

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

**4TH APRIL, 2006, AT 10:30 A.M:**

CHAIRMAN: Good morning, Mr. Murphy.

MR. MURPHY: Good morning, Chairman.

Mr. Anthony Fox, please.

MR. MOOREHEAD: Chairman, Before you commence hearing. Eamon Moorehead, instructed by Greg O'Neill, in respect of Mr. Redmond's attendance here today.

I see he's granted limited representation in respect of Mr. Redmond's attendance. And I think I should also inform the Tribunal that Mr. Redmond has a difficulty tomorrow in that he has to attend at a funeral tomorrow in Castleree, he asked that there be some consideration given to that by the Tribunal.

CHAIRMAN: I understand. Well we expect he won't be detained until tomorrow. We'll deal with it if that difficulty arises. And we'll grant the limited representation.

MR MOOREHEAD: Obligated, Chairman.

10:34:28 1 **MR. TONY FOX, HAVING BEEN SWORN, WAS EXAMINED**

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

3

4 CHAIRMAN: Good morning, Mr. Fox.

10:34:32 5 Good morning.

6

7 Q. 1 MR. MURPHY: Good morning, Mr. Fox.

8 A. Good morning.

9 Q. 2 Mr. Fox, I think you have been a County Councillor since 1985?

10:34:45 10 A. That's right.

11 Q. 3 That you were a member of Dublin County Council from June 1985 to December  
12 1993. And a member of Dun Laoghaire Rathdown County Council from June 1994 to  
13 date.

14 A. That's correct.

10:34:59 15 Q. 4 And I think you are a member of the Fianna Fail party.

16 A. That's correct.

17 Q. 5 And I think that in the County Council you represent the e electoral area of  
18 Dundrum; is that right?

19 A. That's right, yeah.

10:35:12 20 Q. 6 And I think you were Cathaoirleach of the Dun Laoghaire Rathdown County Council  
21 1996, 1997; is that right?

22 A. That's right, yeah.

23 Q. 7 Now, Mr. Fox, I think in 1993 you were living at home with your wife, Margaret  
24 Fox; is that right?

10:35:40 25 A. That's correct, yeah.

26 Q. 8 And I think have you seven children in all?

27 A. Seven children, yeah.

28 Q. 9 I think did you say in another Module that perhaps you had two children living  
29 at home?

10:35:50 30 A. No.

10:35:51 1 Q. 10 In 1993?  
2 A. No, not in '93. There was more than that.  
3 Q. 11 Were there. Sorry. Perhaps I got that wrong. How many children did you  
4 have living at home in 1993?  
10:36:04 5 A. Three. Three I think.  
6 Q. 12 Three children?  
7 A. Yeah. Two in America then there was two, four -- three.  
8 Q. 13 Three. And their ages would have been, just approximately?  
9 A. I think the last time Ms. Dillon said they were 10 and 12 and then the other  
10:36:32 10 would have been well there was nine years difference I think, you know, between  
11 them two and the older children. So the other would have been 21 or 22.  
12 Q. 14 All right. Well then were the three children dependent on you or was it just  
13 two of the three?  
14 A. The two children. The other chap was working.  
10:36:54 15 Q. 15 Yes. So of the three children living at home two were dependent on you?  
16 A. Yes.  
17 Q. 16 All right. And I think by way of occupation, you were a Tailor; is that  
18 right?  
19 A. That's correct, yeah.  
10:37:06 20 Q. 17 And I think you were living in Rathfarnham?  
21 A. Yeah, living in Rathfarnham.  
22 Q. 18 And did you own your house?  
23 A. It was a tenant purchase, Corporation house. Still in it, yeah.  
24 Q. 19 Had you bought it at that stage?  
10:37:22 25 A. '93, yeah.  
26 Q. 20 All right.?  
27 A. The repayments were around 9 Euro or 8 Euro.  
28 Q. 21 Did you do your tailoring work at home?  
29 A. No, I did some things for my family, like, and that end of it and some people  
10:37:37 30 you'd do bits and pieces, you know. But I work in the a firm.

10:37:41 1 Q. 22 You worked in the a firm. All right. Was that a full-time occupation?

2 A. Yeah.

3 Q. 23 Yes.

4 A. I think I could have been on short time. I was on short time for some time,

10:37:56 5 you know. It could have been around that period. Some part of that period.

6 Q. 24 I think you said in the last Module, Mr. Fox, and please correct me if I'm

7 wrong about this. I think you agreed with, I think it was Ms. Dillon who was

8 asking you. In the period '92, '93 that your joint income along with your

9 wife was 11,000 pounds?

10:38:17 10 A. Yeah well that's, yeah, I think that's what it showed on the, yeah.

11 Q. 25 You agreed with that?

12 A. Yeah.

13 Q. 26 So the year we're concerned with is 1993. Would it have been in or around the

14 same amount?

10:38:30 15 A. It would have been in or around, whether I was on full-time. Like, I think I

16 was on short hours, you know.

17 Q. 27 Yes?

18 A. That time.

19 Q. 28 Right. And that was your joint income at that time; is that right?

10:38:43 20 A. That would have been the joint income, yeah.

21 Q. 29 And I take it your counselling duties, your duties as a councillor would have

22 taken up a lot of your time; wouldn't they?

23 A. Oh, they take up a lot of time, yeah.

24 Q. 30 Yes. What were Mr. Fox, at that time in 1993 what were your different sources

10:39:08 25 of income? You had an income from your tailoring work at the firm?

26 A. In 1993?

27 Q. 31 In 1993, yes.

28 A. And I would have had an income from the Council.

29 Q. 32 From the Council, yes?

10:39:22 30 A. I was on the General Council, the County Council, some income there, some small

10:39:25 1 income, you know.

2 Q. 33 All right.?

3 A. I mean, you get your expenses.

4 Q. 34 When you say income, you are referring your Council expenses; is that right?

10:39:34 5 A. Yeah. As well as, like, the other General Councils, you know.

6 Q. 35 Sorry?

7 A. As well as the Councils, the Council General County Council Councils.

8 Q. 36 Did you get money from any other source?

9 A. No.

10:39:56 10 Q. 37 No.

11 A. I mean, if I did a few alterations I'd get some monies from them, you know.

12 Q. 38 All right.?

13 A. Like, if I did some work.

14 Q. 39 Outside the firm, is that it?

10:40:07 15 A. At home I'd do a few alterations, make the clothes for the children in the

16 family, that end of it too, you know.

17 Q. 40 All right. Could I just ask you what was your housekeeping system. What did

18 you do with the money you got. You got Council expenses, money from your

19 tailoring, if you did the odd repairs you got money from that. Is it that all

10:40:29 20 go into your bank account or what did you do with it?

21 A. I was paid in cash by my wages. My wife was paid in cash. That would be

22 used for the house like, you know. I'd give my wages to my wife. Rearing

23 the family. It had to be done. The normal way I would have done it before I

24 became a councillor.

10:40:49 25 Q. 41 Yes?

26 A. You know, I mean, I had to live. I was, that's the way, you know, through our

27 life. I was married in 1966 so there was no changes in what way we, the

28 household was run, you know.

29 Q. 42 So your wages essentially went to the housekeeping; is that right?

10:41:12 30 A. It would, yeah.

10:41:13 1 Q. 43 And your income then from the Council, what did you do with that?  
2 A. That would be lodged in my bank account.  
3 Q. 44 All right. And were you also in receipt of money from your children from time  
4 to time?  
10:41:31 5 A. Yes, that's right, yeah.  
6 Q. 45 Would that have been substantial?  
7 A. The kids from New York would send and then the children would give up their  
8 wages to their mother, like, you know.  
9 Q. 46 Yes. How much would that be?  
10:41:47 10 A. Well I don't recall it like, you know. Their wages that they'd be giving up  
11 for their ordinary, what anybody would do. Give their mother in relation to.  
12 Q. 47 Would they send her a cheque?  
13 A. Oh, the young fella that was at home at the time?  
14 Q. 48 I thought you said something about the children in America?  
10:42:08 15 A. Oh, the children in America would send home dollars, yeah.  
16 Q. 49 And how much would it be at a time do you think?  
17 A. Could vary, do you know it could be a couple of had you been, it could be 100  
18 or 2, that type of thing.  
19 Q. 50 Did you ever get money to your children who were not at home?  
10:42:26 20 A. No.  
21 Q. 51 Around that time, 1993?  
22 A. No.  
23 Q. 52 All right. Now, Mr. Fox, in 1993 the Council was considering the Draft  
24 Development Plan. It was in fact in the -- it was in the finishing stages in  
10:42:54 25 relation to the Development Plan for 1993; isn't that right?  
26 A. That's right, yeah.  
27 Q. 53 Yes. And for the purpose of the plan, what you were dealing with was rezoning  
28 applications by landowners; isn't that right?  
29 A. That's right, yeah.  
10:43:10 30 Q. 54 Yes. And there were a considerable number of those that you were dealing

10:43:14 1 with; is that right?

2 A. A huge amount, yeah. Like, the whole of County Dublin, like.

3 Q. 55 All right. And one of the applications that you were concerned with was the

4 lands that the Tribunal is looking at at the moment, in other words, the lands

10:43:33 5 at Lissenhall?

6 A. Yeah.

7 Q. 56 And would I be right in thinking that the first intimation you would have had

8 of that would have been in or around March of 1993. There was a motion which

9 was signed by your colleagues, the late Mr. Gallagher, and by Ms. Devitt, for

10:43:50 10 the rezoning of the lands at Lissenhall. Are you familiar with that motion?

11 A. Yeah, the Tribunal sent me a copy of it, yeah.

12 Q. 57 Yes. All right. And that was to rezone the Lissenhall lands from either

13 high amenity or agricultural to industrial; isn't that right?

14 A. That's correct.

10:44:07 15 Q. 58 And that came before the council at which you were present on the 21st of May

16 1993; isn't that right?

17 A. Yeah.

18 Q. 59 All right. And on that particular day there was in fact a motion which was

19 passed unanimously to restrict the industrial use to light industry; isn't that

10:44:26 20 right?

21 A. That's right, yeah.

22 Q. 60 All right. And then after that the substantive motion for the rezoning of the

23 lands to light industrial was passed; isn't that right?

24 A. That's correct, yeah.

10:44:39 25 Q. 61 And you voted in favour of that; isn't that right?

26 A. That's right, yeah.

27 Q. 62 I think the Manager was against it; is that right?

28 A. Well the Minister -- it looked like that in the minutes, yeah.

29 Q. 63 Yes. And can you say why you voted for it when the Manager was against it?

10:44:54 30 A. Well I would have been in relation to the councillors, the local councillors in

10:44:58 1 the area.

2 Q. 64 Yes?

3 A. And the people on the ground. I would rely on their input into it and I would

4 have voted for it.

10:45:10 5 Q. 65 Yes. And again then, if we move on to September. There were meetings on the

6 21st and the 22nd of September. And at those meetings three motions had been

7 brought to change the zoning back from industrial or light industrial back to

8 high amenity and agricultural; isn't that right?

9 A. That's correct, yeah, in the minutes, yeah.

10:45:33 10 Q. 66 And again, before those motions were taken there were motions to adopt

11 Manager's report. First of all, as amended and then the Manager's report

12 itself; isn't that right?

13 A. Yeah.

14 Q. 67 And once again, the Manager didn't want -- was recommending that there wouldn't

10:45:48 15 be a change in the zoning?

16 A. But the strength of the Council even in the first motion, you know in, cross

17 party I think it was 49 was it 49?

18 Q. 68 Yes.

19 A. That was in favour. So there was a very strong support for it at that stage.

10:46:04 20 Q. 69 There was, indeed.

21 A. Looking at the minutes.

22 Q. 70 I think the vote was 49 to 15. There was an overwhelming vote in favour of

23 Lissenhall; isn't that right?

24 A. Cross party, yeah.

10:46:15 25 Q. 71 But when we come to September. The vote isn't as substantial I think,

26 Mr. Fox; isn't that right?

27 A. Yeah.

28 Q. 72 Yes?

29 A. I think it's 30, look at it I put it in my statement there 33.

10:46:32 30 Q. 73 33 to 29. It was much closer?

10:46:35 1 A. Yeah.

2 Q. 74 And the Manager's report was against the change to industrial; isn't that  
3 right?

4 A. That's right, yeah.

10:46:41 5 Q. 75 All right. So you were consistently voting in favour of the change to light  
6 industrial for the lands at Lissenhall; isn't that right?

7 A. That's right, yeah.

8 Q. 76 All right. Notwithstanding the Manager's recommendation?

9 A. That's right, yeah. And a lot of other people as well.

10:47:00 10 Q. 77 And a lot of other people. Why do you think you voted in favour of Lissenhall  
11 in favour of the rezoning?

12 A. Well I said I would mostly rely on the councillors, particularly the  
13 councillors on the ground in relation to it. And there was a strong support  
14 for it initially at the time. And I didn't see any reason to change my mind.

10:47:21 15 Q. 78 Yes. Yes. You wouldn't have known anything about the lands -- you wouldn't  
16 have known anything about the lands itself; would you?

17 A. No. Just, as I said, I'd rely on the local councillors.

18 Q. 79 All right. Who were the local councillors that you would have relied on, was  
19 there one person in particular or two or three or who would it have been?

10:47:46 20 A. Oh, it'd be the local people in that particular area, you know, that would  
21 be...

22 Q. 80 Yes. They are the people I'm asking you to identify.

23 A. My colleagues in the north, out in the north county.

24 Q. 81 Yes. Well, Mr. Gallagher signed the motion?

10:48:02 25 A. Yeah.

26 Q. 82 Would he have been one of the people that you'd have looked to see how he was  
27 voting on it?

28 A. I would listen to the debate on it, yes.

29 Q. 83 But would you listen to him?

10:48:13 30 A. I would listen to him, yeah.

- 10:48:15 1 Q. 84 Would you be influenced by anybody else?
- 2 A. I would be influenced by the debate at the Council and if there was -- there
- 3 must have been a strong debate in favour of it.
- 4 Q. 85 Was this the debate that took place on the 21st of May 1993?
- 10:48:30 5 A. Yeah.
- 6 Q. 86 Would you have known before you went into the debate what way you were going to
- 7 vote?
- 8 A. Yeah, there could be a possibility that it was discussed at our own group
- 9 meeting as well.
- 10:48:40 10 Q. 87 Would that be a Fianna Fail group meeting?
- 11 A. Yeah.
- 12 Q. 88 Yes. Do you think it's likely that Lissenhall lands would have been discussed
- 13 along with maybe all of the other lands would have been discussed at your own
- 14 Fianna Fail meeting?
- 10:48:53 15 A. If we had a group meeting and what was on the agenda that day would have been
- 16 discussed most probably like, you know.
- 17 Q. 89 And would there have been an agreement. Would that meeting have been on that
- 18 day. Your own internal meeting?
- 19 A. It could have been. According to the time I just don't recall, do you know.
- 10:49:10 20 Q. 90 Yes.
- 21 A. I mightn't have been at them, you know. I'm saying that the Council would
- 22 generally have a meeting.
- 23 Q. 91 Yes. Yes.
- 24 A. Group meeting.
- 10:49:24 25 Q. 92 Sorry, the council --
- 26 A. Sorry, the Fianna Fail group would have a meeting.
- 27 Q. 93 In the Fianna Fail room?
- 28 A. It could be in the room, it could have been in -- sometimes they were upstairs.
- 29 There was a facility in Conway's there for having meetings there too.
- 10:49:38 30 Q. 94 All right. And would -- in a general way would the Fianna Fail councillors

- 10:49:44 1 agree what way they were going to vote on each motion?
- 2 A. Well you'd listen to the debate. I mean, you wouldn't say we're going to do
- 3 this like a decision would be taken. You would listen to the debate. Listen
- 4 to the proposer if the person was a proposer of the motion or whatever, you
- 10:50:03 5 know.
- 6 Q. 95 Well does that mean, Mr. Fox, that there wouldn't be an agreement of the Fianna
- 7 Fail councillors beforehand?
- 8 A. There wouldn't be an agreement, no.
- 9 Q. 96 Mr. Fox, would you -- were you approached by any councillor first -- any Fianna
- 10:50:24 10 Fail councillor in relation to the lands at Lissenhall on the vote?
- 11 A. No, I've no specific recollection of any person, you know, making
- 12 representation to me.
- 13 Q. 97 All right. Would you --
- 14 A. For or against.
- 10:50:38 15 Q. 98 Would you expect that if Mr. Gallagher was a Fianna Fail person who had sign
- 16 the motion, that he might have approached you to see if you were in favour of
- 17 the rezoning?
- 18 A. At the group meeting. I was at the group meeting. That's where you make
- 19 your...
- 10:50:54 20 Q. 99 Yes?
- 21 A. Your, what do you call it known, your wishes known. That if you were, say,
- 22 supporting something you would make it there, particularly the person that's
- 23 proposing it if they were. And he was proposing it. And I presume he did
- 24 that do you know.
- 10:51:14 25 Q. 100 So at that meeting would he kind of look. Would there be a little roll call,
- 26 a little mini vote to see?
- 27 A. No, no, no votes, no such thing.
- 28 Q. 101 You were pro development I think; isn't that right?
- 29 A. Yeah, in areas that needed it, yeah, I was pro development.
- 10:51:32 30 Q. 102 Did you ever vote against?

- 10:51:34 1 A. Particularly in area that is needed it.
- 2 Q. 103 Did you regard this as an area that needed it?
- 3 A. Yeah, well from the debate and from 49 people voting for it, it was quite
- 4 obvious that it was needed.
- 10:51:47 5 Q. 104 Yes. I think the Manager actually felt that there was enough land zoned
- 6 industrial there?
- 7 A. Uh-huh. I mean, the manage Managers differ. One day they can be propose and
- 8 then the next Development Plan with a could be different attitude or different
- 9 times, do you know. So it's the members make the decisions. And I'm saying
- 10:52:10 10 that when you look at the vote that you just read out there, 49. And cross
- 11 party. Like, I mean, there was a huge, didn't seem to be controversial
- 12 whatsoever.
- 13 Q. 105 Can you explain why the vote would is have been so much closer the second time
- 14 around in September?
- 10:52:29 15 A. Well I don't know, like, I mean, to be honest with you. I know -- I don't
- 16 know why people changed their minds or if they did change. What was it how
- 17 many was at the meeting?
- 18 Q. 106 I'm not sure what number. It was I think 33 to 29 I think that was maybe what
- 19 was said.
- 10:52:48 20 A. Well there's 78 members you see so.
- 21 Q. 107 Yes?
- 22 A. So I don't know whether all of the member that is were there the first time
- 23 that were there.
- 24 Q. 108 33 to 29, yes. There were only four votes of it in September when there was
- 10:53:01 25 an overwhelm vote in May.
- 26 A. I don't know what made up those numbers. There was 78 members on the Council
- 27 so whether they were the same councillors again the next time, I don't know.
- 28 Q. 109 All right. There would be nothing wrong with Mr. Gallagher, or any other
- 29 councillor, coming you, Mr. Fox, and asking you would you support the rezoning,
- 10:53:23 30 their rezoning motion; isn't that right?

- 10:53:26 1 A. Absolutely, yeah.
- 2 Q. 110 There would be nothing wrong with anybody approaching you and asking you to  
3 support a motion; isn't that right?
- 4 A. Absolutely.
- 10:53:33 5 Q. 111 Pardon?
- 6 A. I do get hundreds of representations, I mean, representations, submissions  
7 you'd get all of them for against whatever it might be. That's normal part of  
8 the Development Plan.
- 9 Q. 112 And well would you -- would you expect in relation to councillors that anybody  
10 apart from Fianna Fail councillors might have approached you about voting in  
11 favour of this motion or against?
- 12 A. I suppose you could get people to mention it if they wanted to do it.
- 13 Q. 113 You have no recollection of this instance?
- 14 A. No recollection.
- 10:54:11 15 Q. 114 What about perhaps the owners of the land, Rayband, Mr. Moran Mr. Hughes. Do  
16 you recall getting any representation from any of those?
- 17 A. No.
- 18 Q. 115 No. But if you did there would be nothing?
- 19 A. Well that's what I'm saying. You could get it, like, do you know what I mean.  
10:54:28 20 I don't recall it. There would be nothing. I would be getting loads of  
21 submissions. I did get lots of submissions. Maybe I did get stuff. I'm  
22 saying I don't recall any of it.
- 23 Q. 116 There would be nothing unusual about it and there would be nothing wrong about  
24 it?
- 10:54:42 25 A. Absolutely.
- 26 Q. 117 All right. If a councillor was to ask for money for his vote, what would you  
27 say to that, Mr. Fox?
- 28 A. If a councillor.
- 29 Q. 118 Uh-huh.?
- 10:54:57 30 A. I think it would be terrible.

- 10:55:06 1 Q. 119 And if somebody was to offer a councillor money for his vote, what would you  
2 think of that?
- 3 A. I think it would be terrible too.
- 4 Q. 120 All right. And if you discovered that colleagues of yours in the Council,  
10:55:27 5 other councillors, had taken money in return for their vote, what would your  
6 opinion of them be?
- 7 A. Well it wouldn't be a good opinion.
- 8 Q. 121 Uh-huh. And Mr. Fox, what about that's say taking an example of where money  
9 is offered in the return for the vote. What about a political donation or an  
10:56:01 10 electoral expense. What do you think of that?
- 11 A. That's the normal. That's normal, you know, I mean, people do get political  
12 donations, do get at election time. I've got them myself, like, do you know?
- 13 Q. 122 Yes. You got, what do you call them, political donations or electoral  
14 expenses what would your term be for them?
- 10:56:26 15 A. Political donation.
- 16 Q. 123 You would have received those, would you?
- 17 A. Yeah. It's on record.
- 18 Q. 124 All right. And you said that you received two from Monarch I think; isn't  
19 that right?
- 10:56:37 20 A. Two, that's right, yeah.
- 21 Q. 125 Have you received other political donations?
- 22 A. I would have got political donations over the years, yeah.
- 23 Q. 126 Yes. How regularly would you say, would you be able to say how many political  
24 donations you got over the years?
- 10:56:57 25 A. Well I've no records. I have records going back, you know, to the last  
26 elections, you know.
- 27 Q. 127 Yes.
- 28 A. We have.
- 29 Q. 128 Yes?
- 10:57:06 30 A. But the time you're speaking about I'd have no records about.

- 10:57:11 1 Q. 129 What kind of money would you be talking about by way of a political  
2 contribution, Mr. Fox?
- 3 A. You're talking around from 20 Euro or 20 pounds, you know, to 500 or 400 and  
4 something, 300, 200, in between that type of thing.
- 10:57:31 5 Q. 130 200 300 400 up to 500?
- 6 A. Yeah.
- 7 Q. 131 Did you ever receive more than 500?
- 8 A. I did. Well I got the 1,000 pounds from Monarch and the 600.
- 9 Q. 132 Yes. The 1,000 pounds and the 600 from Monarch?
- 10:57:48 10 A. Yeah, yeah.
- 11 Q. 133 Did you receive any other payments that exceeded 500?
- 12 A. No.
- 13 Q. 134 All right. Would you regard 600 and 1, 000 as substantial payments?
- 14 A. I'd say the 1000 was, do you know. The 600 would be.
- 10:58:09 15 Q. 135 Yes?
- 16 A. At the time the 1, 000.
- 17 Q. 136 And I think when you were being interviewed in relation to the Fianna Fail  
18 inquiry you said at that time that the highest political donation that you got  
19 was 500; is that right?
- 10:58:25 20 A. Yeah. Well we discussed this -- that issue here a number of times I think,  
21 Chairman, I think.
- 22 Q. 137 Yes. Is that the case anyway, Mr. Fox, you did, you told the Fianna Fail  
23 inquiry that 500 was your top figure?
- 24 A. That is the case, yeah.
- 10:58:39 25 Q. 138 Yes?
- 26 A. I don't know the words. That was the words that was written into the report  
27 at the time, do you know. I could have said around, like, whatever. But I'm  
28 just saying that I did explain to the Tribunal.
- 29 Q. 139 Yes?
- 10:58:55 30 A. In relation to the other. And I made when the Tribunal was aware of that.

10:59:01 1 But at that time I wasn't aware.

2 Q. 140 You weren't aware of what?

3 A. Of the 1,000 pounds. The questions at our internal, what is it, our own

4 Fianna Fail one.

10:59:18 5 Q. 141 Yes.

6 A. The Local Elections. That was for different thing.

7 Q. 142 All right. If somebody was offered a political -- a sum of money -- sorry if

8 a councillor was offered a sum of money around the time of a vote. Would you

9 regard that as all right?

10:59:47 10 A. How do you mean? Around the time of the vote?

11 Q. 143 Yes.

12 A. That wouldn't be all right, no.

13 Q. 144 Do you think if somebody, if a councillor was offered money by way of a

14 political contribution at the time a vote was taking place in relation to the

11:00:10 15 Development Plan, for example, in May '93. Do you think that would be all

16 right?

17 A. A political donation?

18 Q. 145 Yes.?

19 A. I'd want to know the circumstances. I mean, when I say was he running a golf

11:00:34 20 classic. I don't know what they'd be doing or whatever. A political donation

21 at the time of a vote.

22 Q. 146 What I'm just. What I'm getting at, Mr. Fox, is. You say that it would be

23 terrible if a councillor was offered money in return for a vote or asked for

24 money in return for his vote?

11:00:49 25 A. Absolutely, yeah.

26 Q. 147 You say that you have received political contributions and I think you added at

27 election time?

28 A. That's true, yeah.

29 Q. 148 If a councillor was to get money from a property owner or a developer around a

11:01:01 30 time when a vote was taking place in relation to that property and it was

11:01:06 1 stated to be a political contribution. How would you feel about that?

2 A. Um, it would be according to -- political donation for what? There's people

3 that runs constituency things all of the time from what I, you know, in fund

4 raisers.

11:01:35 5 Q. 149 Yes.

6 A. So I never done it, you know.

7 Q. 150 No. No, I understand that, Mr. Fox. What I'm just wondering about is that,

8 say, for example, the owner of a property came to a councillor in May 1993 when

9 the council was about to vote in --

11:01:58 10 A. And he gave the councillor a donation isn't that what you're saying?

11 Q. 151 Yes. And let's say he gave --

12 A. And the councillor didn't ask for it or whatever is that what you're saying?

13 Q. 152 Let's say he gives it. He offers?

14 A. Yeah.

11:02:12 15 Q. 153 Let's say the figure is 500 pounds or 1,000 pounds. At the time the vote is

16 taking place. In or around that time. You've agreed if that was in return

17 for his vote that would be terrible. But if he gave it and said that's a

18 political contribution or for your election expenses. What would you think of

19 the councillor taking that?

11:02:42 20 A. I'm only speculating. I mean, I wouldn't think it would be great.

21 Q. 154 Pardon?

22 A. I don't think it'd be great.

23 Q. 155 Do you think it would be wrong?

24 A. Well I don't know whether it would be wrong or, you know, I mean, the point is

11:03:08 25 that if somebody was running for their constituencies, and which I believe

26 people do run, politicians, to run their constituencies.

27 Q. 156 Yes.

28 A. And it was simultaneously, to put it, to say whether it would be wrong or

29 right, I don't, I don't think it'd be great anyway. Just to say whether they

11:03:31 30 were wrong or right.

- 11:03:32 1 Q. 157 And if you were -- did you ever receive what you regarded as a political  
2 contribution or an electoral expense around the time of a vote?  
3 A. No.  
4 Q. 158 Did you receive all such payments at election time?  
11:03:48 5 A. Election time, yeah.  
6 Q. 159 Is that right?  
7 A. To do with elections, yeah.  
8 Q. 160 At election time?  
9 A. Yeah.  
11:03:56 10 Q. 161 Yes. And if somebody offered you money and said that it was a political  
11 contribution or an election expense in or around May 1993, what would you have  
12 said to them?  
13 A. I wouldn't have taken it.  
14 Q. 162 Pardon?  
11:04:18 15 A. I wouldn't be looking for money in the first place. And I wouldn't be needing  
16 it because it wasn't an election.  
17 Q. 163 Right. So if a landowner in respect of a land on which you were going to vote  
18 shortly came up to you and offered you 500 or 1,000 in May 1993. What would  
19 your response have been?  
11:04:40 20 A. I wouldn't take it.  
21 Q. 164 You wouldn't take it.  
22 A. Because I'd have no need for it.  
23 Q. 165 You'd have no need for it because there was no election; is that it?  
24 A. Yeah.  
11:04:54 25 Q. 166 Mr. Fox, what was your relationship with Mr. Dunlop in or around May 1993?  
26 A. There wouldn't be any relationship with him.  
27 Q. 167 Did you have a personal relationship at that time with him?  
28 A. No.  
29 Q. 168 Did you ever have a personal relationship with him?  
11:05:36 30 A. Never had a personal relationship with him. I had contact with him in

11:05:40 1 relation to, mainly was the Texas Home Care I think we went through that here  
2 quite a bit.

3 Q. 169 You did and I don't intend to go through it again, Mr. Fox. I think that was  
4 the late '80s, was it 1989?

11:05:54 5 A. It would have went from '89 to '92 into '92.

6 Q. 170 All right.?

7 A. Between, yeah, between different aspects of it. It could still be going on.

8 Q. 171 Was there a planning application involved?

9 A. Material contravention.

11:06:08 10 Q. 172 Sorry, yes. Did that succeed in 1990?

11 A. January '90. Then the whole development process, jobs, all of those type of  
12 things went on.

13 Q. 173 So you would have had more dealings in relation to Texas Homes with Mr. Dunlop  
14 up to 1992?

11:06:24 15 A. And others.

16 Q. 174 Pardon?

17 A. And other people, like.

18 Q. 175 And other people?

19 A. Yeah.

11:06:38 20 Q. 176 All right. But you never had -- you were never friends?

21 A. No. That's one thing we weren't.

22 Q. 177 All right. And so apart from Texas Homes did you have any other -- did you  
23 have a professional relationship with him?

24 A. Uh-huh. In, there was a a Module that was here out in Carrickmines.

11:06:53 25 Q. 178 Yes?

26 A. That we went through.

27 Q. 179 All right. How well did you know Mr. Dunlop, Mr. Fox?

28 A. I didn't know him other than meeting him through that period of time and how,  
29 you know, you get to know somebody.

11:07:15 30 Q. 180 Sorry, the period of time being?

11:07:18 1 A. From '89. I never knew him before he landed on my door.

2 Q. 181 Okay.

3 A. You know, unannounced in '89 I think it was.

4 Q. 182 All right.?

11:07:30 5 A. And then we'd some meetings, you know, between the Texas Home Care as I said,

6 you don't want to go into.

7 Q. 183 If we take 1993, for example. Would you have met him much in 1993?

8 A. I wouldn't have met him. I don't think I met him, had any contact with him as

9 such in '93.

11:07:50 10 Q. 184 All right. You don't think you'd any contact with him in 1993?

11 A. In '93, yeah.

12 Q. 185 Do you mean any contact at all?

13 A. Any contact? You might see him down around the Council. Like, you'd see him

14 there.

11:08:04 15 Q. 186 He was there regularly I think; isn't that right?

16 A. Well I'd be in and out, do you know. I was back in and out to work, like, do

17 you know.

