

10:09:36 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON WEDNESDAY,**
2 **31ST JANUARY 2007, AT 10.30 A.M:**

10:35:04 5 CHAIRMAN: Good morning, Mr. Quinn.

7 MR. QUINN: Good morning, Sir.

9 Mr. Al Smith, please.

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10:35:10 1 **MR. AL SMITH, HAVING BEEN SWORN, WAS QUESTIONED BY**
2 **MR. QUINN AS FOLLOWS:**
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10:35:39 5 CHAIRMAN: Good morning, Mr. Smith.
6 A. Good morning.
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8 MR. QUINN: Good morning, Mr. Smith.
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10:35:43 10 Q. 1 Mr. Smith, I think you joined Dublin Corporation in 1948. And you remained
11 with Dublin Corporation for 30 years until 1978?
12 A. That's right.
13 Q. 2 When you moved to Dublin County Council presumably on promotion, is that
14 correct?
10:35:57 15 A. Yes, that's correct.
16 Q. 3 And I think you remained with Dublin County Council up until 1995 when you
17 moved to Fingal County Council, is that correct?
18 A. 19 ...
19 Q. 4 January 1994?
10:36:08 20 A. '93 was the split.
21 Q. 5 Yes. And you went with?
22 A. I went to Fingal. I retired finally in '95.
23 Q. 6 I think that was 47 years?
24 A. Yeah.
10:36:19 25 Q. 7 Public service, is that right?
26 A. That's correct.
27 Q. 8 Now, Mr. Smith, on the 2nd of March of this year the Tribunal wrote to you and
28 sought a statement from you in relation to any meetings or contacts you had
29 with Mr. Aidan Kelly?
10:36:32 30 A. Uh-huh.

10:36:33 1 Q. 9 And your response on the 11th of March is at brief pages 537 and 538.
2
3 And I think you advised the Tribunal in the course of that statement that at
4 some stage you came to meet with and have contact with Mr. Kelly

10:36:49 5 A. That's correct.

6 Q. 10 Who at the time had taken over what was the Pye factory in Dundrum, is that
7 correct?
8 A. That's correct, yes.

9 Q. 11 I think you give a brief outline of the history of the factory. It was the
10:36:59 10 site of the Manor Mill Laundry and that Mr. Stanley was associated with the Pye
11 Radio Company of Cambridge UK who set up a television and radio manufacturing
12 company on the site?
13 A. That is so.

14 Q. 12 You say at some stage a man whom you thought was a Mr. Grier took over and
10:37:17 15 eventually Mr. Kelly became an employee of the company and in turn Mr. Kelly
16 came to be totally associated with the company, is that correct?
17 A. That's what I said. I think the name Grier was probably wrong but other than
18 that the statement is correct, yes.

19 Q. 13 And you say Mr. Kelly had the task of trying to realise some of the asset value
10:37:36 20 of the company and to do this resorted to using the premises for a variety of
21 short-term uses, some of which gave rise to planning difficulties.
22
23 At 538 you went on to say that he also tried to maximise the value of the value
24 of the assets by interalia proposing to establish a commercial centre on the
10:37:53 25 site. This was the genesis of what is now the new Dundrum Shopping Centre.
26 You said that his difficulties with his shareholders were often referred to in
27 the newspapers at the time and at some stage I seem to remember a report that
28 he and some associates had bought out the site but I'm not sure of this. you
29 say that his proposals met with a degree of opposition from the planning
10:38:11 30 authority for local interests and from some councillors. It is my recollection

10:38:15 1 I met Mr. Kelly on several occasions in connection with his planning problems.
2 It is also my recollection that these meetings would have been in the 1980's.
3 I have no recollection of meeting Kelly in the 1990's.

4 A. Correct.

10:38:28 5 Q. 14 And then I think more recently the Tribunal furnished you with a copy of a
6 statement from Mr. Kelly.

7
8 In the course of that statement Mr. Kelly was advising the Tribunal.

9
10:38:38 10 And if we could have page 366 and 367, please.

11
12 That and I quote "in or around 1980/81/82/83 a meeting was arranged for me by
13 the accountant to whom I had been apprenticed with a third party whose name has
14 escaped me for some years now. Probably because I prefer to forget the name of
10:39:00 15 the third party from some years back. The third party at our only meeting
16 sought at then a substantial cash payment and would sort out our planning
17 problems. I do remember replying with something like our company was not,
18 would not do business like this and of meeting and contact. I was unaware nor
19 did I subsequently ask Mr. McDonald as to the employment of the third party and
10:39:22 20 I never discussed the matter with him. I was surprised he had arranged such a
21 meeting. Sometime later I think during a Garda investigation into planning
22 irregularities I reported the matter to Mr. A Smith, senior administrative
23 officer, Dublin County Council who advised without a witness that there was no
24 point in pursuing the matter. Subsequently on visiting a local authority
10:39:43 25 office, not a planning office, I saw the third party at his employment long
26 retired by now I should think".

27
28 In response to that allegation of Mr. Kelly you wrote to the Tribunal on the
29 16th of this year at 2435.

10:40:05 30

10:40:05 1 Referring to that extract, and you said I do not recollect making the remark
2 attributed to me by Mr. Kelly and do not believe that I made such a remark in
3 the manner suggested by him. It was my practice if I received any information
4 capable of being investigated and suggestive of malpractice to report the
10:40:19 5 matter to An Garda Siochana. It would seem from newspaper reports that the
6 Tribunal is aware of at least one occasion when I so acted. I believe if
7 Mr. Kelly had given any allegations capable of being investigated I would have
8 contacted the Gardai and perhaps advised Mr. Kelly to do so himself.
9

10:40:36 10 As I have already indicated my recollection is that my meeting or meetings with
11 Mr Kelly had to do with his desire to have the Pye site zoned and developed and
12 with the difficulties caused by unauthorised uses on the site. I have no
13 record of any meeting with Mr. Kelly available to me. Even at this stage, in
14 the early 80's people working in planning authorities were frequently the butt
10:40:55 15 of snide remarks and allusions relating loosely to corruption. It may be,
16 though I do not recollect it, that Mr. Kelly made some such remark. If on
17 every occasion I heard such a remark I had reported it I would have soon been
18 in the position of a man who cried wolf. With regard to the un-named third
19 party who may have worked in Tara Street, the building control section of
10:41:15 20 Dublin County Council and Dublin Corporation occupied Liffey House on that
21 street. Whether this was as early as 1980 I cannot say. I do not remember
22 Mr. Kelly mentioning this man to me

23 A. Correct.

24 Q. 15 Is that your evidence?

10:41:28 25 A. That's my evidence, yes.

26 Q. 16 Now, I think Mr. Smith, you have advised the Tribunal that you did have contact
27 with Mr. Kelly and contacts with him in -- certainly in the 1980's, is that
28 correct?

29 A. Yes, at least one meeting.

10:41:43 30 Q. 17 At least one meeting?

- 10:41:44 1 A. Yes.
- 2 Q. 18 And can you recall for the Tribunal what that meeting concerned?
- 3 A. It obviously would have concerned the affairs of Pye. I can't recall it in any
- 4 detail.
- 10:41:55 5 Q. 19 Yes. What position did you hold within the Council in the 1980's?
- 6 A. I would have been principal officer in the Planning Department.
- 7 Q. 20 So do you think that the meeting that you had with Mr. Kelly was a meeting
- 8 concerning planning matters?
- 9 A. Oh, it would have been a meeting concerning planning matters, yes.
- 10:42:13 10 Q. 21 I think in your statement you've referred to the fact that Mr. Kelly had some
- 11 difficulties with unauthorised uses on his site?
- 12 A. Yes.
- 13 Q. 22 And could the meeting you had with Mr. Kelly have related to an unauthorised?
- 14 A. It could, yes.
- 10:42:27 15 Q. 23 You don't believe that you met him in the 1990's but you think it was?
- 16 A. I did not. I'm fairly reasonably certain I didn't meet him in the 1990's.
- 17 Q. 24 Now Mr. Kelly has mentioned the incident that he referred in his statement and
- 18 has also advised that he told you about that incident. He thought during a
- 19 Garda investigation?
- 10:42:45 20 A. Yeah.
- 21 Q. 25 Now, he seems to date the incident to some time in the early 1980's, sometime
- 22 between 1981 and 1984 or '85?
- 23 A. Yeah.
- 24 Q. 26 Now, the Garda investigations, I think there was a Garda investigation I think
- 10:43:02 25 in the late 1980's isn't that right? The Tribunal has heard evidence of that
- 26 investigation which I think commenced in January or February 1989, isn't that
- 27 right?
- 28 A. It would have been in the late '80s, yes.
- 29 Q. 27 And then I think there was a Garda investigation in relation to the conduct of
- 10:43:18 30 councillors in the review of the Development Plan in 1993, isn't that right?

- 10:43:21 1 A. Certainly in the 1990's, yes, it was at the time the County Council was still
2 in existence.
- 3 Q. 28 I think it was around July 1993. And then I think there may have been a Garda
4 investigation back in the 1970's as well?
- 10:43:36 5 A. There was one but I have no knowledge of that.
- 6 Q. 29 Yes. So if Mr. Kelly mentioned this incident to you it's more probable that he
7 mentioned it to you if during a Garda investigation sometime in the late
8 1980's, possibly 1989, isn't that right?
- 9 A. It's a possibility, yes. I couldn't exclude that it might have been then.
- 10:44:00 10 Q. 30 Yes. You recall having at least one meeting with Mr. Kelly?
- 11 A. I do.
- 12 Q. 31 Do you think you might have had more than one meeting with Mr. Kelly?
- 13 A. I would have -- originally when I was corresponding with the Tribunal I would
14 have thought I had more than one but I've been kind of wracking my brains quite
10:44:19 15 honestly.
- 16 Q. 32 Yes?
- 17 A. And I think there might have been only one, put it that way.
- 18 Q. 33 Yes?
- 19 A. I can only visualise one.
- 10:44:26 20 Q. 34 Okay. Can you recall who was in attendance other than yourself and Mr. Kelly?
- 21 A. Nobody other than myself and Mr. Kelly.
- 22 Q. 35 Can you recall how the meeting took place or who set up the meeting?
- 23 A. No, meetings of that kind usually resulted, as far as I was concerned, from
24 somebody asking me to meet somebody who had a problem.
- 10:44:44 25 Q. 36 Yes.
- 26 A. So it would, it might have been a Councillor. It might have been a planning
27 consultant.
- 28 Q. 37 Yes?
- 29 A. It might have been Mr. Kelly himself if he rang and said who he was.
- 10:44:58 30 Q. 38 Yes?

- 10:44:59 1 A. I would have regarded him probably as being sufficiently, of sufficient
2 standing that I would see him.
- 3 Q. 39 That you would see him. Was planning control part of your brief in the late
4 1980's?
- 10:45:11 5 A. From an administrative point of view, yes.
- 6 Q. 40 I think at that time there were section 27 applications being brought against
7 developers or landowners for unauthorised uses?
- 8 A. There were.
- 9 Q. 41 There were other procedures being invoked under the planning code where there
10 were unauthorised developments and unauthorised uses. Were you involved in
11 initiating any of those procedures?
- 12 A. Well generally, yes, I would have been. But they were all within the planning
13 code.
- 14 Q. 42 That's what I mean, yes. Within the planning code?
- 10:45:43 15 A. Yeah. There are two distinct streams if you are aware.
- 16 Q. 43 Yes?
- 17 A. There was what might be called the criminal prosecution and enforcement orders
18 and things like that.
- 19 Q. 44 Yes?
- 10:45:53 20 A. And there was the High Court route which was section 27.
- 21 Q. 45 Do you recall invoking either of those procedures against Pye or Mr. Kelly?
- 22 A. No.
- 23 Q. 46 But in any event, you think you met Mr. Kelly. You may have met him as a
24 result of a direct request of you by himself or you may have met him at the
10:46:11 25 request of either a planning consultant or a Councillor?
- 26 A. Councillor, yeah.
- 27 Q. 47 Can you recall if there was any particular Councillor associated with Mr. Kelly
28 at that time?
- 29 A. No.
- 10:46:23 30 Q. 48 In the diaries we know that Mr. Kelly had a meeting in the Manager's office

10:46:31 1 with Mr. Hickey, who was the Chairman of Dublin County Council?

2 A. Yes.

3 Q. 49 You would have known Mr. Hickey?

4 A. Knew him fairly well, yes.

10:46:38 5 Q. 50 Had Mr. Hickey asked you to meet Mr. Kelly would you have met him?

6 A. Certainly.

7 Q. 51 Now, can the Tribunal take it that any meeting with Mr. Kelly then would have

8 been in the context of some planning difficulties?

9 A. Yes.

10:46:50 10 Q. 52 And the possibility perhaps or as a result of correspondence from your office

11 or from the Council concerning unauthorised developments on his site?

12 A. That is possible, yeah.

13 Q. 53 Yeah?

14 A. There was also -- it would have been raised I think at the time the matter of

10:47:11 15 Pye Lands and what was happening on them was raised in the early committee

16 meetings.

17 Q. 54 Yes. That's correct. In fact if we have 687.

18

19 On the 14th of December 1981. You had occasion to write to Mr. Kelly as

10:47:29 20 principal officer, Dublin County Council, in relation to a south county

21 district committee decision of the 7th of December 1981. Do you recall

22 corresponding with Mr. Kelly at that time?

23 A. I do.

24 Q. 55 Yes?

10:47:47 25 A. I do, yes.

26 Q. 56 A proposal of Councillor Fitzgerald's which recommended that indoor

27 recreational or community type facility should be provided on part of the Pye

28 Lands nearest to the village. These facilities to be of a commercial nature?

29 A. Yes. The letter I think is self explanatory. I was at the meeting. The

10:48:09 30 councillors asked that we write to Pye suggesting that they might consider this

10:48:15 1 idea of what they called community facilities on a commercial basis as a
2 possible use for his land.

3 Q. 57 Yeah?

4 A. I think Mr. Kelly's response was more or less to the effect that he would
10:48:28 5 investigate it and then I think at some stage he came back, I can't remember in
6 what way or what form.

7 Q. 58 We actually can assist there I think, Mr. Smith. If we look at 689.
8
9 On the 22nd of March 1992 he responded to you and to that letter. I think more
10:48:44 10 or less advising that he, it wouldn't be practical to include a community
11 centre in their proposed plans

12 A. Yes.

13 Q. 59 Isn't that right?

14 A. That was his response.

10:48:53 15 Q. 60 Then I think there were subsequent meetings later in the 1980's with Mr. Kelly,
16 isn't that right? And whilst you may not have attended those meetings. A
17 planning application was ultimately submitted I think in January 1989?

18 A. Uh-huh.

19 Q. 61 For housing development, isn't that right?

10:49:14 20 A. Yes.

21 Q. 62 And?

22 A. I didn't specifically recall that as being a Pye application but it was on the
23 lands, yeah.

24 Q. 63 Yes. Prior to that Mr. Kelly I think or Pye had made certain proposals to the
10:49:30 25 Council. If we look at 1067.
26
27 On the 26th of August 1988. Pye had offered what might be termed a planning
28 gain to the Council in exchange for development on their site, isn't that
29 right?

10:49:44 30 A. They offered to build a part of the Dundrum Bypass.

- 10:49:54 1 Q. 64 That's correct, yeah. I think something that they had valued at some stage at
2 approximately 2 million pounds. You were aware that that offer had been made?
3 A. I was aware that there were discussions between the developers and the
4 engineering Department.
- 10:50:03 5 Q. 65 And of course?
6 A. About access to the housing lands, yes. I think they needed to get that bit of
7 the bypass.
8 Q. 66 Yes?
9 A. To get an acceptable entrance to the lands.
- 10:50:13 10 Q. 67 If we could have 994.
11
12 I think it was the practice of the Council to have a development coordinating
13 committee
14 A. Uh-huh.
- 10:50:20 15 Q. 68 Which comprised senior personnel within the Council, is that correct, to meet
16 regularly and discuss?
17 A. About once a month, yeah.
- 18 Q. 69 About once a month. What sort of issues came on the agenda for that meeting?
19 A. Well generally if there was, as far as planning was concerned, major planning
10:50:38 20 applications were brought to it so that any difficulties could come to light,
21 as it were.
22 Q. 70 Yes?
23 A. And other departments could be alerted. If other departments had development
24 proposals they would bring them there and they would be discussed. It was a
10:50:54 25 kind of a.
26 Q. 71 Sharing of?
27 A. Sharing information and ideas, yes.
28 Q. 72 So all the Department heads would be more or less up to speed in a general sort
29 of a way?
10:51:04 30 A. That was the intention as to what was happening. That was the intention.

- 10:51:08 1 Q. 73 And you would have attended those meetings regularly?
2 A. Fairly regularly, yes.
3 Q. 74 And who would have presided or who would have held the Chair at those meetings?
4 A. Usually one of the managers.
- 10:51:18 5 Q. 75 Yes. Now, if we look at 994, which is the meeting on the 10th of November
6 1988.
7
8 I think Mr. Taylor was the principal officer, engineering and then you are
9 listed as being the principal officer, planning, isn't that right
- 10:51:31 10 A. Yes.
11 Q. 76 And then it goes down through the deputy chief engineer, senior engineers and
12 down along, isn't that right?
13 A. Yes, that's correct.
14 Q. 77 And I think under, if we could go to 996.
- 10:51:43 15
16 Under item 12. Under the heading 'Access to Pye Lands in Dundrum'. It was
17 noted that Pye had recently sold the lands and that the new owners had sought
18 meetings with the road and Planning Department
19 A. I see that, yes.
- 10:51:56 20 Q. 78 And we know that for example the planning application was submitted in January
21 1989. If we look at 997.
22
23 I think another meeting was held this time on the 9th of February 1989. And
24 you are seen again to be in attendance as was indeed Mr. Redmond. If we go to
10:52:14 25 998.
26
27 Under the heading 'planning applications' there is consideration of the
28 planning application in relation to the Dundrum lands.
29
10:52:23 30 And it's noted that the application for the housing also provides for the

10:52:27 1 construction or part of the Dundrum Bypass and a road linking the bypass with
2 Sandyford road. It was noted that there could be legal difficulties in
3 providing a suggested alternative access which would be the preferred access
4 from a roads point of view. It was noted also that there was a number of
10:52:42 5 points to be clarified and that it may be necessary to seek additional
6 information.
7
8 You would have been at a meeting where that general discussion had taken place
9 A. Yes.
10:52:52 10 Q. 79 And somebody would have taken minutes of that meeting?
11 A. Yes.
12 Q. 80 And would have noted that, isn't that correct?
13 A. Yes, that is correct.
14 Q. 81 Now, that would have been in January 1989, isn't that correct or February 1989?
10:53:03 15 A. Yes.
16 Q. 82 That's 997.
17
18 Now, the Garda inquiry we heard about in another Module, would have commenced
19 either late January or early February 1989, isn't that right?
10:53:15 20 A. Well if you say so I accept it, yes.
21 Q. 83 And if Mr. Kelly had brought some irregularities to your attention dating back
22 to the early 1980's?
23 A. Uh-huh.
24 Q. 84 He would have been bringing it to your attention in or around this time, isn't
10:53:28 25 that right?
26 A. If he did so during the Garda investigation, yes.
27 Q. 85 Yes. Just in relation to that. You don't deny outright that such a matter was
28 brought to your attention. You have no recollection of it being brought to
29 your attention. And it's your belief that had it been brought to your
10:53:45 30 attention you would either have dismissed it as perhaps something that didn't

10:53:50 1 merit inquiry or if you deemed it to be something worthy of inquiry you would
2 have referred it on, is that a fair summary?

3 A. That's a fair summary.

4 Q. 86 But it's certainly something that you don't appear to discuss at this committee
10:54:04 5 meeting, isn't that right?

6 A. A thing of that sort wouldn't have been discussed at the co-ordinating meeting,
7 no.

8 Q. 87 I see. You have pre-empted my next question which is would that type of
9 allegation of corruption have been something that would have been raised by you
10:54:20 10 or indeed any of the other managers at that co-ordinating committee meeting?

11 A. No.

12 Q. 88 Who would you have raised that with do you think?

13 A. If there was a Garda investigation on at the time I would have passed the
14 information on directly to the senior Garda officer.

10:54:33 15 Q. 89 Yes?

16 A. Conducting the investigation.

17 Q. 90 What about discussing it within the Council?

18 A. I might have mentioned it to my Manager.

19 Q. 91 And who was your Manager at that time?

10:54:46 20 A. It was either John Prendergast or Kevin O'Sullivan. I think it was John
21 Prendergast.

22 Q. 92 Yes. Now, I think there was a further meeting in March of 1989 at 1002.
23
24 And again, you were deemed to be in attendance at that meeting also, isn't that
10:55:08 25 right?

26 A. Yes.

27 Q. 93 Do you -- if Mr. Kelly had told you as he alleges that he had -- money had been
28 sought from him by somebody within the Council, is that something you believed
29 that you would have discussed with your Manager and brought to the attention of
10:55:31 30 the Guards?

- 10:55:32 1 A. Yes.
- 2 Q. 94 You would regard that as a serious matter, I take it?
- 3 A. If there was sufficient detail in the allegation to.
- 4 Q. 95 Yes?
- 10:55:43 5 A. Enable something to be treated seriously and investigated, yes.
- 6 Q. 96 But even if there weren't sufficient detail surely that would be matter for the
- 7 Gardai to assess rather than for you to assess. I mean, the mere mention that
- 8 there was a fact that there was an employee of the Council on the take, so to
- 9 speak, surely that's something that you would refer on or discuss with your
- 10 superiors?
- 11 A. Again, as I say, if there was detail in it but a generalised allegation that
- 12 people were asking for money or, with no information as to how they could, that
- 13 could be establish or who might have been doing it, I possibly would not have
- 14 done.
- 10:56:06 15 Q. 97 I mean, it is certainly the case that if what Mr. Kelly says is correct, that
- 16 there was a time delay between the demand of him of the money and him bringing
- 17 it to your attention. Assuming that the demand was made sometime between 1980
- 18 and 1983 and the time he brings it to your attention being the Garda inquiry
- 19 which is January/February 1989. There is a five year interval where he hasn't
- 10:56:45 20 brought it to anybody else's attention it would appear and certainly not to the
- 21 Garda's attention?
- 22 A. That appears to be the case.
- 23 Q. 98 Had he brought to your attention the specifics, as he describes them here.
- 24 Namely, whilst he couldn't identify the person he could identify where the
- 10:57:02 25 person worked. The fact that money was demanded from him. Although there
- 26 weren't witnesses. Do you think that that's something that you would have
- 27 referred on or have him, or urge him to bring to the Guards, to the attention
- 28 of the Guards?
- 29 A. If he had mentioned specifically that there was an office and there was
- 10:57:21 30 somebody employed in that office, I think I would have referred it, yes.

