

10:01:59 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON WEDNESDAY,**

2 **31ST MAY, 2006, AT 10:30 A.M.:**

3

4 CHAIRMAN: Good morning, Ms. Dillon.

10:35:48 5

6 MS. DILLON: Good morning, Sir.

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8 Before we start with the evidence of today's witnesses. Can I indicate a
9 number of documents that relate to witnesses that the Tribunal has already
10 heard. It's in relation to copies of cheques that were received yesterday
11 evening.

10:35:57 10

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13 And you will recollect, for example, that Mr. Madigan said that he didn't
14 accept that he had received a sum of 100 pounds, but if there was a cheque
15 there that he would then accept it.

10:36:11 15

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17 It would appear that for a number of the witnesses who have been dealt with,
18 some of whom doubted that they received money, that the cheques have now become
19 available.

10:36:22 20

21 And I want very briefly for the record to put these cheques up on screen in
22 relation only to the witnesses whose evidence has been dealt with already.
23 They will, of course, be circulated with these.

24

10:36:34 25

26 Can I have 8362 please? This is a cheque to Mr. Mervyn Taylor in the sum of

27

28 500 pounds dated 17th of November 1992.
29 8350, please. This is a cheque Councillor Sean Lyons in the sum of 750 pounds
dated November 1992.

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10:36:55 1 8352, please. This is a cheque to Ms. Marian McGennis in the sum of 1,000
2 pounds. Dated November 1992.
3
4 8358. This is a cheque in the sum of 500 pounds to Ms. Mary Faherty dated
10:37:18 5 November 1992.
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7 8366. This is a cheque in the sum of 500 pounds to Mr. Chris Flood dated
8 November 1992.
9
10:37:29 10 8372. This is a cheque in the sum of 500 pounds to Mr. Charlie O'Connor.
11 Dated November 1992.
12
13 And 8362. This is a -- sorry. 8382. I beg your pardon. 8382. This is
14 a cheque to Mr -- councillor Michael Keating, Fine Gael, dated November or
10:37:59 15 December 1992. In the sum of 1,000 pounds.
16
17 8363. 8383 sorry. You will see that it's signed by Mr. Keating.
18
19 At 8449, is a cheque in the sum of 240 pounds to Councillor Anne Devitt.
10:38:29 20
21 And 8392, a cheque in the sum of 100 pounds, in March 1993 to Anne Devitt.
22
23 At 8418. A cheque in the sum of 100 pounds to Mr. Paddy Madigan.
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10:38:49 25 And although it's somewhat illegible on screen. I can confirm that the
26 original, his name can be clearly identified.
27
28 And at 8419. There is a signature that I think is Mr. Madigan's, subject to
29 correction from Mr. Madigan, on the reverse of that cheque.
10:39:07 30

10:39:07 1 Finally. At 8447. Dated November '96. Senator Brian Hayes in the sum of
2 100 pounds. Those cheques were not available to the Tribunal when those
3 witnesses gave evidence.

10:39:21 5 The cheques will now be circulated to those witnesses and if they wish to
6 return to make any further comment or evidence to the Tribunal, they will be
7 facilitated in that regard.

8
9 Ms. Anne Ormonde, please.

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11 CHAIRMAN: Thank you.

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10:39:40 1 **MS. ANNE ORMONDE HAVING BEEN SWORN, WAS QUESTIONED**

2 **BY MS. DILLON AS FOLLOWS:**

3

4 CHAIRMAN: Good morning, Ms. Ormonde.

10:40:08 5 A. Good morning.

6

7 MS. DILLON: Good morning, Ms. Ormonde.

8 A. Good morning.

9 Q. 1 I think you are a member of the Fianna Fail party and you were a member of
10 Dublin County Council from 1985 to 1993?

10:40:16 10
11 A. That's correct.

12 Q. 2 And thereafter you became a member of a different County Council, isn't that
13 correct?

14 A. That's correct.

10:40:23 15 Q. 3 What council did you become a member of?

16 A. South Dublin County Council.

17 Q. 4 And therefore insofar as you had an involvement with the planning of the
18 Cherrywood woodlands that involvement was confined to the period 1990 to 1993;
19 isn't that correct?

10:40:35 20 A. That's right.

21 Q. 5 Can you just briefly tell the Tribunal whether you were ever approached or
22 lobbied by anybody on behalf of Monarch?

23 A. No. I don't recall, but I do recall meeting Mr. Richard Lynn in the
24 environment of the County Council. He seemed always to be there. So in that
10:40:51 25 light, I think that was the way that I was lobbied.

26 Q. 6 Do you remember meeting Mr. Lynn? Do you remember meeting sorry, do you
27 remember meeting Mr. Philip Reilly?

28 A. No, no. I have occasionally met him because he was manager of the town square
29 in Tallaght. And I had reason to meet him if I was in the South Dublin County
10:41:11 30 Council area I would meet him socially but I never interacted with him

- 10:41:15 1 regarding rezoning.
- 2 Q. 7 And did Mr. Lynn seek your support in connection with the Cherrywood project?
- 3 A. Well, I wouldn't -- I cannot recall what the conversation would be but the mere
- 4 fact that he was present there, indicated that perhaps he was looking for my
- 10:41:30 5 support but I don't recall having any real discussion with him.
- 6 Q. 8 Would you have known that Mr. Lynn was involved in the Cherrywood project?
- 7 A. In fact, I know nothing about the ownership of the land that was out there.
- 8 Monarch meant nothing to me at that time.
- 9 Q. 9 But you knew that Monarch had developed The Square in Tallaght surely. That
- 10:41:49 10 was before I came in. I wasn't really involved because Rathfarnham was my
- 11 area and I didn't really immerse myself in the development out in the Tallaght
- 12 area either.
- 13 A. Yes.
- 14 Q. 10 When you became a member of South Dublin County Council, Tallaght is South
- 10:42:02 15 Dublin County Council?
- 16 A. That's right.
- 17 Q. 11 And I believe in fact that South Dublin County Council is based in the town
- 18 centre in Tallaght?
- 19 A. That's right.
- 10:42:08 20 Q. 12 So are you telling the Tribunal that you never knew that Monarch Properties
- 21 were the developers of Tallaght town centre?
- 22 A. They would have crossed my mind but it wasn't significant enough for me to keep
- 23 it in my mind.
- 24 Q. 13 Are you saying you didn't know or you must have known?
- 10:42:21 25 A. Well let me put it this way, I probably knew Monarch by hearing his name. I
- 26 wouldn't have ever had any connection him.
- 27 Q. 14 Were you ever aware, for example, that some of your colleagues had, were
- 28 provided with offices in the town centre in which they could hold constituency
- 29 clinics?
- 10:42:37 30 A. No, I never knew that.

- 10:42:39 1 Q. 15 Right. And was it the position, when South Dublin County Council moved to
2 Tallaght and had its head offices in Tallaght, did you become aware and know
3 for a fact at that stage that in fact the entire place had been developed by
4 Monarch Properties in conjunction with GRE?
- 10:42:55 5 A. I wouldn't have known the details but I would have heard the name coming
6 through. It wouldn't have been significant to me to dwell on it.
- 7 Q. 16 You wouldn't have regarded the development of the town centre at Tallaght as a
8 significant development for south Dublin?
- 9 A. Oh yes. A significant development for south Dublin but in terms of the
10 ownership of it, it wasn't important to me.
- 10:43:11 11 Q. 17 Right. And when tax designation was given for Tallaght in order to encourage
12 development in Tallaght, would you have regarded that as important or
13 significant?
- 14 A. Well I would. Anything that would create employment would be very important
15 to me.
- 10:43:27 16 Q. 18 And wasn't it a matter of much comment and discussion at the time that tax
17 designation had been given to Tallaght for the sole purpose of encouraging the
18 development of a town centre?
- 19 A. Well, I'm not aware of that now to be quite honest with you I cannot recall.
10:43:40 20 But I am sure that I would have been aware at the time that it was important to
21 develop the Tallaght area because there was huge black spots of unemployment.
22 So naturally anything that would help create employment, I would be aware of.
23 Other than that, I wouldn't have given it any pour more importance.
- 24 Q. 19 And you became a senator for the area as well, isn't that right?
- 10:44:00 25 A. Senator would be for the whole of Ireland if you like.
- 26 Q. 20 Yes.
- 27 A. Not so much for the Tallaght area. But I was a councillor in the Rathfarnham
28 area which was part of the South Dublin County Council.
- 29 Q. 21 Yes. But you were also a senator, isn't that right?
- 10:44:13 30 A. Yes.

- 10:44:14 1 Q. 22 And you were a national politician also?
- 2 A. Yes.
- 3 Q. 23 Right. And let's -- looking back now on south Dublin in the last ten, 15, 20
- 4 years. Would you regard the development of The Square at Tallaght as possibly
- 10:44:28 5 the single biggest development carried out in south Dublin?
- 6 A. Yes, I would, yes.
- 7 Q. 24 Wouldn't every single councillor with an interest in south Dublin have made it
- 8 their business to know who was the developer?
- 9 A. Perhaps you could say that but it wasn't really of importance to me who
- 10:44:43 10 developed land, as long as it was a good development.
- 11 Q. 25 Would you in the normal course of events have read all of the documentation
- 12 with which you were supplied in advance of the council meetings?
- 13 A. No, I wouldn't. Because I wouldn't -- I wasn't a full-time councillor and
- 14 therefore, I wouldn't have had enough time to go through it in depth.
- 10:45:01 15 Q. 26 Would you have listened to the arguments that were made in the course of the
- 16 council?
- 17 A. Yes, if I was able to get into the meetings, I would certainly be very much
- 18 interested in listening to the debate.
- 19 Q. 27 And would you have attended the Fianna Fail meetings in advance?
- 10:45:15 20 A. Very seldom did I go to those meetings because as I said, I was a full-time
- 21 teacher and therefore would not have been able to get off in the middle of the
- 22 day.
- 23 Q. 28 But you were aware such meetings took place?
- 24 A. Yes.
- 10:45:26 25 Q. 29 What was the purpose of those meetings?
- 26 A. Well, it would be to discuss the agenda that was coming forward for that
- 27 particular meeting that was to take place.
- 28 Q. 30 Yes. The -- and to come to a consensus some councillors have told the
- 29 Tribunal?
- 10:45:41 30 A. Yes, perhaps. Sometimes, yes, sometimes no. There would be a debate about a

- 10:45:57 1 particular item on the agenda and it would very often would be left unfinished
2 business. But I wouldn't have been there quite often enough to give any
3 detailed analysis of that.
- 4 Q. 31 But would you agree at a minimum that the purpose of a meeting was to see if a
10:46:08 5 consensus could be reached in relation to items on the meeting?
6 A. I suppose you could put it like that, yes.
- 7 Q. 32 And in general would you disagree with the evidence that has been given to the
8 Tribunal, that in general the Fianna Fail party tended to present a united
9 front when it came to dealing with matters on the floor of the council?
- 10:46:22 10 A. That is true, yes.
- 11 Q. 33 I think that the record shows that your first involvement in relation to the
12 Carrickmines lands in terms of voting relates to a map called DP 92/44. And
13 prior to that, if I can show you the map that went out on the first public
14 display in relation to these lands. Which is at 271 -- 7021, please.
- 10:46:50 15
16 Now, the yellow lands, Ms. Ormonde, are the residentially zoned lands in the
17 Carrickmines Valley.
- 18 A. Yes.
- 19 Q. 34 And you will have seen this documentation in the brief.
- 10:47:05 20 A. I would have. I wouldn't have gone into it in detail.
- 21 Q. 35 Okay. Well at the time of the first public display when these lands went out
22 on display, these lands were zoned residential and indeed had been zoned
23 residential or a portion of them in the 1983 plan, but they were changed from
24 one house to the acre and septic tank to four houses to the acre.
- 10:47:26 25 A. Yes.
- 26 Q. 36 And that has been described to the Tribunal as low density zoning.
- 27 A. Yes.
- 28 Q. 37 Right. The lands that are outlined in red on that map which are partially
29 yellow and partially white are the Monarch lands.
- 10:47:40 30 A. Yes.

- 10:47:41 1 Q. 38 Would you ever have seen that outline before?
- 2 A. No.
- 3 Q. 39 Never?
- 4 A. Not -- not because I tended I attended very few meetings at that time. So I
- 10:47:50 5 wouldn't -- in the initial stage of that discussion I wasn't really involved at
- 6 all because I was -- my schedule was very busy. I was a part-time councillor
- 7 so I would not have gone into detail.
- 8 Q. 40 And would you never have seen that outline?
- 9 A. No, no.
- 10:48:05 10 Q. 41 All right. And the white portion of the lands which are west or south of the
- 11 black line are agriculturally zoned lands. So you can see from that map that
- 12 when it went out on the first public display, the Monarch lands were zoned
- 13 either residential, four houses to the acre or agriculture?
- 14 A. Yes.
- 10:48:21 15 Q. 42 Right. Now, you didn't have anything to do with the matters leading up to
- 16 that point in time. But subsequently in May of 1992 the manager put forward a
- 17 map, DP92/44, which I think is at 7203.
- 18
- 19 Now, this map was proposed by the manager as changes he wanted to introduce in
- 10:48:47 20 relation to the map that had gone out in the first public display. And what
- 21 the manager was suggesting was to change the residential density from AP to A1P
- 22 and to extend the residential zoning to a more westerly line. Do you see that
- 23 where it says B to A1?
- 24 A. Yes.
- 10:49:07 25 Q. 43 So, he was suggesting in fact, moving the residential zoning to what was known
- 26 as the 1991 Southeastern Motorway line?
- 27 A. Yes. Uh-huh.
- 28 Q. 44 Now, that matter came before the council on 27th of May 1992.
- 29 A. Yes.
- 10:49:22 30 Q. 45 And again, may the Tribunal take it that you would not have been familiar with

- 10:49:26 1 the outline, the red outline?
- 2 A. Yes, yes.
- 3 Q. 46 Now, I think the matter came before the council on 27th of May 1992. At 7207,
4 please. And you are there recorded as voting in favour of the manager's
10:49:43 5 proposals?
- 6 A. Yes.
- 7 Q. 47 So it would follow from that that you were in favour of extending the area of
8 residentially zoned land?
- 9 A. Yes.
- 10:49:51 10 Q. 48 Towards a more westerly line?
- 11 A. Yes.
- 12 Q. 49 And also effectively in some increase in the density by moving it off A piped
13 sewage to A1; does that follow?
- 14 A. Yes.
- 10:50:03 15 Q. 50 All right. What did you know about the lands?
- 16 A. Very little in fact. I went with the consensus of opinion. Fianna Fail very
17 strongly and I'm alphabetically, way down on the list so I went along with
18 that.
- 19 Q. 51 Now, I think that the, insofar as the balance of the motions that took place on
10:50:24 20 that date are concerned. You are not recorded as voting on any other motion
21 that took place that day?
- 22 A. Uh-huh.
- 23 Q. 52 Does that mean that you attended and voted on DP92/44. And when that was
24 unsuccessful you left?
- 10:50:38 25 A. I can't recall about that now, being quite honest with you, it's just so far
26 back. But, I mean, I tried to be there as much as I possibly can. I would
27 have liked to have been there for more of them but I wasn't able to be there.
- 28 Q. 53 Yes. You weren't there for the balance of the motions, including a motion by
29 Councillor Barrett?
- 10:50:57 30 A. No, I can't recall that.

10:50:59 1 Q. 54 Yes. Well you're not recorded as voting on any of the other motions that took
2 place but you are recorded as voting on the first motion, which is this motion?
3 A. Okay.
4 Q. 55 Now, Councillor Barrett's motion at 7216 of the same record. Councillor
10:51:13 5 Barrett brought a motion seeking that all of the residentially zoned lands be
6 zoned at one house to the acre and that was passed?
7 A. Uh-huh.
8 Q. 56 And that went out on the second public display. And if I can show you that
9 map, which is at I think 7217.
10:51:30 10 Now, what has happened to the map now, Ms. Ormonde, just so you're clear on it,
11 is that all of those yellow lands have now been zoned as a result of Councillor
12 Barrett's motion to one house to the acre.
13 A. Uh-huh.
14 Q. 57 And included in the yellow lands are a substantial portion of the Monarch
10:51:52 15 lands, those are that are zoned residential.
16 A. Okay.
17 Q. 58 Also what happened at that meeting was that a town centre designation was put
18 on a small portion of Monarch's lands. That is the cut out square in the
19 centre of the Monarch lands. Do you see that there number 4A and 4B in the
10:52:10 20 centre?
21 A. Yeah.
22 Q. 59 And those lands had been changed as a result of a motion by Councillor Gilmore,
23 to town centre designation.
24 A. Okay.
10:52:18 25 Q. 60 All right. You weren't present and you didn't note vote on that. In
26 general, would you've agreed with one house to the acre?
27 A. Well, it seemed if it was piped land that it seemed very little. You know,
28 one house to the acre seemed very little if it was piped land. That's off the
29 top of my head now I'm just saying that. If there was drains there one house
10:52:42 30 septic tank, maybe a couple of houses, it was better sewage facilities.

10:52:46 1 That's all I can say at this point in time. So far back I cannot recall.

2 Q. 61 Do you remember any talk about the Carrickmines sewer and the introduction of

3 the Carrickmines sewer which was --

4 A. I tried to read it up before I came in here. But it wasn't clicking with me.

10:53:00 5 Q. 62 Uh-huh. Well as I understand it, a sewer was going to run through the

6 Carrickmines Valley.

7 A. Uh-huh.

8 Q. 63 To serve the Ballyogan lands.

9 A. Okay.

10:53:09 10 Q. 64 That had been agreed by the council.

11 A. Okay.

12 Q. 65 And it was in fact going to cut through the Monarch lands themselves.

13 A. Uh-huh.

14 Q. 66 Now, looking at that map. You might be able to help the Tribunal,

10:53:19 15 Ms. Ormonde. Can you see any reason as to why one would apportion different

16 densities to any of those yellow lands?

17 A. Sorry, would you repeat that again for me.

18 Q. 67 If you just look at the map for a moment, all yellow are zoned residential.

19 A. Okay.

10:53:33 20 Q. 68 Now, can you, Looking at that map and considering in particular the lands

21 outlined in red, which are the Monarch lands. Can you now think of any reason

22 as to why one would seek to zone the Monarch lands at a different density to

23 the balance of those yellow lands?

24 A. Well I wouldn't have thought about it at all because I didn't know who the

10:53:52 25 owners. It didn't mean anything to me the ownership of the lands.

26 Q. 69 Let's leave aside ownership, Ms. Ormonde.

27 A. Yes.

28 Q. 70 Just look at the map and bring your experience since 1985 as a councillor to

29 bear on that map. And forgetting about who owns the lands. Can you see any

10:54:07 30 reason why anybody would want to zone any portion of those at one particular

- 10:54:12 1 density and another portion of the lands at a different density?
- 2 A. Well if there's piped drainage I would expect that they would be more than one
- 3 house to the acre. That would be a detail I would consider.
- 4 Q. 71 Yes. And if the pipe was serving the northern portion of those lands you'd
- 10:54:29 5 expect those lands to be zoned the same as the southern portion of the lands.
- 6 Is that right?
- 7 A. Well, yes, maybe at -- as the way you say it now I'd say yes.
- 8 Q. 72 I think that that went out on public display as a change -- as the 1993
- 9 amendments. If we can just bring the map back slightly so that that can be
- 10:54:50 10 seen. If you bring it back to full size. This is the map that went out.
- 11 You will see there is the 1993 amendments.
- 12 A. Uh-huh.
- 13 Q. 73 And this map went back for consideration before the council on the 3rd of
- 14 November 1993. And the manager on the 3rd of November, and you were present,
- 10:55:16 15 no vote was taken, at 7256.
- 16 A. Uh-huh.
- 17 Q. 74 The manager recommended that the amendment be deleted.
- 18 A. Uh-huh.
- 19 Q. 75 And by,that Ms. Ormonde, the manager recommended deleting Councillor Barrett's
- 10:55:25 20 density change for all of the lands. Not for any portion of them. The
- 21 manager was not in favour of one house to the acre.
- 22 A. Okay.
- 23 Q. 76 All right. And I think on the 11th of November, the council came to consider
- 24 the matter again on the 11th of November. And the councillor came to consider
- 10:55:44 25 a motion in fact.
- 26 A. Uh-huh.
- 27 Q. 77 That was signed by Councillors Marren, Lohan, Coffey, Cosgrave and Ormonde.
- 28 At 7226.
- 29 A. That's correct.
- 10:55:53 30 Q. 78 Now, I think you can confirm, first of all, that that's your signature, the

10:56:00 1 last signature on that is your signature?

2 A. Barely. I can barely see it but I confirm that I did do it.

3 Q. 79 Yes. And again, if you look at 7227. If you look at the fourth signature

4 there appears to be A Ormonde, is that right?

10:56:20 5 A. Yes, yes.

6 Q. 80 And again, you signed a motion in relation to the town centre changes at 7228.

7 A. Yes.

8 Q. 81 You will have seen that?

9 A. Yes.

10:56:31 10 Q. 82 Can you confirm that's your signature?

11 A. Yes.

12 Q. 83 And again, I believe you signed the map in relation to the town centre changes

13 at 7229.

14 A. Yes.

10:56:41 15 Q. 84 Is that right?

16 A. Yes.

17 Q. 85 Now, if we just go back to the map in relation to, at 7227 for the moment.

18 Now, I thought you told the Tribunal just there a few moments ago that you had

19 never seen the outline of those lands before?

10:56:59 20 A. Well, I hadn't seen it up to that point. I had -- I was freer in my work and

21 I was coming back into the council. I was finished with university and I had

22 a little bit more time, so I was going back into the council in September and I

23 was taking more interest in what was happening.

24 Q. 86 I had understood you to tell the Tribunal that you had never seen that outline

10:57:20 25 before?

26 A. Well I cannot recollect seeing it before then. That's -- in fact, my memory

27 is quite vague on the whole thing.

28 Q. 87 Well, there are a number of matters can be established. First of all, you

29 signed the motion?

10:57:37 30 A. Yes.