18 Q. 187 All right. But you would have seen him regularly in the Council?

19 A. You'd see him there, yeah.

11:08:17 20 Q. 188 Would you not have spoken to him?

21 A. You might in passing but I, mean, that would be it...

22 Q. 189 Would that just be hello, nice day?

23 A. Could be.

24 Q. 190 You wouldn't have had chats with him?

11:08:32 25 A. No, not that I recall.

26 Q. 191 Mr. Dunlop has told the Tribunal that he met you most times he was down in the

27 Council?

28 A. Well, sure Mr. Dunlop has said lots of things.

29 Q. 192 Yes?

11:08:50 30 A. That's not true.

- 11:08:51 1 Q. 193 And that he met you is it in the Council chamber or outside the Council chamber  
2 also in the Fianna Fail room, also in the hotel?
- 3 A. As I said, he has said a lot of things. He has no specific things in his,  
4 where he met me or what he met me or whatever. That's going on since he said  
11:09:18 5 he used to call to my place of work. He never called to it in his life.  
6 Then he came in and said you couldn't see him in his place of work. And it's  
7 well known that anybody could come into my place of work, you know.
- 8 Q. 194 That's fine Mr. Fox. But that's the place of work. But he says specifically  
9 in his evidence that when he went down. I mean, if you agree he was a regular  
11:09:44 10 attender at the Council and he met you basically I think he said more or less  
11 every time he was down there he met you. Do you disagree with that?
- 12 A. Absolutely.
- 13 Q. 195 All right. You say that apart from just kind of bidding him hello?
- 14 A. Yeah.
- 11:10:22 15 Q. 196 That you would have had no conversations with him?
- 16 A. No.
- 17 Q. 197 At all?
- 18 A. At all, that I recall of.
- 19 Q. 198 All right. And that you'd no dealings with him?
- 11:10:34 20 A. No dealings with him, no.
- 21 Q. 199 You know Mr. Fox from the documents that you got from the Tribunal?
- 22 A. Yeah.
- 23 Q. 200 That you phoned Mr. Dunlop on a number of occasions in 1993 and left a message  
24 from him; isn't that right?
- 11:10:51 25 A. Yeah, it looks like I was returning calls there, yeah.
- 26 Q. 201 It looks what?
- 27 A. I possibly was returning a call.
- 28 Q. 202 Yes.
- 29 A. Because I get lots of calls and I would be returning calls.
- 11:11:03 30 Q. 203 So Mr. Dunlop was phoning you; is that right?

11:11:06 1 A. I would take it, it was, yeah.

2 Q. 204 Why do you say that? Why do you think he was phoning you, Mr. Fox?

3 A. Because I don't recall ringing him for any purpose.

4 Q. 205 Yes.

11:11:20 5 A. There.

6 Q. 206 Well, you say he rang you?

7 A. I would say so, yeah. I was returning a call.

8 Q. 207 All right. Yes. I would just like to go through some of the telephone

9 contacts. There's only some of them, Mr. Fox.

11:11:50 10 A. Sure.

11 Q. 208 Page 929, please.

12

13 You will see there at 10:44. Sorry. These are -- this page contains

14 telephone messages from -- telephone messages for Mr. Dunlop for Monday the 4th

11:12:07 15 of January, 1993. You will see at 10:44 Tony Fox please call him at 905270?

16 A. Yeah, I see that.

17 Q. 209 Now, I don't expect you to have a recollection of any particular telephone

18 conversation, Mr. Fox. But do you think that that was -- that you were

19 returning his call; is that right?

11:12:41 20 A. Yeah. Possible, yeah.

21 Q. 210 Why do you think that?

22 A. Well I'm saying I've left my number there for to call. That the person would

23 say where to call. So.

24 Q. 211 But in fact if he was phoning you?

11:13:01 25 A. Yeah.

26 Q. 212 And you returned his call, you'd hardly leave your number, would you, Mr. Fox?

27 A. I could possibly leave it yes.

28 Q. 213 You could?

29 A. Yeah.

11:13:11 30 Q. 214 But it's more likely, I suggest, that if you were phoning him and he wasn't

11:13:19 1 there and you left a message to say that you had phoned that you'd leave your  
2 number?  
3 A. Well it could be possible too.  
4 Q. 215 Yes. Why do you think that you were returning his call rather than you were  
11:13:31 5 phoning him?  
6 A. Well it would be mostly that I would be returning his call.  
7 Q. 216 Did you get many calls from him?  
8 A. I would have got a number of calls to there, they're outlined, you have some of  
9 them there.  
11:13:45 10 Q. 217 How often would you have got a call from Mr. Dunlop?  
11 A. You have a record of them there.  
12 Q. 218 No, no, I'm asking you, Mr. Fox.  
13 A. How many was there, five in a year.  
14 Q. 219 So, so sorry, can I correct, that Mr. Fox. I don't have a record of when Mr.  
11:14:01 15 Dunlop phoned you. I have a record of people phoning Mr. Dunlop and leaving a  
16 message?  
17 A. There would have been a number of phone calls during 1992, the Texas Home Care.  
18 that would have been the time, other than that I don't recall.  
19 Q. 220 We've agreed that is that was finished in the 1992 and we've moved into 1993?  
11:14:20 20 A. Yeah, yeah.  
21 Q. 221 So are you saying Mr. Dunlop was phoning you in 1993?  
22 A. He could have been.  
23 Q. 222 Well I'm not asking you if he could have been, Mr. Fox.?  
24 A. I don't recall any of them.  
11:14:31 25 Q. 223 But, Mr. Fox, sorry, just to press you a little bit on this. because you have  
26 said that you had no dealings in 1993 with Mr. Dunlop?  
27 A. Yeah.  
28 Q. 224 So, therefore, I suggest that you would remember whether he phoned -- I'm not  
29 talking about a one off telephone conversation.  
11:14:47 30 A. Yeah.

11:14:47 1 Q. 225 You would remember if he phoned you or if you phoned him on a number of  
2 occasions?  
3 A. Well I don't remember if he phoned me, or if I phoned him.  
4 Q. 226 Yes. Mr. Dunlop gave evidence to the Tribunal that you phoned him and that  
11:15:08 5 these phone calls would have been about the Development Plan?  
6 A. That I phoned him?  
7 Q. 227 Yes.  
8 A. Well, there was another issue that was going on and it's just in relation to,  
9 and I did ring him over time as well as that.  
11:15:25 10 Q. 228 Yes?  
11 A. On that.  
12 Q. 229 Yes?  
13 A. There was a community centre out in Rathfarnham.  
14 Q. 230 Has that anything to do with Texas Homes?  
11:15:35 15 A. Yeah.  
16 Q. 231 Sorry?  
17 A. It was part of that.  
18 Q. 232 But that's finished. We've dealt with that.  
19 A. Yeah but that didn't finish. I mean, that issue didn't finish. It was never  
11:15:48 20 resolved.  
21 Q. 233 You've told the three Members of the Tribunal a few moments ago. The dealings  
22 with Mr. Dunlop were completed in 1992?  
23 A. All the parts of the Texas Home Care building and development and all of those  
24 end of it you know.  
11:16:03 25 Q. 234 All right. Well, Mr. Fox, there's a telephone -- Mr. Dunlop has recorded a  
26 telephone message for you on the 4th of January?  
27 A. Yeah.  
28 Q. 235 Page 973.  
29  
11:16:24 30 On the 12th of January. At 2:15. The same number. Please call him. I

11:16:35 1 mean, surely, the message "please call him requesting" means that you are  
2 initiating the telephone communication, Mr. Fox.  
3 A. But I didn't write down that please call him, do you know, I mean?  
4 Q. 236 I appreciate that.  
11:16:48 5 A. I didn't, do you know.  
6 Q. 237 There seems a reasonable chance having left the telephone number, if it's  
7 please call him that you expected to be called.  
8 A. If he was looking for me I'd say you could ring me at that number. I didn't  
9 write down that message.  
11:17:02 10 Q. 238 All right. Again, so on the 12th of January.  
11  
12 Page 1, 000.  
13  
14 On the 26th of January. 12:25. Tony Fox. 905270 before one o'clock or  
11:17:20 15 tomorrow.  
16 A. Yeah.  
17 Q. 239 Page 1030.  
18  
19 12:30. Tony Fox.  
11:17:32 20 A. Just Tony Fox there, yeah.  
21 Q. 240 I am going to ignore page -- the 9th of March because I think Mr. Dunlop gave  
22 evidence that that phone call was more than likely in connection with Fox and  
23 Mahony. Sorry, it's still a communication about the thing.  
24 A. He's trying to contact me.  
11:17:51 25 Q. 241 In fact, if I could look at page 1048.  
26  
27 Telephone messages for Tuesday the 9th of March. Then if we go on to 1049.  
28  
29 3:55. 3:55 Tony Fox.  
11:18:21 30 A. Tony Fox, yeah.

11:18:21 1 Q. 242 And you see there, Mr. Fox, that at 3:40 it refers to Nora Owen and it says  
2 returning your call. And at 4:40 it says another person. And it says  
3 "returning your call". So I would suggest that if you were returning Mr.  
4 Dunlop's call, that message -- that would be noted beside the phone number in  
11:18:42 5 your case as well.  
6 A. I don't know whether it could have been or not.  
7 Q. 243 All right. And 1095.  
8  
9 The 31st of March 1993. 11:15. Tony Fox.  
11:18:59 10  
11 And 1347.  
12  
13 The 29th of September 1993. 10:27. Tony Fox. Your number. "Said F D  
14 would know what it was about". Would you have any idea on the 29th of  
11:19:20 15 September. We know the confirming vote was shortly before that, just to put  
16 it in context. You left a message saying that Mr. Dunlop would know what it  
17 was about.  
18 A. No.  
19 Q. 244 That's clearly a phone call that you were initiating; isn't that right?  
11:19:35 20 A. I think we dealt with that before did we some time here.  
21 Q. 245 I don't know about that Mr. Fox. Do you have any recollection of what that  
22 phone call was about?  
23 A. No.  
24 Q. 246 All right. Now, what I'm just putting to you generally. They are the  
11:19:50 25 telephone communications?  
26 A. Yeah.  
27 Q. 247 They are messages record in the Mr. Dunlop's office about you phoning?  
28 A. They are written by him or by whoever.  
29 Q. 248 Yes. Now, are you saying, Mr. Dunlop says that they were about the  
11:20:04 30 Development Plan. Are you saying that they were about something else?

11:20:08 1 A. He could have been trying to contact me about that but I'm saying I don't  
2 recall any contact about anything in that time.

3 Q. 249 All right. So, okay, say he was contacting you?

4 A. Yeah.

11:20:21 5 Q. 250 On whatever number, I can't remember, whatever page it is. Did you never  
6 actually get through to him. I mean, when you returned the call. If he made  
7 the first phone call and you phoned back did you never actually make contact?

8 A. No, I don't remember making contact with him.

9

11:20:41 10 Q. 251 CHAIRMAN: Mr. Fox, you said to us earlier this morning that you had no  
11 contact with him.

12 A. That's right.

13

14 CHAIRMAN: Other than to see him in passing.

11:20:49 15 A. Yeah.

16

17

18 Q. 252 CHAIRMAN: That you had no contact with him in 1993. And I understood that  
19 to mean that you didn't discuss anything about him and that you weren't in  
20 telephone contact with him or attempting to contact him by telephone or him  
21 you.

11:21:01 22 A. Well, Chairman, it wouldn't be telephone. People could ring you. Contact in  
23 the context of any dealings or contacts. I had no dealings with Mr. Dunlop in  
24 '93.

11:21:18 25

26

27 Q. 253 CHAIRMAN: But if those records are accurate. And we don't know for certain  
28 if they are. But they apparently were noted by his secretary, as calls to his  
29 office when he wasn't there or was otherwise engaged. But if we assume for  
11:21:41 30 the moment that they are reasonably accurate as to indicate who was making

11:21:47 1 contact, for whatever reason?

2 A. Yeah.

3

4

11:21:50 5 Q. 254 CHAIRMAN: That would suggest that there was quite a bit of contact between

6 yourself and Mr. Dunlop in 1993.

7 A. Yeah well the phone calls would suggest that.

8

9

11:22:02 10 Q. 255 CHAIRMAN: Yes. But that's what I'm saying --

11 A. If they're accurate. What do you call it? In relation to -- I had no contact

12 with him in relation to meetings or anything of that sort.

13

14

11:22:17 15 Q. 256 CHAIRMAN: But, I mean, does that mean that you had contact with him, in

16 relation to other matters?

17 A. Well I don't recall. Like, I mean, as I said. It looks like I was returning

18 calls there to me.

19

11:22:30 20

21 Q. 257 CHAIRMAN: But you were'nt, as we understand your evidence and it has been

22 always to this effect. That you didn't have a personal, sort of friendly,

23 relationship with him?

24 A. That's true, yeah.

11:22:41 25

26

27 Q. 258 CHAIRMAN: There was contact with you, as you've indicated to the Tribunal

28 before, in relation to the business of the council and Texas Home Care.

29 A. Yeah.

11:22:52 30

11:22:52 1

2 Q. 259 CHAIRMAN: So it was a sort of a semi professional contact, as it were, rather

3 than a personal friendship contact?

4 A. Yeah.

11:23:01 5

6

7 Q. 260 CHAIRMAN: So can we take it that if there were calls between you and Mr.

8 Dunlop, it was either him attempting to -- either you returning a call from

9 him. Or you initiating a call but it was likely to have been in relation to,

11:23:17 10 if these calls did take place, they were likely in relation to the business of

11 the council. That doesn't suggest that?

12 A. Yeah.

13

14

11:23:25 15 Q. 261 CHAIRMAN: That there was anything wrong with that?

16 A. I know that, yeah.

17

18

19 Q. 262 CHAIRMAN: But that it wasn't you ringing him up or him ringing you up to ask

11:23:43 20 to you lunch or a drink or something like that?

21 A. No, no it wouldn't be anything like that.

22

23

24 Q. 263 CHAIRMAN: That it was something to do with the council?

11:23:43 25 A. Yeah.

26

27

28 Q. 264 CHAIRMAN: So do you think that you had this level of contact with Mr. Dunlop?

29 A. No, I don't think.

11:23:46 30

11:23:46 1

2 Q. 265 CHAIRMAN: As the calls might indicate?

3 A. No, absolutely not. That's what I'm saying. I didn't have that.

4

11:23:53 5

6 Q. 266 JUDGE FAHERTY: Why are you so adamant that you hadn't, Mr. Fox?

7 A. Because them calls there would have been returning calls. I didn't get if he

8 was looking for me, do you know.

9

11:24:03 10

11 Q. 267 JUDGE FAHERTY: Assume he was looking for you.

12 A. Yeah.

13

14

11:24:06 15 Q. 268 JUDGE FAHERTY: If you say that was likely, so be it. But you were returning

16 calls?

17 A. I was, yeah.

18

19

11:24:10 20 Q. 269 JUDGE FAHERTY: And these records, as it has been said before, only record,

21 obviously, attempts by you to contact Mr. Dunlop that were unsuccessful in that

22 you were leaving a message.

23 A. Yeah.

24

11:24:22 25

26 Q. 270 JUDGE FAHERTY: And obviously it's not known whether or not obviously there's

27 no record of any -- Mr. Dunlop has said he has no record of any contacts

28 anybody would have made with him because obviously the telephone call would

29 ensue and that would be the end of it.

11:24:39 30 A. Yeah.

11:24:39 1  
2  
3 Q. 271 JUDGE FAHERTY: Why are you so adamant that he wouldn't have -- you had a  
4 history with Mr. Dunlop going back to the Texas Home Care going back from 1989  
11:24:47 5 to 1992; isn't that right?  
6 A. That's right.  
7  
8  
9 Q. 272 JUDGE FAHERTY: You also were involved in Paisley Park you signed a motion,  
11:24:54 10 did you not?  
11 A. Not in Paisley Park.  
12  
13  
14 Q. 273 JUDGE FAHERTY: Fox and Mahony. Saint Gerrard's in Bray.  
11:25:02 15 A. No, I didn't sign that either.  
16  
17  
18 Q. 274 JUDGE FAHERTY: But you had contact with him  
19 A. No, I had no contact. It was the other one, Jackson Way was it?  
11:25:12 20  
21  
22 Q. 275 JUDGE FAHERTY: There was a motor way motion I thought.  
23  
24 MS. DILLON: The Southeastern motorway. In that you had in Carrickmines 1.  
11:25:19 25  
26 JUDGE FAHERTY: That's what I'm talking about. Yes, that's the one I'm  
27 talking about. It was Carrickmines 1. My apologies, Mr. Fox. To change  
28 the recommendation of the line of the motorway.  
29 A. But he had nothing to with me on that.  
11:25:34 30

11:25:34 1

2 Q. 276 JUDGE FAHERTY: I see.

3 A. That's true. It was a different, on the line of the motorway.

4

11:25:42 5

6 Q. 277 JUDGE FAHERTY: Fair enough.

7 A. I didn't sign a motion.

8

9

11:25:47 10 Q. 278 JUDGE FAHERTY: You had no discussions on the Development Plan or any vote

11 with Mr. Dunlop?

12 A. The line of the motorway was a different, signing for different people.

13

14

11:26:02 15 Q. 279 JUDGE FAHERTY: We'll park that for the moment. Just go back to the general

16 question. You are saying that you had no contact with Mr. Dunlop in 1993.

17 You accept that there's records hereof you attempting to contact him?

18 A. Not that I'm aware of. I had no contact with Mr. Dunlop on anything.

19

11:26:21 20

21 Q. 280 JUDGE FAHERTY: Because Mr. Dunlop has said that he spoke to you in the

22 vicinity of the County Council.

23 A. But not on any -- not on any issues.

24

11:26:33 25

26 Q. 281 JUDGE FAHERTY: And what did he speak to you about if it wasn't on?

27 A. Because I said to you. I don't know what your name is sorry...

28 Mr. Murphy earlier. That you could be, you could say hello to him in passing

29 or whatever, do you know.

11:26:50 30

11:26:50 1

2 Q. 282 JUDGE FAHERTY: So you were saying that you never spoke to Mr. Dunlop on any  
3 issue about the making the Development Plan?  
4 A. In '93?

11:27:00 5

6

7 Q. 283 JUDGE FAHERTY: Yes.  
8 A. Not that I'm aware of.  
9

11:27:02 10

11 Q. 284 JUDGE FAHERTY: So can you account, why would you be leaving your number for  
12 him in 1993 on a number of occasions?  
13 A. Well that's where --  
14

11:27:10 15

16 Q. 285 JUDGE FAHERTY: Assuming the records are correct obviously Mr. Fox. Can you  
17 account for that?  
18 A. If he had rang me.  
19

11:27:16 20

21 Q. 286 JUDGE FAHERTY: That's fair enough.  
22 A. I have no problem with that.  
23  
24

11:27:19 25 Q. 287 JUDGE FAHERTY: I premised that. But you were making contact with him?  
26 A. Yes.  
27  
28

29 Q. 288 JUDGE FAHERTY: Yes.  
11:27:27 30 A. As I said, most probably from a call that was coming from him.

11:27:31 1  
2  
3 Q. 289 JUDGE FAHERTY: But Mr. Murphy has put it to you that some of them would  
4 suggest that you were the initiator of the phone call. You don't accept that,  
11:27:40 5 is that what you're saying?  
6 A. Well I don't recall it.  
7  
8 JUDGE FAHERTY: I see.  
9  
11:27:44 10  
11 Q. 290 JUDGE KEYS: Mr. Fox, can I ask you one thing. Does that mean there could  
12 have been contact. All of these telephone communications could have been made  
13 but you just don't recall it. It's not that they didn't happen. Just that  
14 you don't recall it?  
11:27:57 15 A. I'm not saying I didn't make them calls.  
16  
17  
18 Q. 291 JUDGE KEYS: Just for record purposes.  
19 A. Yeah.  
11:28:02 20  
21  
22 Q. 292 JUDGE KEYS: You say at times I have no recollection or I don't recall it.  
23 What do you mean by that? Are you saying when questions are put to you that  
24 when you say I don't recollect. Are you saying that a particular situation or  
11:28:19 25 a particular call did not occur when you say I don't recall it? What do you  
26 mean by I don't recall it in that sense? Just for the record purposes I'd like  
27 to have that clarified with you.  
28 A. That I could have made the call. It would be obvious that I made the call.  
29 If that message that's written down is correct.  
11:28:32 30

11:28:32 1

2 Q. 293 JUDGE KEYS: Well then can I take it that for the balance of your evidence  
3 where you say I don't recall, I have no recollection. You are not saying that  
4 events, such as communication with Mr. Dunlop didn't happen? They could have  
11:28:45 5 but you just have no recollection. Is that correct?

6 A. It could have happened, yeah.  
7  
8

9 Q. 294 JUDGE KEYS: Well do you have any reason to doubt the accuracy of the  
11:28:55 10 telephone records of Mr. Dunlop?

11 A. I don't.  
12  
13

14 Q. 295 JUDGE KEYS: Well would you accept that on the balance of probability that  
11:29:03 15 they probably are accurate?

16 A. They could be probably, yeah.  
17  
18

19 Q. 296 JUDGE KEYS: Well here we go. They are or they're not. Do you think on the  
11:29:12 20 balance of probability they are accurate?

21 A. I'd say that they do.  
22  
23

24 Q. 297 JUDGE KEYS: They probably do, okay. Well doesn't that suggest -- or I go  
11:29:21 25 further and say establishes that you did have contact with Mr. Dunlop in 1993?

26 A. Well it would suggest that I had contact by telephone, yeah.  
27  
28

29 Q. 298 JUDGE KEYS: And that in all probability any contacts would relate not to  
11:29:40 30 matters of a social topic, because you weren't socially, on your own evidence,

- 11:29:47 1 you weren't friendly with him. But it must have something to do with you as a  
2 councillor; is that correct? On the council?
- 3 A. Yes, yes.  
4
- 11:29:56 5
- 6 Q. 299 JUDGE KEYS: So then, can we accept that your evidence in relation to what you  
7 suggested to me was a lack of actually -- I think you went so far as to say no  
8 contact in 1993. That that is not true?
- 9 A. Well what I was asked the question. I was taking it as if I had the contact  
11:30:14 10 physically. Like, I mean, say you had a meeting with him or contact in that.  
11  
12
- 13 Q. 300 JUDGE KEYS: Contact can mean physical it can mean over the phone. Business  
14 can be done over the phone.
- 11:30:25 15 A. Oh, all right.  
16  
17
- 18 Q. 301 JUDGE KEYS: You certainly painted a picture to me. I may be wrong.  
19 Correct me if I am wrong. That you literally had no contact, physical or  
11:30:35 20 otherwise, with Mr. Dunlop, for the year 1993?
- 21 A. Well on the grounds I'm saying that I had no -- I took it as the question was.  
22 That it was in relation to had I any meetings or anything like that with him.  
23  
24
- 11:30:50 25 Q. 302 JUDGE KEYS: Well what about conversations relating to voting and motions to  
26 come up in relation to the -- Development Plan?
- 27 A. I had no discussions with him about motions or things coming up.  
28  
29
- 11:31:03 30 Q. 303 JUDGE KEYS: Well can you explain what all of these contacts were about then,

11:31:08 1 these efforts?

2 A. I don't know.

3

4

11:31:09 5 Q. 304 JUDGE KEYS: You don't know?

6 A. I don't recall them and I don't know whether there was contact made with him.

7 I don't know whether -- there was no contact made by them calls there.

8

9

11:31:18 10 Q. 305 JUDGE KEYS: I see. Thank you very much.

11

12 JUDGE FAHERTY: Just apropos what Judge keys is asking you about, Mr. Dunlop.

13 There was one record on the 29th of September. It said Frank Dunlop would

14 know what it was about. Now, that message is recorded I think by his

11:31:36 15 secretary at page 1347 I think. That's there isn't it? Yes. Do you see

16 that?

17 A. I do, yeah.

18

19

11:31:43 20 Q. 306 JUDGE FAHERTY: And that would indicate some knowledge on the part of Mr.

21 Dunlop about something you had an interest in.

22 A. The only --

23

24

11:31:58 25 Q. 307 JUDGE FAHERTY: This is not -- I don't know. But pre suppose a discussion

26 prior to that message or a contact between you and him prior to that message,

27 Mr. Fox.

28 A. Well the only thing that was outstanding with Mr. Dunlop was and it's mentioned

29 here a good number of times, was the community centre that we were, that he had

11:32:20 30 promised the community. And that it was a follow-up at times because I was

- 11:32:27 1 involved at that, you know.  
2  
3 JUDGE FAHERTY: Thank you.  
4
- 11:32:32 5  
6 Q. 308 MR. MURPHY: Mr. Fox, I'm not clear on this. Is it your evidence. I think  
7 I've counted seven telephone messages here. That those attempts at telephone  
8 communication died?  
9 A. Yeah. I mean, there was no contact with him.
- 11:32:47 10 Q. 309 Right. So that you weren't -- so, in other words, either he phoned -- either  
11 you were returning his call on seven occasions in 1993?  
12 A. Yeah.
- 13 Q. 310 Or you were phoning him on seven occasions in 1993 but that you never actually  
14 made contact. Is that what you were saying?  
15 A. Yeah, there was no contact there.
- 16 Q. 311 Even though you're saying that maybe Texas Homes would have been a reason for  
17 communicating?  
18 A. That's right, yeah.
- 19 Q. 312 Well surely if there was the slightest possibility that it was a Texas Home  
11:33:24 20 communication you'd have made sure that you got in contact with him?  
21 A. Well I did try, at different times.
- 22 Q. 313 Is there some reason, Mr. Fox, why you don't want to be associated with contact  
23 with Mr. Dunlop in 1993?  
24 A. No, absolutely not.
- 11:33:43 25 Q. 314 There would be nothing wrong with Mr. Dunlop contacting you; isn't that right?  
26 A. I said that before. Nor anybody else.
- 27 Q. 315 There would be nothing wrong with Mr. Dunlop lobbying you for support for this  
28 motion or for any other motion; isn't that right?  
29 A. That's true.
- 11:34:05 30 Q. 316 Mr. Dunlop has told the Tribunal, in this Module, he gave evidence last week.

11:34:10 1 He gave evidence to the effect that he more or less contacted every councillor.  
2 I think perhaps those that there was no point in, were not lobbied. But  
3 almost every councillor was lobbied?  
4 A. Yeah.  
11:34:22 5 Q. 317 Did he lobby you?  
6 A. No. Not that I -- as I've said before I don't recall any lobbying.  
7 Q. 318 You don't recall Mr. Dunlop?  
8 A. Or any person.  
9 Q. 319 Just leave out, if you don't mind Mr. Fox, just for a second. Could we just  
11:34:41 10 concentrate on Mr. Dunlop. You don't recall Mr. Dunlop contacting you and  
11 discussing with you any lands the subject matter of a motion for the  
12 Development Plan?  
13 A. I do.  
14 Q. 320 You do?  
11:34:59 15 A. Recall.  
16 Q. 321 You do recall?  
17 A. I mean, we discussed different ones there. I mean, you know, we've already  
18 went through the out in Carrickmines.  
19 Q. 322 Yes. So you discussed motions for rezoning in connection with the Development  
11:35:16 20 Plan with Mr. Dunlop, is that right?  
21 A. Yeah.  
22 Q. 323 Well, I'm sorry, Mr. Fox, I understood you to tell the Tribunal that you had  
23 no dealings with Mr. Dunlop and you didn't have any discussions with him in  
24 1993.  
11:35:30 25 A. That's right, yeah.  
26 Q. 324 Can you reconcile those two positions for me, please?  
27 A. Because the motion I'm talking about wasn't in 1993.  
28 Q. 325 I see. In relation to the lands that -- in respect of which there were  
29 motions for rezoning in 1993, Mr. Fox. Did you have -- were you lobbied, was  
11:35:58 30 your support sought by Mr. Dunlop?

11:36:01 1 A. No.

2 Q. 326 So Mr. Dunlop did not approach you in respect of any rezoning motion in 1993?

3 A. As I said, not that I'm aware.

4 Q. 327 Well could we just, coming back to the point I think Judge Keys was making a

11:36:26 5 moment ago. Could you just say yes or no to that Mr. Fox?

6 A. No.

7 Q. 328 No. It was that other -- when was that other discussion that you're talking

8 about, that you discussed a moment ago?

9 A. It would have been '92.

11:36:39 10 Q. 329 '92. All right. Was that the only other instance of a discussion with him

11 in relation to the rezoning?

12 A. Yeah, that's what I recall, yeah.

13 Q. 330 All right. And did Mr.-- which lands were those?

14 A. They were Paisley.

11:36:57 15 Q. 331 Paisley.

16

17 CHAIRMAN: Paisley Park.

18

19 MR. MURPHY: Paisley Park. So did Mr. Dunlop seek your support for in

11:37:05 20 respect of Paisley Park?

21 A. He did, yeah. In 1992 yeah. I think it was '92 was it?

22

23

24 Q. 332 JUDGE FAHERTY: I think the record will show, Mr. Murphy, that there was a

11:37:17 25 vote in June 1992, Paisley Park.

26

27 MR. MURPHY: Thank you. But apart from that approach by Mr. Dunlop in 1992.

28 He never approached you again in relation to any rezoning motion. Is that

29 your evidence?

11:37:32 30 A. Yeah. And I've no recollection that he did. That's my evidence, yeah.

11:37:37 1 Q. 333 You have no recollection that he did mean that he didn't?  
2 A. Yeah.  
3 MS. SMITH: With respect Chairman, on behalf of Mr. Fox. He said he doesn't  
4 recall. It appears as if Mr. Murphy is putting words in his mouth beyond  
11:37:50 5 that. One doesn't recall. To answer a question in that manner. to move  
6 from I don't recall to yes or no and Mr. Murphy is insisting on that answer.  
7 I'm just asking the Tribunal to make a ruling on that.  
8  
9 CHAIRMAN: Well if he says he doesn't recall. It doesn't necessarily mean  
11:38:06 10 that it didn't happen. That's as we understand it. All right?  
11 MS. SMITH: Thank you, Chairman.  
12  
13  
14 Q. 334 MR. MURPHY: Does that mean that Mr. Dunlop could have spoken to you about  
11:38:20 15 other rezoning motions in relation to 1993?  
16 A. As I said, I don't recall.  
17 Q. 335 All right Mr. Fox, I just for a moment want to put to you -- Mr. Fox, in  
18 relation to Jackson Way. Did you say that you didn't sign the motion in that  
19 case?  
11:39:19 20 A. No, I never said that.  
21  
22  
23 Q. 336 JUDGE FAHERTY: No, he didn't say that.  
24 A. I think Ms. Dillon is mixed up with that one and the line of the motorway, the  
11:39:35 25 golf course. Do you remember that?  
26  
27 Q. 337 MR. MURPHY: Did you deny earlier that you signed any motion?  
28  
29 MS. SMITH: With respect, Chairman. I don't wish to interrupt again. I  
11:39:47 30 don't think that's what Mr. Fox said.

11:39:49 1 A. I said that he had nothing to do with the line of the motorway.

