvement in to that extent then didn't you not?
- 7 A. I suppose so, yeah.
- 8 Q. 87 So you had an involvement with at least one politician in relation to the
9 development isn't that right?
- 12:26:11 10 A. That's right.
- 11 Q. 88 And you admit to that?
- 12 A. Oh, yes.
- 13 Q. 89 And tell the Tribunal the circumstances under which you came to meet that
14 politician?
- 12:26:11 15 A. Well, we had an office in Merrion Square and I met GV Wright with Mr. White to
16 explain our submission of what we were drawing up for the site.
- 17 Q. 90 You are reading from I think the last paragraph on page 199 is that right of
18 your statement?
- 19 A. Correct yeah, that's right yeah.
- 12:26:11 20 Q. 91 You say "I do recall meeting GV Wright TD, when I was in the company of Robert
21 White in a pub near our offices in Merrion Square.?"
- 22 A. That's right yeah.
- 23 Q. 92 "I can north really the exact date of this meeting but I do know it was around
24 the time we were preparing the planning submission for Robert White/Nosaka
12:26:12 25 Limited. I do not recall what was said at the meeting but I do know that it
26 was in connection with the Duff Lands. I presume that I provided details of
27 our intended submissions to the meeting."
28
- 29 The impression conveyed there correct me if I am wrong is that this was a
12:26:13 30 chance meeting in the pub between yourself and Mr. White and Mr. Wright?

- 12:26:13 1 A. You could be right on that, just to fill him in.
- 2 Q. 93 But had you arranged to meet Mr. Wright, yes?
- 3 A. I honestly don't know whether I arranged to meet him or not, it could have been
- 4 a chance meeting.
- 12:26:17 5 Q. 94 But you were in a position to fill him in on your proposals?
- 6 A. Of what we were trying to do.
- 7 Q. 95 So therefore you you had some knowledge of what was going on isn't that right?
- 8 A. Oh yeah. I mean look at a drawing that was done up, you know.
- 9 Q. 96 Yes. So you had a drawing and you had a knowledge of what was proposed?
- 12:26:18 10 A. Well within reason yeah.
- 11 Q. 97 And you were the person representing Pilgrim the architectural firm briefing
- 12 this councillor in relation to the proposal?
- 13 A. That would be correct yeah.
- 14 Q. 98 That's substantially greater involvement than what you have admitted to earlier
- 12:26:19 15 namely that of marketing and merely introducing the client to the practice
- 16 isn't that right?
- 17 A. That's correct yeah.
- 18 Q. 99 So do you accept now Mr. Collins that you had a fairly detailed knowledge of
- 19 what was going on in relation to this proposed development?
- 12:26:19 20 A. No, not a detailed knowledge. I mean I picked up a drawing and showed it to GV
- 21 Wright.
- 22 Q. 100 But you were able to explain the contents of the drawing to Mr. Wright?
- 23 A. It was houses on it and a centre, you know.
- 24 Q. 101 I am not suggesting you drew in the houses or the centre, but you knew what was
- 12:26:20 25 on the drawing and you were the person who was representing your firm at that
- 26 meeting, isn't that right?
- 27 A. That's correct, yeah.
- 28 Q. 102 So there was nobody else representing Pilgrim isn't that right?
- 29 A. At that meeting, correct yeah.
- 12:26:20 30 Q. 103 And at that meeting you were the only architect if I could use that expression

- 12:26:20 1 at the meeting isn't that right?
- 2 A. Yeah.
- 3 Q. 104 Mr. Wright or Mr. White had no architectural experience that we know of?
- 4 A. I hadn't much either, yeah.
- 12:26:21 5 Q. 105 But you had enough to explain to Mr. Wright what the proposals were?
- 6 A. Of course yeah.
- 7 Q. 106 Who set up that meeting can I ask you?
- 8 A. I honestly don't remember who set up the meeting.
- 9 Q. 107 Had you known Mr. Wright?
- 12:26:21 10 A. I live in Malahide, he lives in Malahide, I'd bump into Mr. Wright.
- 11 Q. 108 Well had you bumped into Mr. Wright more often than you had bumped into
- 12 Mr. Dunlop by this time?
- 13 A. I would see him -- not very much, I would see him around the village in
- 14 Malahide.
- 12:26:22 15 Q. 109 Had you ever been involved with Mr. Wright in any other development?
- 16 A. No.
- 17 Q. 110 Either before or after this period, had you ever met him in connection with any
- 18 other development?
- 19 A. No.
- 12:26:22 20 Q. 111 Were you, was Mr. White lobbying Mr. Wright's support for the development at
- 21 that meeting?
- 22 A. I would imagine so.
- 23 Q. 112 Was it in that context that he had met Mr. Wright?
- 24 A. Well I don't know, I honestly don't know what context he had met Mr. Wright.
- 12:26:23 25 Q. 113 If I could have page 416 please, Mr. White puts you at a meeting in Leinster
- 26 House, do you recall a meeting in Leinster House?
- 27 A. To the best of my recollection I was never at a meeting in Leinster House.
- 28 Q. 114 Never?
- 29 A. With Mr. White or Mr. Dunlop, or anything.
- 12:26:23 30 Q. 115 Well Mr. White, as you will see from the extract from his statement on screen,

- 12:26:24 1 says that "Tim Collins and to the best of my memory Tim Rowe of Pilgrim were
2 there," do you see that?
- 3 A. I do indeed.
- 4 Q. 116 And he puts Mr. Dunlop at that meeting and Mr. Wright?
- 12:26:24 5 A. Yeah.
- 6 Q. 117 Are you saying that meeting never took place?
- 7 A. I am not saying I didn't take place, I am saying I wasn't at it.
- 8 Q. 118 Well that's what I mean. You say you were never at a meeting in Leinster House
9 with Mr. Wright and Mr. Dunlop?
- 12:26:25 10 A. Correct, that's right.
- 11 Q. 119 How many meetings in all would you have had with Mr. Wright in relation to this
12 project?
- 13 A. None, except that one.
- 14 Q. 120 None except the one you referred to in the pub, close to your offices?
- 12:26:25 15 A. That's right.
- 16 Q. 121 Is there any reason why that meeting couldn't have taken place in your offices
17 for example?
- 18 A. It was probably lunch hour.
- 19 Q. 122 Are your offices closed during lunch?
- 12:26:26 20 A. No, we met across the road from our offices.
- 21 Q. 123 Did Mr --
- 22 A. There is no reason why it couldn't have been held in the office, but people are
23 in offices moving around, you know.
- 24 Q. 124 Did you meet any other councillors in relation to this project?
- 12:26:26 25 A. Never met one.
- 26 Q. 125 Were you at a meeting with Mr. Rowe and Mr. Dunlop prior to a meeting with
27 residents?
- 28 A. I was not at a meeting, no.
- 29 Q. 126 Mr. Rowe believes, well he was of the opinion that you might have been at the
12:26:27 30 meeting?

- 12:26:27 1 A. No I wasn't at that meeting.
- 2 Q. 127 You weren't at that meeting?
- 3 A. No.
- 4 Q. 128 Can I ask you what was Mr. Wright's attitude to the proposals?
- 12:26:27 5 A. Not -- he didn't -- I honestly don't remember, its 17 years ago. I honestly
6 don't recall what his attitude was frankly you know, we just showed him what we
7 were doing on it, you know.
- 8 Q. 129 You say I think in your statement that your contact with Pilgrim ceased, or
9 sorry Pilgrim's contact with this project ceased in 1992, if I can go back to
12:26:28 10 page 199 "Pilgrim Limited and my own dealings with Robert White ceased in
11 1991/92 significant monies were outstanding from Robert White to Pilgrim
12 Limited and these were never paid." Is that correct?"
- 13 A. That's right.
- 14 Q. 130 So there were monies paid but there were significant monies outstanding, did
12:26:29 15 Pilgrim ever sue Mr. White or Nosaka for those monies?
- 16 A. No.
- 17 Q. 131 Why not?
- 18 A. We didn't think we would ever get the money, get paid, because I don't think
19 things went too well for Mr. White on the project.
- 12:26:30 20 Q. 132 But you could have sued both Mr. White personally and Nosaka isn't that right?
- 21 A. That's right.
- 22 Q. 133 You chose to sue neither?
- 23 A. That's right.
- 24 Q. 134 Now page 200 I think you say "I have no knowledge of any payments made to
12:26:30 25 elected representatives local authority officials and/or Frank Dunlop or any
26 company in which he had an interest in connection with the Duff Lands or if any
27 such payments were ever made.
- 28
- 29 I further confirm I did not meet any elected representatives or local authority
12:26:31 30 officials in contribution with the Duff Lands. Further, I never made any

12:26:31 1 representations to elected representatives or local authorities officials in
2 connection with the Duff Lands, save as outlined above."
3
4 Now Mr. Rowe if I can have page 366, Mr. Rowe places you at a meeting attended
12:26:31 5 by Mr Al Smith and Ms Grainne Mallon planning officer, you have seen Mr Rowe's
6 statement isn't that right?
7 A. I didn't -- wait now, Al Smith.
8 Q. 135 He says, just in the second last paragraph "A meeting was held with Al Smith
9 Principal Officer of Dublin County Council, in addition to Mr. Smyth, Robert
12:26:32 10 White, Grainne Mallon and myself were in attendance. I think Tim Collins may
11 also have attended." Do you see that?
12 A. Yes, I never met Mr. Al Smith in my life.
13 Q. 136 So you never attended any meeting with planners?
14 A. No.
12:26:32 15 Q. 137 So Mr. Rowe is incorrect when he says, he places you at a meeting with the
16 planners?
17 A. Correct yeah.
18 Q. 138 So you say you made no representations to any planners in relation to in
19 matter?
12:26:33 20 A. None whatsoever.
21 Q. 139 And your only involvement was to meet with Mr. Dunlop in advance of him meeting
22 with Mr. White?
23 A. That's right yeah.
24 Q. 140 And that you feel you may have met Mr. Wright on one occasion but no --
12:26:33 25 A. Well I am nearly certain I did meet Mr. Wright.
26 Q. 141 Sorry?
27 A. I am practically certain I met Mr. Wright.
28 Q. 142 Well its in your statement?
29 A. I know that yeah.
12:26:34 30 Q. 143 So you met Mr. Wright?

- 12:26:34 1 A. Oh yeah.
- 2 Q. 144 You can't tell us what Mr. Wright's attitude was to the project. Did you
3 attend any in house meeting with Mr. Rowe and Mr. White in relation to the
4 project?
- 12:26:35 5 A. Sure we would have had meetings on and off discussing what we were trying to do
6 on the lands, yeah.
- 7 Q. 145 Did you have any meetings where you discussed the necessity for political
8 support for the material contravention?
- 9 A. No not that I know of.
- 12:26:35 10 Q. 146 Not that you know of?
- 11 A. I don't remember having meetings about looking for political support.
- 12 Q. 147 But you accept that political support was a necessity here, because it was what
13 was being proposed was a material contravention and had to be voted upon by the
14 councillors isn't that right?
- 12:26:35 15 A. That's correct yeah.
- 16 Q. 148 So its almost certain that if there were meetings there would have to have been
17 discussion about political support at those meetings isn't that right?
- 18 A. Yeah but Mr. White, if you understand, looked after everything in relation to
19 this project himself. We were, as I said primarily, most of the time the
12:26:36 20 architects and the -- making up the drawings.
- 21 Q. 149 Mr. Rowe who is also involved in the architectural firm, admits to meetings
22 with planners, Mr. Dunlop and residents?
- 23 A. Yeah well that's, that was his function would be he was the design architect,
24 yeah.
- 12:26:37 25 Q. 150 So are you saying there were such meetings but that you were, didn't attend any
26 of the meetings?
- 27 A. I would have imagined there would be meeting yes.
- 28 Q. 151 But you didn't attend any of those meetings?
- 29 A. Did I not attend those meetings.
- 12:26:37 30 Q. 152 And the meetings you did attend between Mr. Rowe and Mr. White, you said never

- 12:26:37 1 ventured on discussion of possible political support for the project?
- 2 A. Look, as far as I can remember they didn't, they may have, but it's so long
- 3 ago, you know.
- 4 Q. 153 Did, for example Mr. White, ever talk about the necessity for Councillor
- 12:26:41 5 Gallagher's support?
- 6 A. Not in my memory.
- 7 Q. 154 Sorry?
- 8 A. Not that I can remember.
- 9 Q. 155 Or any of the other interested parties?
- 12:26:42 10 A. Not to my knowledge.
- 11 Q. 156 And you say that Mr. White is incorrect when he places you at a meeting in
- 12 Leinster House with Mr. Wright and Mr. Dunlop?
- 13 A. I would say emphatically, yes.
- 14 Q. 157 Yes. And Mr. Rowe is incorrect when he thinks you were at a meeting with
- 12:26:43 15 residents involving Mr. Dunlop?
- 16 A. I wasn't at that meeting.
- 17 Q. 158 Or in advance of the meeting?
- 18 A. No. To the best of my knowledge I wasn't at it.
- 19 Q. 159 And did you lobby any other politicians in relation to this project?
- 12:26:43 20 A. I certainly did not.
- 21 Q. 160 You are saying that you, either you personally or Pilgrim, had no interest in
- 22 the project other than the retainer that you --
- 23 A. Purely retainer.
- 24 Q. 161 And you say that there are significant monies due to the firm Pilgrim from the
- 12:26:44 25 project that have never been paid?
- 26 A. Mm-hmm, that's right, unfortunately.
- 27 Q. 162 Thank you Mr. Collins?
- 28 A. Thank you.
- 29
- 12:26:44 30 CHAIRMAN: All right. Mr. Kennedy? Any parties.

12:26:44 1

2 JUDGE FAHERTY: I just have one question.

3

4 CHAIRMAN: Do you wish to ask a question?

12:26:44 5

6 **THE WITNESS WAS CROSS-EXAMINED AS FOLLOWS BY MS BARRY:**

7

8 Q. 163 MS. BARRY: Chairman I just have two questions to ask Mr. Collins. It's Fiona

9 Barry from William Fry solicitors on behalf of Robert White at page 199 of your

12:26:44 10 statement you say that you are aware that Robert White engaged Frank Dunlop in

11 what you understood to be a public relations role, now I know we have touched

12 on this but could you expand know what you believe that public relations role

13 was to encompass?

14 A. Well I would have thought that the public relations role that Mr. Dunlop would

12:26:45 15 have been involved in, would be to deal with local residential issues, the

16 local residents.

17 Q. 164 And in relation to that you attended one meeting in a pub in Swords?

18 A. No I didn't.

19 Q. 165 You didn't attend?

12:26:46 20 A. No I didn't.

21 Q. 166 Are you aware of that meeting taking place?

22 A. I was aware of it yeah.

23 Q. 167 When do you think that meeting took place?

24 A. I honestly don't remember the dates of it.

12:26:46 25 Q. 168 Any dates that you can, even approximately?

26 A. I haven't a clue, but I know it did take place because Mr. Rowe was at it as

27 far as I know.

28 Q. 169 You also say you recall his services were dispensed with by Robert White at an

29 early stage again can you put any approximate date on that?

12:26:47 30 A. I cannot put a date on that, as far as I can remember how that happened we got

12:26:47 1 a phone call to say Mr. White had dispensed with the services of Mr. Dunlop and
2 we didn't ask why. I didn't ask why anyway.

3 Q. 170 Then just at page 786 which is Frank Dunlop's statement he says the initial
4 meeting with you was on, or initial contact was on the 9th May 1990, or would
12:26:48 5 have been before that because Robert White met, are you happy with that date,
6 our client would put that towards the end of the year?
7 A. I don't know about the dates. It's 17 years ago you know, let's get real here.
8 You know. I honestly don't.

9 Q. 171 Okay. Thank you Mr. Collins.

12:26:48 10
11 CHAIRMAN: All right. Do you wish to ask your client any questions?
12
13 MR. REYNOLDS: Sorry, Mr. Chairman no.
14

12:26:49 15 Q. 172 CHAIRMAN: Could I just ask you Mr. Collins, I presume you had involvement
16 with you had some dealings with lands other than these, on a personal level
17 would you have dealt with property?
18 A. No, no personal property, lands, no.
19

12:26:49 20 CHAIRMAN: And would you have been aware around this time of stories or
21 rumours of councillors being paid money, bribery, things of that nature?
22 A. Certainly not.
23

24 Q. 173 CHAIRMAN: There were articles being written in the newspapers, were you aware
12:26:50 25 of anything of that nature?
26 A. I certainly was not, no.
27

28 Q. 174 JUDGE FAHERTY: Just one thing Mr. Collins you said earlier in response to
29 Mr. Quinn you were aware that Mr. Dunlop was acting for people in the news at
12:26:51 30 the time?

- 12:26:51 1 A. Well no, I saw his photograph on the TV I think it was for Greencore or
2 something like that, I think, that's --
3
- 4 Q. 175 JUDGE FAHERTY: Yes. Did you know whether or not Mr. Dunlop had any particular
12:26:51 5 expertise in the area of planning?
6 A. No but -- if you remember this is around '89 PR people to deal with the local
7 councillors I didn't know who PR people were even, I said who is a PR person
8 that could maybe help here you know, that's how that came about.
9
- 12:26:52 10 Q. 176 JUDGE FAHERTY: But did you fix upon Mr. Dunlop yourself from your observation
11 of him in the media or --
12 A. I'd imagine so. I'd imagine so yeah.
13
- 14 Q. 177 JUDGE FAHERTY: I see.
12:26:53 15 A. Yeah I'd imagine so. I mean he was, seemed to be acting for a lot of people
16 around town, you know, you read about it in the paper.
17
- 18 Q. 178 JUDGE FAHERTY: And just the other matter obviously -- you said that you
19 believed that Mr. White dispensed with Mr. Dunlop's services early on.
12:26:53 20 A. It didn't seem, it didn't seem -- it seemed to be a short period into the
21 situation.
22
- 23 Q. 179 JUDGE FAHERTY: Can you put a time on it?
24 A. I can't put a time on it, maybe a few months you know I'm not quite sure of the
12:26:54 25 dates.
26
- 27 Q. 180 JUDGE FAHERTY: Because we know the material contravention vote was sometime in
28 '92, 23rd of April was it?
29
- 12:26:54 30 MR. QUINN: No 22 April 91.

12:26:54 1
2 JUDGE FAHERTY: I beg your pardon 22 April 91, if you had to get somebody to
3 liaise with the local residents I'd imagine that anybody liaising with local
4 residents would be liaising with them right up to the date of the vote
12:26:55 5 obviously to ensure that things would go well, I am just wondering --

6 A. I honestly don't even remember the date of, or around the dates, the meeting
7 with the residents, but Mr. Rowe I think will be able to help you on that one,
8 he was at it, yeah.

9
12:26:55 10 JUDGE FAHERTY: I see.

11
12 CHAIRMAN: All right, thank you very much.

13
14 **THE WITNESS THEN WITHDREW**

12:26:55 15
16 MR. DOYLE: Sir, if I could have Mr. Tim Rowe please.

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TIM ROWE HAVING BEEN SWORN, WAS EXAMINED**AS FOLLOWS BY MR. DOYLE AS FOLLOWS BY MR DOYLE:**

- 12:26:55 1
- 2
- 3
- 4 Q. 181 I believe you sent in a statement to the Tribunal that statement is dated 30
- 12:26:56 5 July 2003, page 364 what I intend to do is bring you through your statement and
- 6 I might ask you a few questions arising from that statement.
- 7 A. Okay.
- 8 Q. 182 Now I believe that that's page 364 please. I believe that you said initially
- 9 in the your statement you prepared the planning application was that accepted
- 12:26:57 10 as a material contravention of the Development Plan isn't that correct?
- 11 A. That's correct.
- 12 Q. 183 I think you go on to say your involvement in these lands ceased in around April
- 13 1992 when the planing permission was granted by Dublin County Council?
- 14 A. That's correct.
- 12:26:58 15 Q. 184 And I think well as you do in your statement go back in time and I think the
- 16 question three reply in your statement, you refer to either late 1998 or 1999,
- 17 now that is obviously --
- 18 A. It should be '88 and '89.
- 19 Q. 185 So we'll correct that. It should be '88 or '89?
- 12:26:59 20 A. There is another error on page three as well.
- 21 Q. 186 That's correct we'll deal with that in a moment.
- 22
- 23 "In either late '88 or '89 Mr. Robert White was brought into your office and
- 24 introduced to you by Mr. Tim Collins as you recollect?
- 12:26:59 25 A. That's correct.
- 26 Q. 187 You understand from your conversation Mr. White was a jeweller is that correct?
- 27 A. That's correct.
- 28 Q. 188 And Mr. White at the time of your introduction produced an Ordinance Survey map
- 29 of lands in, north of Swords?
- 12:26:59 30 A. That's right.