- 10:57:37 1 Q. 88 In fact you signed two motions.
- 2 A. Yes.
- 3 Q. 89 Both motions related only to the Monarch lands, isn't that right?
- 4 A. Yes.
- 10:57:43 5 Q. 90 Now, first of all, can you outline to the Tribunal the circumstances in which
6 you came to sign the first motion. That's 7226. And this motion is
7 resolving to accept the County Manager's recommendation and delete the 1993
8 amendment in respect of the lands outlined in red which are the Monarch lands?
- 9 A. Uh-huh.
- 10:58:03 10 Q. 91 And that the balance of the lands remained at two per hectare.
- 11 A. Yes.
- 12 Q. 92 That was the balance of the residentially zoned lands in the Carrickmines
13 Valley.
- 14 A. Yeah.
- 10:58:10 15 Q. 93 So would you just outline to the Tribunal the circumstances in which you came
16 to sign that motion?
- 17 A. Well I felt it was a compromise. And I felt that in the interests of the
18 people of the area that they would go with that. And on the basis of taking
19 the lead from Councillor Coffey as well. And I felt that, you know, four
10:58:32 20 houses to the acre wasn't such a bad density and the rest of it then at one
21 house to the acre. So I had no difficulty putting my name to that.
- 22 Q. 94 Who asked you to sign the motion?
- 23 A. I don't know, to be quite honest with you. I think I was in the vicinity of
24 the council with perhaps -- I mean, Councillor Coffey would have been in the
10:58:52 25 vicinity in the council and I was quite a good friend of her's. But it wasn't
26 that she asked me to sign it. I would never put my name to anything unless I
27 was convinced that it was the right thing to do at that time.
- 28 Q. 95 Yes. And is this motion, are these lands in your area, your constituency
29 area?
- 10:59:10 30 A. No, no, no.

10:59:11 1 Q. 96 You see, you have previously told the Tribunal --
2 A. That's right.
3 Q. 97 -- in answer to Judge Faherty in the Ballycullen Module --
4 A. That's right.
10:59:17 5 Q. 98 And Judge Faherty pressed you on this and she asked you twice about this on day
6 613, as to whether you had ever signed a motion outside of your electoral area
7 and you replied and the page is, day 613 page 90, please.
8
9 And Judge Faherty says:
10:59:40 10
11 "That's what I'm asking you. Do I take it you wouldn't sign a motion that
12 wasn't in your electoral area?
13 A: No I wouldn't".
14 A. Well I would have interrupted perhaps and maybe clarify it now. I wouldn't
11:00:01 15 propose anything but in fact, to be supportive of a motion is different than
16 signing one. I wasn't going to make a contribution. But I just thought that
17 was a good compromise.
18 Q. 99 Just to look at the answer you gave Judge Faherty and we'll see where there
19 could have been any room for ambiguity in the question that you were asked.
11:00:09 20 If we look at the bottom of the page 90. Judge Faherty says to you
21 "That's what I'm asking you. Do you I take it that you wouldn't sign?"
22 Judge Faherty did not say "support" Ms. Ormonde.
23 A. I know.
24 Q. 100 "Do I take it you wouldn't sign a motion that wasn't in your elector area."
11:00:22 25 And the next page.
26 "A: No, I wouldn't".
27
28 Are you saying now that you didn't understand Judge Faherty's question?
29 A. Well it's a play on words. Thank perhaps -- I mean sign is supporting. I
11:00:36 30 had obviously I wouldn't say it now in that sense. Now that it's brought to my

11:00:41 1 notice again. I am very conscious. I very, very seldom -- I don't think I
2 have done it. I think that might have been the only one I did, I don't know,
3 maybe there were one or two others that I might support. But I was very
4 conscious of it, I would take the lead from the councillors of the area first.

11:00:58 5 Q. 101 And if this is the only occasion on which you ever signed a motion that was
6 outside your electoral area, Ms. Ormonde. It would follow, would it not, that
7 you would have a clear recollection of the circumstances in which you came to
8 participate in what would obviously have been a very unique event in your
9 career as a County Councillor, isn't that right?

11:01:16 10 A. Well, I'm always -- I listen to debates. And I see what's going on in the
11 council. And in the light of that, I am prepared to stand up and be counted.
12 Then if I like what's going on, if I like the discussion and I also take into
13 account the people of the area. The people that the councils represent and
14 their feelings on it. These are very important issues for me.

11:01:41 15 Q. 102 Your starting position with the Tribunal was that you had never signed a motion
16 outside your area. You now accept that your previous evidence must have been
17 incorrect because you signed this motion and it's outside your area, isn't that
18 correct?

19 A. Yes.

11:01:54 20 Q. 103 Right. It follows you have now told the Tribunal this is the only occasion in
21 which you would have signed a motion outside your area, isn't that correct?

22 A. As I recall it.

23 Q. 104 The question I am putting to you. If this was such a singular event in your
24 career as a County Councillor you should be able to remember the circumstances
11:02:09 25 in which you came to sign the motion.

26 A. Well not clearly. I have a vague idea how it came about.

27 Q. 105 Well --

28 A. It's too far back.

29

11:02:19 30 CHAIRMAN: Well sure tell us what your vague idea is.

11:02:21 1
2 MS. DILLON: What your vague idea.
3 A. My vague idea is that I was in the council around that time. I was listening
4 to the debate and I thought a compromise is good for this area. And it's on
11:02:34 5 that basis that I thought that this should be pushed.
6 Q. 106 Can you explain what compromise you are talking about, Ms. Ormonde?
7 A. Well the compromise is that all of the land would not be rezoned. Part of the
8 land would be rezoned at one house to the acre. And then portion of the land
9 would be rezoned at four houses to the acre.
11:02:53 10 Q. 107 If we just look at the map for a moment. At 7217, Ms. Ormonde.
11 A. I have no signalling.
12 Q. 108 It'll come in a second. Now, these lands were already zoned residential in
13 1983.
14 A. Yes.
11:03:13 15 Q. 109 So in term of rezoning, there's no rezoning going know on here. What's being
16 discussed is density, isn't that right?
17 A. That's right.
18 Q. 110 So we're not talking about rezoning these lands.
19 A. All right. Okay.
11:03:25 20 Q. 111 Nobody is suggesting that they would be anything other than residential.
21 Isn't that the position?
22 A. Yeah.
23 Q. 112 What is being discussed here is density. How many houses to the acre, isn't
24 that the position?
11:03:34 25 A. Yes.
26 Q. 113 Now, I asked you about seven minutes ago. Looking at that map to identify any
27 reason as to why the northern portion of those lands would have one density and
28 the southern portion would have another. And I don't think you gave any
29 explanation or answer to the Tribunal. Isn't that right?
11:03:51 30 A. Well I'm not very clear on it, to be quite honest with you.

- 11:03:54 1 Q. 114 Well you were clear enough about it at the time to put your name to a motion,
2 Ms. Ormonde, isn't that right?
- 3 A. Okay. I take that point.
- 4 Q. 115 Okay. Now, and I asked you at that time to identify any reason as to why --
11:04:06 5 any reason you could see as to why the northern portion of those lands would
6 have the one density and the southern portion would have another. And you
7 couldn't think of any reason, isn't that right?
- 8 A. I would have thought at the time that they didn't want density -- they didn't
9 want houses all over the place out there, so they would try to get the balance
11:04:29 10 right. So have one lot at one house to the acre and the other lot at four
11 houses to the acre.
- 12 Q. 116 The manager had recommended that the entire of the amendment be deleted. He
13 was in favour of four houses to the acre, isn't that right?
- 14 A. Uh-huh.
- 11:04:38 15 Q. 117 And four houses to the acre was what had gone out on the first public display?
- 16 A. Um.
- 17 Q. 118 So the historical position 1983 one house to the acre and septic tanking. The
18 introduction of the Ballyogan sewer, the increase to four houses to the acre
19 which has been described as low density, isn't that right?
- 11:04:54 20 A. Yeah.
- 21 Q. 119 It had gone out on 1991 as low density four houses to the acre.
- 22 A. Uh-huh.
- 23 Q. 120 And now what is being -- on the second public display gone out at one house to
24 the acre, isn't that right?
- 11:05:06 25 A. Uh-huh.
- 26 Q. 121 And what's now being suggested and promoted by yourself and your colleagues is
27 that a portion of the lands will change from one house to the acre to four
28 houses to the acre, isn't that right?
- 29 A. Uh-huh.
- 11:05:18 30 Q. 122 Now, would you outline to the Tribunal the planning reasons and zoning reasons

11:05:23 1 as to why you formed the view that those lands outlined in red which belong to
2 Monarch Properties, were to be zoned at four houses to the acre and the balance
3 of the residentially zoned lands at one house to the acre?

4 A. Well all I can say is that the people of the area. There was a compromise
11:05:41 5 being reached in order to reflect the interests of the people of the area.
6 And therefore, that perhaps there should be a compromise of four in one area
7 and one in the other area. Other than that, I thought to satisfy everybody
8 that this was a good solution.
9

11:05:57 10 CHAIRMAN: But, Ms. Ormonde. Why not just draw a straight line then at some
11 point or?

12 A. I wouldn't have gone into that detail.
13

14 CHAIRMAN: Because here, what's happening here is that somebody has gone to
11:06:11 15 the trouble of simply in -- simply following the boundary of the Monarch lands.

16 A. Yeah.
17

18 CHAIRMAN: And hiving them off, giving them a higher density. Which had very
19 obvious knock on effects in terms of their value.

11:06:28 20 A. Yes.
21

22 CHAIRMAN: Which would suggest that somebody went to the trouble of doing
23 that.

24 A. Yes.
11:06:35 25

26 CHAIRMAN: Whereas if, as you suggest, your thinking was possibly that you
27 simply wanted to have part of the area at a lower density, then one would
28 expect unless one was following the dictates of the owner of the land, one
29 would expect a line to be drawn somewhere, which might or might not include all
11:07:02 30 or a portion of the Monarch lands.

11:07:07 1 A. Well I didn't go into the detail of it. I just took it on face value that
2 this was a compromise. And I thought if was a fair enough one. That was
3 all. That was the way I was reading it.
4

11:07:19 5 CHAIRMAN: But somebody presented this to you, presumably?

6 A. No, it's probably talking in the council and probably talking to and listening
7 to the debate and hearing what was going on. I wouldn't have really gone into
8 any more detail than that.
9

11:07:35 10 JUDGE FAHERTY: Just on that point. I don't want to interrupt the Chairman,
11 or indeed Ms. Dillon. There had been debate with the council on the 27th of
12 May of 1992.

13 A. Yes.
14

11:07:45 15 JUDGE FAHERTY: That's when the manager had put up 92/44, where he wanted some
16 changes but he still wanted the, what's called low density and four houses to
17 the acre.

18 A. Yes.
19

11:07:57 20 JUDGE FAHERTY: And you had supported the manager on that.

21 A. That's right. Yeah.
22

23 JUDGE FAHERTY: Now, my understanding is after that and obviously the manager
24 wasn't successful in that, Mr. Barrett's motion was successful and all of the
11:08:11 25 lands we know went out on one house to the acre. That's what the density was
26 shown on the map that was put on the second display, which is July to August
27 '92; is that correct, Ms. Dillon?
28

29 MS. DILLON: Yes.
30

11:08:22

11:08:23 1 JUDGE FAHERTY: Yes. So that was the second statutory display. Now, my
2 understanding is and I'm sure I'll be corrected if it's wrong, the next time
3 these particular band of lands come up for debate --

4 A. Yes.

11:08:35 5
6 JUDGE FAHERTY: -- As I understand it, is the 3rd of November. Because
7 obviously there are so many -- Dublin county is a large county. There was a
8 sequence here.

9 A. That's right.

11:08:45 10
11 JUDGE FAHERTY: So the next debate if you like --

12 A. Was 12 months on wasn't it?

13
14 JUDGE FAHERTY: 16 months I think. It was more. In fairness. When you
11:08:55 15 say debate in the chamber, the debate in the chamber was in May --

16 A. Yeah.

17
18 JUDGE FAHERTY: Obviously Barrett's motion won the day if you like or won on
19 that particular day. And that's what went out on display. And the next
11:09:14 20 opportunity for debate in the chamber, whatever other debate might take place
21 elsewhere, was actually on 3rd of November.

22 A. Well.

23
24 JUDGE FAHERTY: As I understand it. Again, Ms. Dillon may have to correct
11:09:20 25 me. The motion -- this was a signed motion. It wasn't something that was
26 proposed on the day. So at some point it went in, it was signed and the map
27 was signed and it was presented to the council and it would have been put on
28 the council agenda and circulated. Is that?

29
11:09:38 30 MS. DILLON: It appears to be dated 11th of November 1993 on the only copy we

11:09:42 1 have which is at at 7226.
2
3 JUDGE FAHERTY: Oh I see. So it went in actually on the day. If it went in
4 on the day, Ms. Ormonde, that up to between May '92 and November '93 --
11:09:54 5 A. Uh-huh.
6
7 JUDGE FAHERTY: There doesn't -- until that motion was put in, there doesn't
8 seem to have been any debate in the chamber. I'm just wondering how you
9 became informed to change the view that you'd held in '92 in the interim?
11:10:08 10 A. Okay.
11
12 JUDGE FAHERTY: Sorry it's long-winded but that's ...
13 A. That's all right, your honour. No. There were nearly 15 months of elapse.
14 And I knew that there was a lot of debate going on locally with residents
11:10:22 15 associations and so on. I was aware of that. And I'd a little bit more time
16 for myself as well to kind of when, to come when I came back in, in September
17 '93 to know what was going on at that point. That's all I can answer. It's
18 very far back and I'm just trying to pull it together in my head, you know.
19
11:10:44 20 JUDGE FAHERTY: All right.
21
22 Q. 123 MS. DILLON: The motion is proposing two things: It's proposing that the
23 lands that are outlined in red on the map will be zoned according to the
24 manager's recommendation, which is four houses to the acre.
11:10:57 25 A. Uh-huh.
26 Q. 124 And it's also stating that the balance of the lands, in other words, those that
27 are not outlined in red but which are residentially zoned will remain at one
28 house to the acre. Isn't that right?
29 A. That's right.
11:11:09 30 Q. 125 So what you were setting about doing was to increase the density on a portion

11:11:14 1 of the lands in the Carrickmines Valley. Isn't that right?

2 A. Yeah.

3 Q. 126 Okay. You weren't changing zoning because there was no suggestion about

4 changing?

11:11:22 5 A. That's true and that's just my own thinking, yeah.

6 Q. 127 So the only thing you are doing in this motion is increasing the density on a

7 portion of the lands, isn't that right?

8 A. That's right, yes.

9 Q. 128 And if this is a compromise motion, as you suggest?

11:11:34 10 A. Uh-huh.

11 Q. 129 Then the only argument you had to be listening to was an argument about

12 density?

13 A. That's true. Yes.

14 Q. 130 All right. Now, so who was arguing about density?

11:11:45 15 A. Well, I think I was -- I think it was what was important to me is that

16 everybody would be happy in the area, that residents in the area would be

17 happy. And also is that it was a good compromise. That was really the core

18 of my thinking.

19 Q. 131 All right.

11:12:02 20 A. I had no more interest in it than that.

21 Q. 132 What residents did you talk to in the area?

22 A. Well I talked to them through listening to Councillor Coffey who represented

23 the area, and she talked about it in that sense.

24 Q. 133 So you didn't actually talk to any residents in the area, is that right?

11:12:19 25 A. Well I did. I talked to one particular resident in the area whom I knew.

26 Q. 134 Did you speak to any residents groups, residents associations?

27 A. No, I knew it was going on, that there debate going on with the local councils

28 and the residents association.

29 Q. 135 Yes. So how, if there was a dispute going on in the Carrickmines Valley about

11:12:38 30 the density that would attach to the residentially zoned lands?

11:12:42 1 A. Uh-huh.

2 Q. 136 How was it a compromise to zone the Monarch lands at a higher density?

3 A. I didn't go into that detail.

4 Q. 137 But wasn't that your obligation to go into that detail?

11:12:52 5 A. It probably, was, yes. It probably was my obligation to go into it but it was
6 very far out there and I was just listening to the debate, as much as I could.
7 And I felt that this was a good compromise. It was the way I read it.
8

9 JUDGE KEYS: Ms. Ormonde, could I just ask you a question. When you signed
11:13:12 10 that motion did you know that it related only to the Monarch lands?

11 A. No. I had no interests who owned it. That is my honest opinion.
12

13 JUDGE KEYS: Well did you have --

14 A. I know Richard Lynn talked to me but in terms of whether it was Monarch or
11:13:35 15 whoever owned the other part of it was never a concern for me.
16

17 JUDGE KEYS: Well did it ever dawn -- you saw the map obviously as well
18 because I think you you signed the map?

19 A. Yes.

11:13:38 20

21 JUDGE KEYS: Did you look at the map?

22 A. I vaguely looked at the map.
23

24 JUDGE KEYS: Well if you just look at the map. Again, I think could we put
11:13:46 25 it up on the screen. I think it's ...
26

27 MS. DILLON: With the motion? 7227, please.
28

29 JUDGE KEYS: Did it not stand out to you that in relation to the lands which
11:14:01 30 had already been zoned beyond that at one house per acre, that it was very

11:14:06 1 strange to have this, if you want to call it, a circle in the centre of lands
2 already rezoned were being picked out and singled out to be -- to be allocated
3 a higher density?
4 A. It didn't. Right now I cannot give an answer to that because it's so far back
11:14:25 5 I cannot think that a far back, as to the impact that that would have at the
6 time.
7 JUDGE KEYS: I see. Thank you.
8
9 MS. DILLON: This was the last large tract of undeveloped land in south
11:14:39 10 Dublin, isn't that right?
11 A. Uh-huh. Yes.
12 Q. 138 This entire valley, the Carrickmines Valley?
13 A. Yes.
14 Q. 139 Isn't that right?
11:14:47 15 A. Yes.
16 Q. 140 There was in excess of four or 500 acres undeveloped, isn't that right?
17 A. Yes.
18 Q. 141 And of those 175 acres or 175 hectares approximately had been zoned residential
19 in the 1983 plan?
11:15:00 20 A. Yes.
21 Q. 142 Right. So from the beginning a decision had been made that these lands would
22 be residential, isn't that right?
23 A. Yes.
24 Q. 143 And they were residential on septic tank.
11:15:10 25 A. Yes.
26 Q. 144 One house to the acre.
27 A. Yes.
28 Q. 145 And because there was no provision for a pipe they were on septic tank. And
29 septic tank for health and all sorts of reasons, carries much lower density
11:15:21 30 than piped sewage. Doesn't that follow?

- 11:15:24 1 A. Yes.
- 2 Q. 146 Now, who is going to pay to put in the pipe that was going to go across the
- 3 Carrickmines Valley?
- 4 A. No idea.
- 11:15:29 5 Q. 147 Well that's the council, isn't it?
- 6 A. Yeah, well the council normally.
- 7 Q. 148 Yes. The council was going to pay for the pipe and in the normal course of
- 8 events you know as a councillor, that the council seeks to recoup its outlay
- 9 or its costs from putting in a pipe by charging developers, isn't that right?
- 11:15:42 10 A. Yes.
- 11 Q. 149 Okay. And they charge developers levy developers for so much per house and
- 12 levy developers for roads, isn't that the position?
- 13 A. Yes.
- 14 Q. 150 If the valley had been left at one house to the acre, there would have been
- 11:15:57 15 much less money coming in to the council, isn't that right?
- 16 A. Yes.
- 17 Q. 151 All right. And indeed I think comments have been made that it was unrealistic
- 18 that the land would stay at one house to the acre?
- 19 A. Yes.
- 11:16:07 20 Q. 152 And certainly the manager was against it, isn't that right?
- 21 A. Yes.
- 22 Q. 153 Therefore the decision facing the council on 11th of November 1993 was not a
- 23 decision to residentially rezone these lands but a decision on density?
- 24 A. Yes.
- 11:16:20 25 Q. 154 And the only criteria you're allowed to apply in making a decision that changes
- 26 something on the Development Plan are objective criteria, isn't that right?
- 27 A. Yes.
- 28 Q. 155 Because you are exercising a quasi judicial function.
- 29 A. Yes.
- 11:16:34 30 Q. 156 Therefore you cannot be influenced by anything other than the merits of the

- 11:16:39 1 case, isn't that right?
- 2 A. Absolutely.
- 3 Q. 157 Now, what were the merits of the Monarch case that entitled them to four houses
- 4 to the acre as opposed to the rest of the Carrickmines Valley?
- 11:16:47 5 A. I wasn't talking in terms of merits to them. I was talking -- I was in the
- 6 context that I thought it was a good compromise at the time. I thought that
- 7 they would balance four houses to the acre and in one section and one house to
- 8 the acre in the other section. That was the way I read it.
- 9 Q. 158 Do you know why you voted four houses to the acre for the Monarch lands?
- 11:17:08 10 A. No. Only in what I've said to you.
- 11 Q. 159 The end result of the vote as a result of your motion, Ms. Ormonde, is at 2720
- 12 and on the final 1993 plan in the Carrickmines Valley you see the yellow lands?
- 13 A. Yes, I do.
- 14 Q. 160 Do you see within that the lands that are outlined in red?
- 11:17:29 15 A. Yes.
- 16 Q. 161 You see a portion of them are blue, a portion are pink and a portion are
- 17 hatched red?
- 18 A. Yes.
- 19 Q. 162 The Monarch lands had a density of four to the acre and the balance of the
- 11:17:42 20 residentially zoned lands had one house to the acre.
- 21 A. Yes.
- 22 Q. 163 And that was as a result of your motion, isn't that right?
- 23 A. Yes.
- 24 Q. 164 And you can't explain to the Tribunal --
- 11:17:51 25 A. No.
- 26 Q. 165 Any sound planning or zoning reason as to why that would have happened, isn't
- 27 that right?
- 28 A. That's true. That's true.
- 29 Q. 166 Now, in relation to the second motion that took place on that date. Which was
- 11:18:08 30 the C zoning. You again signed a motion in relation to the C zoning, at 7228.