2

3 JUDGE FAHERTY: Somebody else.

4

11:39:57 5

6 Q. 338 MR. MURPHY: Mr. Fox, I just want to put to you something Mr. Dunlop said the  
7 other day.

8

9 It's day 625. Page 46, please.

11:40:11 10

11

12

13 CHAIRMAN: Well you can go ahead and put it to him. It take as couple of  
14 minutes to get the transcripts up.

11:40:45 15

16

MR. MURPHY: Thank you, Chairman.

17

18

19 Ms. Dillon asks at question 77 Mr. Dillon asked Mr. Dunlop

11:40:52 20

21

Q: "And do you actually remember asking councillor Fox for his support for the  
Lissenhall lands?"

22

A: Yes, I do.

23

Q: Can you outline to the Tribunal what has caused this, you to remember this  
24 in view the fact that when you initially told the Tribunal about the developers  
25 who had paid you you couldn't even remember the development itself?

11:41:10 25

26

A: Well because as I've said to you five minutes ago, councillor Fox was and I  
27 don't want to be dismissive about this, but was one of my regulars. He was  
28 one of the people that I always went to and sought his support and did so on  
29 this occasion and in the past and again in future modules."

11:41:29 30

11:41:29 1 Mr. Fox, what do you say about that, please?

2 A. I absolutely say it's outrageous. It's not a fact.

3 Q. 339 Yes?

4 A. And I would also say too that I never ever got any money from Mr. Dunlop!

11:41:43 5 Q. 340 Yes.

6 A. And I would also like to say that I never asked him. He has continuously come

7 in here saying that I asked him for money. I never asked him for money. I

8 never took money from him. I absolutely categorically deny and refute all his

9 allegations that he has made here against me. It's out -- it's absolutely

11:42:09 10 outrageous for what he is saying. And the effect that it has on my family.

11 And I can say to you that he never ever or did I ever ask him for money. I

12 would never do a thing like that. I have worked for the community. I have

13 worked and reared my family and my wife and we live in a modest home. We have

14 a modest lifestyle. And for him to be coming in here and saying that I asked

11:42:44 15 him for money is an absolutely outrageous statement. And it is absolutely not

16 true. The Tribunal have gone through the family, the whole lot of it in

17 relation to, Chairman, I think. And the effect that it has on my family, my

18 wife, my children. One of my daughters were in here last week or two weeks

19 ago. And it's absolutely terrifying what this is doing to my family and the

11:43:12 20 children. And I can honestly and truthfully tell you that I got no money

21 from Mr. Dunlop. And what he is telling here is absolutely untrue. And

22 there is not one penny of my money in relation to my children. I mean, it's

23 just outrageous that's what's going on and the effect that it is having on our

24 life in relation to it and my family and children. And I've worked very, very

11:43:49 25 hard overall of those years for the council. Worked for the community.

26 Worked for -- and did everything best in the community. And for just to be

27 coming in here willy-nilly every time, every time the same statement, pluck it

28 out of the head, pluck it out of the sky, oh councillor Fox, someone else. Do

29 more dead people and that type of thing. I mean, it's a, I don't know whether

11:44:20 30 he thought I was dead or not because there was an announcement in 2000 on RTE,

11:44:27 1 one of the programmes, deceased, councillor Fox. Maybe he put that on his  
2 list at the time and thought he could do this. But I can honestly say to you  
3 that what is happening and what is going on is absolutely untrue. The  
4 council, the Tribunal is going through my bank account. Went through and all  
11:44:49 5 of the family in relation to it. And I can tell you that there is nothing in  
6 my childrens' accounts, nothing. And they are going through this huge, huge  
7 pressure in relation to it. And where is any evidence? Where is this, it's  
8 down around the Council. It's so and so place. He's given a month before  
9 and a month after the dates in relation to, was it between? Was it this time?  
11:45:31 10 Was it the other time? Was it then before or after? I mean, there is  
11 absolutely nothing specific about what he is saying other than oh, yeah I did  
12 that, I did whatever. I mean, that's what has been going on. And we, this  
13 is going on for years and the effect, as I said, Chairman, on my family and the  
14 children as well as in a. I mean, it's just unbelievable as I said, we have a  
11:45:57 15 modest lifestyle. We live in a modest home. And this is what's coming on  
16 all of the time. Like, I mean, I have to come in here. And it's about a  
17 meeting. It's about a phone call. It's about this. It's about his  
18 allegations here to turn around and say that he gave me money. That I asked  
19 him for money. I mean, if I wasn't in. If them allegations weren't there I  
11:46:22 20 would say that I wouldn't be in here. And I want to make it quite clear that  
21 that is what happened. I never, never asked him for money! I never, never  
22 took money off him! And that is the fact. So.  
23  
24

11:46:47 25 Q. 341 MR. MURPHY: Mr. Fox, in the extract that I've just read out to you from Mr.  
26 Dunlop's evidence there is no mention of money.

27 A. It's in his allegation that was written to me by the Tribunal.

28 Q. 342 I know --

29 A. An allegation that he gave me 1,000 pounds. He didn't think about it then it  
11:47:05 30 was 5,000 then it was 3,000 that he got from the what do you call it and he

11:47:10 1 gave out 3,000. Then it ended up that he got what was it 27 or 30,000 fees on  
2 it. The Ballycullen 60,000. Then he put two names. Say he had the 27 how  
3 names would he have put to it. This is the game that he's doing. I mean, in  
4 relation to justify what he's doing with his monies in relation to. Trying to  
11:47:44 5 off-load it on unfortunate people.

6  
7 CHAIRMAN: All right. Well I think it might be an appropriate time to take a  
8 ten minute break. All right?

9

11:48:10 10

11 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**

12 **AND RESUMED AS FOLLOWS:**

13

14 Q. 343 MR. MURPHY: Thank you, Chairman.

12:04:21 15

16 Mr. Fox, just before the break. The contact from Mr. Dunlop that I put to you  
17 was really about his contacting you and looking for support. And he said that  
18 you were one of the people that he always went to and sought his support and  
19 sought your support. You don't agree with Mr. Dunlop. Mr. Dunlop always  
12:04:39 20 went to you, leave out the money for a second. Always went to you and sought  
21 your support for --

22 A. I don't agree I don't agree.

23 Q. 344 And in fact, you are saying that in 1993 he never did?

24 A. That's right, yeah.

12:04:55 25

26 Q. 345 Yes. Further on he says that, and I was going to read it out to you and I  
27 think I won't now, Mr. Fox. He said that you requested -- on each occasion  
28 you requested money from him. And he gave that money. And in another place,  
29 I think it might have been in response to your counsel. He said that he paid  
30 you 1,000 pounds in cash in this particular Module. And he is not sure was it  
12:05:24 before the vote or after the vote.

- 12:05:27 1 A. As I said before.
- 2 Q. 346 Yes?
- 3 A. Yeah. I mean, I went through that.
- 4 Q. 347 Yes?
- 12:05:31 5 A. He has given these months prior and these months after the minutes.
- 6 Ridiculous.
- 7 Q. 348 Yes. And you say you did not ask for any money from Mr. Dunlop and you didn't
- 8 receive any money from him?
- 9 A. Absolutely.
- 12:05:46 10 Q. 349 All right. As far as I'm aware, Mr. Fox, in relation to the people who Mr.
- 11 Dunlop says asked for money and he gave money to you. Their response is that
- 12 it was a political donation. As far as I'm aware you are the only person who
- 13 says that you didn't receive any monies at all.
- 14 A. Yeah, because I didn't.
- 12:06:13 15 Q. 350 Yes. And if that is correct, that you didn't.
- 16 A. Yeah.
- 17 Q. 351 Then Mr. Dunlop must be making this up; isn't that right?
- 18 A. Absolutely.
- 19 Q. 352 Yes. I'm sure you've thought about this over the years. Can you think of
- 12:06:31 20 any reason why Mr. Dunlop would make this up about you?
- 21 A. I don't know why he's picking on me. As I said, in relation to it.
- 22 Q. 353 Would you agree that there'd have to be a reason to make such a serious
- 23 allegation against somebody?
- 24 A. There would have to be what?
- 12:06:53 25 Q. 354 That there'd have to be such a reason for making such a serious allegation
- 26 against somebody, if it wasn't true?
- 27 A. It could be. It could be just his way of trying to dispose of monies to
- 28 off-load a lot of money that he wants to off-load in relation to tax, I don't
- 29 know.
- 12:07:16 30 Q. 355 But, Mr. Fox, I suggest to you that that's a little bit convenient of an

12:07:16 1 answer. Because in respect of the other people. They don't say they didn't  
2 get it. They say they got it by way of a political contribution.  
3 A. But I didn't get anything. I want to make that clear to you.  
4 Q. 356 I understand that. You told us that before the break, Mr. Fox.?  
12:07:30 5 A. Yeah.  
6 Q. 357 But just can you think of any reason why Mr. Dunlop would make this up in  
7 relation to you? I mean, has he got -- are you aware of any grudge he has  
8 against you or did you do him any wrong in the past that he would want to get  
9 you back?  
12:07:48 10 A. I don't recall any grudge or anything that. I don't know the reason why it  
11 is. I don't know what's in the man's head. Why he'd do this thing or why he  
12 would do anything. And that's a question for him.  
13 All right. Thank you, Mr. Fox.  
14  
12:08:05 15 CHAIRMAN: All right. Do you want to ask your client any questions?  
16  
17 MS. SMITH: No, Chairman.  
18  
19 Q. 358 JUDGE KEYS: Mr. Fox, could I just ask you just one thing.  
12:08:21 20  
21 Did you know at the time that Mr. Dunlop was giving political donations to your  
22 fellow councillors?  
23 A. No.  
24  
12:08:27 25  
26 Q. 359 JUDGE KEYS: You didn't know at all?  
27 A. No.  
28  
29 JUDGE KEYS: And would the councillors ever discuss among themselves who they  
12:08:38 30 Q. 360 Found as generous donors of monies towards political -- towards elections?

12:08:46 1 A. I never heard of it. Never.  
2  
3  
4 Q. 361 JUDGE KEYS: Did you ever hear of anybody paying a political donation to any  
12:08:57 5 of your fellow councillors at all during your whole time as a councillor, which  
6 goes become to 1985; is that correct?  
7 A. Paying?  
8  
9  
12:09:08 10 Q. 362 JUDGE KEYS: Paying a donation, not just by Mr. Dunlop. By anybody. Did  
11 you ever hear any of your colleagues say saying well I got a very generous  
12 political donation from Mr. X?  
13 A. No, no.  
14  
15  
12:09:22 16 Q. 363 JUDGE KEYS: Never?  
17 A. No.  
18  
19  
12:09:24 20 Q. 364 JUDGE KEYS: Does everybody keep it a secret as to who contracts to?  
21 A. I don't know whether you'd call it a secret. It's probably their business.  
22  
23  
24 Q. 365 JUDGE KEYS: I appreciate that. I would have thought that you'd have some  
12:09:37 25 very friendly colleagues who are councillors, I take it; isn't that correct?  
26 A. Colleagues yeah, of course I have.  
27  
28  
29 Q. 366 JUDGE KEYS: And I take it that you would discuss among yourselves the expense  
12:09:50 30 of elections and so forth. Would, that be correct?

12:09:52 1 A. No.  
2  
3  
4 Q. 367 JUDGE KEYS: You'd never discuss among yourselves the expense, the amount of  
12:09:57 5 monies that you have to spend when an election comes up?  
6 A. It's on record now the amount that you spend.  
7  
8  
9 Q. 368 JUDGE KEYS: I know that. Did you ever as a friendly discussion with some of  
12:10:07 10 your colleagues say, it's getting very expensive every time I have to go up for  
11 an election. I'm just wondering whether any discussion ever takes place among  
12 yourselves as to the difficulty in trying to fund an election.  
13 A. Yeah, that discussion is in relation to and people have fund raisers and a  
14 race night and whatever, people would be doing that.  
12:10:29 15  
16  
17 Q. 369 JUDGE KEYS: Precisely that. And you would discuss among yourselves I take  
18 it the best way to approach fundraising project; would that be correct?  
19 A. Most people say run a race night or whatever. That's what happens.  
12:10:43 20  
21  
22 Q. 370 JUDGE KEYS: And never within those discussions nobody mentioned to you was it  
23 through your, 20 or 30 years nearly now as a councillor as to who might be a  
24 generous contributor?  
12:10:57 25 A. They probably wouldn't tell you anyway. In case you went to them yourself.  
26  
27  
28 Q. 371 JUDGE KEYS: I see. So I take it that discussion never took place? You never  
29 heard from any of your colleagues never ever?  
12:11:10 30 A. Not that I recall. I'm saying I just can't imagine people giving out their,

12:11:16 1 you know, the people they would get a few political donations from.  
2  
3  
4 Q. 372 JUDGE KEYS: Did you ever approach anybody personally for a political  
12:11:24 5 donation?  
6 A. Personally.  
7  
8  
9 Q. 373 JUDGE KEYS: Yes.  
12:11:27 10 A. Yes.  
11  
12  
13 Q. 374 JUDGE KEYS: And do you know the people who you approached whether they've  
14 been approached by any other councillors?  
12:11:34 15 A. Well I wouldn't ask them. I mean, I wouldn't go into that. Why would I want  
16 to know it even for?  
17  
18  
19 Q. 375 JUDGE KEYS: No. I just find being so long on the Council that nobody seems  
12:11:46 20 to know who pays donations to who. That's why I'm just a bit surprised that  
21 with a small group of councillors sitting for such a long period of time that  
22 it didn't come to light as to who was supporting the democratic system like  
23 companies or wealthy landowners even.  
24 A. Well, as I said to you --  
12:12:09 25  
26 JUDGE KEYS: Nobody never discussed at all. I see. Thank you very much.  
27  
28 CHAIRMAN: Thank you very much.  
29 Can thank you very much, Chairman. Thanks, Mr. Murphy. Am I finished?  
12:12:21 30

12:12:21 1 CHAIRMAN: Yes. Certainly. Thank you for attending.

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12:12:25 5 **THE WITNESS THEN WITHDREW.**

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12:12:26 10 MR. MURPHY: Mr. Tim Rowe, please.

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12:12:29 1 **MR. TIM ROWE, HAVING BEEN SWORN, WAS EXAMINED**  
2 **AS FOLLOWS BY MR. MURPHY AS FOLLOWS:**  
3  
4 CHAIRMAN: Good afternoon, Mr. Rowe.  
12:12:57 5 Good afternoon.  
6  
7 Q. 376 MR. MURPHY: Good afternoon, Mr. Rowe.  
8  
9 Mr. Rowe, I think you are a qualified architect?  
12:13:05 10 A. Yeah.  
11 Q. 377 I think in 1988, 1989 you were working for a firm called Pilgrim Associates; is  
12 that right?  
13 A. That's correct.  
14 Q. 378 Who describe themselves as architects designers?  
12:13:17 15 A. That's right.  
16 Q. 379 Were there four directors of that firm?  
17 A. There was, yeah.  
18 Q. 380 Who were the four directors?  
19 A. Myself, Tim Collins, Denis Moore and Tony Burnet.  
12:13:28 20 Q. 381 All right. And what did -- were there any other directors at any time?  
21 A. Yeah, later on Des Richardson came on board.  
22 Q. 382 When did he?  
23 A. I'm not a hundred percent sure to be honest. I know Tony Burnet resigned.  
24 Whether Des Richards came in at that time. I know but -- I just can't recall  
12:13:52 25 exactly when that happened. It'll be in the companies records office.  
26 Q. 383 And Mr. Rowe, was the firm owned equally by you all or how did that?  
27 A. Yeah, that's how it worked. It was the four of us it was 25% each.  
28 Q. 384 All right. Could I just ask you what your role was in the firm?  
29 A. Primarily I was the -- there was myself and Denis Moore who were architects.  
12:14:17 30 Q. 385 Yes?

12:14:17 1 A. And I would sort of also tend to be -- not quite half but 75% in the office and  
2 then I would do most meetings with sort of planning officials and this sort of  
3 thing. Denis would be more based in the actual office.

4 Q. 386 I see. And then Mr. Collins?

12:14:38 5 A. Mr. Collins was -- his job was to go out and try and bring clients. Potential  
6 clients into the office.

7 Q. 387 Yes, yes. And the other gentleman, Mr. Byrne?

8 A. Mr. Burnet.

9 Q. 388 Burnet. Sorry.

12:14:51 10 A. Mr. Burnet he was previously a partner of Mr. Collins in a business they had  
11 previously.

12 Q. 389 Yes?

13 A. But he looked after the accounts and the books and that sort of thing.

14 Q. 390 Was he involved full-time with the firm?

12:15:04 15 A. He was running his flooring business as well at the same time. So, yeah,  
16 he -- we were a very small outfit. We shared a secretary and Mr. Burnet  
17 tended to look after the books and this sort of thing.

18 Q. 391 All right. And when Mr. Richardson came in and replaced Mr. Burnet, what was  
19 his contribution?

12:15:25 20 A. None whatsoever.

21 Q. 392 But had a 25% interest?

22 A. I think he did but I wouldn't be 100 percent sure to be honest.

23 Q. 393 Could you just go on for a second. What happened, a number of years later did  
24 that partnership split up and you became project yourself and Mr. Collins...

12:15:43 25 A. No, what happened. I explained this in the previous Module, the Duff Module.  
26 And we were, we actually got a bad debt and I think it was about '91, '92 and  
27 we actually sort of withdrew from the -- Mr. Burnet had resigned at this stage  
28 and gone and we felt there was such a drop in the cashflow that we were under  
29 pressure. So what we did was we effectively had to go and get jobs and we  
12:16:15 30 were still trying to sort of chase this outstanding debt so we kept the Pilgrim

12:16:22 1 there as an entity but it didn't have any outgoings if you like. We just  
2 wanted it to see if we could get all the money. We didn't get all of it, I  
3 think there's still 20 or 30,000 outstanding.

4 Q. 394 That debt had nothing to do with this particular, what we're at here?

12:16:39 5 A. No.

6 Q. 395 Did you join Ambrose Kelly a then at some stage?

7 A. I got a job with Ambrose Kelly then.

8 Q. 396 What year was that?

9 A. '92 to about '95 '96.

12:16:50 10 Q. 397 And then what happened?

11 A. I set up my own practice.

12 Q. 398 Under the title of?

13 A. Rowe and Associates.

14 Q. 399 Right. Mr. Rowe, I think that Rayband bought a property in Clonskeagh; is that  
12:17:15 15 correct?

16 A. That's correct.

17 Q. 400 I'm not sure. Am I right in thinking that in fact Pilgrim Associates did a  
18 planning application for the people that sold to Rayband?

19 A. We did, yes, Walsh Maguire and O'Shea.

12:17:28 20 Q. 401 All right. And so then Rayband bought the premises in Clonskeagh. And then  
21 how did the premises, how did they end up buying the premises in Lissenhall,  
22 that had something to do with Mr. Collins?

23 A. Well basically, we got the -- we got the contract, the design brief for Walsh  
24 Maguire and O'Shea on Clonskeagh.

12:17:53 25 Q. 402 Yes?

26 A. Achieved planning permission on those lands. And Walsh Maguire, I don't quite  
27 know how Walsh Maguire sold it on, I'm 99% sure that Tim Collins didn't have  
28 anything to do with that. But Joe Moran I know I attended a meeting with  
29 Walsh Maguire and O'Shea and Joe Moran was at that meeting and Mr. Finnegan,  
12:18:22 30 the auctioneer, the well known auctioneer, who died recently, relatively

12:18:28 1 recently, he was at the meeting. And they were negotiating as to what was the  
2 planning permission, you know, how many houses and I was giving advices and  
3 there was an agreement between them and they -- so Mr. Moran purchased,  
4 purchased the lands at Clonskeagh.

12:18:49 5 Q. 403 Clonskeagh, yes.?

6 A. They started work. We got another planning permission for -- they were John J  
7 O'Brien at the time Churchtown was the company. Basically I think we might  
8 have dropped one house but we increased The Square footage of the houses so  
9 they increased in value. They then sold it on to O'Flynn and O'Flaherty.

12:19:11 10 Q. 404 That's the Clonskeagh premises?

11 A. After that sale I know Tim Collins was aware that they were looking for other  
12 lands to develop.

13 Q. 405 All right?

14 A. And so he knew Paul Walls at the time.

12:19:22 15 Q. 406 Yes?

16 A. And he suggested that, as I understand it, to Rayband or Joe Moran and Michael  
17 Hughes that they might look at that land. So they went and had a look at it  
18 and they bought it.

19 Q. 407 So he found the lands at Lissenhall for Rayband?

12:19:38 20 A. Yes.

21 Q. 408 And then I think he was saying to the Tribunal that part of his interest in  
22 that would be so that the development of those lands, that you would do  
23 architectural work; is that right?

24 A. Absolutely.

12:19:51 25 Q. 409 All right. And in fact, I think you became busy with that almost immediately.

26 Could I just ask you, Mr. Rowe, just for a second, by way of a sort of a  
27 summary. From your statement it seems that you were heavily involved with  
28 Rayband initially, in that, in the planning application that was made in 1989?

29 A. For residential.

12:20:12 30 Q. 410 Yes?

- 12:20:13 1 A. Yes, very much, yeah.
- 2 Q. 411 And then I think that you say that really you weren't involved in the rezoning  
3 in 1993?
- 4 A. I -- yeah. But basically what happened is that the -- I don't know whether it  
12:20:25 5 was '93. I think it was -- the I prepared a map.
- 6 Q. 412 Oh, yes?
- 7 A. I had a meeting I think and prepared a map which went on to Tony Mannahan.
- 8 Q. 413 Yes?
- 9 A. Now, I think in fact I think --
- 12:20:38 10 Q. 414 That was '91?
- 11 A. That was '91, that's right.
- 12 Q. 415 Yes?
- 13 A. And really I sort of went -- I went out of the picture at that stage.
- 14 Q. 416 Yes. And came back in then letter on in the '90s in relation to the next  
12:20:52 15 planning application?
- 16 A. About '97 I think. That's when I set up my own practice at that stage.
- 17 Q. 417 So really between '91 and '97 you weren't really that involved is that what  
18 you're saying?
- 19 A. No, that's my recollection. Certainly I don't think I was even aware that --  
12:21:11 20 obviously I was aware that a submission had gone in '91 for zoning. But I  
21 don't think I was particularly aware that the lands had been zoned.
- 22 Q. 418 I see.
- 23 A. But I don't have any recollection of that.
- 24 Q. 419 In the second application in '97 or '98. And then that gave rise to the whole  
12:21:28 25 question of access and the whole questions with the Eastern Health Board and so  
26 on?
- 27 A. Well I think I said in my statement that the traffic issue had possibly become  
28 rather more difficult because obviously there was a decade of increase in road  
29 traffic.
- 12:21:41 30 Q. 420 Yes. And so if we go back for a moment, Mr. Rowe, to the first -- what

12:21:48 1 happened when the lands were first purchased, which was I think in 1989, the  
2 Lissenhall lands. And I think even before that sale was concluded, you and  
3 Rayband were involved in wondering how it might be developed; is that right?  
4 A. That's possible. I'm not quite sure when the sale was actually concluded.

12:22:20 5 Q. 421 Yes. And I think the first idea was to get residential permission; is that  
6 right?  
7 A. That's right. My recollection is I sort of did a bit of an assessment on the  
8 site. I was aware that there was either a couple of withered permissions for  
9 industrial. There was an access that had previously been jointly made by the  
12:22:47 10 Eastern Health Board and Mallinsons I think it was and Paul Walls or the Walls  
11 group of companies that came out between, that sort of improved an existing  
12 right of way.  
13 Q. 422 Uh-huh?  
14 A. Between Mallinsons and the Eastern Health Board. There was permission granted  
12:23:06 15 on that. There was also permission for I think a pumping station to take foul  
16 effluent into the Swords treatment plant. So I did an assessment.  
17 Q. 423 Yes?  
18 A. And we thought that even though the planning had withered or were withering  
19 that there was a reasonable chance that one could achieve planning permission.

12:23:23 20 Q. 424 Yes. Could I just ask you to look for a second at a document on page 2008.  
21  
22 And it's minutes of a meeting with Grainne Mallon on housing development at  
23 Lissenhall, Swords for Joe Moran and the date is the 17th of May 1989  
24 A. Yeah.

12:23:46 25 Q. 425 It says present Grainne Mallon and Denis Moore. Would you have any idea would  
26 that be Denis Moore's document?  
27 A. Oh, I'd say it is.  
28 Q. 426 Would you think you were at that meeting?  
29 A. I'd say -- I think it would have said so. I don't have a recollection of that  
12:24:02 30 meeting.

12:24:02 1 Q. 427 The purpose was to confirm whether initial proposals and layout were acceptable  
2 to planners?  
3 A. That's right, yeah.

4 Q. 428 And is this the original idea? Is this the beginnings of the idea to make the  
12:24:14 5 planning application for 120 houses?  
6 A. Well I think the key thing was that we were aware that the bulk of the lands  
7 was zoned agricultural.

8 Q. 429 Yes?  
9 A. And a portion of the lands were known as the bulge, were industrial zoning.  
12:24:30 10 And so that obviously if there was -- if one was to achieve a planning  
11 permission that one would want to get the support of the permanent officials.  
12 And in particular, we tend to go to the Senior planner, as Senior as we could  
13 get to.

14 Q. 430 I see, yes. And ultimately, this would require a material contravention.  
12:24:50 15 Isn't that right?  
16 A. Yes, a material contravention of the Development Plan, yeah.

17 Q. 431 And that would be something that the councillors would vote on, is that right?  
18 A. Yes. But I think what you'd endeavour to do is to try and get the permanent  
19 officials on your side.

12:25:04 20 Q. 432 Yes?  
21 A. If they promoted it then it would have been a far easier job.

22 Q. 433 Yes, I see. Yes. Could I just ask you, Mr. Rowe.  
23  
24 The next page of that document. 2009.

12:25:18 25  
26 And just the top paragraph there where it says as follows;  
27  
28 "Fianna Fail hold the balance of power in this constituency. It would be  
29 better to get all of the councillors on our side from the start. If they  
12:25:31 30 object to proposals."

- 12:25:32 1 A. Yeah.
- 2 Q. 434 Just the first sentence for a moment Mr. Rowe. Fianna Fail hold the balance  
3 of power in this constituency. What's the significance of that in the context  
4 of what this meeting is about?
- 12:25:42 5 A. Well interest. I mean, I took that -- I had forgotten that document. When I  
6 read through it, I took that, that this was a minute of a meeting between  
7 Denis, Denis Moore and Grainne Mallon. It seemed to me that Grainne Mallon  
8 was actually explaining the material contravention procedure to Denis.
- 9 Q. 435 I see. And what do you think the significance of that will be? Does that  
10 mean anything to you Fianna Fail hold the balance of power in this  
11 constituency?
- 12 A. Well obviously it would -- I can't recall at the time. I think there's been a  
13 change in The Planning Act. I think at the time a material contravention  
14 might have required a majority of the councillors that were present at a  
12:26:26 15 meeting. So itself evident that if one party held the balance then if you got  
16 them on side you would get your material contravention.
- 17 Q. 436 Yes. Sorry, just going back to 1991 at the moment, Mr. Rowe. You said when  
18 you wrote that you thought that was Grainne Mallon informing Mr. Moore?
- 19 A. Yeah.
- 12:26:51 20 Q. 437 If you just go on to the second sentence I wonder is that correct. It would  
21 be better however to get all of 9 councillors on our side from the start. And  
22 then it goes on.
- 23 A. Oh, no I understand. But certainly I know Denis Moore, for example,  
24 wouldn't -- on the previous page, there was a list of councillors.
- 12:27:09 25 Q. 438 Yes?
- 26 A. Denis Moore would not have known who the local councillors are. In fact, I  
27 don't think I recognise quite a number of those names, you know.
- 28 Q. 439 All right.?
- 29 A. So, I mean, that's -- that's our -- whether that's Grainne Mallon entering into  
12:27:28 30 it, you know. She was supportive of the residential project.

- 12:27:32 1 Q. 440 Fine. This is a minute prepared afterwards by Mr. Moore, presumably?
- 2 A. Yes. But I would expect that he wouldn't have held the information regarding
- 3 names of councillors and, were there telephone numbers as well? I'm just not
- 4 sure, on the previous page.
- 12:27:50 5 Q. 441 Sorry. Yes, sorry, you are referring.
- 6
- 7 If we go back to 2008. At paragraph three.
- 8 A. It seems to me that there's -- there's quite a lot of detail there. I think
- 9 he would have had to have taken a note at the meeting, you know.
- 12:28:08 10 Q. 442 Yes. But this paragraph seems to suggest, Mr. Moore seems to be suggesting
- 11 here, that instead of just simply relying on Fianna Fail councillors to carry
- 12 the day.
- 13 A. Um, you will.
- 14 Q. 443 That it would be better to make contact with all councillors from the start
- 12:28:29 15 because any individual councillor could cause disruption and presumably that
- 16 means delay?
- 17 A. Well I would think that would be self evident, yes.
- 18 Q. 444 Yes.
- 19 A. If you can get everybody on your side that's far better.
- 12:28:43 20 Q. 445 I can understand that perfectly. But one of the options here. The first
- 21 option seems to be, just to rely on the Fianna Fail majority?
- 22 A. I don't think that's actually necessarily follows now. Can you just go back
- 23 to the next page.
- 24 Q. 446 Sorry. 2009. What it says is "Fianna Fail hold the balance of power in this
- 12:29:03 25 constituency it would be better however to get all of the councillors on our
- 26 side from the start as any of the above councillors could cause lengthy
- 27 disruption if they objected to proposals."
- 28
- 29 It's a good idea to go and lobby as many councillors to get as many votes as
- 12:29:19 30 you can.

12:29:20 1 A. I think the first sentence is a statement. I don't think. I wouldn't read  
2 that as being.

3 Q. 447 All right.

4 A. Sort of a proposal or something like, that you know.

12:29:30 5 Q. 448 Was there any connection between your firm and Fianna Fail?

6 A. No.

7 Q. 449 None at all?

8 A. No.

9 Q. 450 And any connection between your firm and any of the councillors mentioned on  
12:29:41 10 the other page?

11 A. Just.

12 Q. 451 Mr. Burke, Mr. Ray Burke?

13 A. No.

14 Q. 452 Mr. Cyril Gallagher?

12:29:50 15 A. No.

16 Q. 453 Ms. Anne Devitt?

17 A. No.

18 Q. 454 Sean Ryan?

19 A. No.

12:29:54 20 Q. 455 No. All right.?

21 A. I have subsequently come to know Anne Devitt.

22 Q. 456 I see.

23 A. But at that time, no, definitely not.

24 Q. 457 I see. And if we move further down the page then, Mr. Rowe. The fourth  
12:30:08 25 paragraph. Second sentence "some element of canvassing councillors before  
26 this meeting would be useful to elicit general support. Printed brochures  
27 with details of scheme should be issued to all relevant councillors as  
28 Clonskeagh."  
29

12:30:22 30 Does that mean as was done in Clonskeagh?