- 12:26:59 1 Q. 189 And I think that you say that the lands were to the west of Jugback Lane?
- 2 A. That's my recollection, yeah.
- 3 Q. 190 Very well. If we can have map 369 please? Map on page 369. Now I think that
- 4 you say that your recollection is that whilst he showed you about 15 acres that
- 12:27:00 5 he owned the lands that he was showing you didn't abut Jugback Lane, if we can
- 6 see Jugback Lane is -- if you look at the screen in front of you, you can see
- 7 Jugback Lane. You say at the time what he showed you was lands that amounted
- 8 to about 15 acres at the time?
- 9 A. That's right and I think -- you see where I was indicated they equestrian
- 12:27:01 10 centre.
- 11 Q. 191 Yes?
- 12 A. My recollection is they were to the west of they equestrian centre, but I could
- 13 be wrong. I didn't refer to any maps you know to prepare this, this was from
- 14 my recollection.
- 12:27:02 15 Q. 192 But it would have been a small parcel of what is hatched lands there?
- 16 A. Oh absolutely. The conversation with, when Mr. White asked me what, you know,
- 17 what could he do with these lands.
- 18 Q. 193 What was the development potential?
- 19 A. That's right yeah, he basically what I said was well there is no road access,
- 12:27:03 20 no access to sewerage, not a lot is the answer.
- 21 Q. 194 Extremely limited, I think are the words you used in your statement?
- 22 A. Yes.
- 23 Q. 195 For those reasons no access to foul sewers or road access, and of course I
- 24 think you might have advised him as you say in your statement that it wasn't
- 12:27:04 25 zoned or development?
- 26 A. Absolutely.
- 27 Q. 196 And I think that Mr. White said that he was negotiating an option for other
- 28 lands from the lands owners, the Duffs?
- 29 A. That's right.
- 12:27:08 30 Q. 197 At this time?

- 12:27:08 1 A. I don't know whether he was negotiating, or he said it could be available as an
2 option.
- 3 Q. 198 Very well. And I think that having established the boundaries of the land
4 available, you say in your statement "Drove to Swords over the next number of
12:27:09 5 days and weeks to assess the lands on the ground". Could I just ask you when
6 you say lands available, again do you understand that Mr. White was hoping to
7 get all of these lands you have indicated in the hatched area or was it 15
8 acres you referred to?
- 9 A. No it was the hatched area, it wasn't even worth looking at the 15 acres.
- 12:27:09 10 Q. 199 Very good. And I think you say at this time you visited Swords the site of the
11 lands and the proposed lands and you visited the offers of Dublin County
12 Council on the roads, sanitary and services department and having gathered up
13 all the salient facts you met with Mr. White in your office?
- 14 A. That's right.
- 12:27:10 15 Q. 200 And I think you said Mr. Collins was with you at that time?
- 16 A. I think so, in the normal course of events in the office would be Tim would
17 bring in a client and as soon as he sort of made an introduction and he saw
18 that a meeting or discussion was going well, he would just sort of back out,
19 back out of the situation.
- 12:27:10 20 Q. 201 All right. Now I think that again having gathered the salient facts you again
21 advised Mr. White there was no development potential for the lands?
- 22 A. That's right. Jugback Lane was too narrow, constricted and again there was no
23 access, no possible access to sewerage.
- 24 Q. 202 And again, finally it was zoned agricultural?
- 12:27:11 25 A. Yes.
- 26 Q. 203 And again I think Mr. White in your statement you say Mr. White wanted to know
27 what he could do to achieve development?
- 28 A. Yeah.
- 29 Q. 204 To overcome these obstacles?
- 12:27:11 30 A. That's right.

- 12:27:11 1 Q. 205 And I think that you initially indicated that traffic was a difficulty in the
2 Swords area?
- 3 A. There was a huge problem in Swords Main Street and I think as I have indicated
4 that there was actually a link road that had been constructed and then with,
12:27:12 5 there was residential pressure because the children had to cross over that road
6 from housing to the north of the road to where the schools were, and public
7 pressure got the road closed, it was actually covered up with grass.
- 8 Q. 206 So I think that as a result of all traffic going to say Ashbourne had to go
9 through Swords Main Street?
- 12:27:12 10 A. Through the Main Street, yeah.
- 11 Q. 207 And as a result you concluded that if it were possible to provide an
12 alternative route for this traffic that this might be enough for a, as I think
13 you say in your statement a planning gain?
- 14 A. That's right yeah.
- 12:27:13 15 Q. 208 To permit planning to support a material contravention?
- 16 A. That's right yeah.
- 17 Q. 209 And again I think that if we look at the map, again its in front of you there,
18 still on the screen there, you can see that there is a you proposed this road
19 to go through the matched area, from Motorola lands through the proposed Duff
12:27:14 20 site and down there, that was the road that you proposed?
- 21 A. That's right, to where it came out it Joined the Rathbeale Road at the ESB
22 substation there.
- 23 Q. 210 And passed first through the Motorola land isn't that correct?
- 24 A. That's right yes through the Balheary land.
- 12:27:14 25 Q. 211 I think you also realised that there was an existing 600 millimetre diameter
26 foul sewer across the Balheary Road that could be made, could be used in other
27 words if the road was successful?
- 28 A. That's right the gradient and levels meant that you could access that by
29 gravity.
- 12:27:15 30 Q. 212 And I think that in relation to, that was the roads in relation to this foul

12:27:15 1 sewer and the Sanitary Services Department in the Council were, made aware I by
2 you and you therefore thereafter made Mr. White aware that the services, the
3 Sanitary Services Department believed that the Swords treatment plant was
4 overloaded?

12:27:16 5 A. Yeah, that was the standard sort of answer you got whenever you know, there had
6 been a lot of authorities the sewage treatment plant is overloaded, what the
7 local authority would do is they would take into account you will zoned lands,
8 whether it was developed or not and they would make an addition as to what,
9 what development potential and what effluent would be produced by those zoned
10 lands, so they may say that a treatment plant is overloaded even though it
11 actually isn't, but the potential is there for it to be overloaded.

12 Q. 213 Very well. And so I know, would it be right to say that you advised Mr. White
13 that if you could potentially assist in the traffic congestion in Swords and
14 assist in the overloaded treatment plant in Swords that this might produce a
15 positive planning effect in relation to the potential?

12:27:18 16 A. That's right from the permanent officials. I think the key thing was the
17 traffic. The there had always been an issue about the overloading of the
18 treatment plant, for many years, I don't think it was maintained particularly
19 well and there were smells emanating from it etcetera.

12:27:18 20 Q. 214 And I think that you were advised thereafter by Mr. White that he was
21 attempting to secure lands he identified as Motorola, formally Harry Baker?

22 A. Sorry, could you repeat the question?

23 Q. 215 I think in your statement you go on to say after you had gathered these facts
24 in relation to the lands you were advised by Mr. White that he was attempting
12:27:19 25 to secure lands that were, we now know as Motorola were formally owned by Harry
26 Baker?

27 A. Well basically, I think what happened at the meeting with Robert White, when he
28 said, what could I do? I said effectively you have got to get an access down
29 to the Balheary Road and it occurred that I didn't know who owned those lands
12:27:20 30 or anything about them, but Mr. White went off and I think it was some months

- 12:27:21 1 before he actually came back, you know I thought the project was dead and
2 buried to be honest at that stage.
- 3 Q. 216 That's right. You say between four to six months later he came back to you and
4 I think you thought that that, you weren't going to hear from him again.
- 12:27:22 5 A. That's right yeah.
- 6 Q. 217 And he came back to you. And you again, page 366 you say that during the
7 middle of late 1999 of course I believe you mean that to be 1989 Mr. White came
8 into the office and explained he had agreed a deal with Harry Baker the owner
9 of the land that abut the Duff land and road east to the Balheary Road and
10 again we saw those previously as the Motorola lands. You say that, "I was aware
11 from Mr. White had purchased these land or negotiated an option. Mr White
12 instructed me to proceed with preparing a planning application based on the
13 broad strategy that I had outlined previously to him. I asked Mr White's
14 permission to contra serve the land and this he did". And I believe arising
15 out of that you prepared a master plan?
- 12:27:23 16 A. That's right, it was a strategy map rather than being very specific and
17 effectively what I did was I identified a Potential horizontal alignment for
18 the road then hatched areas of the land that could be residential, I just had
19 big sign sort of saying residential, the road, I think we showed a hotel just
20 north of the proposed road.
- 12:27:24 21 Q. 218 And I think following that you arranged appointments with senior planning
22 officers in the County Council?
- 23 A. That's right, Grainne Mallon yeah.
- 24 Q. 219 And discussed the broad principles involved in the strategy?
- 12:27:25 25 A. That's right.
- 26 Q. 220 She indicated that there was merit in what you were proposing and that further
27 investing was required regarding sewerage, water and infrastructure. I think
28 areas you had identified?
- 29 A. Absolutely. Water was quite difficult, because there was a 28 inch or 32 inch
12:27:25 30 concrete main that you couldn't actually access so we had to use a scour valve

- 12:27:25 1 near one of the bridges.
- 2 Q. 221 Right. I think that you go on to say you were at a meeting with Mr. Al Smith
- 3 principal officer of Dublin County Council and arising out of these
- 4 arrangements you had with Grainne Mallon?
- 12:27:26 5 A. That's right.
- 6 Q. 222 And at this meeting was Mr. Al Smith, Mr. Robert White, Grainne Mallon and
- 7 yourself?
- 8 A. Yeah.
- 9 Q. 223 And you say in your statement you think Tim Collins may have attended?
- 12:27:27 10 A. Yeah he may have. Again any technical meetings Tim would just stand to the
- 11 background. Now whether he was there or not I can't say for definite.
- 12 Q. 224 You have heard Mr. Collins earlier this morning saying in relation to this in
- 13 fairness to him he says he can't be sure himself.
- 14 A. Yeah. I mean if Mr. Collins felt he wasn't there, I am quite prepared to
- 12:27:27 15 accept that.
- 16 Q. 225 All right. And I think at this meeting Mr. Smyth opened the meeting by
- 17 indicating that the road was a problem and I think that you indicated not for
- 18 you it wasn't, but for the council it was?
- 19 A. That's right.
- 12:27:28 20 Q. 226 And I think that you pro proposed that you could do something for the Council?
- 21 A. Exactly.
- 22 Q. 227 I believe, you go on to say in your statement a number of questions were asked
- 23 the general outcome of the meeting seemed quite positive?
- 24 A. Yeah.
- 12:27:28 25 Q. 228 You were asked to coordinate with various technical departments of the Council
- 26 and were advised that any application could only be considered as a material
- 27 contravention?
- 28 A. That's right.
- 29 Q. 229 Of the development, I believe after the meeting Mr. White was satisfied.
- 12:27:29 30 A. Yes.

- 12:27:29 1 Q. 230 And expressed an interest that you would go on to prepare a planning
2 application?
3 A. That's correct.
- 4 Q. 231 And I think he asked you to make such an application in the name of Nosaka.
- 12:27:30 5 A. That's right.
6 Q. 232 That's Nosaka Limited that's Mr. White's company?
7 A. Absolutely.
8 Q. 233 I think you say he advised you that the name from a city in Japan where he
9 visited.
10 A. A jewelry show.
- 11 Q. 234 In Osaka.
12 A. Osaka, yes.
- 13 Q. 235 And I think then you prepared and lodged a planning application with Dublin
14 County Council on 22 August 1990?
15 A. Yeah.
- 16 Q. 236 That's page 943 please, 943 and this is the planning application here you can
17 see on the screen in front of you. I think arising from that there was a
18 request for additional information made by the Council on 15 October 1990 and
19 additional information was lodged with the Council you have here on 19th
12:27:31 20 November 1990 the document at page 950 in fact is 16th you will accept that?
21 A. Absolutely.
22 Q. 237 16th.
23 A. Well if the letter was dated, it might have gone in two or three days later, I
24 don't know.
- 12:27:32 25 Q. 238 Sure. You say during the process I was asked to attend a meeting with the Duff
26 family at their house?
27 A. Yeah.
28 Q. 239 I think you met a number of the Duffs in their house?
29 A. That's right.
- 12:27:32 30 Q. 240 And I think that thereafter you say in your statement that you would have met a

- 12:27:33 1 number of the Duffs on the lands over the course of your investigations.
- 2 A. Absolutely.
- 3 Q. 241 You go on to say at this time the fact that the Council were going to consider
- 4 the application as a material contravention of the Development Plan had to be
- 12:27:33 5 advertised.
- 6 A. That's right.
- 7 Q. 242 And I think the advertisement was on 30th March 1991 and it was at this time
- 8 you say you became aware that Mr. White had been discussing the application
- 9 with local residents groups and representatives.
- 12:27:33 10 A. That's right. Mr. White was very concerned not, he was concerned that if we
- 11 could avoid any resident groups writing in objections or submissions then it
- 12 would have a far better chance with the planners and the local councillors.
- 13 Q. 243 I see. And I think that you say in a Mr. White advised at this time that he
- 14 was going to appoint Mr. Frank Dunlop.
- 12:27:34 15 A. Yeah.
- 16 Q. 244 As a public relations person for discussions with these groups.
- 17 A. Yeah.
- 18 Q. 245 Now if I could have page 400 please? You will see from page 400 there on the
- 19 screen at paragraph 1 at the bottom there, number one I should say "The
- 12:27:35 20 architectural firm" this is a statement of Robert White to the Tribunal in
- 21 August 2001. "Mr. White of the architectural firm of the development Pilgrim
- 22 Limited 25 Merrion Square, Dublin. Recommended Frank Dunlop and Associates.
- 23 The principles of Pilgrim Limited were Tim Collins and Tim Rowe. As a result
- 24 Nosaka Limited engaged Frank Dunlop and Associates in the latter part of 1990
- 12:27:36 25 or early 1991" now is Mr. Robert White incorrect in saying that. He says here
- 26 in paragraph one as a result of Nosaka Limited engaged Frank Dunlop and
- 27 Associates, it would seem to indicate that it was as a result of Pilgrim
- 28 Associates --
- 29 A. Proposing Mr. Dunlop.
- 12:27:40 30 Q. 246 Proposing Mr. Dunlop yeah.

- 12:27:42 1 A. I don't know. I have no recollection of proposing, I certainly didn't propose
2 Mr. Dunlop to Robert White. No.
- 3 Q. 247 On page 415 if we could please. Again at number 7 on page 415, 7 B Mr. Robert
4 White in a further statement to the Tribunal states that "Pilgrim Limited
12:28:08 5 recommended Mr. Dunlop to Nosaka?"
- 6 A. Yeah I see that.
- 7 Q. 248 Again have you any comment to make in relation to that or do you --
- 8 A. No I have no knowledge. Its quite -- I mean it is possible that a discussion
9 took place, but I would say that type of discussion would have been between
12:28:27 10 Robert and Tim more than myself.
- 11 Q. 249 And what did you know of Mr. Dunlop at this time, Mr. Frank Dunlop?
- 12 A. Not a lot I think. Whether it was at this time or not, but he seemed to have
13 quite a high profile as a, you know I think Greencore was mentioned, but really
14 that's about it.
- 12:28:51 15 Q. 250 Would you have known who Mr. Frank Dunlop was, generally, in regards of his --
- 16 A. Not a whole lot I don't think.
- 17 Q. 251 And do you ever recollect Mr. Dunlop and yourself, Mr. Collins meeting?
- 18 A. My recollection is I had two meetings with Mr. Dunlop, the first was in his
19 office and certainly Robert White attended that meeting, this was prior to the
12:29:20 20 meeting with the residents group. And I thought Tim Collins was there, but
21 again I could be mistaken.
- 22 Q. 252 Yes. I think you go on to say in your statement, you attended Mr. Dunlop's
23 office and again in fairness you say I think Tim Collins might have attended.
- 24 A. Yeah you see, in essence if there was a meeting about sort of technical matters
12:29:45 25 or architectural matters really Tim wouldn't sort of, if he attended the
26 meeting, you know, he would make an introduction or something like that and
27 then stand back, you know, and if everything was going well he might even
28 leave, you know, now whether -- whether I went over there with Robert or what I
29 just can't recall but certainly Robert were there, whether the two of us walked
12:30:08 30 around to Mr. Dunlop's office I'm just not sure.

- 12:30:11 1 Q. 253 You are not sure. As you say you are not sure whether Tim Collins was there or
2 not?
- 3 A. No.
- 4 Q. 254 And I have asked you, do you ever recollect any meeting with Mr. Dunlop
12:30:22 5 yourself and Tim Collins?
- 6 A. I don't.
- 7 Q. 255 All right. I think that that meeting, you say, took place in the afternoon and
8 I think afterwards you met in a public house in Swords on Swords Main Street?
- 9 A. That's right. I think on somebody else's evidence they said the Harp Bar I
12:30:45 10 think, which it could have been.
- 11 Q. 256 And have you any recollection in relation to the date of this meeting?
- 12 A. No. Obviously it would have had to have been, there would have been no point
13 in having that meeting prior to, let's say you know the material contravention
14 vote, otherwise if you were trying to dispel anxieties that residents groups
12:31:18 15 might have, so my feeling is it must have been before the material
16 contravention was advertised or maybe shortly after that date, but I couldn't
17 be certain at all.
- 18 Q. 257 Page 512 please? I think you will see on the 27th of September there is a
19 diary entry about Mr. Dunlop in relation to, there is two entries one at 12
12:31:48 20 o'clock GV and Robert W and then at the bottom at 8 p.m. it has R W/Residents.
- 21 A. Yeah.
- 22 Q. 258 Now I know you state in your statement that the meeting was in the evening, you
23 say approximately 7.30 pm, is it possible that that, that this meeting in the
24 public house could have taken place in September 1990?
- 12:32:12 25 A. Sorry which meeting in the public house.
- 26 Q. 259 There is, you reference a meeting, you meet Frank Dunlop with Robert White.
- 27 A. Yes.
- 28 Q. 260 And maybe Tim Collins in Mr. Dunlop's office.
- 29 A. Yes.
- 12:32:23 30 Q. 261 Later that evening you go to Swords to attend a public meeting.