11:18:11 1 And this is the town centre zoning. And you are seeking to affirm changes 4A
2 and 4B and to limit the retail element to neighbourhood size.
3 A. Yes.
4 Q. 167 And that apparently was because the manager recommended that?
11:18:26 5 A. Yes.
6 Q. 168 Did you sign this motion in the same circumstances as you've signed the motion
7 in relation to residential density?
8 A. Yes because I kind of felt that was going to be accepted in the area.
9 Q. 169 Right. And did you do it again you think at the instigation of Councillor
11:18:39 10 Coffey?
11 A. I wouldn't think so. No, I mightn't, no. Not necessarily.
12 Q. 170 Can you remember?
13 A. No, I wouldn't think so at all. I would try my best to assess it for myself
14 as well.
11:18:51 15 Q. 171 And did you know that these were the Monarch lands?
16 A. No.
17 Q. 172 You didn't?
18 A. No.
19 Q. 173 And the end result I think as already outlined on the map at 2720, was that
11:19:17 20 that was also confirmed with the neighbourhood centre with a limitation on
21 density, a town centre with a limitation on retail to neighbourhood size.
22 2720, please. You see the pink portion?
23 A. Yes.
24 Q. 174 They are the town centre lands and there is a cap on retail to neighbourhood
11:19:39 25 size.
26 A. Okay.
27 Q. 175 The pink portion in the centre.
28 A. Yes.
29 Q. 176 Okay. Now, I just want to be very clear about this. Is it your position
11:19:46 30 that up to this point in time or until this Tribunal started writing to you,

- 11:19:50 1 you never knew that they were the Monarch lands?
- 2 A. That is true. That is absolutely true. I was not interested in who owned
- 3 lands.
- 4 Q. 177 You would have met and discussed or certainly had meetings with Mr. Richard
- 11:20:05 5 Lynn?
- 6 A. I would have met him, yes. In the council chamber to my recollection is the
- 7 only place where I met him.
- 8 Q. 178 Well it would appear certainly in April of 1994. At page 5057.
- 9 This is an expenses sheet attributable to Cherrywood Properties signed by
- 11:20:29 10 Mr. Lynn. And he is recording there a meeting with you at which you may have
- 11 had tea or coffee or something to eat in the sum of 24.10 pounds. But it's
- 12 subject to anything Mr. Lynn may tell the Tribunal, would show that the week
- 13 ending 15th of April 1994 you met with Mr. Lynn.
- 14 A. I have no recollection of that.
- 11:20:50 15 Q. 179 And do you have any recollection meeting Mr. Lynn week ending December 1994, at
- 16 5518, please?
- 17 A. No, I have no recollection of either meeting him.
- 18 Q. 180 You will see there your name is second from the bottom. And Mr. Lynn is
- 19 apparently recording a meeting with Anne Ormonde.
- 11:21:06 20 A. Yeah well I have no recollection of that.
- 21 Q. 181 Do you have any recollection of meeting him on 8th of April 1995. At 5612,
- 22 please. You were the third name from the top. It says "Development Plan,
- 23 Anne Ormonde". Do you see that?
- 24 A. Yeah, I do.
- 11:21:21 25 Q. 182 Do you recollect that meeting?
- 26 A. No, I don't, no.
- 27 Q. 183 In June of 1996. At 6022.
- 28 A. No, I don't remember any of those meetings.
- 29 Q. 184 You don't remember any of those meetings?
- 11:21:34 30 A. No.

- 11:21:34 1 Q. 185 And indeed it would appear in a document that's not in the brief but which will
2 be added to the brief now. There is another expense sheet for 7th of May
3 1992. Which records a meeting with you.
- 4 A. No, I don't recall that either to be quite honest. I remember meeting him in
11:21:49 5 the foyer of the council many times. And that because there were so many
6 people lobbying us at time. And he seemed to be one face that seemed to be
7 always out front.
- 8 Q. 186 Yes. Do you ever remember sitting down having a cup of coffee with Mr. Lynn?
9 A. I don't. But I'm sure -- maybe I did but I don't remember it. You meet many
11:22:09 10 people for coffees and you just don't --
- 11 Q. 187 You knew that Mr. Lynn was representing the interests of Monarch?
12 A. Maybe I did and maybe I didn't. Really it wasn't important to me.
- 13 Q. 188 And If I understand your evidence today to the Tribunal correctly. Your
14 position is this, you didn't know until quite recently that Monarch Properties
11:22:29 15 had developed The Square in Tallaght?
- 16 A. That's right.
- 17 Q. 189 And you didn't know until you received correspondence from this Tribunal that
18 Monarch Properties -- that Monarch Properties owned the Cherrywood lands?
19 A. That's right. Until I got all of the material from the Tribunal. It was
11:22:43 20 only then occurring to me. But I wasn't really interested in these people at
21 all.
- 22 Q. 190 Now, when you were talking about a compromise motion, Ms. Ormonde?
23 A. Yeah.
- 24 Q. 191 A compromise would indicate that there were two warring or opposing factions;
11:23:06 25 is that right?
- 26 A. Maybe you're right, yes. I just thought it was a nice, a good idea and that
27 the people of the area would go along with it.
- 28 Q. 192 And was there a lot of coverage in the newspapers around the time of the
29 rezoning of the Cherrywood lands?
- 11:23:14 30 A. I can't recall that.

- 11:23:15 1 Q. 193 You can't recall -- Did you read the papers?
- 2 A. I read them all the time but I can't recall back to '92, '93 and '94.
- 3 Q. 194 Would you have read the Southside People, for example?
- 4 A. Well don't forget it was a very busy time for me and I had a lot of things
- 11:23:29 5 going on. So I wouldn't have read it in depth. And don't forget we had an
- 6 election in the middle of that. We had an election in '93. And I had a
- 7 Senate Election in '94 so a lot going on in my mind.
- 8 Q. 195 Right. Would you have kept abreast of local events?
- 9 A. I'd do my best, particularly in relation to my own area. I was very anxious
- 11:23:49 10 about my own area but after that, I just was vague as regards what was going
- 11 on. And I relied on the local representatives to fill me in.
- 12 Q. 196 Would you have received election contributions from Monarch Properties?
- 13 A. Yes, I did.
- 14 Q. 197 So certainly you knew of the existence of Monarch Properties insofar as they
- 11:24:05 15 came to provide election contributions, is that right?
- 16 A. Well the name came up and a cheque. As I said, I did have a political
- 17 account. So it was very easy to track down, as much as I could to track down
- 18 any election or political donation that is I received.
- 19 Q. 198 And certainly it would appear in November of 1992 for the General Election you
- 11:24:25 20 received a sum of 750 pounds?
- 21 A. That's right. I was able to track that down later but it took a while to track
- 22 it down.
- 23 Q. 199 And certainly the cheque would have been a cheque made out by Monarch
- 24 Properties Services Limited, isn't that right?
- 11:24:38 25 A. I'd only vaguely look at it.
- 26 Q. 200 In November of 1992 when you got the cheque you might have looked at it in
- 27 detail?
- 28 A. I doubt it very much because to tell you the truth, I was so busy
- 29 electioneering at that stage, and I don't know how it even came into my
- 11:24:54 30 possession.

- 11:24:55 1 Q. 201 At 3863 it would appear that on 13th of November 1992, it was requested by
2 Mr. Lynn in addition to a number of other payments. You see ""Anne Ormonde F
3 F 750", do you see that?
- 4 A. Yes, yes.
- 11:25:12 5 Q. 202 Would you in the normal course have written and thanked?
6 A. Normally I do but I cannot recall going back that far if I did it then. But
7 it would be my policy to always acknowledge cheques.
- 8 Q. 203 And who would you have written to and where would you address the letter?
9 A. Well whoever signed it or whoever I would have certainly done it in the terms
11:25:34 10 of whoever at the time -- I obviously put them all in a list and I would have
11 come back to it. I don't recall that now.
- 12 Q. 204 Yes. That was payment for the General Election in November '92?
13 A. Yes.
- 14 Q. 205 It would appear in January '93 for the Senate Election you also received a
11:25:49 15 donation?
16 A. That's right. Well, now, I have no recollection whatsoever. As I say, I had
17 a political account. Every political donation that I got went into that
18 account. And I'd have done my best to track that down. And I have no
19 recollection of that.
- 11:26:04 20 Q. 206 4024, please. This might help you.
21 A. Yeah.
- 22 Q. 207 This is a cheque made out to Councillor Anne Ormonde F F. Dated 18th of
23 January 1993?
24 A. Yes, I accept it's here. I accept but I -- it didn't -- I don't know why I
11:26:18 25 couldn't track it down. I even went back to the bank and it didn't come back
26 to me.
- 27 Q. 208 But certainly it would appear that you also received that payment, isn't that
28 right?
29 A. Oh, I accept it if it's up on screen, yes.
- 11:26:31 30 Q. 209 So you would have got, in the space of two months, in excess of 1,500 pounds

11:26:34 1 from Monarch Properties Limited?

2 A. So be it. If it was a political donation and I didn't solicit it.

3 Q. 210 Yes but in terms of payments or political donations you were receiving at this

4 time. Would that rank as one of the bigger payments you received?

11:26:49 5 A. Oh, I can't remember.

6 Q. 211 Do you know what the biggest political donation you received?

7 A. In' in '92?

8 Q. 212 Yes.

9 A. Gosh I wouldn't be able to remember that. Usually around three, four, 500.

11:27:00 10 That kind of sum.

11

12 CHAIRMAN: So these payments would have -- would have been probably the

13 largest or close to the largest?

14 A. If I had time to go back and look at them. I didn't think like that to be

11:27:12 15 quite honest with you, and it wasn't important to me that I should get

16 political donations from people. It was important that I get enough money to

17 run my campaign but that's the whole -- that's where I come from.

18

19 CHAIRMAN: But presumably like most councillors you'd have only got possibly a

11:27:29 20 handful of contributions from -- other than from family.

21 A. Yeah.

22

23 CHAIRMAN: Would that be the case?

24 A. Well I had at that time I -- it was a snap election. And I was busy, I was

11:27:39 25 sort of having wine and cheese get together and people were rounding up some

26 money for me. Whatever way I could try and track down some political

27 donations I was anxious. But I know I didn't solicit money from anybody

28 because I didn't have the time to think about it.

29

11:27:57 30 CHAIRMAN: But these cheques would have stood out, I would suggest.

11:28:01 1 A. Would they? Maybe they would or maybe they wouldn't. I don't know, I didn't
2 go into it in that way to be quite honest with you at the time.
3
4 CHAIRMAN: You were the beneficiary of these sums.

11:28:10 5 A. I know, and I agree with you. No, I think I got around -- that cheques from a
6 few more people as well, now that I think about it.
7

8 Q. 213 MS. DILLON: And it would appear also in November 1996 --
9

11:28:24 10 JUDGE FAHERTY: Sorry. Can I just ascertain just one thing. On the cheque
11 that's up there's before Ms. Ormonde's name there seems to be some letters, is
12 that right?
13

14 MS. DILLON: Councillor. "CLLR".

11:28:37 15
16 JUDGE FAHERTY: I assumed it was councillor.
17 A. Okay.
18

19 JUDGE FAHERTY: Thank you.

11:28:41 20
21 Q. 214 MS. DILLON: And it would appear also that in November of 1996 you received
22 600 pounds?
23 A. Yes. That was as a result of a letter I sent out. I was just then selected
24 as a candidate for the 1997 General Election. And I decided to plan my
11:28:57 25 campaign. So anybody that I knew business people, friends, social people,
26 anybody that I knew, I was tapping them for a political donation.
27 Q. 215 And at 6121, there is a record of the cheque.
28 A. Yes, I have that myself.
29 Q. 216 The cheque is made out to Senator Anne Ormonde member of County Council, isn't
11:29:17 30 that right? MCC.

11:29:18 1 A. That's right.

2 Q. 217 You sent a letter seeking that?

3 A. That's right.

4 Q. 218 Yes.

11:29:22 5 A. I'm aware of that one, yes.

6 Q. 219 Yes, and I think in fact Mr. Quinn dealt with a similar letter in a previous

7 Module, isn't that right?

8 A. That's right.

9 Q. 220 In fact, if I could have 6103, please.

11:29:33 10 I just want to draw to your attention something there in the third paragraph.

11 In relation to you say

12

13 "I would be extremely grateful for any assistance that you might give to my

14 endeavours and naturally I would be supportive to you in any way that I could

11:29:48 15 in my elected capacity both now and in the future."

16

17 Just wait for the question if you wouldn't mind.

18 A. Yeah.

19 Q. 221 "Naturally I would be supportive to you"

11:29:57 20 What does that mean?

21 A. I would say that to anybody. If I could help them out in any way. But of

22 course the importance is that I would be duty bound to represent the people

23 that put me where I am to have elected me. So I'd have to always remember

24 that. But I would talk to people. I would be always ready to talk to people

11:30:15 25 and if I can help them I will.

26 Q. 222 Let's look at what you are actually putting together in the one paragraph.

27 You are asking for financial assistance in the first sentence. Isn't that

28 right?

29 A. Yeah.

11:30:25 30 Q. 223 And you are following that in the same sentence with an assurance that you

11:30:29 1 would naturally support anything that -- now and in the future that you
2 couldn't. Isn't that right?

3 A. Well I wouldn't do that now in the light of Tribunals I wouldn't do that now.

4 Q. 224 Let's look at what you did do, Ms. Ormonde.

11:30:41 5 A. It was an innocent line. I wouldn't do it now because I would be just knowing
6 of the connotations that could be misinterpreted from it now.

7 Q. 225 Just listen to the question again now, Ms. Ormonde, which is this. The first
8 part of that sentence is asking for money. Yes or no?

9 A. Political donation.

11:31:00 10 Q. 226 You are asking for money?

11 A. Okay.

12 Q. 227 And the second part of the same sentence offers any assistance. Isn't that
13 right?

14 A. Yes.

11:31:07 15 Q. 228 Okay. Now, the other matter that I want to draw to your attention is your
16 handwritten note to Richard Lynn at the bottom of the letter in which you say.
17
18 "Richard, forgive the formality but it is difficult to find another formula.
19 Talk to you soon. Regards Ann."

11:31:26 20
21 Do you see that?

22 A. Yes, I do.

23 Q. 229 Now, that would suggest a reasonably close relationship with Mr. Lynn, isn't
24 that right?

11:31:31 25 A. Well, not necessarily so you'd know him and put it that way if you met him a
26 few times in the council. To be quite honest with you I don't even remember
27 that.

28 Q. 230 But you went to bother did you not, Ms. Ormonde, of putting in a personal note
29 apologising for the formality of the request you were making, isn't that right?

11:31:52 30 A. That's true.

- 11:31:52 1 Q. 231 And you said "talk to you soon" indicating I suggest that you had certainly
2 talked to him previously, isn't that right?
- 3 A. Yes.
- 4 Q. 232 And I think you also in 1997 on 5th of March, received 400 pounds for a golf
11:32:03 5 outing, isn't that right?
- 6 A. That's right.
- 7 Q. 233 Pardon?
- 8 A. That's right.
- 9 Q. 234 Isn't that right? At page 1587.
- 11:32:10 10 And you will see there you are the fifth name from the top. And I think the
11 cheque payments book at 6205, records a payment of 400 pounds, isn't that
12 right?
- 13 A. Yes, yes.
- 14 Q. 235 And you accept I think that you got that money, isn't that the position?
- 11:32:31 15 A. Yes, that's right.
- 16 Q. 236 I just want to draw to your attention 6206. This is an internal note from
17 Monarch Properties asking for a cheque for 400 pounds payable to Senator Anne
18 Ormonde and that Tallaght would be charged for it. Do you see that?
- 19 A. Yeah, I do.
- 11:32:53 20 Q. 237 Do you recognise that writing?
- 21 A. No.
- 22 Q. 238 And I think also at 6533. In 1999, 500 pounds, at No. 16 on that list 500
23 pounds was contributed.
- 24 A. Yeah, golf classic I think.
- 11:33:11 25 Q. 239 To a golf classic, is that right?
- 26 A. Yeah.
- 27 Q. 240 Now, do you know -- it would appear certainly looking at the beginning of those
28 payments, Ms. Ormonde, from Monarch Properties that they commence in 1992,
29 isn't that right?
- 11:33:27 30 A. Yeah.

- 11:33:27 1 Q. 241 And 1993. And at that time you were coming to deal or coming on to deal with
2 the rezoning or the density in relation to the Monarch lands, isn't that right?
- 3 A. Yes.
- 4 Q. 242 And certainly you must have known the people in Monarch, isn't that right?
- 11:33:50 5 A. I wouldn't have. In '93 I wouldn't have been interested enough and secondly,
6 as I said to you, it was a very busy time in my life.
- 7 Q. 243 Well with respect, Ms. Ormonde, you were interested enough to get money from
8 them in December of 1992 and January of 1993. Isn't that right?
- 9 A. That's right.
- 11:34:07 10 Q. 244 Okay. Now, what I want to be clear about this, to be fair to you. Are you
11 telling the Tribunal that you did not associate those two payments with Monarch
12 Properties?
- 13 A. I'm just saying it was a very busy time for me, in '93 there was a General
14 Election. And in '92, November '92 there was a General Election. And I went
11:34:29 15 straight into a Senate Election in '93. So if I had -- I had no time to think
16 whatsoever about who gave what or who were the people concerned. That was the
17 way my mind worked at that time.
- 18 Q. 245 How did Monarch Properties come to select you do you know --
- 19 A. I don't know. I don't know. I didn't solicit the money from them at that
11:34:50 20 time. I wasn't interested in getting money from them at that time because I
21 hadn't time to plan any campaign. But in '96 I planned it differently.
- 22 Q. 246 And certainly it would appear to be the position that when you spoke to the
23 Fianna Fail Inquiry, you never mentioned having received any money, is that
24 right?
- 11:35:08 25 A. Well.
- 26 Q. 247 From Monarch Properties?
- 27 A. Well, no I did say the golf ones. I did talk about the golf interest later.
28 But that money hadn't come through when I was declaring my money to the Fianna
29 Fail party. That money -- if it had there is no doubt about it, it would be
11:35:23 30 declared.

- 11:35:24 1 Q. 248 Well the fact of the matter, Ms. Ormonde, is that you did not disclose the
2 receipt of any monies from Monarch Properties to the Fianna Fail Inquiry.
3 Isn't that the factual position?
4 A. I thought I put it in amongst golf in '96. I thought I had put it that way.
- 11:35:40 5 Q. 249 Well let's look at what you said. If I am doing you an injustice I'll be
6 happy to
7 A. I didn't mention names because there were so many people that I got money from
8 the golf classic that I just put it under --
9 Q. 250 That's my point.
- 11:35:54 10 A. No but I didn't mention anybody's names for the golf classic funds.
11 Q. 251 At page 1817, please. 1817.
12 Now. You mention a payment of 500 pounds for golf classic which Mr. Owen
13 O'Callaghan made.
14 A. That's right.
- 11:36:14 15 Q. 252 You mention 200 pounds donation from Frank Dunlop, isn't that right?
16 A. That's right.
17 Q. 253 You then go on to say
18
19 "Anne Ormonde raised political donations through the organisation of golf
11:36:22 20 classics with participation costs of 500 pounds per team."
21
22 You talk about the "Baileys giving you 1,000 pounds and you received 5,000
23 pounds from Ballycullen Farms."
24 A. Yeah.
- 11:36:32 25 Q. 254 Is that the point you're making to the Tribunal. That somebody reading that
26 should have understood that you had received money from Monarch Properties?
27 A. Well, now it looks differently. But at the time I was trying to think who did
28 I get money from at the golf classics. That's the way I was thinking of it.
29 And I had gone to try and get my money -- get the cheques from the bank. So
11:36:55 30 Monarch hadn't registered with me at all. And if they had, I'd sure you, they

11:36:58 1 would have been declared. Simple as that.

2 Q. 255 But the first two payments you received from Monarch Properties were not for
3 golf classics, isn't that right?

4 A. That's right. But I did say -- I said I -- the money the bank one hadn't come
11:37:12 5 through when I went to the inquiry from the party.

6 Q. 256 And have you sought to set the record straight?

7 A. No, I --

8 Q. 257 In relation to this?

9 A. I intended to do that and I phoned them about it but like it came in too late
11:37:26 10 and they were I forgot about it to be quite honest with you because the report
11 was written up.

12 Q. 258 Thank you, Ms. Ormonde. If you answer any questions anybody else may have.
13

14 JUDGE FAHERTY: Just one thing, Ms. Ormonde. When you were responding to the
11:37:39 15 inquiry in 2000.

16 A. Yeah.

17 JUDGE FAHERTY: I'm not sure. I didn't see the first page of the report
18 regarding yourself. Maybe Ms. Dillon can put it up?
19

11:37:51 20 JUDGE FAHERTY: But in that you had mentioned golf classics etc..

21 A. Yeah.

22

23 JUDGE FAHERTY: Had you mentioned that you had solicited funds for your
24 election campaign in '96 from Monarch?

11:38:02 25 A. Yes, I had solicited money from everybody.
26

27 JUDGE FAHERTY: Absolutely. I appreciate that. But had you told -- Did you
28 tell the Fianna Fail Inquiry at the time that in '96 for your General Election
29 campaign you had written to Monarch seeking contribution?

11:38:18 30 A. Yes.

11:38:19 1
2 JUDGE FAHERTY: And that in fact you received. I've forgotten.
3 A. 600.
4
11:38:23 5 JUDGE FAHERTY: 600. That's right.
6 A. That's right.
7
8 JUDGE FAHERTY: Did you tell the inquiry that?
9 A. No I didn't because -- I don't know why I didn't. To be quite honest with you,
11:38:31 10 it wasn't deliberate. The way I felt about it was these were all part of a
11 golf classic that I was going to plan and it was all part of a bigger picture
12 to raise money for the campaign. And I remember them. I did detail others.
13 I didn't remember them. If I had I would have to be quite honest with you.
14 I would have no reasons not to, you know.
11:38:52 15
16 JUDGE FAHERTY: I see. I just have one other question. Could I just ask
17 you. Back in '92 obviously we know what happened after Mr. Barrett's motion
18 that the land went out one house to the acre.
19 A. Yeah.
11:39:03 20
21 JUDGE FAHERTY: Including the Monarch lands. And then obviously there was a
22 motion that you signed and supported.
23 A. Yes.
24
11:39:11 25 JUDGE FAHERTY: In November '93. And you say you didn't know that they were
26 Monarch lands. Did Ms. Coffey when she, I think you spoke to her about the
27 matter. Would she have told you that the map --
28 A. No, I don't think so.
29
11:39:25 30 JUDGE FAHERTY: The map that you were signing and that the lands that you

11:39:29 1 wanted to raise the density level on were actually the lands of a specific
2 landowner?
3 A. No, I don't think so, no. That wouldn't have occurred. No.
4
11:39:40 5 CHAIRMAN: And I just wondered. I know that again after '92 Monarch
6 obviously were disappointed because they wrote to the council in I think July
7 '93. Would correspondence -- it was referred to a letter I think in
8 Ms. Sinead Collins' statement. But I understand generally that any arguments
9 being made by anybody, be they objectors, residents or indeed landowners would
10 be circulated to councillors.
11 A. Yeah, they would.
12
13 JUDGE FAHERTY: In that letter Mr. McCabe refers to -- he wants the amendment
14 deleted.
11:40:15 15 A. Really.
16
17 JUDGE FAHERTY: Yes, Mr. Barrett. He obviously wanted his lands --
18 A. Sure.
19
11:40:27 20 JUDGE FAHERTY: Back to four houses per acre. In that letter he refers to
21 attached map that he attached to the letter. Do you recall --
22 A. I don't recall.
23
24 JUDGE FAHERTY: Do you recall getting that correspondence from the council
11:40:38 25 A. I don't recall.
26
27 JUDGE FAHERTY: I'm not saying that you did, I don't know.
28 A. No. I actually don't recall.
29
11:40:44 30 JUDGE FAHERTY: You may not indeed. I just wonder if you recall reading any

11:40:48 1 correspondence?