- 10:57:24 1 Q. 99 Yes?
- 2 A. But Mr. Kelly doesn't say that.
- 3 Q. 100 Yes. No. He says that you -- what your reaction was that there were no
4 witnesses. He say that is Mr. Smith who advised without a witness there was no
10:57:41 5 point in pursuing the matter. That's what he says was your reaction to his
6 allegation.
- 7 A. I don't think I would have regarded the presence of a witness as being
8 something that would be of absolutely essential for me to take it further. I
9 would have needed a name or rank or a grouping or something of that sort.
- 10:58:07 10 Q. 101 But if somebody turned up at your office who was having planning difficulties
11 advising you that they had been asked for money by an official of the Council.
12 You would not automatically refer that either to your superior or to the
13 Guards?
- 14 A. What you're saying if somebody came along and said an official not specified,
10:58:32 15 not identified, no information as to who that official is or might be.
16 Looking, even looking back on it, I think I would have difficulty in treating
17 that seriously, yes.
- 18 Q. 102 Did you treat Mr. Kelly seriously, can I ask you?
- 19 A. I did.
- 10:58:51 20 Q. 103 Yes. And you knew that he was having difficulties?
- 21 A. Yes.
- 22 Q. 104 No doubt but that he was having planning difficulties?
- 23 A. Yes, I knew he was having planning difficulties.
- 24 Q. 105 And I want to make it absolutely clear. There is no question but that he is
10:59:07 25 not alleging here nor is it suggesting anywhere that you were the person who
26 was making the demand for money, isn't that right?
- 27 A. That is correct.
- 28 Q. 106 I just want to make that absolutely clear?
- 29 A. Yes.
- 10:59:17 30 Q. 107 There is as I say about a five year gap between when he says the demand was

10:59:22 1 made of him and when he makes the complaint to you?

2 A. Well that appears to be the case, yes.

3 Q. 108 Now, in relation to the Development Plan review. Were you familiar with the

4 process of the review of the Pye Lands?

10:59:43 5 A. In a general sort of way. My memories of it are rather vague but generally

6 speaking, I know that the proposal was for a commercial centre on the Pye

7 Lands. And that the traders and the existing shopping centre objected to this

8 and the planners thought it was a bad idea on the grounds that it would pull

9 the commercial heart of Dundrum southwards.

11:00:12 10 Q. 109 Yes.

11 A. And would damage the existing trade.

12 Q. 110 Yes. If I could have 1098.

13

14 I think the review of the Development Plan had commenced in '87 and was still

11:00:27 15 underway?

16 A. Uh-huh.

17 Q. 111 In 1993. And I think on the 9th of November 1990 you wrote to the councillors

18 in relation to the possibility of a wrap up motions, isn't that right?

19 A. Correct.

11:00:42 20 Q. 112 If I could have 1099.

21

22 Can I ask you, Mr. Smith. What prompted that idea of the wrap up motion?

23 Evidence has been given that the Draft Plan was an executive function.

24 A. Yes.

11:00:56 25 Q. 113 And whereas the confirmation of the plan itself would have been obviously?

26 A. Members.

27 Q. 114 Yes.

28 A. Well, that is the case. But successive managers in the local authorities, not

29 only in Dublin but elsewhere, adopted the attitude that there was no point in

11:01:21 30 putting a managerial draft on display if it had not got the agreement of the

- 11:01:27 1 Council. Because you are simply driving down into a cul-de-sac when the plan
2 came back. There was also a legal decision extant at the time in relation to
3 Bray Urban District Council. The effect of it was to make it practically
4 impossible to alter a draft when it came back because you had to have an
11:01:54 5 interminable series of further displays every time you made a change. That was
6 subsequently amended. But the practice was that the Draft Plan prepared by the
7 Manager was put to the Council before going on display and they, by motion,
8 suggested amendments to it and those amendments were taken on board.
- 9 Q. 115 And we know, for example, that Draft Plan in relation to this land had been put
11:02:24 10 and noted at a Council meeting in May 1990?
- 11 A. Uh-huh.
- 12 Q. 116 But I think this letter November 1990 enabled the councillors to bring forward
13 motions in relation to all of the maps?
- 14 A. Yeah.
- 11:02:37 15 Q. 117 And those motions were heard in the early part of '91, isn't that right?
- 16 A. Yeah. But the point was that we were not making progress. I mean this letter
17 was an effort to make progress. As I recall it at the time, the Department of
18 the Environment were also getting concerned that the length of time that the
19 process was taking and we were getting letters and urgings in effect to hurry
11:03:03 20 up.
- 21 Q. 118 Yes. You were applying from time to time to extend the period?
- 22 A. Yes.
- 23 Q. 119 And they were putting pressure on you?
- 24 A. They were putting extreme pressure on. There was also the approach of the
11:03:13 25 break up of the councils. I don't know whether ...
- 26 Q. 120 The break up was going to be delayed until the plan was in place?
- 27 A. Well the possibilities of chaos if the plan wasn't adopted before the Council
28 broke up were considerable.
- 29 Q. 121 Of course at this stage it was going to be -- you weren't to know it but it
11:03:32 30 took three further years to bring in the plan?

- 11:03:35 1 A. That's true.
- 2 Q. 122 At this time that, that is November 1990, when did you expect to have the plan
3 in place by at that stage?
- 4 A. Oh, dear. We were very pessimistic. When we started the expected station was
11:03:50 5 that we could get an agreed draft fairly quickly and go on display and come
6 back and make the amendments. I think Bray may have been amended. There may
7 have been amending legislation at some stage. But that didn't happen. The
8 members agreed to that procedure.
- 9 Q. 123 Yes?
- 11:04:16 10 A. But then they proceeded in practice to consider each representation that was,
11 that had been received before the draft went on display and to deal with it.
12 Claiming that that was their individual right. So that the thing dragged on.
13 And it appeared at that stage to be going on interminably.
- 14 Q. 124 Can I just ask you one other matter, Mr. Smith?
- 11:04:42 15 A. Uh-huh.
- 16 Q. 125 In 1992 I think in May 1992, if I could have 1989, please.
17
18 You wrote to the councillors advising them that the last day for motions on map
19 23, for the receipt of motions of map 23 was the 28th of May 1992
- 11:05:02 20 A. Yes.
- 21 Q. 126 Now, we have a motion in relation to these lands. Which was received and
22 signed by Councillors Hand and Lydon.
23
24 At 1475.
- 11:05:15 25
26 We'll just have a look. But it doesn't appear to have been dated. I'm just
27 wondering if you can assist the Tribunal by advising whether or not that motion
28 had been received by the 28th of May 1992 or if it was received subsequently?
- 29 A. I can't be definite on it. But I assume that it was before the 28th of May,
11:05:36 30 yeah.

11:05:37 1 Q. 127 I see. You assume that it had been received but you can't be definite?
2 A. I can't be definite.
3 Q. 128 Would the motion have been accepted if it had been produced on the morning or
4 on the day of the meeting?
11:05:48 5 A. No.
6 Q. 129 It had to have been -- there was a motion from Councillors Fitzgerald and
7 Mitchell which was submitted outside that period.
8
9 If I could have 1473, please.
11:05:59 10
11 This was actually the motion which was successful and 1473.
12
13 And it appears to have been received. Sorry. If we could have the bottom
14 A. September is it.
11:06:11 15 Q. 130 On the 3rd of September.
16 A. I can't account for that. Obviously the point of putting a cutoff date was so
17 that you could put an agenda together.
18 Q. 131 Yes?
19 A. And I can only surmise that we weren't making as much progress as we expected
11:06:30 20 so it was possible to accept motions on Pye Lands later than we had originally
21 intended.
22 Q. 132 Do you think it unusual that you would have received that motion at 1475.
23
24 And not date stamped the date on which it was received?
11:06:46 25 A. It should have been date stamped. That's all I can say.
26 Q. 133 Thank you very much Mr. Smith?
27 A. Thank you.
28
29 CHAIRMAN: Are there any questions for Mr. Smith?
11:06:57 30

11:06:57 1 MR. O'DWYER: No questions.

2

3

MR COSGROVE: No questions

4

11:07:00 5 CHAIRMAN: Mr. Redmond? No. Thank you very much.

6

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9

THE WITNESS THEN WITHDREW.

11:07:06 10

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MS. DILLON: Thank you. Mr. George Redmond, please.

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11:07:11 15

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11:07:12 1 **MR. GEORGE REDMOND, HAVING BEEN SWORN, WAS**
2 **QUESTIONED BY MS. DILLON AS FOLLOWS:**
3
4

11:07:56 5
6 CHAIRMAN: Good morning, Mr. Redmond

7 A. Good morning, your Lordships.

8

9 MS. DILLON: Good morning, Mr. Redmond.

11:08:03 10
11 Do you require the ear phones Mr. Redmond, or are you able to manage without
12 them?

13 A. I'd prefer to manage without them. I have my aids in.

14 Q. 134 Yes. If you have any difficulty in hearing me, Mr. Redmond, just indicate that
15 and I'll repeat the question for you?

11:08:18 16 A. Yes.

17 Q. 135 In 1988 and up to the time of your retirement from the Council in 1989 you were
18 an assistant City and County Manager, Mr. Redmond, isn't that right?

19 A. That is so.

11:08:32 20 Q. 136 And you have already given evidence to the Tribunal in a number of Modules,
21 isn't that right?

22 A. That is so.

23 Q. 137 And I think insofar as this Module is concerned, the Tribunal is concerned
24 particularly with a recital of alleged events by Mr. Aidan Kelly, who will be
11:08:47 25 giving evidence later, about a meeting that Mr. Kelly says he had with you,
26 isn't that right?

27 A. That is correct.

28 Q. 138 Now, according to Mr. Kelly. He says that he was having certain planning
29 difficulties and that a meeting was arranged with you by a third party?

11:09:03 30 A. Yes.

- 11:09:03 1 Q. 139 Do you accept that you met Mr. Kelly at some stage?
- 2 A. Oh, I do. I have no recollection of it but I've absolutely no reason for
3 saying that what his statement isn't true.
- 4 Q. 140 All right. So you accept in the first instance that you had a meeting with
11:09:21 5 Mr. Aidan Kelly but you don't recollect the meeting, is that correct,
6 Mr. Redmond?
- 7 A. Yes. I don't recollect Mr. Kelly. I couldn't. I've no sort of notion of what
8 he looks like or ... and I have no recollection of the meeting. But I am not
9 doubting that there was a meeting if Mr. Kelly says so.
- 11:09:40 10 Q. 141 And Mr. Kelly says that at the time he was having what he describes as planning
11 difficulties. And the meeting with you was in an attempt to resolve his
12 planning difficulties or to resolve those issues. Would you agree that if a
13 meeting was set up with you by Mr. Kelly that it's likely to have related to
14 the planning difficulties that Mr. Kelly was then encountering in connection
11:10:02 15 with the Pye Lands?
- 16 A. Mr. Kelly had no -- there were no planning difficulties as far as I could see.
17 And having read the extensive correspondence. It would seem from the diary
18 that the meeting, if the one meeting when he insisted there was one meeting and
19 I have no recollection, was the one which was held in February. Is that right,
11:10:33 20 Ms. ?
- 21 Q. 142 I'll come to that in a moment, Mr. Redmond. If we just deal with the question
22 now. Which is whether or not you agree it's likely if Mr. Kelly was setting up
23 a meeting with you it was in connection with what he perceived to be planning
24 difficulties?
- 11:10:55 25 A. Perhaps what he perceived were planning difficulties but the position -- well
26 there was one. I suppose one would have to call it a planning difficulty. And
27 this was my concern. In that the County Council had planned for two very major
28 roads to traverse what were known as the Pye Lands. And that, obviously, to
29 anybody, even if somebody puts a road on their land, that's -- but insofar as
11:11:21 30 the other matters, zoning and unauthorised uses, I'd have no concern or

- 11:11:26 1 interest in those.
- 2 Q. 143 Yes. And do you remember whether in or around this time you ever had any
3 occasion to discuss the Pye Lands with Mr. Paddy Hickey, then Chairman of
4 Dublin County Council?
- 11:11:37 5 A. No recollection. But it's quite possible that I -- in fact, his name appears
6 with Pye in my diary. And it's quite possible I did. He was a highly esteemed
7 Councillor representing the Dundrum area and it's quite possible that he would
8 have raised something about the road, when are we going to do it or who is
9 going to do it or ... but as far as the planning. What was going to happen,
11:12:10 10 there would be not much point in raising it with me. I hadn't any planning
11 functions. Hadn't had them for ten years.
- 12 Q. 144 And would you be surprised therefore that somebody would direct Mr. Kelly, if
13 that was the case, towards you in 1988 or 1989 because Mr. Kelly was having
14 planning difficulties?
- 11:12:27 15 A. Well it depends on who advised him to come to me.
- 16 Q. 145 Yes?
- 17 A. I mean, obviously, I had an open door. If somebody -- you look at Pye. They
18 were a well establish organisation in the Dundrum area, highly esteemed, good
19 employers. They paid rates. And at that stage residential people didn't pay
11:12:51 20 rates, the farmers didn't pay rates. So one has to respect if you get a
21 request from a notable organisation, company like, that you'd see them. On top
22 of that was the fact that it was fortuitous that when traffic conditions got,
23 as one Manager said intractable, in Dundrum village, we had a ready made
24 corridor on their land. There would never have been a bypass unless the land
11:13:26 25 was there. That it had been built up. Dundrum would still enjoy what it has
26 on the Sandyford road today.
- 27 Q. 146 Yes. You obviously didn't understand the question, Mr. Redmond?
- 28 A. Oh, I did.
- 29 Q. 147 The question I had in fact put to you was, were you surprised that somebody
11:13:42 30 would direct Mr. Kelly to you for planning difficulties in circumstances in

- 11:13:46 1 which you had no planning functions at the time?
- 2 A. Well roads would be regarded as a planning.
- 3 Q. 148 Okay?
- 4 A. Function. You see, it's contained in planning. It's the transportation end of
- 11:13:57 5 road. But insofar as zoning. When I met him, I think it's important to -- the
- 6 five years of the '83 Plan hadn't expired. And the existing zonings which
- 7 were there, which I at the time. I mean, I may not have known about. But
- 8 having read them and that extensive file that had been sent to me. They seemed
- 9 to me to be very reasonable. You had industrial zoning in the south. In the
- 11:14:29 10 middle area you had residential. In the area nearest to the town you had
- 11 commercial, including shops. You had the prospect of a connection from Dundrum
- 12 to the motorway. You had the objective of the rapid, well in those days it was
- 13 a bus lane, into Dundrum. It is a prestigious suburb. You know, I mean in,
- 14 general terms, and my own personal view about these zonings. They were quite
- 11:15:03 15 generous and shouldn't -- I mean, the owner of the land should have been pretty
- 16 pleased with the situation but Mr. Kelly, obviously, had difficulties in
- 17 perhaps he was anticipating the objections which would follow from probably the
- 18 existing traders and residents about traffic.
- 19 Q. 149 And certainly when you met Mr. Kelly, you met Mr. Kelly as somebody who was a
- 11:15:33 20 potential developer of the Pye Lands, is that right Mr. Redmond?
- 21 A. Well the company obviously. The lands has asset value. By the way, added to
- 22 the facts of advantages on the land. There seems to be no infrastructural
- 23 programmes, difficulties insofar as drainage and water are concerned. And
- 24 these are the things that generally worry people if they did have land. But in
- 11:16:01 25 his case, you know, it was a very viable piece of land.
- 26 Q. 150 When you met Mr. Kelly, Mr. Redmond, you met him as a potential developer of
- 27 the Pye Lands, is that right?
- 28 A. Oh, no.
- 29 Q. 151 No. Well who was the owner of the Pye Lands when you met him?
- 11:16:23 30 A. Oh, I don't know.

11:16:23 1 Q. 152 Were you ever --

2 A. I assumed he was coming in on behalf of the company and they owned the

3 left-hand side.

4 Q. 153 Did you ever become aware of the fact that the Pye Lands had been sold to

11:16:26 5 Mr. Kelly or that Mr. Kelly had an interest himself in the Pye Lands?

6 A. Well I never knew that he had any interest in it. I met Mr. Kelly and that's

7 his evidence. I'm accepting that he met him once and I never met him again.

8 And all that I can go on from now on is what I read in the files. The

9 coordinating meeting which you mentioned to Mr. Smith mentioned that the lands

11:16:53 10 or some lands had been sold. Beyond that, I wouldn't know anything.

11 Q. 154 Well in relation to that meeting on the 10th of November 1988.

12

13 At page 994, Mr. Redmond.

14

11:17:03 15 You are not recorded as being present at that meeting. But you would, of

16 course, have been furnished with a copy of the minutes of that meeting, isn't

17 that right

18 A. Yes. I would have got the minutes.

19 Q. 155 Yes?

11:17:13 20 A. And I would have read that obviously.

21 Q. 156 And you would have noted that the meetings recorded at page 996. That Pye have

22 recently sold the lands and that the new owners have sought meetings with roads

23 and planning, isn't that right?

24 A. Again, whether I attended it or didn't attend it. If it was in the minutes,

11:17:30 25 the normal thing would be, would have been for me to read it.

26 Q. 157 And indeed, in your diary I think Mr. Redmond, at page 1013. On the 25th of

27 August 1988. There is an entry in your diary.

28

29 If we could have the full page, please.

11:17:50 30

- 11:17:50 1 And you will note at the top that that's entitled GR diary 1988, which is your
2 diary, isn't that right, Mr. Redmond?
- 3 A. Yes.
- 4 Q. 158 And you will note the date is the 25th of August. And that there is an entry
11:18:00 5 in your diary for a meeting in Mr. Vaughan's office at, which looks like 2:30
6 or earlier that day, isn't that right?
- 7 A. That entry, I see it, yes. Meeting in Mr. Vaughan's office. By the way, he
8 was the deputy roads -- Deputy County Roads Engineer.
- 9 Q. 159 Yes. But you would have been aware, would you not, by virtue of the fact that
11:18:23 10 there is an entry in your diary, Mr. Redmond, there was a Pye meeting at which
11 it was expected at a minimum that you would attend on the 25th of August 1988?
- 12 A. No, I wouldn't expect. That entry by the way is made by my secretary.
- 13 Q. 160 Yes?
- 14 A. So somebody told her to enter that but, no, I normally wouldn't attend a
11:18:44 15 meeting with technical officers.
- 16 Q. 161 Right. Now, you're not recorded in the subsequent correspondence as having
17 attended that meeting. But the fact of the meeting is recorded in your diary,
18 isn't that correct, Mr. Redmond?
- 19 A. Oh, the fact. No doubt about it. I mean, somebody is in my diary and I would
11:19:02 20 have been at liberty to go up. He was on a different floor to what I was. I
21 was on the, I think I was on the first floor. And I could have gone if I
22 wanted to and perhaps it was felt by the staff who were organising the meeting
23 that I should be put on notice in the event that I did wish to attend.
- 24 Q. 162 Yes. And arising from that meeting --
- 11:19:27 25 A. But I think you've two records of it which -- there were six officers, from
26 reading the minutes. There were six officers from the County Council, three
27 most senior roads officers and three planning officers.
- 28 Q. 163 Yes. And at the time Mr. Redmond, you had responsibility for roads. I think
29 you've just told the Tribunal, isn't that right.
- 11:19:51 30 A. Oh, I had but that didn't mean that I had to attend every meeting.

11:19:54 1 Q. 164 Yes. And arising from that meeting it would appear, Mr. Redmond, that Pye made
2 an offer to the Council that in return for supporting a planning application
3 that Pye were proposing to bring, they were offering to the Council certain
4 roads, isn't that right?

11:20:11 5 A. No.

6 Q. 165 You'll have seen that in correspondence?

7 A. I know nothing about that.

8 Q. 166 If I can show you then the correspondence that emanated following the meeting
9 recorded in your diary for the 25th of August, Mr Redmond, is the letter of the
11:20:22 10 26th of August 1988 to Mr. Vaughan from the new owners of Pye, Aidan Kelly,
11 Mr. Joseph Laden. And the letter is at 1067, please.

12
13 And the letter refers to the meeting at the offices yesterday of Mr. Vaughan
14 attended by Mr. Ring and Mr. Rabbitte, roads forward planning, together with
11:20:57 15 Mr. Murray and Mr. Goodbody Planning Department and the writers together with
16 Mr. K O'Malley.

17
18 And the writers are Mr. Aidan Kelly on behalf of Pye Ireland and Mr. Joseph
19 Laden on behalf of Don-Lay.

11:21:01 20
21 And then paragraph two says. Pye Ireland has entered into agreements to sell
22 to Don-Lay Limited the Pye lands and buildings at Dundrum. The lands to be
23 developed on a joint venture basis with Pye holding a minority equity interest.

11:21:13 25 So it would appear clear, certainly Mr. Redmond, that by the 26th of August
26 1988 the Council and people, officials in your Department had been informed
27 that the Pye Lands had been sold and that Pye was retaining a minority
28 interest, isn't that right?

29 A. Well I wasn't aware of it.

11:21:32 30 Q. 167 Yes.

11:21:33 1 A. But, I mean, if they wrote to that effect what Mr. Vaughan did with the letter,
2 it didn't call for any action on my part.

3 Q. 168 Well were you aware at this stage or was it brought to your attention at this
4 stage following the meeting that the Pye Lands had in fact been sold and that a
11:21:51 5 new arrangement had been entered into between Mr. Kelly and Mr. Laden?
6 A. I've no recollection at all of any of that.