- 12:32:26 1 A. Oh sorry, yes.
- 2 Q. 262 With representatives and the public in relation to proposed development.
- 3 A. Correct.
- 4 Q. 263 And my question is, could this diary entry reflect the meeting that you refer
- 12:32:38 5 to in your statement?
- 6 A. It could. I'm not sure where that is relative to the material contravention
- 7 notice.
- 8 Q. 264 Well the material -- the notice was in March '91?
- 9 A. Right was it.
- 12:32:56 10 Q. 265 And the vote was taken on the 22nd of April 1991, however the diary entry here
- 11 as I say to you albeit in September 1990, it does reference 8 pm it would seem,
- 12 R W and residents?
- 13 A. That certainly it could be that meeting, yeah. I think there was only one
- 14 meeting that I was aware of with residents.
- 12:33:21 15 Q. 266 And I think again as I have said at the outset in relation to that, you again
- 16 if you look at the diary, on the 27th, earlier, it says 12, GV-Robert W. Could
- 17 that refer to the meeting in Mr. Dunlop's office?
- 18 A. No because, certainly I presume that's GV, is that GV Wright I don't know, but
- 19 there certainly wasn't GV Wright at the meeting that I attended and it was, my
- 12:33:48 20 recollection is that it was more 4 o'clock, 3 or 4 o'clock, that sort of time.
- 21 Q. 267 Right. But could there have been a meeting, should I say, were you at any
- 22 meeting or could you have been at any meeting around September 1990 with
- 23 Mr. Robert White and Mr. Dunlop?
- 24 A. I could have, yes.
- 12:34:07 25 Q. 268 Did you ever meet with Mr. White and Mr. Dunlop and Mr. GV Wright?
- 26 A. I don't believe I did, no.
- 27 Q. 269 All right. I think you say that this meeting, getting back to the meeting, we
- 28 are not sure, you are not sure it could be September you say 1990 or indeed it
- 29 might have been sometime in March '91?
- 12:34:34 30 A. This is the meeting --

- 12:34:36 1 Q. 270 Back in Swords, yes.
- 2 A. Yes. I have no time line to, for me to sort of define where that date is, you
- 3 know.
- 4 Q. 271 All right. Well in any event I think the meeting was attended you say by
- 12:34:48 5 Mr. Dunlop, Mr. White and yourself?
- 6 A. Yes.
- 7 Q. 272 And I think that the feeling locally was quite negative at this stage?
- 8 A. Yes, yes. There was amongst residents in Swords there was a lot of frustration
- 9 at the time, not about this particular application but about lack of services
- 12:35:06 10 and you know shops, cars, traffic, you know and smells from the treatment plant
- 11 and this sort of thing. So there was, it wasn't specific to this proposal,
- 12 there was general agitation.
- 13 Q. 273 All right. And I think that you, just briefly you state that Mr. Dunlop opened
- 14 the meeting, gave a short description of the development and I think you went
- 12:35:29 15 on to explain the development in detail?
- 16 A. Yes.
- 17 Q. 274 And I think the, as these meetings do, questions were open, or floor was open
- 18 to questions and these concerns were expressed by the people who attended?
- 19 A. Yeah.
- 12:35:43 20 Q. 275 As you state in relation to housing, sewers and traffic.
- 21 A. Absolutely.
- 22 Q. 276 Now I think you say that a number of questions were answered and you say that
- 23 there was, answered in that you state and if we can have page 367 please? At
- 24 the bottom there at number one the second last paragraph of bottom of page 367
- 12:36:15 25 "The answers provided were as follows. There was a significant demand for
- 26 housing in Swords, particularly the next bracket up the ladder. It was pointed
- 27 out that almost all of Swords was made up of starter homes and many people had
- 28 to move out of Swords if they wanted to move into a larger house. Our proposal
- 29 was designed to provide this opportunity to move up the housing ladder."
- 12:36:35 30

12:36:35 1 The second answer you say in relation to queries "This question was the issue
2 that most concerned residents. That is the sewerage. We answered that the
3 developer would be contributing significant planning contributions to the
4 Council. Part of these monies would be specifically identified for the upgrade
12:36:51 5 of the treatment plant. You go on to say it was asked how could the Council be
6 made -- page 368 please? "How could the Council be made aware -- it was asked
7 how could the council be made to use the contributions for the upgrade? My
8 response was that they as residents of the area had a responsibility to make
9 sure their local representatives on the Council did what they, the voters
12:37:35 10 wanted." you accept that?

11 A. Yeah.

12 Q. 277 That was an answer you gave?

13 A. Absolutely.

14 Q. 278 And did you know at that time the views of any of the local representatives?

12:37:44 15 A. I don't think I did. Now I noticed in, I don't know whether it was GV or Tim
16 Collins' statement where there was the meeting in O'Dwyer's pub, I have a
17 sneaking suspicion that I actually attend that had meeting and showed GV the
18 drawings of what the proposal was, but that's the only contact I would have.

19 Q. 279 I think previously, just in relation to that, I think in fairness to you that's
12:38:12 20 page 199 of Mr. Tim Collins' statement he refers to a meeting in a public
21 house, again I did ask you a moment ago whether you had ever met Mr. GV Wright
22 and you said that you hadn't.

23 A. Yeah sorry yeah. No, I have this recollection of O'Dwyer's and just running
24 through GV, with the drawings, you know.

12:38:34 25 Q. 280 Did Mr. Wright express any views to you in relation to the proposed development
26 or its success or otherwise?

27 A. I think generally things were considered to be positive. What my whole aim was
28 to try and get the permanent officials to accept this, because obviously if
29 there is a recommendation coming from the manager, then it makes a planning
12:38:59 30 application and the material contravention much easier, you know if you are not

12:39:03 1 getting a recommendation from the permanent officials -- so you know, I don't
2 know whether GV would have asked a question what does the sanitary services
3 think of this or then, if you can give a positive answer to that then it makes
4 things far easier.

12:39:18 5 Q. 281 What did you understand was Mr. GV Wright's role in relation to the
6 development?
7 A. I don't think he had any role. He was a public representative.

8 Q. 282 And did you meet any other public representatives?
9 A. I don't think I did.

12:39:35 10 Q. 283 Would you have met fringes Mr. Cyril Gallagher at any time?
11 A. No, I don't believe so.

12 Q. 284 You say again you have recollected that you met Mr. Wright at this meeting, you
13 think possibly in O'Dwyer's which would have been across the road from your
14 offices?
15 A. Sure that's right.

16 Q. 285 Why would you be meeting Mr. Wright, given that you would have heard evidence
17 last week that Mr. Wright represented Malahide, he didn't represent the Swords
18 area, do you know why you might have met him?
19 A. To be honest I don't know. I would have met or explained drawings at the
12:40:00 20 behest of the client I would have thought.

21 Q. 286 Was this usual practice?
22 A. In what, in terms of this particular project or in other projects?
23 Occasionally yes. If there is big development going on in a particular area
24 and if somebody, if a local representative has a, has an interest then I would
12:40:40 25 certainly illustrate them and explain.

26 Q. 287 I think as you said Tim Collins was with you at this meeting with Mr. GV
27 Wright?
28 A. I think so, I think so. He said he was anyhow so --

29 Q. 288 And again I will ask you, I would ask you to try and remember, think hard on
12:41:01 30 this one, did you have any other meetings with Mr. GV Wright in relation to

- 12:41:04 1 this development?
- 2 A. No I don't believe I did.
- 3 Q. 289 I think that getting back to your statement, you finally say the final question
- 4 was in relation to road and again the answer to the public attending at the
- 12:41:21 5 meeting was that "The significance of the proposed district distributor road
- 6 was emphasised in regard to assisting in alleviating traffic problems in
- 7 Swords".
- 8 A. That's right.
- 9 Q. 290 We dealt with that earlier. And again in your statement you say following the
- 12:41:34 10 questions and answer sessions you believe that the feeling was positive from
- 11 the floor after.
- 12 A. Yes it was. Yeah.
- 13 Q. 291 Now again your statement and I referred to it at the outset, that ultimately
- 14 the material contravention motion was put before the Council and it was voted
- 12:41:51 15 upon on the 22nd or 23rd of April 1991?
- 16 A. Mm-hmm.
- 17 Q. 292 And that you understand that it was supported by the permanent officials of the
- 18 Council and councillors as we know voted to grant planning permission?
- 19 A. That's correct.
- 12:42:06 20 Q. 293 I think the decision to grant planning permission was issued on 10th May, 11th
- 21 of May 1991 here I think. The decision -- page 992 please, decision was made
- 22 on 10th of May 1991, the outcome Nosaka appealed the decision to An Bord
- 23 Pleanala as you say and there were no third party objections or appeals to the
- 24 decision?
- 12:42:27 25 A. That's right.
- 26 Q. 294 You said it was my belief that the prime reason for Robert White appealing the
- 27 decision was that he was contracted to pay Duff on the option for the lands.
- 28 And you said that "I have been aware Robert White had paid I think an extra
- 29 50,000 to extend the option agreement" do you mean the Duff Lands there?
- 12:42:45 30 A. Well as I understood it, and I still understand it, I think the original 15

12:42:51 1 acres or thereabouts, had actually been purchased and that there was an option
2 on the balance of the 54 and he had an option on that and as I understand it
3 the, I think the option time scale was running out and I seem to recall
4 Mr. White sort of saying he had to extend the option, it was, it was going to
12:43:15 5 cost him an extra 50,000.

6 Q. 295 All right. And I think that the appeal was ultimately withdrawn, grant of
7 planning permission issued on 10 April 1992. At 1028. And as you have heard
8 earlier in morning in relation to Tim Collins, you reiterated in your statement
9 that at page 368 please, an outstanding sum of fees due to Pilgrim Group
12:43:40 10 Limited remained unpaid by Nosaka Limited?

11 A. That's right.

12 Q. 296 And I have to ask you as Mr. Quinn asked Mr. Collins, did you make any attempts
13 to secure the balance of fees owed to Pilgrim Group Limited?

14 A. We chased Mr. White, you know made phone calls and things like that but
12:44:00 15 Mr. White, my recollection was that Mr. White said well it's Nosaka as opposed
16 to him personally and we made a decision, well you know had the development
17 proceeded, had he sold the lands, had he done those things, we felt yes that it
18 would, might well have been worth pursuing, but in the event it seemed to us
19 that there wouldn't have been a whole lot left and what we were getting
12:44:29 20 ourselves into costs and we didn't know whether there was going to be anything
21 there at the end of the day.

22 Q. 297 But you discussed the matter, notwithstanding, you discussed the matter with
23 Mr. White?

24 A. Oh we certainly did discuss it on, you know phone calls or what have you, yeah.

12:44:43 25 Q. 298 And did Pilgrim and/or yourself or Mr. Collins --

26 A. Yeah, just to, sorry just to say Mr. White had paid us the majority of the
27 money. My recollection was about 20,000 or something outstanding, now that's,
28 you know Mr. White could say well that was in dispute perhaps, I don't know.

29 Q. 299 And at the time of course that would have been a significant sum of money.

12:45:07 30 A. It would have been, yes.

- 12:45:08 1 Q. 300 And did Pilgrim have any interest, any other interest in these lands?
- 2 A. No, any financial interest or, sort of options or anything like that? No not
- 3 at all.
- 4 Q. 301 Or even in relation to even a portion of these lands?
- 12:45:26 5 A. No.
- 6 Q. 302 Are you aware, did Mr. Collins, would you be aware whether or not Mr. Collins
- 7 had any interest in these lands or a portion of these lands?
- 8 A. I don't believe he would have, but I have no knowledge of any interest, no.
- 9 Q. 303 Did you have any interest?
- 12:45:45 10 A. I did not, no.
- 11 Q. 304 And finally, if I could have page 416 please? I think you will see there at
- 12 number 11, this is a statement, final statement of Mr. Robert White, he says
- 13 "To the best of my memory I got a phone call from Pilgrim Limited or
- 14 Mr. Dunlop's office to ask if I could go to Leinster House to meet with
- 12:46:13 15 Mr. Dunlop" and he refers to a meeting in this paragraph with GV Wright and
- 16 himself and Mr. Dunlop in Leinster House, and at 10, I should indeed have
- 17 indicated "The meeting was held in Leinster House because I believe Mr. Dunlop
- 18 was on other business there. It was not to meet GV Wright who just happened to
- 19 be there at the time. Tim Collins and to the best of my memory Tim Rowe of
- 12:46:37 20 Pilgrim was there." this is Robert White as I say, his statement to the
- 21 Tribunal. Have you any comment to make in relation to what Mr. White says?
- 22 A. I don't have recollection of attending a meeting with Robert and GV Wright in
- 23 Leinster House.
- 24 Q. 305 And finally then I might just ask you in relation to the merger if that is
- 12:47:04 25 correct term to use, of Pilgrim and Ambrose Kelly Architects Limited?
- 26 A. Yeah I don't think it was a merger. Effectively Pilgrim partly, partly you
- 27 know the monies that we were owed by Robert White, but we had very little
- 28 cashflow at the time and I think Ambrose Kelly Group were acting for the Duffs
- 29 on they equestrian centre, in the vicinity and I think they had been presumably
- 12:47:42 30 looking with interest at how this material contravention was proceeding, so we

12:47:49 1 effectively went to work with, for Ambrose Kelly.

2 Q. 306 I think would it be correct to say that the partnership, Ambrose Kelly and
3 Associates, grew out of it this project, the project you were working on with
4 Mr. Robert White, would that be correct?

12:48:10 5 A. Sorry.

6 Q. 307 Would it be correct to suggest that the -- Pilgrim was bought over by Ambrose
7 Kelly and company as a result of the development you were working on at Duff
8 Lands, would that be correct?

9 A. I think they became aware of Pilgrim, I don't think they would have been aware
12:48:29 10 of Pilgrim prior to that particular project, but did you say bought over?

11 Q. 308 If I could have page 731 please? This is a private interview with Mr. Frank
12 Dunlop on the 19th May 2000, at 24 there, a question "Is it your understanding
13 that Ambrose Kelly was a member of the Nosaka consortium?" Mr. Dunlop says "No
14 my understanding of it is that the Pilgrim and Associates man called Tim Rowe
12:48:58 15 but in particular the architects, planners and designers for the project, that
16 Pilgrim and Associates were either bought or taken over or merged with Ambrose
17 and Kelly and Associates, which brought Tim Rowe and Tim Collins from Pilgrim
18 into Ambrose Kelly's, therefore once they came in it was out of their offices
19 that the generation of interest in relation to planning and architectural
12:49:18 20 design emanated."

21 A. I don't understand that at all. That's -- myself and Tim effectively got jobs
22 at Ambrose Kelly's, the last sentence I don't understand at all.

23 Q. 309 So that wouldn't be your recollection of --

24 A. No not at all.

12:49:37 25 Q. 310 And did you, just in relation to Pilgrim, you say you got jobs at Ambrose
26 Kelly, did you liquidate Pilgrim?

27 A. Yes it was wound up. Now I can't give you the precise date, but we actually,
28 but we actually, we actually kept it alive, primarily so that there was no, and
29 we got jobs, so there was no outgoings of Pilgrim, and that meant we could
12:50:06 30 actually sort of, it was still the entity of Pilgrim but we could actually

- 12:50:10 1 chase, try and get the balance of money out of Robert, Robert White.
- 2 Q. 311 And did you do that whilst you were engaged by Mr. Ambrose Kelly?
- 3 A. Yeah.
- 4 Q. 312 And while you were engaged by Mr. Ambrose Kelly that you negotiated with Robert
- 12:50:25 5 White?
- 6 A. I think in the very early stages, if I remember correctly when we went into
- 7 Ambrose Kelly's we were down stairs and the main architectural practice Ambrose
- 8 Kelly's was up stairs, and it was almost like a sort of halfway house, because
- 9 obviously we might have had jobs to finish, you know that we were tidying up
- 12:50:50 10 and then we'd get fed, if you like, or I'd be asked to design a housing
- 11 project, I don't think Ambrose Kelly's at the time had any residential
- 12 experience of housing schemes and that sort of stuff, so that's what I offered
- 13 to the practice.
- 14 Q. 313 Sure, but just to clarify I think it would be correct to say that you were
- 12:51:13 15 engaged by Mr. Ambrose Kelly at the time when you had discussions with Robert
- 16 White and determined not to pursue the balance of monies owed, being 20,000
- 17 pounds, would that be correct?
- 18 A. I think so, yes.
- 19 Q. 314 And just finally, did you have any other contract or contact with Mr. Frank
- 12:51:34 20 Dunlop after the Duff site project?
- 21 A. I don't think I did, no. I may have seen him sort of around town or something
- 22 like that, I recognised him, I just had those two meetings but that was it.
- 23 Q. 315 All right thank you very much Mr. Rowe. You might answer any questions.
- 24
- 12:51:53 25 CHAIRMAN: Mr. Kennedy do you want to ask any questions?
- 26
- 27
- 28
- 29 **THE WITNESS WAS CROSS-EXAMINED AS FOLLOWS**
- 12:51:57 30 **BY MR. KENNEDY:**

- 12:51:58 1
- 2 Q. 316 Mr. Rowe, Martin Kennedy for GV Wright just a few brief questions. I take it
3 you had experience dealings with developers around prior to the time you came
4 in contact with Mr. White in Dublin, around where you were working?
- 12:52:12 5 A. My main experience would have been working, I was, I had speciality in hospital
6 design, so I worked on St. James Hospital the main phase of James' Hospital,
7 and I would have had some experience yes with I worked with Walsh Maguire and
8 O'Shea were clients doing residential projects at Clonskeagh.
- 9 Q. 317 The reason I ask you that, did you form the view of the experience or lack of
12:52:38 10 it, through no fault of his own, that Mr. White had in the development area,
11 residential property at that time, if I was to put it to you that he lacked
12 experience, because perhaps this was his first venture, was that your sense of
13 him at the time?
- 14 A. You could say that. I mean I was surprised at the original 15 acres it seemed
12:53:01 15 to me that it had no value other than residential.
- 16 Q. 318 I was going to lead into that. When you first contacted him, that's what he
17 had, 15 acres which was going nowhere?
- 18 A. That's what I understood yes.
- 19 Q. 319 And it was you that suggested to him that he'd have to get access and sort of
12:53:18 20 beef it up, so to speak?
- 21 A. Well you had to, the planks of development, roads, sewers, water supply.
- 22 Q. 320 Yes. It was you that were making these suggestions and he was being brought
23 along and guided by you?
- 24 A. Yeah, very much so.
- 12:53:31 25 Q. 321 And all pointing to his, I don't want to be disrespectful to him but he was an
26 amateur, maybe he has gained in experience since, but he was an amateur in the
27 development world at that time, would you agree with that proposition?
- 28 A. I wasn't aware that he had undertaken any prior development.
- 29 Q. 322 Now you seem to have gone about the project in a very professional way. You
12:53:56 30 met the senior planners, you attended a meeting and the planners seemed to give

12:54:05 1 a very positive reaction, they were favouring the project and they were
2 particularly influenced by the provision of the roadway and the access that was
3 going to be created to the sewer, am I right in that?
4 A. Primarily the roadway.

12:54:23 5 Q. 323 You were winning them over as the project was being developed?
6 A. Oh absolutely, yes.
7 Q. 324 So and the meeting in Swords was quite successful, was it not, in that am I
8 right in saying there was no third party objection to the planning decision
9 when it was made?

12:54:41 10 A. No, that's correct, yes.
11 Q. 325 And were you aware throughout this venture that Robert White was hanging on to
12 options, we wasn't the owner of the lands that were the subject of the planning
13 application?
14 A. I was aware that he had optioned the balance of the 54 acres.

12:55:02 15 Q. 326 I mean he was taking quite a risk was he not?
16 A. He was --
17 Q. 327 He was taking some risk?
18 A. He was risking our fees and whatever he had paid for the option.
19 Q. 328 He was risking his own money?

12:55:14 20 A. Oh, yes he was.
21 Q. 329 And I think as it turned out he lost quite a bit on this project is that right?
22 A. I don't know.
23 Q. 330 That public meeting you attended in Swords, you got no adverse reaction from
24 the floor and I think at page 367 I think if we can just see that very briefly,
12:55:39 25 the bottom of that page you seem to have been prophetic in your answers,
26 certainly at one you were convincing the people of Swords in the early 1990s
27 how to get on the property ladder and providing them with an opportunity when
28 you talk thereabout these were answers that you had prepared for the floor so
29 to speak?

12:56:01 30 A. Well the whole design, primarily Swords was made up of 3 bed semi detached

12:56:07 1 housing and we increased the size of the houses made them four beds, so it was
2 another step up the ladder.

3 Q. 331 So it was a lot of proposal and the planners reacted favourably to it?

4 A. They did yeah.

12:56:27 5 Q. 332 And I think at material contravention itself, the meeting the managers made
6 that quite clear, they were favouring it?