- 12:30:25 1 A. I'm not a hundred percent sure. What we prided ourselves on was producing  
2 sort of nice looking sort of descriptive documents. I don't think there was  
3 any, from recollection, I think the Clonskeagh site was zoned for residential  
4 purposes so ...
- 12:30:42 5 Q. 458 All right. But anyway, the importance of canvassing councillors is obviously  
6 adverted to.
- 7 A. Oh, yes. I think it would be -- obviously in something like that's it's  
8 important to explain what you're trying to do.
- 9 Q. 459 Yes. Yes. And that would be in relation to the material contravention  
10 motion. That is why you would be looking for the councillors; is that right?
- 11 A. No, what you're trying to get is planning permission.
- 12 Q. 460 Yes.
- 13 A. It's a material contravention is, of zoning, is specific to a specific planning  
14 permission.
- 12:31:15 15 Q. 461 Yes, yes.
- 16 A. Generally, you know, therefore, if it's a good planning application.
- 17 Q. 462 Yes.
- 18 A. You know, then you have more chance if the housing in this case are attractive.  
19 If they hit the market, you know if, there's a planning gain, you know, then  
12:31:33 20 obviously everybody is supportive, including the permanent officials.
- 21 Q. 463 So what's the reference to some element of canvassing councillors before this  
22 meeting would be useful to elicit general support. What do you think he means  
23 there, Mr. Rowe?
- 24 A. One would be -- you'd be showing them, explaining what the scheme was about.
- 12:31:54 25 Q. 464 I see?
- 26 A. If you lodge a planning application and there was sort of just black-and-white  
27 drawings. To be honest a lot of people can't read drawings. If you can show  
28 them something that's descriptive that illustrates it with a bit of colour then  
29 it helps people understand.
- 12:32:12 30 Q. 465 All right. So it's important that the councillors would understand them

- 12:32:15 1 before this particular meeting?
- 2 A. Well I don't think that's a particular meeting is it?
- 3 Q. 466 Well?
- 4 A. I'm just looking at sort of stage one.
- 12:32:23 5 Q. 467 I'm not sure. Some element of canvassing councillors, before this meeting,  
6 would be useful. I'm just wondering why the councillors need to know anything  
7 about this at this stage?
- 8 A. That's why I stay. I think that's actually Grainne Mallon, tending -- it's a  
9 discussion between Denis and Grainne Mallon, and it's a discussion as to what  
10 the process is.
- 11 Q. 468 Yes. And would you expect that Grainne Mallon is, what's her position?
- 12 A. She would be, she was a fairly Senior -- I'm not exactly sure. She would be a  
13 fairly Senior planner in local authority.
- 14 Q. 469 Yes. And would it be usual for her to be suggesting to somebody who is making  
15 a planning application that it will be important to lobby councillors -- to  
16 canvass councillors?
- 17 A. Well I think, you know, she would have advised that it would be a material  
18 contravention.
- 19 Q. 470 Yes.
- 12:33:13 20 A. Yeah.
- 21 Q. 471 Yes.
- 22 A. I don't think there was too many, you know, to -- I think I was involved with  
23 two at this particular time, this one and the Duff lands.
- 24 Q. 472 Yes. They were the only two?
- 12:33:27 25 A. Material contraventions, yeah, as far as I'm aware, yeah.
- 26 Q. 473 Yes.
- 27 A. Again, if you -- just to sort of reiterate if Grainne Mallon was a very good  
28 planner. She was and she'd be proactive. You know, if she said look, you  
29 know, I don't think this is good for planning, good planning and development.
- 12:33:50 30 Q. 474 Uh-huh.

12:33:51 1 A. She'd say that. If she felt it was, then she'd try and assist.

2 Q. 475 Uh-huh.

3 A. That was her job.

4 Q. 476 All right. Mr. Rowe, could I ask to you look at document 2137, please.

12:34:10 5

6 Sorry. This is a record of a meeting

7 A. Oh, that's from Shane Redmond.

8 Q. 477 Correct, yes. To a meeting on the 31st of August 1989. It's really what I

9 want to ask you. You attended that meeting?

12:34:36 10 A. Yeah.

11 Q. 478 And if you go on to page 2138.

12

13 The third paragraph down. "Mr. Rowe advised Mr. Moran and Mr. Hughes, that I,

14 that would be Shane Redmond, would like to clarify my position in record regard

12:34:54 15 to the development i.e. fees etc."

16

17 I just want to ask you. Obviously, Mr. Redmond was now involved in relation

18 to this application, this is August 1989? Can you tell us something about

19 that, please.?

12:35:11 20 A. I can, yes. I don't know whether they attended that meeting. There was, Joe

21 Moran had a habit of going to all and Sundry, to take their views.

22 Q. 479 Yes?

23 A. He'd try and extract their views and then he'd make a considered decision.

24 And my recollection is there was Shane Redmond and there was also De Vere White

12:35:39 25 Smith who were auctioneers, Joe had used on the Clonskeagh site. So there was

26 two auctioneering firms that were sort of, we were getting advice from.

27 Q. 480 Yes.

28 A. I think from this it looks like Joe wanted to have a discussion about fees.

29 Q. 481 About fees, yes. Mr. Redmond can deal with that.

12:35:59 30 A. Uh-huh.

- 12:36:01 1 Q. 482 What would be the reason for involving Mr. Redmond?  
2 A. Oh, any auctioneer you'd be asking what the market was, you know, we had made a  
3 proposal. Would you -- is it likely that the houses would sell? You know,  
4 are they the right type? Etc.
- 12:36:20 5 Q. 483 Yes. So would it have an impact on the actual planning application or would  
6 it be advising the client in relation to what would happen?  
7 A. Oh, definitely. It could make a significant change to the mix of the types of  
8 houses etc, you know.
- 9 Q. 484 I see.
- 12:36:37 10 A. You know, what price bracket you were aiming for.
- 11 Q. 485 All right. Now.  
12  
13 Page 1928, please.  
14
- 12:36:44 15 Mr. Rowe, this is the planning application, which is signed by you. And dated  
16 8th of September 1989 I think; is that right?  
17 A. That looks like it, yeah.
- 18 Q. 486 This is the application we're talking about for 120 houses.  
19 A. Yeah.
- 12:37:15 20 Q. 487 Now, if I just go back to your statement for a moment, Mr. Rowe. I think what  
21 you -- you've already touched on it, initially when these lands were bought and  
22 when you first came in contact with them, in contact with them. You realised  
23 that there were two problems. One was zoning. And I think the second was  
24 access?
- 12:37:34 25 A. Well there was the usual problems that were associated with Swords at the time.  
26 And that was a capacity in the treatment plant as well, you know.
- 27 Q. 488 Yes. I see. And I think in your statement. I think at least the  
28 impression I got, Mr. Rowe, was that this planning application was withdrawn on  
29 the 29th of November 1989?
- 12:38:04 30 A. That's right. I said in my statement it was refused, but in fact it was

- 12:38:07 1 withdrawn.
- 2 Q. 489 That's right, I had understood from your statement you had thought really it  
3 was because in relation to the problems of access and perhaps the other problem  
4 that you've just mentioned.
- 12:38:27 5 A. No, no, no, no.
- 6 Q. 490 Right.
- 7 A. My view and my recollection at the time and having gone through the  
8 documentation that I've seen. The application was going reasonably well. We  
9 were having -- we'd had discussions with the roads, even though, you know,  
10 there were negative reports provided by some of the permanent officials. My  
11 feeling was that they weren't insurmountable. That it was a discussion, you  
12 know, and sometimes you have to lodge a planning application to get to interact  
13 with the permanent officials. Otherwise, you know, they will give you  
14 cursory. They won't look seriously at a planning application. So I felt  
15 things were got quite well. But then a letter came in from the solicitors for  
16 the kennels. I -- my -- again, I didn't think that was the killing blow.  
17 But the killing blow was the letter from the Department of Agriculture.
- 18 Q. 491 I see.
- 19 A. And it was only at that stage that I realised that it was the kennels was the  
12:39:28 20 National Quarantine Centre.
- 21 Q. 492 Yes?
- 22 A. And I actually met with the top man in the vets or the kennels, I forget his  
23 name. But he actually informed me that he'd previously had his practice and  
24 his kennels much closer to Swords but houses had grown-up around him and  
12:39:49 25 because of residential complaint he'd had to move out to where he was at  
26 Lissenhall. And he said I'm dammed if going to move again. So that was ...
- 27 Q. 493 Thank you for clearing that up Mr. Rowe. Perhaps it was my misunderstanding  
28 in relation to your statement. But it was the kennels and the objection by  
29 the kennel owner that in fact --
- 12:40:10 30 A. Yeah, the Department of Agriculture was the critical one, yeah.

12:40:13 1 Q. 494 That brought down the application -- sorry. Caused you to withdraw?

2 A. Absolutely, yeah.

3 Q. 495 Now.

4

12:40:20 5 Page 2140, please.

6

7 Mr. Rowe, this is -- this is a fax on Pilgrim Associates paper.

8 A. Uh-huh.

9 Q. 496 To Shane Redmond, from you, dated 14th of September 1989. And it says message

12:40:41 10 enclosed copy letter to M Hughes re Fingal councillors?

11 A. Yes.

12 Q. 497 Now, if I could turn to 2142, please.

13

14 And this is the letter of the 14th of September, 1989. Written by you on

12:41:06 15 behalf of Pilgrim Associates.

16 A. Uh-huh.

17 Q. 498 To Michael Hughes, of Rayband. It's in connection with Lissenhall, Swords,

18 Fingal councillors.

19

12:41:15 20 "Dear Michael, please find enclosed the list of Fingal council representatives

21 as received from Shane Redmond.

22

23 Shane has expressed the concerns of the councillors regarding the access on to

24 the dual carriage way. We are addressing this and attempting to alleviate any

12:41:31 25 potential problem.

26

27 It is important that Shane be left to do his work, and that he be the person to

28 make the necessary representation to the councillors. He will report and

29 advise if either ourselves or yourselves are needed for any particular purpose.

12:41:44 30

- 12:41:44 1           Regards." And it's signed by you and it's cc'd to Shane Redmond.
- 2
- 3           Sorry, I should have pointed out, of course, this is after the planning
- 4           application has gone in. Only very shortly after it has gone in and some
- 12:41:59 5           months before it it is actually withdrawn.
- 6           A.        Yep.
- 7           Q. 499    So the planning application is alive at this stage?
- 8           A.        It's alive at this stage, yeah.
- 9           Q. 500    So here you are writing to Rayband, who own the lands?
- 12:42:13 10          A.        Uh-huh.
- 11          Q. 501    To Mr. Hughes. And you have, you are enclosing a list of Fingal Council
- 12                   representatives which you got from Shane Redmond. Why would Shane Redmond
- 13                   have sent you a list of council representatives?
- 14          A.        Because, as from the first memo of the meeting with Grainne Mallon, it was
- 12:42:35 15                   known that the councillors would have to be lobbied and discussed. And by the
- 16                   reading of that, it seems to me that perhaps a couple of councillors may have
- 17                   queried, maybe gone into The Roads Department and said, what do you think of
- 18                   this application?
- 19          Q. 502    Yes.
- 12:42:54 20          A.        And it seems to me that they might have learnt that the roads people said oh,
- 21                   oh, don't like that access onto the dual carriage way or something of that ilk.
- 22          Q. 503    Yes. Now, just for a moment may I turn to page 2244. Then I'll come back to
- 23                   this letter.
- 24
- 12:43:12 25                   2144, at the top says.
- 26
- 27                   Representation of Fingal Council and it sets out seven Fianna Fail councillors,
- 28                   three Fine Gael and three labour. That's the list that you were sent and that
- 29                   you sent on to Mr. Hughes.
- 12:43:36 30          A.        Yeah.

- 12:43:36 1 Q. 504 Could I go back to 2142, please?  
2  
3 Can I ask you. Why would Shane Redmond first of all send it to you? And why  
4 would you send it on to Mr. Hughes? In the light of the later paragraph I can  
12:43:42 5 understand Mr. Redmond having it. What's the point of giving it to you and to  
6 Mr. Hughes?  
7 A. Well, number one, I'm not a hundred percent sure whether -- it looks from this  
8 as though Mr. Redmond had been and I'm sure he was asked to keep in touch. He  
9 was the auctioneer on the ground.
- 12:44:01 10 Q. 505 Yes.  
11 A. I think it's probably why Mr. Redmond -- I can't remember whether De Vere White  
12 Smith were involved at this stage. Obviously Mr. Redmond would be an  
13 experience the auctioneer. He would know the local councillors. And it  
14 would be -- he would be promoting this on behalf of Rayband.
- 12:44:21 15 Q. 506 Yes. Do you remember a moment ago, Mr. Rowe, when we were discussing  
16 Mr. Redmond and that earlier meeting. You were saying he'd have an important  
17 role to play in relation to advising the client and in the context of the  
18 actual planning application?  
19 A. Correct.
- 12:44:37 20 Q. 507 Which at this stage is in.  
21 A. Yes.
- 22 Q. 508 Do you recall any moment when Mr. Redmond was retained for the purpose of  
23 discussing matters with councillors?  
24 A. Well he may have been retained at that particular meeting. Obviously, Pilgrim  
12:44:52 25 and the Pilgrim representatives withdrew from that meeting. So it's possible  
26 that he was retained at that meeting.
- 27 Q. 509 All right. Do you have any idea, I mean, can you recall if this letter might  
28 have come out of -- did this come out of the blue at that to you that  
29 Mr. Redmond was sending you a list of councillors?  
12:45:13 30 A. I wouldn't have thought so in the context of the, you know, the initial -- if

12:45:18 1 Shane was from the area. I wasn't from the area.

2 Q. 510 Yes.

3 A. Michael Hughes wasn't from the area.

4 Q. 511 Yes.

12:45:25 5 A. So it would seem to me that, you know. I mean, nowadays you could get a list

6 of councillors off the internet. At that stage, you know, you certainly

7 couldn't.

8 Q. 512 Yes.

9 A. So him being the local man on the ground.

12:45:37 10 Q. 513 Yes.

11 A. He would have that local knowledge.

12 Q. 514 But why would you, Mr. Rowe, want to know the names of the councillors?

13 A. I don't believe I particularly wanted to know the names of the councillors.

14 I -- perhaps I was discussing with Shane Redmond or I was maybe as the person

12:45:58 15 who would have been coordinating the application. Coordinating. Trying to

16 resolve any issues, you know. And if Shane Redmond was getting feedback from

17 a councillor that there was a particular issue with the roads, then I'd try and

18 address that. And I'd go hot foot into The Roads Department and say Dublin

19 yes. And vice versa.

12:46:20 20 Q. 515 That would be very important information, as is set out in the second

21 paragraph. That Shane has expressed the concerns of councillors regarding

22 access.

23 A. Yeah.

24 Q. 516 But in relation to you. Why would you need to know the names of the

12:46:33 25 councillors?

26 A. No reason other than I was coordinating. It looks to me as though I was

27 actually telling Mr. Hughes -- it seemed to me that -- I'd obviously known

28 Michael Hughes in Rayband rather longer than Shane Redmond. And it looks to

29 me as though Shane was sort of saying, well I'm the, if you like, the

12:47:01 30 co-ordinator of this application and therefore he's, you know, he's channelling

- 12:47:07 1 his, you know, information to the client via myself, which I don't think would  
2 be unusual.
- 3 Q. 517 And why do you think that list would be going to Mr. Hughes?  
4 Mr. Hughes might have expressed a, you know, a wish to make contact with the  
12:47:22 5 councillors or just know if -- if a councillor phoned him up, you know, if he  
6 didn't know who the hell they were he'd look a bit stupid, you know, something  
7 of that I will can I would have thought. It's not unreason for somebody I  
8 think, you know, to want to know whose in the round on the ground, you know.
- 9 Q. 518 And the final paragraph.  
12:47:42 10  
11 It is important that Shane be left to do his work and that he be the person to  
12 make the necessary representations to councillors.  
13  
14 You were writing that to Mr. Hughes. What's all of that about?
- 12:47:53 15 A. That's what I was going to say earlier on there. It looks to me as though --  
16 now, I don't particularly have a recollection of this. It looks to me as  
17 though Shane had said listen, Michael, you know, don't let Michael get  
18 involved, you know, I'd know the councillors. So it's better to have one  
19 person, or one contact with them. If I need either yourself or Michael to  
12:48:25 20 come along to a particular meeting with a councillor then, you know, then I'll  
21 let you know. And that's sort of, that looks. I mean, I said in the last  
22 sentence there. He will, i.e. Shane, will report and advise if either  
23 ourselves or yourselves are needed for any particular purpose.
- 24 Q. 519 All right. I understand that. But it seems very clear from this letter and  
12:48:42 25 what you are saying there to Mr. Hughes about Shane being left to do his work.  
26 That Mr. Redmond is very clearly on board here now to deal with the  
27 councillors.
- 28 A. To advise of what the application is about. Absolutely, yeah.
- 29 Q. 520 To advise councillors?  
12:48:57 30 A. Yes, yes, absolutely.

- 12:48:59 1 Q. 521 All right. Do you remember any discussion about that at any stage? I mean,  
2 presumably you must have been at -- I mean, if you are saying to Mr. Hughes  
3 here leave Shane do his work and talking to the councillors. You must have  
4 known from Mr. Moran or you must have known from somebody that Mr. Redmond was  
12:49:17 5 coming on board to do this.  
6 A. Obviously I was aware at this stage, yes, yes.  
7 Q. 522 Could you tell the Tribunal, please, something about that. How you became  
8 aware of Mr. Redmond becoming involved in lobbying councillors?  
9 A. In discussing the project with councillors?  
12:49:35 10 Q. 523 Yes.  
11 A. I can't specifically put a, you know, a particular day or a time when I became  
12 aware. But obviously at this stage I was well aware.  
13 Q. 524 Had you been through this sort of, these procedures before?  
14 A. I don't know whether this one was before or after the Duff Module, which I've  
12:49:57 15 given evidence before.  
16 Q. 525 I see.  
17 A. But that was that. I think this one was probably after but I couldn't be  
18 certain.  
19 Q. 526 All right. Now, page 743, please.  
12:50:16 20  
21 Could we just go down, please, Mr. Rowe to paragraph four. Conclusions.  
22 Steps to take, A instruct Shane Redmond re the councillors. See options  
23 below.  
24  
12:50:31 25 What is -- can you say what that's about?  
26 A. Could I have a look at the whole page there just to try and get the context,  
27 you know?  
28 Q. 527 The application was withdrawn on the 29th of November 1989. This is the 16th  
29 of November. And the whole page is there, yes.  
12:50:52 30 A. Right. Okay. It looks to me as though we were trying to do -- it looks to

12:51:16 1 me as though we felt that the application wasn't going to be permitted. And  
2 that what we were discussing. As you can see on foot of a meeting with  
3 Mr. Ring and John Henry where they were -- an interesting thing about this  
4 application was that the -- there was three potential accesses to the land.  
12:51:46 5 There was direct from the body. The main body of the lands on to the dual  
6 carriage way. There was the access coming out where the Eastern Health Board  
7 came out. And then there was back down the back lane and over the Lissenhall  
8 Bridges. And one of the interesting things was that The Roads Department  
9 preferred the access. Their preference was the access out down the lane and  
12:52:14 10 over the Lissenhall Bridges. Whereas the planners preferred the access  
11 directly on to the dual carriage way. So we had a conflict within. And this  
12 was obviously Mr. Ring and John Henry stamping their foot and really saying  
13 listen, we ain't going to let you go through the out, directly on to the main  
14 road. And then coming down to, sorry, conclusions steps to take. It seems  
12:52:54 15 to me that the. Get councillors to zone land with conditions re access on  
16 20th of November. That doesn't seem very realistic. Withdrawal from this  
17 meeting to Fingal ...  
18  
19 Yeah, I think basically it's a series of, it's a series of options that we were  
12:53:37 20 considering  
21 Q. 528 Yes.  
22 A. Yeah.  
23 Q. 529 Just what you were saying thereabout the access?  
24 A. Yeah.  
12:53:46 25 Q. 530 Mr. Rowe. I wonder if we look at page 648 for a second. It's a map. I  
26 wonder would that help you just to identify what you were saying about the  
27 access, is that map helpful to you?  
28 A. Well hopefully it's helpful to the Tribunal, yeah. You see where the pale  
29 blue land is and the main body of the land with the word "Lissenhall" across  
12:54:08 30 it?

12:54:09 1 Q. 531 Yes.

2 A. OK, There was an existing agricultural access almost centrally on the boundary

3 with the dual carriage way. And the design that had been -- that the

4 preference of the planners and the design that we lodged with the application

12:54:25 5 was for a protected right turn into the land at that point. That was the

6 planners preferred access into these lands. If you look down at the, to where

7 the bulge, as its known, of the Rayband lands. Just to the right of the E,

8 the highest E.

9 Q. 532 Right.

12:54:51 10 A. Just below there you'll see that there's a small lane, that comes out on to the

11 dual carriage way. Can you see that?

12

13 Q. 533 CHAIRMAN: Yes.

14 A. That splits. The Eastern Health Board lands and Mallinsons. And Rayband had

12:55:09 15 a right of way across and through those lands. But because of Eastern Health

16 Board buildings you can see that very long narrow building running from left to

17 right. That curtailed and restricted the access. Okay? So it wasn't really

18 adequate. So we didn't want to go down that way. Equally, then from the

19 south of the lands and north, is pointing to the top of the map. From the

12:55:34 20 south of the lands. Do you see just to the left of the G.

21

22 Q. 534 MR. MURPHY: Yes.

23 A. And the bottom left hand corner, if you like, of the green lands you will see

24 there is a heavily dotted line that's running basically north to the south at

12:55:49 25 the end of the bulge. That was the lane way access that came out on to I

26 think it's called Estuary Road and then across the Broad Meadow river Now that

27 eventually wriggled it's way through some pretty awful looking industrial land

28 fairly poor quality you know sort of industrial sheds and that sort of thing.

29 That came to the northern most roundabout at Swords. So from the roads point

12:56:15 30 of view, they were trying to push us down that access. That wasn't our

12:56:21 1 preference or our client's preference. Because to bring sort of customers for  
2 to buy houses into a residential area and wriggle through this sort of pretty  
3 unsavoury sort of industrial type, you know, wasn't a good idea. Also we  
4 would have probably had to have bought land off Mallinsons, which meant they  
12:56:41 5 had a a ransom strip and they could have charged what we wanted. That wasn't  
6 our preference although it was The Roads Department's preference. The  
7 planning and our preference was actually the first one we indicated. Which  
8 was a direct access in off the dual carriage was into what was the old  
9 industrial access. And we did a design that sort of satisfied the you know,  
12:57:12 10 most of the requirements. The roads people were concerned. You see the  
11 heavily dotted line running north to east of the green lands?

12 Q. 535 Yes.

13 A. That was the alignment of the northern motorway, the M1. And at the back of  
14 them in particularly John Henry, who was one of the senior guys and one of the  
12:57:36 15 more strategic guys in The Roads Department in Fingal, he would always have his  
16 eye on the interchange with the existing dual carriage way would be. And he  
17 expressed the concern that it would be too close to that junction. So  
18 that's -- so really there was a conflict internally within the permanent  
19 officials i.e. the planners wanted one access and the roads people wanted  
12:58:01 20 another.

21 Q. 536 And you were on the side of the planner?

22 A. Oh, it was far better. Commercially it was a -- far better aspect.

23 Q. 537 Did one of these designs go in with the planning application in September?

24 A. The first application. Oh, yes, we did the right handed access in off the  
12:58:19 25 dual carriage way.

26 Q. 538 Yes?

27 A. Yes.

28 Q. 539 The one that you preferred and the planners preferred?

29 A. Yes.

12:58:25 30 Q. 540 All right. So just coming back then to page 743.

12:58:32 1  
2 And this meeting -- a document is dated the 16th of November 1989. Which is  
3 just two weeks before the planning application is withdrawn.  
4 A. Yeah.  
12:58:48 5 Q. 541 So can you just tell me, what's going on there, Mr. Rowe, at that meeting? I  
6 mean, presumably --  
7 A. Well I think the document is titled, current update.  
8 Q. 542 Yes.  
9 A. After roads, after a road's meeting. And I'd had a meeting with John Henry  
12:59:07 10 and Mr. Ring and as you can see, basically, in fairness to John Henry, you  
11 know, he was always helpful, you know. And what he was sort of saying was the  
12 best chance is to resurrect old planning of the timber wholesale builders  
13 workshop in the Eastern Health Board. That's one of the previous permissions  
14 that Walls had actually achieved on the site.  
12:59:40 15 Q. 543 But, sorry, could you just. Where are we going in relation to planning  
16 applications as soon as I mean, you're very close to withdrawing the one that's  
17 in. Are you now talking about making another one or?  
18 A. That's right. We were obviously concerned, having had that meeting. They  
19 were saying I think did they say that they'd be -- I think the roads people  
13:00:05 20 were saying listen, we don't want this access where you've shown it.  
21 Q. 544 Yes?  
22 A. And we were sort of having to go back and say well, you know, what are we going  
23 to do, consider our options at that stage.  
24 Q. 545 And what would this have to do with paragraph four, with instructing Shane  
13:00:21 25 Redmond re the councillors. Where would Shane Redmond and the councillors  
26 come into this picture now?  
27 A. Well I think the conclusion was.  
28 Q. 546 It says get councillors to zone land. Are we talking about a rezoning then  
29 or?  
13:00:35 30 A. Well that's, I mean, that's what that says. But, you see with condition of

13:00:40 1 rear access on. Right. You know, so, now, I don't think that would have --  
2 that was obviously an option i.e. you know you go with what the roads people  
3 are saying and try and by the looks of that eliminate. You could do a  
4 variation of the Development Plan would be much more common nowadays. I don't  
13:01:01 5 think I ever was aware of a variation of a Development Plan at that stage, you  
6 know, in '89 to be honest.

7 Q. 547 Yes.

8  
9 CHAIRMAN: All right. Mr. Murphy, it's now one o'clock. So we'll resume at  
13:01:15 10 two o'clock.

11  
12 MR. MURPHY: Yes, Chairman.

13  
14 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**

13:01:57 15  
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**THE TRIBUNAL RESUMED AS FOLLOWS AT 2:00 P.M.:**

13:02:01 1  
2  
3 MR. MURPHY: Chairman. Mr. Rowe, please.  
4  
14:06:03 5  
6 Q. 548 Mr. Rowe, I wonder could I have page 805, please.  
7  
8 Mr. Rowe, just by way of introduction to this document. I think we've moved  
9 now from the planning application, that was withdrawn at the end of 1989. We  
10 are just coming on now to what I think is going to be the bit that deals with  
11 the submission for the rezoning. Do you recall any involvement with the lands  
12 between the end of 1989 and 1991?  
13 A. When I wrote my narrative statement I had absolutely no recollection. But  
14 obviously the, you know, the evidence that you gave to me prompted my memory,  
14:06:52 15 you know, so, yeah, I have no difficulty with this at all, no.  
16 Q. 549 Yes. All right. And here, simply, there's a meeting on the 21st of October  
17 1991. And you are going to prepare some drawings I think; is that right?  
18 A. No, I'm preparing a map.  
19 Q. 550 Okay.  
14:07:11 20 A. Sorry, yeah. Effectively it's a map that illustrates the context of where the  
21 land is. A drawing would be of a building, sorry. Different terminology.  
22 Q. 551 At this stage what Rayband is interested in, they are going to go for rezoning;  
23 isn't that right?  
24 A. Yep.  
14:07:30 25 Q. 552 And because it's -- sorry. Rezoning for industrial use?  
26 A. That's correct, yeah.  
27 Q. 553 And Mr. Mannahan is retained for that purpose?  
28 A. Correct.  
29 Q. 554 Is there anything -- the submission, is that something that you might have done  
14:07:48 30 or would you have expected to be asked to do?

14:07:50 1 A. I've done submissions for zonings. But, no, not particularly. I'm not a  
2 planner. I'm not a town planner. Mr. Mannahan is. And I'd -- but very  
3 often, you know, you know, if a client is looking to prepare a map -- it's  
4 quite a technical, you know, the discipline is quite different to sort of  
14:08:19 5 architecture if you like, you know.

6 Q. 555 So is this effectively you were giving Mr. Mannahan some assistance in relation  
7 to the submission?

8 A. Effectively if you think about it. I had prepared a planning application so I  
9 had a lot of background maps, information etc.. If you notice there from  
14:08:37 10 3.02.

11 Q. 556 Yes.

12 A. You know, that's Michael Lynch. He was the head of The Parks Department in  
13 Fingal. And I knew that there was an objective in the, I think it was the  
14 '83 plan to do this linear park. And the whole essence of this discussion at  
14:09:00 15 the moment was to go along with what The Roads Department had advised and take  
16 the access out the back. And we were concerned that the road widening, we  
17 knew who to deal with Mallinsons, Mr. O'Mahony I think his name was. But  
18 there was this area after them, between them and the Mallinsons and the Broad  
19 Meadow River, and that -- we weren't sure whether Parks Department had obtained  
14:09:27 20 that land. It was originally owned by the Chadwicks who had one of the big  
21 houses there. So things like that, I'd have a lot more background than Tony  
22 Mannahan would.

23 Q. 557 All right. Mr. Rowe, had you any involvement at all in the re zoning? Apart  
24 from this apart from what we've just looked at there, the application for  
14:09:54 25 rezoning?

26 A. No, I don't believe I did. I don't believe I did. I prepared this. I know  
27 Tony Mannahan did quite a detailed -- Tony Mannahan did quite a detailed  
28 description. I have looked at the maps that were included with that  
29 submission. And I don't think they were the maps that I prepared. They were  
14:10:16 30 basically photocopies of Development Plan maps, you know.

- 14:10:20 1 Q. 558 Mr. Rowe, would you have had anything to do with discussions with councillors?
- 2 A. No.
- 3 Q. 559 And you didn't in this instance?
- 4 A. No.
- 14:10:27 5 Q. 560 No, all right. And what about Mr. Redmond's role at this time in relation to  
6 the rezoning motion that came about in 1993. Do you know anything about  
7 Mr. Redmond's involvement?
- 8 A. I don't. I don't know whether he was involved. I don't know.
- 9 Q. 561 All right. Did you know at the time that, towards the end of 1992 Mr. Dunlop  
14:10:47 10 was introduced by Mr. Collins?
- 11 A. I wasn't aware. I can't recall whether I was aware of that or not, to be  
12 honest. I think I was out of it at that stage.
- 13 Q. 562 Just, Mr. Rowe, that it was your firm that had prepared, had been very heavily  
14 involved relation to the planning application?
- 14:11:05 15 A. Correct.
- 16 Q. 563 And now there was a shift of emphasis to the rezoning?
- 17 A. Yes.
- 18 Q. 564 And it was your colleague and co partner Mr. Collins, who introduced Mr. Dunlop  
19 to Rayband?
- 14:11:15 20 A. Yes.
- 21 Q. 565 For the purpose of lobbying councillors?
- 22 A. Yeah.
- 23 Q. 566 Would you not have known that?
- 24 A. I don't have a recollection of that. You know, certainly my understanding is  
14:11:28 25 that Mr.-- that Mr. Collins did recommend to Michael Hughes. But I think at  
26 this stage. I think I prepared that map here. That's 1991. I'm not sure,  
27 October '91. I'm not sure when Mr. Dunlop was actually appointed. Have you.
- 28 Q. 567 I think it would have been perhaps November 1992.
- 29 A. So it was another year.
- 14:11:53 30 Q. 568 Yes.