7 Q. 169 Yes.

8 A. And I've no recollection of ever seeing the correspondence.

9 Q. 170 Right?

11:22:02 10 A. It's just been after what, 18, 19 years it's being produced now. The general
11 view on the roads. We took no one. The Council never took any initiative in
12 relation to these roads. In other words, we didn't do rentals and references
13 of the owners. We never compared compulsory purchase orders. The general
14 view, and it was a general view, was that whatever development took place it
11:22:31 15 would carry the roads.

16 Q. 171 Now, if we continue with the letter Mr. Redmond --

17 A. At no cost to the County Council.

18 Q. 172 And this apparently is what's being proposed to the Council here. If we just
19 read through the letter.

11:22:45 20

21 Our proposals to Dublin County Council for the early development of these lands
22 are outlined as follows.

23

24 1. Housing development.

11:22:52 25

26 The immediate submission of a full planning application for the development of
27 86 houses ranging from 2 to 5 bedrooms on these lands approximately 7.5 acres
28 adjoining the Linwood housing estate.

29

11:23:04 30 Now, you would have known the Linwood housing estate, isn't that right,

- 11:23:08 1 Mr. Redmond?
- 2 A. I knew the development out there in that area, yes.
- 3 Q. 173 Yes. And had you been involved in any way in the planning permission attaching
- 4 to the Linwood housing estate or Linwood house?
- 11:23:19 5 A. No.
- 6 Q. 174 No?
- 7 A. I don't know when it was given.
- 8 Q. 175 Yes. Access by way of a traffic light controlled junction across the proposed
- 9 Dundrum Bypass at approximately the point marked X on attached map and on to
- 11:23:33 10 the Sandyford Road at approximately the point marked Y. Dublin County Council
- 11 and An Bord Pleanala have recently rejected a planning application for this
- 12 site seeking access via the Linwood Estate. One reason for the refusal cited
- 13 is that development is considered premature until such time as the Dundrum
- 14 Bypass is constructed or until suitable alternative access to the site is
- 11:23:51 15 available. All other avenues of access to this site have been unsuccessful and
- 16 exhaustively explored over a period of many years.
- 17
- 18 Now, if that is correct, Mr. Redmond, as is set out there in that paragraph.
- 19 It would suggest that a number of applications had been made for residential
- 11:24:05 20 planning on a portion of the lands which I can show you on, and the map at
- 21 1964, please.
- 22
- 23 Which had been rejected by either by the Council or An Bord Pleanala. And the
- 24 lands being talked about in that portion of the letter we've just looked at,
- 11:24:23 25 Mr. Redmond, are the lands coloured red on the screen immediately ahead of you.
- 26 And those lands are immediately north of the Linwood Estate. Do you see that?
- 27 A. I don't quite understand what it is. You have to go slower.
- 28 Q. 176 Yes?
- 29 A. What are we talking about? Which lands now am I answering on.
- 11:24:41 30 Q. 177 What I'm asking you about, Mr. Redmond. Is do you accept that if the contents

11:24:46 1 of the letter which I have just read to you are accurate. That applications
2 had been made to develop certain lands which had been rejected by the Council
3 and An Bord Pleanala in the period leading up to the meeting on the 25th of
4 August 1988?

11:25:01 5 A. Are these the Pye Lands.

6 Q. 178 They are part of the Pye Lands, yes?

7 A. Well, I mean, that would be a -- if nothing in Ms. Collins' omnibus statement
8 to indicate that there were refusals. She only referred to the 89 application
9 and a permission. She didn't -- I don't know of any refusals.

11:25:30 10 Q. 179 You weren't aware of that.

11

12 Could I go back to 1068, please.

13

14 A. Could -- when were the decisions made?

11:25:33 15 Q. 180 We'll just continue with the letter, Mr. Redmond.

16

17 1068 paragraph two. Retail commercial development.

18

19 The immediate submission of an outline planning application for the development

11:25:42 20 of a retail commercial or leisure centre on these lands adjoining the Sandyford

21 Road between Millhouse and Crazy Prices. Development to be broadly on the

22 basis of either options one or two, see either appendices A or B. Agreement

23 in principle has been reached with Quinnsworth Crazy Prices for option one

24 development. Option two should only be submitted should Quinnsworth Crazy

11:26:02 25 Prices fail to complete a legal agreement. It should be noted that the

26 additional retail development proposed is only 58,400 square feet. Option one

27 or 50,000 square feet, option two. The natural features of this site are

28 exceptional tree stream lake water fall. It is proposed to maintain these

29 features and incorporate them in the development while complying with all

11:26:23 30 standard planning requirements including car parking.

11:26:25 1
2 3. Purchase of lands required for Dundrum Bypass.
3 Dublin County Council to immediately complete a binding contract for the
4 purchase of those lands as agreed already required for the construction of the
11:26:35 5 Dundrum Bypass for £175,000. Payment to be made in 7th of January 1989.
6
7 4. Public Car Park, Dundrum
8 A developing company to take over by license from Dublin County Council the
9 management and maintenance of the public carpark in Dundrum. The carpark to
11:26:50 10 remain available to the public at large.
11
12 5. Sandyford road improvements and land requirement.
13 In consideration of Dublin County Council affirming support for the 1 to 4
14 inclusive and on the grant of the planning permission referred to in 1 and 2,
11:27:02 15 the developing company will transfer free of charge to Dublin County Council
16 those lands required for the Sandyford road improvements which are currently
17 part of the land sale agreement between Pye and Don-Lay Limited and marked A to
18 A in red on the attached map one. Furthermore, again in consideration of the
19 above, 1 to 4 inclusive, and on the grant of planning permission referred to in
11:27:23 20 one and two, the developing company will carry out free of charge to Dublin
21 County Council the construction of Sandyford road improvements as shown on the
22 attached map, mark B to B in yellow to normal standards but excluding relaying
23 services, including gas main and public lighting.
24
11:27:38 25 Page 1069 summary.
26
27 The total value of our proposed contribution at 3, 4 and 5 is in the order of a
28 million pounds and such contributions are in lieu of all other contributions
29 to services etc. It is proposed to submit two separate planning applications.
11:27:51 30 We should like to thank you for your prompt response in arranging yesterday's

- 11:27:54 1 meeting and would appreciate an immediate response as this is a matter of now
2 extreme urgency.
- 3 Yours faithfully, Aidan Kelly for Pye Ireland and Joseph Laden on behalf of
4 Don-Lay. And it's cc'd to the County Manager, Mr John Ring, Mr Willie Murray
11:28:08 5 and Mr. Patrick Hickey.
- 6
7 Now, in the first instance, Mr. Redmond, can I ask you. The County Manager
8 that's referred to there, is that likely to have been yourself?
- 9 A. I wasn't the County Manager, as you know.
- 11:28:23 10 Q. 181 The question was, Mr. Redmond, is it likely that that's a letter that was
11 directed to you?
- 12 A. I couldn't say. If it was addressed to the County Manager it could have gone
13 to the County Manager.
- 14 Q. 182 Yes. Well in circumstances in which the meeting was entered in your diary. In
11:28:38 15 which one of the matters that's being discussed at the meeting is the
16 acquisition of roads, a matter over which you had ultimate control. In those
17 circumstances do you consider that it's likely that the contents of this letter
18 might have been drawn to your attention by somebody?
- 19 A. The position insofar as what transpired at the meeting is, I don't know whether
11:28:59 20 that's a version. But the Planning Officer, Mr. Douglas Hyde replied, setting
21 out what was the Council's position with respect to the meeting.
- 22 Q. 183 In view of your position Mr. Redmond. If you just direct your mind to the
23 question. Do you think that it is likely that in view of your position in
24 Dublin County Council and the subject matter of this letter that the contents
11:29:27 25 of this letter would have been drawn to your attention by somebody within the
26 Council?
- 27 A. It may or may not have been. I can't say with certainty. All I can say on
28 oath is that I have no recollection of anything of that nature arising in my
29 time.
- 11:29:45 30 Q. 184 If there had been any subsequent negotiations with Mr. Kelly or Mr. Don-Lay

11:29:50 1 over the acquisition of lands for roads. Is that a matter that would have been
2 drawn to your attention by somebody on your staff?
3 A. Certainly from my point of view, there was never any authority to negotiate
4 for.
11:30:17 5 Q. 185 That's not what I asked you Mr. Redmond. What I asked you was. If there had
6 been any subsequent negotiations by some of your staff in connection with the
7 acquisition of lands for these roads, would that have been drawn to your
8 attention?
9 A. Well I think it wouldn't -- it wouldn't have happened. It would have to be
11:30:27 10 authorised by managers.
11 Q. 186 By whom would it have been authorised, Mr. Redmond?
12 A. By Manager's orders.
13 Q. 187 Who would have been the Manager?
14 A. Roads and acquisition of lands for road. I was certainly the manager.
11:30:40 15 Q. 188 So would it be fair to say Mr. Redmond, that any matter to do with the
16 acquisition of lands for roads was a matter within your peculiar control or
17 your control within Dublin County Council in 1988.
18 A. Ultimately, yes.
19 Q. 189 All right. And therefore correspondence or meetings that had as part of their
11:30:58 20 objective the acquisition of lands for roads is something that fell within your
21 Department, isn't that right?
22 A. But there was -- there was no objective at that time to acquire lands for
23 roads.
24 Q. 190 Sorry?
11:31:10 25 A. I'm not even certain whether or not the Dundrum Bypass was shown in the '83
26 Plan which was extant at that time still.
27 Q. 191 Yes. If we could have page 1424, please.
28
29 This is a composite map of the 1983. Sorry, the 1990 Development Plan.
11:31:35 30

- 11:31:35 1 I show you the 1983 Development Plan, Mr. Redmond.
2
3 The 1983 Development Plan is at 1423.
4
- 11:31:42 5 And if we could if we could turn the page, please. And increase the coloured
6 portion.
7
8 And you will see there I think a road reservation, Mr. Redmond, can you see it,
9 beside the lands coloured red? If we could increase it even more,
11:32:07 10 Mr. Kavanagh. And you will see written on that the words "Dundrum Bypass"
- 11 A. I see it.
- 12 Q. 192 Do you accept now Mr. Redmond, that in the 1983 Development Plan there was a
13 reservation for the Dundrum Bypass adjoining the Pye Lands?
- 14 A. Yes.
- 11:32:28 15 Q. 193 And that, therefore --
- 16 A. That's the '83 Plan.
- 17 Q. 194 That's the '83 Plan, yes. And that therefore the correspondence that we're
18 considering at page 1068 dealt with land in or around the Pye Lands in
19 connection with the Dundrum Bypass, isn't that right?
- 11:32:45 20 A. Pye's letter does but the Council's reply in relation to covering the meeting
21 makes no reference to land.
- 22 Q. 195 But what we're dealing with now at the moment, Mr. Redmond, is the subject
23 matter of this letter. What we're trying to establish whether it is likely at
24 the time that the contents of this letter would have been drawn to your
11:33:07 25 attention by your officials in view of the content of the letter being a matter
26 over which you ultimately were the person who had to make a decision, isn't
27 that right?
- 28 A. It may have been. But, I mean, I insist that insofar as that meeting is
29 concerned, I don't know whether that is an accurate account of the meeting.
- 11:33:30 30 Q. 196 It's not an account of the meeting, Mr. Redmond. It's a letter of offer to the

11:33:34 1 Council. If you could just look at page 1067.
2
3 It's a letter addressed to Mr. Vaughan, the deputy chief engineer in Roads
4 Department over which you were the supremo, if I can put it like that, in 1988
11:33:48 5 and it's not a record of a meeting. It's a letter of offer to Dublin County
6 Council
7 A. Yeah well.
8 Q. 197 Isn't that what it is, Mr. Redmond?
9 A. It's a total planning proposal really.
11:34:02 10 Q. 198 Yes. And it's an offer to sell certain lands required for the Dundrum Bypass
11 to Dublin County Council and to develop two portions of roads free of charge
12 for Dublin County Council, isn't that right?
13 A. That could well have been dealt with by the principal officer. The principal
14 officer had nearly 90 percent of the roads functions delegated to him. And
11:34:29 15 operated as a Manager in performing the functions.
16 Q. 199 If the contents of this letter had been drawn to your attention and if the
17 contents of whatever transpired at the meeting on the previous day of the 25th
18 of August 1988 had been drawn to your attention. And if you had read the
19 minutes of the meeting of the 10th of November which recorded that the Pye
11:34:51 20 Lands had recently been sold and there were new owners. You would have known,
21 would you not, Mr. Redmond, that Pye was no longer owned by Pye Ireland plc?
22 A. My own recollection, I had no interest in the Pye Lands beyond the road.
23 Q. 200 I'm sorry, Mr. Redmond. If you had the contents of the letter of the 26th of
24 August '88 drawn to your attention. Or what transpired at the meeting on the
11:35:25 25 25th of August '88 drawn to your attention or the minutes of the meeting of the
26 11th of November 1988 drawn to your attention. You would have known that the
27 Pye Lands had been sold, would you not?
28 A. If all of those things had occurred, the answer is yes. Certainly the
29 indications from the Pye side was that there was something happening to the
11:35:47 30 lands.

- 11:35:47 1 Q. 201 Yes. And is it your evidence to the Tribunal then, Mr. Redmond, that you do
2 not recollect being aware of the fact that the Pye Lands had been sold?
3 A. I don't know. It's -- I've no recollection of anything about the Pye. I've no
4 recollection of any of this.
- 11:36:03 5 Q. 202 And if we look at the meeting of the 18th or the entry in your diary of the
6 18th of February 1988.
7
8 At 1010.
9
- 11:36:11 10 This is an entry that has Kelly Aidan 9:30. Would you accept that that's
11 likely to be Mr. Aidan Kelly
12 A. Oh, yes.
- 13 Q. 203 And that that in fact is the Mr. Aidan Kelly who has provided a statement to
14 the Tribunal and will later give evidence?
- 11:36:30 15 A. I know of no other Aidan Kelly.
- 16 Q. 204 Yes. And you recollect nothing about that meeting, is that correct,
17 Mr. Redmond?
18 A. Nothing. Except the signs are that the meeting was scheduled for 9:30 but was
19 put back to 11:30.
- 11:36:49 20 Q. 205 Yes. So that you would have met Mr. Kelly in connection Pye?
21 A. I would have heard of what he had to say on behalf of the company.
- 22 Q. 206 And?
23 A. Starting de novo, beyond the fact that I knew that Pye were in Dundrum, that
24 they had ceased to carry out business as they did in earlier years, and that
11:37:15 25 there was a road traversing their property, two roads.
26 Q. 207 And on the 26th of April 1988.
27
28 At 1011.
29
- 11:37:23 30 There is an entry in your diary for Tuesday the 26th of April for Pye. You see

11:37:28 1 that at the bottom?

2 A. I do, yes.

3 Q. 208 And that presumably we can agree, Mr. Redmond, was in connection with the Pye

4 Lands?

11:37:38 5 A. Well it's crossed out. I don't -- obviously I don't recall what it was about.

6 Q. 209 And I think on the 22nd of August 1988. There is an entry in your diary at

7 1012. Pye Ireland, P Hickey.

8 A. Yes, that's another entry by my secretary.

9 Q. 210 Yes?

11:37:59 10 A. Now what ...

11 Q. 211 Can you assist the Tribunal as to what that was about?

12 A. No, I can't. The only thing I can think of is it comes shortly before the

13 meeting arranged which took place in Mr. Vaughan's office.

14 Q. 212 On the 25th of August?

11:38:18 15 A. And I thought it might be something in connection that. But then in their

16 letter of acknowledgement they thank Mr. Vaughan for arranging the meeting.

17 Now it may well be that he just arranged the dates but no, I can't remember

18 anything.

19 Q. 213 Yes?

11:38:40 20 A. I would think it may have been putting me on notice again that the meeting was

21 going to take place on the 25th.

22 Q. 214 On the 18th of May 2000 you gave evidence to the Tribunal about certain diary

23 entries, Mr. Redmond. Do you remember that?

24 A. When?

11:38:57 25 Q. 215 On day 153.

26

27 Page 1008, please.

28

29 You will recollect you were being asked by Mr. Desmond O'Neill, Senior Counsel,

11:39:08 30 about certain entries in your diary relating to that time particularly to

11:39:12 1 Mr. Tom Bailey and Mr. Michael Bailey

2 A. Bailey.

3 Q. 216 You remember that there were meetings in your diaries about the Baileys,

4 Mr. Redmond?

11:39:21 5 A. I don't remember them.

6 Q. 217 I am asking you now about a letter that you wrote to the Tribunal at page 1008,

7 please.

8

9 On day 158. 153.

11:39:32 10 A. It's not ...

11 Q. 218 It's going to come up in a moment.

12 A. I am waiting. It's not up.

13 Q. 219 It's not up for anybody, Mr. Redmond. We are having some slight technical

14 hitch I think?

11:39:44 15 A. Could I see a copy.

16 Q. 220 Yes. This is, do you recognise this letter Mr. Redmond, it's in your own

17 handwriting?

18 A. Oh, yes, I recognise it.

19 Q. 221 And at the top of that page you will see D 153.

11:39:59 20 A. Sorry, what.

21 Q. 222 At the top of this page you will see D 153?

22 A. Yes, I see Pye, Dundrum.

23 Q. 223 Yes. And if we look at what's said at the top. And you say apropos

24 yesterday's questioning I have had time for some reflection. And you go on to

11:40:15 25 deal with certain diary entries, Mr. Redmond?

26 A. Yes, I read it now.

27 Q. 224 The last one of which and I quote "Hickey/pye Dundrum. When scanning through

28 the diary I noticed an entry as above. You did not question me about it.

29 There is a full explanation" and then it's signed I think George Redmond and

11:40:39 30 it's dated I think the 18th, isn't that right.

- 11:40:39 1 A. That's right.
- 2 Q. 225 And the typed version of that is at.
- 3
- 4 1009.
- 11:40:41 5
- 6 Now, Mr. Redmond. Can I ask you now to provide to the Tribunal the full
- 7 explanation for that entry in the diary to which you were referring, which is
- 8 the entry on page 1012
- 9 A. Well the full explanation would have been yes around that time the question of
- 11:40:56 10 the Dundrum lands was to the forefront and I -- I would have spoken to
- 11 Mr. Hickey may have spoken to me about it. And in particular the road. That's
- 12 just a general statement. Any more than that, that's still the position.
- 13 So -- Mr Hickey was a long-standing member of the Council when it had 25
- 14 members. Then it went to 35. Then it went to 78. So, I knew him reasonably
- 11:41:33 15 well compared to a lot of the new names. And he represented Dundrum. And you
- 16 know, it would be reasonable for him to raise some matter to say that would I
- 17 see somebody from Pye. Mr. Kelly, for example.
- 18 Q. 226 Well he would hardly have needed to ask you to see Mr. Kelly. Because you had
- 19 yourself already in February that year, some months earlier, met Mr. Kelly,
- 11:41:58 20 isn't that right, according to your diary?
- 21 A. Well it may well have been that somebody said something about seeing him
- 22 without any diary entry. Mr. Kelly will tell you how the meeting came about.
- 23 I don't remember it.
- 24 Q. 227 Did you --
- 11:42:12 25 A. Although I don't dispute it.
- 26 Q. 228 Did you telephone Mr. Kelly after the meeting took place, Mr. Redmond?
- 27 A. He says I did.
- 28 Q. 229 And do you accept or do you dispute Mr. Kelly when he says that you did
- 29 telephone him after the meeting?
- 11:42:25 30 A. Well, first of all, I certainly wouldn't -- I'm not going to dispute it. One

11:42:32 1 thing I find difficult to understand is how he doesn't remember who the third
2 party was. But he does remember my ringing him up. I think that would be in
3 character if he did bring somebody in unannounced. I think if you go back,
4 seeing as you are going back to other Modules. You will recall in the case of
11:42:56 5 the Gilmartin Module, with our justices here, they took that one.

6 Q. 230 I'm afraid, Mr. Redmond, on foot of present proceedings that is before the High
7 Court. You can't refer to anything to do with that Module at the moment.

8 A. Well, the position then I'll speak about. The County Council, I was an
9 officer, like Mr. Smith, of Dublin Corporation for a very long period. Until
11:43:24 10 1979. And when I went over to the county, there was an extraordinary
11 difference between the county. The county council members and the corporation
12 members. And the corporation members they are a really easy sort of way going
13 on. But in the county I remember two assistant managers before I became an
14 assistant Manager. They were ripped to pieces for seeing councillors with
11:43:56 15 third parties without having members of other parties present. Now, that was
16 mainly, it mainly came from the party which had the majority in those days.
17 This is when -- and it was always a rule, you know, to avoid that sort of
18 thing. In fact, what we did in the Council, we set up special days in the week
19 for receiving deputations where you'd get cross the board representations. You
11:44:30 20 say I am not to refer to the other matter in public. Can I write to the board
21 about it?

22 Q. 231 You can write?

23 A. About the Gilmartin Module.

24 Q. 232 Yes. I think you have already written to the Tribunal, Mr. Redmond. The
11:44:45 25 question I was asking you about was the telephone call. You appear to be
26 accept that it's likely that you did telephone Mr. Kelly after the meeting, is
27 that correct?

28 A. Well I can't say it's correct. I can't say that. Obviously, I'm accepting his
29 words. But if I did ring him it would be to object to somebody being brought
11:45:02 30 in on top of me. And the most likely person it could have been would have been

11:45:07 1 an elected member.

2 Q. 233 And would you --

3 A. And I've given the board or the Tribunal the reason for that.

4 Q. 234 Yes?

11:45:13 5 A. Because, you know it would be raised in Council and why did you see somebody so

6 that was the point.

7 Q. 235 So are you saying that if you did contact Mr. Kelly, it's likely you rang to

8 chastise him or to complain to him for him bringing a third party to the

9 meeting that you should have -- he should have come to you on his own?

11:45:40 10 A. Oh, he needn't have come on his own. He could bring his own consultants.

11 Insofar as involving a member of the Council. That's where the difficulty was

12 from my point of view.

13 Q. 236 Yes, but are you saying?

14 A. By the way, it's not a major difficulty. It's something that, you know, that

11:45:48 15 he should bear in mind.

16 Q. 237 Yes. But are you saying that you recollect that the person who was with

17 Mr. Kelly at the meeting was a Councillor?

18 A. No, I didn't say that. I said that the likelihood was a Councillor. I think

19 we'll have to wait and hear Mr. Kelly saying -- it may have been a consultant.