7 A. Yes.

8 Q. 333 Thank you very much Mr. Rowe.

9

12:56:31 10 CHAIRMAN: All right. Do you wish to ask anything?

11 Thank you very much Mr. Rowe. Thank you.

12

13 MR. QUINN: Mr. Wright at 2 o'clock.

14

12:56:41 15 CHAIRMAN: Two o'clock.

16

17 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**

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THE TRIBUNAL RESUMED AS FOLLOWS AT 2.00 P.M:

MR. QUINN: Good afternoon sir. Mr. GV Wright please.

THOMAS GV WRIGHT, HAVING BEEN SWORN, WAS EXAMINED

AS FOLLOWS BY MR. QUINN:

CHAIRMAN: Good afternoon Mr. Wright.

Q. 334 MR QUINN: Good Afternoon Mr. Wright. If I could have page 482 please, Mr. Wright on the 21st May 2003 the Tribunal wrote to you in relation to the current module, that is the Duff Lands, isn't that right?

A. That's right.

Q. 335 And sought from you a narrative statement. Now I think that whilst you replied to your solicitors in relation to what was contained in that letter, if I could have 1041 please, a letter dated 30th May which was received by your solicitors, I think you didn't come to make a formal statement to the Tribunal until the 10th March 2006 at 1040, is that correct?

A. That's correct.

Q. 336 Was that because you thought that you had replied to the Tribunal or is it because you --

A. A little bit of both actually. I think my solicitor tried to outline in a covering letter to you. In relation to it -- I obviously thought that I had dealt in a certain way, but I have to say just in relation to other files that were going on at the time, it probably should have been dealt with, more or less that's what Mr. Kennedy is outlining.

Q. 337 Well if we could just, I take you through your statement then if I may. Your statement is to be found at 1038. And you say the following, you say "I was invited by the Tribunal to provide a narrative statement concerning the lands here in by way of a letter dated 21 May 2003 to my solicitor Martin A Kennedy

14:06:47 1 from Susan Gilvarry, solicitor for the Tribunal.
2
3 My solicitor wrote to me on 22 of May 2002 sending a me copy" should be 2003
4 "Sending me a copy of the Tribunal's letter dated 21st May 2003. I responded
14:07:02 5 to the letter that I had received from my solicitor by way of letter of 30th of
6 May 2003, that I faxed to my solicitor on 9 June 2003 and in an affidavit as to
7 documents made by me today I have furnished a copy of my letter of the 30th May
8 2003.
9
14:07:18 10 What I have to say in this narrative statement is to some extent already dealt
11 with by me in my letter of the 30th of May 2003 to my solicitors".
12 And then you go on to deal with the matters, you say;
13 "Insofar as my letter of 30 May 2003 has not dealt with questions raised in the
14 letter of the 21st May 2003 from the Tribunal's solicitors and to the best of
14:07:38 15 my knowledge recollection and belief I now deal with the matters raised in the
16 letter of the 21st of May in the chronology of that letter.
17 You start by giving your full name and then you go on in paragraph B;
18 "I have in previous narrative statement furnished my biographical history and
19 have for many years now been full-time involved in local and national politics.
14:07:56 20
21 C. I have known the Duff family through my former family business based at the
22 Diamond Malahide and through show jumping and my racing contacts. I said in my
23 letter of the 30 May 2003 to my solicitor Mr. Martin Kennedy that I was not
24 sure if I had any former, I mean formal meetings with the Duff family but they
14:08:15 25 would have known of my support for the file".
26
27 Just in relation to that you refer to the file, are you referring to the
28 material contravention motion?
29 A. Yes, yeah.
14:08:27 30 Q. 338 Throughout your statement you keep making reference to the file, is that the,

14:08:33 1 is that your reference to --

2 A. Yes, yeah.

3 Q. 339 The motion?

4 A. Yes.

14:08:38 5 Q. 340 Paragraph B "In relation to Mr. Robert White and as I indicated in my letter of
6 the 30 May to which I have already referred my recollection is that I met with
7 Mr. Robert White in late 1989 or early 1990 in my constituency office in
8 Malahide, following Mr. White's requesting such a meeting. At this initial
9 meeting Mr. White would have discussed with me his proposals for the lands. I
10 would have been familiar with the lands and as I said in my letter of the 30
11 May 2003 to which I have already referred, I was impressed by his plans, but
12 recommended that he should see the local councillors for the Swords area and
13 the senior planners in the planning authority. Mr. White kept in touch with me
14 in relation to his proposals. I also have a recollection of being briefed by
14:09:17 15 his architects in relation to the proposals. My recollection is that the
16 proposals were received well by the planning authority and by residents'
17 associations in the Swords area because A, the proposal offer an opportunity
18 for starter homes in the North Dublin area. Roman numeral 2," the proposals
19 included the provision of a major distributor road to be built at the expense
14:09:36 20 of the developer, a proposal that the Roads Department of Fingal County Council
21 had and would have built if the funding had been available to them."
22
23 Roman numeral 3, "the proposal for the Duff lands were a natural extension to
24 the town of Swords."
14:09:48 25
26 Paragraph E, "Frank Dunlop was known to me and it is my understanding that
27 Robert White at some point in the presentation of his proposal to the Council
28 engaged Mr. Dunlop for public relations support and publicity to assist in the
29 promotion of the proposal. I would have discussed the proposal with Mr. Dunlop
14:10:04 30 and I have no doubt that I would have indicated to him that I was supportive of

14:10:07 1 the proposals.
2
3 I was fully supportive of the proposals as they related to land located in
4 Dublin north and as has been proven since the Fingal County Council in
14:10:20 5 subsequent years encouraged the development of lands in the immediate area of
6 the Duff Lands, by their policy of rezoning lands in the immediate vicinity of
7 the Duff Lands."
8
9 Paragraph G. "I, as a method of fund -- sorry funding my political career and
14:10:35 10 my constituency office located at Church Road Malahide would have regularly
11 organised through my friend and family regular fundraising activities such as
12 golf classics, lunches and dinners and Robert White would have supported many
13 of these fundraising events. Could I not be sure of the support came from
14 Mr. White personally, or through a company with which he might have been
14:10:55 15 associated. I have received no payment or political donation in respect of
16 this matter from Frank Dunlop." you conclude by saying "I have nothing further
17 to add to this statement other than to apologise for the late delivery of the
18 statement but to also say to the Tribunal that I did to a large extent deal
19 with what I have indicated in this statement in my letter of the 30th May 2003
14:11:15 20 to my solicitor when I responded at that time to the issues raised in the
21 letter of the 21st May 2003 received by him from the solicitor to the
22 Tribunal."
23
24 And then your letter I think is to be found at 1041 and 1042. Now Mr. Wright
14:11:33 25 you were I think in 1990 and 1989/1990 a member of the Dublin County Council
26 representing the Malahide ward is that right?
27 A. That's correct.
28 Q. 341 And I think you have in this statement, advised the Tribunal that Mr. White
29 came to visit you, isn't that right in your constituency office?
14:11:52 30 A. He did, he made a phone call and asked for an appointment yeah.

- 14:11:56 1 Q. 342 Did you know Mr. White at this stage?
- 2 A. No.
- 3 Q. 343 When was the first time you met Mr. White?
- 4 A. At that particular meeting in the office.
- 14:12:01 5 Q. 344 Okay. Did you, Mr. White's wife has given evidence, I don't know if you are
- 6 aware of it, in which she admits to, or advises the Tribunal that she knows and
- 7 was friendly with your wife?
- 8 A. That would be subsequent years.
- 9 Q. 345 Subsequent years?
- 14:12:18 10 A. Yes.
- 11 Q. 346 I see. Did a friendship develop between yourself and Mr. White stemming from
- 12 that first meeting in yours office?
- 13 A. Yeah absolutely yeah.
- 14 Q. 347 I see. Do you know why Mr. White came to you?
- 14:12:30 15 A. Well as well as being councillor for Malahide I was also Dail Deputy, leading
- 16 into that, I was a Senator at the time and I would have been, as I say, elected
- 17 in '87 as a Dail Deputy for the area, so I can only conclude that he would have
- 18 known that I was, had that position, both as a Dail Deputy and Senator and a
- 19 local councillor.
- 14:12:53 20 Q. 348 Did he tell you when he came to you that he had been to any other councillors?
- 21 A. No.
- 22 Q. 349 Was it your understanding that you were the first councillor that he had
- 23 approached in relation to the matter?
- 24 A. To the best of my knowledge, possibly so, yes. Having said -- sorry I am not
- 14:13:07 25 absolutely sure that he wouldn't have said I was the first or otherwise, but it
- 26 could have been that way.
- 27 Q. 350 But were you left with that impression that you were the first political person
- 28 he had spoken to?
- 29 A. I would say so, yes.
- 14:13:22 30 Q. 351 Yes. You had never met him, you didn't know who he was and nobody had

- 14:13:22 1 introduced him to you, he just arrived out of the blue to your offices?
- 2 A. No, he made a phone call.
- 3 Q. 352 Sorry, prior to the phone call?
- 4 A. Which would be normal for anyone to do yes.
- 14:13:30 5 Q. 353 Okay. And what did he say to you at that first meeting?
- 6 A. Basically over the phone he suggested that he had possible proposal for lands
- 7 in the Swords area and that he would like to discuss them with me, that was
- 8 basically the introduction of the call.
- 9 Q. 354 The lands, the proposal in relation to the -- if we can have page 369 please,
- 14:13:56 10 this is a map provided to the Tribunal by Mr. Rowe and it shows the subject
- 11 lands and other lands?
- 12 A. Yeah.
- 13 Q. 355 Are you reasonably familiar with the location of these lands?
- 14 A. I know them very well.
- 14:14:10 15 Q. 356 Did you know them well at the time?
- 16 A. I would have known the family that owned the lands.
- 17 Q. 357 You knew the Duffs?
- 18 A. I did yeah.
- 19 Q. 358 Did you flow Mr. Baker who appears to have owned adjoining lands?
- 14:14:18 20 A. I would have.
- 21 Q. 359 So Mr. Rowe has advised the Tribunal that when he came to him in relation to
- 22 the Duff Lands Mr. White had not yet acquired the Baker lands, was that the
- 23 situation with you?
- 24 A. I am not sure about that.
- 14:14:34 25 Q. 360 I see?
- 26 A. Sorry about that but I am not sure.
- 27 Q. 361 Yes. Well in any event his conversation with you centred on the Duff lands.
- 28 A. Basically it was a concept that he had in his mind of the proposal of homes,
- 29 hotel and distributor road.
- 14:14:49 30 Q. 362 All in the Duff site?

- 14:14:53 1 A. That I am not certain of, but that was a concept in his mind at the time.
- 2 Q. 363 The distributor road, if it was confined to the Duff Lands would be running
- 3 from Jugback Lane west, isn't that right?
- 4 A. Yes.
- 14:15:03 5 Q. 364 And that wouldn't make sense the distributor road had to include the 18 acres
- 6 plus Motorola lands, if I can call them that linking across to Balheary Road?
- 7 A. Absolutely. The whole thrust that have would be to get to Rathbeale Road in
- 8 the context of Swords, that was the attraction and I think one of the reasons
- 9 why the planning authority would have been so supportive of the proposals.
- 14:15:26 10 Q. 365 Do you think he came to you very early on in his project?
- 11 A. I -- possibly, yes.
- 12 Q. 366 So the idea at the time was a development, but a development which hinged on
- 13 the provision of a local distributor road?
- 14 A. Well that would be part of it.
- 14:15:46 15 Q. 367 Yes?
- 16 A. That was one of the main attractions of it, the hotel was obviously an
- 17 attraction and the homes itself.
- 18 Q. 368 But the road concept, the idea of providing a road was already in place at this
- 19 stage, isn't that right?
- 14:15:58 20 A. Yes.
- 21 Q. 369 Now what advice did you give him in relation to the matter?
- 22 A. The first and main advice I gave, first of all I accepted the, that the concept
- 23 was good, but basically I said to him the most important thing for him to do
- 24 was get the support of local councillors and planning authority itself.
- 14:16:17 25 Q. 370 You knew that the zoning was all wrong from the point of view of what was being
- 26 proposed, it was an agricultural zoning I presume you were aware of that?
- 27 A. Absolutely, the lands were sure.
- 28 Q. 371 Did Mr. White know that he required the support of councillors?
- 29 A. I am sure he did, he must have known that.
- 14:16:34 30 Q. 372 And it was in that context he had come to you. You I think in time became the

- 14:16:38 1 whip of Fianna Fail grouping in the Council, were you a whip at this stage?
- 2 A. No.
- 3 Q. 373 Did he ask anyone of you other than your support for the proposal?
- 4 A. Absolutely not.
- 14:16:48 5 Q. 374 Did he ask that you might mention the matter to your colleagues on the Council?
- 6 A. The only person that I would have made contact to would be the late Cyril
- 7 Gallagher.
- 8 Q. 375 No but did Mr --
- 9 A. No sorry.
- 14:16:59 10 Q. 376 I accept what you are telling the Tribunal is that's the only other person you
- 11 spoke to, but what I am asking you is did Mr. White ask you to speak to anybody
- 12 else?
- 13 A. No absolutely not.
- 14 Q. 377 Did you you have to speak to anybody in relation to it?
- 14:17:10 15 A. No, the only advice on the day was that it would be imperative that it would
- 16 have the support of the local councillors of the area and make the point that I
- 17 was in Malahide Council at the time, so I was well aware that without the
- 18 support of the local councillors it would not be successful.
- 19 Q. 378 Yes?
- 14:17:26 20 A. And the other main point was to make direct contact, probably through his
- 21 architects with the senior planners for the area.
- 22 Q. 379 Yes, this had not been done at this stage?
- 23 A. No.
- 24 Q. 380 Now you say in your statement that Mr. White kept in touch with you in relation
- 14:17:42 25 to his proposals?
- 26 A. Yes.
- 27 Q. 381 What did you mean by that?
- 28 A. What I meant by that basically, as the concept was developed up by the
- 29 architects, brochures and so forth, the whole concept of what was being
- 14:17:55 30 proposed, I would have been kept informed.

- 14:17:56 1 Q. 382 Did he tell you why he was keeping you informed?
- 2 A. No.
- 3 Q. 383 Did you ask to be kept informed?
- 4 A. I had great interest to me, insofar as what I am saying to you there, I
- 14:18:06 5 genuinely thought it was a very good concept for Swords. It had three or four
- 6 items in it in my view that were extremely important to the area. Just make
- 7 the point Mr. Quinn if I can, I just fought two elections in the area it was
- 8 one of the main issues at the time the whole lack of housing in the area, there
- 9 was no lands zoned in the Swords area at that particular time and the whole
- 14:18:27 10 idea of a hotel, its been well documented for a town of the size of the Swords
- 11 to have no hotel at the time I thought that was very positive for the area as
- 12 well then the third point the whole idea of a road that I genuinely know, if
- 13 funding was there at the time, would have been part of the strategy, an
- 14 overall strategy, for the transport department and Fingal County Council as a
- 14:18:49 15 whole.
- 16 Q. 384 Do you recall the vote on the material contravention?
- 17 A. Only what I have read since.
- 18 Q. 385 Was there a meeting a Fianna Fail meeting in advance of that vote?
- 19 A. Not that I am aware of, no.
- 14:19:00 20 Q. 386 So is it your evidence to the Tribunal that despite your support for this
- 21 proposal the only other councillor that you spoke to in relation to it, only
- 22 other politician was Mr. Gallagher?
- 23 A. As it developed there would have been discussions within the party, absolutely.
- 24 Q. 387 So are you now saying that you did have discussions with councillors in
- 14:19:18 25 relation to --
- 26 A. It would have been a general discussion, yes.
- 27 Q. 388 So you had discussions. I am just giving you an opportunity to correct the
- 28 record Mr. Wright?
- 29 A. I hear what you are saying but I am trying to say to you there is that it was a
- 14:19:30 30 major development. There would have been discussion, and I would have let -- I

- 14:19:33 1 certainly would have let the group know my feelings on it, oh absolutely.
- 2 Q. 389 And the group would know that you were promoting this project?
- 3 A. Not promoting no.
- 4 Q. 390 Were you not, I understood you to say that you felt that it was in the
- 14:19:43 5 interests of the area?
- 6 A. Of course yes.
- 7 Q. 391 And you were being regularly updated in relation to it.
- 8 A. Specially when -- when I saw the general feeling within the Council itself of
- 9 support I think that's, when you see the vote of 37 to 13 or whatever it was.
- 14:19:59 10 Q. 392 Now you had a series of meetings with Mr. White isn't that right?
- 11 A. Yes.
- 12 Q. 393 In relation to it. You have referred to the first meeting which is the one in
- 13 your constituency office isn't that right?
- 14 A. Yes.
- 14:20:09 15 Q. 394 And there is a reference to a Leinster House meeting, if I could have page 416
- 16 please, do you recall that meeting?
- 17 A. Only what I read, when I read the information coming through, I don't remember
- 18 it as a meeting no.
- 19 Q. 395 But do you remember any interaction between yourself and Mr. Dunlop and
- 14:20:28 20 Mr. Rowe or Collins and/or Mr. White in Leinster House?
- 21 A. When the file came through Mr. Quinn genuinely, my view was Mr. Dunlop had a
- 22 very limit role in this.
- 23 Q. 396 I will get to Mr. Dunlop in a moment, I am talking about a meeting at this
- 24 stage, do you recall any meeting in Leinster House with anybody in connection
- 14:20:48 25 with this?
- 26 A. Not in Leinster House no.
- 27 Q. 397 Not in Leinster House. Do you recall a meeting in O'Dwyer's pub?
- 28 A. I do.
- 29 Q. 398 Do you recall Mr. Rowe and Mr. Collins and Mr. White being at that meeting?
- 14:20:59 30 A. I do.

- 14:20:59 1 Q. 399 Do you recall being briefed in relation to the meeting?
- 2 A. I do.
- 3 Q. 400 Who briefed you in relation to the meeting?
- 4 A. The architects, Mr. Rowe.
- 14:21:05 5 Q. 401 That's Mr. Collins and Mr. Rowe?
- 6 A. Mr. Rowe in particular.
- 7 Q. 402 Mr. Rowe in particular?
- 8 A. Yes insofar as he was the main architect involved in the file.
- 9 Q. 403 Did you know Mr. Collins?
- 14:21:13 10 A. No, not at that stage.
- 11 Q. 404 Have you come to know Mr. Collins?
- 12 A. Obviously he lives in Malahide at the moment, yes.
- 13 Q. 405 Did you get to know Mr. Collins because of the this development or because?
- 14 A. It would have been my first introduction to Mr. Collins, but Mr. Collins is
- 14:21:29 15 well known in Fianna Fail circles and I would have met him, subsequently after
- 16 that I would have met him at social functions and other functions.
- 17 Q. 406 Yes, was he well he well known in Fianna Fail circles in 1989 and 1990.
- 18 A. I couldn't answer that, I didn't know him at that stage, that's being honest I
- 19 wouldn't know, sorry.
- 14:21:45 20 Q. 407 Now the meeting on the, if I could have 512 please, this is an entry in
- 21 Mr. Dunlop's diary for 27 of September 1990 and it relates in particular to a
- 22 possible meeting with residents at 8 o'clock that evening, but at 12 noon there
- 23 is a reference GV/R White, do you see that do you recall meeting Mr. Dunlop and
- 24 Mr. White in September 1990?
- 14:22:10 25 A. I don't.
- 26 Q. 408 You don't?
- 27 A. I don't know, I don't honestly I don't.
- 28 Q. 409 Do you recall meeting Mr. White on the 26th of February 1992 if we can have 567
- 29 please, this appears to be an entry in Leinster House carpark and it seems to
- 14:22:29 30 appear to show a meeting between you and Mr. White, do you see that?

14:22:34 1 A. I have no recollection of that.

2 Q. 410 You have no recollection of that?

3 A. No I haven't.

4 Q. 411 But I would have had regular?

14:22:39 5 A. But I would have had regular contact with Robert yes.