2 A. Very little. Because I was very busy at that time.

3

4 JUDGE FAHERTY: Yes.

11:40:52 5 A. I was a county councillor.

6

7 JUDGE FAHERTY: I see.

8 A. I was a teacher and I was also studying in UCD.

9

11:40:58 10 JUDGE FAHERTY: Fair enough.

11 A. So I really didn't have much time to go into the minute detail. I would have

12 liked to have been in, in the detail of it.

13

14 JUDGE FAHERTY: Thank you.

11:41:07 15

16 **THE WITNESS THEN WITHDREW**

17

18 CHAIRMAN: Thank you, Ms. Ormonde.

19

11:41:09 20 I think rather than break another witness midway we'll take a ten minute break

21 now. And then ...

22

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

24 **AND RESUMED AS FOLLOWS:**

11:57:01 25

26 MR. QUINN: Ms. Olivia Mitchell, please.

27

28 **MS. OLIVIA MITCHELL HAVING BEEN SWORN, WAS QUESTIONED**

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

11:57:29 30

11:57:29 1 CHAIRMAN: Good morning, Ms. Mitchell

2 A. Good morning.

3 Q. 259 MR. QUINN: Ms. Mitchell, I think you are a member of the Fine Gael party and

4 you were from June 1991, a member of Dublin County Council and then from I

11:57:47 5 think early 1994, you were a member of Dun Laoghaire Rathdown County Council;

6 is that correct?

7 A. I was a member of Dublin County Council from 1985.

8 Q. 260 Sorry. 1985. But you were reelected in June 1991?

9 A. That's right, yes.

11:58:00 10 Q. 261 I think in fact you were the Cathaoirleach of Dun Laoghaire/Rathdown County

11 Council between July '95 and July '96, isn't that correct?

12 A. That's right.

13 Q. 262 Now, in August 2002 you wrote to the Tribunal setting out your recollections of

14 your time in Dublin County Council. Isn't that right? If we could have 1545.

11:58:19 15

16 This is a letter, it runs to nine pages. And unless you insist, I don't

17 intend to read the nine pages. 1545 and 1553 of the brief. I just propose

18 to pick out one or two matters that you have highlighted in this. Which

19 effectively is your recollection of accounts and events in your time in Dublin

11:58:43 20 County Council.

21 A. Uh-huh.

22 Q. 263 You recall that?

23 A. Can you just tell me. When did I write this letter?

24 Q. 264 In August 2002.

11:58:51 25 A. Oh right. Yes, okay.

26 Q. 265 Just as we see there on the third paragraph. You say that.

27

28 "It was your belief or impression that councillors genuinely took the meetings

29 of a Development Plan as a serious duty and considered each and every

11:59:07 30 representation and proposals on it's merits."

11:59:09 1
2 Is that correct?

3 A. That's correct. Broadly speaking, I don't know if everybody gave each and
4 every motion the same level of attention. But broadly speaking that is true,
11:59:19 5 that was my perception.

6 Q. 266 Later on in the following paragraph you say,
7
8 "That in your view that you should consider each proposal on its merits rather
9 than to stick rigidly to what was seen at the time as a failed plan."

11:59:30 10
11 I think you were referring to the 1983 plan, is that correct?

12 A. That's right.

13 Q. 267 At 1546. I think you went on to say that.
14
11:59:37 15 "You believed at the time and still believe that the majority of councillors
16 did their best to make each individual decision in the best interests as they
17 saw it of the area and the county."
18
19 Is that correct?

11:59:47 20 A. That's correct.

21 Q. 268 And I think you say that that was against a background of intense lobbying and
22 an amount of political point scoring and a negative media. Very negative
23 media comment. Is that correct?

24 A. That's correct.

12:00:01 25 Q. 269 When you say very negative media comment. What were you referring to there?

26 A. Well there was a lot of. Well from time to time I think there were articles
27 appearing in the paper critical of what was referred to as the antics of
28 councillors up in O'Connell Street.

29 Q. 270 Yes. And evidence has been given to the Tribunal here of what you refer to as
12:00:21 30 "antics of councillors". But you make no reference to any of those antics

12:00:25 1 here. Presumably, that's because you didn't see any of that carry on. Is
2 that correct?

3 A. I'm not sure what you mean by "carry on".

4 Q. 271 Well any of the antics that were carried by way of negative media comment that
12:00:40 5 you just referred to there?

6 A. Well it is undoubtedly true that there was insensitive lobbying and there were
7 always people in the lobby, lobbying for and against. Various not always but
8 from time to time, various motions. And it is true that the meetings went on
9 endlessly and there was people coming and going. It certainly gave the
12:01:00 10 impression I think of being quite chaotic.

11 Q. 272 It's your view that it wasn't chaotic at all but that the commentary on that
12 was a negative media commentary effectively?

13 A. Well, I think there I was referring to the accusations that there was
14 corruption in Dublin County Council.

12:01:15 15 Q. 273 I'll come to those in a moment.

16 A. Yeah.

17 Q. 274 And you refer to them later. I thought you were referring to the, as you
18 described it "antics" in the council chamber.

19 A. Maybe I was. I'm not sure now at this stage.

12:01:30 20 Q. 275 Now, you went on in the next paragraph to say that developers and landowners
21 were for the most part prodevelopment, although in some cases developers
22 lobbied against other developers. Is that correct?

23 A. Yeah.

24 Q. 276 Were you lobbied against other developers or development proposals by
12:01:47 25 developers?

26 A. Yes.

27 Q. 277 Now, in the final paragraph you say.
28
29 "The role of the council staff seemed primarily to be of upholding the previous
12:01:58 30 County Development Plan and proposing all deviations from it. The intensity

- 12:02:02 1 of their opposition to various proposals varied."
2
3 Are you suggesting that the council staff were trying to stand over the '83
4 Plan and effectively prevent any variation of the '83 Plan, is that what you're
12:02:18 5 seeking to convey there?
6 A. I think they probably took the -- this is in hindsight. I think they probably
7 took the approach that the status quo was the way to go. Although it did
8 emerge, as time went on, that depending on how they couched their reports that
9 they were either slightly in favour of something, even though they might be
12:02:38 10 recommending against it.
11 Q. 278 I think you say that at the end of that paragraph. You say.
12
13 "It did emerge in the latter stages of the making of the Development Plan that
14 their reports although in opposition to various proposals, in fact contained a
12:02:50 15 code which indicated either outright opposition, marginal opposition or that
16 they were neutral in respect of the proposals and planning terms."
17
18 Can I ask you to give some indication to the planning Tribunal of the codes
19 that you are referring to there so that they have some idea how to interpret
12:03:07 20 the various reports of the planners?
21 A. I can't just off the top of my head but if I had access to minutes I'm sure
22 that I could indicate them to you.
23 Q. 279 You say that there was never any whip in place in the Fine Gael Group, is that
24 correct?
12:03:19 25 A. No, not as far as the planning was concerned, no.
26 Q. 280 You say that you -- you accept that you were performing a quasi judicial
27 function and that involved each individual proposal having to be considered
28 before a decision was reached. Is that correct?
29 A. That's right.
12:03:35 30 Q. 281 You say that.

- 12:03:35 1
2 "The planning manager reiterated this fact on several occasions throughout the
3 course of the Development Plan."
4
- 12:03:43 5 Are you referring to the County Manager or Mr. Smyth or the planning officers?
6 A. Oh, probably both the County Manager and probably Mr. Smyth too I suspect.
7 Q. 282 So this was a matter that was brought to the attention of the councillors on
8 several occasions?
9 A. It was. Yes.
- 12:04:01 10 Q. 283 So there was no question of any of the councillors not being familiar with the
11 concept of a quasi judicial function being performed in relation to the review
12 of the Development Plan?
13 A. I think maybe in the early days there was confusion about that but it was
14 clarified certainly, yeah.
- 12:04:14 15 Q. 284 And then if I could go to 1548. Under 3F where you deal with the media. You
16 say that.
17
18 "You were never offered, solicited nor received any money or benefit in return
19 for your support in the making of a Development Plan or indeed in any planning
12:04:31 20 matter or in the course of any of your responsibilities as an elected
21 representative."
22
23 Is that your evidence to the Tribunal?
24 A. Absolutely.
- 12:04:40 25 Q. 285 You say that you were of course aware of negative media comments and certainly
26 within the elected council itself at a later stage of the Development Plan
27 there were allegations and rumours of corruption. Can I ask you to identify
28 for the tribunal, the rumours of allegations and corruption that you are
29 referring to there?
12:04:59 30 A. Yeah. There was allegations in the newspapers from time to time and indeed

12:05:02 1 even in the council chamber.

2 Q. 286 You say that at the time you found such allegations utterly incredible. Is

3 that correct?

4 A. Yeah.

12:05:09 5 Q. 287 Is this still your view?

6 A. That they were incredible?

7 Q. 288 Yes.

8 A. I know them to be true now.

9 Q. 289 Going on. You went on to say that.

12:05:20 10

11 "You were also aware at that time of the almost total public opposition to any

12 land use change and you thought that media comment was probably reflecting the

13 general public view that almost the only possible explanation for any land use

14 change was a corrupt one."

12:05:36 15

16 Is that still your view?

17 A. That is my view, yeah. At the time.

18 Q. 290 That was your view at the time?

19 A. Yes.

12:05:46 20 Q. 291 But it's not your view now, I take it?

21 A. Well, I think the media comment now would not reflect that. I think people

22 recognise that there is a need for land use changes.

23 Q. 292 But in hindsight, that media comment and possible corruption which you felt at

24 the time was untrue, do you know accept that it possibly was in fact true and

12:06:11 25 that there was a basis for it?

26 A. Oh, absolutely, yes. Clearly.

27 Q. 293 Now, at 1549. You say that.

28

29 "Frank Dunlop lobbied object on behalf of a number of developers in the course

12:06:22 30 of the Development Plan."

12:06:24 1
2 And you say that he lobbied perhaps for up to a dozen different individual
3 landowners or developers. You knew Mr. Dunlop, I think?
4 A. I did.
12:06:33 5 Q. 294 You were quite friendly with Mr. Dunlop?
6 A. Yes.
7 Q. 295 And I think you have indicated that Mr. Dunlop contributed, you say, to your
8 campaign in 199 -- was it 1991 and 1997?
9 A. That's right. The two General Elections.
12:06:49 10 Q. 296 Sorry. 1992 and 1997?
11 A. That's right.
12 Q. 297 And Mr. Dunlop has given evidence to the Tribunal that you were one of a number
13 of councillors who sought support from him in 1992.
14 A. I hope he didn't because I certainly didn't.
12:07:03 15 Q. 298 You didn't.
16 A. No.
17 Q. 299 If I could have 428, please, of the brief. This is an extract from evidence
18 given by Mr. Dunlop on the 18th of April, 2000.
19 And it's a list of persons whom Mr. Dunlop said requested legitimate political
12:07:22 20 donations from him. He doesn't make any allegations of corruption in relation
21 to the people on this list. But you would see there --
22 A. I don't see it.
23 Q. 300 At question 175.
24
12:07:32 25 "Well can you write the names on a list, of the persons who were members of
26 Dublin County Council who asked for money?"
27
28 If I could take you to 429. And in particular 430. At 429 you will see that
29 he says and he identifies on that date 18th of April 2000 member of Dublin
12:07:49 30 County Council who requested monies from Frank Dunlop. Do you see that?

12:07:52 1 A. I do.

2 Q. 301 And you see a list of names. If I could go to 430, please. No. 12 on that

3 list, is you.

4 A. Well I -- the only -- this is news to me. I've never seen it before. The

12:08:08 5 only report I've seen of Frank Dunlop was that I said specifically, that I

6 received an unsolicited donation.

7 Q. 302 Yes.

8 A. So I certainly never asked.

9 Q. 303 You dispute Mr. Dunlop's evidence?

12:08:19 10 A. Totally. I certainly never asked him for money and never would.

11 Q. 304 And just in relation to this list, this list is contained in the Cherrywood

12 brief which you would have received.

13 A. I didn't receive it actually.

14 Q. 305 You didn't receive this brief?

12:08:31 15 A. I received two boxes of identical stuff. I didn't receive the statements so

16 this is news to me.

17 Q. 306 I see. You didn't contact the Tribunal?

18 A. I only opened it the other night so sorry ...

19

12:08:43 20 CHAIRMAN: Sorry, when you say two boxes of identical. The same material?

21 A. I got the same stuff twice. So obviously the statements I didn't get.

22

23 CHAIRMAN: Well would you like an opportunity to look at the second box that

24 apparently you didn't get?

12:09:03 25 A. No. No, it doesn't matter. I know this to be incorrect about --

26

27 CHAIRMAN: Well if you do feel that you want an opportunity to look at.

28 Obviously there is an error in that you got the second one. If you do want an

29 opportunity, don't feel shy about asking.

12:09:22 30 A. No, no, I don't mind in the least. I just want to state. That in other

- 12:09:27 1 evidence that Frank Dunlop gave, which I have seen, he stated that I received
2 an unsolicited donation. I just want to make that perfectly clear.
3
- 4 Q. 307 MR. QUINN: Okay. On Day 148. On 9th of May 2000 he provided a further list
12:09:42 5 of payments, if I could have 437. In that list at No. 21 he identifies a
6 payment to Olivia Mitchell FG 500 pounds cash. You see that?
7 A. I do.
- 8 Q. 308 Is that the payment that you are referring to in 1992?
9 A. This is in 1992. He gave me a donation in 1992. Now, my memory -- I never
12:10:02 10 actually counted the money myself. My husband thinks it's less than that.
11 And Frank Dunlop himself confirmed to me that he gave me 300 pounds.
12 Q. 309 When did he confirm that to you?
13 A. In the very early stages of the Tribunal.
- 14 Q. 310 And in what circumstances?
12:10:16 15 A. He rang me up and asked me how much he gave me and I said before I spoke, he
16 said I have a record of giving you 300 here pounds and I said Frank I thought
17 it might be more than that and he said no I have a clear memory it was 300.
18 My husband thought it was less. I'm not disputing it because I just don't
19 remember.
- 12:10:34 20 Q. 311 But one thing you do dispute is that you sought it?
21 A. Absolutely.
- 22 Q. 312 Now, you were asked by the Tribunal I think in February of this year. If I
23 could have 1554. You were asked a series of questions in relation to lands at
24 Cherrywood. And you recall receiving this correspondence from the Tribunal.
12:10:51 25 And you see there at paragraph one you were asked about any contacts or
26 meetings with the Monarch Group or Monarch representatives of the Monarch
27 Group. And at II you were asked about contacts with identified people. You
28 see?
29 A. Yes.
- 12:11:05 30 Q. 313 Mr. Phil Monahan, Eddie Sweeney, Dominic Glennane and Philip Reilly. Leaving

- 12:11:12 1 aside Mr. Dunlop, did you have meetings and did you know any of the personnel
2 that we see there?
- 3 A. I knew Richard Lynn very well because he lobbied over the years and he was the
4 contact with the councillors definitely. He was the person who lobbied on
12:11:30 5 behalf of Monarch Properties and kept councillors informed of the various
6 manifestations of the planning over the years. Eddie Sweeney, I met in Dun
7 Laoghaire when I was Cathaoirleach. He was involved I think in the Bloomfield
8 Shopping Centre.
- 9 Q. 314 That's Dominic Glennane?
- 12:11:49 10 A. I don't know him at all. Phil Reilly I know. He was the manager in Tallaght
11 and he was the manager in Nutgrove Shopping Centre, which is in my
12 constituency.
- 13 Q. 315 So Mr. Lynn would have been the person amongst that group that you would have
14 most known?
- 12:12:02 15 A. Yes.
- 16 Q. 316 How well did you know Mr. Lynn?
- 17 A. Initially not at all. Gradually over the years I would have got to know him.
- 18 Q. 317 Would you meet with him regularly?
- 19 A. I never -- whenever -- well not that regularly. But I often saw him because
12:12:17 20 he was often in and out of the council.
- 21 Q. 318 Yes.
- 22 A. He would have sort of sat down with me and gone through various stages of the
23 Development Plan planning. Particularly later, you know, when it was in Dun
24 Laoghaire/Rathdown.
- 12:12:32 25 Q. 319 This is after '94?
- 26 A. Yes, yeah. But I certainly knew him prior to that.
- 27 Q. 320 At III, you were asked of any payments or benefits you might have received.
28 And if I go to 1556 of the brief, which is your response to that letter. You
29 say in the third -- sorry the first paragraph you say that you knew almost all
12:12:56 30 of the people referred to in the letter?

- 12:12:58 1 A. Uh-huh.
- 2 Q. 321 And that you had met them at different stages although you couldn't recall the
3 exact details of the meetings you believe the main contact in respect of the
4 proposal was Richard Lynn. He was certainly the contact, for councillors like
12:13:11 5 yourself and other areas in their a various manifestations and changes over the
6 years. You never met Mr. Dominic Glennane and you weren't aware or didn't
7 know or recall or were aware that Frank Dunlop & Associates had any association
8 with the proposal. Is that correct?
- 9 A. I don't recall that Frank Dunlop was involved. Are you talking about the
12:13:34 10 Monarch Properties?
- 11 Q. 322 Yes.
- 12 A. No, no. I was quite surprised to find his name associated with it actually.
- 13 Q. 323 Yes.
- 14 A. Maybe I knew it at the time. But I don't remember that I did.
- 12:13:45 15 Q. 324 You say Philip Reilly you met too with Richard Lynn who had sought as with
16 Richard Lynn and sought your support for the proposals and kept you informed of
17 changes.
18
19 You also met Mr. Philip Monahan and Eddie Sweeney but to the best of your
12:13:58 20 recollection, not until years later in connection with the building of the
21 shopping centre in Dun Laoghaire. I think that's the evidence that you have
22 just given. Isn't that right?
- 23 A. That's right.
- 24 Q. 325 You "seem to remember this as a proposal that was changing constantly,
12:14:09 25 depending on local representatives view and on the Manager's Reports you either
26 supported or rejected the proposals at the time."
27
28 In a moment we'll go through in some detail your voting pattern on the
29 proposal. And then finally, you say that as already communicated "I received
12:14:24 30 an unsolicited donation from Frank Dunlop for the 1992 and 1997 General

12:14:29 1 Elections." Again, we've just dealt with that.
2
3 But you go on to say that
4
12:14:32 5 "I never received any donation from Monarch but did receive a Dunloe Ewart for
6 the 1997 General Election."
7
8 Is that correct?
9 A. It's correct that I said it. I don't know if it was Monarch or Dunloe Ewart
12:14:48 10 at the time.
11 Q. 326 I want to go through a series of payments. If we could have 4943. This is a
12 payment on the 22nd of April 1994, which has been identified to the Tribunal as
13 being a payment, you see there "FG golf classic"?
14 A. I do, yeah.
12:15:06 15 Q. 327 "Golf, O Mitchell 400 pounds". Do you see that?
16 A. Yeah.
17 Q. 328 That would appear to establish a payment to you or to your golf classic which
18 would be some sort of a political fundraising event in 1994 from the Monarch
19 Group. Do you accept that you may have received such a payment?
12:15:22 20 A. Well, now, I have to say I never had a golf classic, so I'm not sure where that
21 came from. And my constituency never had a golf classic. So it didn't go to
22 the constituency. I'm not disputing that perhaps there was a contribution to
23 the constituency or to the party that came through me. But I personally never
24 received that contribution.
12:15:46 25 Q. 329 If --
26 A. So I don't know. Now, it was the year of the European Elections which makes
27 me wonder was it Jim Mitchell or was it -- it could have been a lunch that he
28 contributed to, not for me personally but for the party.
29 Q. 330 In fairness to you. 5070. This is a printout from the cheque payments book.
12:16:11 30 And you will see about two-thirds of the way down 22nd of April 94 "Fine Gael

- 12:16:18 1 golf classic 400 pounds" 9805 cheque number. Do you see that?
- 2 A. Um.
- 3 Q. 331 It's about five from the bottom.
- 4 A. I can't see it. Oh, yes I do, yes. Yeah. It's not me. I don't know who
- 12:16:33 5 it is.
- 6 Q. 332 You don't believe it's you?
- 7 A. Certain of certainly it's not me because I never had a golf classic. It's
- 8 possible that Fine Gael had a golf classic that year because it was the year of
- 9 the European Election. That's the only explanation I can give you.
- 12:16:48 10 Q. 333 I f I can go back to 4943. Whoever had entered up the payment within the
- 11 Monarch Group had associated you with the payment. Do you see O Mitchell?
- 12 A. I see that, yeah.
- 13 Q. 334 Could you have requested a payment from Mr. Lynn?
- 14 A. It's quite possible.
- 12:17:01 15 Q. 335 That you may have sought the payment but not for yourself?
- 16 A. That's possible.
- 17 Q. 336 Why would you have sought such a payment from Mr. Lynn?
- 18 A. Well we wrote cold to businesses you know from business directories and from
- 19 anybody that you knew I suppose in those days. To be honest I don't even
- 12:17:18 20 remember the golf classic much less asking for money. I may have mentioned
- 21 that there was a golf classic on.
- 22 Q. 337 Of I could have 5803, please.
- 23 This is a further payment on 11th of January 1996 to "Councillor O Mitchell FG
- 24 fundraiser 400 pounds". Do you have any recollection of that payment?
- 12:17:45 25 A. Sorry where is this?
- 26 Q. 338 It should be the very first payment.
- 27 A. Oh the top, yeah. 1996.
- 28 Q. 339 January 1996. I think you probably would have been Cathaoirleach of Dun
- 29 Laoghaire/Rathdown County Council at this stage?
- 12:17:59 30 A. It was a Fine Gael fundraiser, it was a constituency thing. That wasn't for