11:46:06 20 I don't think it could have been a member of the staff. And the most likely

21 person is likely to have been a Councillor.

22 Q. 238 Right. And that had it have been a Councillor, it's likely you would have

23 contacted Mr. Kelly and you would have complained to him or said to him that he

24 shouldn't have brought a Councillor, is that right?

11:46:27 25 A. Yes. I think that would be fair to say. I'd say to him look, by coming in

26 with a Councillor like that, you put me and yourself in an embarrassing

27 position if it's raised and you see, the difficulty with politics if it's seen

28 to be led by one particular Councillor of a particular party, the opposition

29 will immediately latch on to it and say oh, here's the Manager and he's seeing

11:46:59 30 whatever party they are and we're excluded. That type of.

- 11:47:03 1 Q. 239 I think so if Mr. Kelly were to tell the Tribunal that you telephoned him after
2 the meeting and you said to him words to the effect of 'Mr. Kelly. The next
3 time you want to come to see me come alone'. You wouldn't dispute that you
4 might have had a conversation of that sort with Mr. Kelly?
- 11:47:20 5 A. I said I've already confirmed that that's the likely to have been the tone of a
6 conversation.
- 7 Q. 240 And can I ask you, Mr. Redmond. Was it your normal practice to meet developers
8 on their own?
- 9 A. How do you mean on their own?
- 11:47:38 10 Q. 241 Without any other party present?
- 11 A. Well in my time I met thousands of people and they were -- oh, you mean
12 councillors.
- 13 Q. 242 No, I mean developers, Mr. Redmond.
- 14 A. Oh, well generally the rule was I wouldn't meet them with councillors unless
11:47:53 15 there was a broad agreement and a number of councillors representing several
16 parties. But as far as meeting developers, generally the meetings would be
17 with my officers, whoever would be involved in.
- 18 Q. 243 Well let's say Mr. Michael Bailey, for example, who is recorded as having met
19 you in your 1988 diary. At those meetings with Mr. Michael Bailey, in the
11:48:19 20 normal course, were you alone with Mr. Bailey?
- 21 A. I don't see the relevance of this, to this Tribunal.
- 22
- 23 CHAIRMAN: Well I think Ms. Dillon wants to find out what your normal practice
24 would have been when you met developers. Because you say, understandably,
11:48:37 25 that --
- 26 A. Some perhaps on their own. Some not on their own.
- 27
- 28 MS. DILLON: Or Mr. Sharkey, for example who is recorded there in that diary
29 entry ahead of Mr. Hickey at the Pye meeting. Would you have met him on his
11:48:50 30 own?

- 11:48:50 1 A. A lot of the times I met him he wasn't on his own.
- 2 Q. 244 But would you have met him on his own?
- 3 A. Oh, certainly.
- 4 Q. 245 Would you have met Mr. Tom Brennan on his own?
- 11:49:01 5 A. Generally not.
- 6 Q. 246 And insofar as you've given evidence to the Tribunal previously of having been
7 in receipt of funds from developers which was unsolicited by you but which was
8 given to you by them. Those developers, was it your practice to meet them on
9 your own?
- 11:49:21 10 A. The answer to that is not necessarily.
- 11 Q. 247 Was there ever any other person present Mr. Redmond, when a developer gave you
12 money other than yourself and the developer?
- 13 A. I can't remember that.
- 14 Q. 248 Well try very hard now, Mr. Redmond. Because it's important. Of all of the
11:49:37 15 developers who gave you money over the years that you were in Dublin County
16 Council, did any of them ever give you money in circumstances in which there
17 was somebody else present other than yourself and the developer?
- 18 A. No.
- 19 Q. 249 No. So that in all circumstances in which you received money from developers,
11:49:56 20 whether by way of gifts or otherwise, while you were in Dublin County Council.
21 The only people who were present were yourself and the developer, is that
22 correct?
- 23 A. Yes.
- 24 Q. 250 And therefore, may the Tribunal take it that it's your evidence that it was
11:50:15 25 your invariable practice to meet some developers in certain circumstances on
26 your own?
- 27 A. Very few.
- 28 Q. 251 But those circumstances pertained to the receipt of money, is that right,
29 Mr. Redmond?
- 11:50:40 30 A. Very few.

11:50:40 1 Q. 252 But they pertained to the receipt of money, Mr. Redmond, is that correct?

2 A. Yes.

3 Q. 253 Thank you, Mr. Redmond. I have no further questions.

4

11:50:40 5 CHAIRMAN: Well, Mr. Redmond, just to clarify that. Is it your evidence that
6 whenever you met a developer on his own, that it was related to the payment of
7 money?

8 A. Sorry, Your Worship?

9

11:50:54 10 CHAIRMAN: Is it your evidence to the Tribunal that whenever you did meet a
11 developer on his own that it was for the purposes of receiving money?

12 A. No. Not at all, Your Worship.

13

14 CHAIRMAN: Would you have met developers on occasion on their own where money
11:51:15 15 wouldn't have passed hands?

16 A. Almost practically every meeting I would have had, virtually every meeting.

17 Apart from one or two, over the whole course of my function, would have been

18 nothing like that. Straightforward meetings.

19

11:51:33 20 CHAIRMAN: And it would have just involved developers on their own?

21 A. Whether -- no. Well I met over the years -- I must have met hundreds of
22 developers but ...

23

24 CHAIRMAN: I just want to. In fairness to yourself

11:51:47 25 A. Yes.

26

27 CHAIRMAN: You would have met developers on some occasions on their own. And
28 on other occasions with other people?

29 A. Yes.

11:51:57 30

11:51:57 1 CHAIRMAN: Not normally with councillors but there may be ...
2 A. Other officers.
3
4 CHAIRMAN: Yes. And those meetings which you had with developers on their
11:52:11 5 own?
6 A. Yes.
7
8 CHAIRMAN: Included meetings when money passed hands?
9 A. I've given evidence as to the meetings which, where that did take place.
11:52:24 10
11 CHAIRMAN: Yes. And but there would have been also meetings where money
12 wouldn't have passed between you and a development?
13 A. Of course.
14
11:52:35 15 CHAIRMAN: All right. I just wanted to clarify that. Because it was just
16 that there was a ...
17 A. I don't know whether, if I can just continue in relation to the earlier Modules
18 where I did give evidence.
19
11:52:46 20 There were only very number of specific reasons and they weren't for planning
21 matters. They are for services outside of that. They were, say, in relation
22 to one person who was named, it was in relation for ...
23
24 CHAIRMAN: Services provided?
11:53:10 25 A. It was in relation to getting him land.
26
27 CHAIRMAN: All right. I just wanted to clarify that. Are there any
28 questions for Mr. Redmond?
29
11:53:18 30 MR COSGROVE: No questions

11:53:18 1
2 CHAIRMAN: All right. Thank you very much
3 A. Could I just clarify. From my own point of view. Seeing as I didn't do a set
4 of questions to address to myself.
11:53:27 5
6 CHAIRMAN: Uh-huh.
7 A. I just wanted to clear one thing.
8
9 First of all, I was surprised to be called to this Module, seeing that the only
11:53:37 10 thing that seems to be on the table is this meeting with Mr. Kelly.
11
12 When I met Mr. Kelly in 1988 the position was the review had just -- it had
13 started but the five year period hadn't expired.
14
11:53:57 15 And I am -- my meeting with him, my understanding of the position, the Council
16 had placed him in, insofar as zoning was that the zoning was very reasonable
17 and the location and all the rest, there was nothing in it. And in point of
18 fact, insofar as the housing permission, that came in in '89 and it was
19 granted, after I retired in '79 and then went to the board and it was
11:54:31 20 confirmed by the board in 1990's.
21
22 Insofar as resolutions are concerned in relation to the land, nothing took
23 place until 1991. I was gone out of it two years. And incidentally, when I
24 left the County Council, I had no dealings with anyone in it, officers. And
11:54:51 25 certainly I can't even recall even meeting a councillor since that date.
26
27 One thing I think that just came to mind is that, especially as I have been
28 reminded that I've been in earlier Modules. It's quite clear from the evidence
29 of the 2,000 pages in relation to one piece of land, that there is a compelling
11:55:21 30 case for the Manager putting the draft on display immediately. And the

11:55:29 1 Tribunal have been asked to make recommendations. They haven't done so yet, as
2 far as I know, in any of the Modules. But certainly it's something that should
3 be done because you can see here that a three year delay and enormous
4 controversy when it can be wrapped up much better by the Manager putting it on
11:55:53 5 display and then dealing with it.

6

7

CHAIRMAN: All right. Thank you, Mr. Redmond.

8

9

JUDGE FAHERTY: Thank you.

11:55:57 10

11

CHAIRMAN: We'll rise for about ten, fifteen minutes.

12

13

A. Excuse me, Your Worships, it's my age and I forget things.

14

11:56:08 15

CHAIRMAN: All right.

16

A. If I have something more to say, can I say it when you come back?

17

18

CHAIRMAN: Yes.

19

11:56:34 20

21

THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK

22

AND RESUMED AS FOLLOWS:

23

24

12:15:32 25

CHAIRMAN: Mr. Redmond, yes.

26

A. Thank you.

27

28

CHAIRMAN: Sit down.

29

A. I have trouble with my short-term memory.

12:15:39 30

12:15:40 1 CHAIRMAN: Okay.

2 A. The first thing I want to say is in connection with Mr. Kelly.

3

4 I am accepting fully his statement that we had a meeting.

12:15:53 5

6 CHAIRMAN: Uh-huh.

7 A. And we had only one meeting. He says he never met me again. And that is so.

8 I have certainly no recollection of ever having had a meeting with him.

9

12:16:05 10 Insofar as the other persons who are mentioned in the correspondence. Not the

11 councillors. I'm speaking about the professional people, financiers and all of

12 that. I know none of them. I never had any dealings with them, on any matter,

13 let alone this.

14

12:16:24 15 When I retired in 1969, as I said, that was the end. Insofar as meeting even

16 officials and councillors, I met none.

17

18 In relation to the questions you asked me. You were asking me about people. I

19 made a confession that there was one person I received something from, one only

12:17:02 20 in the building.

21

22 CHAIRMAN: Uh-huh.

23 A. And it was not for planning. There was a reason for it and a very justifiable

24 reason for it at the time. But that's the answer to the question. One and one

12:17:13 25 only.

26

27 In relation to somebody coming in. I often covered it by correspondence, by

28 writing to the person who came in. And I did that in a previous Module. And

29 as well as that, I've given a very full statement to the Tribunal, this

12:17:40 30 Tribunal, setting out the circumstances that a Manager found himself in, in

12:17:48 1 relation to such matters. You will find that I did make that statement.

2

3 I hope I don't have to come back for Mr. Kelly's evidence. As I said, I'm not

4 disputing, I'm not disputing that we met. And we met once. And insofar as

12:18:07 5 planning problems, I have no doubt he had his own problems or his own feeling

6 about planning. But my point of view, the prospects for the lands were

7 extremely good. And the only thing, you know, that wasn't encumbrance was the

8 road.

9

12:18:30 10 But insofar as the Council's view. And I'm giving that as my view. Because I

11 had the roads functions. It was always the intention and the expectation that

12 that the road would be constructed as part of development and would not be a

13 burden on the Council. Now, what happened when I retired. I mean, I don't

14 know how many years it was, maybe ten. What happened I cannot say. But at

12:19:00 15 that point, at the point I was in office, we never took any initiatives about

16 negotiating for the road or doing deals on the road. The road was simply going

17 to come along in due course.

18

19 CHAIRMAN: All right. That's fine. Thank you very much.

12:19:22 20 A. But I do feel that, you know, on occasion on my cross-examination, there's a

21 certain amount of I'm being stitched into this as having some role in it. I

22 have absolutely no role in it. In fact, I was amazed that what evidence I had

23 couldn't have been cleared with you in private interview.

24

12:19:41 25 CHAIRMAN: Well it was important because of Mr. Kelly's -- the information

26 that Mr. Kelly furnished to the Tribunal. It was important that you would be a

27 witness. And that's why you were a witness.

28 A. Well I've ...

29

12:19:57 30 CHAIRMAN: All right.

12:19:57 1 A. I hope that's it. Nothing else.

2

3

CHAIRMAN: That's it. Thank you very much, Mr. Redmond.

4

12:20:02 5 JUDGE FAHERTY: Thank you.

6

7

8

9

THE WITNESS THEN WITHDREW.

12:20:05 10

11

12

13

MS. DILLON: Mr. Donal Marren, please.

14

12:20:16 15

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30

MR. DONAL MARREN, HAVING BEEN SWORN, WAS QUESTIONED

BY MS. DILLON AS FOLLOWS:

- 12:20:41 1
- 2
- 3
- 4
- 12:20:55 5 CHAIRMAN: Good afternoon, Mr. Marren.
- 6
- 7 MS. DILLON:
- 8 Q. 254 Good afternoon Mr. Marren.
- 9
- 12:21:01 10 You were a member of or are a member of Fine Gael and were elected initially in
- 11 1978 but in the period of the Development Plan culminating in the making of the
- 12 plan in 1993 you were a member of Dublin County Council
- 13 A. Yeah, that is correct.
- 14 Q. 255 And thereafter you became a member of Dun Laoghaire-Rathdown County Council
- 12:21:19 15 from 1994 onwards?
- 16 A. That's correct.
- 17 Q. 256 And the lands which are the Pye Lands, fall within the area of Dun
- 18 Laoghaire-Rathdown County Council, isn't that right?
- 19 A. Yes, they do now.
- 12:21:28 20 Q. 257 And in 1990 and 1991 '92 '93 would you have in general terms been familiar with
- 21 the location of the Pye Lands?
- 22 A. Oh yes, I knew the area, yes.
- 23 Q. 258 And in the -- over a period of time did you ever meet with Mr. Joe Laden or did
- 24 you know a Mr. Joseph Laden?
- 12:21:55 25 A. I cannot have any recollection of meeting with Mr. Joseph Laden. That doesn't
- 26 necessarily mean that I didn't but I have no recollection of meeting with him.
- 27 And I had heard his name.
- 28 Q. 259 Did you meet Mr. Aidan Kelly?
- 29 A. Yes, I met with Mr. Aidan Kelly.
- 12:22:04 30 Q. 260 And can you outline to the Tribunal to the best of your recollection the

- 12:22:07 1 circumstances with which you met with Mr. Kelly?
- 2 A. Yes, I can. I was requested by a third party to meet with Mr. Aidan Kelly.
- 3 And I consented to that request. And I recall meeting with Mr. Kelly, brief
- 4 businesslike meeting, in the community centre, Shellin Avenue, Ballybrack on a
- 12:22:27 5 Saturday afternoon in which he outlined his proposals. And that was the one
- 6 and only time I met with Mr. Kelly.
- 7 Q. 261 Who was the third party who requested that you meet Mr. Kelly?
- 8 A. Councillor Tom Hand.
- 9 Q. 262 And was Councillor Tom Hand a member of the Fine Gael party?
- 12:22:46 10 A. Yes.
- 11 Q. 263 Right. Would he have been regarded in general terms as the leader of the Fine
- 12 Gael group in Dublin County Council in 1991, '92 and 93?
- 13 A. Oh, no. We elected our leader and in those years I'm not absolutely certain
- 14 who was the leader but I think it was Councillor Nora Owen.
- 12:23:07 15 Q. 264 Yes. And was Mr. Hand a senior figure on Dublin County Council?
- 16 A. Oh, yes, he had been elected prior to my time and he had been a long
- 17 established locally elected representative.
- 18 Q. 265 Now, I think that insofar as the first motion is concerned, which takes place
- 19 on the 31st of May 1991, which is a motion signed by councillors Hickey and
- 12:23:32 20 Mitchell rezoning the Pye Lands to see why you're recorded as present. You are
- 21 not recorded as having voted on that motion, isn't that right?
- 22 A. If that is what the record says, I accept it.
- 23 Q. 266 Yes. And I think that on the 16th of October 1992. The first motion that
- 24 proposed rezoning was unanimous and you are recorded as being present. And the
- 12:23:56 25 second motion which dealt with the Pye Lands proposed that the Pye Lands retain
- 26 their 1983 zoning and you voted for that motion. That's for Councillor
- 27 Mitchell's motion?
- 28 A. Yes, that's correct.
- 29 Q. 267 If I could have 1515, please.
- 12:24:09 30

12:24:09 1 Now, I think this records the vote on the 16th of October. And I think that
2 you are recorded on that occasion as voting for Councillor Mitchell's motion,
3 isn't that right
4 A. Yes, I can see that.

12:24:36 5 Q. 268 And I just want you to turn to look at the people who voted against that
6 motion.
7
8 At 1516.
9

12:24:43 10 And can you identify for me any members of Fine Gael who voted against that
11 motion?
12 A. The second name there P Brady, I expect that was Peter Brady of Lucan at the
13 time. T hand, on the third line, that would be Councillor Tom Hand. And
14 that's it, two persons.

12:25:16 15 Q. 269 And the balance of the people, members of Fine Gael who voted on that occasion
16 voted in favour of Councillor Mitchell and Councillor Fitzgerald's motion, is
17 that correct?
18 A. That is correct, yes.

12:25:35 19 Q. 270 Now, I think that the matter subsequently came back before the Council on the
20 2nd of November 1993 after the second public display. And there was a motion
21 by Councillor Matthews, Fox and others to effectively overturn Councillor
22 Mitchell's motion previously, isn't that right?
23 A. Well I accept that, although I don't have any direct recollection of it. But
24 if it's in the record, I accept it.

12:25:57 25 Q. 271 Yes. Well I think if I show you?
26 A. Uh-huh.

27 Q. 272 At 897, please.
28
29 And at -- you are recorded as being present there I think?
12:26:16 30 A. Yes.

- 12:26:17 1 Q. 273 Councillor Marren?
- 2 A. Uh-huh.
- 3 Q. 274 And then at 901.
- 4
- 12:26:20 5 There is the vote on, sorry at 903, in fact there is the vote on Councillor
- 6 Matthews and Councillor Fox's motion, which sought to overturn Councillor
- 7 Mitchell and Fitzgerald's previous motion
- 8 A. Yes.
- 9 Q. 275 And on on that occasion you are recorded as voting at 903 against Councillor
- 10 Fox's motion?
- 11 A. That's correct.
- 12 Q. 276 And that would be consistent with the position that you had in the earlier vote
- 13 when you had voted in favour of Councillor Mitchell's motion, isn't that
- 14 correct?
- 12:26:50 15 A. That's correct.
- 16 Q. 277 Right. Now, can I ask you, whether anybody ever made any untoward suggestions
- 17 to you or matters such as that sort at any stage in connection with the Pye
- 18 Lands or did anything to secure your vote in connection with the Pye Lands?
- 19 A. No, at no stage. There was no impropriety. Nothing either sought, solicited,
- 12:27:13 20 offered. My connection was totally professional.
- 21 Q. 278 Yes. You attended at a meeting or an interview with the Fine Gael inquiry,
- 22 isn't that right, Mr. Marren?
- 23 A. Yes.
- 24 Q. 279 And at 1910. In the record of the Fine Gael inquiry is recorded what was
- 12:27:33 25 published in connection with the Fine Gael report that was submitted to
- 26 Mr. John Bruton on the 12th of May 2000?
- 27 A. Yes.
- 28 Q. 280 And that set out that you represented the electoral area of Ballybrack during
- 29 the entire of the relevant period. Never received any payment in excess of 500
- 12:27:47 30 pounds from any builder or agent during the relevant period and that the

12:27:50 1 committee was satisfied that any payments which you received for less than that
2 sum from such persons had no effect on his voting intentions.

3
4 And also provided to the Tribunal and with which you've been circulated were
12:28:01 5 the notes that were taken of the interview that took place between Fine Gael
6 and yourself.

7
8 And I want to draw to your attention at 1018. A series of these notes which we
9 don't have to concern ourselves with except we come to the very bottom line.
12:28:19 10 Which says "other colleagues concerns, yes, Mr. Kelly" and on the following
11 page at 1019. The continuation of that reads Dundrum Pye Centre, major changes
12 in Development Plan, "make it worth your while". Tossed his head and walked
13 out the door. Met Mr. Kelly. Voted against it.

14
12:28:42 15 A. Yes. It's very abbreviated, I accept that.

16 Q. 281 Yes?

17 A. And it requires a lot of explanation.

18 Q. 282 Well perhaps you would provide that explanation, please.

19 A. Yes, I'll try.

12:28:52 20 Q. 283 Yeah.

21 A. A third party, as I've said, requested me to meet with Mr. Kelly. And I
22 consented to that request. And as he left, departed, said something to the
23 effect and I can't be exactly correct but it sounded like worth your while,
24 make it worth your while or it'll be worth your while or something like that.
12:29:19 25 To which I said rather sharply what do you mean by that and I got no answer.
26 He proceeded to walk out the door. Now, that, I was honest in a general
27 question in that interview. Was there anything at any time that made you
28 uneasy, made you raise your eyebrows so to speak, that left you with some
29 feeling of unease and I gave that as an instance.

12:29:45 30 Q. 284 I'm not entirely clear Mr. Marren, whether you're talking about Mr. Tom Hand

- 12:29:50 1 who said it to you or Mr. Kelly said it to you?
- 2 A. Oh, no, sorry. Councillor Tom Hand, yes.
- 3 Q. 285 Yes?
- 4 A. Said those words.
- 12:29:59 5 Q. 286 So the person who said to you words to the effect of make it worth your while
6 or it'll be worth your while in connection with seeing Mr. Kelly in connection
7 with the Development Plan was the late Councillor Tom Hand?
- 8 A. Yes.
- 9 Q. 287 You took him to task on that immediately as I understand you?
- 12:30:15 10 A. Yes.
- 11 Q. 288 You said to him what do you mean by that?
- 12 A. Uh-huh.
- 13 Q. 289 And his response to that was to turn and leave the room, is that correct?
- 14 A. That's correct.
- 12:30:21 15 Q. 290 What did you understand at the time by whatever was being suggested to you by
16 Mr. Tom Hand?
- 17 A. Well, it left me with a little unease, like any enigmatic statement, any
18 unfinished statement, any unanswered question. You wonder what was the full
19 meaning. And I didn't pursue it at that time. I didn't pursue him either out
12:30:48 20 the door or raise it in subsequent days. But my meeting with Mr. Kelly which
21 took place some days after that, the sort of deep anxieties I had were allayed
22 insofar as the meeting was perfectly in order, brief, businesslike and nothing
23 untoward. So I never pursued it after that.
- 24 Q. 291 Mr. Kelly did not make any suggestion, such as had been made to you by
12:31:17 25 Mr. Hand?
- 26 A. Oh, no. No, no.
- 27 Q. 292 And insofar as the suggestion had been made to you by a fellow party colleague,
28 isn't that right, Mr. Hand was a party colleague of yours?
- 29 A. Uh-huh.
- 12:31:26 30 Q. 293 Did you take any step to take the matter any further within the party at that

12:31:30 1 stage?