6 Q. 412 Regular contact with Mr. White in '92 all related to this project?

7 A. Yes.

8 Q. 413 Or did it relate to other projects?

9 A. No this one.

14:22:49 10 Q. 414 Did you come to have meetings or contact with Mr. White in relation to other

11 projects or developments?

12 A. Not at that stage.

13 Q. 415 But subsequently?

14 A. Yes.

14:22:58 15

16 MR. KENNEDY: Chairman before Mr. Quinn moves on, what does he say we are

17 looking at here is this a diary?

18

19 CHAIRMAN: No this is a logbook at the entrance to Leinster House carpark.

14:23:11 20 Q. 416 Now if I have 570 this is a further logbook for the 3rd March 1992 and on the

21 second page 571 there appears to be a further meeting on the 3rd March 1992

22 between yourself and Mr. White, again can you recall what that meeting was

23 about?

24 A. I can't.

14:23:32 25 Q. 417 No. Were the meetings between yourself and Mr. White regular meetings regular

26 contacts?

27 A. There would have been plenty of phone calls.

28 Q. 418 Yes. In any political grouping that this proposed development was mentioned

29 you would have supported it?

14:23:45 30 A. Yes, yes.

14:23:48 1 Q. 419 Did you know that Mr. White had acquired a site which was subsequently sold to
2 Motorola?
3 A. I did of course, are you talking about the Baker site.
4 Q. 420 Yes?
14:23:57 5 A. I could state that that's a relation.
6 Q. 421 That that's related?
7 A. The site is owned by --
8 Q. 422 Mr. Baker?
9 A. Who would have been married to a cousin of mine.
14:24:08 10 Q. 423 Oh I see. Okay. Did you --
11 A. Sorry. I meant to say that to you when you mentioned Mr. Baker, he died since.
12 Q. 424 Mr. White hadn't acquired that had site when he met you first, had he?
13 A. No.
14 Q. 425 Had you mentioned it to Mr. Baker in his life time about Mr --
14:24:27 15 A. Mr. Baker and his wife asked me to come to see them on the basis of a proposal
16 and they were of a view that they were going to maybe hold on to it themselves
17 to develop and subsequently they decided otherwise.
18 Q. 426 Was this before or after Mr. White had got involved?
19 A. This was after Mr. White.
14:24:47 20 Q. 427 And did you tell Mr. White that you were related to the Bakers and that you
21 knew them?
22 A. When he arrived he didn't know that.
23 Q. 428 You didn't know?
24 A. No he didn't know.
14:24:55 25 Q. 429 But did he tell him?
26 A. I am sure I did, I am sure I did.
27 Q. 430 Yes. Now you said you spoke to the late Mr. Gallagher?
28 A. Yes.
29 Q. 431 He was the councillor for the area in question isn't that right?
14:25:08 30 A. Correct.

- 14:25:08 1 Q. 432 And what discussion did you have with Mr. Gallagher?
- 2 A. Well I would have had, obviously after Mr. White made contact with Cyril, sorry
- 3 with Mr. Gallagher, there would have been much discussion as such on that.
- 4 Q. 433 But --
- 14:25:26 5 A. Like obviously Mr. Quinn we are meeting every week, I am not saying that was
- 6 discussed every week, but as the file developed and as the planners developed
- 7 it up and so forth, it would have been discussed.
- 8 Q. 434 Did you advise Mr. White to go and speak to Mr. Gallagher?
- 9 A. It was stated absolutely he should go and see the local councillors not just
- 14:25:44 10 Mr. Gallagher, that it would be go and see all the councillors in the area.
- 11 Q. 435 When you spoke to Mr. Gallagher had Mr. White spoken with him?
- 12 A. I can't be sure, sorry Mr. Quinn I can't be sure of that.
- 13 Q. 436 What was Mr. Gallagher's reaction?
- 14 A. He saw the merit and also saw without the support of the planners it would be
- 14:26:00 15 difficult.
- 16 Q. 437 That coincided completely with your view on it?
- 17 A. He would have seen the same merits as I did yes.
- 18 Q. 438 I think it was your view as well it needed the support of the planners?
- 19 A. Absolutely yes.
- 14:26:11 20 Q. 439 It, would it make it much easier to get the material contravention through?
- 21 A. Absolutely.
- 22 Q. 440 So would it be fair to say Mr. Gallagher was as supportive of the development
- 23 as you were?
- 24 A. Yes.
- 14:26:21 25 Q. 441 Were you jointly seen as being supportive of this development in any
- 26 discussions on the development?
- 27 A. Not in the way maybe you are saying, there were many other people that have
- 28 supported it, it was well supported you know in the vote.
- 29 Q. 442 Now I think planning application was lodged in August 1990 and the matter came
- 14:26:42 30 before the council/Committee meeting of the 17th of September 1990, if I could

- 14:26:44 1 have 935 please? Do you recall the planning file coming for discussion before
2 that committee?
- 3 A. Yes I can.
- 4 Q. 443 Is that a planning subcommittee of Dublin County Council?
- 14:26:58 5 A. No, no.
- 6 Q. 444 What is that committee can you --
- 7 A. Its a full council meeting as I see it there.
- 8 Q. 445 A full council meeting?
- 9 A. Yes just looking at the names there yes.
- 14:27:10 10 Q. 446 And you yourself, councillor Gallagher, councillor Devitt and councillor
11 Mulvihill all supported the proposal at that time?
- 12 A. Yes.
- 13 Q. 447 There was some opposition to it?
- 14 A. Yes.
- 14:27:19 15 Q. 448 Can I ask you did you discuss the matter with councillor Devitt?
- 16 A. I am sure it would have come up for discussion, yes.
- 17 Q. 449 An was she equally supportive?
- 18 A. I think eventually yes, yes.
- 19 Q. 450 Eventually had she to be convinced?
- 14:27:32 20 A. No I don't think so. I don't think so. I think she'll answer that herself
21 insofar as I think again just go back to you, there was much discussion in
22 media at the time of the lack of housing in the area and certainly the lack of
23 a hotel, it was a joke in the town of Swords at the time that there was no
24 hotel of any facility for any event or otherwise.
- 14:27:54 25 Q. 451 Now I think the matter again came up on the 15th October if I could have 949
26 please? Again do you say that that's a meeting of the Council?
- 27 A. Yes.
- 28 Q. 452 And again on the 19th November 1990 at 951, it seems to be a meeting of Fingal,
29 was there a Fingal subcommittee of the Council?
- 14:28:20 30 A. There -- yes there would have been, at that stage, yes, for planning yes there

- 14:28:23 1 would have been yes.
- 2 Q. 453 For planning applications concerning that area?
- 3 A. Yes, yeah.
- 4 Q. 454 Are those the meeting?
- 14:28:29 5 A. Yeah I'm just trying to see, looking across Council committee meeting so I
- 6 suspect that it is yes.
- 7 Q. 455 That's a planning committee meeting where some local councillors would meet
- 8 with representatives of the planning authority where the files would be
- 9 discussed?
- 14:28:43 10 A. Senior management, yes.
- 11 Q. 456 Yes. Now Councillor Gallagher seems to be closely associated with it at this
- 12 stage, do you see that?
- 13 A. I do indeed, yes.
- 14 Q. 457 Was that your understanding?
- 14:28:52 15 A. Yes he would have been supportive of it.
- 16 Q. 458 I see. And again on the 17th of December if we could have 957 please? Was
- 17 Councillor Gallagher keeping an eye on the planning application throughout
- 18 these meetings?
- 19 A. He would have Mr. Quinn, probably would have known at that stage that it was
- 14:29:12 20 being supported by officialdom.
- 21 Q. 459 Yes?
- 22 A. At this stage you know its X months in the process, I would be surprised if he
- 23 was, and there would be direct contact with both Planning Department, Roads
- 24 Department, all Drains Departments, he would be well aware at that stage that
- 14:29:28 25 this was getting as we call it a good hearing.
- 26 Q. 460 Now at some stage Mr. Dunlop got involved isn't that right?
- 27 A. That's correct.
- 28 Q. 461 Was that long after Mr. White's first meeting with you can you recall?
- 29 A. I think it is. My understanding the, my understanding is that the only reason
- 14:29:41 30 Mr. Dunlop was brought in was in relation to do some public relations, to get

- 14:29:46 1 across the message that was there, in local press and so forth.
- 2 Q. 462 Who, what do you base that understanding on?
- 3 A. That's just my understanding of it. That was the only reason that he was there
- 4 at that stage.
- 14:29:58 5 Q. 463 But what's the basis of your understanding?
- 6 A. Because at that stage Mr. Dunlop was a very very successful public relations
- 7 company and he was very much involved in both National media and other media in
- 8 relation to it and the whole idea at the time was that, with various public
- 9 meetings and so forth, it was important to get the message across and that's
- 14:30:20 10 how I understood it.
- 11 Q. 464 We only know of one public meeting that's the one on the 28th of September?
- 12 A. That's right, yeah.
- 13 Q. 465 Were there others do you say?
- 14 A. Of course, I mean you would have had residents meetings and community council
- 14:30:31 15 meetings.
- 16 Q. 466 Did you attend any of those resident or community council meetings?
- 17 A. Not to my recollection.
- 18 Q. 467 Were you at the one on the 28th of September?
- 19 A. No.
- 14:30:38 20 Q. 468 Were you consulted by Mr. White in advance of Mr. Dunlop's retainer?
- 21 A. Not to my knowledge on that, no.
- 22 Q. 469 When did you first come to realise Mr. Dunlop had any involvement in relation?
- 23 A. Mr. White informed that he intended to bring Mr. Dunlop on the basis --
- 24 Q. 470 Did he tell you why he had selected or settled on Mr. Dunlop?
- 14:30:55 25 A. No, no.
- 26 Q. 471 You had known Mr. Dunlop at this stage?
- 27 A. I did indeed.
- 28 Q. 472 Did he tell you who had recommended Mr. Dunlop to him?
- 29 A. No, no.
- 14:31:08 30 Q. 473 Did he tell you what talents he thought Mr. Dunlop had?

- 14:31:08 1 A. Just what I have described.
- 2 Q. 474 PR talents?
- 3 A. Absolutely.
- 4 Q. 475 Did you support or encourage him to get Mr. Dunlop?
- 14:31:11 5 A. I did not make any comment on it, but I would have known it, at that time I
- 6 would have known Frank through all the political associations that he had and
- 7 the political jobs that he had and I regarded him as extremely successful
- 8 public relations company at the time.
- 9 Q. 476 So you would have supported Mr. White's view that --
- 14:31:30 10 A. I supported the idea that there was a message to be sold and it was important
- 11 to sell it.
- 12 Q. 477 But you were selling the message yourself isn't that right?
- 13 A. I was and making plenty of speeches, not so much in the elections that I had
- 14 just fought I made the point to you that there was a general need out there for
- 14:31:48 15 the type of proposal that was there.
- 16 Q. 478 So there was, there was a support generally for it, isn't that right?
- 17 A. Yes.
- 18 Q. 479 Did Mr. Dunlop speak to you about the proposals?
- 19 A. Yes.
- 14:31:58 20 Q. 480 And in what context did he speak to you about them?
- 21 A. What were the merits of it? What were the main points to get across?
- 22 Q. 481 He asked you for your views?
- 23 A. Yes, yes.
- 24 Q. 482 And what did you say to him?
- 14:32:10 25 A. The main points that I have outlined in any correspondence I have sent.
- 26 Q. 483 Yeah?
- 27 A. That there was, in my view, a strong case to be made for this proposal.
- 28 Q. 484 Did Mr. Dunlop tell you the terms under which he came to be employed by
- 29 Mr. White?
- 14:32:23 30 A. Absolutely not, absolutely not Mr. Quinn.

- 14:32:25 1 Q. 485 Did you encourage Mr. Dunlop to speak to any councillors?
- 2 A. Absolutely not I don't know I don't think Mr. Dunlop was involved with any
- 3 councillors.
- 4 Q. 486 He was involved with you?
- 14:32:35 5 A. On the basis that he came after being appointed yes.
- 6 Q. 487 Why do you think he came after you?
- 7 A. He would have known and I would have known him over many years, he was the
- 8 former as you know, all his profile is there, he would have been out of the
- 9 north county a lot insofar as he was former Press Secretary and to late John
- 14:32:52 10 Boland the Minister of Education at the time.
- 11 Q. 488 So on that basis, you say he sought you out on the basis of appointment and
- 12 sought from you, what it is he should highlight, as part of this development?
- 13 A. He would have regarded the fact that I was both a TD, a Senator and a
- 14 councillor at the time, yes.
- 14:33:06 15 Q. 489 Did you advise him to speak to Mr. Gallagher?
- 16 A. No.
- 17 Q. 490 Councillor Gallagher.
- 18 A. No.
- 19 Q. 491 But you had advised Mr. White that he should speak to Councillor Gallagher?
- 14:33:14 20 A. Yes.
- 21 Q. 492 Why didn't you give the same advice to Mr. Dunlop?
- 22 A. The only role I saw him at the time was public relation role.
- 23 Q. 493 Mr. Dunlop told the Tribunal when he was taken on board he was advised by Mr.
- 24 White that you were on board that you were supportive, that could very well be
- 14:33:31 25 true?
- 26 A. From day one Mr. Quinn yes.
- 27 Q. 494 But Councillor Gallagher was less supportive, was worried about the planners
- 28 view on the issues?
- 29 A. Yes.
- 14:33:39 30 Q. 495 That was your experience as well with councillor Gallagher?

- 14:33:41 1 A. He would have been a cautious man.
- 2 Q. 496 Yes?
- 3 A. And he would have known that just as we stated before that it was, it would
- 4 have been important for the file that the senior planners were encouraging it.
- 14:33:51 5 Q. 497 Can I ask you did you speak to any of the planners about this development?
- 6 A. Not directly, I don't think, never.
- 7 Q. 498 Did you speak indirectly?
- 8 A. No sorry.
- 9 Q. 499 Did you ever mention it to any of the planners?
- 14:34:02 10 A. I was supported on the floor of the Council.
- 11 Q. 500 But other than the floor of the Council did you ever speak to any of the
- 12 planners about the development?
- 13 A. I can't, I would have spoken to maybe the Transport Department in relation to
- 14 the distributor road.
- 14:34:13 15 Q. 501 In a supportive way isn't that right?
- 16 A. Correct.
- 17 Q. 502 Did you speak to any of the other planners about the proposal?
- 18 A. I am sure I would have talked to the County Manager, I can't say for definite
- 19 but I would be surprised if I was supporting something as I was, that I
- 14:34:27 20 wouldn't have then spoken to the senior planners at the times.
- 21 Q. 503 Because you would have known the senior planners wouldn't you?
- 22 A. I would.
- 23 Q. 504 From attending Council meetings?
- 24 A. Yes and on a day to day contact as well Mr. Quinn, I mean every file that's of
- 14:34:39 25 importance, and I saw this not just as planning file, I saw it as an absolute
- 26 in my view, a positive for the town of Swords.
- 27 Q. 505 Yes. So it was in that context you would have spoken to planners had you
- 28 spoken to the planners before they had given their support for the proposal?
- 29 A. I am sure at an early age I would have, probably on the floor of the
- 14:35:05 30 counselling that would have come across that I was supporting it.

- 14:35:05 1 Q. 506 The application I think was lodged in August 1990.
- 2 A. Yes.
- 3 Q. 507 But I think that the planners had been consulted before that.
- 4 A. They would have been, I don't know what Mr. Rowe said this morning whether the
- 14:35:12 5 architects themselves made direct contact with them they may have had.
- 6 Q. 508 Yes there were meetings between architects and planners?
- 7 A. I am sure they did.
- 8 Q. 509 But there would also have been meetings between you and the planners.
- 9 Not in the context of -- not meetings as such, but discussions.
- 14:35:25 10 Q. 510 Discussions where you would have been promoting?
- 11 A. I would have been supportive, yes.
- 12 Q. 511 Now I think at paragraph, if I could have 1040 please and paragraph G of your
- 13 statement you refer to the funding of your political career and I think you
- 14 have given evidence here in the past here of Mr. Dunlop's support for your
- 14:35:47 15 career?
- 16 A. Yes.
- 17 Q. 512 Mr. Dunlop in private session thought, he advised the Tribunal that he thought
- 18 he had given you a thousand pounds for your support, he has withdrawn that now,
- 19 I take it you have denied that you got any payments from Mr. Dunlop in relation
- 14:36:02 20 to this isn't that right?
- 21 A. Absolutely Mr. Quinn.
- 22 Q. 513 The vote on this matter took place I think in April 1991 isn't that right?
- 23 A. Yes.
- 24 Q. 514 But you do admit to getting 2,000 from Mr. Dunlop in June 1991 isn't that
- 14:36:14 25 right?
- 26 A. That's correct.
- 27 Q. 515 Now in relation to Mr. White can I ask you what political support did you
- 28 receive from Mr. White?
- 29 A. Over the years I would have got support in relation to whatever functions.
- 14:36:26 30 Q. 516 If we start in 1990 or 1989 was it 1989 or 1990 he spoke with you?

- 14:36:33 1 A. I am not sure whether it was the end of '89 or early 1990.
- 2 Q. 517 Well what was the first political support you got after that date from
- 3 Mr. White?
- 4 A. I think I had a fundraising lunch in the Dail in '91.
- 14:36:44 5 Q. 518 In 1991, when in 1991 would that have been?
- 6 A. I am not sure, I think maybe September or so.
- 7 Q. 519 September 1991 the election would have been in June the '91?
- 8 A. Yes.
- 9 Q. 520 Was Mr. White at that fundraising event in the Dail?
- 14:36:59 10 A. As I understand, yes he was, can I just say that date may be wrong and I would
- 11 ask you to understand that, that date may be wrong, I haven't an exact date on
- 12 that.
- 13 Q. 521 If we just try and fix it, was it before or after the election, local election
- 14 in 1991?
- 14:37:13 15 A. I am not sure.
- 16 Q. 522 It would be usual to have a fundraising event going into an election rather
- 17 than after?
- 18 A. No, not necessarily.
- 19 Q. 523 Okay?
- 14:37:21 20 A. Not necessarily and I have no problem getting the date for that for you, not
- 21 here today but I have no problem furnishing that date.
- 22 Q. 524 And how much would Mr. White have had to contribute to attend that meeting?
- 23 A. I think it was maybe a hundred or 200 a ticket, I don't know how many he would
- 24 have bought.
- 14:37:40 25 Q. 525 So he would have bought a number of tickets for an event which happened in
- 26 Leinster House sometime in 1991 but possibly September '91?
- 27 A. That's correct.
- 28 Q. 526 When next after that would he have contributed to your campaign or your
- 29 election.
- 14:37:59 30

14:37:59 1 Mr. Kennedy: Chairman I don't want to disrupt Mr. Quinn's train of thought but
2 we did acknowledge in our statement that he got support from lunches,
3 fundraising, that type of activity, we weren't asked to provide the dates and
4 had we been, we would be only too delighted to research and provide the dates
14:38:19 5 so I am saying that here now on behalf of Mr. Wright and he's saying it from
6 the position, we are not trying to hide anything in that regard Chairman.
7

8 MR. QUINN: If I could have 483 please this is the second page of the letter of
9 the 21 May 2003 which wasn't replied to do you see paragraph G of that this is
14:38:37 10 what you were asked "Details of all payments or political donations made by
11 your client by Nosaka Limited, Robert White and/or companies associated with
12 the aforementioned Robert White, Nosaka Limited and Frank Dunlop". You were
13 asked for details?

14 A. Okay.

14:38:52 15 Q. 527 Do you accept you were asked for details?

16 A. Oh, yes.

17 Q. 528 Can you provide the details Mr. Wright?

18 A. Not here today, no. What I mean by that --

19 Q. 529 Is there any reason why you couldn't have provided those details at any time
14:39:04 20 since May 2003?

21 A. No. I am just saying to you Mr. Quinn I didn't regard lunch or golf classics
22 as the type of question that you were asking.