14:11:54 1 A. And really, I'm not sure when Mr. Mannahan had -- my involvement I think would  
2 have ceased if I -- I can't even recall whether I had made any proposed  
3 modifications to Mr. Mannahan's document or anything like that, you know.

4 Q. 569 And that submission was lodged towards the end of 1991, November or December  
14:12:16 5 1991?

6 A. Right, okay, yeah.

7 Q. 570 Were you aware that it seems to be Mr. Collins' practice that when it came to  
8 rezoning to introduce Mr. Dunlop to the owner or developer?

9 A. Yeah, yeah. He was, I think he was about the only PR man that was available.  
14:12:39 10 I think what you have to remember is that this is the 1993 plan. The previous  
11 one to this was 1983.

12 Q. 571 Yes.

13 A. And really the 1983 plan wasn't a plan.

14 Q. 572 Yes.

14:12:53 15 A. That was almost one of the first Development Plans that had occurred in the  
16 country. So this was really the first time that this process had been gone  
17 through.

18 Q. 573 Yes.

19 A. So I think, you know, everyone was sort of finding their feet a little bit, you  
14:13:11 20 know.

21 Q. 574 But you are aware that Mr. Collins was introducing Mr. Dunlop?

22 A. I was aware that he'd -- I knew he'd introduced him to Mr. Robert White.

23 Q. 575 Uh-huh?

24 A. I don't have a recollection of him introducing him to Michael Hughes or Joe  
14:13:29 25 Moran. But I might have been. It could have been with within my knowledge,  
26 you know.

27 Q. 576 All right. I have an impression, Mr. Rowe, that Mr. Collins was out looking  
28 for the work and the clients, looking for sites and then finding a purchaser  
29 for the sites. And that then when that was found and he told us yesterday  
14:13:48 30 about that he might be, he would expect to be in for a finder's fee?

- 14:13:54 1 A. Uh-huh.
- 2 Q. 577 When that was done then that the office, Pilgrim Associates would come in and  
3 do the planning application for example.
- 4 A. Yes, that's what we stated.
- 14:14:03 5 Q. 578 Yes.
- 6 A. What would happen is Tim would come in. If he brought a client in, he'd stay  
7 involved.
- 8 Q. 579 Yes.
- 9 A. As, until he felt there was a comfortable rapport between primarily myself and  
14:14:16 10 the client, whichever client that would be. He'd then sort of back off and do  
11 something else.
- 12 Q. 580 And then what happened in this case, in the case of Lissenhall, Mr. Rowe.
- 13 A. Uh-huh.
- 14 Q. 581 When it came to the question of rezoning. He came back in and introduced Mr.  
14:14:31 15 Dunlop for that purpose.
- 16 A. He would keep in touch with the client. You know, he'd make a regular phone  
17 call and say Joe is everything okay? Is -- things going okay? You know?
- 18 Q. 582 Yes, yes. And what did you understand Mr. Dunlop's role was to be?
- 19 A. Um, well, as I say, I don't actually have a recollection of realising that he  
14:14:59 20 was involved at that stage. This is probably a year after I sort of was out  
21 of the picture, you know. But, I mean, he would have been to lobby the  
22 councillors.
- 23 Q. 583 Right. Would you have been aware in 1993 that that was precisely what he was  
24 doing in relation to the rezoning meetings?
- 14:15:14 25 A. I think probably, yeah, he would have been. My understanding. Now, I wasn't  
26 aware of the number of rezonings that is Mr. Dunlop was in, you know, would  
27 have been involved with. But I think I would have been aware, yes, that he  
28 would have been, you know, explaining the virtues of a particular rezoning.  
29 It's the making of a Development Plan, you know.
- 14:15:39 30 Q. 584 Yes. And what would you have expected him to be doing vis a vis the

- 14:15:51 1                   councillors from the point of view of representing his client?
- 2           A.           He would have been talking to them I would have thought, to get feedback as to
- 3                   whether they were going to support.
- 4           Q. 585    Yes.
- 14:16:07 5           A.           Or to support the submission or not.
- 6           Q. 586    Yes, were you aware of rumours at that time about money changing hands and
- 7                   councillors being paid for their votes?
- 8           A.           When, in '93?
- 9           Q. 587    Yes.
- 14:16:21 10          A.           No, I don't think so.
- 11          Q. 588    Pardon.
- 12          A.           I don't believe so, no.
- 13          Q. 589    When did you first become aware of it?
- 14          A.           I don't know. Um, obviously, since the Tribunal has happened.
- 14:16:34 15          Q. 590    Okay, that's 1997, Mr. Rowe. Would you have known it between '93 and '97
- 16                   would you have known about rumours?
- 17          A.           Um, possibly, yeah. Yeah.
- 18          Q. 591    How can that be your answer, Mr. Rowe? You either did or did not know prior to
- 19                   1997.
- 14:16:53 20          A.           Well what I said was -- there was certainly, I think now and don't ask me to
- 21                   put a date on it, because I can't. But I think there was probably -- there
- 22                   was certainly -- I think a newspaper -- there was bits in the newspaper, you
- 23                   know, saying that there was something was going on, you know. I'm not
- 24                   exactly. If I could give you a date, I would give you a date, you know.
- 14:17:28 25          Q. 592    I'm not asking you for a date, Mr. Rowe, at the moment. Can I just suggest to
- 26                   you in 1993 there was a series of articles by Frank McDonald in the Irish Times
- 27                   and there was a Garda investigation by Minister Smith?
- 28          A.           I don't have a recollection of that now to be honest.
- 29          Q. 593    All right. You do have a recollection of newspaper articles?
- 14:17:52 30          A.           Yeah.

- 14:17:53 1 Q. 594 All right. I mean, can I suggest -- you are somebody whose work brought you  
2 pretty close to the work of County Councils and planners and that sort of  
3 thing?  
4 A. Planners primarily, you know.
- 14:18:08 5 Q. 595 Yes. Can I suggest to you that it was widely rumoured at the time and widely  
6 believed at the time that there was an element of corruption insofar as  
7 councillors were concerned?  
8 A. I don't know whether that was the case.
- 9 Q. 596 Yes. All right.?  
14:18:26 10 A. I don't know whether that was the case.
- 11 Q. 597 And is it possible. I think these articles by Mr. McDonald were in or around  
12 June of 1993. Is it possible. I think it was a series of articles. Is it  
13 possible that that's the newspaper reports that you are referring to?  
14 A. That's possible, yeah.
- 14:18:44 15 Q. 598 Yes. We know now that we have, the Tribunal has Mr. Dunlop's evidence that  
16 money was paid to councillors?  
17 A. Yeah.
- 18 Q. 599 The councillors may not accept that that was money in return for votes.  
19 A. I've heard some of his evidence, yeah.
- 14:19:02 20 Q. 600 Mr. Dunlop say that is; isn't that right? What do you feel about that?  
21 A. My feeling is that I don't think it's anywhere near as widespread as has been  
22 suggested.
- 23 Q. 601 Yes.  
24 A. It's certainly -- any contact I've had with councillors.
- 14:19:25 25 Q. 602 Yes.  
26 A. At that time or subsequently, it's never -- I've never been asked, you know, to  
27 see if anybody could be paid anything or anything like that. So it wouldn't  
28 be my experience. And you know, I think, I just don't believe it was -- it's  
29 anywhere near as widespread as is being suggested.
- 14:19:48 30 Q. 603 Yes. What is your attitude though to Mr. Dunlop A, lobbyist, being asked for

- 14:19:54 1 money by councillors if his evidence is correct and then paying them in return  
2 for their vote?
- 3 A. I think that would be quite wrong.
- 4 Q. 604 Yes. And if it happened to one of your clients, what would you think about  
14:20:05 5 it?
- 6 A. How do you mean, if they were asked for money?
- 7 Q. 605 If Mr. Dunlop paid councillors for -- in respect of a zoning application on  
8 behalf of a client of your office?
- 9 A. I'd be surprised and it would not be -- any clients that I act for it would not  
14:20:26 10 be their way and I wouldn't have expected them to condone such a thing.
- 11 Q. 606 Yes. Well if your client's application was ultimately successful and it  
12 involved corrupt payments like this. Is that something that would...
- 13 A. It would concern me.
- 14 Q. 607 And would it embarrass you?
- 14:20:48 15 A. It would. Absolutely.
- 16 Q. 608 Well were you embarrassed in this instance?
- 17 A. But I don't believe that there's been payments made in this instance. And  
18 that's my belief.
- 19 Q. 609 You don't believe that Mr. Dunlop made these payments, is that what you're  
14:21:08 20 saying?
- 21 A. I don't believe he did, no.
- 22 Q. 610 I see. Mr. Rowe, if I can just turn to 1490 for a second.  
23
- 24 This is a letter written on the notepaper of Project Architects, dated 20th of  
14:21:41 25 January 1997 from Ambrose Kelly. And you are there as, you are -- you are  
26 named at the bottom of the letter yourself and Mr. Collins. So at that stage  
27 you were working with Mr. Ambrose Kelly for Project Architects. Isn't that  
28 right?
- 29 A. That's correct.
- 14:21:55 30 Q. 611 Sorry. When you say at the bottom of the letter. This in the text? Sorry

14:22:01 1 if we can drop the page please.

2 A. Oh, done the bottom, yes, yes, yes. That's grand, yeah.

3 Q. 612 And then if we look at 1556.

4

14:22:11 5 A letter of the 23rd of May 1997. And look at the bottom of that page if we  
6 can zone in on it I think you and Mr. Collins' names are gone that the stage.

7 A. That's correct. Well I didn't actually look at the dates. I presume this  
8 one is later than the other one is it.

9 Q. 613 And the date is May '97.

14:22:33 10 A. Right, ok.

11 Q. 614 Had you set up your own firm at that stage?

12 A. Yes, I think I was, I think it might have been February '97.

13 Q. 615 All right.

14

14:22:42 15 Page 2261, please.

16

17 In this letter dated the 7th of November 1997. Mr. Rowe, you are writing to  
18 Mr. Philip Doyle of the Eastern Health Board

19 A. Correct.

14:22:54 20 Q. 616 In relation to Eastern Health Board lands at Lissenhall?

21 A. Yep.

22 Q. 617 Can you tell the Tribunal what is happening at this stage now. You have been  
23 out of the picture?

24 A. I have.

14:23:07 25 Q. 618 Yes.

26 A. Yes.

27 Q. 619 And now you are back in the picture?

28 A. Exactly.

29 Q. 620 So what are you doing on behalf of Rayband now?

14:23:16 30 A. We are looking to apply, trying to set things up and get the infrastructure in

14:23:24 1 place, so that we can develop enough planning gain to achieve a roundabout  
2 access, at the point that our client always hoped to have a roundabout access.  
3 The reason we have a roundabout now rather than the protective right turn that  
4 I described earlier into the main body of the land. Is that the traffic  
14:23:51 5 generation, the traffic on that main Swords road, the North Road, the M1, has  
6 increased significantly to the previous application. And what we're aiming to  
7 do here is provide the possibility of the Eastern Health Board to link in to  
8 our road, thereby closing their entrance.

9 Q. 621 Yes.

14:24:13 10 A. Which means that I don't know whether you can put one of the maps up, could  
11 you.

12 Q. 622 I can certainly.

13 A. And I'll just sort of explain.  
14

14:24:23 15

16 Q. 623 Page 648.  
17  
18

19 A. Now, it's a bit small to see. But if you look at the -- no. If you could  
14:24:35 20 just zoom out a little bit. If you look where it says "de main" there just on  
21 the left-hand side.

22 Q. 624 Yes.

23 A. About half way up.

24 Q. 625 Yes.

14:24:44 25 A. You see the sort of angled line going at about 45 degrees.

26 Q. 626 Yes.

27 A. That's a county road that comes in to join the dual carriage way.

28 Q. 627 Yeah.

29 A. Okay. And what happens at that -- when that county road joins the dual  
14:25:02 30 carriage way there's what's called a centre median, running right down that

14:25:07 1 dual carriage way. Except at that point there's a break in the centre median.  
2 So cars can, if they are coming from the north going south they can stop in the  
3 centre -- in the middle of the dual carriage way and take a right turn.  
4 Equally, they can come out of that county road, go across into the centre, the  
14:25:27 5 break into the centre median and take a right turn down the dual carriage way.  
6 In the same way, do you see the lane way that I pointed out before that runs  
7 between the Eastern Health Board lands and the Mallinsons lands? This is  
8 running almost horizontal. Just below the letter "E" from the bulge, from the  
9 south of the bulge. Right? That -- there's also a break in the centre median  
14:25:54 10 there for cars travelling in a northerly direction to take a right turn into  
11 the Eastern Health Board lands and also traffic leaving the Eastern Health  
12 Board lands to go across the dual carriage way and take a right hand turn.  
13  
14 So it was beneficial. With that class road. Those are the most dangerous  
14:26:16 15 traffic manoeuvres you can have. So it was beneficial from The Roads  
16 Department to remove such breaks in the centre median. So what we were  
17 proposing is putting a roundabout, adjacent to the blue coloured lands,  
18 reference B, where it says "Lissenhall". Put a roundabout there and actually  
19 allow and permit the Health Board to come in through our brand new industrial  
14:26:38 20 lands with a planning permission on them, to a proper controlled access i.e. a  
21 roundabout. Okay?  
22 Q. 628 Can I just ask you, Mr. Rowe. This was all in the context now of what would  
23 be a new, second application for planning permission?  
24 A. Yes.  
14:26:54 25 Q. 629 And this would be for industrial use?  
26 A. Yep.  
27 Q. 630 And the big problem was access?  
28 A. Absolutely, yes, yes. Yes, the lands had been zoned I think at this stage.  
29 Q. 631 Correct.  
14:27:03 30 A. Yes.

- 14:27:04 1 Q. 632 And the Eastern Health Board might be an answer to your problem in relation to  
2 access?
- 3 A. No. No. At this stage we were actually trying to solve a problem for the  
4 Eastern Health Board.
- 14:27:14 5 Q. 633 I see.
- 6 A. What they have in the Eastern Health Board land is there's a small ambulance  
7 base. So you have emergency vehicles going in and out.
- 8 Q. 634 Yes.
- 9 A. And you also have what the Health Board call a workshop, where there's  
10 physically and mentally impaired people who go on a daily basis. And what you  
11 got was the milling around, waiting for a bus.
- 12 Q. 635 Yes.
- 13 A. Right adjacent to this dual carriage way. So it was very dangerous. And  
14 what we were saying was, you know, we could provide a roundabout access that  
15 would serve their lands through our lands.
- 14:27:49 16 Q. 636 Yes.
- 17 A. And the additional thing was it was beneficial because the Eastern Health Board  
18 lands actually drain without any treatment, or the foul sewage drains  
19 effectively through an old septic tank in the Mallinsons lands that drained  
14:28:09 20 without any treatment into the Broad Meadow River, the Broad Meadow Estuary.  
21 So we said well look we could take your sewage and put it into our system which  
22 was going to be pumped into the mains treatment plant. So there was an  
23 element of planning gain that we felt would be enough to convince the planners  
24 and the roads people.
- 14:28:32 25 Q. 637 Yes.
- 26 A. I.e. we're removing a break in the centre median and providing a proper  
27 controlled junction, properly designed. And also we're cleaning up the Broad  
28 Meadow River.
- 29 Q. 638 The planning application you lodged, was on the 20th of April 1988?
- 14:28:47 30 A. Yes.

14:28:48 1 Q. 639 And ultimately you got planning permission, it was granted in the March 2002?  
2 A. Yes.  
3 Q. 640 I think after an appeal is that right?  
4 A. There was a third party appeal, yes.

14:28:58 5 Q. 641 And I think also you were talking about a roundabout a moment ago, Mr. Rowe.  
6 And I want to avoid the detail of it for the moment. But you were talking  
7 about making an application with a roundabout in one location, which I think  
8 had the approval the County Council. But then subsequently the Government  
9 changed, the news came out about the motorway?

14:29:19 10 A. I can explain briefly if you want. The roundabout was there as I've  
11 described.  
12 Q. 642 Yes.  
13 A. We, that had been discussed with the roads people in Fingal. Only as a  
14 temporary measure.

14:29:31 15 Q. 643 Yes.  
16 A. And so we lodged the application. And within days of lodging the application,  
17 much to the surprise of the Fingal County Council roads people the Government  
18 approved the, that this dotted line should actually occur.

19 Q. 644 Didn't that mean that that roundabout couldn't go ahead, the roads section  
14:29:49 20 wouldn't...

21 A. They felt they had to look at it in detail. And they also had the detail  
22 design of that intersection, yeah.

23 Q. 645 So you then wanted to look for a different access point with a different  
24 roundabout is that it?

14:30:02 25 A. They actually issued request for additional information specifically asking us  
26 to relocate it further south.

27 Q. 646 Now, 2226 for a second.  
28  
29 Is that when you started to return to the to the Eastern Health Board. You  
14:30:26 30 did write to them in November '97?

14:30:28 1 A. Yes, that was the first letter you showed I think isn't that correct?

2 Q. 647 Yes, correct.?

3 A. Which is where I was saying to them, we could assist them by giving us the

4 planning gain.

14:30:38 5 Q. 648 Yes.

6 A. Okay. So at this stage the local authority had understood the planning gain,

7 but they were saying because the motorway was going ahead they wanted the

8 roundabout relocated further south.

9 Q. 649 Yes. And what, is it the position then that you need the Eastern Health Board

14:31:10 10 co-operation and facility?

11 A. Yes, correct.

12 Q. 650 All right. And you had already been in touch with them?

13 A. Oh, absolutely, yeah.

14 Q. 651 So what did you decide to do then? I mean with this change as a result of the

14:31:10 15 Government announcing that the Government would go ahead and this meant a new

16 roundabout and a new access for you?

17 A. Yeah.

18 Q. 652 You then identified the Eastern Health Board as the people to negotiate with?

19 A. Well in fact, the Fingal County Council had suggested that and proposed that.

14:31:28 20 Q. 653 All right. Now, what did you do Mr. Rowe, then? You are there, the person

21 coordinating all of this on behalf of Rayband?

22 A. Yep.

23 Q. 654 So what did you do then, did you then write to the Eastern Health Board?

24 A. No, I phoned. I think my first port of call was to Philip Doyle.

14:31:47 25 Q. 655 Yes.

26 A. Who was a -- well Estate's Development there in the Health Board.

27 Q. 656 Yes. Did you know him?

28 A. I did.

29 Q. 657 Right. Was there any difficulty about communicating with him about all of

14:32:01 30 this?

14:32:03 1 A. Mr. Doyle was getting progressive -- he was ill and he was getting -- become  
2 becoming progressively worst. He had some sort of a wasting disease. He  
3 subsequently died.

4 Q. 658 All right.?

14:32:20 5 A. So it was quite difficult to -- I could meet him, you know, get some  
6 information. But then he might not return calls, or he might not be able to  
7 make another appointment for some considerable time.

8 Q. 659 2266. Dated January 19999. That's you writing to Mr. Philip Doyle. You  
9 say in the first line "we refer to our previous discussion and letter dated  
10 November 1997."

11 A. Yes.

12 Q. 660 All right. Now, do you know does the previous discussion there refer to a  
13 recent discussion or does it go back to the letter of 7th of November 1997?

14 A. I think it was the 7th of November discussion.

14:33:05 15 Q. 661 All right.

16 A. I think if I'm not mistaken. What I'm doing here is reminding Mr. Doyle of  
17 our previous discussion and giving him some background.

18 Q. 662 That's what I was assuming, Mr. Rowe, yes.

19 A. All right.

14:33:19 20 Q. 663 You think that's the first contact since the new development, the new location  
21 for the access?

22 A. No, I don't think it is. And the reason I don't think it is is because  
23 I've -- I enclose two copies of a sketch which illustrates the permanent  
24 roundabout location.

14:33:44 25 Q. 664 Yes.

26 A. And in addition to that, I make a reference to an EHB, an Eastern Health Board  
27 unit of 10,000 square feet.

28 Q. 665 Yes.

29 A. Okay. And I wouldn't have known that 10,000 square feet would have been a  
14:34:04 30 size or anything that -- so there must have been. Now, that could have taken

14:34:09 1 place in a telephone discussion before I wrote to Mr. Doyle.

2 Q. 666 All right. But Mr. Doyle was your contact in the Eastern Health Board for all

3 of this; is that right?

4 A. Sorry?

14:34:19 5 Q. 667 Back in 1997, it was Mr. Doyle you decided to go through because you knew him?

6 A. Yes.

7 Q. 668 And now again in '99?

8 A. Yeah.

9 All right. Well can I go -- just page 2263, please.

14:34:31 10

11

12 Q. 669 CHAIRMAN: Sorry, just before you leave, that Mr. Rowe. There is a cc of

13 this letter at the bottom right hand corner to Chairman Cyril Gallagher and

14 Councillor Anne Devitt.

14:34:45 15 A. I think at the time. I think they were both in the Health Board and they were

16 both in the Council. I think Mr. Gallagher might have been the Chairman of

17 the County Council at that time.

18

19

14:34:55 20 Q. 670 CHAIRMAN: And why were you sending copies to Mr. Gallagher and Ms. Devitt do

21 you know?

22 A. Because I knew Ms. Devitt. And that I would have appraised her of the

23 discussions. And she would have known about that from Fingal County Council

24 as well.

14:35:16 25

26

27 Q. 671 CHAIRMAN: But what was her? This was a formal letter to Mr. Doyle.

28 A. Yeah.

29

14:35:23 30

14:35:23 1 Q. 672 CHAIRMAN: Setting out in effect a proposal. So when you say you were  
2 keeping them informed. I mean, why keep Mr. Gallagher and Ms. Devitt informed  
3 of a proposal that you were making or contact that you were then having with  
4 Mr. Doyle?

14:35:46 5 A. Because they would have had an input into any discussions, you know.

6  
7  
8 Q. 673 CHAIRMAN: Well was Ms. Devitt working at that stage?

9 A. How do you mean?

14:35:55 10

11

12 Q. 674 CHAIRMAN: For your client, do you know?

13 A. I don't know.

14

14:36:00 15

16 Q. 675 CHAIRMAN: But had you -- I mean -

17 A. Had I had discussions with?

18

19

14:36:06 20 Q. 676 CHAIRMAN: It's just -- you were now copying this formal proposal, to  
21 Mr. Doyle in the eastern Health Board to Mr. Gallagher, who you describe as the  
22 Chairman, I presume...

23 A. I'm not sure which he was the Chairman of actually.

24

14:36:23 25

26 Q. 677 CHAIRMAN: I'm just wondering why. You say that you were keeping them  
27 appraised of...

28 A. Yes, very much so.

29

14:36:30 30

- 14:36:30 1 Q. 678 CHAIRMAN: But why? What involvement would they have had?
- 2 A. The involvement would have been that my recollection at the time was that there
- 3 would have -- I couldn't come to a formal agreement with Mr. Philip Doyle. He
- 4 couldn't -- I don't think he had the authority to say yes, this is what the
- 14:36:49 5 Health Board will do. He would make a recommendation to, there was a number of
- 6 different, as I understand it almost subcommittees or boards within Health
- 7 Board. And so if Mr. Doyle, if they -- I don't think Mr. Doyle would have
- 8 come in and said, listen, that's -- and just thrown something at them, you know
- 9 what I mean.
- 14:37:15 10
- 11
- 12 Q. 679 CHAIRMAN: Yes but -- that doesn't explain. Obviously, Mr. Doyle had to, as
- 13 you understood it, and it would make sense, that he had to liaise with others
- 14 and make, presumably reports, before a decision would be made. I'm just
- 14:37:31 15 wondering. Here you are writing to the Eastern Health Board. Why were you
- 16 copying the letter to Mr. Gallagher and to Ms. Devitt?
- 17 A. To keep them informed.
- 18
- 19
- 14:37:41 20 Q. 680 CHAIRMAN: But why though, why two councillors, why was it necessary to keep
- 21 two County Councillors informed?
- 22 A. And two Health Board people, yeah.
- 23
- 24
- 14:37:52 25 Q. 681 CHAIRMAN: Well in which capacity were they being kept informed?
- 26 A. I'm not a hundred percent sure actually. I mean I've said councillor and I've
- 27 said Chairman, but I mean they were that as well.
- 28
- 29
- 14:38:02 30 Q. 682 CHAIRMAN: Why not copy the letter to every councillor? I'm just wondering

14:38:07 1 the extent to which you understood Mr. Gallagher and Ms. Devitt to be involved?  
2 In the sense that they were aware of developments and needed to be kept aware  
3 of developments as between yourselves and the Health Board.

4 A. Sorry, could you just ...

14:38:27 5

6

7 Q. 683 CHAIRMAN: I'm just wondering why. Here you are writing a letter to the  
8 Eastern Health Board.

9 A. Yeah.

14:38:33 10

11

12 Q. 684 CHAIRMAN: You are making a proposal. You choose to send copies to  
13 Mr. Gallagher and Ms. Devitt. Now, you're not certain whether you are doing  
14 so in their capacity as members of the Health Board or members of the County  
15 Council.

14:38:47 15

16 A. Sure. I think it was Health Board but I'm not.

17

18

19 Q. 685 CHAIRMAN: I'm just wondering why were you sending them copies? Why wasn't it  
14:38:56 20 just matter between yourself and Mr. Doyle, who was an employee of the Health  
21 Board. Why was it necessary to send copies to these two and not possibly  
22 others in the Health Board or the council? What was so special about  
23 Mr. Gallagher and Ms. Devitt that they were to receive copies of this formal  
24 correspondence?

14:39:16 25

26 A. Well certainly Councillor Devitt had shown an interest and they she -- I mean,  
27 did she sign the motion for the rezoning? I'm not sure. But so Councillor  
28 Devitt had shown an interest. It was very much her patch. It was also Cyril  
29 Gallagher's patch. This is on a councillor's basis. And they were both, as  
I understand it, now I'm not sure what section of The Health Board.

14:39:45 30

14:39:45 1

2 Q. 686 CHAIRMAN: Would you have had contact with them in relation to this issue?

3 A. I had contact with Councillor Devitt.

4

14:39:52 5

6 Q. 687 CHAIRMAN: At this stage?

7 A. Oh, I'm sure I did, yes.

8

9 CHAIRMAN: All right.

14:39:56 10

11

12 Q. 688 MR. MURPHY: Mr. Rowe, can we go back to --

13

14 2263, please.

14:40:01 15

16 And this is a letter from Michael Green, of Kevin Flannigan, Associates, to you

17 dated 25th of November 1998.

18 A. Yeah.

19 Q. 689 Re industrial development Lissenhall, Swords.

14:40:15 20

21 "Dear Tim, I refer to our ongoing correspondence in respect of the above and

22 the meeting we arranged for Councillor Anne Devitt in our office. I think the

23 meeting went well and I am sure appreciate the importance of having that

24 meeting bearing in mind that she is a board member of EHB. Anne Devitt is a

14:40:31 25 very proactive member of Fingal County Council, and I think she will do all she

26 can to assist us. As soon as there are any development I will let you know."

27

28 How did Anne Devitt come into this as far as you were concerned?

29 A. This suggests a meeting between -- my reading of this is that this suggests a

14:40:53 30 meeting between Anne Devitt, myself and Michael Green. Is that your heading

14:40:58 1 of?

2 Q. 690 Sorry what, did you say Mr. Rowe, please?

3 A. Sorry. My reading of that is that this is a letter about a meeting between

4 Anne Devitt, myself and Michael Green.

14:41:09 5 Q. 691 Yes.

6 A. I actually don't have a recollection of that meeting. So I'm not sure whether

7 it was a meeting that took place with Michael Green and Anne Devitt.

8 Q. 692 Yes.

9 A. Talking. I know I'd spoken to Michael Green regarding sort of values on the,

14:41:27 10 you know, and the types of units that we should perhaps have on the industrial

11 site.

12 Q. 693 Would you have met Ms. Anne Devitt very often, Mr. Rowe, over the years?

13 A. No.

14 Q. 694 How would you not remember meeting her then that the particular meeting?

14:41:46 15 A. I don't have any recollection of that. I don't know whether that letter is

16 saying that I was part of the meeting, do you know what I mean?

17 Q. 695 All right. Mr. Rowe, just to put this in context. This planning application

18 was lodged in the April 1988. And this letter is November 1998?

19 A. Yes.

14:42:02 20 Q. 696 When you are trying to deal with the access problem; isn't that right?

21 A. Absolutely, yes.

22 Q. 697 This letter is before you write to Philip Doyle for the second time?

23 A. Fine, yes.

24 Q. 698 So are you saying you think you may not have been at that meeting with Anne

14:42:19 25 Devitt?

26 A. I am saying that. I'm not actually sure whether that letter says that I was

27 at a meeting. Do you know what I mean? I don't have a recollection of it.

28 But does that letter say I was, you know... "I refer to ongoing correspondence

29 in respect of the above and the meeting we arranged."

14:42:41 30

- 14:42:41 1
- 2 Q. 699 CHAIRMAN: Yeah well it suggests that there was a meeting involving yourself,  
3 Anne Devitt and Mr. Greene.
- 4 A. That's it. I just don't have a recollection about a meeting. It's quite  
14:42:53 5 possible I did have a meeting.  
6  
7
- 8 MR. MURPHY: Page 2262, please.
- 9 A. Yeah.
- 14:42:58 10 Q. 700 Which is a fax message from you to Joe Moran dated 3rd of December 1998?  
11 A. Yeah.
- 12 Q. 701 So it's, whatever it is, about a week after that previous letter. Where you  
13 say to Mr. Moran, "PS I want to arrange lunch with GV and Anne Devitt."  
14 A. That's right.
- 14:43:16 15 Q. 702 Did that take place?  
16 A. No.
- 17 Q. 703 What was that to be about, can you perhaps explain to the Tribunal how  
18 Ms. Devitt came to be involved? Did you introduce her?  
19 A. To whom?
- 14:43:30 20 Q. 704 To Rayband.?  
21 A. Oh, to Joe Moran or Rayband.
- 22 Q. 705 Yes.?  
23 A. Yes, yes, it's quite possible I did, I don't know whether he had met her before  
24 or not.
- 14:43:40 25 Q. 706 Can you just explain that. Because what I understand is that a planning  
26 application was lodged in April 1988. There now is an access problem. I  
27 think you told us a moment ago on the 28th of January 1999 for the second time  
28 after an interval of a year or two you wrote to Mr. Philip Doyle to deal with  
29 this access?  
14:43:58 30 A. Yeah.

14:43:58 1 Q. 707 But just before this at the end of '98, there is this letter from you to  
2 Michael Green and then there's you saying to Mr. Moran you want to arrange  
3 lunch with Anne Devitt?  
4 A. Yeah.

14:44:08 5 Q. 708 So could you please explain how Ms. Devitt, how she comes into the picture  
6 here?  
7 A. Well she was a member of the Health Board and she was a County Councillor.

8 Q. 709 Yes.  
9 A. I didn't have -- Philip Doyle would not have any knowledge of the -- of how the  
14:44:26 10 area of land at Lissenhall worked.  
11 Q. 710 Yes.  
12 A. I.e. he wouldn't have had specific types of uses or the strategic nature let's  
13 say of those lands at Lissenhall.