- 12:18:02 1 me either.
- 2 Q. 340 It wasn't?
- 3 A. I didn't receive that, no.
- 4 Q. 341 Just in fairness to you. On that, Ms. Mitchell. If I could have 8440. We
- 12:18:11 5 have in fact a copy of the cheque from Monarch Properties Services Limited.
- 6 Dated 11th of January 1996. And the cheque appears to have been made out to
- 7 Councillor Olivia Mitchell. Do you see that?
- 8 A. Oh yeah. I would have passed it into the constituency. We had a lunch.
- 9 Q. 342 It's not made payable to Fine Gael, isn't that right? It's made payable to
- 12:18:30 10 you?
- 11 A. It wasn't for me. It was for a Fine Gael fundraiser.
- 12 Q. 343 You recall that fundraiser payment do you?
- 13 A. I do remember that because I remember the lunch. It was in '96. I think it
- 14 was coming up to the General Election, if I'm right.
- 12:18:49 15 Q. 344 If we could have 5740. This is the cheque being written up in the books and
- 16 records of Monarch Properties Services Limited. You will see just slightly
- 17 below half way 11th of January 1996 Councillor Olivia Mitchell 400 pounds?
- 18 A. That's right, yeah. Yeah, we had a lunch. I mean, you can check the records.
- 19 We had a lunch and that's what that was for.
- 12:19:14 20 Q. 345 And I think --
- 21 A. The constituency I'm talking about now.
- 22 Q. 346 I think in January 1997, you again sought a subscription from Monarch or from
- 23 Mr. Lynn isn't that right? If I could have 6146, please.
- 24 You refer to the Dublin south constituency holding their annual fund-raising
- 12:19:38 25 lunch and seminar on 24th of January Juries Hotel and you refer to tickets at
- 26 100 pounds each. Do you see that?
- 27 A. I do, yeah.
- 28 Q. 347 And you express regret to having to turn once again to support for Mr. Lynn?
- 29 A. What year is this?
- 12:19:54 30 Q. 348 This is 1997 now. You say that he has been very generous in the past and you

- 12:19:59 1 know that you are receive willing similar requests from other constituencies.
2 But again you would be grateful -- and it would appear from the manuscript note
3 that a cheque for 400 pounds or a sum of 400 pounds was given towards that
4 campaign.
- 12:20:11 5 A. This is in 1996 is it?
6 Q. 349 1997. January 1997. If I could have 6147, please.
7 This seems to be the request for the cheque. And the description is FG
8 seminar. Do you see that?
9 A. I do, yeah.
- 12:20:31 10 Q. 350 Do you recall receiving that money?
11 A. I recall that we had a lunch and I certainly recall that Richard Lynn I think
12 attended Fine Gael lunches. To be honest, I can't remember the exact even the
13 location of the lunch. But all of these were party contributions. They were
14 nothing to do with me. I personally didn't benefit in any way.
- 12:20:54 15 Q. 351 6146 again, please. Would you agree with me from what's contained in that
16 letter, it would appear that this wasn't the first occasion that Mr. Lynn had
17 been asked by you for money for political support and that Mr. Lynn had
18 generously contributed in the past to similar such requests?
19 A. That would appear to be what I'm saying. Though whether I intended it to be a
12:21:23 20 request from me or a request from Fine Gael generally I don't know.
21 Q. 352 And that you knew that other similar requests were being sent from other
22 constituencies to Mr. Lynn?
23 A. Yeah.
- 24 Q. 353 Did you know that Mr. Lynn was receiving other requests from other
12:21:43 25 constituencies?
26 A. I did, yeah. I would have seen him at lunches generally speaking, yeah.
- 27 Q. 354 So from within Fine Gael Mr. Lynn would have been seen as someone who was a
28 contributor to the organisation?
29 A. I think any business was targeted.
- 12:21:51 30 Q. 355 Just dealing with Mr. Lynn and the Monarch Group here.

- 12:21:54 1 A. Yes, yeah.
- 2 Q. 356 Now, I think then in 1997 you wrote on your own behalf for your own
3 constituency. If I could have 6210 please.
4 On 17th of March 1997 you wrote to Mr. Lynn advising him that you had been --
- 12:22:10 5 that you were a candidate for Fine Gael in Dublin south in the forth coming
6 election.
- 7 A. That's right.
- 8 Q. 357 Again you said you.
9
- 12:22:16 10 "Very much regret having to call on him again for financial support as he had
11 always been very generous in the past in supporting fundraising functions."
12
- 13 And I think in relation to that request, you or your campaign received 1,000
14 pounds contribution?
- 12:22:30 15 A. I personally received that.
- 16 Q. 358 You personally received that. And we see that cheque again written up this
17 time in the books and records of Dun Laoghaire Town Centre Limited.
18 If I could have 6211, please.
- 19 Q. 359 You see 3rd from the end "Olivia Mitchell FG" and I think the cheque is at
12:22:55 20 6215, please. You say you recall receiving that contribution from Mr. Lynn?
- 21 A. Oh, yeah, that was the only contribution that I personally received.
- 22 Q. 360 Yes. Well if we could have 1375, please.
23 The Tribunal have been advised of two further contributions. One on the 7th
24 of January 1998. Councillor Olivia Mitchell requested support for DUblin Fine
12:23:29 25 Gael lunch to take place on 23rd of January '98. 300 pounds was donated. Do
26 you recall that donation or support?
- 27 A. Yes, I've just said that was for the party, yeah.
- 28 Q. 361 Yes. But you requested?
- 29 A. Oh, I did, yes.
- 12:23:44 30 Q. 362 And you knew Mr. Lynn quite well at this stage?

12:23:46 1 A. Uh-huh.

2 Q. 363 Certainly from '94 forwards in the context of seeking financial support for
3 either the party or yourself personally?

4 A. Uh-huh. Well no not either myself personally.

12:23:57 5 Q. 364 Sorry.

6 A. I only once sought money for myself and that was in 1997.

7 Q. 365 Yes.

8 A. Long after the Development Plan.

9 Q. 366 Yeah. Now, if I could just go back to the actual Development Plan itself
12:24:11 10 then. I think starting with a vote on the 6th of December 1990. The
11 Tribunal has seen a map DP90/123 which was presented to the members of the
12 council in the late 1990s by the planners and the manager which had a fairly
13 ambitious proposal to develop both north and south of the proposed motorway
14 line in Carrickmines. I can put the map on screen.

12:24:37 15
16 If we could have 6937, please. And this map was presented by the councillors
17 at meetings in October and November. There was a trip or by some councillors
18 to the area. And then on the 6th of December 1990. I think Councillor
19 Coffey and Councillor McDonald had put forward a motion which effectively
12:25:00 20 proposed that development would take place north of the proposed motorway line.
21 You voted on that motion and you voted in favour of the McDonald Coffey motion,
22 which was effectively the death knell to this. Do you recall voting at that
23 time?

24 A. No.

12:25:21 25 Q. 367 No. Okay.

26 A. Sorry, can you just explain that again?

27 Q. 368 Okay. The map on screen is a map that would have been presented to council
28 meetings in October, November 1990 by the manager and the planners, senior
29 planner.

12:25:36 30 A. Right.

12:25:36 1 Q. 369 And a motion in the name of Councillor McDonald and Coffey was proposed at a
2 meeting of the council on the 6th of December 1990. If we could have 3065,
3 please.

12:25:48 5 Effectively the proposal by Councillors McDonald and Coffey. You will see it
6 at the bottom of the screen. Was that

7
8 "The draft development for the 1990 for the Carrickmines Valley area be
9 prepared on the basis of limiting zoning development to the eastern side of the
12:26:05 10 Southeastern motorway proposed line and taking cognisance of developments
11 approved in the area since adoption of the 1983 plan. And in doing this,
12 significantly reduce the number of areas being proposed for industrial zoning
13 and indicate where public open spaces, parks could be provided for and indicate
14 the nature of the residential zoning for proposed residential lands."

12:26:25 15
16 Do you recall that motion being presented and do you recall --?

17 A. This was to?

18 Q. 370 Limit development.

19 A. Limited development.

12:26:33 20 Q. 371 Or east of the line?

21 A. To what it had been prior to the Manager's Report.

22 Q. 372 Well, prior to the manager's report I think the density had been one house on
23 septic tank. The manager's proposal I think was far more ambitious. It
24 involved industrial zoning and probably zoning for residential purposes and
12:26:56 25 piped sewage.

26 A. Yeah, yeah.

27 Q. 373 In any event, you are recorded at 3067 as having voted in favour of that
28 McDonald Coffey motion. Do you have any recollection of that vote?

29 A. No, to be honest with you, I haven't. This may have -- I'm not sure. I
12:27:18 30 honestly don't remember.

12:27:19 1 Q. 374 You don't remember. Okay. On 18th of January 1991 the manager returned with
2 a proposal that appeared to take account of that vote which we have just seen.
3 And if we could have map 6964, please. This map was presented and I think I
4 think the 20 councillors or so who were present voted by a majority of 13 to 7
12:27:46 5 to have the map noted.
6 Do you have any recollection of that meeting which it would appear from 3086
7 you were present?
8 A. I've absolutely no recollection of any of the meetings really. I have a broad
9 impression. I mean, I think there were 60 different motions voted on in
12:28:06 10 Carrickmines so I certainly wouldn't remember any particular one. But I do
11 remember --
12 Q. 375 Okay.
13 A. That roughly what the manager wanted was effectively what happened in the end.
14 That's my only real memory of it.
12:28:16 15 Q. 376 At this time, that is in late '90 early 1991. You were remembered -- what was
16 your ward?
17 A. Stillorgan.
18 Q. 377 Stillorgan.
19 A. Uh-huh.
12:28:27 20 Q. 378 That wouldn't have been miles away from the lands we're dealing with?
21 A. No, no. I knew roughly where it was. It wasn't in my constituency but I
22 knew roughly where it was all right.
23 Q. 379 It would have been the neighbouring ward?
24 A. Not quite.
12:28:40 25 Q. 380 Quite close.
26 A. It was not too far from where I lived.
27 Q. 381 What was your attitude to development in this area at this time?
28 A. Well, I knew the manager's view of that land, that that was the land, the
29 development land for Dun Laoghaire. Now, I was Dublin south but I knew that
12:28:55 30 that was what was regarded as the development land and where any development

12:28:58 1 that was going to take place in Dun Laoghaire would happen.

2 Q. 382 I think in February of 1991, if I could have 3118, please.

3 You seconded or signed a motion as seconding a motion by Sam Carroll that the

4 lands referred to in an accompanying map. And the map is at 3119.

12:29:21 5

6 "Be zoned objective A1 to provide for new residential communities in accordance

7 with approved action area plans to a density not exceeding 10 houses to per

8 hectare in the upcoming draft Development Plan."

9

12:29:33 10 Do you recall, if we could have 3118 again, please.

11 Do you recall being asked to sign that motion and do you recall discussing the

12 motion with anyone before you did sign it?

13 A. To be honest, I don't. I was quite surprised to see I seconded a motion in

14 this area. But Sam may have asked me to. I may have been just the only

12:29:50 15 person in the room or maybe because I was Dun Laoghaire/Rathdown area. He was

16 obviously seeking a return to what the manager had recommended I think in that.

17 Q. 383 And you were supporting it?

18 A. Yeah.

19 Q. 384 And by supporting it in this motion you were calling on your colleagues within

12:30:05 20 the council to do the same. Isn't that right?

21 A. Well I was allowing it to be discussed generally.

22 Q. 385 Well you were more than allowing it to be discussed I suggest. You were

23 seconding a motion which was putting it on the agenda. Isn't that right?

24 A. It was putting it on the agenda exactly.

12:30:22 25 Q. 386 Did you speak to the motion when the time came?

26 A. Not to my memory, no.

27 Q. 387 Now, that motion was very similar to a motion which was put in by Councillor

28 Brady and Coffey. If I could have 6976, please. Do you see that motion?

29 That's almost identical to the one that I have just read, save that the density

12:30:47 30 not exceeding 10 houses per hectare has been deleted and substituted with low

12:30:52 1 density housing. Do you see that?

2 A. I see that, yeah.

3 Q. 388 Now, the accompanying map is almost identical to the map we've just had on

4 screen at 69 -- sorry. If we look at 6977. And if it would be possible to

12:31:06 5 put 6977 side by side with 3119.

6

7 Now, these are the maps. One accompanying the motion seconded by you and the

8 other accompanying the motion proposed by Councillor Brady and seconded by

9 Councillor Coffey.

12:31:41 10 A. Uh-huh.

11 Q. 389 The Brady/Coffey motion is proposing low density housing. Your motion is

12 proposing density not exceeding ten houses per hectare. Do you have any

13 recollection of how you came to sign that motion or --

14 A. Absolutely none.

12:31:56 15 Q. 390 Or ask your colleagues to support that motion?

16 A. I certainly didn't ask anyone to support it. I presume I was merely obliging

17 Sam whose area it was and he obviously wanted a return to what the manager

18 wanted. But to be honest, I have no memory of it whatsoever. Other than, I

19 would have been broadly supportive of the zoning that the manager wanted and

12:32:18 20 that Sam wanted.

21 Q. 391 The density not exceeding ten houses per hectare?

22 A. Yeah.

23 Q. 392 Was that your approach at this time?

24 A. As far as I can recall. As opposed to having it at one to the acre.

12:32:29 25 Q. 393 Yes.

26 A. Although I see I voted for that too.

27 Q. 394 Yes. Your colleagues Councillors Brady and Coffey, your councillor colleagues

28 Brady and Coffey were seeking low density housing. Whereas you were seeking

29 ten houses to the hectare. But you don't recall signing it, this motion, you

12:32:48 30 don't recall being asked to sign it you don't recall how you came to sign it?

- 12:32:52 1 A. No.
- 2 Q. 395 But anyone looking at the motion, any of your colleagues on the council looking
3 at the motion would be of the view that you were -- you were supportive of a
4 density of ten houses to the hectare or four to the acre?
- 12:33:05 5 A. I was. I don't think I spoke on it but I was.
- 6 Q. 396 Then on 24th of May 1991, I think the manager put forward three proposals.
7 Just, I think councillor -- your colleague Councillor Carroll was the Fine Gael
8 councillor for the area?
- 9 A. He was. That's right.
- 12:33:19 10 Q. 397 On the 24th of May 1991, the manager put forward three proposals for the draft
11 1991 plan. If I could have 7006, please.
12 And the first of those proposals was a map DP90/129A, isn't that correct? Now,
13 I can put that map on screen for you just to give an indication of what was
14 proposed. If I could have 7020, please.
- 12:33:53 15
16 And the area shaded in yellow is an area which it was proposed would be zoned
17 for low density development at ten houses to the hectare, which was similar to
18 the -- to your proposals or your motion which you signed with Councillor
19 Carroll and which you withdrew at that meeting of the 24th of May '91. And
12:34:19 20 you voted in favour of the manager's proposal, as we see there; isn't that
21 correct? You voted in favour of DP90/129A. If I could have 7006, please.
- 22 A. If I did, I don't recall but I assume I did, yeah.
- 23 Q. 398 Both the motion which you had signed in February and your vote here would give
24 the impression that you were supportive of ten houses to the hectare on these
12:34:46 25 lands, isn't that right?
- 26 A. Four to the acre. That's right, yeah.
- 27 Q. 399 Now if we go forward to May '92. If I could have 7207, please.
28 In May 1992 the matter having gone on -- 1991 draft plan having been put on
29 public display between September and December '91, came back on the agenda for
12:35:10 30 debate, as did a number of motions. But the very first motion voted upon was

- 12:35:16 1 the manager's map, 92/44. If I could have 72 -- 7203, please.
- 2
- 3 These were the manager's proposals at this time. Namely, slightly extending
- 4 the area to be covered for residential purposes to one of the proposed lines at
- 12:35:43 5 that time, the Southeastern motorway, and converting the development from pipe
- 6 sewage to action area plan pipe sewage, all at ten houses to the hectare or
- 7 four to the acre, similar to the earlier proposals and similar to the motion
- 8 which you had co-signed, isn't that right?
- 9 A. This is the manager's recommendation?
- 12:36:05 10 Q. 400 His proposal, yes. Now, the first matter dealt with or the first vote dealt
- 11 with on the day was the manager's proposals as proposed by Councillors Lydon
- 12 and McGrath. If I could revert to 7207, please.
- 13 And we see there that you vetted against that proposal, isn't that right?
- 14 A. I did.
- 12:36:30 15 Q. 401 Now, can you tell the Tribunal what caused you to change your mind or what
- 16 appeared to change your mind in relation to the proposals at that time?
- 17 A. I don't know. It seems to be slightly -- is there some significance to the
- 18 motorway line or something?
- 19 Q. 402 Well the motorway line was only a diagrammatical line at this time; isn't that
- 12:36:55 20 right? It hadn't been fixed.
- 21 A. To be honest, I haven't the slightest idea.
- 22 Q. 403 Do you recall that debate?
- 23 A. No.
- 24 Q. 404 In relation to matter at that time?
- 12:37:09 25 A. No.
- 26 Q. 405 You did speak though on the debate, isn't that right? As we see, you
- 27 contributed to the debate. If you look to the very top of the very first
- 28 paragraph. Do you see the list of councillors who contributed to the
- 29 discussions? You are listed as one of those councillors?
- 12:37:27 30 A. The only time that I remember speaking on the -- that whole debate was about

12:37:32 1 the line of the motorway, which I was very anxious that we wouldn't tie
2 ourselves down to any zoning in the area of the motorway and that we would
3 leave ourselves maximum flexibility. That may have been that motion but I
4 just don't recall precisely.

12:37:47 5 Q. 406 Can I just ask you as a matter of interest. Do you see there the second
6 paragraph.

7
8 "Councillor Mitchell indicated to the meeting that she had no interest in the
9 lands under consideration."

12:37:54 10
11 Can you recall having to make some declaration at the meeting that you had no
12 interest in the lands and how did that come about?

13 A. As far as I can recall, one councillor indicated that I might have an interest
14 because my brother-in-law happened to be an architect who was dealing with some
15 adjoining golf course at the time. Although I thought that was much later so
16 I'm not really sure to be honest.

17 Q. 407 But you had no interest in the lands?

18 A. Absolutely not. No.

19 Q. 408 Would you agree with me, looking at that voting pattern, you appear to have
12:38:20 20 changed your mind by May of 1992 in relation to the zoning for these lands?

21 A. The only thing I think I ever changed my mind about was if it was coming into
22 the area that there were zoning in the area of where the motorway was going to
23 be and it was going to impact on what flexibility we had in the design of the
24 motorway. That was my only ...

12:38:55 25 Q. 409 But the issue at this stage is really an issue in density isn't it? As to
26 whether it will be four houses or one house to the acre?

27 A. It seems to be referring to the motorway lines a lot though. To be honest, I
28 can't read it.

29 Q. 410 Would it be more convenient if we put back the map DP92/44 on the screen for
12:39:23 30 you?

12:39:23 1 A. Sorry, what would help if you tell me in what way it was different.

2 Q. 411 Well heretofore the motion you had seconded in February '91 suggested now --

3 not the same precise lands but including those lands?

4 A. Yeah.

12:39:39 5 Q. 412 You had suggested four houses to the acre. The manager map, the 1990, 129A

6 which had gone on public display had suggested four houses to the acre. This

7 map had suggested, for a slightly different area of land four houses to the

8 acre on an action area plan and you vote against it.

9 A. Right. Well I don't know why is the answer to that.

12:40:07 10 Q. 413 You don't know.

11 A. No.

12 Q. 414 In fact just to deal with that slightly further. There was a further

13 motion --

14 A. Well I'm sorry. I look now. My colleagues were voting against it and I

12:40:18 15 presume that they encouraged me or I was following what the Fine Gael people

16 were doing.

17 Q. 415 Are you saying that there was a Fine Gael movement?

18 A. No, whoever the people who lived in the area and represented the area obviously

19 knew it better than I did. So for some reason, I don't know for what reason

12:40:35 20 but --

21 Q. 416 Do you recall discussing it with your colleagues?

22 A. This particular motion, no.

23 Q. 417 Yes. Well any of the various votes or motions other than the one that you

24 signed, do you recall discussing them with your colleagues?

12:40:46 25 A. Broadly, it was a topic of conversation for years. But not specific

26 conversations.

27 Q. 418 Yes. Just on that then. If I could have 7209. There was a motion proposed

28 by Councillor Gordon and seconded by Councillor Reeves at the very bottom. If

29 we go forward to 7210.

12:41:04 30

12:41:04 1 "It was a proposal that the lands at Cherrywood marked AP outlined in red on
2 the attached map signed identification purposes by the proposers of the motion
3 be zoned AS2."
4

12:41:15 5 That I understand is septic tank two houses -- or sorry one house to the acre
6 in the review of the County Development Plan. And there was a further motion
7 by Councillor Breathnach and Smyth that the council resolve to retain the low
8 density residential zoning of one house per acre. Which was more or less the
9 same matter --

12:41:31 10 A. Uh-huh.

11 Q. 419 On the Monarch lands. And you voted in favour of that proposal. In other
12 words, you had been proposing and supporting a proposal of four houses to the
13 acre. And now in May 1992 you were supporting a proposal of one house to the
14 acre?

12:41:46 15 A. Yeah. I have no idea why I did that.

16 Q. 420 You don't know why you did that?

17 A. No. It seems ludicrous to be honest because it wouldn't is a made sense to
18 waste the land at one to the acre. I'm sure I would have thought that at the
19 time. I'm not sure why I voted for it.

12:42:11 20 Q. 421 Okay. Well then by November 1993, if we go forward to November 1993 when the
21 confirmation of the --

22

23 JUDGE FAHERTY: Sorry, Mr. Quinn. Mr. Barrett's motion was in May.

24

12:42:14 25 MR. QUINN: Yes.

26

27 JUDGE FAHERTY: Did Ms. Mitchell vote on that?

28

29 MR. QUINN: In favour of it. If I could have 7216.

12:42:22 30

12:42:22 1 JUDGE FAHERTY: That was successful. The other ones you mentioned were
2 unsuccessful.
3

4 Q. 422 MR. QUINN: Again this was a proposal of a density not exceeding one house to
12:42:29 5 the acre. Do you see that it's a Councillor Barrett/Dockrell motion. And
6 you voted in favour of that?
7 A. Yeah.

8 Q. 423 Again, does that help you in any way?
9 A. Maybe I voted for it because Sean was proposing it.

12:42:42 10 Q. 424 Yes. Did Mr. Barrett seek your support for his motion in advance of the
11 meeting?
12 A. Not directly. But I knew that he felt quite strongly about not developing the
13 Carrickmines Valley at all.