23 Q. 530 Isn't that the answer you gave, why did you give that answer to that question,
24 I mean your answer is at paragraph G and the in response to paragraph G which I
14:39:21 25 have just read out isn't that right?

26 A. That's correct.

27 Q. 531 So you did regard lunches and dinners etcetera golf classics as the answer to
28 that question, isn't that right?

29 A. In my own way, yes.

14:39:40 30

14:39:40 1 Q. 532 CHAIRMAN: Well sorry Mr. Wright, do you have details of these? I mean did
2 you keep records?
3 A. No but I would know the dates in the, golf classics I may well have something
4 on that.

14:39:47 5
6 Q. 533 CHAIRMAN: Well perhaps you might over the next couple of weeks furnish a
7 supplemental statement?
8 A. Yes thank you.
9

14:39:53 10 CHAIRMAN: With those details.
11 Q. 534 We know that Mr. White's involvement with this project seems to have ceased
12 sometime in 1992 isn't that right?
13 A. Yes.
14 Q. 535 But you continue to have an involvement with Mr. White. Did you promote any
15 other land projects of Mr. White's after 1992?
16 A. Land -- no, not land.
17 Q. 536 Not lands. But other projects of Mr. White?
18 A. Yes.
19

14:40:18 20 MR. HAYDEN: Sorry sir, I wonder in relation to that given that I appear on
21 behalf of Mr. White, we have no notification given to us of any queries other
22 than what queries were received in relation to this module I am just wondering
23 in relation to people's entitlement to fore warning as to what issues might be
24 addressed.

14:40:38 25
26 CHAIRMAN: He is just asked what other support did he give.
27

28 MR. HAYDEN: How does that arise in relation to the module we are here today
29 on.
30

14:40:45

14:40:45 1 CHAIRMAN: It does arise, this is an investigation into any support that might
2 have been given in relation to this particular project so.

3
4 MR. HAYDEN: Absolutely I have no difficulty on questions being raised in
14:40:58 5 relation to support for this project.

6
7 CHAIRMAN: Yes but unless we ask those questions we won't be able to determine
8 if support for some other project wasn't in some way related to this project,
9 but if -- well I think it is a necessary question, but if issues arise and your
14:41:16 10 client wants time to - if issues are raised and your client is not in a
11 position to deal with them, then time will be afforded to you to deal with it
12 on a later date.

13
14 MR. KENNEDY: Chairman just to help, I am grateful for Mr. Hayden's insistence
14:41:34 15 assistance but I think Mr. Wright was about to answer the question.

16
17 CHAIRMAN: Yes well -- sorry Mr. Wright?

18 A. Sorry Chairman.

19 Q. 537 Mr. Wright do you want to expand on the answer you were about to give?

14:41:47 20 A. Yes Mr. White was involved in the Phoenix Park.

21 Q. 538 And you supported that?

22 A. I did yes.

23 Q. 539 And just going back to Mr. White's original involvement, did you have any
24 involvement or any interest in any of these lands other than what you have
14:42:05 25 referred to?

26 A. Absolutely not.

27 Q. 540 You had no stake in the land at any stage?

28 A. Absolutely not.

29 Q. 541 Did you have any stake in Nosaka?

14:42:14 30 A. Absolutely not.

14:42:16 1 Q. 542 Now I think after -- you also in your evidence you said that you knew Mr. Duff?
2 A. Yes.
3 Q. 543 And did Mr. Duff ever seek your support in relation to the matter?
4 A. I would have known the Duff family over many years from my former business in
14:42:30 5 what they were involved in. I dealt with them on several projects over my
6 political career in particular in their development of their show jumping
7 projects. I reflect now that there was a meeting from the Duff family, yes.
8 Q. 544 Yes this is in fact if I have 576 this is a meeting in Leinster House, again I
9 think this is on the 24th of April 92 is that right, is that the meeting to
14:42:55 10 which you refer?
11 A. I see that there, yes. I may have met them also in my office, I think I did.
12 Q. 545 In your constituency office?
13 A. Yes.
14 Q. 546 Mr. Duff refers to that meeting?
14:43:07 15 A. Yes.
16 Q. 547 So you think there may have been two meetings?
17 A. Possibly. Can I just say by the way I am not sure at that time whether
18 Mr. Duff, if that's.
19 Q. 548 The same Mr. Duff?
14:43:16 20 A. Absolutely, if you don't mind Mr. Quinn it could be, there was other projects
21 very important to them that they were seeking support for.
22
23 MR. KENNEDY: Can I just point out to the chair that logbook is dated 24th of
24 April 1992, that's a year after the end, a year after the material
14:43:33 25 contravention.
26
27 CHAIRMAN: Yes but we are, Mr. Quinn is just asking him about his contact with
28 Mr. Duff. Mr. Wright suggested now that that mightn't be the same Mr. Duff?
29 A. Can I just say in relation to that, maybe the Duff family will be able to
14:43:46 30 answer this, they had as I say other projects going and it may be one of the

14:43:50 1 sons that had, you know.

2 Q. 549 If we can have 231, Mr. Duff refers to a meeting with you in your constituency
3 office in Malahide, that's an extract from Mr. Duff's statement?

4 A. Yes.

14:44:06 5 Q. 550 Mr. Matthew Duff's statement, do you see that?

6 A. I do indeed.

7 Q. 551 Is that the meeting to which you are referring?

8 A. Yes.

9 Q. 552 You recall that meeting when you saw Mr. Duff's statement?

14:44:14 10 A. I do indeed.

11 Q. 553 What was that meeting in connection with?

12 A. With the possibility of support for the lands and other possible things at the
13 time.

14 Q. 554 And when would that meeting have taken place?

14:44:27 15 A. I'm not sure Mr. Quinn, sorry.

16 Q. 555 Was Mr. White involved with the lands when that meeting took place?

17 A. I am sure there may have been options involved at that stage, but I wouldn't be
18 aware to that extent. I think the Duffs came on their own volition as such.

19 Q. 556 Yes. Are you saying that other than what you classify as the normal political
14:44:48 20 support, Mr. White gave you no other political financial or other support at
21 any stage?

22 A. No, no.

23 Q. 557 Thank you very much Mr. Wright.

24

14:44:58 25 CHAIRMAN: All right Mr. Hayden do you want to ask, Mr. Kennedy might go last.
26

27 MR. KENNEDY: I will demur to Mr. Hayden.
28

29 CHAIRMAN: Just he is your client so it would be normal for you to go last so
14:45:11 30 Mr. Hayden do you want to ask any questions.

14:45:14 1
2 MR. HAYDEN: Just one or two. I think Mr. Quinn did ask about whether you
3 might have met Mr. White in Leinster House, you don't have a recollection of
4 that?

14:45:21 5 A. No.
6 Q. 558 Just if we can have the actual page, statement I think it refers to it wasn't
7 by arrangement you just happened to pass, that's Mr. White's recollection of
8 events?
9 A. Yes.

14:45:36 10 Q. 559 I presume that happens?
11 A. Yes it does on a regular basis.
12 Q. 560 And in relation to one other matter then, I think Mr. Quinn had brought you to
13 one or two meetings in which there is an entry in the Leinster House diary
14 or --

14:45:54 15 A. Yes.
16 Q. 561 After 1990 I think there had been as you said yourself you didn't know
17 Mr. White before that but in the years after you knew him?
18 A. Personal friends.
19 Q. 562 Became quite?
14:46:06 20 A. Personal friends.
21 Q. 563 And your wives became friends?
22 A. Yes a lot of social interaction.
23 Q. 564 And nothing unusual?
24 A. No.

14:46:15 25
26 CHAIRMAN: All right.
27
28 Q. 565 MR. KENNEDY: Mr. Chairman my client hasn't left me with an awful lot to ask
29 him, but he did say there, if we he could perhaps deal with the -- he said that
14:46:29 30 there was interaction which I was interested to hear him tell us about,

14:46:34 1 interaction between him and councillors with senior management in the lead up
2 to the discussions that took place on the floor of the house. This is a
3 different, this doesn't happen in rezoning matters but it does happen in
4 material contravention matters does it, where you meet with senior managers and
14:46:55 5 discuss the proposal?

6 A. Yes, very much so.

7 Q. 566 Does that happen in rezoning matters?

8 A. It can do, but not to the same extent.

9 Q. 567 So its what I might describe as a fully transparent procedure?

14:47:06 10 A. Absolutely.

11 Q. 568 And is an assist to councillors hopefully in making up their mind as to how
12 they will vote?

13 A. Yes, yes.

14 Q. 569 I was also interested to hear you tell us that Mr. Baker is related to you?

14:47:20 15 A. Yes, the late Mr. Baker, unfortunately.

16 Q. 570 Mr. White knew nothing of that when he came to see you?

17 A. No, no.

18 Q. 571 It wasn't in anyway relevant but I suppose he known he might have adopted a
19 more cautious approach?

14:47:34 20 A. Maybe so.

21 Q. 572 So he came in a very open way and it wasn't relevant?

22 A. Yes.

23 Q. 573 Just a final point, we have all heard Mr. Dunlop tell us that he made an error,
24 no doubt you are pleased to hear that, he acknowledge that had error, that you
14:47:48 25 didn't receive any payment from him of a thousand pounds in this context.

26 A. Correct, very much so.

27 Q. 574 Thank you Mr. Wright.

28

29 CHAIRMAN: All right sorry Ms. O'Leary I should have asked you do you want to
14:48:01 30 request any questions of this witness.

14:48:03 1
2 Q. 575 MS. O'LEARY: The only questions is in relation to the meeting we saw for the
3 24th of April '92, your recollection is that it wasn't Mr. Matt Duff?
4 A. I would be surprised if we met in the Dail.

14:48:20 5
6 MS. LEARY: Thank you Mr. Wright.

7
8 Q. 576 JUDGE FAHERTY: Just I think Mr. Wright you agree that Mr. Dunlop would have
9 spoken to you about the project and he knew you were fully supportive of it?
10 A. After being briefed by Mr. White yes.

11
12 Q. 577 JUDGE FAHERTY: Yes, you obviously had known of Frank Dunlop you say because of
13 the media and his PR?

14 A. Very much so, as I said before, a former Government Press Secretary, former
15 Secretary to the late John Boland who was a TD for the Dublin north area.

16
17 Q. 578 JUDGE FAHERTY: He would have spoken to be obvious sometime after you met
18 Mr. White is that what you are saying?

19 A. Yes.

14:48:55 20
21 Q. 579 JUDGE FAHERTY: That would be sometime in 1990?

22 A. I think, I always understood Mr. Dunlop was brought in late into the file
23 that's my own recollection of when I read the file.

24
14:49:03 25 JUDGE FAHERTY: Would you ever have been lobbied by Mr. Dunlop in any matter
26 regarding planning prior to that?

27 A. Not to my knowledge, no. In 1990?

28
29 Q. 580 JUDGE FAHERTY: Yes, he any other projects at the time, just as a matter of
14:49:17 30 interest?

14:49:19 1 A. I can't -- I can't give you an exact answer, sorry about that.

2

3

JUDGE FAHERTY: Thanks all right thank you.

4

14:49:27 5 CHAIRMAN: All right. Thank you very much.

6

7

THE WITNESS THEN WITHDREW.

8

9

MR. QUINN: Thank you Mr. Wright. Could I have Mr. Matthew Duff please.

14:49:36 10

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14:49:36 1 **MR. MATTHEW DUFF, HAVING BEEN SWORN, WAS EXAMINED**

2 **AS FOLLOWS BY MR. QUINN:**

3

4 CHAIRMAN: Good afternoon Mr. Duff.

14:50:05 5

6 MS. LEARY: Might I just mention to the Tribunal before we start that Mr. Matt

7 Duff is actually somewhat hard of hearing so perhaps people would just be a

8 little patient. Thank you.

9 Right, if you don't hear something please say so, all right?

14:50:19 10 A. Okay.

11 Q. 581 MR QUINN: Thank you Mr. Duff. Mr. Duff I propose to read to you the statement

12 you have provided to the Tribunal in relation to this matter and I propose to

13 ask you one or two questions arising out of that if that's agreeable to you?

14 A. That would be all right, yes.

14:50:34 15 Q. 582 Just at the outset Mr. Duff, whilst you have been asked to provide discovery to

16 the Tribunal some time ago, would you agree that you have only recently

17 provided discovery?

18 A. Well no. What happened actually I had sold my dwelling in Swords and moved to
19 Ronanstown. The Tribunal letter came to the Glebe House, Broadmeadow, Swords.

14:51:01 20 Which was already been demolished and somebody there signed for that letter, I

21 think it might have been a registered letter, I don't know. But I didn't get

22 hold of that for about three months. So when I got, when I found what it was,

23 I immediately got on to my solicitor and we replied to it and said we'd have a

24 narrative in, in time, I think they only looked for a narrative at the time.

14:51:30 25 Q. 583 No we looked for discovery as well.

26 A. Well I don't know whether that was right or wrong because it was only when we

27 didn't reply I think, that discovery was sent out.

28 Q. 584 No you would have received an order for discovery in any event that was I think
29 in September 2003?

14:51:45 30 A. Okay I accept that.

- 14:51:47 1 Q. 585 That's at 226 but in any event whatever the excuse, do you now accept that you
2 were only last week complied with that order for discovery?
3 A. That's right, yes.
4 Q. 586 Now your statement is to be found at pages 228 to 233.
14:52:06 5
6 You say you are a retired farmer, you live in North County Dublin and you set
7 out that you own the lands with your brother Joseph and his wife Alicia; is
8 that right?
9 A. The late Alicia.
14:52:19 10 Q. 587 The late Alicia yes. And I think you there set out a whole series of Folios in
11 relation to the lands is that right?
12 A. That's right yeah.
13 Q. 588 If I could have 369 this is a map Mr. Duff of the lands in question, its a map
14 provided by Mr. Rowe, you will see the lands hatched there on the left of
14:52:40 15 Jugback Lane I take it this those are your lands is that right?
16 A. That would be right, yes.
17 Q. 589 I think you see lands there described as Motorola lands, those were the late
18 Mr. Baker's lands is that correct?
19 A. That would be right.
14:52:53 20 Q. 590 Between your land and Mr. Baker's lands is another piece of property, land
21 which I think was sold by you to Mr --
22 A. Correct.
23 Q. 591 To Mr. White, is that right?
24 A. Correct.
14:53:03 25 Q. 592 When Mr. White bought that land from you he hadn't I understand bought the
26 Baker lands nor had he the option over your lands isn't that right?
27 A. Well no, I think he had bought -- I was of the opinion that he had bought Baker
28 land.
29 Q. 593 Yes. You see Mr. Rowe who has given evidence has said that when he, when
14:53:23 30 Mr. White came to him that it was Mr. Rowe's suggestion that that distributor

14:53:28 1 road be put in, so as to facilitate a planning application?

2 A. Well I think anybody in Swords would know that that road was needed there

3 before Mr. Rowe ever, or whoever it was that --

4 Q. 594 Yes but had Mr. White bought the Baker lands, in advance of your lands, the

14:53:49 5 road would be going nowhere, isn't that right?

6 A. That would be true, but I think -- I think the road wasn't -- well I don't know

7 what Robert's proposal was at the time, because all he came to me and asked me

8 to introduce him to Harry Baker, I did that and after a couple of weeks he came

9 back and told me that he had bought the lands.

14:54:15 10 Q. 595 Did he mention to you at that stage anything about buying either the 18 acres

11 or seeking an option over the others?

12 A. At that stage he did.

13 Q. 596 Yes?

14 A. Yes. At that stage he said he would like to buy the 18 acres.

14:54:28 15 Q. 597 Yes?

16 A. Or the 17 or whatever it is.

17 Q. 598 But even with the 17 acres and the Baker lands if they were relying on a road

18 being developed he needed the balance of your lands isn't that right?

19 A. Yeah well that was, yeah that would be right, yeah.

14:54:48 20 Q. 599 Its obvious from the map isn't that right?

21 A. Yeah.

22 Q. 600 Now if I could go to 229 I just read to you your statement.

23

24 "I and my brother Joseph Duff ran the farm as well as a small equestrian centre

14:54:56 25 and riding school in partnership together in what was the original farm yard of

26 our family's farm. At some stage in the late 1980s I believe in about 1987/88

27 Robert White began to attend the equestrian centre in the company of his

28 daughter Elaine White, who was taking riding lessons there. I engaged him in

29 occasional conversation, as with any other parent whose child was attending

14:55:16 30 riding lessons. Over the course of the subsequent 12 months we struck up an

14:55:21 1 acquaintance in the course of which he mentioned to me the possibility of
2 developing lands in the locality known as the Baker lands. I was friendly with
3 Robert White at this point and so I was happy to effect an introduction on his
4 behalf to Harry Baker who owned the Baker lands. Sometime afterwards I learned
14:55:36 5 that had Robert White had purchased the Baker lands.

6
7 In or about August 1989 Robert White approached me with a view to purchasing a
8 field of 17 acres located at Holly Banks, which formed part, sorry Holy Bank
9 which formed part of the lands the subject matter of the Tribunal's
14:55:52 10 investigations. Robert White offered to purchase these lands for the sum of 12
11 thousand an acre which I considered to be an extremely attractive offer. The
12 parties entered into a contract for the sale on the 12 September 1989" if we
13 can have 1098 please. "And purchase was completed on the 27th of November
14 1989." I am just wondering was purchase completed earlier, if we can have 1107
14:56:17 15 please it, seems to show that the proceeds of sale were distributed on the 15th
16 November 1989. Nothing much may turn on this Mr. Duff but just, could you be
17 incorrect on the date of completion of the sale?

18 A. I don't think I would be, no.

19 Q. 601 Okay. "Following the purchase of the lands at Holy Bank, Robert White
14:56:40 20 contracted myself and my brother and inquired build we would agree to furnish
21 him with an option to purchase 66.6 acres of farmland the subject matter of the
22 Tribunal's investigation over the course of the following two years." if we can
23 have 1105, this appears to be the start of the -- this is an attendance by your
24 solicitor on consultation with you where you raised with her the conversation
14:57:07 25 you had had with Mr. White concerning his proposal to acquire an option on your
26 lands is that right?

27 A. Yes, yes.

28 Q. 602 You go on to say "Mr. White offered to purchase the land at a price of 30,000
29 an acre, making a total purchase price of 2 million 7 hundred pounds for the
14:57:26 30 sale, for the lands aforesaid. Mr. White made us aware that he proposed to

- 14:57:30 1 develop the lands for housing" can I just ask you did Mr. White make any
2 suggestion at this stage that he required the lands for the development of an
3 hotel?
- 4 A. Well no, I don't know what he was -- that was up to Nosaka at the time,
14:57:46 5 Mr. White and Nosaka, they were the ones that were buying the lands. They
6 weren't tell me what they wanted to do except they were going to try and
7 develop it.
- 8 Q. 603 No I think you said in your statement that they were proposing to develop the
9 lands for housing, you don't say that they had advised you that they were
14:58:04 10 proposing --
- 11 A. I suppose I have to accept that yeah.
- 12 Q. 604 "Mr. White's proposal appeared to be an exceptionally attractive offer and in
13 the circumstances we granted him the option to purchase our lands in the terms
14 which he had requested for the sum of one pound". In fact I think there were
14:58:20 15 two options over two different pieces of property isn't that right? If we can
16 have 1112 this is an option of the 18th December 1989.
- 17 A. I don't think there were two options.
- 18 Q. 605 And then if we can have please, 1136 this is an option of the 3rd of August
19 1990. I think you yourself, you were in the process of acquiring lands from a
14:58:45 20 Ms. Lawless at this stage is that right?
- 21 A. That's right yes.
- 22 Q. 606 Could that would been the reason why there were in fact two options executed,
23 namely that your conveyance with Ms. Lawless hadn't gone through by the time of
24 the first option?
- 14:59:00 25 A. That could be right yes.
- 26 Q. 607 The first option I think was to expire on the 16th of December '91 and the
27 second option to was expire on the 13th December '91 as appears from that isn't
28 that right?
- 29 A. That's right yes.
- 14:59:13 30 Q. 608 You felt you were getting a very attractive price per acre for the property,

14:59:21 1 isn't that right?