2 A. Not at that stage, no. I did record it there. I reported it there when I was

3 asked about it. But I wasn't certain that that was just spoken in jest or

4 whether there was something more worrying contained in the statement. But my

12:31:47 5 subsequent meeting with Mr. Kelly sort of allayed those immediate fears that I

6 had.

7 Q. 294 But insofar as the suggestion is being made to you by a party colleague of

8 yours, a fellow councillors. And the suggestion appears to have been that it

9 would be worth your while presumably financially, or it could be worth your

12:32:13 10 while financially?

11 A. I didn't know what was intended by the statement. That's why I asked the

12 question. I didn't receive an answer. And then as I say, I didn't pursue it

13 because Mr. Kelly's meeting was totally above board.

14 Q. 295 In its ordinary language, Mr. Marren, in a common understanding of I'll make it

12:32:29 15 worth your while or it will be worth your while usually means some financial

16 benefit, isn't that right?

17 A. Well, it could.

18 Q. 296 Yes?

19 A. But it could also have been spoken in jest. And remember, that was a real

12:32:42 20 possibility. I couldn't be certain whether that was intended seriously or

21 spoken in jest.

22 Q. 297 Yes. Your reaction to what was said to you by Mr. Hand was that the reaction

23 of someone who thought they were being faced with a joke or something that they

24 were taking seriously?

12:32:54 25 A. Well if it were a joke, I didn't think it a matter for joking and that's why I

26 asked the question.

27 Q. 298 Thank you, Mr. Marren. If you answer any questions anybody else might have.

28 Thank you.

29

12:33:05 30 MR O'DWYER: I've no questions.

12:33:06 1
2 CHAIRMAN: Mr. Marren, could I just ask you. When you say it might have been
3 said to you in jest. I mean, was your gut feeling that it was a joke or that
4 there was something possibly more sinister. I know you didn't have or take an
12:33:21 5 opportunity at the time to question Mr. Hand about what he meant. But what was
6 your gut feeling at the time?
7 A. There was a sense of unease or concern. But beyond that I really couldn't.
8 I'd prefer to not to even talk in those terms. Certainly not seriously but not
9 even in jest.
12:33:44 10
11 CHAIRMAN: And did you ever subsequently take it up or mention it or make
12 reference to it to Mr. Hand?
13 A. No.
14
12:33:55 15 CHAIRMAN: And did -- was any such remark made to you by Mr. Hand either
16 before or subsequent to that?
17 A. No, that was the only time any such reference was made to me by Councillor
18 Hand.
19
12:34:09 20 CHAIRMAN: All right.
21
22 JUDGE FAHERTY: Do you recall approximately when you had the conversation with
23 Mr. Hand, Mr. Marren?
24 A. Oh, I recall precisely. I was in the party room in Dublin County Council.
12:34:21 25
26 JUDGE FAHERTY: Yes
27 A. For a moment we just happened to be two people alone in the room.
28
29 JUDGE FAHERTY: Yes. And do you know the year ?
12:34:27 30 A. I'm sorry. Your Honour, I don't really. But it had to be in that '91, '92

12:34:35 1 period.
2
3 JUDGE FAHERTY: Yes. So I appreciate you mightn't be able to pinpoint the
4 date
12:34:40 5 A. Uh-huh.
6
7 JUDGE FAHERTY: But in terms of the year you think it might be 1991 or 1992?
8 A. I think so, yes.
9
12:34:47 10 JUDGE FAHERTY: Can I just ask you, Mr. Marren. In 1993 we know there was
11 certainly some speculation in the media about concerns of the planning process?
12 A. Uh-huh.
13
14 JUDGE FAHERTY: And I think while certainly Minister Smith who gave a speech
12:35:06 15 didn't allude to that but talked about more general concerns about, I think,
16 called it the debased currency. And I think Ms. Dillon said earlier there was
17 certainly a Garda inquiry or some investigation at some point during the making
18 of the '93 Development Plan.
19
12:35:26 20 In light of what you had, obviously, in your mind or you had this conversation
21 with the late Mr. Hand. Did you not at that point consider relaying that even
22 within your own party on a more ?
23 A. I didn't, frankly. Probably if I had been, at that stage that was the first
24 time that I mentioned it, that internal party inquiry.
12:36:01 25
26 JUDGE FAHERTY: That was in 2000 obviously as I understand it. That was after
27 the Tribunal, I think, was set up I think
28 A. Uh-huh.
29
12:36:07 30 JUDGE FAHERTY: But I'm talking about back in 1993 when there was, if you

12:36:11 1 like, certainly concerns expressed at some levels.

2 A. No, I didn't mention it to anyone else.

3

4 JUDGE FAHERTY: I see.

12:36:20 5

6 CHAIRMAN: All right. Thank you very much.

7

8 JUDGE FAHERTY: Thank you very much.

9

12:36:25 10

11

12 **THE WITNESS THEN WITHDREW.**

13

14

12:36:27 15

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17 MR. QUINN: Mr. Tony Fox, please.

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12:36:44 1 **MR. TONY FOX, HAVING BEEN SWORN, WAS QUESTIONED BY**

2 **MR. QUINN AS FOLLOWS:**

3

4

12:36:59 5 CHAIRMAN: Good afternoon, Mr. Fox

6 A. Chairman.

7

8 MR. QUINN: Good afternoon, Mr. Fox.

9

12:37:04 10 Q. 299 Mr. Fox, you have given evidence in previous Modules. And I think you've
11 advised the Tribunal that you were first elected to the local authority in
12 1985. You were reelected in 1991. And I think yours was the Dundrum electoral
13 area, is that correct?

14 A. Correct, yeah.

12:37:19 15 Q. 300 And I think you became a member then of Dun Laoghaire-Rathdown County Council
16 when it was established on the 1st of January 1984?

17 A. Correct.

18 Q. 301 And I think in 1996, '97 you were Cathaoirleach of Dun Laoghaire-Rathdown
19 County Council, is that correct?

12:37:44 20 A. Correct.

21 Q. 302 Now, you were written to, if we could have 310, please, on the 24th of November
22 2000. And you were advised that Mr. Dunlop was alleging that you had received
23 monies from him either directly or indirectly in relation to a number of
24 matters, isn't that right, for a number of developments including the Pye
12:37:49 25 Lands?

26 A. Yeah.

27 Q. 303 And I think you wrote in response to that letter to the Tribunal on the 14th of
28 December 2000. At 315.

29

12:37:57 30 And I think you flatly denied that you ever received not just money in relation

- 12:38:02 1 or connection with developments but monies generally from Mr. Dunlop, is that
2 correct
- 3 A. That's correct, yeah.
- 4 Q. 304 That has been your evidence and position since?
- 12:38:09 5 A. Absolutely, yeah.
- 6 Q. 305 You know Mr. Fox, that Mr. Dunlop has again given in evidence in this Module
7 where he has again alleged that he paid you a sum of 1,000 pounds in
8 consideration of your support for this project, isn't that right?
- 9 A. That's true. Totally untrue.
- 12:38:25 10 Q. 306 You say that's completely totally untrue?
- 11 A. Completely.
- 12 Q. 307 Mr Dunlop has said, if we look at 2508, that in the case of Mr. Fox, after he
13 initially stated that he required money for his support I agreed to pay him
14 1,000 pounds. I made the payment to him sometime later in the environs of
15 Dublin County Council offices or the Royal Dublin Hotel. In each instance the
16 payment was in cash
- 17 A. Absolutely untrue.
- 18 Q. 308 Did you ever have occasion or did you ever meet Mr. Dunlop either in the
19 environs of Dublin County Council or indeed the Royal Dublin Hotel?
- 12:38:57 20 A. I never met him in the Royal Dublin Hotel. I'd see him going in and out to the
21 Council places there that's all.
- 22 Q. 309 Evidence has been given, Mr. Fox, Mr. Dunlop was a regular attender?
- 23 A. I've said here before that I seen him going in and out, you know.
- 24 Q. 310 When you were going in and out you would have seen Mr. Dunlop there?
- 12:39:16 25 A. I've seen him, yes.
- 26 Q. 311 And you knew Mr. Dunlop?
- 27 A. I did. You knew that I did I know him, yeah.
- 28 Q. 312 And you would have spoken to him, isn't that right?
- 29 A. Of course, yeah.
- 12:39:26 30 Q. 313 Now, in relation to these lands, Mr. Fox. These lands were situated within

12:39:31 1 your electoral area, isn't that right?

2 A. Well at that time, Chairman, Dundrum was just as you go down into Dundrum

3 Ballinteer Road, they are divided there, I don't know whether you know it or

4 not. But it was actually, I think, in the Stillorgan area now it's in my area.

12:39:50 5 But the boundaries were changed.

6 Q. 314 Yes?

7 A. But the boundary was going up the Ballinteer Road cutting off that side, you

8 know.

9 Q. 315 You were quite familiar with the lands, the Dundrum, the Pye Lands in Dundrum.

12:40:03 10 You knew where they were and what they were?

11 A. Yeah, yeah.

12 Q. 316 And you had supported a proposal I think in 1991 brought by Councillors Hickey

13 and Mitchell that the lands be zoned C, isn't that right?

14 A. Yeah, May, just before the Local Elections.

12:40:16 15 Q. 317 May 1991?

16 A. Uh-huh.

17 Q. 318 And you had supported that proposal, isn't that right?

18 A. Oh, yeah I thought it was a good zoning for it, appropriate zoning for that

19 particular site.

12:40:26 20 Q. 319 And then in 1992 after the public display the matter came back before the

21 Council in November 1992, isn't that right?

22 A. Correct, yeah.

23 Q. 320 And you knew that there were a series of motions which had been put on the

24 record by Councillor Mitchell and Councillor Fitzgerald in relation to the

12:40:42 25 matter, isn't that right?

26 A. Yeah well I'd see them there, yeah.

27 Q. 321 Yes. Did you also know that there was a motion by Councillor Hand and Lydon in

28 relation to the matter?

29 A. I would have seen on the agenda, yeah.

12:40:54 30 Q. 322 Did anybody seek your support in relation to either proposal in the lead up to

12:40:59 1 that vote in October '92?

2 A. On which?

3 Q. 323 Either the Mitchell or Fitzgerald motion or indeed the Hand Lydon motion?

4 A. No, no recollection of receiving anything on them. Which one was -- the Hand

12:41:16 5 motion was?

6 Q. 324 The Hand Lydon motion was a motion which wasn't?

7 A. Yeah.

8 Q. 325 Reached or well it wasn't voted upon because it was unnecessary to do so?

9 A. That's correct, yeah.

12:41:25 10

11 JUDGE FAHERTY: They were seeking to retain the C zoning I think, is that

12 correct, Mr. Quinn?

13

14 MR. QUINN: Subject to minor variation.

12:41:32 15

16 JUDGE FAHERTY: Yes, the minor variation but they wanted what had happened in

17 1991 to continue. To give the town centre C zoning.

18 A. But that was in place.

19

12:41:42 20 JUDGE FAHERTY: It was. But Ms. Mitchell and Ms. Fitzgerald had brought a

21 motion for it to go back to the 1983.

22 A. Yeah, but the other motion mightn't, I don't think it would have been needed if

23 one was.

24

12:41:55 25 JUDGE FAHERTY: That may have been the case but it was on the agenda. I think

26 that's what Mr. Quinn is putting to you.

27 A. Yeah, yeah. I don't recall any representations on that motion.

28

29 MR. QUINN: You don't recall any representations to you on that motion

12:42:10 30 A. No.

- 12:42:10 1 Q. 326 Either the Lydon Hand motion or the Mitchell Fitzgerald motion?
- 2 A. That's true, yeah.
- 3 Q. 327 Nobody approached you and you didn't receive any correspondence in relation to
- 4 it?
- 12:42:17 5 A. No, I was in favour of the motion, the '91 motion. That was my position on
- 6 that.
- 7 Q. 328 Yes. You were supportive of the 1991 position?
- 8 A. Yeah.
- 9 Q. 329 We see at 1475. We see the Lydon Hand motion.
- 12:42:38 10 A. Yeah.
- 11 Q. 330 You knew that motion was on the agenda, isn't that right?
- 12 A. Yeah, I knew it was on the agenda.
- 13 Q. 331 Did you discuss the motion with Councillor Lydon or indeed Councillor Hand in
- 14 advance of the meeting on the 16th of October?
- 12:42:49 15 A. No, I don't recall discussing that with, I wouldn't see the need to discuss it.
- 16 Q. 332 Yes. Why not?
- 17 A. Because the motion that was passed in '91 was a motion that I voted for.
- 18 Q. 333 Yes.
- 19 A. And you are saying that that's.
- 12:43:08 20 Q. 334 Yes?
- 21 A. That's a similar motion.
- 22 Q. 335 Broadly supportive?
- 23 A. I mean, I would have been supportive of it.
- 24 Q. 336 Had you received any submissions or correspondence in relation to either
- 12:43:17 25 motion?
- 26 A. Well if there was sent out I would have got it you know. I don't know whether
- 27 it was.
- 28 Q. 337 For example if we look at 2073.
- 29
- 12:43:25 30 There is a letter dated the 13th of October 1992. Which appears to be drafted

- 12:43:31 1 perhaps by Mr. Dunlop or he may have assisted in drafting it. Which is
2 addressed to the Chairman and each member of Dublin County Council.
3
- 4 And a letter in similar fashion we know from the discovery that was sent to
12:43:43 5 Councillor Healy on the 9th of October '92 we see that at 796. I'm just
6 wondering would you have received that type of correspondence from
7 A. Well, if that was sent out I'd have got it like you know. All of the
8 councillors because.
- 9 Q. 338 Yes. Was there some local discussion or controversy concerning the motions in
12:44:00 10 the lead up to 1992?
11 A. I don't recall them now.
- 12 Q. 339 You don't recall any local agitation or views being expressed in relation to
13 the matter?
14 A. No, honestly, no.
- 12:44:10 15 Q. 340 It wasn't a matter of any great debate or interest by the local shop keepers in
16 Dundrum or the local residents associations that you were aware of?
17 A. Well shop keepers are always, I mean, even on the Texas Home Care there was
18 people against that from down in Dundrum, you know. So I wasn't. There was no
19 representations made to me, Chairman, on it. That's what I'm saying. The
12:44:34 20 residents, if there was traffic or issues like that, I just don't recall at
21 that time. It would be brought at planning time.
- 22 Q. 341 Was there any discussion within Fianna Fail in relation to the Lydon Hand
23 motion?
24 A. No.
- 12:44:49 25 Q. 342 Did you have any indication in advance of the meeting on the 16th of October of
26 the likely success of either motion?
27 A. No, I didn't. I thought that it was passed because it was unanimously passed
28 in 1991 that or not unanimously.
- 29 Q. 343 No. There were at least three?
12:45:09 30 A. Or three against it. But that I think it was cross party and all for it.

- 12:45:13 1 Q. 344 Yeah.
- 2 A. That it would be ...
- 3 Q. 345 Did you think that there would be cross party support for it because the motion
- 4 had been counter signed by Councillor Hand as well as Councillor Lydon?
- 12:45:27 5 A. Well, I make my judgement on 1991. That motion.
- 6 Q. 346 Yes. I'm trying to get you to deal, if we could, Mr. Fox, with the lead up to
- 7 1992 motion?
- 8 A. Yeah.
- 9 Q. 347 And debate?
- 12:45:41 10 A. Yeah.
- 11 Q. 348 October '92. And I'm just wondering in the lead up to that motion and debate
- 12 did you have a view as to whether or not the Lydon Hand motion had any prospect
- 13 of success?
- 14 A. Well I never, I just don't recall whether I had that view or not, you know.
- 12:45:59 15 Q. 349 For example, was it discussed in advance of the Council meeting at a meeting of
- 16 the Fianna Fail meeting in Conways?
- 17 A. I don't recall it being discussed now. I don't even know whether there was a
- 18 meeting on that day or not.
- 19 Q. 350 For example, did Councillor Lydon discuss the motion with you or seek your
- 12:46:16 20 support for the motion?
- 21 A. No, I don't recall.
- 22 Q. 351 Did Mr. Kelly speak with you seeking your support for the motion?
- 23 A. Mr. Kelly made representations to me in relation to 1991.
- 24 Q. 352 Yes?
- 12:46:26 25 A. And over them number of years, you know, in relation to it.
- 26 Q. 353 Yes?
- 27 A. I don't know whether he made any representations in relation to that. I
- 28 presume, that is the only person that I recall making representations to me in
- 29 relation to the ...
- 12:46:46 30 Q. 354 Did you know Mr. Kelly?

12:46:46 1 A. Oh, I did well.

2 Q. 355 Yes. You would have met him regularly would you?

3 A. I met him in Dundrum. I mean, he was a local man there in Dundrum and you'd

4 meet him and he'd call to my house you know and I knew him.

12:46:53 5 Q. 356 Did you know Mr. Laden?

6 A. No.

7 Q. 357 Evidence has been given that Mr. Laden was associated with Fianna Fail. Did

8 you know that Mr. Laden had any political connections or any Fianna Fail

9 connections?

12:47:04 10 A. I didn't know anything about him at all.

11 Q. 358 Yes. But you would have known Mr. Kelly and Mr. Kelly would have called to

12 your house and sought your support?

13 A. I knew Aidan well. When I say in Dundrum and that Aidan Kelly.

14 Q. 359 Had Mr. Kelly or Pye indeed or any of the companies with which he is I

12:47:20 15 associated ever supported you politically or financially in your political

16 campaign?

17 A. I don't recall that they did now.

18 Q. 360 Or did you ever solicit support from Mr. Kelly?

19 A. No.

12:47:32 20 Q. 361 So you knew Mr. Kelly quite well. You had supported the position in 1991 and

21 you say that you were supportive of the position in 1992?

22 A. Absolutely. I was supportive all of the time.

23 Q. 362 Yes?

24 A. In relation to C zoning.

12:47:44 25 Q. 363 Did you know that Mr. Dunlop was involved in the matter in 1992?

26 A. Never. Never knew he was involved. Only when I read there recently I couldn't

27 ...

28 Q. 364 Yes. It's accepted I think and you'll accept that Mr. Kelly accepts that Mr.

29 Dunlop was retained and was retained for the purpose of lobbying support of

12:48:05 30 councillors for the motion in 1992?

12:48:08 1 A. I don't know what Mr. Kelly said.

2 Q. 365 Yes?

3 A. Did he say that.

4 Q. 366 Yes?

12:48:12 5 A. Yes, well if he said that I have no thing, you know.

6 Q. 367 You had been in touch I think with Mr. Dunlop on the eve of that vote.

7

8 If we look at 809. Twice on the 15th of October you had been in contact with

9 Mr. Dunlop's office. And I think in the past you indicated that you may in

12:48:32 10 fact have been returning phone calls to Mr. Dunlop, isn't that right?

11 A. That's true, yeah. Oh, that came up here a few times.

12 Q. 368 Yes. Because the Beechill motion I think was also held on the 16th?

13 A. I think it came up a couple of times anyway.

14 Q. 369 So you would have been in contact with Mr. Dunlop in or around this time. Mr.

12:48:50 15 Dunlop had been retained for the purpose of canvassing support for the project?

16 A. Uh-huh.

17 Q. 370 That's agreed. And you are telling the Tribunal that he did not mention the

18 project to you in any of his conversations?

19 A. As I said about the phone calls before Mr. Quinn. I mean, that was returning a

12:49:08 20 call. There was no contact there.

21 Q. 371 So you are saying that you returned a call twice to Mr. Dunlop whom you thought

22 was looking for you but you didn't actually get to speak to Mr. Dunlop?

23 A. Yeah.

24 Q. 372 Mr. Dunlop has given evidence that he believes that he was at the meeting on

12:49:22 25 the 16th of October. If you had seen him at the meeting on the 16th of October

26 you would have saluted him presumably?

27 A. Well if you walk by someone and you know them to say hello or whatever -- it's

28 just common, you know.

29 Q. 373 Do you think it curious, Mr. Fox, that Mr. Dunlop having been retained to lobby

12:49:39 30 the support of councillors for this proposal would have chosen not to lobby you

- 12:49:42 1 at all in relation to the matter?
- 2 A. Well my record is there, Mr. Quinn. You can see it there. I voted and
- 3 supported in June 1991.
- 4 Q. 374 It's not unusual for?
- 12:49:53 5 A. Sorry, May 1991.
- 6 Q. 375 It's not unusual, Mr. Fox, for councillors to change their mind in relation to
- 7 proposals?
- 8 A. Yeah, yeah. I'm saying to you that I never recall Mr. Dunlop coming me or
- 9 didn't even know that he was involved in the Pye Lands.
- 12:50:09 10 Q. 376 You never knew he was involved in the Pye Lands?
- 11 A. Absolutely.
- 12 Q. 377 Did you know that Mr. Lynn was involved?
- 13 A. I've some vague recollection that Mr. Lynn making contact with me in relation
- 14 to the Pye Lands.
- 12:50:23 15 Q. 378 When did Mr. Lynn make contact with you?
- 16 A. Who, '93. That wouldn't have been that time.
- 17 Q. 379 That wouldn't have been in '92. That was in '93?
- 18 A. Oh, no.
- 19 Q. 380 And why --
- 12:50:33 20 A. The only person that was Aidan Kelly in relation to all of the Pye Lands.
- 21 Q. 381 Yes?
- 22 A. I have some vague recollection in '93 that Mr. .
- 23 Q. 382 Mr. Lynn?
- 24 A. Mr. Lynn said something to me about it or whatever you know.
- 12:50:48 25 Q. 383 And we know that Mr. Lynn --
- 26 A. Then again I was after voting and being supportive of it so.
- 27 Q. 384 Yes. Mr. Lynn sought your support for the vote on the 2nd of November '93, is
- 28 that what you're saying?
- 29 A. I'm saying that he made some representations I think.
- 12:51:10 30 Q. 385 In relation to the lands?