14 Q. 711 But I understood you to say that you went to Mr. Doyle first whether or not he  
14:44:43 15 had the information. He was the first person in the Eastern Health Board that  
16 you went to?  
17 A. I did it was the -- 97 I think.

18 Q. 712 For the first time, this later time in '99 that he is the first person you go  
19 to because you know him. Are you now saying in fact what you went to  
14:45:00 20 Ms. Devitt?  
21 A. I'm not a hundred percent sure.

22 Q. 713 All right.  
23 A. Yeah.

24 Q. 714 Well did you -- and you think that you suggested -- did you suggest to  
14:45:13 25 Mr. Moran at any stage that he contact Ms. Devitt?  
26 A. Well I suggested that I'd arrange lunch.

27 Q. 715 No, I don't mean that.  
28 A. All right.

29 Q. 716 That he would get in touch with her in relation to this problem that you were  
14:45:27 30 having about access?

- 14:45:27 1 A. I think as Michael Green explained in his letter, Anne Devitt was proactive.
- 2 Q. 717 Yes.
- 3 A. In that, you know, she would -- if there was an issue she would try and help.
- 4 Q. 718 Yes.
- 14:45:39 5 A. So it's quite possible that I suggested it to him.
- 6 Q. 719 Were you aware of Ms. Devitt running a consultancy service?
- 7 A. I wasn't.
- 8 Q. 720 Legal services?
- 9 A. No.
- 14:45:47 10 Q. 721 Sorry, did you say a moment ago that you may have suggested to Mr. Moran that  
11 he contact Ms. Devitt?
- 12 A. It's possible, yes.
- 13 Q. 722 If you didn't know about her consultancy service it would have been in her  
14 capacity as a member of the Eastern Health Board or as a County Councillor?
- 14:46:05 15 A. Absolutely, yes.
- 16 Q. 723 You weren't suggesting that he get in touch with her, legal service firm?
- 17 A. I wasn't aware of a legal service firm. I was aware that she was a solicitor  
18 now and a school teacher I think.
- 19 Q. 724 All right. You see, I got the impression from your statement, Mr. Rowe, that  
14:46:43 20 in fact you had your introduction to Mr. Doyle. And then he introduced you  
21 further. And that you were able, actually yourself, to deal with this access  
22 problem?
- 23 A. I think it was Anne Devitt -- now, I could be wrong here. I think it could  
24 have been Councillor Devitt who suggested I go and talk to Jim Curran in the  
14:46:57 25 Health Board.
- 26 Q. 725 She may have suggested that to you?
- 27 A. She may well have, yeah.
- 28 Q. 726 All right. So do you -- do you have a recollection of the order in which you  
29 consulted people in, in the Eastern Health Board?
- 14:47:22 30 A. Well the first person was Philip Doyle.

14:47:25 1 Q. 727 That's in '97?

2 A. Yep.

3 Q. 728 Can we leave '97 and come on to '98 '99?

4 A. It would have then been Councillor Devitt or Philip Doyle again. And I'm not

14:47:39 5 sure in which order. That's why I was looking at the letter that I had

6 written to Philip Doyle and I'd been specific about the 10,000 square foot

7 unit. Now, that would be a bit of information that Councillor Devitt, whether

8 she was a member of the Health Board or not, wouldn't have had. I would have

9 got that from Philip dill so I'd obviously had a previous discussion with

14:48:02 10 Philip Doyle. So I suspect it was Philip Doyle again, then probably an Anne

11 Devitt and then probably Jim Curran. The reason I went to Jim Curran was I

12 needed an appointment to actually go and look at the -- how the workshop in the

13 Eastern Health Board lands actually worked so I could get a feeling as to what

14 type of building and what type of development was required if we were going to

14:48:30 15 replace it.

16 Q. 729 Uh-huh. How much work did you have to do to resolve this? To actually

17 finally lodge your planning application you had to resolve the access; isn't

18 that right, Mr. Rowe?

19 A. Well we didn't. What we had to do was to respond to.

14:48:52 20 Q. 730 The request for additional information?

21 A. That's right. The first thing we -- the first thing we had to do. We had to

22 get a letter from the Health Board to giving us permission to show and

23 illustrate a road going across their land. That was the first thing.

24 Q. 731 Yes. Yes. Can you say -- when did you finally give them the information,

14:49:21 25 the additional information they were looking for?

26 A. It's on the file and I'm not a hundred percent sure exactly.

27 Q. 732 Yes. All right. And --

28 A. I would suspect -- we had a whole -- in fact. Sorry. The additional

29 information -- there was some. It was quite a long list of additional

14:49:45 30 information of which the access was one item. But there was some specific

14:49:49 1 information relating to a flap valve at the estuary. And, if my recollection  
2 is correct, our consulting engineers actually lodged that with the local  
3 authority. And that meant, that the clock started ticking again. And if you  
4 look on the file you'll find that there was request after request for an  
14:50:17 5 extension of time. And that was the reason that that happened.

6 Q. 733 Yes.

7 A. And I know that Fingal were getting very irritated because they wanted a  
8 resolution of this file. They didn't want it hanging around.

9 Q. 734 Yes.

14:50:28 10 A. And in fact, I had a meeting with Mark Walsh, who was the principal officer or  
11 something at that stage. And just said, look, I actually asked him could he  
12 try and jizz-up the Health Board and I explained to him about the effluent  
13 going into the Broad Meadow River and this sort of thing.

14 Q. 735 And what was Ms. Devitt's contribution to the whole thing?

14:50:58 15 A. She kept. The Health Board were very busy. As I said, Philip Doyle was not  
16 well. And I would often phone her in, a bit of irritation and frustration in  
17 that I might have been trying to get to Philip Doyle, or trying to get to, you  
18 know, perhaps Jim Curran or somebody else. Try and get a decision.  
19 I know it was a long, long time before we actually got the -- if you look at  
14:51:37 20 the file. I think I lodged the planning application for outline permission  
21 for the 10,000 square foot unit.

22 Q. 736 Uh-huh.

23 A. Now, I fairly speedily got a schedule of accommodation for the ambulance  
24 centre. But there was some internal wrangles, the staff at -- the staff  
14:51:57 25 were -- in the Health Board. This is the people working in the work shop.  
26 They prepared a schedule of accommodation for that building. And I think they  
27 thought all their Christmas had come at once because they asked for a fantastic  
28 splendid building. So it was a long, long process. And I would keep  
29 telephoning Anne Devitt and saying look, can we get a resolution to this, you  
14:52:37 30 know.

14:52:37 1 Q. 737 Yes. All you were doing, they were phone calls to Ms. Devitt to ask her to  
2 use her influence with people to get a move on; is that right?  
3 A. That's I basic three at that stage, yeah.  
4 Q. 738 All right. And you didn't know that she was working professionally on behalf  
14:52:44 5 of Mr. Moran at that stage?  
6 A. No, I didn't.  
7 Q. 739 Did it come as a surprise to you when you found that out?  
8 A. It was.  
9 Q. 740 And that she was paid a sum of 20,000 pounds for what she did?  
14:52:56 10 A. It was. I had no knowledge of it.  
11 Q. 741 Yes.  
12 A. There was actually some other issues that Philip Doyle discovered, some old  
13 leases on the Health Board lands that had -- before even the Health Board was.  
14 I think when this hospital was under the jurisdiction of the old Blanchardstown  
14:53:32 15 hospital and there was a fellow -- I actually found these things when I was  
16 walking around the site. There was a fella doing a bit of car paneling and  
17 this sort of stuff. And apparently they had some old established leases and  
18 that sort of stuff and I know that I brought those to Joe Moran's attention and  
19 Anne Devitt's attention and to Philip Doyle's attention in fact.  
14:53:57 20  
21  
22 Q. 742 Page 1834, please.  
23  
24 I think this is An Bord Pleanala's decision on the appeal, Mr. Rowe, is that  
14:54:07 25 right?  
26 A. Uh-huh.  
27 Q. 743 And the final grant of planning permission that you had lodged.  
28 A. Well it isn't actually. Because what happened was the Board - that Board  
29 decision actually instructs Fingal to change a condition. So the actual grant  
14:54:28 30 came from Fingal, which is unusual.

14:54:30 1 Q. 744 All right.  
2  
3 If we look at page 1835 there. Condition No. 21.  
4  
14:54:35 5 Can you just explain that, please?  
6 A. Yeah, that's what I'm saying. The Board have the power, all that was changed  
7 was the condition of the decision to grant. And the Board had the powers  
8 under whatever it is to instruct the County Council to alter that condition and  
9 issue a grant. So I think it was -- that's the 7th of March. Was the 25th  
14:54:59 10 of March the final grant came out from Fingal?  
11 Q. 745 Yes.  
12 A. Yep.  
13 Q. 746 Yes. I have the impression, Mr. Rowe, that you did quite a lot of work on  
14 behalf of Rayband in relation to this second planning application and  
14:55:16 15 negotiating the access with the Eastern Health Board and so on; is that right?  
16 A. Well I actually prepared two full planning applications. One for the ambulance  
17 centre. And also after the outline I also prepared a full planning  
18 application for the workshop building, the new workshop building, which was  
19 located on Rayband lands.  
14:55:37 20 Q. 747 All right. Thanks Mr. Rowe.  
21  
22 CHAIRMAN: Do you wish to ask a question?  
23  
24 MR. MOOREHEAD: Chairman, if I may.  
14:55:52 25  
26  
27  
28 **THE WITNESS WAS THEN EXAMINED**  
29 **AS FOLLOWS BY MR. MOOREHEAD:**  
14:55:53 30

- 14:55:54 1 Q. 748 Mr. Rowe, I think you attend add meeting on the 31st of August 1989 at  
2 Fitzwilliam Square. I don't know if you recall that meeting?
- 3 A. Yes.
- 4 Q. 749 And I think at that meeting it was proposed by Mr. Redmond that you would make  
14:56:07 5 contact with the, I think the Senior planning person?
- 6 A. Keith Simpson.
- 7 Q. 750 Mr. Simpson, yes, correct. Now, your subsequent memos that you referred to  
8 today, I think the memo of the 17th of May is one of 1989. And this is in  
9 relation to the housing development?
- 14:56:26 10 A. Right.
- 11 Q. 751 It suggests that some element of canvassing of councillors would be useful.
- 12 A. Correct.
- 13 Q. 752 And again, on the current update on the 16th of November of 1989, the  
14 recommendation is instruct Shane Redmond re the councillors?
- 14:56:47 15 A. Yeah.
- 16 Q. 753 I am instructed that the division of tasks, as it were, that you and  
17 subsequently Mr. Mannahan would deal with the planning personnel and  
18 Mr. Redmond would deal with the councillors would. That be a fair  
19 description?
- 14:57:06 20 A. That's fair description, yeah.
- 21 Q. 754 And from these documents -- sorry. You also adverted to that there was a  
22 difference of opinion. This time and subsequently between The Roads  
23 Department and the Planning Department in respect of the point at which access  
24 would be appropriate to the Lissenhall lands?
- 14:57:28 25 A. Correct.
- 26 Q. 755 And I think Ms. Devitt has made reference to the difference of opinion between  
27 the councillors and the council officials, in relation to the amount of zoned  
28 land available. Do you recall that?
- 29 A. Sorry, could you just repeat that.
- 14:57:45 30 Q. 756 Ms. Devitt has made reference, that she had a very fundamental disagreement

14:57:50 1 with the council officials, as to the amount of industrially zoned land  
2 available.

3 A. My recollection is that Swords was very poorly served by industrial land.  
4 Industrial land was quantified in the whole of County Dublin. And I think out  
14:58:17 5 of the whole of County Dublin, even though it was the major town of the area,  
6 my recollection is that there was only four to six percent, in and around the  
7 Swords area.

8 Q. 757 I see. I think Ms. Devitt was of a very similar opinion. That the town of  
9 Swords was very poorly served in relation to industrial land?

14:58:34 10 A. Effectively everybody in Swords either worked in the airport or Dublin. And  
11 it -- so they were commuters. And I think, I seem to remember 5,000 cars a day  
12 going in and out of Dublin Airport or morning and evening just to go to work.  
13 And a huge percentage of those were from Swords. And obviously, getting  
14 industrial land in Swords would be now known as, sustainable development, in  
14:59:08 15 that you can work, you know, you don't have to commute to your job.

16 Q. 758 Now, in relation to the various differing viewpoints, the roads personnel had  
17 one viewpoint, planners had another viewpoint and perhaps some of the  
18 councillors had a different viewpoint.  
19

14:59:27 20 Was that very much in mind at this time as you approached the development of  
21 the Lissenhall lands?

22 A. When you say the development, how do you mean?

23 Q. 759 Well subsequent to the acquisition by Rayband of these lands. They proposed  
24 to develop the lands. Firstly, in relation to putting housing on the lands;  
14:59:47 25 isn't that correct?

26 A. Coming up to that application, I don't think -- when I first looked at the  
27 lands I didn't, it was my estimation that I didn't think there would be that  
28 much of an issue with getting an access from the dual carriage way. Primarily  
29 because the centre median was of sufficient width that you could -- you could  
15:00:14 30 do the lane within the width thereby giving this protected right turn, which

- 15:00:20 1 meant that cars didn't have to stop on the fast lane, the overtaking lane of  
2 the dual carriage way. You could construct a road within the centre median.  
3 So I don't think it was -- the traffic end of it, I didn't think was that.  
4 It's not my recollection but it certainly came out very quickly that it was an  
15:00:42 5 issue.
- 6 Q. 760 In the memo of the meeting of your Mr. Moore with I think Ms. Mallon. That  
7 memo specifically suggests that councillors should be canvassed for their  
8 support; isn't that correct?
- 9 A. That was Grainne Mallon. That's my reading of that. Grainne Mallon was  
15:01:08 10 advising Denis Moore that it was, the planning application would, if it was to  
11 be successful, have to be a material contravention of the zoning.
- 12 Q. 761 And that suggests to me, I mean, I think Ms. Mallon was a Senior planner at  
13 that time; isn't that correct?
- 14 A. She was, yes.
- 15:01:26 15 Q. 762 That would suggest to me that it was normal practice to canvass the merits of  
16 applications with councillors?
- 17 A. Oh, yes, absolutely. And there was some planners would -- the Senior planners  
18 would actually advise that if it was to be an material contravention.
- 19 Q. 763 So it wasn't in any sense a surreptitious course of conduct to engage in?
- 15:01:49 20 A. No, not at all.
- 21 Q. 764 And from those memos and from your meeting on the 31st of August. Was it  
22 clear to you that Mr. Redmond was to canvass the local councillors in Swords?
- 23 A. Yes.
- 24 Q. 765 And I think there was a list of local councillors who were Ray Burke, Anne  
15:02:06 25 Devitt, Cyril Gallagher and Sean Ryan; isn't that correct?
- 26 A. That was on the Grainne, Denis Moore memo?
- 27 Q. 766 Yes.
- 28 A. I think they were the most local councillors.
- 29 Q. 767 At this time Mr. Joe Moran is somewhat contradictory in what he's had to say  
15:02:37 30 about this. He does say and he echoes what you've said, that in

- 15:02:41 1 circumstances, such as you were in and it at that time that the assistance of a  
2 local auctioneer would be very important?
- 3 A. Well it's important for a number of reasons, you know. Initially the local  
4 auctioneer would know what house sales are going, the types of houses, what's  
15:02:57 5 the demand. And obviously they would have, you know, they would have their  
6 feet on the ground in the area. So they would know local councillors as well.
- 7 Q. 768 And I take it you would expect them to know the attitude that local councillors  
8 would take to development?
- 9 A. I would expect them to probably, you know, in a town like Swords maybe as they  
15:03:18 10 wouldn't see them every day of the week but they might see their local  
11 councillors perhaps there might have been a Chamber of Commerce meeting where  
12 they might know one or something like that. That they'd be in informal  
13 contact with them.
- 14 Q. 769 Now, I take it from your evidence that you weren't involved in the rezoning and  
15:03:46 15 you didn't come back to the matter until I think 1997; isn't that correct?
- 16 A. That's correct.
- 17 Q. 770 In relation to approaching the same lands with a different purpose as happened,  
18 the purpose of rezoning for industrial use. Would the same considerations  
19 apply in relation to auctioneers knowledge, in relation to canvassing  
15:03:55 20 councillors?
- 21 A. It could, yes.
- 22 Q. 771 And again if councillors were to be canvassed as to the merits of a rezoning  
23 application. That wouldn't necessarily be a surreptitious activity; would it?
- 24 A. No.
- 15:04:10 25 Q. 772 And would it be commonly done in rezoning applications?
- 26 A. I think if somebody wanted their lands zoned. If they felt that there was a  
27 valid case, then a course of action. It is the elected members that actually  
28 make the Development Plan. You know, it's they that make it.
- 29 Thank you, Mr. Rowe. I have no further questions, Mr. Chairman.
- 15:04:33 30

15:04:33 1 CHAIRMAN: All right. Do you want to ask a question?

2

3

MR. O'HOISIN: No, Chairman.

4

15:04:37 5 CHAIRMAN: Do you want to ask a question?

6

7

MR. BURKE: Just a brief, yes.

8

9

15:04:42 10

11

**THE WITNESS WAS THEN EXAMINED**

12

**AS FOLLOWS BY MR. BURKE:**

13

14

15:04:42 15 Q. 773 My name is a David Burke. I'm for the Hand family.

16

17

You said you felt that corruption amongst the councillors was less widespread than has now been stated or claimed by Mr. Dunlop. Would you elaborate a little bit on why you believe that to be so?

19

15:04:57 20 A. Well I wasn't aware of -- at the time I wasn't aware of any -- I had no

21

knowledge of any suggested corruption or corruption. Just my experience of any councillors through the years has been that I've never been asked for any favours or money or anything. And my experience is that elected councillors

23

24

are there for the good of the community and they put in huge hours and time and

15:05:28 25 I just haven't, you know, I just haven't sort of come into contact. That's

26

really, of such a thing, you know.

27

Q. 774 And I know this is an impossible question to answer. But even if you can

28

attempt it in a general way. How many councillors would you have met, how

29

frequently would you have met them, what type of contact would you have had

15:05:47 30

with them?

15:05:48 1 A. Not a huge number. But at the time I would have met a couple of the,  
2 probably, possibly maybe three or four I suppose of the councillors of the  
3 Fingal area. I would -- I would meet. At the moment I would meet a number  
4 of councillors in the Wicklow area, you know. So ...

15:06:19 5 Q. 775 Thank you. I think you also said you don't believe that councillors were paid  
6 in this instance. Why did you say that, on what basis, could you elaborate a  
7 little bit?

8 A. Yeah. It's not difficult. I mean I've been, I've acted for my clients for a  
9 number of years. You know, pushing 20 years now. They -- well number one,  
10 you know, they would be, you know, they are reputable. They, you know, they  
11 just wouldn't -- in my knowledge of them, they wouldn't entertain such a thing.  
12 I see. Thank you very much, Mr. Rowe.

13  
14 CHAIRMAN: All right.

15:06:59 15  
16 Q. 776 Mr. Rowe, could I just ask you again. It's possibly going over old ground at  
17 this stage. But when you were dealing with Ms. Devitt from the late 1990s  
18 onwards. Did you understand her to be acting in her capacity as a Health  
19 Board Member or as a consultant? And when I say Health Board Member. In the  
15:07:25 20 same way as perhaps you would deal with a councillor or a TD seeking some  
21 representation to be made on your behalf or on behalf of your client. Are you  
22 dealing with her in that capacity did you understand or as a capacity as a  
23 consultant in the same way that you were a consultant and possibly an engineer  
24 might be a consultant?

15:07:52 25 A. Could you just go through that again. Sorry.

26  
27  
28 Q. 777 CHAIRMAN: When you were dealing with Ms. Devitt in relation to the Health  
29 Board issue.

15:08:02 30 A. Yes.

15:08:03 1  
2  
3 Q. 778 CHAIRMAN: Did you understand her, Ms. Devitt, to be acting in her capacity as  
4 a Health Board Member in the same way as you might deal with a councillor, or a  
15:08:17 5 TD if you were seeking representations to be made for some issue or other?  
6 A. Uh-huh.  
7  
8  
9 Q. 779 CHAIRMAN: In other words, dealing with her as a public representative. Or a  
10 representative of the Health Board. Or did you believe yourself to be acting  
11 or did you believe her to be acting as a consultant engaged on behalf of your  
12 client?  
13 A. No, no. No, no. My dealings, my impression was I was dealing with her as a  
14 public representative, if you like.  
15:08:52 15  
16  
17 Q. 780 CHAIRMAN: And when did you discover that she was paid?  
18 A. When I got the evidence from the Tribunal.  
19  
15:09:15 20  
21 Q. 781 CHAIRMAN: And would you have met her -- well I think you said you did meet  
22 her on a number of occasions in relation to this issue.  
23 A. Don't know whether I met her actually. I certainly telephoned her on quite a  
24 number of occasions.  
15:09:22 25  
26  
27 Q. 782 CHAIRMAN: And she never indicated to you, did she, that she was a consultant  
28 or was being paid or was doing a job of work for Mr. Moran?  
29 A. No, she didn't.  
15:09:31 30

15:09:31 1

2 Q. 783 CHAIRMAN: Mr. Moran never mention it had to you?

3 A. No.

4

15:09:35 5

6 Q. 784 CHAIRMAN: Would you have seen a fair bit of Mr. Moran over this period of

7 time?

8 A. I would have, yes.

9

15:09:39 10

11 Q. 785 CHAIRMAN: And would you have discussed?

12 A. Actually. Sporadic. Because he was very -- I'd be frustrated at not being

13 able to get to see him or get to speak to him. You know, he was highly

14 engaged in IWP at the time.

15:09:55 15

16

17 Q. 786 CHAIRMAN: And would you have discussed -- did you discuss at all in those

18 sporadic meetings, with Mr. Moran, the fact that you were in contact on

19 occasion with Ms. Devitt?

15:10:05 20 A. I would have, yes.

21

22

23 Q. 787 CHAIRMAN: And he didn't say anything to you which would allow you believe

24 that she was a paid consultant?

15:10:14 25 A. No.

26

27

28 Q. 788 CHAIRMAN: The letter that we saw some time back, which you copied to

29 Ms. Devitt, and to Mr. Gallagher?

15:10:22 30 A. Yes.

15:10:23 1  
2  
3 Q. 789 CHAIRMAN: 2266.  
4  
15:10:27 5 Did you have much to do with Mr. Gallagher during this period?  
6 A. No, I don't think I ever met Mr. Gallagher. I think -- I certainly advised  
7 Councillor Devitt or Anne Devitt that I was writing that letter. I would keep  
8 her advised as to how progress was going. And I think -- my recollection is  
9 that Mr. Gallagher was the Chairman of this particular Health Board at the  
15:11:00 10 time. And she felt it was, if I was copying her. She would sort of say  
11 would you copy me just to keep me, you know, up-to-date. And I think it was a  
12 courtesy from her point of view that I should, if she was going to copy me I  
13 should copy the Chairman. That's my recollection.  
14  
15:11:17 15 CHAIRMAN: All right. Thank you.  
16  
17  
18 Q. 790 JUDGE FAHERTY: A couple of things. I think Mr. Murphy said to you and I  
19 think you agreed that your firm after the planning permission granted,  
15:11:27 20 Mr. Rowe, issued a substantial invoice for the work you had done in relation to  
21 the planning permission application?  
22 A. I think we issued a number of invoices.  
23  
24  
15:11:39 25 Q. 791 JUDGE FAHERTY: Yes. Yes. It may well be a number. Do I take it that the  
26 work you would have done in relation to this letter, that's on the screen, and  
27 other liaisons that you'd had with Mr. Doyle and indeed anybody else, would be  
28 part of that work that you would have invoiced for?  
29 A. Um, yes. I -- I tend -- my practice is to, you know, is some architectural  
15:12:09 30 practices would prepare a planning application and lodge the application and

15:12:13 1 just leave it. My practice is that I would try and liaise and keep in touch  
2 with the permanent officials, you know, I'd talk to local councillors. Eye I  
3 would ask them. They would have far more access to see if a report was coming  
4 in the right way or the wrong way. And so they might say to me listen phone  
15:12:37 5 so and so of roads. So my practice is to be much more involved with an  
6 application as it's going through the system than some other architectural  
7 practices.

8  
9  
15:12:52 10 Q. 792 JUDGE FAHERTY: So you could would keep a hands on approach throughout  
11 process?

12 A. Yes.

13  
14  
15:12:58 15 Q. 793 JUDGE FAHERTY: I think you have answered the Chairman and you've said in your  
16 dealings with Ms. Devitt, that would be part of your approach, was it?

17 A. Yes, I'm quite sure that -- I don't think I've invoiced for quite an amount of  
18 the, for example, the ambulance centre. I don't think I've actually invoiced  
19 for that. I don't think I've invoiced. I'm sure I'll have a row with Joe  
15:13:18 20 Moran on that. You know.

21  
22  
23 Q. 794 JUDGE FAHERTY: Very well. And just one other thing. I do understand it  
24 that your first contact with the Health Board. I think you explained that it  
15:13:28 25 was vis-a-vis the -- before they changed the motorway. Before they introduced  
26 the -- or put forward the motorway proposal. It was in terms of planning gain  
27 that you knew the central median would be removed and the foul sewage would...

28 A. That's right. We were actually proposing to the Health Board that they come  
29 out via our lands than the rather than the other way around.

15:13:56 30

15:13:56 1

2 Q. 795 JUDGE FAHERTY: But the big difference was. Second time around, Rayband

3 needed the Eastern Health Board lands?

4 A. Yes.

15:14:01 5

6

7 Q. 796 JUDGE FAHERTY: Because of the roads and the manner in which they positioned?

8 A. Yes.

9

15:14:16 10

11 Q. 797 JUDGE FAHERTY: Just wanted to clarify that. Thank you very much.

12

13 CHAIRMAN: Thank you very much Mr. Rowe.

14

15:14:16 15

16

17 **THE WITNESS THEN WITHDREW.**

18

19

15:14:16 20 MR. MURPHY: Mr. Shane Redmond, please.

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15:14:16 1 **MR. SHANE REDMOND , HAVING BEEN SWORN, WAS EXAMINED**

2 **AS FOLLOWS BY MR MURPHY:**

3

4 CHAIRMAN: Good afternoon, Mr. Redmond.

15:14:52 5 A. Good afternoon.

6

7

8 Q. 798 MR. MURPHY: Good afternoon, Mr. Redmond.

9

15:14:56 10 I think you are a retired estate agent and auctioneer; is that right?

11 A. That's correct.

12 Q. 799 And you were practising under the title of Shane Redmond Group; is that right?

13 A. Yes.

14 Q. 800 Yes.

15:15:09 15 A. Yes.

16 Q. 801 From Main Street, Swords?

17 A. Yes.

18 Q. 802 And when did you actually retire Mr. Redmond?

19 A. Well it's about five, a little over five years.

15:15:18 20 Q. 803 All right. And when did you set up Shane Redmond Group?

21 A. Well the group is now in Swords, over 36 years.

22 Q. 804 Right. So whatever that is, about 1970?

23 A. Yeah.

24 Q. 805 All right. So you were practising as an auctioneer?

15:15:35 25 A. Yeah.

26 Q. 806 In Swords?

27 A. That's correct.

28 Q. 807 From about 1970 until about 2000?

29 A. That's correct.

15:15:41 30 Q. 808 All right. Now, I think your first involvement in all of this, Mr. Redmond,

- 15:15:48 1 was in fact on behalf of Walls Properties Limited; isn't that correct?
- 2 A. That's correct, yeah.
- 3 Q. 809 And I think, were you acting for them in relation to the sale of the lands at
- 4 Lissenhall, that were in 1989 bought by Rayband?
- 15:16:05 5 A. Yeah. I was retained by them.
- 6 Q. 810 All right.
- 7 A. To sell approximately 18.5 acres he had.
- 8 Q. 811 Yes.
- 9 A. And subsequently sold it.
- 15:16:19 10 Q. 812 Yes. And I think you sold it for a price of 277,500; is that right?
- 11 A. Yes, correct.
- 12 Q. 813 All right. And you were paid for the work that you did by Walls Properties
- 13 Limited; is that correct?
- 14 A. Yes.
- 15:16:40 15 Q. 814 Now, could I refer you to a document, page 2137, please, Mr. Redmond.
- 16
- 17
- 18 I am not sure. I think this is your document. It's your minutes of a
- 19 meeting on the 31st of August 1989; is that correct?
- 15:16:57 20 A. That's correct, yeah.
- 21 Q. 815 Would this be in, or around, the time of your first involvement with Rayband?
- 22 A. Yes, I would be. I naturally was involved with Rayband's -- Mr. Hughes and I
- 23 think this is the first time that I was invited in then to -- be invited to
- 24 discuss the lands in question. And their potential in the future.
- 15:17:21 25 Q. 816 Yes. I think it says just at the top of that there it gives the purpose. To
- 26 discuss the proposal, to pursue planning and market 120 houses at Lissenhall,
- 27 Swords, county Dublin?
- 28 A. That the potential in the future.
- 29 Q. 817 All right. At the meeting were Mr. Moran, Mr. Hughes of Rayband and Mr. Tim
- 15:17:44 30 Collins and Mr. Tim Rowe of Pilgrim and yourself. Is that right.

- 15:17:49 1 A. I gather that's right, yes.
- 2 Q. 818 All right. Now, you'll see down in the last paragraph on that page?
- 3 A. Yes.
- 4 Q. 819 That you suggested a number of things, including that the councillors in the
- 15:18:03 5 Fingal area be canvassed for their support?
- 6 A. Yes.
- 7 Q. 820 What is that a reference to Mr. Redmond?
- 8 A. That this whole business in regard to the achievement of 120 houses on land
- 9 that wasn't actually zoned. That it could only be zoned either by Development
- 15:18:21 10 Plan or by contravention.
- 11 Q. 821 Yes.
- 12 A. And I was only saying that should be done.
- 13 Q. 822 Yes. All right. And I think you had some discussion in relation to fees
- 14 with Mr. as between himself and yourself; is that right?
- 15:18:41 15 A. Yes.
- 16 Q. 823 And a fee of 10,000 seems to be agreed?
- 17 A. Yes, that's correct.
- 18 Q. 824 On page 2139.
- 19
- 15:18:48 20 What was that to be for?
- 21 A. For the general local representation in regards to the support of the -- the
- 22 propose proposed 120 houses. And then there was an independently fee -- if
- 23 that was successful I was paid if it wasn't successful I wasn't paid.
- 24 Q. 825 Yes.
- 15:19:11 25 A. And it wasn't successful.
- 26 Q. 826 All right.
- 27 A. And likewise if, it was successful, I was going to be offered the sale of the
- 28 properties, or the houses.
- 29 Q. 827 All right?
- 15:19:24 30 A. With another agent.