2 A. Well it was all right, yes.

3 Q. 609 Your lands had been zoned agricultural, isn't that right?

4 A. Zoned B, yes.

14:59:25 5 Q. 610 Zoned B. Now you say that "Mr. White did not exercise his option to purchase
6 the lands in the period 1989 to 1991. When the period of the option agreement
7 expired in 1991 Mr. White again approached myself and my brother and requested
8 us to renew the option agreement." I think in fact there was a short extension
9 granted to both the options which we have seen and then a second option was
10 entered into isn't that right?

11 A. That's right, yes.

12 Q. 611 You were also I think, yourself at that time interested in acquiring from
13 Mr. White some boundary property so as that you could extend, or Jugback Lane,
14 was that right?

15:00:13 15 A. No only in the case where if he, if he let the option go we would, may be able
16 to purchase from him the right-of-way in through Motorola and --

17 Q. 612 Yes.

18 A. It was only a --

19 Q. 613 That was to keep open the possibility.

15:00:31 20 A. Yes the possibility

21 Q. 614 Of future developer developing your lands.

22 A. Yes, yes.

23 Q. 615 This was advice you were getting from your solicitor.

24 A. Solicitor, yes yeah.

15:00:40 25 Q. 616 Yes. You say, you go on to say that you yourself -- "We agreed to extend
26 Mr. White's option to purchase our lands at a price of 30,000 an acre but
27 requested that the sum of 50,000 and consideration of our agreement?"

28 A. Correct yes.

29 Q. 617 Now the extended option I think period expired on the 31st of May 1992 isn't
15:01:07 30 that right?

15:01:07 1 A. That's right yes.

2 Q. 618 "Mr. White paid the sum of 50,000 to myself and my brother and we extended this

3 option for a further six months. Mr. White did not exercise his option to

4 purchase the lands as a fore side during the currency of the extended option

15:01:21 5 period" isn't that right?

6 A. That's right.

7 Q. 619 Now I think that, even though he didn't exercise his option, you go on to say

8 and speak about his attempts to ask you to maybe increase the density isn't

9 that right?

15:01:35 10 A. That's right, yes.

11 Q. 620 You say --

12 A. He came back again to us.

13 Q. 621 On the expiration of the extended option agreement Mr. White approached myself

14 and my brother requesting a further extension of his option to purchase the

15:01:46 15 lands, the subject matter of the Tribunal's investigations. Mr. White proposed

16 that he would make an application for planning permission for the construction

17 of a house development, sorry housing development of increased density on the

18 said lands and that in return for extending his option to purchase the land

19 that he would pay himself and my brother a proportion of the monies realised on

15:02:05 20 the sale of each house on site, Mr. White was not specific as to the level of

21 payment which he proposed to make in return for renewal of the options

22 aforesaid and neither myself nor my brother made any detailed I object query as

23 we decided not to pursue our relationship with Mr. White. We did not renew

24 Mr. White option to purchase the lands and the subject matter of the Tribunal

15:02:29 25 investigation nor did we have any other dealings with Mr. White in respect of

26 the said lands or any other business dealings of any nature whatsoever:

27

28 During the course of our dealings with Mr. White we sometimes dealt with him in

29 his personal capacities and sometimes dealt with him as an agent of Nosaka

15:02:44 30 Limited, whenever we dealt with Nosaka Limited however we were at all times of

15:02:48 1 the understanding that his company operated as a corporate vehicle for the
2 benefit of Mr. White" and the options as we see them there, that is the 1990
3 options are with Mr. White and Nosaka. If we can have 1112 again please which
4 is the option of December '89 and similarly 1136 which is the option of the 3rd
15:03:08 5 August 1990.
6
7 Both of those options are with Nosaka/Mr. White isn't that right?
8 A. That's right yes.
9 Q. 622 Now if we look at the new option which was entered into in January of 1992 if I
15:03:29 10 have 1182 please, this is an option between yourself, your brother, your sister
11 in law and Mr. White, Nosaka Limited and a new company Emargrove Limited; isn't
12 that right?
13 A. Emargrove, yes.
14 Q. 623 Who were Emargrove?
15:03:45 15 A. Well that I don't know.
16 Q. 624 You had sold your 18 acres to Mr. White and a partner of his Mr. Pratt isn't
17 that right?
18 A. That could well be Emargrove.
19 Q. 625 So do you now remember who Emargrove were?
15:03:58 20 A. Well I never went into it I didn't investigate Emargrove.
21 Q. 626 I am not asking did you investigate them but you had heard of them?
22 A. Well I heard of them, yeah.
23 Q. 627 So with would it be fair to say when Mr. White renewed the option in 1992?
24 A. No this was a new option, this was for another piece of land going down to the
15:04:20 25 river for our -- we had proposed to build any equestrian centre further down
26 the road from where the land for the housing was and we were seeking to widen
27 the road down to this, because we were told by the councils and that, that that
28 road would have to be widened and so we were looking for the extra piece of
29 land off Emargrove so we can get down this laneway, it was only a laneway
15:04:53 30 Jugback Lane.

- 15:04:53 1 Q. 628 But Emargrove had bought that land from you, is that right?
- 2 A. No.
- 3 Q. 629 They had bought from Mr. Baker is that right?
- 4 A. No.
- 15:04:58 5 Q. 630 They bought from somebody else?
- 6 A. They bought it from, I don't know who they bought it from yes, it wasn't our
- 7 land. It wasn't --
- 8 Q. 631 It never was your land?
- 9 A. It wasn't -- I don't know who owned --
- 15:05:10 10 Q. 632 Was it Mr. Ms. Lawless, did Ms. Lawless own the land?
- 11 A. Did Mrs. Lawless own the lands at the time? Yes she probably did, she probably
- 12 did.
- 13 Q. 633 Well perhaps if we just get 1183 up again on the screen, you see my
- 14 understanding of this option agreement Mr. Duff is that you gave the purchasers
- 15:05:32 15 and the purchasers are here described as Robert White, Nosaka Limited and
- 16 Emargrove Limited the option to purchase the lands at an agreed price.
- 17 Did you ever deal with anybody else in connection with the option or the
- 18 renewal of the option other than Mr. White?
- 19 A. No.
- 15:06:08 20 Q. 634 You never had any discussions or contacts by anyone else in relation to the
- 21 renewal of the option you say?
- 22 A. Not renewal of an option, no.
- 23 Q. 635 The granting of an option?
- 24 A. No.
- 15:06:19 25 Q. 636 So you at all stages dealt with Mr. White and only Mr. White is that right?
- 26 A. That is true, on that particular deal, yes.
- 27 Q. 637 Including the renewal of the option?
- 28 A. Including the renewal of the option, yes.
- 29 Q. 638 And did your solicitor or anybody on your behalf deal with anybody else in
- 15:06:39 30 relation to the renewal of the option?

- 15:06:41 1 A. I don't think they would have no without me knowing.
- 2 Q. 639 If we can have 1205 please? This appears to be an attendance taken by your
3 solicitors and dated the 28th of May 1992 it says "Attended on the phone to
4 Mr. Donal Pratt who is a business associate of Robert White. Apparently
15:07:03 5 Mr. Pratt was joint purchaser with Robert White of 18 acres of land at Swords
6 adjoining the land the subject of the option agreement between Robert White and
7 Nosaka Limited and our client. Mr. Pratt was anxious to arrange a meeting with
8 our client." do you ever recall your solicitors advising you that Mr. Pratt had
9 contacted them and was seeking to arrange a meeting with you?
- 15:07:27 10 A. I can't recall that, I can't recall that.
- 11 Q. 640 You did know that Mr. Pratt was involved with Mr. White in relation to the
12 acquisition of the lands from you?
- 13 A. Not from me -- that land is not from me. That land was from Ella Lawless or
14 whoever owned that farm, that field.
- 15:07:46 15 Q. 641 Well I thought you had sold 18 acres?
- 16 A. Yes I had sold 18, not to - that land went into Motorola nothing to do with
17 Emargrove, that I know of.
- 18 Q. 642 If I could have 1195 please. That's a letter in relation to the sale of lands
19 back to you isn't that right, where you were seeking to acquire that strip of
15:08:23 20 lands for the purpose of extending your right-of-way into they equestrian
21 centre is that right?
- 22 A. Sorry I just want to read this. Yeah that would be right, yes.
- 23 Q. 643 If we can have 369 again please, if I can just have this map, this is a map
24 provided by Mr. Rowe which I think is a good representation of the lands in the
15:08:54 25 area, isn't that right?
- 26 A. It is, yes.
- 27 Q. 644 Now do you see the Duff House and Equestrian Centre?
- 28 A. Jugback Lane, I see Jugback Lane yes, Duff House yes.
- 29 Q. 645 Now do you see a strip of land to the right of Jugback Lane which is shaded or
15:09:16 30 which is beside the Motorola lands?

- 15:09:19 1 A. Yes.
- 2 Q. 646 Were they the lands that you sold?
- 3 A. To --
- 4 Q. 647 Emargrove?
- 15:09:25 5 A. No to Robert White.
- 6 Q. 648 Only?
- 7 A. Yes.
- 8 Q. 649 You never sold those lands to Emargrove?
- 9 A. No or I wasn't aware that Emargrove was in that.
- 15:09:34 10 Q. 650 Yes. You never met Mr. Pratt, you know nothing of Mr. Pratt or any partner or
11 business associate of Mr. White's?
- 12 A. No, never.
- 13 Q. 651 And the only person that ever spoke to you in the context of an option in
14 relation to these lands were Mr. White is that right?
- 15:09:48 15 A. Was Mr. White, yes.
- 16 Q. 652 As you indicated in your statement I think Mr. White had put forward proposals
17 about an increase in zoning density isn't that right?
- 18 A. That's right yes.
- 19 Q. 653 If I could have 1199 please, this is a letter of the 28th April 1992 although
15:10:10 20 it isn't readily apparent as to who, to whom its addressed. I think its
21 possibly something that would have been brought to your attention from Dublin
22 Diamonds Limited and it speaks about the property in the area and increased
23 value on the lands isn't that right?
- 24 A. That's right yes.
- 15:10:26 25 Q. 654 Did you see that letter was that given to you in the context of the proposal to
26 increase the density?
- 27 A. It probably was, I can't recall.
- 28 Q. 655 Now in your statement at paragraph 3 you go on to say that "Following the end
29 of our business arrangement with Mr. White myself and my brother initially
15:10:47 30 investigated the feasibility of constructing an expanded equestrian centre on

- 15:10:50 1 the lands, the subject matter of the Tribunals investigations, when this proved
2 not to be possible we attempted with the help of my son Paul to negotiate the
3 sale of the properties aforesaid. We contacted -- you there give the name of a
4 company you sought to sell the lands to "Who might be interested in the lands"
- 15:11:07 5 and you got an offer I think of 13 thousand an acre and 17 thousand an acre
6 which would be paid by instalments isn't that right?
- 7 A. That's right.
- 8 Q. 656 And you said that the offer was rejected as being unsuitable. You said you had
9 similar discussions with another developer isn't that right?
- 15:11:21 10 A. That's right.
- 11 Q. 657 Which offered to purchase the lands in the region of 2.2 million is that
12 correct?
- 13 A. That's right.
- 14 Q. 658 And you also rejected that offer as being inappropriate isn't that right?
- 15:11:29 15 A. That's right.
- 16 Q. 659 You say you eventually agreed sell the lands the subject matter of the Tribunal
17 investigation to a consortium and you got 3 million for the lands is that
18 right?
- 19 A. That's right.
- 15:11:38 20 Q. 660 You said it was a term of the agreement between the parties that the purchase
21 monies would be paid by instalments over two to three years?
- 22 A. That's right yes.
- 23 Q. 661 You say ultimately the parties with whom you made the arrangement in respects
24 of the said lands sold their interest in the property to a company that was
15:11:53 25 already been approached by you in relation to the sale of the lands?
- 26 A. That's right.
- 27 Q. 662 You say however neither I nor my brother had any involvement with that
28 arrangement is that right?
- 29 A. That's right.
- 15:12:02 30 Q. 663 And the outstanding monies were discharged in relation to the land isn't that

- 15:12:09 1 right?
- 2 A. That's correct.
- 3 Q. 664 You were ultimately paid. You said "I never retained the service of Frank
- 4 Dunlop in connection with the lands the subject matter of the Tribunals
- 15:12:17 5 investigations, or in any other capacity whatsoever. I can confirm that
- 6 Mr. Dunlop's service were at no stage retained by my brother or any other
- 7 member of my family" is that correct?
- 8 A. That's correct.
- 9 Q. 665 Did you know Mr. Dunlop?
- 15:12:28 10 A. No.
- 11 Q. 666 Did you know Mr. Dunlop had been retained in relation to these lands?
- 12 A. No.
- 13 Q. 667 Well are you absolutely certain because just can I ask you to wait your answer
- 14 while I read the remainder of that paragraph to you?
- 15:12:42 15 A. No I am certain.
- 16 Q. 668 Well I will just read the paragraph to you Mr. Duff because I don't want you to
- 17 feel I am trapping you in anyway?
- 18 A. Okay yeah.
- 19 Q. 669 "In or about 1991 I attended a public meeting at The Harp a public house in
- 15:12:56 20 Swords together with my son Paul. The meeting was organised by Robert White
- 21 for the purposes of informing the residents living in the area surrounding the
- 22 lands, the subject matter of the Tribunal's investigations of this development
- 23 proposal for the said lands, Mr. Dunlop was present at the meeting and made
- 24 himself available for any questions arising from the proposed plan. I was
- 15:13:12 25 introduced to Mr. Dunlop and spoke to him briefly on a social basis as his role
- 26 in the proposed plan was of no interest to me. I had no other discussions with
- 27 Mr. Dunlop and never had any other occasion to meet him." Would you agree with
- 28 me now Mr. Duff you must have known Mr. Dunlop had some involvement with the
- 29 lands?
- 15:13:30 30 A. I didn't know until that night at The Harp.

- 15:13:33 1 Q. 670 Yes but you did know at some stage?
- 2 A. Well he was a public figure I think, you can read in the paper about Mr. Dunlop
- 3 any day you wanted.
- 4 Q. 671 But you knew that night that he had some involvement and his involvement had
- 15:13:43 5 been at the behest of Mr. White?
- 6 A. Oh yeah, yeah, at the meeting.
- 7 Q. 672 Did you ever discuss with Mr. White Mr. Dunlop's involvement?
- 8 A. Never.
- 9 Q. 673 Did you ever ask him what involvement he had in relation to the project?
- 15:13:53 10 A. Never.
- 11 Q. 674 You go on to say "I did not make any payment to elected representatives or
- 12 officials of Fingal County Council or to Mr. Dunlop or Mr. White on Nosaka
- 13 Limited or any other company in which they had an interest.
- 14
- 15:14:07 15 I was never involved in lobbying any council County Councillor whether by
- 16 lobbying officials of any County Council or elected councillors in respect of
- 17 the lands the subject matter of the Tribunal investigations. I can confirm
- 18 neither my brother nor any other member of my family was involved in lobby
- 19 County Councillor regard the land aforesaid. Following my family's decision
- 15:14:31 20 not to extend Mr. White's option to purchase the said lands we determined to
- 21 try and deal with the property ourselves. In this regard we contacted a number
- 22 of local elected representatives for the purpose of ascertaining an overview of
- 23 the development propose prospects for the general Swords area and establishing
- 24 the appropriate steps which were to proceed to a develop our lands. In no way
- 15:14:50 25 would these contacts come under the rubric of lobbying, they were simply an
- 26 attempt to obtain an informed opinion regarding the: The subject matter of the
- 27 Tribunal's investigations."
- 28
- 29 You I think at this stage had retained Ambrose Kelly architects?
- 15:15:06 30 A. Yes.

- 15:15:06 1 Q. 675 Who were advising you?
- 2 A. Yes.
- 3 Q. 676 And are you saying that Ambrose Kelly, architects, were not in a position to
4 tell you what the zoning on the land were or what the prospects of their
15:15:16 5 development was?
- 6 A. We only engaged Ambrose Kelly for our equestrian centre as architects for our
7 equestrian centre not for any of the development or anything like that. He was
8 doing the plans and the whatever the submissions whether it be for they
9 equestrian centre.
- 15:15:38 10 Q. 677 Are you sure of that Mr. Duff? If I could have 115 -- sorry 1152 please this
11 is an attendance of the 19th November 1991 an attendance on your solicitors,
12 attended by Mr. Kelly.
13
14 In the course of that attendance Mr. Kelly was appraised of the situation in
15:16:11 15 relation to the lands and he -- I am just reading the first paragraph to you
16 attendance on Joseph and Matt Duff, Catherine Duff, Ben Lynch and Ambrose Kelly
17 architect at this office today when we discussed a question of the option
18 agreements relating to the lands at Broadmeadows in Swords. Mr. Kelly was
19 appraised of the situation by his assistance Mr. Lynch, after making certain
15:16:34 20 calculations including the financial contributions and the purchase price of
21 the lands Mr. Kelly estimated that the overall cost of each site to the
22 developer would be in the region of nine and a half thousand, which he said was
23 not unreasonable and certainly would not justify looking for an extension ever
24 time."
- 15:16:49 25
26 Do you still say Mr. Kelly had no involvement in relation to the lands the
27 subject of the option?
- 28 A. Well I can't remember that.
- 29 Q. 678 Do you remember a letter perhaps at 1153 dated the 26 of November 1991 from
15:17:04 30 Ambrose Kelly partnership or architects, setting out the planning file history

15:17:11 1 in relation to your lands, do you remember receiving that letter Mr. Duff, and
2 I will read it to you if necessary?
3 A. Yes you may.
4 Q. 679 "Further to your request". This is a letter addressed to you isn't that right
15:17:25 5 Mr. Duff?
6 A. Yes, it is sir yes.
7 Q. 680 Further to your request that I examine the planning appeal file in relation to
8 Nosaka development please find attached a report regarding the contents of the
9 file" did you ask Mr. Ambrose Kelly to carry out an examination of the planning
15:17:41 10 file of Nosaka, Mr. Duff?
11 A. Well I can't recall that. I can't recall that.
12 Q. 681 Are you saying you didn't?
13 A. This is a long time ago and I can't recall that. From what I remember of
14 Ambrose Kelly he was brought in to, for architect for our equestrian centre.
15:18:04 15 Q. 682 That's for sure but you also, it would appear --
16 A. Well maybe the overall plan was there that there was probably an overall --
17 this, we were only going to put they equestrian centre in if the planning
18 permission went through.
19 Q. 683 But weren't you wise enough to seek to buy back lands in case the option wasn't
15:18:25 20 exercised isn't that right?
21 A. Sorry.
22 Q. 684 Didn't you tell us earlier that you had sought to get an option to acquire back
23 some lands which had the benefit of the permission, isn't that right if the
24 option hadn't gone through?
15:18:36 25 A. That is true yeah, that was only as a precautionary measure yeah.
26 Q. 685 I am not saying there was anything untoward in your retaining a firm of
27 architects to advise you?
28 A. That's okay yes.
29 Q. 686 But I am surprised that you would deny that they had been so retained
15:18:51 30 particularly --

- 15:18:52 1 A. I am not denying but I don't remember, I can't recall. Like this is 16 years
2 ago or whatever it is, maybe more, so I can't recall.
3
- 4 MS. LEARY: Members might I just mention something to Mr. Duff, I think if he
15:19:10 5 was asked if Ben Lynch who worked at that time for Ambrose Kelly, who
6 subsequently set up his own practice and was thereafter for many years after
7 that I think that may be why he doesn't recall Ambrose Kelly as being the
8 person involved because in fact it was Ben Lynch the architect who Matt would
9 have had most of the contact with and whom he would have consulted at all times
10 about that and this was around the time that Ben Lynch left Ambrose Kelly, so
11 perhaps that is what's causing the confusion.
12
- 13 CHAIRMAN: You can certainly clarify that with him at the end of his
14 cross-examination.
- 15:19:57 15 Q. 687 You go on to say "Myself and my brother, together with my son Paul Duff held
16 four meetings with different elected representatives during this period" and
17 you identify Nora Owen met with you in The Harp in Swords, Tom Kelleher met
18 with you in the Millennium Inn, River Valley Swords, Sean Ryan met with you in
19 Carnegie Hall in Swords and GV Wright met with us at his constituency office in
15:20:20 20 Malahide and Cyril Gallagher in Glassmore.
- 21 A. That's correct.
- 22 Q. 688 That's five I think elected representatives that you approached isn't that
23 right?
- 24 A. That's right yes.
- 15:20:33 25 Q. 689 Sorry yes 231. I'm sorry I have returned to your statement now.
26 When do you say you met Mr. Wright at his constituency office in Malahide?
- 27 A. Sorry.
- 28 Q. 690 When do you say you met with Mr. Wright at his constituency office in Malahide?
- 29 A. I can't recall actually sometime in those early years, '80 '81 or something, I
15:20:59 30 don't know when.