- 12:51:10 1 A. He might, yeah.
- 2 Q. 386 But at that stage. If we just look at what you say in relation to Mr. Dunlop.
- 3 Mr. Lynn who is now the lobbyist in 1993 knows that you have voted on two
- 4 previous occasions in support of the project, isn't that right?
- 12:51:19 5 A. Uh-huh.
- 6 Q. 387 And yet he as a lobbyist still feels it necessary to speak to you about the
- 7 lands even though you know the developer well yourself, isn't that right?
- 8 A. Yes.
- 9 Q. 388 Well is there any reason why Mr. Dunlop, who was equally engaged as a lobbyist,
- 12:51:33 10 would not approach you in 1992 and seek your support or your continued support
- 11 for the project?
- 12 A. Well he didn't.
- 13 Q. 389 Yeah. But he had sought your support in relation to other proposals and other
- 14 projects?
- 12:51:48 15 A. Oh, he had, yeah.
- 16 Q. 390 And he was known to you?
- 17 A. Yeah.
- 18 Q. 391 You had worked together in the Texas Home Care?
- 19 A. Yeah.
- 12:51:53 20 Q. 392 Issue, isn't that right? You've given evidence of that. And he had sought
- 21 your support for other proposals. And he had been retained and it is agreed
- 22 that he was retained as a lobbyist in 1992. You were returning calls to him on
- 23 the eve of the vote in October 1992. You probably would have met him at the
- 24 meeting on the 16th of October 1992. And yet you say that he did not canvass
- 12:52:14 25 or seek your support?
- 26 A. That's true.
- 27 Q. 393 For this project, even though he had been retained for that purpose?
- 28 A. That's true.
- 29 Q. 394 Yes?
- 12:52:22 30 A. But I wasn't -- you're saying that I was in contact on the eve of the phone. I

- 12:52:28 1 wasn't in contact.
- 2 Q. 395 Now, can I just. Mr. Dunlop has advised or told -- given evidence to the
3 Tribunal Mr. Fox, that he paid you a sum of 1,000 pounds in cash for your
4 support in relation to this proposal?
- 12:52:43 5 A. Yeah.
- 6 Q. 396 There are two lodgements to your accounts. One on the 21st of October and the
7 other on the 30th of October. The first in the sum of 300 pounds and the
8 second in the sum of 700 pounds. Two round sum lodgements?
- 9 A. Uh-huh.
- 12:52:58 10 Q. 397 Can you give any assistance to the Tribunal as to the source of those round sum
11 figures, Mr. Fox?
- 12 A. Chairman, these were dealt with in a previous Module in relation to them two,
13 along with other.
- 14 Q. 398 Yes. There were a series of lodgements?
- 12:53:15 15 A. Yeah.
- 16 Q. 399 Mr. Fox. But I just want you to deal with those two?
- 17 A. Well as I said at that time, they could be an accumulation of savings.
18 Accumulation of, what was it now, the Council cheques. You know, they could be
19 general Council conference money, all of those type of things that I was
12:53:39 20 involved in. And then ...
- 21 Q. 400 Now, at 1533.
- 22
- 23 There is a motion on -- which is dated the 5th of October
- 24 A. Just on that, Mr. Quinn. Could I just make a comment in relation to that time
12:53:54 25 just when it's on the top of my head that you mentioned that. I think
26 Ms. Dillon was questioning me was it or taking my evidence that day? And you
27 were doing tot ups.
28
- 29 MR. QUINN: Yes
- 12:54:06 30 A. Ms. Dillon was doing her tot up and she came to X amount.

- 12:54:11 1 Q. 401 I think your annual income about 11,000 and a lodgement I think of 6,000, is
2 that correct?
- 3 A. And then I think you corrected her or something or she pointed out to me that
4 Mr. Quinn corrected me and that it was X amount. I forget now the amount but
12:54:28 5 Ms. Dillon was right.
- 6 Q. 402 Okay. She generally is, Mr. Fox.
- 7 A. She was right. And because I just totted it up. It was put to me do you agree
8 with that and I said yeah. I just totted them up and you were out 900 or
9 something like that and it made a difference on your figures, you know.
- 12:54:48 10
- 11 CHAIRMAN: We can check
- 12 Q. 403 Thank you for that?
- 13 A. When you were mentioning it I just said that I'd mention it.
- 14 Q. 404 If I could have 1533.
- 12:54:55 15
- 16 This is a motion on, dated October 1993. And it's a proposal to disallow what
17 had taken place in October '92. And you will see there that you have signed
18 that motion.
- 19 A. Oh, yeah this. Which one? Oh, that's.
- 12:55:15 20 Q. 405 This is 1993 motion now. Which would come on the 2nd of November '93. It's to
21 disallow what has happened in October '92. Can you tell the Tribunal the
22 circumstances under which you came to sign that motion.
- 23 A. I'm nearly sure it was Tom Hand asked me at a Council meeting in relation to
24 sign it, you know.
- 12:55:45 25 Q. 406 You have heard -- I don't know if you've been here for the evidence of the
26 previous witness, Mr. Fox?
- 27 A. I just came in late.
- 28 Q. 407 Councillor Marren. Well Councillor Marren has told the Tribunal that when
29 Councillor Hand asked him to see or meet with Mr. Kelly, he said something to
12:55:48 30 the effect that it would make -- it would be worth his while or ... did you

- 12:55:54 1 hear that evidence?
- 2 A. Well I was just in the door and I heard something like that and I was out in
- 3 the toilet but I couldn't. I heard some of it like, I'll put it that way.
- 4 Q. 408 Did Mr. Hand say anything like that to you when he asked you to sign the
- 12:56:09 5 motion?
- 6 A. No, absolutely not.
- 7 Q. 409 You had signed other motions?
- 8 A. I co-signed it there. Where am I third or fourth on that am I?
- 9 Q. 410 Mr. Lydon hadn't asked you to sign the motion?
- 12:56:19 10 A. No.
- 11 Q. 411 Was Mr.--
- 12 A. I think it was down at a Council meeting and to put your name to that. I'd no
- 13 problem. I was supportive of that motion, you know.
- 14 Q. 412 You think this was signed at a Council meeting?
- 12:56:32 15 A. Yeah, I'm nearly sure.
- 16 Q. 413 That's where I think it is.
- 17 A. Who is on that?
- 18 Q. 414 The motion is also signed by Councillor Lohan I think, who was a member of the
- 19 Progressive Democrats. Councillor Lydon, Fianna Fail Councillor. And you and
- 12:56:50 20 Councillor Matthews, also a Fianna Fail councillor?
- 21 A. Yeah, he's a colleague of mine. He's in my area.
- 22 Q. 415 Yes. You say you signed it at the request of Councillor Hand?
- 23 A. That's what I believe, yeah.
- 24 Q. 416 Your meeting with Mr. Lynn. Was that before or after you signed the motion?
- 12:57:06 25 A. I couldn't be sure now, you know.
- 26 Q. 417 Was Mr. Lynn's approach to you in the context of this motion?
- 27 A. Pardon?
- 28 Q. 418 Was Mr. Lynn's approach to you made in the context of this motion?
- 29 A. It was put in the lands there in Dundrum, you know.
- 12:57:23 30 Q. 419 Yes. You spoke I think on the debate on that motion, isn't that right?

- 12:57:32 1 A. I would think -- maybe.
- 2 Q. 420 At 651 I think?
- 3 A. I'd say so, yeah.
- 4 Q. 421 Yes?
- 12:57:41 5 A. Because I was supportive. I mean, and I was a Councillor, like, in the area,
6 you know, so ...
- 7 Q. 422 Yes. And that would be hugely influential from the point of view of other
8 councillors from outside the area?
- 9 A. Well, I don't know how influential but. It wouldn't be a minus to it anyway.
- 12:57:59 10 Q. 423 Yes. Evidence has been given that councillors generally looked to the?
11 A. That's true, yeah.
- 12 Q. 424 What was being supported by their own colleagues within a particular area
13 closest to the development?
- 14 A. They'd be guided by the councillors. Because I mean you couldn't cover the
12:58:13 15 whole of the county.
- 16 Q. 425 Did you seek anybody's support for that motion in '93?
- 17 A. '93 no, I don't recall.
- 18 Q. 426 Yes?
- 19 A. What was the vote on that?
- 12:58:25 20 Q. 427 Yes. That motion was successful with --
21
22 If we could have 652.
23
24 With 36 people or 36 councillors voting in favour of it and 27 against
- 12:58:37 25 A. That motion was bringing it back to the '91.
- 26 Q. 428 Yes. It was disallowing what happened in '92?
- 27 A. And it was fully bringing back what was.
- 28 Q. 429 Bringing you back to the 1991 position?
- 29 A. That's right.
- 12:58:49 30 Q. 430 There was also an amendment to the written statement. But there doesn't appear

- 12:58:53 1 to have been any motion lodged in relation to that?
- 2 A. I see that coming up, Chairman. But I'm just trying to figure out. I know
- 3 that with the written statement and the objectives in it has to coincide or
- 4 they are compatible with the zoning or the -- on it -- or on anything. The
- 12:59:14 5 Written Statement is a very important document. But I seen there in it that in
- 6 relation to the written statement, that when that motion was passed, was it
- 7 passed with the written statement in '91 I'm asking. Because I just, it's just
- 8 for my own information. Was it -- the written statement compatible with it in
- 9 1991?
- 12:59:38 10 Q. 431 No. The written statement?
- 11 A. Compliance.
- 12 Q. 432 There was only a motion to amend the map in 1991. And in 1992 there was a
- 13 motion to amend the map and the written statement?
- 14 A. Yeah.
- 12:59:51 15 Q. 433 In other words, effectively two motions?
- 16 A. So the '91 one wasn't amended either, the written statement was it.
- 17 Q. 434 There was no amendment to the written statement in '91.
- 18 A. Yeah. Just for, I wanted to ...
- 19 Q. 435 In any event. You didn't bring a motion to amend the written statement but you
- 13:00:08 20 did, I presume, discover sometime certainly by December '94 that there was a
- 21 difficulty with the C zoning in that it?
- 22 A. Yeah.
- 23 Q. 436 Because of the amendment to the written statement and development as
- 24 anticipated?
- 13:00:23 25 A. I see that in it, yeah.
- 26 Q. 437 Did Mr. Lynn approach you in relation to that matter?
- 27 A. No.
- 28 Q. 438 And he didn't seek your support to amend?
- 29 A. I don't recall now.
- 13:00:33 30 Q. 439 The process which would result in amending the Written Statement?

- 13:00:36 1 A. I don't recall him, no.
- 2 Q. 440 Could I have 2152, please.
- 3
- 4 There was a motion, I think, signed by yourself and Councillor Matthews
- 13:00:43 5 A. Uh-huh.
- 6 Q. 441 In 1995. Probably the 12th of June '95 although it's not dated. That the
- 7 Council would initiate a process to vary the '93 Development Plan. To delete
- 8 the amendment to the written statement?
- 9 A. Yeah.
- 13:01:00 10 Q. 442 Do you recall signing that motion?
- 11 A. I do, yeah.
- 12 Q. 443 Who asked to you sign that motion?
- 13 A. Councillor Matthews.
- 14 Q. 444 Did you discuss with Mr. Kelly or Mr. Lynn the prospect of amending or
- 13:01:17 15 deleting, amending the written statement by the deletion of section?
- 16 A. I don't know too much about that motion in the sense that I don't know whether
- 17 Mr. Kelly contacted me about it, you know.
- 18 Q. 445 Yes?
- 19 A. About it. But I would be supportive of that because I wasn't aware that that
- 13:01:32 20 was the situation anyway, you know. And I mean, to put it in that it would be
- 21 what it was stated like C zoning on it. To allow the development to go ahead
- 22 and that. But I don't recall. Maybe he did, I just don't recall much about
- 23 that.
- 24 Q. 446 But you would have had quite an amount of contact with Mr. Lynn at this stage
- 13:02:01 25 in relation to Cherrywood, isn't that right?
- 26 A. Is that the time around, yeah. You know, we did that before, like.
- 27 Q. 447 But you say that you have no recollection of Mr. Lynn discussing this proposal
- 28 with you at this time?
- 29 A. No, truthfully, it hadn't, no.
- 13:02:17 30 Q. 448 But you are telling -- and your signature on the motion was at the behest of

- 13:02:22 1 Councillor Matthews?
- 2 A. Yeah. That's the way I recall it.
- 3 Q. 449 Councillor Matthews would have drafted the motion. And that indeed is
- 4 Councillor Matthews recollection that he would have asked you to sign it. You
- 13:02:33 5 having advised him in advance that you would be prepared to support such a
- 6 motion?
- 7 A. I advised him in advance?
- 8 Q. 450 Yes. Because when he came to type the motion he says that he knew you were
- 9 going to co-sign it?
- 13:02:45 10 A. Well I'd be supportive of, you know what I mean. So it would be probably right
- 11 in that end of it that if he asked me prior. If he asked me, you know, I had
- 12 no problem signing that motion.
- 13 Q. 451 Thank you very much, Mr. Fox?
- 14 A. Thanks.
- 13:03:01 15
- 16 CHAIRMAN: Do you want to ask your client?
- 17
- 18 **THE WITNESS WAS QUESTIONED BY MS SMITH AS FOLLOWS:**
- 19
- 13:03:07 20
- 21 Q. 452 Mr. Quinn put a number of questions to you in relation to the lodgements of
- 22 your accounts?
- 23 A. Oh, yeah.
- 24 Q. 453 Those same lodgements had been put to you in different Modules in the course of
- 13:03:16 25 this Tribunal in the past, isn't that correct, Councillor Fox?
- 26 A. Yeah, well I know there's one anyway, Chairman.
- 27 Q. 454 And in relation to --
- 28 A. And there may be another one I'm not too sure now. Anyway, definitely they
- 29 were put to me before.
- 13:03:29 30 Q. 455 Those lodgements, the lodgement in October of '92 of 300 and the lodgement

13:03:34 1 later of 700. You indicated to Mr. Quinn that the source of that income would
2 have been Council cheques, Council expenses?
3 A. Well it could be like, yeah.
4 Q. 456 Would there have been any other cash that you would have been paid in or about
13:03:47 5 that time as a result of that you would have been doing?
6 A. Well my wages was paid in cash, you know. I was paid by cash.
7 Q. 457 When you were working as a tailor at that time?
8 A. Doing nixers or alterations and things.
9
13:04:01 10 CHAIRMAN: He also indicated that it might have been savings.
11 A. Yeah.
12
13 MS. SMITH: Thank you, Chairman. Just to clarify
14 A. I think I took out some money in September. So it could be some of that too,
13:04:13 15 you know. I think we thoroughly went through this at the meeting where the
16 toting up was a little bit incorrect. So that's not blaming anybody but it's
17 just ...
18
19 MS. SMITH: Councillor Fox, you said in the past that you were never paid any
13:04:30 20 monies by way of political contribution or an elicited payment by Mr. Dunlop.
21 And that is your position today, isn't that correct?
22 A. Absolutely.
23 Q. 458 I have nothing further, Chairman.
24
13:04:39 25 JUDGE FAHERTY: Just one thing, Councillor Fox
26 A. Yes, Judge.
27
28 JUDGE FAHERTY: You've said as I understand it, there were three. If I could
29 put it this way. There were three substantive votes in relation to these
13:04:51 30 lands. There was a vote in 1991 where they got the C zoning and I think your

13:05:07 1 evidence is that you were approached by Mr. Kelly, that you were canvassed by
2 him for your support in 1991.

3 A. Mr. Kelly. That's the main person that I recall in relation to the Pye Lands.
4

13:05:07 5 JUDGE FAHERTY: And I think in the 1993 the vote just before the plan was
6 made, you recall Mr. Lynn

7 A. I think he mentioned it to me, yes.
8

9 JUDGE FAHERTY: And indeed you were signatory to a motion at that time, isn't
10 that correct?

13:05:21 11 A. Yes, Judge.
12

13 JUDGE FAHERTY: So on those two occasions you recall certainly some
14 representations being made. But in October 1992 you say you don't recall being
15 approached by anybody in relation to the vote

13:05:31 16 A. Well, unless Mr. Kelly came to me in relation to the negative -- the vote -- in
17 relation to the vote. I don't recall it but ...
18

19 JUDGE FAHERTY: And why do you think or maybe you can't say. But are you
20 saying that you don't recall Mr. Dunlop at all talking to you about these lands

13:05:49 21 A. Absolutely, Judge, yeah, absolutely.
22

23 JUDGE FAHERTY: It was quite a pressing matter for Mr. Kelly wasn't it at the
24 time? I mean, he went to the trouble of retaining Mr. Dunlop. He seems to
25 have done it himself in 1991, isn't that correct?

13:06:04 26 A. Well I wasn't aware of it being pressing or whatever, you know. I had voted
27 for it and that's the way it was going into that meeting, you know.
28

29 JUDGE FAHERTY: But I suppose I'm speculating here. But from the point of
30 view of Mr. Kelly. You had a situation where one of the councillors whose name

13:06:18

13:06:22 1 was on the motion in October '92, Ms. Mitchell. She'd been one of the
2 councillors who was in supporting, who indeed moved the motion in 1991 for C
3 zoning, isn't that correct?
4 A. That motion was to put it back to what 1983.

13:06:38 5
6 JUDGE FAHERTY: But in 1991 Ms. Mitchell was a signatory to a motion to zone
7 is C, isn't that correct? Mr. Hickey and Ms. Mitchell as I understand it?
8 A. That's right and she changed her mind.
9

13:06:49 10 JUDGE FAHERTY: By October 1992 then you had Ms. Mitchell if you like doing a
11 sea change effectively
12 A. Yes.
13

14 JUDGE FAHERTY: I don't mean any pun but it was a change. She wanted to go
13:06:59 15 back to 1993?
16 A. It was a major change but I mean they were making a Development Plan and there
17 was ten years out of, you know, and to put it back to 1983, that would be
18 twenty years maybe out of ...
19

13:07:11 20 JUDGE FAHERTY: You don't recall the lobbyist retained in any event by Mr.
21 Dunlop?
22 A. No, Truthfully. Honestly, Judge.
23

24 JUDGE FAHERTY: All right. That's all I have. Thanks very much
13:07:23 25 A. Thanks very much, Judge.
26

27 CHAIRMAN: Thank you very much, Mr. Fox.
28
29 So we'll sit about five past two.
13:07:29 30

13:07:29 1 MS. DILLON: May it please you, Sir.

2

3

THE WITNESS THEN WITHDREW.

4

13:07:46 5

6

THE TRIBUNAL THEN ADJOURNED FOR LUNCH.

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13:07:48 1

THE TRIBUNAL RESUMED AS FOLLOWS AT 2:05 P.M.:

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4

MS. DILLON: Good afternoon. Ms. Eithne Fitzgerald, please.

14:10:45 5

6

7

8

MR. EITHNE FITZGERALD, HAVING BEEN SWORN, WAS

9

QUESTIONED BY MR. QUINN AS FOLLOWS:

14:10:46 10

11

12

CHAIRMAN: Good afternoon, Ms. Fitzgerald. Our apologies for yesterday. We

13

know that

14

A. You had a loquacious witness.

14:11:20 15

16

CHAIRMAN: All right.

17

18

MS. DILLON: Good afternoon, Ms. Fitzgerald.

19

14:11:24 20

I think that you were a member of the Labour Party and a member of Dublin

21

County Council from 1979 to January of 1993

22

A. That's right, yeah.

23

Q. 459 And I think you were appointed a Minister for State in January of 1993 upon

24

which time you resigned your membership of Dublin County Council?

14:11:38 25

A. Yeah, that was automatic on the 14th of January 1993.

26

Q. 460 So that insofar as there were matters or events dealing with the Pye Lands

27

after the 14th of January 1993 you wouldn't have been in a position to exercise

28

a vote in relation to those matters?

29

A. No.

14:11:54 30

Q. 461 But prior to January of 1993 and for a number of years prior to that you had

- 14:11:58 1 been involved to some degree or other with the Pye Lands, isn't that right?
- 2 A. Yes. I mean, I represented the Dundrum area on the Council and I also was very
- 3 interested in the Development Plan. It was the biggest single task we had as
- 4 councillors. And it was something that was going to, if you got it wrong, it
- 14:12:15 5 was going to change the face of Dublin and make a difference for right or
- 6 wrong. So I made it my business to be at as many of the meetings as I possibly
- 7 could and obviously something like that in my own village, if you like in the
- 8 heart of my own area, was something I was very interested in.
- 9 Q. 462 And the Pye Lands were a large area of effectively undeveloped land?
- 14:12:34 10 A. That's right.
- 11 Q. 463 Very close to Dundrum Village Centre?
- 12 A. That's right. Immediately after Dundrum Cross you were into the Pye Lands.
- 13 Q. 464 And if I can just take you back very briefly before that. I think that the --
- 14 there had been a Local Election in 1985?
- 14:12:56 15 A. There was, yeah.
- 16 Q. 465 And it was at that election that the membership of Dublin County Council was
- 17 increased to 78?
- 18 A. That's right, yeah, from 36.
- 19 Q. 466 Yes. From what number?
- 14:12:56 20 A. It had been 36 and went up to 78.
- 21 Q. 467 So that when the 1983 plan was made, the number of councillors dealing with it
- 22 were 36 in number but when the 1993 plan came to be made, there were 78
- 23 councillors dealing with?
- 24 A. That's right, yeah.
- 14:13:10 25 Q. 468 And it was the only period in the history of Dublin County Council where the
- 26 number of councillors went to 78, isn't that right?
- 27 A. Well, you know going back I think years it had been 25 and then was 36 and 78
- 28 so I think it's still -- well it was 78 until it broke up.
- 29 Q. 469 On the 1st of January 1994 it broke up into the constituents?
- 14:13:29 30 A. The three councils.