- 15:19:25 1 Q. 828 All right. Mr. Redmond, at that time in August '89, what was it anticipated  
2 your work would be in connection with the planning application?
- 3 A. Well, I was very much involved in Swords.
- 4 Q. 829 Yes.
- 15:19:41 5 A. And I had very good basic knowledge of the happenings in Swords, in regard to  
6 property development and so forth.
- 7 Q. 830 Yes.
- 8 A. And it was considered that I could be a local asset to Mr. Moran, obviously.
- 9 Q. 831 Yes.
- 15:19:59 10 A. To be able to gather the various people in Swords.
- 11 Q. 832 Yes.
- 12 A. Together for support for this.
- 13 Q. 833 Yes. Could I ask you, Mr. Redmond. Does that mean that your services were  
14 being retained so that you could discuss with councillors in the event of a  
15:20:19 15 material contravention motion that you'd lobby them for their support?
- 16 A. Correct, correct.
- 17 Q. 834 And other people as well, other business interests as well?
- 18 A. And landowners and what have you.
- 19 Q. 835 All right. But that is your understanding of why you were being?
- 15:20:36 20 A. That's correct.
- 21 Q. 836 Retained?
- 22 A. Yes.
- 23 Q. 837 Essentially, to have discussions with the councillors in relation to the  
24 developments?
- 15:20:42 25 A. It was felt naturally if it wasn't being supported locally it wasn't going to  
26 get support generally.
- 27 Q. 838 All right. All right. And is that something that you would have done on  
28 behalf of many clients over the years?
- 29 A. I would -- I would often get a query from one of my own clients in relation to  
15:21:03 30 a problem that were engaged with regarding council business.

- 15:21:09 1 Q. 839 Yes?
- 2 A. And I would naturally recommend a councillor for them to see or something.
- 3 Q. 840 Yes. Had you been engaged before by a property owner?
- 4 A. Oh, yeah, very much involved in property, yeah.
- 15:21:22 5 Q. 841 Oh, yes of course. But in relation to lobbying councillors for their support?
- 6 A. Well, at the time that this was relevant, there was a great discussion going on
- 7 about Swords generally.
- 8 Q. 842 Yes.
- 9 A. And in Swords generally there was a downfall in relation to support for zoning.
- 15:21:46 10 Q. 843 Uh-huh.
- 11 A. So I was a member of the local business association.
- 12 Q. 844 Uh-huh.
- 13 A. And I consequently, because of my property interests, I became involved in the
- 14 Swords Businesses Association, by contributing towards the improvement and
- 15 development of Swords.
- 15:22:04 16 Q. 845 All right.
- 17 A. So consequently, I was very much involved in the Swords area, in relation to
- 18 the development of it.
- 19 Q. 846 Yes. But would there have been other occasions on which you'd have been
- 15:22:17 20 employed by a landowner or a property developer to have discussions with County
- 21 Councillors, or was this unique?
- 22 A. Well I say, you know, I'm sure I had. I can't -- I'm sure I had, yes, there's
- 23 no question about it because, yes.
- 24 Q. 847 All right.
- 15:22:38 25
- 26 Page 2140 please. Sorry Mr. Redmond.
- 27
- 28 Do you see that? That's a fax from Pilgrim Associates, to you, from Tim Rowe
- 29 dated 14th of September 1989. Enclosed copy letter to M Hughes re Fingal
- 15:23:04 30 County Councillors.

15:23:06 1  
2 And if we turn to 2142. You'll see a letter which was copied to you. It's  
3 the letter from Pilgrim of the 14th of September 1989 to Michael Hughes, please  
4 find enclosed the list of Fingal Council representatives as received from Shane  
15:23:22 5 Redmond.  
6  
7 Do you know were you asked for that or did you just volunteer it or what?  
8 A. Um, they wanted local support.  
9 Q. 848 Yes.  
15:23:30 10 A. And I was prepared to give it to them, so consequently I was prepared to  
11 approach councillors for them locally. And also to approach councillors in  
12 general.  
13 Q. 849 Uh-huh.  
14 A. Where I actually was sending out their details, you know, of their blurbs.  
15:23:51 15 Q. 850 Do you see the final paragraph of that letter, Mr. Rowe is writing to Mr. Huges  
16 and is saying it is important that Shane be left to do his work and he be the  
17 person to make the necessary representation to the councillors. He will  
18 report and advise if either ourselves or yourselves are needed for any  
19 particular purpose. So you were to go off on your own to meet the  
15:24:08 20 councillors; is that right?  
21 A. Well I was led to believe so.  
22 Q. 851 And what would you be saying to them?  
23 A. Just saying here's a development of a first class housing estate and it -- that  
24 Swords needs it.  
15:24:22 25 Q. 852 And you'd go to the local councillors?  
26 A. Oh, the local councillors, yes.  
27 Q. 853 And --  
28 A. I wouldn't be going to all of the councillors generally. Just the local  
29 councillors.  
15:24:31 30 Q. 854 If we turn to page 2144. This is the list of councillors which you sent to

- 15:24:39 1 Mr. Rowe. You see the Fianna Fail councillors, the Fine Gael and the labour  
2 councillors. Were they the councillors that you had in mind?
- 3 A. Well I'd know most of them, yes.
- 4 Q. 855 Well would you have intended to go to all of those about this particular?
- 15:24:53 5 A. Oh, yes we sent out details of that whole development to everyone.
- 6 Q. 856 Can I ask you. Why were you sending the list of the Fingal County Council  
7 representatives to Shane Redmond?
- 8 A. To who?
- 9 Q. 857 Sorry, go back to page 2142, please.
- 15:25:11 10
- 11 Sorry.
- 12 A. No, I think in actual fact that list was requested from me.
- 13 Q. 858 Yes, all right. All right. And do you know why it was requested from you?
- 14 A. Well, I think it's true to say that the people concerned in the Rayband weren't  
15 that familiar with any of the councillors out on this north side.
- 15:25:32 16 Q. 859 And do you think it was their intention try and get to make contact with the  
17 councillors?
- 18 A. Well I didn't ask. I was asked a question would I send on, would I get a  
19 list.
- 15:25:55 20 Q. 860 All right. Now, if we could turn to page 2146.  
21  
22 This is a letter from you, 27th of September 1989, to Mrs. Anne Devitt. Re  
23 proposed residential development.
- 24 A. Uh-huh.
- 15:25:57 25 Q. 861 And at the bottom you say, I trust the foregoing details are what you require.  
26 If there is any other information you require do not hesitate to contact me.  
27 At the beginning you say I refer to the above and set out here under details as  
28 requested.
- 29 A. Uh-huh.
- 15:26:12 30 Q. 862 So is this an example of a letter that you sent to a number of councillors or

15:26:18 1 was this specifically Anne Devitt?

2 A. No, no. She actually at the time. She actually at the time said who is

3 Rayband? Who are these people, Rayband?

4 Q. 863 Yes.

15:26:30 5 A. And I think there's a letter accompanying that in the file.

6 Q. 864 Yes.

7 A. Where I asked. I told Mr. Hughes.

8 Q. 865 Yes.

9 A. That Anne Devitt was enquiring who Rayband was and could he give me some

15:26:43 10 information. So he resulted by sending me a letter.

11 Q. 866 Yes. Would that have been after you had gone to her as part of your lobbying

12 to recommend this project to her?

13 A. Yeah, I obviously made approaches to her to support it.

14 Q. 867 All right.

15:26:59 15 A. And she said well, who is it, who are they?

16 Q. 868 All right.

17 A. You know.

18 Q. 869 Yes. Did you receive such a request from anybody else?

19 A. No.

15:27:12 20 Q. 870 All right. Now, the planning application was lodged on the 8th of September

21 1989; isn't that right?

22 A. Uh-huh.

23 Q. 871 For 120 houses?

24 A. Uh-huh.

15:27:23 25 Q. 872 All right. And then subsequently, because of the problem with the kennels,

26 that was withdrawn on the 29th of November 1989; isn't that right?

27 A. Correct, yes.

28 Q. 873 All right. Could you --

29

15:27:36 30 Page 743, please.

15:27:43 1  
2 Do you see the paragraph four, conclusions, there steps to take, Mr. Redmond?  
3  
4 A, Instruct Shane Redmond re the councillors. See options below.

15:27:55 5  
6 Can you tell the Tribunal what the position was around this time? This is very  
7 shortly before the application is withdrawn. Do you have any idea what was  
8 going on?  
9 A. I do. Because I was conscious of the fact that the veterinary surgeons were  
10 very dissatisfied about the whole proposal. And that they were being  
11 supported by the Department.

12 Q. 874 Yes.  
13 A. And I made that known. And I also made known to them remarks that were passed  
14 by various different councillors regarding the access and all of this sort of  
15:28:37 15 thing.  
16 Q. 875 Yes.  
17 A. And the question was, that I was telling them if you -- these are the problems  
18 you're going to encounter.  
19 Q. 876 Yes. And were you aware of the application was going to be withdrawn?  
15:28:53 20 A. No, no.  
21 Q. 877 All right. Mr. Redmond, just at that --  
22 A. I was aware that there was very little support for it.  
23 Q. 878 At that time do you remember how many councillors you did in fact contact about  
24 the proposal?  
15:29:07 25 A. Oh, I'd only be guessing. I wouldn't have an idea. But as many as I could.  
26 Q. 879 All right. And so that was the end of that planning application?  
27  
28 On page 2149 by letter dated 3rd of January 1990 you wrote to Michael Hughes.  
29  
15:29:30 30 "Dear Michael. I would be pleased to know what your plans are in regard to

15:29:34 1 the above and to ascertain your services in regard to the future."  
2  
3 Do you know what answer you got to that?  
4 A. I didn't get an answer, in writing anyway. I assume I got some phone call or  
15:29:47 5 I was asked to meet him.  
6 Q. 880 All right.  
7 A. But it didn't happen immediately.  
8 Q. 881 I know that Mr. Redmond, a year later, excuse me, in November 1991, a joint  
9 submission was made on behalf of Rayband and Mr. Duffy, in relation to rezoning  
15:30:06 10 of the lands?  
11 A. Correct.  
12 Q. 882 I think Rayband moved from the plan, for a planning application for residential  
13 uses.  
14 A. Uh-huh.  
15:30:13 15 Q. 883 Rezoning seemed to be the way to go.  
16 A. Correct.  
17 Q. 884 And I think you had some dealings with Mr. Duffy around that time or  
18 subsequently. Isn't that right?  
19 A. I was approached by Rayband. This is probably where I came back into it,  
15:30:36 20 like. I was approached by Rayband to ascertain whether the adjoining -- they  
21 had the rather peculiar site insofar as it was in two pieces 15 acres and three  
22 acres, or thereabouts. But the position was. They wanted to straighten that  
23 aspect of it out to regularise their site. And they were looking for two  
24 acres. And I was asked or approached to go and see Mr. Duffy with a view to  
15:31:05 25 ascertaining would he sell two acres, which I did. And his response to me was  
26 no, he wasn't interested in selling. He was reserving his opinion about what  
27 he wanted to do about his own lands.  
28 Q. 885 Yes.  
29 A. And then I went back and told this to Mr. Moran and Mr. Hughes. And in turn  
15:31:26 30 then I was approached again by them and asked me would I contact Mr. Duffy with

15:31:34 1 a view to them putting in a joint application for zoning, including his lands.  
2 And they in turn would do that if he ceded two acres, the two acres. Paid all  
3 the expenses and gave him full access over their lands and the services of  
4 their lands. So this was ultimately agreed. And a contract was entered  
15:32:09 5 into. And the submission was made jointly.

6 Q. 886 The agreement was executed on the 22nd of March 1993, I think; is that right?  
7 A. That's correct.

8 Q. 887 All right. And approximately, did you understand the agreement to embody, did  
9 you expect that it would embody all of those things that you've just set out?

15:32:32 10 A. I did.

11 Q. 888 That Mr. Duffy would cede two acres?  
12 A. Yeah.

13 Q. 889 To Rayband?  
14 A. Correct.

15:32:40 15 Q. 890 And they would also get a right of way over the Rayband lands; is that right?  
16 A. Yeah.

17 Q. 891 And the application for rezoning, be made on behalf of both sets of lands?  
18 A. Yes.

19 Q. 892 With the cost being borne by Rayband?  
15:32:52 20 A. That's right.

21 Q. 893 That's what you understood was agreed?  
22 A. Yeah.

23 Q. 894 Between you and Mr. Duffy?  
24 A. Yes.

15:32:57 25 Q. 895 You on behalf of Rayband?  
26 A. In actual fact, I was in a rather difficult situation that the stage. I was  
27 acting for Rayband because I was -- I was being paid by Rayband.

28 Q. 896 Yes, yes. You were acting?  
29 A. For Rayband.

15:33:15 30 Q. 897 For Rayband, yes. And were you acting for Mr. Duffy as well?

15:33:20 1 A. No, I had acted for Mr. Duffy many times, you know, but.

2 Q. 898 Yes?

3 A. That was peculiar situation I was in.

4 Q. 899 All right. Now, Mr. Redmond. Did you have any role on behalf of Rayband in  
15:33:42 5 relation to the rezoning which came on in 1993?

6 A. Not as much as I -- I more or less kept up the usual support locally.

7 Q. 900 Yes?

8 A. Being in the business association and that.

9 Q. 901 Yes.

15:33:58 10 A. And also I did ascertain from the two proactive councillors out there at the  
11 time, that's Anne Devitt and the late Cyril Gallagher.

12 Q. 902 Yes.

13 A. Whether they were in support of it or not. And they indicated to me at the  
14 time that they were. So they felt if they weren't in support of it, nobody  
15:34:19 15 else would be supporting it as strongly.

16 Q. 903 Yes. Do you recall did you speak to Ms. Devitt and to Mr. Gallagher?

17 A. Oh, I would have spoken to them many times, yeah.

18 Q. 904 Looking for their support for the rezoning of the Lissenhall?

19 A. Oh, I asked them were they supporting it and they said they were.

15:34:37 20 Q. 905 All right. Would you've approached any other councillors?

21 A. I probably did, yes.

22 Q. 906 For Lissenhall. In respect of these lands now?

23 A. I'm sure I did, yes. I met these councillors, the local councillors locally  
24 at social events and what have you. And I was involved in a fairly Senior  
15:34:54 25 position with a business association. So we were conscious.

26 Q. 907 Can you actually recall who the other councillors were that you might have  
27 discussed this particular, recommended this particular development to?

28 A. I can't honestly.

29 Q. 908 None at all?

15:35:09 30 A. No. The primary two were ...

- 15:35:12 1 Q. 909 All right.
- 2 A. The two I told you about.
- 3 Q. 910 Would you have discussed it with anybody outside your area, outside the Swords
- 4 area?
- 15:35:19 5 A. No.
- 6 Q. 911 No. All right.
- 7 A. Not to my memory.
- 8 Q. 912 Do you know -- did you know at the time, Mr. Redmond, that Mr. Dunlop was being
- 9 introduced to the project?
- 15:35:43 10 A. Yes, I was told he was by Mr. Rowe that he was going back to his PR and
- 11 lobbyist.
- 12 Q. 913 Right. Do you know roughly when you were told that?
- 13 A. I can't say now, no, I can't really.
- 14 Q. 914 Mr. Rowe gave you that information?
- 15:36:06 15 A. Yes. In a memo.
- 16 Q. 915 Yes. And what did you know about Mr. Dunlop at that point when you heard
- 17 about that force the first time from Mr. Rowe?
- 18 A. Well I knew very little about Mr. Dunlop other than that he was very much
- 19 associated with politics and was the former press secretary of the Government.
- 15:36:32 20 Q. 916 Yes. Did it come as a surprise to you that he was being asked to get
- 21 involved?
- 22 A. It didn't one way or the other. It's just that obviously somebody thought
- 23 he'd be right man for the job I presume.
- 24 Q. 917 At this stage, Mr. Redmond, you hadn't been paid any money by Rayband in
- 15:36:53 25 respect of these lands?
- 26 A. Yes.
- 27 Q. 918 Well perhaps except in March '93 were you paid for the conclusion of the Duffy
- 28 agreement?
- 29 A. No, no.
- 15:37:13 30 Q. 919 All right.

- 15:37:13 1 A. I wasn't paid on the Duffy agreement, because the Duffy agreement was such that  
2 unless the two acres that they were giving succeeded -- that the whole proposal  
3 submission.
- 4 Q. 920 Yes.
- 15:37:19 5 A. Was approved.
- 6 Q. 921 Yes.
- 7 A. Then two acres didn't go at all so I had no say in relation to that.
- 8 Q. 922 I see.?
- 9 A. As far as fees were concerned.
- 15:37:30 10 Q. 923 I see. And just to go back again for a moment. Just, Mr. Redmond, in  
11 relation to this rezoning motion which came on in May 1993 and was confirmed in  
12 September 1993 and was signed by Mr. Gallagher and Ms. Devitt.  
13  
14 The zoning for the Lissenhall lands.
- 15:37:51 15  
16 You say that you spoke to Ms. Devitt and to Mr. Gallagher? They'd be the main  
17 people?
- 18 A. Uh-huh.
- 19 Q. 924 You don't have a recollection of speaking to anybody else?
- 15:38:03 20 A. Uh-huh.
- 21 Q. 925 But you may have?
- 22 A. I may have in town.
- 23 Q. 926 Your recollection about speaking to Mr. Gallagher and Ms. Devitt, would you  
24 recall speaking to them? Or I get the impression from your evidence that you  
15:38:17 25 didn't have to do much persuasion that they were in favour of it?
- 26 A. They were in favour of it, yeah.
- 27 Q. 927 So presumably that was one meeting in relation to Lissenhall is that right. I  
28 should mention in passing. I was very, very deeply involved in the business  
29 association. They were after commissioning a report to be done on Swords.
- 15:38:36 30 A. Uh-huh. Planning.

- 15:38:37 1 Q. 928 Uh-huh.
- 2 A. For 20 years hence. I think it was submitted as part of the Development Plan.
- 3 And consequently, I was very anxious to see as much development as possible in
- 4 the area.
- 15:38:54 5 Q. 929 Yes.
- 6 A. Because at that stage particularly industrial land as such wasn't available.
- 7 Q. 930 Yes.
- 8 A. And as an estate agent I was conscious of that because I was getting inquiries
- 9 from different sources outside the country and from the IDA itself.
- 15:39:17 10 Q. 931 Uh-huh.
- 11 A. And we had no land for industrial development. So consequently, I was anxious
- 12 to see as much industrial land coming on stream as possible.
- 13 Q. 932 Yes.
- 14
- 15:39:35 15 Page 2103, please.
- 16
- 17 Mr. Redmond, did you ever meet Mr. Dunlop?
- 18 A. Meet him?
- 19 Q. 933 Yeah.
- 15:39:45 20 A. I met him in passing but I don't know Mr. Dunlop.
- 21 Q. 934 You don't know him?
- 22 A. No.
- 23 Q. 935 You met him in passing, where, down at the Council?
- 24 A. I saw him at the time when I was going in there to get support for the
- 15:39:57 25 development or for our own plan, the business plan, you know, Swords Business
- 26 Association.
- 27 Q. 936 Yes. And when would that have been now? When were you going in to get?
- 28 A. Oh, whenever the thing was, at the time.
- 29 Q. 937 Has that to do with the Development Plan?
- 15:40:15 30 A. Yeah.

- 15:40:16 1 Q. 938 All right. Yes. You'd recognise Mr. Dunlop?
- 2 A. Oh, I recognised him. I saw him in the papers and saw him on the television.
- 3 Q. 939 Did you never have any discussions with him on the phone or in person other
- 4 than perhaps to say hello?
- 15:40:32 5 A. Say hello in passing maybe or something.
- 6 Q. 940 Okay. Yes. He didn't, for example, consult you at any stage to discuss the
- 7 merits of the particular proposal so that he could go and talk to other
- 8 councillors?
- 9 A. No.
- 15:40:54 10 Q. 941 Page -- there's an entry in Mr. Dunlop's diary for the 21st of April 1993.
- 11
- 12 And it just says, 9 Shane Redmond.
- 13
- 14 Do you recall, did you have any meeting?
- 15:41:14 15 A. I've never a had a meeting. I can't recall any meeting.
- 16 Q. 942 All right. Would you ever have phoned him or would he ever have phoned you?
- 17 A. No.
- 18 Q. 943 Can you explain how your name -- I'm not saying that a meeting took place on
- 19 that date can you give any reason for why your name might appear in his diary
- 15:41:39 20 for that date?
- 21 A. I have no idea.
- 22 Q. 944 All right.
- 23
- 24 Mr. Redmond, subsequent to the confirmation of the rezoning in September '93
- 15:42:16 25 and then the plan was the accepted in December '93. I think you raised an
- 26 invoice for Rayband; is that right?
- 27 A. That's correct.
- 28 Q. 945 And was that in the sum of 20,000 pounds and VAT?
- 29 A. Yes.
- 15:42:30 30 Q. 946 All right. And where did that figure of 20,000 come from, may I ask? Is that

15:42:40 1 just a figure?

2 A. I had that approved before we entered into it in the sense that like when I got

3 the instruction.

4 Q. 947 Yes.

15:42:48 5 A. I asked what would my professional fees be in this.

6 Q. 948 Yes.

7 A. And Mr. Hughes said he would have to approach Mr. Moran on this matter.

8 Q. 949 Yes.

9 A. And that he came back and told me then that Mr. Moran was going to pay 20,000

15:43:09 10 pounds.

11 Q. 950 Is that separate from the meeting you referred to on the 31st of August 1989?

12 A. Oh, completely, yes.

13 Q. 951 Yes. So on another occasion you had a discussion with, did you say,

14 Mr. Hughes?

15:43:29 15 A. Yeah.

16 Q. 952 Who had to go and discuss it with Mr. Moran?

17 A. That's correct.

18 Q. 953 And a figure of 20,000 was agreed?

19 A. Yes.

15:43:29 20 Q. 954 Plus VAT?

21 A. That's right.

22 Q. 955 And do you know roughly when that was agreed?

23 A. It was agreed before I approached Duffy's.

24 Q. 956 Before you approached Mr. Duffy to see could there be a joint application?

15:43:46 25 A. Yeah.

26 Q. 957 And could you get the two acres?

27 A. Yeah.

28 Q. 958 All right.

29 A. And vaguely now I can recall that the situation was that -- it was based on the

15:44:01 30 fact that if it wasn't rezoned that Duffys get their land back and I would get

15:44:10 1 no fee. That was agreed in principle.

2 Q. 959 Yes. All right. So, now, the rezoning is going ahead. So you are entitled

3 to a fee; is that right, for the Duffy business?

4 A. Yes.

15:44:24 5 Q. 960 All right. And is that what the 20,000 is for?

6 A. Yes.

7 Q. 961 I'm not quite sure, Chairman, if we have a clear copy of this.

8

9 Page 2154, please.

15:44:49 10

11 I don't, no.

12 Q. 962 All right. Thanks.

13

14 Anyway, you raised the invoice for 20,000 and VAT?

15:45:01 15 A. Yes.

16 Q. 963 And you say that was to deal with, to cover your fee and expenses for

17 negotiating with Mr. Duffy; is that right?

18 A. Yes.

19 Q. 964 And the agreement that?

15:45:11 20 A. That emanated from that, yes.

21 Q. 965 In March '93?

22 A. Uh-huh.

23 Q. 966 All right. Mr. Duffy, I think there was some discussion, they weren't,

24 Rayband didn't want to pay that; isn't that right?

15:45:39 25 A. Oh, yes. Like, I mean, I had a difficulty making contact with anybody who was

26 prepared to respond to my invoices so.

27 Q. 967 Yes.

28

29 Page 2121, please.

15:45:58 30

15:45:58 1 This is a letter from you, Mr. Redmond, to Colm Moran of Rayband dated 1st of  
2 February 1994.  
3  
4 "Dear Colm, I am very surprised and disappointed with the contents of your  
15:46:09 5 letter of the 24th. In my discussion with Michael Hughes and yourself it was  
6 fully agreed that on confirmation of the land being rezoned.  
7  
8 This objective was achieved and my contribution to this end is irrefutable.  
9  
10 In the circumstances I would be grateful you would have a cheque in settlement  
11 of my fees."  
12  
13 When you say your "contribution to this end" the rezoning end. To what are  
14 you referring to there?  
15:46:34 15 A. I was referring to the fact that the, what do you call it, the lands were  
16 rezoned.  
17 Q. 968 Yes.  
18 A. And Rayband had now instead of 18 and a half acres of agricultural land they  
19 had 30 acres or 20 acres of ...  
15:46:57 20 Q. 969 Yes.  
21 A. Rezoned industrial land.  
22 Q. 970 Yes.  
23 A. And also had a site which was causing them a problem, rectified in terms of  
24 line. And I had no further involvement in in it thereafter, that's what I was  
15:47:22 25 there for.  
26 Q. 971 And that was subsequently paid I think in the sum of 50,000 pounds and VAT; is  
27 that right?  
28 A. We ultimately met and agreed a reduction to 15,000 plus VAT.  
29 Q. 972 Yes. Mr. Redmond, the position is as far as you were concerned that was for  
15:47:39 30 your, the work you did in relation to Mr. Duffy's lands?

- 15:47:43 1 A. Oh, unquestionably, yes.
- 2 Q. 973 It had nothing to do with the rezoning motion and lobbying; is that it?
- 3 A. Oh, no, nothing whatsoever.
- 4 Q. 974 I see. Did you around this time, in 1993. Did you have any understanding of  
15:48:06 5 what Mr. Dunlop was doing vis-a-vis councillors on behalf of Rayband?
- 6 A. No.
- 7 Q. 975 When did you first become aware Mr. Redmond, that councillors were being paid  
8 for their vote?
- 9 A. Well, I only became aware of it when it was in the papers. And like everybody  
15:48:39 10 else.
- 11 Q. 976 When you say in the papers like everybody else. Are you referring to when the  
12 Tribunal started in 1997?
- 13 A. Emanating from the setting up of the Tribunals.
- 14 Q. 977 All right. So are you saying that before there was discussion about the  
15:48:57 15 setting up of the Tribunal in 1997, before that you weren't aware of  
16 councillors being paid for their votes?
- 17 A. Correct. Yes.
- 18 Q. 978 And are you saying that you weren't aware of any rumours to that effect?
- 19 A. I didn't hear any rumours to that effect.
- 15:49:23 20 Q. 979 All right. Before 1997 you did not hear any rumour about councillors  
21 requesting money for their vote or being offered and paid money for their vote.  
22 Is that right?
- 23 A. No.
- 24 Q. 980 You didn't?
- 15:49:43 25 A. No.
- 26 Q. 981 Right. You were, you'd been practising as an auctioneer in Main Street Swords,  
27 since 1970. And you'd know everything that there was to know about property  
28 in that area at that time; isn't that right?
- 29 A. I'd like to think I did.
- 15:50:17 30 Q. 982 And that would involve a fairly intimate knowledge of the activities of

- 15:50:17 1                   councillors in relation to land; wouldn't it?
- 2           A.           Oh, yeah.
- 3           Q. 983       Yes. Were you aware that in 1993 there was a Garda investigation being
- 4                   conducted in relation to an allegation of corruption?
- 15:50:33 5           A.           I read that, yeah.
- 6           Q. 984       When did you read that?
- 7           A.           Oh, it was in the newspaper on and off for a while at the time.
- 8           Q. 985       At the time?
- 9           A.           Yeah.
- 15:50:41 10          Q. 986       So then you were aware in 1993 that there was -- that there were rumours or
- 11                   allegations of councillors being paid for their vote?
- 12          A.           Well it was stated in the papers, you know.
- 13          Q. 987       Yes?
- 14          A.           Uh-huh.
- 15:50:58 15          Q. 988       But a moment ago you said, Mr. Redmond, that until 1997 when the Tribunal was
- 16                   set up and say, just before that, and the discussion about the Tribunal. Was
- 17                   the first time you heard about these rumours?
- 18          A.           Well, the point was that, you know, it was very hard to say that I -- when I
- 19                   heard it I knew. I knew about that question you asked me about the Garda
- 15:51:26 20                   investigation.
- 21          Q. 989       Yes. Are you really saying, Mr. Redmond, that while it's hard to say when you
- 22                   first knew about it. That you in fact knew about it all along?
- 23          A.           No, no.
- 24          Q. 990       You knew about the Garda investigation in 1993?
- 15:51:42 25          A.           Uh-huh. I read about it.
- 26          Q. 991       Yes.
- 27          A.           But there was no -- I don't know whether it was '93 I read about it or when I
- 28                   read about it. You asked me the direct question did I know about it. I knew
- 29                   about it. I read it.
- 15:51:56 30          Q. 992       And were you aware of a series of articles in the Irish Times in relation to

- 15:52:01 1 corruption among County Councillors in 1993?
- 2 A. There was suggestions.
- 3 Q. 993 Yes. So it seems clear that between those articles in the paper, Mr. Redmond,  
4 and the Garda investigation, that there were -- it was widely rumoured at that  
15:52:29 5 time that money was being paid to councillors; doesn't that seem to follow?
- 6 A. I don't know exactly what does that mean as far as I'm concerned? Like, I  
7 mean.
- 8 Q. 994 Well?
- 9 A. I can only say quite honestly that I was aware. I answered your question.  
15:52:46 10 But I don't know what the relevance is.
- 11 Q. 995 Yes. Yes.
- 12 A. I wasn't involved in it.
- 13 Q. 996 No, no and I'm not suggest, Mr. Redmond, that you were. But in 1993 you were  
14 aware of those rumours?
- 15:53:06 15 A. Well.
- 16 Q. 997 From what you read in the papers?
- 17 A. As much as anybody else.
- 18 Q. 998 Yes were those rumours not circulating in your area for long before 1993?
- 19 A. I can't say that they were.  
15:53:21 20 You can't say that they were.
- 21
- 22 MR. MOOREHEAD: Perhaps, Chairman, Counsel for the Tribunal might suggest how  
23 my client might have been aware of them before there was a Garda investigation  
24 or before the articles were published in the newspaper. He is speculating or  
15:53:40 25 suggesting.
- 26
- 27 CHAIRMAN: Well, I don't think Mr. Murphy is suggesting that he knows. He is  
28 asking him did he have any knowledge, other than what he might have seen in the  
29 papers or, about the Garda report.
- 15:53:55 30 MR. MOOREHEAD: With respect, Mr. Chairman. What counsel has suggested is

15:53:59 1 that those rumours were circulating in "your area". There's no basis for such  
2 a suggestion.  
3  
4 Q. 999 CHAIRMAN: Well he can be asked was he aware of any rumours in his area.  
15:54:11 5 Were you aware of any rumours before you read things in the newspapers?  
6 A. Not from the area. I didn't come across anything that I can recall.  
7  
8 Q. 1000 CHAIRMAN: It's just that we're anxious to know whether or not there were  
9 rumours during those years?  
15:54:29 10 A. I think it's true to say there's always rumours abroad. I mean to be specific  
11 about it, I can't honestly.  
12  
13 CHAIRMAN: All right.  
14  
15:54:38 15  
16 Q. 1001 MR. MURPHY: You never heard a rumour before 1993 that councillors were taking  
17 money?  
18 A. No.  
19 Q. 1002 For their votes?  
15:54:50 20 A. No.  
21 Q. 1003 In north County Dublin?  
22 A. No.  
23 Q. 1004 All right. Were you aware at any stage that Mr. Dunlop was paying money to  
24 councillors?  
15:55:10 25 A. No.  
26 Q. 1005 Now, Mr. Redmond. After you were paid about I think by Rayband in respect of  
27 the 15,000 pounds and VAT. I think were you subsequently retained by  
28 Mr. Duffy again?  
29 A. Yeah.  
15:55:58 30 Q. 1006 What was that for?