- 15:21:00 1 Q. 691 '90 or '91 is it, was it when Mr. White was exercising, had the option over the
2 lands?
3 A. It was probably the end of the option.
4 Q. 692 That would have been in 1992?
15:21:14 5 A. Yes, did I put a date in there.
6 Q. 693 No you didn't?
7 A. Well I wouldn't have, I wouldn't have the date, wouldn't have the date.
8 Q. 694 Yes. Did you meet Mr. White in the Dail?
9 A. Mr. White in the Dail.
15:21:27 10 Q. 695 Sorry Mr. Wright I should say in the Dail?
11 A. No I did not.
12 Q. 696 So do you know if your brother met with him in the Dail?
13 A. Well he might have, he might have.
14 Q. 697 Mr. Wright says that he knew you?
15:21:39 15 A. Yes, he would have.
16 Q. 698 And you would have known him isn't that right?
17 A. Yes, not -- I wouldn't known him as a brother or something like that, but I
18 would know about, as a friend, a Malahide man, the Wright's were always in
19 Malahide and I'd know him as that.
15:21:54 20 Q. 699 What circumstances did you come to meet with Mr. Gallagher?
21 A. Mr. Gallagher was always a Swords man.
22 Q. 700 Yes?
23 A. So I met Mr. Gallagher when he was a young fellow.
24 Q. 701 Yes, so you knew Mr. Gallagher?
15:22:06 25 A. Well.
26 Q. 702 Well?
27 A. And the family.
28 Q. 703 And did you ever ask Mr. Gallagher to support Mr. White's proposals for the
29 development?
15:22:14 30 A. No I did not.

- 15:22:16 1 Q. 704 But you did approach him at some stage?
- 2 A. Yes again for our equestrian centre.
- 3 Q. 705 Only for they equestrian centre?
- 4 A. Yes as I say we were wanting to gel it in with the building of the houses and
- 15:22:29 5 that as well, so the whole thing was going to be part and parcel of
- 6 development.
- 7 Q. 706 So would it be fair to say that Mr. White had the option over the balancing of
- 8 the lands and he was seeking his housing and hotel development there, you on
- 9 the other hand had retained some lands and you were putting in any equestrian
- 15:22:47 10 centre there?
- 11 A. Correct.
- 12 Q. 707 It was in the context of they equestrian centre you approached both Mr. Wright
- 13 and Mr. Gallagher?
- 14 A. Yes it was.
- 15:22:54 15 Q. 708 Was that to seek their support for they equestrian centre?
- 16 A. Yes.
- 17 Q. 709 Can I just ask you did you ever contribute financially to the --
- 18 A. Never.
- 19 Q. 710 To either Mr. Wright or Mr. Gallagher?
- 15:23:07 20 A. Never.
- 21 Q. 711 Now you go on to say that "As has already been set out above" this is 921.
- 22 "Myself and my brother and my son Paul met with Tom Kelleher and GV Wright on
- 23 one occasion each" was that in addition to?
- 24 A. The same thing yes.
- 15:23:28 25 Q. 712 So you met Mr. Wright on at least two occasions?
- 26 A. No I don't think one occasion that I know of.
- 27 Q. 713 "The meeting with Tom Kelleher took place in the Millennium Inn, a public house
- 28 in Swords for the purpose of ascertaining his views regarding the development
- 29 prospects for the general Swords area.
- 15:23:43 30

15:23:43 1 I telephoned Cyril Gallagher on one occasion concerning an application which he
2 we had made for planning permission for an equestrian centre on part of the
3 lands the subject matter of the Tribunal's investigation, we had been advised
4 by officials of Fingal County Council that we were unlikely to secure planning
15:23:57 5 permission which we had sought, unless we agreed to cede five acres of the
6 property comprising mostly of river bank to the local authority. Since the
7 loss of the portion of the property would have significantly comprised the
8 viability of the proposed equestrian centre greatly reducing the potential for
9 pony trekking. I contacted Cyril Gallagher and at a meeting at his home in
15:24:22 10 Glassmore we asked him to establish the likelihood of Fingal County Council
11 insisting on obtaining such a land transfer. Mr. Gallagher did not return to
12 us in connection with my inquiry and ultimately we did not proceed with the
13 applications?"

14 A. Correct.

15:24:32 15 Q. 714 Was there any reason with either Mr. Lynch or Ambrose Kelly or Mr. Could not
16 have found out the attitude of the County Council to the ceding of the property
17 at the Riverbank?

18 A. I don't know at this, in a stage where we had retained the services of Ambrose
19 Kelly at that stage.

15:24:54 20 Q. 715 Well you must have had some architects services retained at this stage because
21 it was in connection with they equestrian centre and presumably you instructed
22 an architect on that occasion?

23 A. At that stage I think a lot of things were falling apart. Things were just the
24 whole development was more or less at a standstill.

15:25:14 25 Q. 716 You go on to say "The meeting with GV Wright took place at his constituency
26 office in Malahide and was affidavit answer nature concerning the possibilities
27 of development for the lands the subject matter of the Tribunal's
28 investigations. I did not have any other meetings or discussions with
29 Mr. Wright in connection with the said lands" can I ask you what did Mr. Wright
15:25:34 30 advise you at that meeting?

- 15:25:39 1 A. Well I can't recall, I have to be honest and say I can't recall.
- 2 Q. 717 You go on in your statement to say "I contacted Ann Devitt with a view to
3 arranging a meeting to discuss the proposed development of any equestrian
4 centre on the lands as aforesaid. At Ms. Devitt's suggestion the meeting of
15:25:55 5 the held at my home with my brother and my son Paul in attendance. Ms. Devitt
6 was quite brusque with us and indicated that she was unable to meet with us for
7 any extended period. In this regard it should be note that had Ms. Devitt
8 would have been aware in advance of the meeting that my family would not have
9 supported her politically. On hearing of our plans to develop any equestrian
15:26:15 10 centre she suggested that we should organise a consultant to assist us with the
11 project, although she did not provide us with a name of any suitable party to
12 act in that capacity" when you say a consultant was she talking about a PR
13 consultant or an architect?
- 14 A. I don't know. Consultant is all she said.
- 15:26:33 15 Q. 718 Did you ask her?
- 16 A. No I didn't, because I wasn't interested.
- 17 Q. 719 "We indicated we were not interested in such a suggestion" what did you think
18 she meant?
- 19 A. I didn't try to define what she meant or what she didn't because --
- 15:26:48 20 Q. 720 Do you think she was suggesting that she might be taken on as a consultant?
- 21 A. I don't know, I don't know what was in that lady's mind, but I didn't ask her
22 because we weren't interested in bringing in consultants. Consultants were
23 something that I kept shy of and I wasn't, I certainly wasn't going to put a
24 big lot of money into a consultant to be told that the land was still
15:27:11 25 agricultural.
- 26 Q. 721 Well she could hardly have been talking about a planning consultant because you
27 had architects and you had a planner isn't that right?
- 28 A. That was probably true, yeah, its only conjecture I don't know what she was
29 thinking about.
- 15:27:26 30 Q. 722 But what impression did she leave you with?

- 15:27:31 1 A. Well I'd have to say a blank one, because it didn't matter to me, it didn't
2 matter, consultant didn't mean anything to me, I wasn't going to put in any
3 money -- any type, we had an architect there at that meeting, so.
- 4 Q. 723 Was the architect present when she made the suggestion that you bring in a
15:27:54 5 consultant?
- 6 A. Yes, he should have been, yeah.
- 7 Q. 724 That was Mr. Lynch is that?
- 8 A. Mr. Lynch, yes.
- 9 Q. 725 Did Mr. Lynch not ask her what did she mean by a consultant?
- 15:28:02 10 A. No he didn't no, because I was heading the meeting and --
- 11 Q. 726 Well did you, herself was suggesting she might be taken on as a consultant?
- 12 A. That I don't know, I didn't ask her that.
- 13 Q. 727 Well did you ask her what type of consultant she had in mind?
- 14 A. No.
- 15:28:20 15 Q. 728 Did she suggest what type of consultants?
- 16 A. No.
- 17 Q. 729 You say "She suggested we should organise a consultant to assist us with the
18 project although she did not provide us with the name of any suitable party to
19 act in that capacity" not alone did she not provide with you a name, you say
15:28:42 20 she didn't provide you with the type of consultant you required?
- 21 A. You can read anything you will like out of it, yeah.
- 22 Q. 730 I am reading your statement Mr. Duff, the Tribunal will want to read the truth
23 of what happened?
- 24 A. Well that is the truth. The truth is I didn't go down the road of a consultant
15:28:59 25 or any suggestion of a consultant or to ask her, that is the truth.
- 26 Q. 731 She didn't explain to you what a consultant could help with or consultant might
27 alter the situation?
- 28 A. No.
- 29 Q. 732 You didn't say to her look I have already have a consultant, I have Mr --
- 15:29:14 30 A. No I did not. I did not.

15:29:16 1 Q. 733 "We indicated that had we were not interested in such a suggestion after all
2 the purpose of our refusal to continue to extend Robert White option to
3 purchase the lands had been to allow our family to deal with the property on
4 our own and the meeting ended. Neither I nor my family had any further contact
15:29:33 5 with Ms. Devitt concerning the land the subject matter of the Tribunal's
6 investigations."

7

8 Now can I ask you why did you contact Ann Devitt?

9 A. Because she was just another party, a another councillor in the area, we went
15:29:44 10 around the whole lot of them just to see what, to get an overall idea from.

11 Q. 734 Did you know Ms. Devitt had supported Mr. White's planning, Nosaka's planning
12 application of the lands?

13 A. I would have heard that yes.

14 Q. 735 Would that have influenced you in your approach to her?

15:29:59 15 A. No, no, because I, you will see we approached every one of the councillors that
16 was in the Swords area.

17 Q. 736 Now paragraph 8 you go on to say "In the course of assembling proposals for the
18 development of any equestrian centre on the lands the subject matter of the
19 Tribunal's investigations, my family retained the service of the Ambrose Kelly
15:30:18 20 Group to act as architects. Bernard Lynch, a long standing friend of our
21 family worked for the Ambrose Kelly Group and it was for that reason we decided
22 retain their services to assist with our development proposals.

23

24 Do you remember the period in which we retained their service the Ambrose Kelly
15:30:34 25 group merged with Pilgrim Architects, we were unaware that this had occurred at
26 the time however we were informed of this development by Bernard Lynch who
27 advised us that in his opinion the Ambrose Kelly group had a conflict of
28 interest in respect of our development proposals since Robert White/Nosaka
29 Limited were clients of Pilgrim Architects.

15:30:54 30

15:30:54 1 At about this time we learned that Bernard Lynch intended to leave his
2 employment with the Ambrose Kelly Group and establish his own architectural
3 practice and we took this opportunity to move our business to his new practice"
4 that as I say statement is dated the 2nd of December 2003; isn't that right?

15:31:07 5 A. That's correct.

6 Q. 737 Can I just go back for a moment, when Mr. White first raised the issue of an
7 option or acquiring your lands?

8 A. Yes.

9 Q. 738 Was it the case that on the ground there had been no development in that area.

15:31:22 10 A. On the ground, well in 1973, 20 acres of our land was developed, so land
11 development was coming our way.

12 Q. 739 Well was that --

13 A. So --

14 Q. 740 That land that was developed in 1973 how close to the lands the subject --

15:31:44 15 A. Bordering.

16 Q. 741 Bordering those lands. But other than those lands developed in 1973 there had
17 been no other developments in this area?

18 A. No.

19 Q. 742 And we are talking about a Greenfield agricultural site?

15:31:55 20 A. That's right.

21 Q. 743 Both in relation to your farm, Mr. Baker's farm isn't that right?

22 A. That's right.

23 Q. 744 And then after at this time then Mr. White approaches you, he covers you what
24 you consider to be a good price per acre, an option on a good price per acre
15:32:13 25 isn't that right?

26 A. That's correct.

27 Q. 745 And he acquires Mr. Baker's lands --

28 A. Considering the time, it is wouldn't be a good offer nowadays, but considering
29 the times in the '80s it was a good price.

15:32:22 30 Q. 746 I understand. Did Mr. White ever indicate to you what attracted him to that

- 15:32:27 1 site and those lands?
- 2 A. Not an iota, no I wouldn't know.
- 3 Q. 747 Okay. Thank you very much Mr. Duff?
- 4 A. Thank you.
- 15:32:36 5
- 6 CHAIRMAN: Mr. Hayden do you want to ask any questions.
- 7
- 8 **THE WITNESS WAS CROSS-EXAMINED AS FOLLOWS BY MR HAYDEN:**
- 9
- 15:32:42 10 Q. 748 MR HAYDEN: Mr. Duffy I appear on behalf of Mr. White just one or two short
- 11 questions just in your statement at page 230 probably if it's handy at
- 12 paragraph 4 at the bottom of the page you talk about "In or around about 1991 I
- 13 attended a public meeting at The Harp a pub his house in Swords together with
- 14 my brother and my son Paul Duff the meeting was organised by Robert White for
- 15:33:03 15 the purpose of informing residents living in the area surrounding lands the
- 16 subject matter of the Tribunal investigations. Is that -- your recollection of
- 17 that meeting was that that was in early 1991, I take it?
- 18 A. No well I don't know. I'm not sure but I was at that meeting.
- 19 Q. 749 Just your statement you say in or about 1991 you were at The Harp?
- 15:33:24 20 A. Yeah well probably yes, probably yeah.
- 21 Q. 750 So that meeting was organised to your recollection for that purpose of
- 22 informing the locals what's likely to go on?
- 23 A. That's correct yes.
- 24 Q. 751 And that at that meeting you met Mr. Dunlop?
- 15:33:40 25 A. That's correct.
- 26 Q. 752 You don't remember any earlier, if there ever was any earlier meeting, I am not
- 27 saying there was or there wasn't?
- 28 A. I don't remember ever seeing Mr. Dunlop before that.
- 29 Q. 753 No, no, but I mean a meeting in relation to the residents, this is the meeting.
- 15:33:55 30 A. No I was only at that one, I don't know of any -- maybe there were but I don't

- 15:34:00 1 know that.
- 2 Q. 754 You don't know of any others?
- 3 A. No, no.
- 4 Q. 755 Thank you.
- 15:34:07 5
- 6 CHAIRMAN: Right Mr. Kennedy do you want to ask any questions.
- 7
- 8 **THE WITNESS WAS CROSS-EXAMINED BY MR KENNEDY AS FOLLOWS:**
- 9
- 15:34:12 10 Q. 756 MR KENNEDY: Just briefly Chairman, Mr. Duff did all this end up with you
11 selling this land for 3 million 100 thousand to the trio of Donal, Russell and
12 Caffrey and Mr. White had got nothing out of this because his options had run
13 out and he had lost his place in the whole?
- 14 A. Well I don't know that. I don't know where Mr. White was with this at all.
- 15:34:36 15 Q. 757 Okay. But you ended up selling to --
- 16 A. Oh, yes.
- 17 Q. 758 People other than Mr. White?
- 18 A. Yes, yeah.
- 19 Q. 759 You only met Mr. Wright on one occasion at his constituency office in Malahide
15:34:47 20 is that the position?
- 21 A. Yes with regards to the general plan of the place, yes.
- 22 Q. 760 You just met him as your local TD?
- 23 A. Yeah of course I would the met him, masses and the Devil knows what, yes.
- 24 Q. 761 You knew him reasonably well?
- 15:35:04 25 A. Yes.
- 26 Q. 762 You found him supportive and --
- 27 A. Yes of course I did, yeah.
- 28 Q. 763 Straightforward?
- 29 A. Sorry.
- 15:35:10 30 Q. 764 And straightforward?

15:35:11 1 A. And straightforward, yes.

2 Q. 765 Thank you Mr. Duff.

3

4 CHAIRMAN: Ms. O'Leary do you want to ask?

15:35:19 5

6 **THE WITNESS WAS CROSS-EXAMINED BY MS. O'LEARY AS FOLLOWS:**

7

8 Q. 766 In relation to matters that have arisen, does the Tribunal wish me to address

9 you in relation to the discovery issue.

15:35:28 10

11 CHAIRMAN: No. I think we are satisfied that there was some confusion but

12 anyway I think we are satisfied that we have discovery.

13

14 MS. LEARY: Thank you Tribunal.

15:35:38 15

16 CHAIRMAN: So sorry do you want to ask any.

17

18 MS. LEARY: Yes is the Tribunal clear in relation to the involvement of

19 Emargrove Limited? I think there might have been some confusion between the 18

15:35:56 20

20 acres which Mr. Duff sold to Nosaka Limited which was one set of 18 acres and

21 then another reference to a 17 or 18 acres which Emargrove was involved with,

22 perhaps the Tribunal themselves are not confused in relation to the issue, I

23 can get Mr. Duff to further clarify it if you feel?

24

15:36:18 25

25 CHAIRMAN: Well I think for the moment unless you want to ask him anything in

26 relation to it we are --

27

28 Q. 767 MS. LEARY: I think its correct Mr. Duff that in relation to Emargrove Limited

29 anecdotally you believe they acquired land from not you isn't that correct,

15:36:41 30

30 in -- but adjoining the 18 acres which you sold to Nosaka Limited, perhaps on

15:36:47 1 the other side of Jugback Lane, would that be correct?

2 A. Well it didn't adjoin it.

3 Q. 768 No but it was in the vicinity of it?

4 A. Yeah, yeah, in the vicinity yeah.

15:36:56 5 Q. 769 And it was in respect of a strip of this other land that you were taking this
6 other option for the widening of the road is that correct?

7 A. Yes, yes.

8

9 CHAIRMAN: All right. Thank you very much. Thank you.

15:37:09 10

11 **THE WITNESS THEN WITHDREW.**

12

13 MR. QUINN: Sir as the Tribunal will appreciate its difficult to judge the
14 length of time of any particular witness and it appears that we have gone
15 through our witness list for today and tomorrow quicker than we anticipated.

15:37:18 15

16 There are Mr. White obviously and Mr. Dunlop has to return and one other
17 witness who isn't available this week and subject to the consent of the
18 Tribunal its proposed to put matters back to the 31st of March to conclude this
19 module.

15:37:41 20

21 CHAIRMAN: All right we'll do that that means we are not sitting tomorrow, we
22 are sitting on Thursday to commence Lissenhall

23

24 MR. QUINN: Lissenhall.

15:37:49 25

26 CHAIRMAN: Okay, thank you very much, half ten on Thursday.

27

28 **THE TRIBUNAL THEN ADJOURNED TO**

29 **THURSDAY 23RD MARCH 2006 AT 10.30 AM**

15:38:20 30