- 14:13:30 1 Q. 470 It has remained in that format since?
- 2 A. That's right, yeah.
- 3 Q. 471 But in the course of the review of the 1983 Development Plan which commenced in
- 4 or around 1989 and concluded in December 1993, that is the only period in the
- 14:13:43 5 last 25 or 30 years in which there were 78 councillors dealing with the
- 6 Development Plan?
- 7 A. That's right, yeah.
- 8 Q. 472 And one of the consequences of that would have been that the councillors would
- 9 have been dealing with areas with which they were not familiar?
- 14:13:58 10 A. Well that would also have been the case in the previous Development Plan when
- 11 there were 36 councillors. Because we always had the whole county. We had
- 12 from, you know, Balbriggan, north of Balbriggan down to Shankill, the edge of
- 13 Bray, little Bray. So we always had that. So it wouldn't necessarily have
- 14 been your own electoral area. You had a legal responsibility in relation to
- 14:14:20 15 the whole county. So it was a decision you had to make one way or the other
- 16 whether it was your own immediate district or not. Obviously I suppose people
- 17 tended to take a particular interest in the area where they were living and
- 18 representing which would have been my case in the case of the village of
- 19 Dundrum.
- 14:14:35 20 Q. 473 You would have been particularly interested in the Pye Lands because that's --
- 21 that fell within your area, it was in your immediate locality?
- 22 A. That's right, yeah. Prior to '85 the electoral area I represented, I think,
- 23 was called the Dundrum electoral area. Which went from the Dodder bridge at
- 24 Milltown up to Sandyford and beyond and then the electoral boundaries changed
- 14:15:00 25 and I represented what was called the Stillorgan electoral area. So that the
- 26 village of Dundrum, if you like, abutted on three different electoral areas,
- 27 Clonskeagh, Stillorgan and Ballinteer areas. So we all would have had an
- 28 interest in that, it was if you like the focal point of all of those three
- 29 electoral areas.
- 14:15:24 30 Q. 474 It would appear from the documentation that in December of 1981, you proposed a

14:15:27 1 motion that a new Draft Action Plan covering the Pye and Dundrum Castle Lands
2 be prepared?

3 A. That's right.

4 Q. 475 At page 687?

14:15:36 5 A. That's right. I was interested in seeing Dundrum Village I suppose
6 strengthened. And I remember. I can't remember whether it was before or after
7 that motion. I suspect it was probably before. But I'd actually talked to
8 Aidan Kelly in Pye, who was the owner of the lands and who was, I mean, he was
9 always around and he was always looking for zoning and so on. But I had made
14:15:58 10 the suggestion to him that the lands nearest the village might be suitable for
11 development for something like a cinema, you know, hotel, that kind of facility
12 which Dundrum was missing. That we had a village that had a shopping centre
13 and lots of small service shops but it actually was missing the other kinds of
14 amenities say that Stillorgan would have had that would have enhanced it as a
14:16:22 15 place to live and work in.

16 Q. 476 687 I think, please.

17

18 You proposed the motion because you were recommending that indoor recreational
19 community type facilities be provided on part of the Pye Lands nearest to the
14:16:35 20 village?

21 A. That's right, yeah.

22 Q. 477 I think that Mr Kelly's response to that sometime later on the 22nd of March
23 1982 was to set out his reasons why he felt he wasn't in a position to do that
24 at that time, isn't that right?

14:16:45 25 A. Yeah, I think again rereading the documentation we got he was saying that it
26 wasn't economically viable.

27 Q. 478 Yes. Had you contact with Mr. Kelly about developing the lands as far back as
28 1981?

29 A. As far back as that I remember going to meet him, you know, he had offices.
14:17:02 30 All of these old kind of farm buildings, out buildings in at the back of what

14:17:06 1 would have been the old Manor Mill Laundry at the back there. And I remember
2 meeting him at his office there and having a discussion and we agreed to
3 differ. Anyway, I had put the proposition to him that that was something that
4 would have enhanced the village of Dundrum.

14:17:29 5 Q. 479 And you met Mr. Kelly over the period of the review of the Development Plan
6 then, isn't that correct in 1991, 92 and 93 and there was correspondence
7 passing between you?

8 A. Yeah. I mean, Mr. Kelly was one of these people who was always around Dundrum.
9 He would appear at Resident Associations Meetings or you would meet him in the
14:17:42 10 street or whatever. He worked in the village of Dundrum. I had an advice
11 centre in the Old Court House in Dundrum. You'd run into him on the street or
12 he might phone you about something. So he is somebody I would have known and I
13 would have had ongoing kind of casual contact and occasionally some
14 correspondence or phone calls with him because he was always looking to develop
14:18:06 15 this land. He had a dream that it was going to be something big and I suppose
16 he was holding out for the big one.

17 Q. 480 In all of your dealings with Mr. Kelly did he ever make an inappropriate or
18 untoward suggestion to you, a suggestion as to making you any financial
19 contribution or anything such as that sort when all of your dealings with
14:18:28 20 Mr. Kelly over the years?

21 A. Absolutely not. He never struck me as that kind of man at all. We agreed to
22 differ. We would have been on different sides of a political spectrum and
23 would have represented each others differences on that. We had different views
24 around the development of Dundrum. He was somebody I felt had his views of
14:18:48 25 what he thought was best. I mightn't agree with them but we would have
26 respected each other. There was never any improper dealings of any kind. I
27 mean, he obviously tried to bring people around to his point of view. It
28 wasn't my point of view necessarily on a lot of things. But, I mean, they were
29 businesslike dealings not, nothing ever improper.

14:19:07 30 Q. 481 I think that in the review of the Draft Plan in 1990 on the 10th of May 1990,

- 14:19:13 1 the map 23 of the on which the Pye Lands were, was noted by the Council.
2
3 At 1424.
4
- 14:19:21 5 And I think that means, according to Sinead Collins, that the map was generally
6 agreed by the Council at that stage
- 7 A. That's right. There wouldn't have been a vote or whatever. Once it was noted
8 it was dealt with.
- 9 Q. 482 And the Council at this stage are effectively re-approving the 1983 zoning on
14:19:37 10 the Pye Lands of E, A and C, isn't that right? They are lands outlined in red
11 on the map?
12 A. Yeah. Noting means that they exist, the status quo would have stood.
- 13 Q. 483 And the village centre lands with the C2 zoning, to the north of those and
14 outlined in blue. Again, substantially the same as in 1983?
- 14:19:57 15 A. Yeah, that was a build up apart from the carpark, you know.
- 16 Q. 484 Now, I think Councillor Mitchell has told the Tribunal that there was a concern
17 developing or emanating in Dundrum village around this time. That if major
18 retail or major shopping was allowed on the Pye Lands that it would adversely
19 effect the then existing Dundrum Village Centre. That that concern was?
- 14:20:19 20 A. That was there. It was there among residents as I recall. These events are 15
21 and more years ago. The residents were concerned, there were public meetings
22 and some of the traders in the village were concerned. And indeed, that's
23 actually what has happened since the Dundrum Town Centre was built. The
24 current Dundrum village is like a ghost town.
- 14:20:43 25 Q. 485 I think in January of 1991 at 716. Councillor Paddy Hickey and Olivia Mitchell
26 signed a motion seeking to rezone the Pye Lands to C?
- 27 A. Yeah.
- 28 Q. 486 And I think that motion came on ultimately for hearing before the Council in
29 May of 1991?
- 14:21:02 30 A. Well.

- 14:21:03 1 Q. 487 I'll come to that in a moment?
2 A. I can't swear as to what date it came because there was so much stuff going on
3 dates and so on. If that's what the documentation shows, I have reviewed the
4 documentation and it all seems to me in line with what I remember of the times.
- 14:21:18 5 Q. 488 In or around this time did you meet with Mr. Joseph Laden or did you have
6 contact with Mr. Joseph Laden who was with a company called Don-Lay Limited
7 which by this stage had an interest in the Pye Lands?
8 A. I knew Joe laden. I mean, again, he was one of these people who was around
9 Dundrum. I think he might have been involved in the local GAA. I knew he was
14:21:39 10 a developer. I might well have met with him casually or you know he might well
11 have asked to meet me. I can't remember. Because over those years we were
12 just besieged with developers and so on. I would have known him because he was
13 not a near neighbour but a neighbour off the Sandyford Road shall we say.
14 Somebody who lived in the community. So I knew him slightly and you know, so
14:22:09 15 if I say, I can't say I never met him. But whether I ever had a formal meeting
16 or he asked to meet me formally to discuss these lands, I honestly can't
17 remember. But, as I said, he was somebody I would have known casually. I
18 would have known that he was also interested in this development.
- 19 Q. 489 It would seem from -- 2060 please.
14:22:26 20
21 That he sought in January of 1991 having spoken to you, to meet with you.
- 22 A. Yeah. I looked at that. I have no idea whether I met him or not. Now, he may
23 have a better recollection. I simply can't remember. But certainly there were
24 plans around the place at that time and I think they would have been produced
14:22:48 25 at public meetings. I might well have met him at public meetings that took
26 place in Dundrum around this time about this topic.
- 27 Q. 490 And you would have known then at that time in 1991 that Mr. Laden was involved
28 in seeking the redevelopment of these lands?
29 A. As far as I can recollect, I think I certainly would have known he was
14:23:08 30 interested in that and presumably if he was sending me letters I would have

14:23:12 1 known it. I mean, there were loads of names, developers who I didn't know at
2 all. Because he was local I actually did know him slightly.

3 Q. 491 Yes. He sought to meet you on the 30th of January 1991. He wrote also on the
4 same day at 2061 to Ms. Olivia Mitchell?

14:23:29 5 A. Uh-huh.

6 Q. 492 Who was also a local Councillor and he wrote to Mr. Paddy Hickey on the same
7 date.

8 A. Uh-huh.

9 Q. 493 And I think subsequent to that on the 19th of February 1991.

14:23:40 10
11 At 2063, please.
12
13 And this is a record of a meeting taking place between representatives of Power
14 Supermarkets and representatives of Cabriole who were going to develop the Pye
15 Lands

14:23:54 15
16 A. Yeah.

17 Q. 494 And I just want to draw to your attention paragraph 2.1 at page 2064.
18
19 And in that paragraph Cabriole. Cabriole is represented at the meeting by
14:24:10 20 Mr. Laden and Kelly. Application rezoning of the entire site now considered by
21 Dublin County Council.
22
23 And I suggest that's a reference to the motion that has been lodged with the
24 Council.

14:24:19 25 A. Yeah.

26 Q. 495 The next paragraph. Cabriole stated rezoning proposal had the backing of both
27 Fianna Fail and Fine Gael councillors with Labour likely to agree to abstain.
28 Cabriole stated the successful change of zoning will smooth the path of the
29 application through the planning process.
14:24:34 30

14:24:34 1 Now, what I want to draw to your attention there is the suggestion that Labour
2 was likely to agree to abstain.

3 A. I certainly don't recall that. And as far as I can see from the record, I
4 voted against.

14:24:47 5 Q. 496 That's correct?

6 A. When it came down. So as I said, I have no recollection of giving that
7 impression to anybody.

8 Q. 497 Yes. That's what I wanted to ask you. Was whether in any of your meetings if
9 they took place with either Mr. Kelly or Mr. Laden around this time. Whether
10 you or whether any other member of the Labour Party gave an undertaking or
11 agreement to abstain in connection with the vote on the Pye Lands?

12 A. Certainly I have no recollection of making any such undertaking. And I would
13 have been -- I would have been surprised, you know, if we had. I suppose
14 generally and I can remember if you like the tone and the general flavour. But
14:25:28 15 it's very hard after 15 years and with so much other stuff that was happening
16 around these times to remember most of the details of these. And I am trying
17 to help the Tribunal but the flavour of what I remember is that there was this
18 proposal to rezone the whole block of the Pye Lands. Now, as I said, going
19 back ten years previously I would have been interested in seeing something in
14:25:51 20 the amenity kind of area developed near the village to kind of finish off the
21 village. There was this piece of land right beside the village which would
22 have enhanced the village centre. I felt if you were to zone the whole thing
23 right all of the way up to Crazy Prices all it would do is suck the centre of
24 the village, the activity from the village centre right up to the top and
14:26:14 25 that's effectively what has happened. And sometime before this particular
26 thing and again I don't have dates on it, but I remember somebody from the
27 Dundrum Residents Association, I know an architect called John Deaton was
28 involved in it. And they had developed in conjunction with some students from
29 UCD, I think, horticultural students, I don't know, they must do horticulture
14:26:43 30 in UCD in the agriculture faculty had developed a proposal called the greening

14:26:45 1 of Dundrum.
2
3 They'd come up with ideas for planting trees and hard landscaping and all the
4 rest of it and there was a lot of interest in this greening of Dundrum
14:26:55 5 proposal. And really in enhancing the village centre. And I lived in the
6 Dundrum. I love Dundrum village. It was an important part of my life. I
7 would go down there, run into family, you'd run into friends, you'd know people
8 in the shops. You know, it was very much in the heart of what could be sold as
9 suburbia. It was a real village centre. And I wanted to do anything that I
14:27:18 10 could to enhance it. And I saw a massive proposal on the Pye Lands sucking the
11 commercial life up towards Crazy Prices as actually sucking the life out of the
12 village centre. As I said, that would have been my state of mind and my
13 viewpoint at the time.
14
14:27:33 15 So I would be surprised if I ever gave a commitment to anybody that I was going
16 to abstain on a proposal like this. Whether they got that impression or not.
17 But I noticed in the thing there is a line drawn through that. So whether
18 somebody was wishful thinking or they'd taken that impression. I very much
19 doubt whether I would have given that, would have ever said that. I don't know
14:27:55 20 whether people took a wrong construction from -- but my views at the time were
21 as I've said. That I felt we should enhance the village centre of Dundrum.
22 Q. 498 And you did not mean rezoning all of the Pye Lands?
23 A. No.
24 Q. 499 To C which would have permitted major retail on the Pye Lands, isn't that
14:28:16 25 right?
26 A. Exactly, yeah.
27 Q. 500 I think the vote on the Hickey Mitchell motion took place on 31st of May 1991?
28
29 Page 721, please.
14:28:25 30

14:28:25 1 And I think you are recorded as being present. And you voted against the
2 motion, isn't that right?

3 A. I think so. I mean I just remember reading this again last night.

4 Q. 501 723, I think, records -- 722 records the actual motion.

14:28:38 5 A. Yeah.

6 Q. 502 And 723 records the vote against. And you vote against the motion?

7 A. Yes, yeah.

8 Q. 503 And what I want you to look at is first of all at the bottom of page 722. And
9 see can you indicate any members of the Labour Party at that time who voted in
10 favour of the motion.

11 A. No. Not in that, no.

12 Q. 504 And then at the top of the next page, at 723.

13 A. 723.

14 Q. 505 Which continues the vote in favour. Are any of those members of the?

14:29:11 15 A. No. And Mick Gannon would have been a member of the Labour Party and Gena
16 Menzies is a member of Fine Gael at the time.

17 Q. 506 Insofar as the vote records the Labour Party members present and voting on that
18 occasion?

19 A. Yes.

14:29:23 20 Q. 507 Both yourself and Mr. Gannon voted against the motion and no member of the
21 Labour Party vote in favour of the motion?

22 A. That's right. Now, I don't know what hour of the day that vote was taken. But
23 just to put it in context. That these meetings went on maybe you know one or
24 two meetings a week. In addition we had our ordinary Council business and then
14:29:44 25 we had our monthly Council meetings. Now, every meeting apart from the second
26 half of the monthly Council meeting, which was the second Monday of the month.
27 Took place during the ordinary working day. Normally they took place a lot of
28 these Development Plan meetings in the morning. And relatively few councillors
29 were actually in a position to be present. Now, for a lot of this period I
14:30:06 30 would have been not in paid employment or only in quite casual paid employment

14:30:14 1 like doing freelance work and so on. I had three young children. And if I had
2 a baby-sitter and I had a very accommodating sister and mother-in-law and
3 neighbours. If I had a baby-sitter I made it my business to be at the Council
4 meeting to attend these meetings but very many of my colleagues couldn't and
14:30:32 5 while some of my colleagues who were teachers were able to be present at
6 meetings in the afternoon, after school hours, they weren't in a position.
7 They had to be in class to be there during the mornings. And people who had
8 regular jobs. And most people in jobs they were allowed off maybe two
9 afternoons a week or two afternoons a month to attend their area committee
14:30:53 10 meetings or maybe three afternoons a month to attend two area committee
11 meetings and the main council meeting but people were trying to juggle, if you
12 like, earning a living with and holding down a job with their representational
13 duties. And while I had on various occasions argued for having meetings at
14 night or taking votes at set times and so on. That didn't happen until pretty
14:31:16 15 late in the day. As I recall the Quarryvale vote in December 2000 or sorry
16 1992 when I was in the Chair was one of the few occasions when we got cross
17 party agreement to get the vote taken outside the normal working day. So low
18 attendance would have been typical. And very often you might have had
19 something debated and then the meeting came to a close, if you like the clock
14:31:39 20 stopped and then you know the meeting might reconvene at ten o'clock the next
21 day or whatever, the next set day.
22
23 As soon as they had a quorum you might get a vote taken. So that can explain
24 low turn out at votes and as I said, Councillor Gannon at that stage was
14:31:58 25 retired. Councillor Menzies, like myself I think she was studying and she also
26 had a family, so she was a bit more flexible and I was more flexible around my
27 time. A lot of my colleagues were not in many parties. But it did certainly
28 seem that some colleagues in some parties were always freer to attend the
29 Council meetings. There was a big pattern of differential turn out at these
14:32:22 30 meetings.

14:32:22 1 Q. 508 And I think following that vote, the Draft Development Plan was published in
2 1991 at page 1429.
3
4 And I think that the Dundrum Town Centre lands remain zoned C2. And the Pye
14:32:36 5 Lands are now provisionally zoned C?
6 A. Yeah.
7 Q. 509 Now, had that zoning been maintained, Ms. Fitzgerald, on the Pye Lands it would
8 have permitted major retail shopping on the Pye Lands, isn't that right?
9 A. That's right, yeah.
14:32:51 10 Q. 510 Because the two zonings that permitted major retail was a major town centre
11 zoning, a D zoning and a C zoning, isn't that right?
12 A. Yeah.
13 Q. 511 So looking at that map. The C zoning or the Pye Lands would have been allowed
14 to carry a greater degree of retail shopping than would have been permitted on
14:33:07 15 the C2 lands, isn't that right?
16 A. That's right. I mean, it was effectively a bigger site or just about the same
17 size, a huge site there on the Pye Lands. And I can't remember the exact
18 sequence. But I know that there was a lot of concern in Dundrum at this. And
19 I say the concern was there among residents and was among the traders and some
14:33:29 20 of the small traders in Dundrum, some of the bigger traders like the Mulveys
21 were concerned at, you know, what this might do to the village.
22
23 Indeed, I remember at one particular meeting the owners of the shopping centre
24 we'd never seen before, the Irish Pension Fund Property Union Trust or some
14:33:49 25 long name like that. They opposed this rezoning and they subsequently I think
26 in double quick times actually sold out to the people who were developing up
27 above. But at the time they saw this as damaging their business and their
28 potential to earn rents.
29 Q. 512 But from your point of view, as a member of the local party and locally elected
14:34:09 30 Councillor. Looking at that map when the map went on public display in 1992?

- 14:34:14 1 A. Yeah.
- 2 Q. 513 What was your own view of whether that was the right thing or the wrong thing
3 for Dundrum?
- 4 A. My view was that was the wrong thing for Dundrum. Because I thought it would
14:34:23 5 suck the life blood out of the village.
- 6 Q. 514 And did you take then in 1992. Sorry. First of all, it would appear that the
7 Labour Party at page 733 put in a submission?
- 8 A. Yeah.
- 9 Q. 515 In connection specifically with the Pye Lands, although it's an overall
14:34:38 10 submission?
- 11 A. Yeah.
- 12 Q. 516 Paragraph 4 deals with the Pye Lands.
- 13 A. Yeah.
- 14 Q. 517 And the submission made by the Labour Party was that the Draft Plan shows the
14:34:50 15 remaining area of the Pye Lands between Dundrum and Crazy Prices zoned for
16 commercial development. That was the C zoning, isn't that right?
- 17 A. Uh-huh.
- 18 Q. 518 While certain features of commercial development such as a hotel would be
19 welcome we feel that plans by the owners of these lands to turn the Crazy
14:35:05 20 Prices complex into a major hypermarket shopping centre with a huge surface
21 carpark undesirable and could spell the commercial death of Dundrum village.
22 We suggest therefore that these lands be zoned for residential development and
23 any appropriate commercial development would have received broad support such
24 as a hotel could be accommodated as a material controvention of the Development
14:35:24 25 Plan?
- 26 A. Yeah.
- 27 Q. 519 Was that the position of the Labour Party in, at the end of the first public
28 display towards the end of 1991?
- 29 A. That would have been a submission prepared by the local branch of the Labour
14:35:44 30 Party. Now it wouldn't necessarily have been bought into by Labour Party

14:35:44 1 members from around the county but certainly it would have been something that
2 would have been discussed at the local constituency Council and that was what
3 the constituency had submitted.

4 Q. 520 Yes. And broadly speaking, would you have been in agreement that it wasn't
14:35:54 5 appropriate that the Pye Lands should have a C zoning. That in your view it
6 would be better served by having a tourism or leisure related zoning?

7 A. Yes. Certainly down at the village end, that would certainly have been my
8 view. And I'm sure as probably myself and Frank Buckley played a large part in
9 drafting that submission. Though I had completely forgotten about it until I
14:36:19 10 saw reference to it in the Tribunal documents.

11 Q. 521 Now, I think in the course of the following year, in 1992, a number of motions
12 were prepared by Council and submitted to Dublin County Council by Councillor
13 Olivia Mitchell?

14 A. Yeah.

14:36:32 15 Q. 522 And I think one motion was prepared and submitted by yourself and ultimately a
16 joint motion was put in by yourself and Councillor Mitchell, isn't that right?

17 A. Yes, yeah. Now, there were a couple of motions. There was a motion that I had
18 the same as the one she had, slightly different wording but exactly the same.
19 And I think her's went through with me seconding it and mine then was withdrawn
14:36:55 20 because it was pretty well the same. I think that would have been the one
21 around the C2 zoning and the major retail.