15:55:59 1 A. Well, he was having a problem. And the problem was that the legal document  
2 which he was part of -- seemingly didn't contain one aspect that was firmly  
3 agreed at the outset; which was that there'd be access over Rayband's lands and  
4 access to the services in Rayband's lands. The access to -- from Rayband's  
15:56:29 5 lands wasn't included but there was services were included.

6 Q. 1007 Yes?

7 A. So there was a slight error there. Now, Mr. Duffy was anxious to get on with  
8 his business and so was Rayband. And the decision was that -- the position  
9 was that that little problem was there for a good while.

15:56:56 10 Q. 1008 Yes?

11 A. And it resolved itself in the end as far as the two acres was concerned or I  
12 think it's in the course of being resolved. I don't even know whether it's  
13 resolved yet or not.

14 Q. 1009 Uh-huh?

15:57:12 15 A. But my involvement was to try and make some progress, to try and resolve it.  
16 And.

17 Q. 1010 How did you do that Mr. Redmond?

18 A. I approached Councillor Devitt.

19 Q. 1011 Councillor.

15:57:30 20 A. Devitt.

21 Q. 1012 Yes?

22 A. Insofar as she was actually apparently connected with Rayband's affairs and  
23 knew what was happening. And I asked her about getting this thing straightened  
24 out. She in turn then came and straightened it out.

15:57:54 25 Q. 1013 How was she connected with Rayband's affairs and knew what was happening?

26 A. Well she was -- I often met her and I told her, you know, like this is a  
27 problem and it won't go away.

28 Q. 1014 Yes?

29 A. Unless something is done about it, you know. She said she'd ring Joe Moran.

15:58:10 30 Q. 1015 And what you are referring to there is Mr. Duffy's problem in relation to a

- 15:58:15 1 right of way to get out of his lands; is that right?
- 2 A. Yeah. Now, on the other side of the coin. Rayband was we've heard today
- 3 trying to resolve access.
- 4 Q. 1016 Yes?
- 15:58:31 5 A. And I think one depended on the other. As soon as something was done about
- 6 one I think the vote came into place then.
- 7 Q. 1017 Yes. Did you consult Ms. Devitt wearing her councillor hat or her Eastern
- 8 Health Board hat?
- 9 A. Her councillor hat.
- 15:58:49 10 Q. 1018 Her councillor hat?
- 11 A. Yeah.
- 12 Q. 1019 And what was it you thought she could do?
- 13 A. Just have a word with Joe Duffy. Joe Moran to see could he resolve this
- 14 matter. And then it became evident that it was due to the fact that access
- 15:59:04 15 hadn't probably been attained for the place.
- 16 Q. 1020 Yes. Did you know -- how did you know whether or not she knew Mr. Moran?
- 17 A. She told me she did.
- 18 Q. 1021 Why? I don't follow Mr. Redmond. Why would she -- Mr. Duffy had this problem
- 19 and you were acting for him. And you say you went to Ms. Devitt wearing her
- 15:59:32 20 councillor's hat?
- 21 A. Yeah.
- 22 Q. 1022 And that?
- 23 A. I said would she -- that there's a problem here. There's 20 acres of land
- 24 belonging to Duffy.
- 15:59:42 25 Q. 1023 Uh-huh?
- 26 A. Which he can't do anything with. He's landlocked. And he can't go ahead
- 27 with this. And there's going to be difficulty resolving it, because they
- 28 weren't prepared to cede the two acres.
- 29 Q. 1024 Yes.
- 15:59:59 30 A. Although, I advised them that there was a very binding document regarding those

- 16:00:06 1 two acres.
- 2 Q. 1025 Yes. But why were you suggesting to Ms. Devitt that she'd have a word with
- 3 Mr. Moran?
- 4 A. I don't know. I think she more or less said she'd indicated she'd have a word
- 16:00:22 5 with him, when I mentioned the problem to her.
- 6 Q. 1026 But why would you raise the problem with her at all?
- 7 A. Well the point about it is she was always interested in the land development in
- 8 the area. And I presume I mentioned it in the context of the land going
- 9 nowhere.
- 16:00:38 10 Q. 1027 Yes. By any chance did you know that she had been retained by Mr. Moran?
- 11 A. No.
- 12 Q. 1028 Were you aware that she was running a consultancy service?
- 13 A. No.
- 14 Q. 1029 You weren't aware of that until just recently, were you not?
- 16:00:55 15 A. I was aware of it last weekend.
- 16 Q. 1030 Right. So you didn't know she was running that service and you didn't know
- 17 that she was?
- 18 A. No.
- 19 Q. 1031 That she was retained by Mr. Moran?
- 16:01:09 20 A. No.
- 21 Q. 1032 So out of the blue you go to Ms. Devitt and ask her to have a word with
- 22 Mr. Moran?
- 23 A. It might sound like out of the blue. I just met her. And she was asking or
- 24 I was asking her could she do anything about a problem that the lands were
- 16:01:23 25 going nowhere down in Lissenhall because of a dispute over the access.
- 26 Q. 1033 Yes. Well you must have thought, Mr. Redmond, that Ms. Devitt had some
- 27 relationship in some way with Mr. Moran?
- 28 A. No, I didn't. As a councillors. She was interested or I expected her to be
- 29 interested in trying so resolve some problem in the area that was going to be
- 16:01:47 30 beneficial to the area. I was trying to resolve it as a councillor.

16:01:56 1 Q. 1034 And why did you go to her for example instead of to Mr. Gallagher?  
2 A. I don't know. I don't know. There was nothing untoward about it, I can tell  
3 you.  
4 Q. 1035 Yes. Apart from the 15,000 and VAT that you got, Mr. Redmond, did you ever  
16:02:29 5 receive any more money in respect of money from Rayband?  
6 A. No.  
7 Q. 1036 Or Mr. Duffy?  
8 A. No.  
9 Q. 1037 And did Ms. Devitt go and have that word with Mr. Moran?  
16:02:30 10 A. She did, yes. As far as I know, yes. But I think there were difficulties  
11 resolving it because he was at the time having difficulties with access.  
12 Q. 1038 Did you know that she was a member of the Eastern Health Board?  
13 A. I was aware she was, yes.  
14 Q. 1039 Did that come into it at all?  
16:02:52 15 A. No.  
16 Q. 1040 Mr. Redmond, we have received a copy of a valuation of the property which was  
17 carried out by Lisney's. And we've received this from the legal team for  
18 Rayband and I'm wondering could I put the valuation to you.  
19  
16:03:18 20 It's as of July 2003. And ask you for your opinion of it?  
21  
22 This is a valuation, Mr. Redmond, by Lisneys. And it's dated the 2nd of July,  
23 2003. And at page 2356.  
24  
16:04:06 25 It says in our opinion and subject to the foregoing the current market value  
26 and that's July 2003, of the freehold interest the site would be in the region  
27 of 7 250 000 Euro.  
28  
29 And I think that's in respect of the original Rayband lands plus the two acres  
16:04:33 30 which they got from Mr. Duffy?

16:04:53 1  
2 CHAIRMAN: What's the question for?  
3  
4 MR. MURPHY: Sorry, Mr. Redmond. I thought I posed it.  
16:04:58 5  
6 What would you say about the that valuation?  
7 A. It seems very much in order.  
8 Q. 1041 It seems what, in order?  
9 A. Yes.  
16:05:04 10 Thank you. Thanks, Mr. Redmond.  
11  
12 CHAIRMAN: All right. Do you wish to ask a question, Mr. O hOisin?  
13  
14 **THE WITNESS WAS THEN EXAMINED**  
16:05:11 15 **AS FOLLOWS BY MR O'HOISIN:**  
16  
17  
18 Q. 1042 MR. O'HOISIN: Just a couple of questions. I won't be very long.  
19  
16:05:16 20 Mr. Redmond, in your statement you refer to Declan Duffy as a person that you  
21 were dealing with; isn't that right?  
22 A. Well I clarified that. Declan wasn't always available to me. But he  
23 transacted his business through his father.  
24 Q. 1043 Uh-huh?  
16:05:36 25 A. But he was there to sign documents and things like.  
26 Q. 1044 The approach which you say you were asked to make on behalf of Rayband for the  
27 two acres. Who was that made to? Mr. Duffy Senior or Mr. Duffy Junior?  
28 A. Mr. Duffy Senior. They met first. I introduced both of them to him.  
29 Q. 1045 Sorry, you introduced both of who to who?  
16:06:08 30 A. I introduced Mr. Moran and Mr. Hughes to Mr. Duffy. Now I'm not certain

- 16:06:12 1 whether Junior was there at the time or not.
- 2 Q. 1046 Yes F we go just before that. There was obviously a meeting between Colm  
3 Moran and Michael Hughes and Mr. Declan Duffy. In relation to the previous  
4 approach about the two acres, which you talk about. Was that made to  
16:06:36 5 Mr. Duffy Senior or to Mr. Duffy Junior?
- 6 A. Well Mr. Duffy Senior. I made the approach to Mr. Duffy Senior, I'm sure.  
7 And he in turn consulted the owner, his son.
- 8 Q. 1047 Again, it's just not really clear from your statement. It appears from your  
9 statement that you were referring all of the time to Declan Duffy. If that's  
16:07:01 10 the case that's an error; is it. Well it's, Declan Duffy was the owner of the  
11 land. And I had no doubt anything that was resolved regarding negotiations  
12 was resolved between Declan and his father. When did the approach take place  
13 in relation to the two acres?
- 14 A. The date?
- 16:07:21 15 Q. 1048 Yes. Approximately.
- 16 A. I can't really say. It's a long time ago.
- 17 Q. 1049 Uh-huh. We know that there was a formal agreement reached or signed in March  
18 of 1993.
- 19 A. It was obviously prior to that.
- 16:07:43 20 Q. 1050 Uh-huh.
- 21 A. Yeah.
- 22 Q. 1051 We know that you were involved in 1989 at a meeting. You've taken a careful  
23 note of. Can you say when it was between those two periods or those two  
24 years? Was it shortly after the meeting that you had in 1989, when there was  
16:08:05 25 the talk about looking for a material contravention so that there could be a  
26 residential development?
- 27 A. Oh, no it wasn't then. That didn't enter into it at that stage. It's only  
28 when Rayband decided that they were going to go for industrial development.
- 29 Q. 1052 So it was sometime after that?
- 16:08:24 30 A. Yeah.

- 16:08:25 1 Q. 1053 Well we know that even towards the end of 1989 there appears to have been some  
2 consideration to going for some sort of industrial development because the  
3 planning application for residential development was withdrawn in November  
4 1989?
- 16:08:37 5 A. I think there was a fair lapse between the two, you know, before they then  
6 pursued the rezoning.
- 7 Q. 1054 Well, there was a submission put in by Tony Mannahan on behalf of both Rayband  
8 and Mr. Duffy in December of 1991?
- 9 A. I'm aware of that, yes.
- 16:09:03 10 Q. 1055 So --
- 11 A. Somewhere prior to that.
- 12 Q. 1056 Obviously prior to that?
- 13 A. Yeah.
- 14 Q. 1057 And in fact the agreement that was reached between Mr. Duffy and Rayband was  
16:09:14 15 obviously prior to that?
- 16 A. Yeah.
- 17 Q. 1058 Submission by Mr. Mannahan; isn't that right?
- 18 A. I'm sure it was, yeah.
- 19 Q. 1059 So it was sometime prior to November of 1991. Do you have any idea how long  
16:09:27 20 before that it was?
- 21 A. I couldn't honestly say. It wouldn't be that long I'd say.
- 22 Q. 1060 So the initial approach you say was made for the two acres and that was  
23 refused. Was it soon after that there was a further approach?
- 24 A. Oh, there was, yes. It was very, very shortly afterwards.
- 16:09:45 25 Q. 1061 Uh-huh. I see, do you say that you negotiated this had agreement that was  
26 eventually manifested in the written agreement of March 1993?
- 27 A. Yes.
- 28 Q. 1062 Well what about the meeting between Mr. Hughes, Colm Moran and Mr. Duffy in  
29 Mr. Duffy's house?
- 16:10:04 30 A. Well it's normal that you bring out, you are introducing somebody. You bring

16:10:09 1 the two people together. That's what they were there. they agreed it and they  
2 shook hands.

3 Q. 1063 It may not be a matter of any even norm yus significance. I have to say that  
4 you are mistaken in relation to that. The evidence both from Mr. Duffy  
16:10:25 5 yesterday and the evidence from Mr. Hughes was that had they had a meeting in  
6 Mr. Duffy's house and those various points were agreed.?

7 A. I didn't say they didn't meet in Mr. Duffy's house.

8 Q. 1064 They agreed these matters?

9 A. I was at any meeting they were at.

16:10:41 10 Q. 1065 I don't think you were at the meeting at which Mr. Moran and Mr. Hughes and  
11 Mr. Duffy were at. I am sure it was because I was the instigator of the whole  
12 business and I had to be there just to make sure each one knew what was going  
13 on.

14 Q. 1066 There didn't seem to be any reference in either of their evidence to you being  
16:11:01 15 present at the meeting?

16 A. Sorry but that's ...

17 Q. 1067 Uh-huh. And your statement doesn't make any reference to that meeting; does  
18 it?

19 A. I did say in my statement that I introduced Mr. Duffy or Mr. Moran and  
16:11:16 20 Mr. Hughes to Mr. Duffy.

21 Q. 1068 Well you say at paragraph G which is on page 2129.  
22  
23 "I met with Mr. Duffy shortly afterwards and informed him of Rayband's interest  
24 in acquiring the two acres in question. His initial reaction considering the  
16:11:40 25 options he might pursue in relation to the development of his own lands. I  
26 reverted to Rayband and informed Mr. Hughes of Mr. Duffy's position. I was  
27 requested by Rayband to revert to Mr. Duffy with a proposal, to the effect that  
28 Rayband was prepared to include all of Mr. Duffy's land west of the proposed  
29 motorway comprising circa 22 acres, of which Mr. Duffy cede two acres in its  
16:11:59 30 proposed submission for industrial zoning in certain terms in essence

16:12:04 1 comprising the following..."  
2  
3 And you go down through that.  
4

16:12:08 5 And so you list off the proposals. Your statement gives the impression that  
6 you were going to and fro between Mr. Duffy and Rayband and that you went from  
7 Rayband as an emissary, essentially with this proposal, it doesn't make any  
8 reference to a meeting?

9 A. If you go down to I there. I raised the question of my professional fees with  
16:12:34 10 Mr. Hughes who with Mr. Moran, I had introduced to Mr. Duffy.

11 Q. 1069 Sorry, that's L there.

12 A. Yes.

13 Q. 1070 Yes but that doesn't contradict the point that I made. You said in paragraph  
14 G and then in H, I and J that you were asked to make a proposal to Mr. Duffy on  
16:13:05 15 behalf of Rayband and then you went to Mr. Duffy to make that proposal. You  
16 don't make any reference to the fact that --

17 A. No, I think what basically happened. It always happens in a situation. I am  
18 the intermediary going back and forward. I most likely went back to Mr. Duffy  
19 and said they'll be prepared do this. Mr. Duffy never met them and so I  
16:13:26 20 probably arranged this meeting afterwards when they said they were prepared to  
21 talk to Mr. Duffy and tie up this deal.

22 Q. 1071 When it was essentially a fait accompli

23 A. Well.

24 Q. 1072 I have to suggest --

16:13:42 25 A. There was nothing on paper.

26 Q. 1073 Obviously, it's a long time ago, Mr. Redmond. And it's not possible to have a  
27 crystal clear recollection in relation to all of these matters. I simply  
28 suggest to you that the recollection from Mr. Hughes, and indeed it would  
29 appear Mr. Duffy, is to be preferred in relation to that. That the terms of  
16:14:09 30 this agreement were agreed by them at a meeting. You immediate the

16:14:09 1 production, but the terms were agreed at that meeting. It's not a suggestion  
2 where you is he essentially negotiated the agreement going to and fro?

3 A. I dispute that. As far as I'm concerned I made that agree I made two calls to  
4 Mr. Duffy first. In the second one I got an agreement in principle. And  
16:14:24 5 then I brought the two people concerned who wanted to make an agreement with  
6 Mr. Duffy together.

7 Q. 1074 Now, just in relation to the fees issue, Mr. Redmond.  
8  
9 What do you say that the 20,000 initially you invoiced for 20,000 Euro. What  
16:14:43 10 do you say that related to? To this transaction simply to the work that you  
11 did on this transaction.

12 A. Yeah.

13 Q. 1075 To nothing else?

14 A. Nothing else.

16:14:51 15 Q. 1076 And what about the discussion in relation to fees in your note of the meeting  
16 in 1989 where you proposed 10,000 Euro at that stage and then there was talk  
17 about a sales fee, which I presume is --

18 A. That was relevant to the application for 120 houses. It had nothing to do  
19 with this. When it fell everything fell.

16:15:14 20 Q. 1077 Uh-huh. It's just that at an earlier stage in your questioning by Mr. Murphy  
21 I understood you to say. I may be wrong in relation to this. Obviously the  
22 transcript will indicate it one way or another. That you didn't a get paid  
23 anything in relation to the Duffy transaction. It was only later in your  
24 evidence.?

16:15:36 25 A. No, no, no.

26 Q. 1078 We can see that from the transcript earlier. It's possible that I  
27 misunderstood you.  
28  
29 In the letter that you sent. I think you sent the invoice initially in  
16:15:54 30 December 1993. It's at page 2155.

- 16:15:57 1 You sent it undercover of a letter to Mr. Moran. And you then sent a  
2 reminder, which at page 2121, the 1st of February 1994.  
3  
4 Neither of these letters refer to any work. Nor does the invoice refer to any  
16:16:19 5 work in negotiating the Duffy agreement  
6 A. Well, it was very clear. Like, I asked before I went to negotiate the Duffy  
7 agreement what were the circumstances regarding my fees? And Mr. Hughes said  
8 he had to ask Mr. Moran. And he came back to me and emphatically said  
9 Mr. Moran had agreed to dispense your fees at 20,000 pounds. That's what I was  
16:16:49 10 looking for there. And that's all.  
11 Q. 1079 In the letter, the original covering letter you talked about the fact that it  
12 had been a long road for all concerned. I don't have to say how pleased I am  
13 that the Development Plan has now been dealt with in its totality and it has  
14 been a long road for all of us concerned.  
16:17:14 15  
16 Can I suggest to you really when you look at this correspondence. In fact  
17 what you were billing for was in relation to all of your work going back to  
18 1989 and including the involvement that you had had from that stage?  
19 A. No.  
16:17:28 20 Q. 1080 And that over the years your memory in relation to the matter has dimmed  
21 somewhat and that your reference to the fact that it all related to you  
22 negotiating an agreement in relation to Duffy is mistaken?  
23 A. I can respectfully say to you that I can recall very vividly that this 20,000  
24 pounds was a separate issue. The first one fell by the wayside because there  
16:17:52 25 was no contravention. And consequently, there was no sale of houses. So,  
26 you know, that's my reading of it.  
27 Q. 1081 You took a careful note of the meeting in 1989, didn't you, Mr. Redmond?  
28 A. I took a note.  
29 Q. 1082 But there doesn't seem to be any note -- and obviously, you took a note in  
16:18:13 30 relation to some of the telephone calls that you had when you were chasing up

16:18:17 1 the fees with Rayband; isn't that right?

2 A. Yes.

3 Q. 1083 Well there doesn't appear to be any note which records the work that you were  
4 doing in essentially what you say was negotiating as an intermediary between  
16:18:32 5 Mr. Duffy and Rayband?

6 A. Well, as far as I was concerned there was 20,000 agreed between the principal,  
7 the Chairman of the company, through his C.E.O, and I accepted that. And that  
8 was good enough for me. And when I looked for it, it was -- the difficulty I  
9 was having. And that's I didn't sent so many letters.

16:18:59 10 Q. 1084 When Mr. Moran wrote back to you on page 2157.  
11  
12 In response to your original letter

13 A. Uh-huh.

14 Q. 1085 He said that he had recently made inquiries from those that were involved in  
16:19:25 15 the original discussion with yourself. He says those that were involved. He  
16 doesn't refer to earn a person singular or to Mr. Hughes. Those who were  
17 involved in the original discussion with your good self and they fully recall  
18 that the agreement was that you would be compensated when the land was sold.  
19

16:19:34 20 .  
21  
22 That doesn't appear to be consistent with you simply having a meeting with  
23 Mr. Hughes to agree this.

24 A. Yeah. I don't know who "those" means or refers to. Secondly, you know,  
16:19:46 25 there was never any question.

26 Q. 1086 Uh-huh.

27 A. Of a sale.

28 Q. 1087 So obviously that was a matter that was discussed back in 1989. But I want to  
29 suggest to you is that really the question of fees here goes back to, as you  
16:20:02 30 say, the long road. It goes back to 1989 and the original meeting that you

16:20:09 1 had at that stage and to any other involvement that you had in the interim  
2 period.  
3 A. Well it was a long road all right. I was after forfeiting fees because the  
4 thing had not gone through initially. And now I was after negotiating fees  
16:20:25 5 for something that had gone through and I couldn't get it at the time. So it  
6 was resolved.

7 Q. 1088 Uh-huh.

8 A. Eventually.

9 Thank you, Mr. Redmond.

16:20:36 10  
11 CHAIRMAN: All right. Mr. Burke?

12

13 MR. BURKE: I am aware of the Chairman.

14

16:20:42 15 I'm going to be very brief.

16

17 **THE WITNESS WAS THEN EXAMINED**

18 **AS FOLLOWS BY MR BURKE:**

19

16:20:46 20 Q. 1089 Mr. Redmond, David Burke for the hand family here.

21

22 You knew Mr. Gallagher for approximately how long, Cyril Gallagher?

23 A. From 1970, before that.

24 Q. 1090 What time of man was he, in your opinion?

16:20:59 25 A. He was a very proactive man in the area. Deeply involved in different affairs  
26 of the area, you know.

27 Q. 1091 I see. Are you surprised at the allegation that Mr. Dunlop has made against  
28 him?

29 A. I don't make any comment one way or the other, you know.

16:21:19 30 Q. 1092 Does it surprise you?

16:21:20 1 A. No, he was a fine man.

2 Q. 1093 He was a fine man?

3 A. Yeah.

4 Thank you very much, Sir.

16:21:24 5

6 CHAIRMAN: Mr. Moorehead?

7 MR. MOOREHEAD: Very briefly, Chairman.

8

9 **THE WITNESS WAS THEN EXAMINED**

10 **AS FOLLOWS BY MR MOOREHEAD:**

11

12 Q. 1094 Just to put these matters in context, Mr. Redmond. I think in the course of

13 your dealings with the Lissenhall lands.

14 That was contemporaneous with the revision of the County Development Plan;

16:21:40 15 isn't that correct?

16 A. That's right.

17 Q. 1095 And I think it was Ms. Dillon who put it in a rather graphic fashion that in

18 the course of such a development that persons with an interest in seeing lands

19 developed, that that was a time that they would be become active; is that fair

16:21:56 20 to say?

21 A. That's correct.

22 Q. 1096 And therefore they would make their feelings and representations and feelings

23 for the future well known?

24 A. Yes.

16:22:02 25 Q. 1097 Now, I think at the very same time. I think you had been involved, as you

26 say, with the Swords Business Association; is that right?

27 A. Yes.

28 Q. 1098 And I believe you were president of that association for ten continuous years;

29 is that correct?

16:22:14 30 A. That's correct.

- 16:22:15 1 Q. 1099 I think around 1991 the Swords business association in concert with the Swords  
2 Community Council produced proposals for the development of Swords; isn't that  
3 right?
- 4 A. Correct.
- 16:22:31 5 Q. 1100 And I think that those proposals, that you commissioned a lady who has  
6 mentioned here previously was Grainne Mallon to assist in the drawing up of  
7 those proposals; isn't that right?
- 8 A. That's right.
- 9 Q. 1101 Now, I think in relation to industrial land. What is said about the provision  
16:22:53 10 of land zoned in that regard. It says and I think it echoes Ms. Devitt's  
11 observations in this regard.  
12  
13 The 1983 County Development Plan, there were 119 hectares of industrial zoned  
14 land in Swords, to date most of this is either developed or committed with the  
16:23:08 15 exception of approximately 30 acres at Mantua. Do you recall that?
- 16 A. Yes.
- 17 Q. 1102 Insofar as I think Mr. Dunlop made observations that he may have seen you in or  
18 around the County Council offices. I think that this was, as it were, a baby  
19 of yours at that time; is that correct to say; Is that correct to say?
- 16:23:26 20 That's correct. I was responsible for -- as far as the business association  
21 was concerned -- dealing with it.
- 22 Q. 1103 And in attempting to have the County Council have proper regard to these  
23 proposals, who were the councillors that you canvassed for support most of all?
- 24 A. Anne Devitt and Cyril Gallagher and local people and proactive...
- 16:23:52 25 Q. 1104 And Ms. Devitt in relation to canvassing support for the merits of particular  
26 proposals, whether they be planning permissions or rezonings. I would just  
27 like to draw your attention to what Ms. Devitt observed in her preliminary  
28 narrative to the Tribunal.  
29
- 16:24:10 30 She says because of a sheer volume of submissions made by interested parties on

16:24:21 1 such a vast area of land there was an informal arrangement or procedure,  
2 adopted by councillors to try to rationalise their approach to the next stage  
3 of the Development Plan. Local councillors familiar with their own local areas  
4 familiarised themselves with submissions in relation to their local area ward  
16:24:27 5 or area. Stake owners who had made submissions in relation to a local area  
6 contacted first local councillors, or were directed by other local councillors  
7 to the local councillors for the area. In this way councillors could be  
8 appraised of the proposal and advised on the merits or drawbacks of the  
9 proposed zonings, in many cases proposals were rejected by local councillors as  
16:24:46 10 being unsuitable, in other cases suggestions were made to amend to proposal to  
11 industrial, light industrial or residential zoning. Or to change the amount  
12 of land including the proposal.

13  
14 In all cases a proposal to change the zoning of land from any use had to be  
16:24:58 15 submitted in the writing, signed by two councillors and it was the practice  
16 that local councillors submitted motions in their own local area.

17  
18 So in relation to any proposals for Swords. Would it be right to say that  
19 according to that description of the process that was then employed. That any  
16:25:16 20 proposal in relation to Swords would be brought initially either to Ms. Devitt  
21 or Mr. Gallagher or Mr. Ryan as the local councillors?

22 A. Well my experience was that councillors outside wouldn't be agreeably disposed  
23 to supporting something unless the councillors inside were shown very strongly  
24 interested in it.

16:25:47 25 Q. 1105 Now, in relation to Lissenhall lands. I think did you regard these as lands  
26 that were suitable or were they uncontroversial or were they difficult lands?

27 A. Well I don't know. There was no controversy at all about them. Like, from  
28 the point of view of they becoming industrial lands.

29 Q. 1106 It seems that once the kennel owners concerns had been addressed, that the only  
16:26:20 30 difficulty attending those lands afterwards was the matter of access; would

- 16:26:26 1 that be correct?
- 2 A. Yeah.
- 3 Q. 1107 Now, insofar as you made representations and I think you've insofar as you did,  
4 you made them prior Airlie to Ms. Devitt and Mr. Gallagher; is that correct?
- 16:26:39 5 A. Yeah.
- 6 Q. 1108 Insofar as you made representations, whether about planning permission or re  
7 zoning. Did you feel the representations were warranted and fair one toss  
8 make?
- 9 A. Uh-huh.
- 16:26:52 10 Q. 1109 Did you feel in any way that you were going behind anybody's back?
- 11 A. No.
- 12 Q. 1110 And were you fair and open about the representations that you made. I should  
13 ask you, in relation to the Lissenhall lands and the representations you made  
14 in respect of those. Were those representations constant with the proposals  
16:27:13 15 that the businesses association and community council had put to the Council  
16 for adoption?
- 17 A. They were, yes.
- 18 Q. 1111 And finally, Mr. Redmond in respect of these proposals of 1991 drawn up by  
19 Grainne Mallon, or with the assistance of Grainne Mallon. Has much or any of  
16:27:30 20 these proposals been adopted by such or since Fingal County Council?
- 21 A. Yeah, the pleasing factor is that almost -- over two-thirds of it has been  
22 implemented.  
23 I am obliged. I have no further questions, Mr. Chairman.  
24
- 16:27:44 25 Q. 1112 JUDGE FAHERTY: Just one matter, Mr. Redmond.  
26  
27 In fact Mr. Moorehead has really I think dealt with it to some extent. When  
28 Mr. Dunlop was giving evidence and he was asked if you were known to him. He  
29 said that he knew you to see and he knew you down in the County Council during  
16:28:03 30 the course of the making of the Development Plan. But he didn't know what

- 16:28:07 1 people you were representing or what lands you were involved with.
- 2 A. It was the Swords Business Association.
- 3
- 4
- 16:28:14 5 Q. 1113 JUDGE FAHERTY: I just wanted to ask you in fact. In the light of the fact
- 6 that Mr. Moorehead has elicited from you that you were involved in Swords
- 7 business association.
- 8 A. Yeah.
- 9
- 16:28:25 10
- 11 Q. 1114 JUDGE FAHERTY: And was that the only -- if I can use the word, client, or
- 12 organisation that you were involved in in the course of the making of the
- 13 Development Plan?
- 14 A. There were people there that I knew well while I was in there from the area and
- 16:28:36 15 that type of thing. I wasn't involved, you know.
- 16
- 17
- 18 Q. 1115 JUDGE FAHERTY: You were making representations?
- 19 A. By the Swords Business Association.
- 16:28:43 20
- 21
- 22 Q. 1116 JUDGE FAHERTY: That's what I wanted to clarify. Mr. Dunlop just said
- 23 generally you were representing people but didn't know who they were.
- 24 A. Yeah.
- 16:28:50 25
- 26
- 27 Q. 1117 JUDGE FAHERTY: You weren't representing any other landowners
- 28 A. Swords Business Association. That's what I was representing.
- 29
- 16:28:57 30 JUDGE FAHERTY: I see.

16:28:58 1

2 CHAIRMAN: Thank you very much.

3

4 Tomorrow, could you just explain what we're precisely doing.

16:29:05 5

6 MS. DILLON: Tomorrow morning the last witness in this Module, which is

7 Mr. Albert Reynolds. His evidence will commence at 10:30.

8

9 It is anticipated that will be concluded by one o'clock.

16:29:20 10

11 The balance of the Duff lands, which remains over from last Friday. I

12 understand Mr. Robert White, will commence in the afternoon. That Module is

13 expected to conclude tomorrow afternoon. And I understand then that the Walls

14 Kinsealy Module will commence on Thursday morning.

16:29:30 15

16 CHAIRMAN: Yes.

17

18 MS. DILLON: May it please you, Sir.

19

16:29:33 20

CHAIRMAN: Thank you.

21

22 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**

23 **WEDNESDAY, 5TH APRIL, 2006, AT 10:30 A.M.**

24

16:31:50 25

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