14 Q. 425 Yes. Certainly 1992, because by November '93 when we come to reconsider what
12:43:03 15 has now gone on public display. There is a motion by Councillors Marren and
16 Coffey. If I could have 7263, please. Sorry. Yes. 7263. This is a
17 motion.
18

19 "That Dublin County Council hereby resolves to accept the County Manager's
12:43:35 20 recommendation and delete the 1993 amendment in respect of that lands outlined
21 in red on the attached map, and that the balance of the lands remain at two per
22 hectare."
23

24 This is a suggestion that only insofar as the Monarch lands are concerned that
12:43:46 25 they revert to four houses to the acre. And you appear to have voted in
26 favour of that proposal. Can you recall how you came to vote in favour of
27 that proposal?
28 A. This is after it went out on display is it?

29 Q. 426 That's correct, yes.

12:44:03 30 A. I presume because the manager was horrified at the prospect of the land going

12:44:08 1 at one to the acre. And he probably made a very strong recommendation to go
2 back to the four to the acre.

3 Q. 427 Yes. But in relation to all of the lands. Not just the Monarch lands.

4 A. Well I presume this is what the motion was for.

12:44:24 5 Q. 428 The motion is only for the Monarch lands?

6 A. That was the only motion that there was.

7 Q. 429 But you could have tabled a proposal that the manager's recommendations be
8 adopted. You could have amended the motion.

9 A. Myself?

12:44:37 10 Q. 430 Yes.

11 A. That never crossed my mind.

12 Q. 431 Yes.

13 A. It was generally left to the Dun Laoghaire people, you know, to deal. You
14 know, to propose motions for their area.

12:44:50 15 Q. 432 If we could have 7217, please.
16 These are the -- all of the lands outlined in yellow have now been reduced
17 based on the motion that you supported -- of Councillors Barrett to one house
18 per acre. And the proposal here in November '93 is that portion of the yellow
19 lands within the red line, which are effectively the Monarch lands.

12:45:23 20 A. Uh-huh.

21 Q. 433 Be restored at four houses to the acre. Can you advise the Tribunal how those
22 lands within the red line should be restored to four houses as opposed to the
23 lands outside the red line?

24 A. Can I advise them, can I advise you why?

12:45:41 25 Q. 434 Yeah.

26 A. Because that was the motion.

27 Q. 435 Do you --

28 A. Before us.

29 Q. 436 You agree. Just dealing with the motion itself. There doesn't appear to be
12:45:53 30 any good reason why the Monarch lands should be singled out above the remainder

12:45:57 1 of the lands coloured yellow?

2 A. In planning terms.

3 Q. 437 Yes.

4 A. Probably -- well I don't know. Because I have a vague memory that there was

12:46:05 5 talk of a district centre being provided and that there was to be a cluster of

6 housing around it.

7 Q. 438 Yes.

8 A. Am I correct?

9 Q. 439 Yes. The district centre is the little box as we see it in the bottom right

12:46:16 10 hand corner.

11 A. There was a lot of motions placed at that time. And I know there was a lot of

12 confusion and inconsistency. But my memory is that the thinking was and I

13 think different political parties had different priorities about, you know,

14 whether there would be jobs created or a district centre and then that you

12:46:35 15 would have the cluster of housing around that.

16 Q. 440 The district centre is where you see 4A and 4B. Do you see that on the bottom

17 right? Do you see an area cut into the yellow?

18 A. Yes, I see that, yes.

19 Q. 441 You had voted against that proposal I think at the time which had been

12:46:50 20 successful. That's a proposal -- a motion by Councillor Gilmore and

21 O'Callaghan in May '92 and you voted against it.

22 A. Yeah.

23 Q. 442 But other than grouping housing around the district centre. Can you give any

24 credible reason as to why someone would just propose a motion in respect of the

12:47:10 25 Monarch lands?

26 A. Well there are possible reasons why you'd have lower densities. Now, I don't

27 know if any of these apply. It may be, that you know, that the contours could

28 have been different. Or it could have been -- it could be, now, I don't know

29 if it's in this case. It can sometimes be that as you're moving away from the

12:47:30 30 development area and into a less developed area that you've lower density.

12:47:35 1 Q. 443 But none of the area had been developed at this stage. And the manager was
2 suggesting that all of the area?
3 A. Adjoining area.
4 Q. 444 Yes. Would be four to the acre.
12:47:44 5 A. Yeah well as I say, you had to vote on the motion that was there before you.
6
7 JUDGE FAHERTY: I think, Ms. Coffey -- sorry. I think what Mr. Quinn is
8 getting at that, before the town centre or the district centre had been voted
9 on, which was back in '92, that you had muted earlier as far as back as
12:48:02 10 February '91, the concept of four houses to the acre. Even before there was a
11 district centre.
12 A. I would have supported it, yeah.
13
14 JUDGE FAHERTY: Do you understand?
12:48:15 15 A. Yes. And I still supported it. But I still had to only vote on the motion
16 that was before us in this case.
17
18 Q. 445 MR. QUINN: Just in relation to the motion, did it not strike you as unusual
19 that somebody would propose a motion which appears to have been developer led?
12:48:30 20 A. Did it not strike me as unusual at the time?
21 Q. 446 Even at the time.
22 A. It strikes me as unusual now but not at the time, to be honest.
23 Q. 447 Now, I think the '93 plan having been confirmed, you then became a member of
24 Dun Laoghaire -- the newly formed Dun Laoghaire/Rathdown County Council, isn't
12:48:52 25 that right?
26 A. That's right, yeah.
27 Q. 448 I think in May '94 a draft variation was proposed. A Draft Action Plan was
28 proposed for Carrickmines, isn't that right? At a meeting. And also I think
29 Councillor Gilmore had tabled a motion which proposed a science and technology
12:49:10 30 park in the area. Isn't that correct? You may or may not recall that but you

12:49:15 1 certainly are noted as having been at a meeting on 23rd of May 1994 of the
2 Planning Development and Tourism Committee.
3
4 If I could have 5131. At which both the Draft Action Plan and Councillor
12:49:32 5 Gilmore's motion were addressed. Do you recall that?
6 A. I certainly remember the proposal for the science and technology park. I just
7 didn't remember it as Councillor Gilmore proposed it.
8 Q. 449 Yes. And I think that that proposal was adjourned to the 29th of June 1994
9 for consideration. Now, do you recall Mr. Lynn or anybody within Monarch
12:49:52 10 seeking your support for the science and technology park and the variation of
11 the Draft Action Plan?
12 A. No. As I recall this, I thought this was actually a proposal of the
13 manager's.
14 Q. 450 Ultimately I think the manager comes to support it.
12:50:11 15 A. At the early -- to be honest, I don't specifically recall Monarch Properties
16 promoting this.
17 Q. 451 I see.
18 A. Now --
19 Q. 452 At --
12:50:21 20 A. I just don't remember that. I thought it came from the manager, actually.
21 But I may be wrong.
22 Q. 453 If I could have 8313.
23 This is a document headed political strategy which has been discovered to
24 the -- sorry. 8315, it has been discovered to the Tribunal by the Monarch
12:50:41 25 Group. And here a strategy is being devised between May and June '94. And
26 whilst I don't want to go into the matter in detail. You will see there under
27 heading "action" specific members should be approached on the basis of moving
28 and supporting such a motion from the floor. That is a motion as earlier
29 described there.
12:51:03 30

12:51:03 1 And then at the next page, at 8316. It says
2
3 "The support on the following members must be obtained."
4

12:51:10 5 And you see thereabout five down Olivia Mitchell Do you recall anybody from
6 Monarch seeking your support at this time?
7 A. To be honest, no. But they could have.
8 Q. 454 Yes.
9 A. They -- to be honest, I just don't.

12:51:30 10 Q. 455 You don't recall that?
11 A. No.
12 Q. 456 I think there was a further meeting on 29th of June '94. At which it was
13 decided, as we see at 2369, that copies of the Draft Action Plan would be put
14 on public display. A delegation would be sent to cabinet ministers in the
12:51:57 15 area in relation to the science and technology park and a letter would be sent
16 to a working group which had been established in relation to it. Do you have
17 any recollection of any of those discussions taking place at that time?
18 A. No. Was I at that meeting?
19 Q. 457 Well ...

12:52:04 20 A. But I probably would have heard about it. I knew we were promoting a science
21 and technology park so, yeah.
22 Q. 458 263. I think in October '94 the manager had an agreement which was
23 approved -- sorry. It was approved at a meeting on 14th of November '94 at
24 5459 whereby the council acquired an interest in the lands where the science
12:52:28 25 and technology park was to be sited, isn't that right?
26 A. That's right.
27 Q. 459 You recall that? And I think that it was also agreed that a map would be
28 published showing the area of the Draft Action Plan or the proposed various
29 necessitated by the siting of this?
12:52:50 30 A. That's right, yeah.

- 12:52:51 1 Q. 460 You voted in favour of that appears at 5502.
- 2 A. Yeah.
- 3 Q. 461 Yeah. And I think the proposed variation went on public display. By April
- 4 '95 the matter came back again before the council and was voted upon. I think
- 12:53:06 5 again you supported the variation?
- 6 A. Yeah. I think everybody supported it.
- 7 Q. 462 I think it was 23 in fact. We see 2427. Just in relation to your contacts
- 8 with Mr. Lynn and your knowledge of Mr. Lynn.
- 9 A. Uh-huh.
- 12:53:27 10 Q. 463 The Tribunal has received on discovery from Monarch, a series of receipts
- 11 submitted by Mr. Lynn in relation to expenses incurred by him. And I just
- 12 want to put those formally to you to see if they have any assistance in
- 13 refreshing your memories about meetings you may have had with him.
- 14
- 12:53:48 15 The first appears to be a petty cash voucher for a meal at 4987. Which may
- 16 have taken place on the 25th of February '94. Do you see that? The third
- 17 person at that -- sorry the last person at that luncheon voucher on the top
- 18 right hand corner appears to have been you. Do you recall attending a meeting
- 19 or a luncheon in the company of your colleagues, councillor Deputy Owen, Ridge,
- 12:54:14 20 Elliott, Devitt and Mr. Reilly? Mr. Reilly I think was the manager in
- 21 Tallaght.
- 22 A. Well I don't recall it but is that a restaurant in ...
- 23 Q. 464 This has been given to the Tribunal and would appear to match up the restaurant
- 24 on the left.
- 12:54:36 25 A. Universal is that a restaurant?
- 26 Q. 465 No. I think the restaurant may in fact be Chapter One?
- 27 A. I was never in Chapter One to my memory. I don't think so anyway.
- 28 Q. 466 So you don't recall attending a lunch?
- 29 A. I don't ever remember being in Chapter One. But I certainly was at lunches
- 12:54:52 30 with Richard Lynn. Definitely.

12:54:56 1 Q. 467 With Mr. Lynn?
2 A. Yeah.
3 Q. 468 Okay. At 4992 there appears to be a voucher submitted for March '94. And
4 then if I could take you to 2765 of the brief. On 24th of July but it doesn't
12:55:10 5 give the year, Mr. Lynn has submitted an expenses claim form in respect of
6 Cherrywood Properties Limited. The very last person named "Draft Development
7 Plan Olivia Mitchell". And he has a claim in of 77 pounds ten pence. Do you
8 know anything about that? Would you have met Mr. Lynn in --
9 A. Sorry, when was this.
12:55:36 10 Q. 469 July. We don't know which year.
11 A. Oh.
12 Q. 470 I'm sorry.
13 A. Look, I mean, I've met him many, many times over the years. So to be honest,
14 I can't put dates on it.
12:55:46 15 Q. 471 Well, we can be slightly more specific with some of the other ones?
16 A. If the location --
17 Q. 472 If I could have 5232, please.
18 I'll just quickly go through these if I may?
19 A. Sure.
12:55:59 20 Q. 473 Again the company is Cherrywood Properties Limited. You see "Draft
21 Development Plan review, O Mitchell 28.22". Do you see that?
22 A. No. Oh, yes, I do.
23 Q. 474 Would you have met Mr. Lynn in connection with the Draft Development Plan
24 review in June of 1994?
12:56:18 25 A. That's quite possible.
26 Q. 475 You might recall a moment ago I was dealing with a document --
27 A. Yeah.
28 Q. 476 In the lead up to the meeting of the 29th of June 1994.
29 A. It's possible. If I could just -- I met him several times over the years and
12:56:32 30 it was, we always discussed Monarch Properties.

12:56:34 1 Q. 477 If I could have 8315. You will recall I put this document to you a moment
2 ago, an internal document in relation to political strategy. And at 8316 I
3 think you were identified as somebody whose support ought to be obtained. And
4 that document is in the lead up to the meeting of the 29th of June 1994. And
12:57:04 5 the document expenses claim form on screen is for 24th of June 1994. And it's
6 at 5232.
7 So do you -- what I'm really asking you is do you recall meeting Mr. Lynn at
8 this time in connection with the lead up to that meeting on the 29th of June
9 1994?
12:57:15 10 A. No. I neither remember the meeting nor the lead up. But I don't deny that I
11 could have met him. I certainly met him on many, many occasions. I just
12 don't remember the specifics of the meeting.
13 Q. 478 Okay. I will put these up very quickly it's just for completeness.
14 A. Sure.
12:57:29 15 Q. 479 There is another one on the 26th of August 1994 at 5307. Again it is
16 Cherrywood Properties Limited and Development Plan review. You see you are the
17 first name on it. 27th of January 1995 at 5541. You are the second last on
18 that Cherrywood Properties Limited Development Plan review.
19
12:57:48 20 5637. 17th of March 1995, Cherrywood Properties Limited. You are the last
21 person Development Plan review.
22
23 5570. For the 31st of March '95. Cherrywood Properties, Development Plan
24 review.
12:58:08 25
26 5701. 8th of September 1995. You are the last mentioned person.
27 Cherrywood Properties Limited, Development Plan review.
28
29 21st of February 1996. 5750. Cherrywood Properties Limited. Second entry
12:58:25 30 Development Plan review O Mitchell.

12:58:28 1
2 22nd of March 1996. Cherrywood Properties Limited. You are the second last
3 entry. Development Plan review.
4

12:58:35 5 Again, do you have any recollection or can you give any explanation to the
6 Tribunal about that level of contact with Mr. Lynn at this time? I think
7 between July '95 and July '96 you were the Cathaoirleach of Dun
8 Laoghaire/Rathdown County Council?

9 A. That's true. To be honest, I didn't -- I wasn't. At least my memory now is
12:59:03 10 that I didn't think we were doing -- that Monarch Properties property in the
11 Carrickmines Valley was up for rezoning at that stage.

12 Q. 480 Yes.

13 A. So I have just no memory of that. I certainly would have met him as
14 Cathaoirleach to do with Dun Laoghaire town centre which was coming to fruition
12:59:25 15 at that stage. But I just don't remember that. I thought we did a variation
16 of the plan in '94 and '95. I thought by '96.

17 Q. 481 Yes.

18 A. What had to be done was done.

19 Q. 482 Yes. I think by 1996 you had commenced the review of the 1993 plan as varied?

12:59:42 20 A. But --

21 Q. 483 And I think that kicked in in early '97 and carried on through '98?

22 A. Did Monarch Properties have?

23 Q. 484 Their lands were effected in the review.

24 A. Oh. I'd forgotten that.

12:59:56 25 Q. 485 Okay. 6067. 23rd of March -- 23rd of August '96. You are third on the
26 list. Cherrywood Properties Limited, Development Plan review. O Mitchell.
27 There is an entertainment. What is described as an entertainment lunch Olivia
28 Mitchell, Therese Ridge for 19th of October '96 at 6102. 39.28.
29

13:00:24 30 6th of June 1997 at 6360. You are second last. Cherrywood Properties

13:00:30 1 Limited, Development Plan review.

2 A. 6th of June 1997?

3 Q. 486 1997. Or maybe 6th of January. Do you see the top right hand corner.

4 Taking the date from the top right hand corner.

13:00:45 5 A. It seems --

6 Q. 487 If you want to say January I won't dispute it but ...

7 A. Well no I don't. I'm just wondering in the middle of a General Election what

8 I was doing at a Development Plan meeting.

9 Q. 488 I'm not saying these are meeting.

13:01:00 10 A. Or a meeting about the Development Plan.

11 Q. 489 Yes.

12 A. Okay.

13 Q. 490 Well maybe it's the 6th of January.

14

13:01:06 15 CHAIRMAN: Mr. Quinn it's one o'clock.

16

17 MR. QUINN: I'm practically finished with this witness if I may.

18

19 CHAIRMAN: All right.

13:01:12 20

21 MR. QUINN: 31st of July '97. At 6374 Cherrywood Properties Limited. O

22 Mitchell.

23 You can't give any assistance to the Tribunal in relation to that but you will

24 agree with me, would you not, that that shows a fairly detailed contact over a

13:01:31 25 continuous period with Mr. Lynn?

26 A. If it's true.

27 Q. 491 If it's true.

28 A. I don't seem to remember eating that much.

29 Q. 492 Okay.

13:01:38 30 A. But I'm not disputing it. To be honest, I did meet him a lot of times and it

13:01:44 1 might often be just for ten minutes for a cup of coffee or whatever. I just
2 can't remember the specifics at this stage.

3 Q. 493 Thank you very much.

4 A. Thank you.

13:01:53 5
6 CHAIRMAN: Thank you very much.

7 A. Thank you.

8

9 **THE WITNESS THEN WITHDREW**

13:02:05 10
11 CHAIRMAN: Two o'clock.

12

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

14

15

16

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13:02:21 1

THE TRIBUNAL RESUMED AS FOLLOWS AT 2:00 P.M.:

2

3

MR. QUINN: Mr. Pat Rabbitte, please.

4

14:02:38 5

MR. RABBITTE HAVING BEEN SWORN, WAS QUESTIONED

6

BY MR. QUINN AS FOLLOWS:

7

8

CHAIRMAN: Good afternoon, Mr. Rabbitte.

9

A. Good afternoon, Chairman.

14:03:11 10

Q. 494 MR. QUINN: Mr. Rabbitte, you have already given evidence and I think you've

11

told the Tribunal that you were a member of Dublin County Council from 1984 to

12

1993. And then after the break up you became a member of South Dublin County

13

Council in 1994 and then I think you were appointed the Minister with

14

responsibility for science and technology. And you held that post I think in

14:03:35 15

the '94 '97 period; is that correct?

16

A. I think that's right. I became a member of the council in 1985. It was a

17

small point.

18

Q. 495 Sorry.

19

A. 1984, yes.

14:03:47 20

Q. 496 Sorry. Did I say '84. Sorry. Yes. Sorry. You are correct. I had

21

said '84. I should have said -- I think on the 1st of February this year in

22

connection with the lands at Cherrywood. If I could have 1991, please.

23

24

You were asked a series of questions in relation to a series of companies

14:04:17 25

generally under the umbrella of Monarch Properties Limited. And you were

26

asked for your dealings or contacts with representatives of that company. And

27

you were also asked for any details of any payments that you might have

28

received from the company; isn't that right?

29

A. That's right.

14:04:31 30

Q. 497 And we have your response, through your solicitor, at 1993.

- 14:04:36 1 And that response dated 17th of February 2006. You say that you had no
2 involvement with the lands at Cherrywood other than casting your vote. And
3 you did this on the guidance of local councillor colleagues. You got no
4 payments or benefits from any person mentioned in connection with the lands at
14:04:55 5 Cherrywood. And one or other of them may have had contact with you but not --
6 it was not your recollection since you felt it was more likely that they would
7 have lobbied local councillors or councillors in the local area. Is that
8 correct?
- 9 A. That's correct.
- 14:05:11 10 Q. 498 The letter goes on to say that you believe that the lands were revisited by the
11 new local authority after the break up of Dublin County Council?
- 12 A. Uh-huh.
- 13 Q. 499 And you say that Monarch Properties had a major involvement in your
14 constituency since approval was given for the town centre, that's in Tallaght,
14:05:26 15 I think in the late 1980s. And the Tribunal has heard evidence that that town
16 centre was opened I think in October 1990?
- 17 A. That's correct.
- 18 Q. 500 The company you say, you believe that the company supported all parties
19 including your's through purchase of raffle tickets, sponsorships and race
14:05:44 20 nights and that kind of thing.
- 21 A. Yeah.
- 22 Q. 501 You believe that Monarch made a donation to one General Election occasion to
23 your party's campaign or to your own candidacy but you had no records.
- 24 A. Yes.
- 14:05:53 25 Q. 502 And that you had written to Monarch seeking particulars from them. And I
26 think subsequently through your solicitors you advised the Tribunal on the 13th
27 of March 2006. 1995, please.
28 That you had received a sum of 1,000 pounds towards your 1997 General Election
29 campaign.
- 14:06:15 30 A. No, that's not quite right, Mr. Quinn. What happened when I furnished you

- 14:06:21 1 with the letter was that the constituency of Dublin southwest got a donation of
2 1,000 pounds in 1997.
- 3 Q. 503 If we could have 1996, please. This is a letter from Monarch Properties
4 enclosing a cheque for 1,000 pounds to Mr. Don Tipping, dated 3rd of June 1997.
- 14:06:40 5 And that's the letter that accompanied the letter from your solicitors, is that
6 correct?
- 7 A. He was probably treasurer or joint treasurer of the organisation at the time.
- 8 Q. 504 And I think you believe or you advised the Tribunal on a previous occasion that
9 you might have got 500 pounds from Monarch in one or other of the election
10 campaigns. If we could have 2003, please. This is an appendix. I think
11 possibly in your own handwriting?
- 12 A. Yeah.
- 13 Q. 505 Given to the Tribunal.
- 14 A. Well I was mistaken. I obviously didn't.
- 14:07:12 15 Q. 506 You say, just for the record, if I just put it forward.
16
17 "Having dealt with the 2,000 pounds which has been the subject of previous
18 evidence, I believe it is likely that I would have received a campaign donation
19 of perhaps 500 pounds in one or other of those two elections."
- 14:07:26 20
21 You are referring to the 1992 election. "From Monarch Properties or The
22 Square but I have no record of having done so."
- 23 A. Yeah.
- 24 Q. 507 You advised the Tribunal that you may have received 500 pounds. You are
14:07:36 25 saying that you didn't now receive that money. Is that correct?
- 26 A. Well, what I was doing there, Mr. Quinn, was to try and give you as full an
27 explanation as I could. I can't find any record that I did. I have no
28 reason to believe that I did. I may have been confusing it with the 1,000
29 pounds you've just put up on the screen.
- 14:07:57 30 Q. 508 Yes. You were dealing there with the 1992 campaign. At one stage you must

- 14:08:00 1 have believed or had --
- 2 A. Maybe I did. Maybe I did but the fact insofar as I can establish and insofar
- 3 as you can establish I didn't get the 500 pounds and I was wrong.
- 4 Q. 509 Yes. You were wrong to have believed at some stage that you had got 500
- 14:08:15 5 pounds?
- 6 A. That's right.
- 7 Q. 510 And can the Tribunal take it, that it's your evidence now that you did not
- 8 receive 500 pounds from any of the Monarch companies in 1992?
- 9 A. Yeah. What I said there, Mr. Quinn, was that I thought I had a vague memory
- 14:08:29 10 that I might have got such a donation. I searched to the best of my ability.
- 11 I can't establish it. That's what my evidence is.
- 12 Q. 511 Can you give any indication to the Tribunal as to what caused you to believe
- 13 you might have received the money?
- 14 A. Well, you know, if one goes back over 15 years and one is asked questions and
- 14:08:49 15 one diligently and conscientiously tries to answer them. You know, that's all
- 16 I was doing. My memory is that as the largest development in my constituency,
- 17 Monarch was always supportive in the sense of buying a ticket for a raffle or
- 18 taking an ad on a race night brochure or whatever. And I may well have been
- 19 confusing it with the 1,000 pounds donation to the constituency in 1997. I
- 14:09:19 20 mean, it's 15, 16 years ago. I don't have perfect recollection. I'm sorry I
- 21 put it in at all. If I was doing it again I wouldn't put it in. That's all
- 22 I can tell you about it.
- 23 Q. 512 Yes. It's not something that the Tribunal has put in, Mr. Rabbitte. You
- 24 would appreciate --
- 14:09:35 25 A. I didn't say you put it in. I said I put it in. I said I'm sorry I put it
- 26 in.
- 27 Q. 513 Okay. I think in October 2001. If we could have 2001, please. You again
- 28 dealt with donations. If we look on the second page at 2002. You advised
- 29 the Tribunal of individual political donations of 1,000 or more received by you
- 14:09:59 30 in the period of '85 to 2000 and you set those out and then you say.