22 Q. 523 Yes. I think if we look first of all at the first motion that was put in in
23 your name. Which is at 745.

24

14:37:08 25 Now,

26 A. Yeah.

27 Q. 524 This effectively deals. These are two motions on one paper if I can put it
28 like that. The first part of the motion deals with the Dundrum lands. And
29 the second part of the motion deals with the Pye Lands, isn't that right?

14:37:24 30 A. Yes, yeah.

14:37:26 1 Q. 525 Is that correct?

2 A. That's right, yeah.

3 Q. 526 And if you look at the map.

4

14:37:30 5 Which is at 747.

6

7 747.

8

9 This is the map attached to your motion. While it's hard to see the narrower

14:37:45 10 portion of the lands zoned C2 are the Dundrum lands

11 A. Right.

12 Q. 527 And the larger portion zoned C at the bottom are the Pye Lands?

13 A. Yes.

14 Q. 528 What you were seeking. If we go back to 745.

14:37:58 15

16 Was that the northern lands zoned C2 be permitted to have major sales or major

17 shops

18 A. That would be the village, yeah.

19 Q. 529 That's the village. And what you were proposing for the Pye Lands is that they

14:38:09 20 get the new classification of E1 zoning which had originally been proposed by

21 Councillor Mitchell?

22 A. Yeah.

23 Q. 530 Now, I think ultimately the second part of this motion was withdrawn on the

24 14th of September 1992. And the first part was withdrawn at the meeting?

14:38:25 25 A. Yeah, because I think they were effectively the same as the other motions that

26 were, the other motions were on the table. I think we both probably submitted

27 motions with exactly the same.

28 Q. 531 Or similar?

29 A. Or similar, you know.

14:38:42 30 Q. 532 But?

14:38:43 1 A. But just slightly differently worded.

2 Q. 533 I think Councillor Mitchell's motion.

3

4 At 1471.

14:38:50 5

6 This motion proposed also major shopping be permitted on the Dundrum lands

7 A. Yeah.

8 Q. 534 And that is the motion that was ultimately passed and voted on and it's the

9 same as the first part of your motion?

14:39:00 10 A. That's right, yeah.

11 Q. 535 And I think the motion in relation to the Pye Lands, which was ultimately

12 passed is at 763.

13

14 And this is a motion signed by both yourself and by

14:39:16 15 A. Olivia.

16 Q. 536 Councillor Mitchell, isn't that right?

17 A. Yeah.

18 Q. 537 And that is a motion dealing only with the Pye Lands. And that is proposing

19 that they revert back to the 1983 zoning and the written statement be changed?

14:39:29 20 A. Yeah.

21 Q. 538 And would you accept also that if the first motion was successful, which indeed

22 it was, that major sales be permitted on the northern lands. That would also

23 require a change to the written statement?

24 A. It would, yeah.

14:39:42 25 Q. 539 Because it would have to change the zoning objectives under C2?

26 A. Under C2.

27 Q. 540 Because major sales wasn't permitted and that would have to be amended?

28 A. Yeah.

29 Q. 541 Now, I think in or around this time while these motions were being prepared

14:39:56 30 Mr. Kelly was contacting you at 1133, please.

14:39:59 1
2 And he was pushing or making a submission to try and persuade you I think to
3 come to his point of view.
4

14:40:08 5 1133, please.
6
7 And he wrote to you on the 28th of May 1992. And he is objecting to Councillor
8 Mitchell's proposals which at that stage was to put E1 on all of the lands and
9 seeking your support for hotel, leisure, tourism office and shopping

14:40:30 10 A. Yeah.
11 Q. 542 I think he wrote again to certain local ...?
12 A. That was earlier. That was May.
13 Q. 543 May?
14 A. The other motions were September.

14:40:42 15 Q. 544 Yes. And he writes, I think, again in June of '92.
16
17 At 1136 to Dundrum Residents Association.
18
19 Again, seeking support for his proposals. And he cc's that at 1140 to yourself
14:40:56 20 and to Councillor Mitchell
21 A. Yeah.
22 Q. 545 And at 1141. He writes a detailed letter to Councillor Mitchell which is also
23 cc'd to you and to the Dundrum Residents Association in which he sets out over
24 some seven or eight pages the reasons why his proposal should be accepted?

14:41:17 25 A. Yeah.
26 Q. 546 And why Councillor Mitchell's proposal shouldn't be accepted?
27 A. Yeah.
28 Q. 547 It would seem at that stage that Mr. Kelly was certainly active in seeking the
29 support of the elected representatives and the local residents associations for
14:41:30 30 his plans, isn't that right?

14:41:32 1 A. He was, yeah.

2 Q. 548 In the course of that and during that period, would you have met with

3 Mr. Kelly?

4 A. I'm sure I would have. Now, not so much that we would, he certainly would have

14:41:44 5 been -- there would have been -- there was at least one big residents

6 association come Dundrum traders meeting at this time. Now, I'm not sure is it

7 the Dundrum Residents Association or umbrella group or residents plus traders.

8 There certainly would have been at least one of those meetings and Aidan Kelly

9 would have been there pushing his point of view. So I certainly would have met

14:42:07 10 him there then. I can't tell you whether I met him separately or whether he

11 came to my house or he came to my clinic. I can't remember that but I mean I

12 certainly would have been made very aware of what he was proposing and what his

13 views were. He would have been trying to make the whole community aware of

14 what his plans and ideas for the site were.

14:42:26 15 Q. 549 And I think that in September of 1992.

16

17 At 1014.

18

19 Councillor Mitchell wrote to Mr. Kelly after you had lodged your composite

14:42:34 20 motion in relation to the Pye Lands. That is the motion signed by yourself and

21 Councillor Mitchell. And she said in her letter to Mr. Kelly since our

22 telephone conversation I have met with Council planners and Councillor

23 Fitzgerald to determine a formula which would insofar as possible meet

24 everybody's needs. We have decided to propose that the lands retain -- the Pye

14:42:53 25 Lands, retain their original zoning of E industrial and A housing with the

26 additional objective that the council promote leisure and recreational uses

27 which would be complimentary to the commercial core of the village

28 A. Just to say that I hadn't seen that letter before it came in the Tribunal

29 papers. And when I was written to, first by the Tribunal in relation to the

14:43:16 30 Dundrum work. Quite honestly I had real difficulty casting my mind back to

14:43:21 1 anything other than the broad, if you like, keymatic feel for the time to the
2 detail. So I actually, even with this in front of me and you know having
3 reviewed the Tribunal papers, I couldn't remember had myself and Olivia sat
4 down over a cup of coffee in Dundrum or met in one another's houses, we live
14:43:40 5 around the corner from each other. Had we done it in the Council Chamber, had
6 we done it in, you know, not in the chamber itself but in another premises, the
7 Council. I can't just remember the circumstances in which we developed this
8 joint motion. So.

9 Q. 550 But you would accept or would you accept from the correspondence and the fact
14:44:00 10 that the motion is jointly signed that?

11 A. Oh, I would accept. As I said, myself and Councillor Mitchell while we are
12 political rivals and so on over the years. We are neighbours and we always
13 worked together. We might have different views about what things would all be
14 the right course of action in any particular instance. But we co-operated
14:44:19 15 together, as I would have cooperated with Paddy Hickey and other councillors on
16 local issues all of the time. So, as I say that would have been very routine
17 that we would have worked together on joint proposals, not necessarily in the
18 planning area. That was a bit unusual. Certainly if it was a question of you
19 know dealing with an application by the GAA for a pitch we would have come to
14:44:39 20 some joint ideas and put in joint motions. I mean, you do business with your
21 fellow councillors for the area all of the time. And so as I said, this is the
22 ring of authenticity about it although I can't personally remember it.

23 Q. 551 So it would seem that at 763 on the 3rd of September 1992. The motion is
24 lodged with Dublin County Council which deals with the Pye Lands, signed by
14:45:01 25 yourself and Councillor Fitzgerald following which on the following day.

26
27 At 1014.

28
29 She writes to Mr. Kelly and she gives him the bad news and she tells him she's
14:45:12 30 had discussions with the planners and with you and this is what she is now

- 14:45:16 1 promoting which you were in agreement. That would suggest that you had by this
2 stage worked out your strategy in connection with the Pye Lands, is that fair?
- 3 A. Well, I mean, this suggests that with all of the proposals on the table that we
4 had developed a compromised proposal which we felt went some way towards
14:45:33 5 Mr. Kelly and his visions for developing his site, which I think we all
6 acknowledged it was going to be developed. The question was getting the right
7 development on it. And secondly, between the need to strengthen and enhance
8 the village core and preserve the village of Dundrum. So it was trying to
9 strike a balance between those. So while I don't actually remember this
14:45:55 10 detail, you know, it feels right.
- 11 Q. 552 Yes. And I think it would be fair to say from the correspondence that emanated
12 from Mr. Kelly after he received this correspondence that he wasn't
13 particularly happy with the proposals that were going to be made in connection
14 with the Pye Lands, isn't that right?
- 14:46:11 15 A. Yes. I mean, I think he wanted, I won't say all or nothing. He wanted all.
16 He wanted his view of it and he was -- he had his ideas for the site and that's
17 what he wanted.
- 18 Q. 553 Yes. From Mr. Kelly's point of view. Financial implications of his proposed
19 development hinged on being permitted a certain amount of retail, isn't that
14:46:33 20 right?
- 21 A. That's what he said.
- 22 Q. 554 That was his view?
- 23 A. That was his view.
- 24 Q. 555 And the proposals that were going to be put to the Council by Councillor
14:46:41 25 Mitchell and yourself would not have permitted of that level of retail, isn't
26 that right?
- 27 A. If you go back through what's allowed in the amended written statement it tells
28 you what exactly would have been allowed.
- 29 Q. 556 I think we'll come to that. In essence, I don't think that you are disputing
14:46:58 30 that he would not have been happy with what was being proposed?

- 14:47:02 1 A. No, he had his own view about how it would have been developed. And this
2 wasn't his number one choice shall we say.
- 3 Q. 557 I think he did correspond with other members of the councillors. Coming up to
4 October 1992 he circularised people and he sought support from people for his
14:47:18 5 proposals, isn't that right?
- 6 A. Yeah, I've seen correspondence. I presume it was model corresponded to David
7 Healy. I presume that was typical of letters that he was sending to everybody.
8
- 9 Q. 558 At page 812.
- 14:47:29 10
- 11 A motion was also put in in the name of Councillors Hand and Lydon. That
12 effectively went against, to some degree, what yourself and Councillor Mitchell
13 were suggesting in your motion, isn't that right?
- 14 A. Yes, yeah.
- 14:47:41 15 Q. 559 Now, I think you'll have read the minutes of the meeting of the 16th of October
16 1992?
- 17 A. Yeah.
- 18 Q. 560 And it would seem that what happened was the first motion?
- 19 A. Our motion was carried and their motion fell.
- 14:47:52 20 Q. 561 Because all of the lands had been dealt with in your two motions?
- 21 A. That's right.
- 22 Q. 562 And the effect of that was that the effect of the two motions was insofar as
23 the Dundrum Town Centre lands, northern lands were concerned, they were going
24 to be permitted major retail?
- 14:48:06 25 A. That's right.
- 26 Q. 563 And insofar as the Pye Lands were concerned, they were to revert to the 1983
27 zoning of E, A and?
- 28 A. And this special zoning the C1.
- 29 Q. 564 No, I don't think there's any E1 permitted. E, A and C 1?
- 14:48:24 30 A. Didn't our motion provide for this tourism and leisure and all of those things.

- 14:48:28 1 Q. 565 That's part of the written statement. I was just about to come to that?
- 2 A. Yeah.
- 3 Q. 566 Your motion provided for the zoning on the land to revert to the 1983 zoning
- 4 but that the written statement would be amended.
- 14:48:38 5
- 6 1515.
- 7
- 8 The second motion is dealt with there. You will see it's proposed by
- 9 Councillor Mitchell and seconded by Councillor Fitzgerald that Dublin County
- 14:48:48 10 Council resolves the 1983 development Pye Lands and the next paragraph deals
- 11 with the change to the written statement
- 12 A. That's right.
- 13 Q. 567 So what you are proposing is not an E1 zoning. What you are proposing is to
- 14 retain the 1983 zoning but change the written statement to restate Council
- 14:49:17 15 policy in connection with the Pye Lands?
- 16 A. Right, yeah.
- 17 Q. 568 Right. And that was carried, isn't that right?
- 18 A. That was carried, yeah.
- 19 Q. 569 And once that was carried with the earlier motion. Then Councillor Lydon and
- 14:49:19 20 Hand's motion fell, isn't that right?
- 21 A. That's right, yeah.
- 22 Q. 570 Now, that would have been very bad news I suggest for Mr. Kelly, from his point
- 23 of view?
- 24 A. Well, as I said, he wouldn't have agreed with what this, which was a
- 14:49:35 25 compromised proposal. He wouldn't have been happy with it.
- 26 Q. 571 Mr. Kelly, I think somebody has said here that Mr. Kelly was not someone who
- 27 would have agreed to a compromised proposal. I think Mr. Dunlop said that
- 28 yesterday. And would you agree with that?
- 29 A. As I said, anything we would say about Mr. Kelly's state of mind would be only
- 14:49:53 30 hearsay.

- 14:49:54 1 Q. 572 Yes, of course.
- 2 A. Yes.
- 3 Q. 573 But in all of your discussions with Mr. Kelly were you able to persuade
- 4 Mr. Kelly of the rights of the proposals that you wanted to make for the rights
- 14:50:04 5 of Dundrum?
- 6 A. No, I think he had a particular view and he was, he would have been a long time
- 7 sitting on the site and wanting to do it in a particular way. And when he
- 8 would come up with this particular plan. I think he wanted to go through with
- 9 it in total. I don't think he was really. The impression I got, as I recall
- 14:50:22 10 it, is that he wasn't particularly interested in compromise. But as I said,
- 11 that's just an impression, as I said it is after a lapse of 15 years. So you
- 12 know I don't really want to impute a state of mind to him.
- 13 Q. 574 Up to this particular point in time, Ms. Fitzgerald, when this decision was
- 14 made in October of 1992. Were you aware of Mr. Frank Dunlop having any
- 14:50:45 15 involvement in connection with the Pye lands or acting on behalf of Mr. Kelly
- 16 in any way?
- 17 A. I honestly couldn't say. Because Frank Dunlop was always around the Council
- 18 and he had his fingers in lots of pies and as to which zoning -- you'd know
- 19 some of the big ones he was pushing. I mean the famous Baldoyle one. But, you
- 14:51:08 20 know, there were a few lobbyists around the place as well. He wasn't the only
- 21 one. There was Bill who used to work with the Council was another lobbyist.
- 22 So who was pushing which piece of land I was never, you know, I wouldn't
- 23 necessarily have associated Frank Dunlop with this bit of land. But I don't
- 24 think Frank ever particularly came near me looking for support on rezoning
- 14:51:32 25 issues. And I think he knew he wouldn't have been entertained and I wouldn't
- 26 haven't entertained him.
- 27 Q. 575 Were you aware at that time or did you know whether Mr. Richard Lynn had any
- 28 involvement in the Pye Lands or whether he was acting on behalf of Mr. Aidan
- 29 Kelly or Cabriole Limited?
- 14:51:48 30 A. No, no.

14:51:50 1 Q. 576 Did you remember seeing Mr. Don Laden around the Council offices around this
2 time?
3 A. I certainly would have seen Don Laden. I'm getting confused now. Joseph
4 Laden. I'm getting confused with them all. No, I certainly would have. My
14:52:06 5 recollection is I would have known Joe laden had an involvement in this. Now,
6 whether I saw him around the Council offices or elsewhere you know, at public
7 meetings or whatever. I think I would have been aware of his association with
8 the project.
9 Q. 577 After 1992 and after that meeting I think in January of 1993 you became a
14:52:28 10 junior Minister in the Department of Finance, is that right?
11 A. That's right, yeah.
12 Q. 578 And I think in October of 1993 Mr. Laden wrote to you.
13
14 At 2084.
14:52:37 15
16 And he -- in that he says "Dear Minister, I refer to my telephone conversation
17 with your offices of today and as requested then I now enclose development
18 proposal for the above lands. I would be most appreciative of the opportunity
19 of meeting with you to discuss these proposals."
14:52:58 20
21 This is coming up to a meeting in November 1993 when the developers of the Pye
22 Lands are seeking to overturn your decision?
23 A. Uh-huh.
24 Q. 579 Can you remember what contact you had with Mr. Laden in October of 1993?
14:53:11 25 A. I can't. Now, but I very much doubt whether I would have met him. Because
26 when I was on the Council in a position to vote on these decisions I wasn't in
27 the habit of meeting developers lobbying for bits of land. And as I said, I
28 very much doubted whether I would have met him when I was involved in a busy
29 Department and as I said I wasn't even in a position to act on this one way or
14:53:52 30 another. I doubt if that meeting that I sought -- that he sought ever took

- 14:53:52 1 place.
- 2 Q. 580 He also wrote on the same day, 2086, to Mr. Frank Buckley who was then a TD ..
- 3 A. No, Frank was never a TD, a Councillor.
- 4 Q. 581 Sorry, referred to as TD there?
- 14:53:57 5 A. Yeah.
- 6 Q. 582 And he was a Councillor, member of the Labour Party who did attend the meeting
- 7 of November 1993. And who proposed a motion in fact seeking to confirm the
- 8 changes?
- 9 A. Yeah.
- 14:54:08 10 Q. 583 Which was lost, I think, you'll have seen from the records?
- 11 A. That's right. And Mairead Doohan who took over my Council seat would have
- 12 seconded that motion.
- 13 Q. 584 And that was unsuccessful and the other motion was taken which overturned the
- 14 decision?
- 14:54:21 15 A. Yeah.
- 16 Q. 585 Do you remember having any contact with Mr. Buckley at that time in connection
- 17 with the Pye Lands or the upcoming motion or anything such as that?
- 18 A. I don't think so. But Frank and myself would have been very much ad idem on
- 19 all of these matters, you know, so that there wouldn't have been any particular
- 14:54:37 20 contact with us one way or another, you know. But, I mean, we would have
- 21 worked very closely together on planning issues in the general area because he
- 22 represented the Ballinteer, which equally focused on, you know, it was equally
- 23 important -- Dundrum village was equally a major focus of his electoral area,
- 24 he was in the electoral area next door.
- 14:55:02 25 Q. 586 Can I ask you ultimately. Even though the changes you had proposed were not
- 26 carried at the end of the day in November 1993?
- 27 A. Uh-huh.
- 28 Q. 587 The written statement was carried?
- 29 A. Uh-huh.
- 14:55:15 30 Q. 588 And ultimately I think the lands were developed and are now developed in fact?

- 14:55:20 1 A. That's right.
- 2 Q. 589 As the Dundrum Town Centre?
- 3 A. Yeah.
- 4 Q. 590 And you say to the detriment of what was then Dundrum village, is that right?
- 14:55:27 5 A. That's right. I think the recreational bit near the village works very well,
6 where you have the theatre and the cinema and around the pond you have the
7 restaurants. That works really well. But the old Dundrum village. There were
8 proposals to develop the shopping centre. It was meant to have been knocked
9 about two years ago. Nothing has happened. Really the village is pretty dead
10 now. And when you look at the town centre, it doesn't have the attributes of a
11 village and it doesn't have things like a butcher or dry-cleaners or a place to
12 get the shoes mended or a post office or the buzz of village life about it at
13 all. It's just a shopping mall that could be from LA.
- 14 Q. 591 In 1993 coming up to the motion in November 1994 were you aware of any
14:56:14 15 involvement at that stage of Mr. Richard Lynn in the rezoning of the Dundrum
16 lands?
- 17 A. No.
- 18 Q. 592 And this was something that you probably, I suggest, would have kept your
19 weather eye on considering it was part of your local area and it was something
14:56:30 20 that you were going to have to deal with, isn't that right? Whatever happened
21 in Dundrum was going to have an effect on your life insofar as you were one of
22 the politicians for that area?
- 23 A. As I said, I lived in the area, up the Sandyford road. It's my local village.
- 24 Q. 593 Yeah?
- 14:56:46 25 A. I would. I mean, again, I can't remember any specific details but we would
26 have had, for example, we would have had a monthly meeting of the Dublin South
27 Constituency Council of the Labour Party. And at that meeting there would
28 always have been a TD's report from me and Councillor's report from Frank
29 Buckley and Mairead Doohan who had taken over my seat on the Council when I
14:57:09 30 resigned, when I was made a Minister for State and was co-opted to the Council

14:57:14 1 in my place. They would have been reporting and there would be have been
2 discussions at that level about what was going on. We all would have been,
3 again discussions among member parties all of whom lived around, most of whom
4 lived around the Dundrum village area. So people would have been kept
14:57:31 5 up-to-date and would have known. As I said, Frank Buckley and myself would
6 have very much seen eye to eye on these issues.

7 Q. 594 Thank you very much, Ms. Fitzgerald. If you would answer any questions anybody
8 else might have.

9
14:57:42 10 CHAIRMAN: Any questions?

11
12 MR O'DWYER: No questions.

13
14 MR BYRNE: No questions.

14:57:48 15
16 CHAIRMAN: Thank you, Ms. Fitzgerald.

17
18
19

14:57:52 20 **THE WITNESS THEN WITHDREW.**

21
22
23

24 MS. DILLON: The only matter that's outstanding on today's list are the
14:57:57 25 material in relation to Mr. Tom Hand.

26
27
28
29

14:58:12 30 Now, the voting record of Mr. Hand has already been opened to the Tribunal in
taking the evidence of the other witnesses. The only matter outstanding was a
number of financial matters. But they are financial matters originally
canvassed in the Ballycullen Module at which stage it was indicated that when

14:58:26 1 we came to deal with the full financials of Mr Hand we would deal with those.
2 So it's not proposed to deal with those in the course of this Module.
3
4 Subject to that, that concludes the business.

14:58:27 5
6 CHAIRMAN: All right.
7
8 So we'll sit tomorrow at half past ten.
9

14:58:27 10 MS. DILLON: May it please you, Sir.

11
12 CHAIRMAN: Thank you.

13
14

14:59:09 15 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**
16 **THURSDAY, 1ST FEBRUARY, 2007, AT 10.30 A.M.**

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