14:10:01 1
2 "The above do not include a campaign donation in 1997 for 1,000 pounds from
3 Monarch Properties to the constituency party or the 2,000 pounds returned to
4 Mr. Dunlop."

14:10:13 5 A. Yes.

6 Q. 514 Yes.

7 A. Chairman, could I raise a point, please, with your approval. Is it always
8 necessary, Chairman, if you are seeking to refer to matters that I gave you
9 about Monarch. Is it necessary to immediate into the public domain again all
10 of my private affairs and the private affairs of my party in respect of every
11 other transaction?

12
13 CHAIRMAN: Well only when it's part and parcel of the module that we're
14 dealing with at the time. You are referring to the other?

14:10:46 15 A. I am, yes. They are in the public domain. Monies that were collected for my
16 European campaign. For example, in 1994, that cost 74,000 pounds. I'm just
17 wondering what is the necessity of putting all of that into the public domain
18 if what you are interested in is the 1,000 pounds that Monarch donated to my
19 constituency in 1997.

14:11:11 20
21 CHAIRMAN: Well I mean that's a fair point. It's not necessary but it goes
22 in -- or it gets up on to the screen, I suppose, because it's part and parcel
23 of the same response. Or part and parcel of a response relating to what the
24 Tribunal is dealing with at any time but it's certainly not intentional.

14:11:30 25 A. But the intent of it, with respect, Chairman, is that by doing that you are
26 putting it into the public domain. I am suggesting that that's unfair. I
27 answered questions in good faith about a development that isn't this one at
28 all. And I now find myself with that information being mediated into the
29 public that has nothing to do with Monarch or Cherrywood or anything else.

14:11:50 30

14:11:50 1 CHAIRMAN: Well,
2
3 Q. 515 MR. QUINN: Mr. Rabbitte, you will be treated exactly the same as every other
4 politician that comes here.

14:11:58 5
6 CHAIRMAN: It happens with a number of witnesses. And also, I think this
7 document has been, I think furnished to you as part of the brief. This is the
8 first time this point has been raised. It is certainly not intention on the
9 part of the Tribunal that information unnecessary for the purposes of this
10 particular investigation should go into the public domain. I mean, the reason
11 is that it's part and parcel of a statement which you gave.
12
13 We'll take your point. Well, are you are certainly entitled to make that.

14 A. I appreciate that, Chairman. It's very easy to extract the particular item
15 that you are inquiring into and put that on the screen. It doesn't take --
16 there is no technological --
17

18 CHAIRMAN: It happens frequently in relation to a number of witnesses.

19 A. It doesn't make me feel better, Chairman.

14:12:49 20
21 CHAIRMAN: I take your point.
22

23 Q. 516 MR. QUINN: For completeness in relation to payments. If I could have 1587.
24 This is a document discovered to the Tribunal by Cherrywood, by Monarch. It's
14:12:58 25 in the Cherrywood brief. You'll have received it. And at the very end
26 having dealt with the 1,000 pounds to what is described as Democratic Left
27 Dublin southwest General Election contribution. There is on the 5th of
28 September 1997 "Pat Rabbitte - election fund, General Election contribution 100
29 pounds". Do you see that?

14:13:19 30 A. I do.

- 14:13:20 1 Q. 517 I take it that you don't deny that you would have received that money or your
2 constituency would have received that money towards your election fund in
3 199 --
- 4 A. It's the first time I have seen it, Mr. Quinn, but you're right. I believe it
14:13:35 5 was furnished to me. I simply haven't had an opportunity to go through it.
6 But if the assertion there is that I got 100 pounds. I don't know when it is,
7 by the way.
- 8 Q. 518 It would appear to be the 5th of September 1997. Again, we are relying on the
9 documentation as we see it there.
- 14:13:52 10 A. If there wasn't an election in September of '97 I got no contribution and I'd
11 say that's a contribution to purchase a raffle ticket or something.
- 12 Q. 519 Now, can I just ask you about your contact with Monarch. Sorry. Just in
13 relation to that -- the last matters I was dealing with. In July 1997, first
14 of all, there was an election between the 15th -- called on the 15th of May
14:14:26 15 1997. Which was held on the 6th of June 1997.
- 16
17 If I could have 2661. And just in relation to the last matter. Just for
18 clarity. If I could have 6383 and this is also in the brief. There is a
19 letter written that you may or may not know about "Pat Rabbitte election draws"
14:14:53 20 a letter written on the 25th of July 1997. The Pat Rabbitte election draw is
21 care of Don Tipping, 7 The Dale, Kingswood Heights, Dublin 24. Signed by
22 Mr. Tipping who seems to be the constituency Chairman and by Mr. Ward, who is
23 the constituency secretary. Do you see that?
- 24 A. I do, yes.
- 14:15:12 25 Q. 520 Seeking -- it would appear from the manuscript note on the bottom right hand
26 corner that the 100 pounds may have been payable in respect of that request?
- 27 A. I haven't seen this before either but I wasn't too far out was I?
- 28 Q. 521 And it's again included in the brief of documents that would have been given to
29 you.
- 14:15:30 30 A. I accept that.

14:15:33 1 Q. 522 Now, could I just go back, if I may, to the -- to your contacts with Monarch
2 and the representatives of Monarch. Who did you know within the Monarch Group
3 of companies and who, if anyone, ever contacted you in relation to their
4 various developments or proposals?

14:15:51 5 A. My contact would really be with Phil Reilly, who was associated with the
6 origins and foundation and development of the Tallaght project. I had no
7 contact with Phil Reilly or anyone else, to my recollection, about Cherrywood,
8 good, bad or indifferent.

9 Q. 523 No one ever sought your support in relation to the Cherrywood rezonings or the
14:16:17 10 Monarch lands in --

11 A. Not that I can recall, Mr. Quinn.

12 Q. 524 You did, however, vote on proposals which would have touched on those lands.
13 And I can go through the various votes, if you wish. But they seem to be, by
14 and large, you voted in favour of low density development?

14:16:37 15 A. Well, I think it's a lot more complex than that, Mr. Quinn. I didn't have
16 time to go through these documents but I took a quick tutorial on it. And,
17 you know, the peregrinations of planning in Cherrywood is a lot more complex
18 than the shorthand that you have attributed to me in the sense that, you know,
19 there was a whole belt of tactical voting, there was divided council and
14:17:09 20 divided lobbying, you know, as between those who took up the stance of save the
21 valley campaign and in other parts of the constituency where there would have
22 been a response to the hard sell that was done about employment and the promise
23 of 1,000 pounds and so on.

14:17:35 25 So it was quite complicated really. The attitude in my party was that, you
26 know, you tended to rely on the planning manager's report and/or the advice of
27 your local colleagues. We had a kind of informal arrangement where
28 Mr. Tipping would look after, keep an eye on the north Dublin and myself on
29 west Dublin and Deputy Gilmore on south Dublin. And you tended to rely on
14:18:03 30 that. And in conclusion, all I would say to you is that, you know, in west

14:18:10 1 Dublin it was fairly straight forward. We had a policy position to support
2 three town centres. And that was fairly straight forward. This isn't.
3 There was a myriad of motions and tactical motions to bring about a certain
4 result and so on. And I think generally speaking I seem to have voted for a
14:18:40 5 mix that would seek to protect amenity and cluster the housing. That's the
6 best summary I can make of it for you.

7 Q. 525 Okay. Well perhaps in fairness to you, I was unfair in trying to truncate
8 your approach to it. What I'll do is I'll go through in detail the voting
9 pattern in relation to the various motions between December 1990 and November
14:19:05 10 1993.

11 A. If you want, Mr. Quinn.

12 Q. 526 It might be best.
13 By the 6th of December 1990 the manager and his staff had been proposing a map
14 DP90/123 which would have effectively opened up the valley for residential and
14:19:24 15 industrial development, isn't that right?

16 A. I think that's right.

17 Q. 527 If we could have 6936, please. At 6937 we see the same map but with the
18 Monarch lands etched in red. The bottom right hand corner.

19 A. Yeah. To be honest, now, Mr. Quinn I might as well be looking into a bush.
14:19:49 20 That means absolutely nothing to me at this remove but I entirely take your
21 word on it.

22 Q. 528 Okay. There was a motion then on the 6th of December 1990 in relation to that
23 map and the debate on that map by Councillors McDonald and Coffey, which
24 effectively suggested or proposed that development would be limited to the
14:20:12 25 eastern side of the proposed motorway line. I think the line on the
26 Southeastern Motorway did vary at different stages?

27 A. That sounds right, yeah.

28 Q. 529 And that vote was taken on the 6th of December 1990. And if I could have
29 3066. There had been an amending motion which was unsuccessful or a motion to
14:20:37 30 amend the motion. And then the motion itself was taken and it was successful.

14:20:42 1 21 - 8 with six abstentions.
2
3 At 3067 you will see the vote in relation to the motion.
4 A. Uh-huh.
14:20:51 5 Q. 530 Now, I don't think you are recorded as having voted on that motion but if you
6 did I'll stand corrected.
7 A. Well I just saw myself on the previous page you put up there.
8 Q. 531 I'll go up perhaps to 3066.
9 A. The amendment was then -- I voted for the amendment.
14:21:12 10 Q. 532 Yes. Now, the amendment would have limited development north or east of the
11 motorway line and north of the Glenamuck Road.
12 A. Yeah.
13 Q. 533 It was the amendment put forward by Councillor Fitzgerald and she has given
14 evidence in relation to the matter. That proposed amendment to the motion was
14:21:28 15 unsuccessful and then the motion itself was put. And at 3067 we see the vote.
16 I think you abstained on the vote, isn't that right?
17 A. Did I abstain or did I go back to the Dail? I abstained you're quite right.
18 Half a dozen councillors abstained.
19 Q. 534 Can you recall why you might have abstained on a motion which although not
14:21:49 20 amended as you wished, was more or less in line with what you were voting in
21 favour of by the amendment?
22 A. Well I don't think it was in line. I really am not equipped to go into the
23 kind of detail that this requires. If the amendment I wanted was defeated I
24 think it's probably not true that the motion was in line with it. I mean, the
14:22:15 25 answer to -- I don't see Deputy Gilmore there, which is surprising. Because
26 the answer to this is that I would have taken -- I would have taken the advice
27 of Deputy Gilmore because I didn't know the territory at all.
28 Q. 535 Yes. If we could go back to 3066. Deputy Gilmore doesn't appear to have
29 voted on the amendment either.
14:22:48 30 A. He doesn't seem to have been present.

14:22:50 1 Q. 536 Yes.

2 A. That, presumably, is

3 Q. 537 Because if we go to --

4 A. This was early days wasn't it?

14:23:10 5 Q. 538 Yes. This was in December 1990.

6 A. Oh, God we've a long way to go.

7 Q. 539 That's why I was hoping to truncate it.

8 A. Well maybe if you'd have another go at truncating you I would say yes to you,

9 Mr. Quinn.

14:23:14 10 Q. 540 Yes. I don't want you to admit to anything you don't want to admit to,

11 Mr. Rabbitte.

12 On 24th of May 1991, the manager had put forward three possible maps which, any

13 one of which might have become the 1991 Draft Development Plan.

14

14:23:29 15 If I could have 7006. And there was a vote on which map might be acceptable.

16 That's at 7006 as I say, it was the first map there DP90/129A which would have

17 proposed piped sewage, I think, 10 houses to the hectare in relation to these

18 lands was the map which was favoured. Councillor Gilmore appears to have

19 voted in favour of it. You may not have been present on that occasion. And

14:24:07 20 you are not recorded as having been present. If I could have 7003.

21 A. That seems to be the case.

22 Q. 541 Yeah. And then having been put on public display. If we could have 7205

23 which is the meeting of the 27th of May 1992.

24 A. Was it put on public display?

14:24:29 25 Q. 542 The first of the three maps. In other words --

26 A. Oh, yeah. I mean, what I do recall is that the manager was advocating a

27 rezoning that was very close really. This is my vague memory.

28 Q. 543 Yes.

29 A. To what actually happened. And he wanted to put it out before the elections

14:24:52 30 of that year.

- 14:24:53 1 Q. 544 That would have been June '91?
- 2 A. Yeah.
- 3 Q. 545 Yes.
- 4 A. And it did go out.
- 14:24:57 5 Q. 546 Yes.
- 6 A. In the event.
- 7 Q. 547 The map wasn't publish in the event. Isn't that right?
- 8 A. Yeah.
- 9 Q. 548 But what he was proposing I think for this area was what he referred to as low
- 14:25:07 10 density development, which was --
- 11 A. Four houses per acre.
- 12 Q. 549 Would it be fair to say that four to the acre would by and large be regard as
- 13 low density?
- 14 A. It would indeed. Very much so today.
- 14:25:21 15 Q. 550 Even then?
- 16 A. You could build two office blockings on it now.
- 17 Q. 551 Even by 1991 and 1992 standards. I think it would be regarded as low density?
- 18 A. Yeah. Eight nine or ten would be normal I think.
- 19 Q. 552 Well the matter then having gone on public display came back for review on the
- 14:25:37 20 27th of May 1992. If I can have 7205, and I think you were in attendance on
- 21 that date. And the manager's proposal again at four houses to the acre on
- 22 foot of a report and map 92/44. If we could have 7207 was proposed by
- 23 Councillors Lydon and McGrath and seems to have been very narrowly defeated.
- 24 You had voted against that as indeed had Councillor Gilmore and Tipping?
- 14:26:08 25 A. That's right.
- 26 Q. 553 Can I ask you why you voted against that proposal, namely, low density as you
- 27 describe it, four houses to the acre?
- 28 A. Well because my colleague councillors had gone to great pains in terms of the
- 29 campaign that was underway at the time with two conflicting views on this whole
- 14:26:30 30 belt of land. Monarch was engaged in really an expensive promotions campaign.

14:26:43 1 And you had enormous unemployment in places like Ballybrack and Loughlinstown
2 and so on. In fact it was what the council designated a co-dial area, which
3 means that it was an area of need. And the pitch made to them was that there
4 would be 1,000 jobs created. And my colleagues had gone to great trouble to
14:27:03 5 try and frame a via media between protecting the high amenity area and
6 clustering the development and the district centre as tastefully as could be
7 done in the circumstances. So my colleagues for the area had a very definite
8 view of what they wanted. And I tended to support them.

9 Q. 554 Yes. I think in fact that they had put forward three different motions, one
14:27:32 10 of which was successful. If we could have 7213. This is a suggestion that a
11 special amenity area order be made for the area in question. Isn't that
12 right?

13 A. Yes.

14 Q. 555 And you voted in favour of that?

14:27:45 15 A. I did.

16 Q. 556 As one would expect. As we see there, unfortunately that motion was
17 unsuccessful. And then if we have 7214, please. They put forward a proposal
18 that there would be a town centre at an area marked C, sorry a zone C?

19 A. A district centre it was called was it?

14:28:03 20 Q. 557 That was I think successful, isn't that right?

21 A. Was it? Yeah. Well, it never happened if it was. But I hear the manager is
22 now proposing a town centre for that location.

23 Q. 558 And at 7215, the proposed that the council seek agreement with the landowners
24 and developers to confine construction of the number of houses to a smaller
14:28:27 25 area of the site

26 A. Uh-huh.

27 Q. 559 But unfortunately that motion was unsuccessful?

28 A. Right.

29 Q. 560 You voted obviously in favour of your colleagues there?

14:28:37 30 A. I did, yeah.

- 14:28:37 1 Q. 561 There was a proposal then by Councillors Barrett and Dockrell that the lands be
2 zoned on one house to the acre?
- 3 A. Uh-huh.
- 4 Q. 562 And you voted in favour of that?
- 14:28:46 5 A. Yeah.
- 6 Q. 563 Do you recall voting in favour of that?
- 7 A. I remember that all right being around the place of the one house to the acre.
8 And, you know, I took it as a deliberate tactical move by the proposers to try
9 and preserve the area. And I think the discussion at the time was that they
10 would preserve it until it was kicked into the new council, that we could focus
11 on it and develop it properly. Because nobody was going to build a house an
12 acre on it. It was the same as stopping it, you know.
- 13 Q. 564 Would people have built at four to the acre do you think?
- 14 A. Um, well, you know, as we already found in a module where I had the opportunity
14:29:30 15 to be here before, managers and planners do extraordinary things after the
16 decision, you know. In the Ballycullen case they doubled the number of
17 houses, although they had opposed half of them.
- 18 Q. 565 Yes.
- 19 A. Two years earlier. So time moves on and these things develop but pressure for
14:29:51 20 housing -- I'm not sure myself that four houses to the acre would have been --
21 I mean, you would have to be looking for the kind of client that would be
22 working full-time for the Tribunal, Mr. Quinn, or the rest of us wouldn't be
23 able to afford it.
- 24 Q. 566 I see. Well, it was something that you in fact were supporting something even
14:30:13 25 more elaborate, more houses to the acre?
- 26 A. But not capable of implementation in my opinion.
- 27 Q. 567 Yes.
- 28 A. You know, as I explained, I mean, it's just extraordinary to glance through the
29 one document I did read, which was Sinead Collins' narrative. I mean, you
14:30:31 30 know, the ins and outs of this and very strong convictions held by some people

- 14:30:37 1 and so on. You voted tactically on occasion to bring about the result that
2 you wanted.
- 3 Q. 568 I'm at a completion loss here, Mr. Rabbitte. The issue between the
4 councillors at this stage is whether there would be development at one house or
14:30:55 5 four houses to the acre. And we're both agreed that either way it's low
6 density.
- 7 A. Yeah.
- 8 Q. 569 Isn't that correct?
- 9 A. That's correct.
- 14:31:01 10 Q. 570 And certainly there's going to be. It's unlikely to be any development of one
11 house to the acre and possibly no development at four houses to the acre?
- 12 A. Yeah. I think that's right. I mean ...
- 13 Q. 571 And it's not a question, for example, of a proposal to revert the lands to
14 agricultural zoning?
- 14:31:18 15 A. No.
- 16 Q. 572 Or indeed, to bring them to industrial zoning?
- 17 A. No but I think it's tantamount to the same thing because I think that if I'm
18 right and you're better asking my colleagues from the local area, but the
19 thrust and motivation was to kick this into the new council and let the
14:31:38 20 councillors who represented the area and knew the terrain make a decision on
21 what they thought was best.
- 22
- 23 And personally, insofar as I can recall, I thought Sean Barrett's motion was
24 the best way to do that, at that particular time. If you're in the chamber,
14:31:56 25 there is a motion. You have to make-up your mind which way to vote. That's
26 the way I voted.
- 27 Q. 573 What about the manager's proposal. Would you not trust a manager perhaps --
- 28 A. Well sure the manager wanted to put four houses to the acre on it.
- 29 Q. 574 Yes.
- 14:32:08 30 A. The plan that Deputy Gilmore and his colleagues came up with was not in accord

- 14:32:14 1 with that.
- 2 Q. 575 Yes. He had consistently suggested four houses to the acre, the manager,
3 isn't that right?
- 4 A. Pretty much, yes.
- 14:32:24 5 Q. 576 Now, in November 1993, there was a proposal then I think to revert to the
6 manager's four houses to the acre. That was a proposal of Councillors Marren
7 and Coffey. If I could have 7263, please. And I think you voted against
8 that, isn't that right? As did your colleagues Councillors Gilmore and
9 Tipping. And that presumably, was to retain it -- you were seeking to retain
10 it at one house to the acre, which would have been consistent with your
11 approach previously?
- 12 A. I presume, Mr. Quinn, you are right. I don't remember. I presume you're
13 right.
- 14 Q. 577 I think you went on to become a member of south Dublin. And in time became
14:33:02 15 the Minister with responsibility I think for science and technology. And in
16 that context and in that capacity did you have occasion to have some
17 interaction with Monarch and their proposals in conjunction with the manager of
18 Dun Laoghaire/Rathdown County Council to site a science and technology park on
19 these lands?
- 14:33:24 20 A. Just before I go on to that, Mr. Quinn -- we did consider the matter again
21 didn't we on 10th of December 1993?
- 22 Q. 578 That was to confirm everything. That's correct, that's where you signed off
23 on the plan, isn't that right?
- 24 A. And I took the unusual step from the Chair instead of traditionally proposing
14:33:43 25 it I opposed it, didn't I?
- 26 Q. 579 You did in fact I think. If you just bear with me I'll get --
- 27 A. That's fine. I just want to recall that.
- 28 Q. 580 You in fact were the Chairman of the council at this stage?
- 29 A. I was, yes.
- 14:33:57 30 Q. 581 Sorry. I'll revert to the science and technology park?

14:34:00 1 A. That's all right.

2 Q. 582 And your possible meetings with Monarch or their representatives in relation to
3 that. Do you recall any meetings with representatives of Monarch?

4 A. I don't. I don't. But I recall the issue. The previous Taoiseach, Albert
14:34:20 5 Reynolds, had commissioned a report on the location or designation of a
6 national science park. And when the new Taoiseach, John Bruton came in he
7 transferred that to me for decision. I can't remember if the report was taken
8 in Mr. Reynolds' time or whether it came in on Mr. Bruton's time. But in any
9 event, it was transferred to me.

14:34:49 10

11 And certainly you're right in saying that I would have been the subject of
12 representations. I don't have memories of specific meetings. I have
13 memories of several meetings about the issue because I had involved the four
14 university heads and that involved me in very long drawn out negotiations and
14:35:17 15 discussions with the four university heads. And the report had recommended
16 four possible choices and you're right, Cherrywood was one of them. And
17 certainly I recall my own colleague, Deputy Gilmore, who was Minister for the
18 Marine at the time, making representations to me to designate Cherrywood. I
19 remember that. I don't remember any meeting with anybody representing
14:35:55 20 Cherrywood --

21 Q. 583 Or the council?

22 A. I might be wrong about that.

23 Q. 584 If I could have 5486, please.

24 This is a minute of a meeting of Dun Laoghaire/Rathdown County Council held on
14:36:06 25 14th of November 1994. And under the heading proposed science and technology
26 park at Cherrywood, Loughlinstown.

27

28 If I just refer to the second last or the third last meeting, sorry, paragraph.
29 It says "It was also agreed" this is the council dealing with the matter.
14:36:25 30 "that a case be made for the site at Cherrywood the science and technology

14:36:31 1 working group set up by the Department of Enterprise and Employment at the
2 request of the Taoiseach's office to examine and report on the general
3 feasibility of setting up a science and technology park in the DUBLIN area. A
4 subgroup consisting of members of the committee was also set up to pursue the
14:36:43 5 objective of creating a science park and this subgroup held a number of
6 meetings one with the Minister for Commerce and Technology at the Department of
7 Enterprise and Employment on 7th of September 1994 and subsequently with
8 representatives of the owners of the land."
9

14:36:58 10 Do you recall any representations to you?

11 A. I don't think I became Minister until the 15th of December 1994.

12 Q. 585 And this would have been a meeting on the 14th of November?

13 A. Which was my predecessor, yeah.

14 Q. 586 Which would have been your predecessor. So you didn't have any meetings in
14:37:13 15 relation to the science and technology park?

16 A. I don't want to be absolute about that, Mr. Quinn, because I was subjected to a
17 fair amount of lobbying.

18 Q. 587 Yes.

19 A. About the science park and so on. But I don't remember any meeting with Dun
14:37:31 20 Laoghaire Borough Council. And I don't remember any meeting with the
21 Cherrywood principals. I do remember a specific meeting with my colleague
22 Deputy Gilmore. And I do remember, you know, representations from different
23 areas about it and so on.

24 Q. 588 Deputy Gilmore seems to have promoted or sponsored a motion earlier in 1994 in
14:37:56 25 relation to it?

26 A. He did. Yeah.

27 Q. 589 You knew that he was sponsoring the --

28 A. Oh, he was very anxious to get it for Cherrywood, yeah.

29 Q. 590 In any event, the Tribunal has been advised. If I could have 2190. By

14:38:23 30 Mr. Sweeney in his statement, that in 1996 the designation was given elsewhere,

14:38:23 1 isn't that right? By you. Do you see that paragraph there?

2 A. Which paragraph? Eventually in 1996 Dublin science and technical park

3 designation was given by Minister for Science.

4 Q. 591 And that this was a disappointment. They felt that they had done most of the

14:38:35 5 running?

6 A. Yeah.

7 Q. 592 That, presumably, is true?

8 A. Well I don't know how disappointed they were but I'm sure that they were

9 disappointed.

14:38:43 10 Q. 593 It's true they didn't get it?

11 A. It is certainly true they didn't get it.

12 Q. 594 Could I have 5848, please. This is an entry in your diary for April, the 29th

13 1996. It's a Monday. And if I could just ask you -- you see there written

14 "11.30 Bernard Kelly, Declan Buckley, Frank Dunlop" and what appears to be

14:39:08 15 "Monarch" something or other. Could you or did you have a meeting with Mr.

16 Dunlop in the context of Monarch at any stage and certainly in, if at all, in

17 1996.

18 A. Not that I recall. Sorry, just tell me what the inference is?

19 Q. 595 It's the very first. It's Monday the 29th, which is the 1st.

14:39:32 20 A. When did you say I made the decision?

21 Q. 596 In early -- sorry. In 1996.

22 A. When?

23 Q. 597 That I do not know.

24 A. Oh, that's Mark Sharp and Donal, Mr. Quinn.

14:39:48 25 Q. 598 That has nothing to do with Monarch?

26 A. Why should it be put to me if it was Mark Sharp and Donal. They weren't

27 looking for money.

28 Q. 599 You say that's a reference to somebody else? You say that's a reference to

29 somebody else. That you were meeting Mr. Dunlop --

14:39:59 30 A. Mark Sharp and Donal.

- 14:40:01 1 Q. 600 In a different context. Okay. Did you ever have any occasion to meet with
2 Mr. Dunlop in the context of Monarch?
- 3 A. Not at all to my recollection.
- 4 Q. 601 He never lobbied you for any support in relation to Monarch?
- 14:40:15 5 A. No. To be honest, I thought Mr. Lynn was the lobbier.
- 6 Q. 602 Yes. Did you see Mr. Lynn lobbying councillors when you attended at the
7 council meetings?
- 8 A. Well I saw him around the place all of the time, yeah.
- 9 Q. 603 Did Mr. Lynn have any other clients other than Monarch to your knowledge or did
14:40:34 10 he ever lobby you in relation to other projects other than Monarch?
- 11 A. Not that I don't recall Mr. Lynn lobbying me at all, Mr. Quinn. But you know,
12 you have to put yourself into the context of the time. This is 15 or 16 years
13 ago. And everybody was lobbying for advantage. Primarily developers but not
14 only developers. And it would be entirely misleading of me to say that I can
14:40:59 15 recall everybody that I spoke to at that time and so on. I just couldn't
16 possibly do that. My impression is that Mr. Lynn would have been more likely
17 to lobby my local colleagues for the area because they were the people familiar
18 with it and they were the people -- they were the people who were very
19 concerned with it and what the outcome would be. And I would have thought
14:41:25 20 that he would be more likely to direct his attention there.
- 21 Q. 604 Now, just to return finally. You had indicated about the meeting on the 10th
22 of December 1993. And whilst it's not in the current brief. And we can add
23 it to the brief. Sorry. I'm advised that it is in the brief and that we'll
24 get it in a moment. You wanted to make some point in relation to your conduct
14:41:54 25 as Chairman of that meeting in relation to the Monarch proposals.
- 26 A. No, the only point I wanted to make was that if my memory is correct -- like
27 you, I don't know if it is in the brief because I didn't read it. But my
28 memory is that I had to take the unusual step of voting against the plan.
- 29 Q. 605 Voting against the draft plan?
- 14:42:15 30 A. Yeah.

- 14:42:17 1 Q. 606 This is the plan as had been agreed throughout the various special meetings, is
2 that right?
- 3 A. Yes.
- 4 Q. 607 I see. If you bear with me I'll get up a copy. It's just I'm not doubting
14:42:32 5 you in any way, Mr. Rabbitte. But in fairness to you, if you did vote against
6 the plan it should be put.
- 7 A. Well I also am speaking from memory, Mr. Quinn.
- 8 Q. 608 The Chairman advised the meeting and the discussion was now closed and he
9 proposed to put the question and the question was presumably the adoption of
14:42:54 10 the plan. And the plan was adopted 45 for, 21 against with one abstention.
11 And I'll just read those against: Councillors Billane, Boland, Breathnach,
12 Buckley, Connolly, Dillon, Byrne, Doohan, Gilmore, Kelleher, Malone, Misteil,
13 Muldoon, O'Callaghan, O'Donovan, Rabbitte Ryan S, Smyth, Tipping, Upton and
14 Walsh with the abstention of Councillor Shatter. The point that you are
14:43:22 15 making is that as Chairman of the County Council you found yourself in the
16 unusual position of opposing the plan itself in December '93. Is that
17 correct?
- 18 A. That's correct, yeah.
- 19 Q. 609 Thank you very much, Mr. Rabbitte.
- 14:43:32 20 A. Thank you, Mr. Quinn.
- 21 Q. 610 It's at 7277 of the brief, I should say.
22
- 23 CHAIRMAN: Sorry, just before you go, Mr. Rabbitte. Just in relation to the
24 point that you raised earlier about the display of information which isn't
14:43:49 25 relevant to this particular module. I think perhaps I should make the
26 following points.
27
- 28 The preparation of a brief such as the one that you received is an enormous
29 task and requires an examination of thousands of documents by the Tribunal.
14:44:05 30 Inevitably and despite the Tribunal's best efforts superfluous material and

14:44:11 1 information will be included in the brief from time to time. Great care is
2 taken to ensure that the information -- that information of a very personal
3 nature or information which might suggest wrongdoing on an individual's part
4 and which is irrelevant to the module at hearing is excluded or at least its
14:44:31 5 use is delayed until a further module where it is relevant.

6
7 The information referred to by you while private information, does not I think
8 fall into the -- into either category that I've just referred to.

9
14:44:49 10 Where relevant and irrelevant information is included in the a statement or a
11 letter, it often happens that both are included in the brief and are displayed
12 in the course of the public hearings. This is not intentional and is either
13 accidental or it arises because the separation of the relevant material from
14 the irrelevant material is practically difficult.

14:45:12 15
16 One of the purposes of furnishing a brief to a witness some weeks in advance of
17 the commencement of a public hearing is to permit that party, take issue with
18 the inclusion or the exclusion of particular documents or parts of documents.

19
14:45:27 20 And just to, we want to make the point that had you or your solicitor raised
21 the matter raised by you today, prior to the commencement of the public
22 hearings the Tribunal would have had an opportunity to consider the matter.
23 And if appropriate, take steps to ensure that the relevant information would be
24 excluded when the document was subsequently displayed. I am not criticising
14:45:49 25 you for not doing so but it is a matter that we certainly would have considered
26 had it been raised. It wasn't raised until you raised it now. So for that
27 reason we didn't pay any attention to it until now.

28 A. I am grateful to you, Chairman.

29
14:46:02 30 CHAIRMAN: All right? Thank you very much.

14:46:04 1 A. Thank you.

2

3

THE WITNESS THEN WITHDREW

4

14:46:10 5 MS. DILLON: Mrs. Nora Owen, please.

6

7

MRS. NORA OWEN HAVING BEEN SWORN, WAS QUESTIONED

8

BY MS. DILLON AS FOLLOWS:

9

14:46:39 10 CHAIRMAN: Good afternoon

11 A. Good afternoon.

12 Q. 611 MS. DILLON: Good afternoon, Mrs. Owen.

13 You were first elected I think to the council in 1979. And between 1990 and

14 1993 would have been a member of Dublin County Council?

14:46:55 15 A. That's correct.

16 Q. 612 You were a member of the Fine Gael party and you have held ministerial office;
17 is that correct?

18 A. I have, yes.

19 Q. 613 After 1993 from January of '94 you became a member of Fingal County Council?

14:47:08 20 A. That's right.

21 Q. 614 Based in the northern end of the county, isn't that correct?

22 A. No, in the southern end.

23 Q. 615 The northern end of Dublin county?

24 A. Oh, yes.

14:47:17 25 Q. 616 And after 1st of January 1994 you would have had no involvement as a councillor
26 with the lands the subject matter of this module, Cherrywood?

27 A. That's correct because the councils broke up into three new councils.

28 Q. 617 So that insofar as you participated in the zoning or planning in relation to

29 these lands it would have been in the review the 1983 plan which concluded in

14:47:37 30 December of 1993?

14:47:39 1 A. Correct.

2 Q. 618 And I think in fact that the record shows that you were really only involved in
3 two meetings at which these matters were considered. The first was the
4 meeting on 6th of December 1990 at 6955.

14:47:50 5

6 And this is a meeting -- that is the voting record. Just to give you briefly
7 a small piece of background, prior to that meeting the manager had introduced a
8 map which he had recommended to the council to provide for the rezoning of the
9 Carrickmines area and that map is at 6937. The map was called DP90/123. And
10 effectively, you will see on the map that there is an area hatched in red, in
11 the lower part of the map and they are the Cherrywood lands.

12 A. Yes.

13 Q. 619 But the manager was proposing substantial rezonings both residential and
14 industrial within the Carrickmines Valley.

14:48:35 15 A. Yes, I mean, if you say so, yes.

16 Q. 620 And that was considered by the council at a number of meetings in November of
17 1990. There was a bus tour to the area and in December of 1990 on 6th of
18 December the matter came before the council by way of a motion by Councillor
19 McDonald seconded by Councillor Coffey. That the Draft Development Plan for
14:48:57 20 the Carrickmines Valley be prepared on the basis of limiting zoning development
21 to the eastern side of the Southeastern Motorway proposed line and to take
22 account of development since 1983 in the area.

23

24 6953 and 6954. At the bottom of 6954 you will see that the motion in the
14:49:24 25 names of Councillors McDonald, Coffey and Murphy was put. And 21 voted for
26 and eight against. At 6955. You are recorded as voting against Councillor
27 Coffey and Councillor Murphy's motion.

28 A. I am, yes.

29 Q. 621 Now, Councillor Coffey's motion was in effect an opposition to the acceptance
14:49:47 30 of DP90/123. Because the motion as recorded, recorded that to keep

14:49:56 1 development to the eastern side of the Southeastern Motorway line in the 1983
2 plan and to confine development to that side and to simply take account of any
3 developments that had happened in the area since 1983. And therefore, was not
4 in acceptance of DP90/123?

14:50:16 5 A. Yeah, I'm not really -- are you saying that by voting against Councillor
6 McDonald's I was voting for what the manager was putting up?

7 Q. 622 I'm saying that could be one interpretation, yes. I am putting it no stronger
8 than that, Mrs. Owen.

9 A. I just don't remember what my thoughts were at that time, quite frankly. I
14:50:35 10 mean, I have noticed that all right. But I just don't remember why I voted
11 against that other than I must have felt that it was probably not the right
12 time to do it or and didn't seem to be a good idea.

13 Q. 623 Well certainly Councillor Coffey and Councillor McDonald's motion was to stay
14 with what the 1983 plan had determined subject only to allowances for
14:51:00 15 developments that had taken place since 1983 and you are voting against that?

16 A. Yes. That's the record shows, yes.

17 Q. 624 So you obviously weren't happy with that?

18 A. I mustn't have been if I voted against it.

19 Q. 625 The only other alternative that was being suggested to the council was
14:51:18 20 DP90/123, the manager's proposals?

21 A. Yes, but I don't think we voted on it at that stage did we?

22 Q. 626 You didn't vote on DP90/123 at all. This is in effect is the vote on DP90/123
23 because Councillor Coffey's motion effectively is a rejection of DP90/123.

24 A. I mean, I must have voted against it because I didn't like what they were
14:51:38 25 doing.

26 Q. 627 Would it follow, Mrs. Owen, that you would have been in favour then, to some
27 degree at least, of what the manager was proposing?

28 A. Well, you could probably take that interpretation. I just don't remember my
29 thoughts at the time. But it certainly would have had some bearing. I mean,
14:51:55 30 I didn't always go along with the manager but some times I did. So if the

- 14:51:59 1 manager was suggesting something else and it would be an area of land that I
2 wouldn't -- I would have had to wait and hear the various debates and read the
3 various reports to get a full feel of it. So it wouldn't be unusual for me to
4 decide for that time anyway, go along with what the alternative to what Ed
14:52:17 5 McDonald's motion was, which were your interpretation, that it was the
6 manager's report.
- 7 Q. 628 Yes. And certainly in May of 1992, while you were at the first meeting that
8 considered the manager's second set of proposals DP92/44 you weren't present
9 for the votes in May of 1992?
- 14:52:36 10 A. That's correct, yes.
- 11 Q. 629 And at that meeting, there were two successful motions. One was Councillor
12 Gilmore's motion to put a town centre, a C zoning on a portion of the Monarch
13 lands. And the second was a motion by Councillor Barrett to reduce the
14 density on the residentially zoned lands in the Carrickmines Valley from four
14:52:54 15 to one, isn't that right?
- 16 A. Yes. But as you say, I wasn't at the meeting so I didn't vote, no.
- 17 Q. 630 But you were at the meeting in November of 1993, isn't that right?
- 18 A. That's correct.
- 19 Q. 631 And at the meeting of the 11th of November 1993. The council came to consider
14:53:16 20 the position after the second public display?
- 21 A. That's correct.
- 22 Q. 632 And after Councillor Barrett's motion had gone out, is that right?
- 23 A. Yes.
- 24 Q. 633 After it was put on public display?
- 14:53:19 25 A. Yes.
- 26 Q. 634 So really what council are faced with now are deciding whether they are going
27 to leave it at one house to the acre, whether they are going to change a
28 portion of the lands or what they are going to be able to do with it for the
29 actual Development Plan, isn't that right?
- 14:53:34 30 A. That's right, yeah. The purpose of putting it on display is to get back

14:53:39 1 opinions, get back indications from, I suppose, developers but also from
2 residents etc.. So, I mean, that hasn't been alluded to here but there is
3 actually a purpose for putting it on display which would explain at times why
4 you might do something before it goes on display and you might change your mind
14:53:58 5 after it comes become from display.

6 Q. 635 Certainly at 72 -- I think it's 7218. Sorry. I beg your pardon. It should
7 be 7217, please. The yellow lands that are the lands that are zoned
8 residential. And as a result of Councillor Barrett's motion they have now
9 been reduced to one house to the acre, isn't that right?

14:54:28 10 A. That's what went on display.

11 Q. 636 That's what went out on the second public display?

12 A. That's right, yes.

13 Q. 637 That's to allow the public and others to make representations in relation to
14 changes that are proposed and for the councillors to consider those
14:54:41 15 representations when they come back?

16 A. That's right.

17 Q. 638 And the manager will also make a report, isn't that right?

18 A. That's correct.

19 Q. 639 Now, looking at that map, Mrs. Owen, can you help the Tribunal in trying to
14:54:51 20 establish whether there's any determining feature that would have allowed for
21 separate densities on those residentially zoned lands in 1993?

22 A. Well, the motion that was put in relation to this land. There was about eight
23 or nine motions you've already alluded to them with other people here. Really
24 it was a case of listening to all of the different proposals put forward and
14:55:20 25 trying to decide which of the many votes you'd vote for. And in the end of
26 the day, I voted for the motion by I think it was Councillor Donal Marren who
27 represented the area in which he was going along partly with what the manager
28 was saying and reducing some of the zoning.

29
14:55:37 30 And I didn't find that unusual because the, you know, when you're doing -- when

14:55:44 1 you're breaking into a new area of land in a Development Plan. Very often you
2 will do a certain amount of it, probably knowing that in the next five year
3 review something else will change. In this instance the town centre was in a
4 particular place. That was part of one of the motions. And these lands
14:56:00 5 struck me as being the sort of, kind of relevant circle of lands to zone.
6 There's probably no -- there probably is -- I don't know the land well enough
7 to say, but there are probably contour lines in part of this land that allowed
8 for, you know, that would have been more suitable for one to the acre. But
9 at this remove I just don't know the land well enough to say that.

14:56:24 10 Q. 640 I think historically, Mrs. Owen, the position had been that the lands had been
11 zoned residential in the 1983 plan, the only difference being it was zoned
12 residential all of the yellow lands on septic tank at one house to the acre.
13 A. Which is not a very good -- I mean, as time went on. The drain -- I
14 understand that the council themselves put a drain in here so that would have
14:56:44 15 changed the whole discussion on the land obviously.

16 Q. 641 The pipe was actually going to go through the yellow lands.
17 A. All of the way?

18 Q. 642 It was going up to serve -- there was a large County Council estate and other
19 lands at Ballyogan.

14:56:55 20 A. Are they at the kind of top of this bit of yellow?

21 Q. 643 They are off that map but further west, if I can put that. And the pipe was
22 going through certainly the Monarch lands. I think a portion of the other
23 lands and it was going up to drain those lands?

24 A. Uh-huh.

14:57:09 25 Q. 644 And the manager in the number of reports that he had provided to the Tribunal
26 had said that first of all, that having piped sewage is infinitely preferable
27 to septic tank.

28 A. I agree, yeah.

29 Q. 645 And that second, that the increase in density of four to the acre was
14:57:25 30 permissible by virtue of the fact that all of those lands, the yellow lands,

14:57:29 1 were going to be served by the pipe.

2 A. Yes. But, I mean, all through this Tribunal there is a kind of an inference
3 that if you don't accept the Manager's Report some how you hadn't got the right
4 to do some, thinking yourself. And then when you accept part of the Manager's
14:57:57 5 Report you are in difficulties as well. As I said, this was the motion that
6 was put. That it was in keeping with part of what the manager wanted and I
7 would have listened to Councillor Marren on the day. And I'm sure he will
8 tell you himself what case he made because I just don't remember it intimately
9 now. And that would be why.

14:58:04 10

11 I mean, if you look at this map, I'm not a map maker, but there are, you know,
12 there would probably have been talk about having, sort of the four to the acre
13 reducing down to one to the acre as being good development for the area. To
14 give a mixture.

14:58:20 15 Q. 646 Well, bearing in mind the outline in red on that map, Mrs. Owen --

16 A. Yeah.

17 Q. 647 Are the Monarch lands. At 7226. Sorry. 7227, please. This is the motion
18 that reduces the -- that increases the density on the Monarch lands. And you
19 will see that the increase in density is confined only to the Monarch lands.

14:58:43 20 A. Well, yes, as you say.

21 Q. 648 Isn't that the position?

22 A. Yes. I'm not sure at the time I would have fully alerted to the fact of the
23 ownership of the land. That was the motion that was put down and as you say
24 now it is the Monarch lands but ...

14:58:57 25 Q. 649 I think really it would have been difficult for anyone in the council not to
26 have known, with respect, Mrs. Owen, that it was the Monarch lands because the
27 manager refers to submission 1117 at an earlier meeting which is the submission
28 put in by the Monarch lands. And he, in one report, specifically makes
29 reference to the fact that Monarch were seeking a higher density than he was
14:59:16 30 recommending, which was the four houses to the acre.

- 14:59:19 1
2 So it would seem to be the position that when in May of '92 when this came to
3 be first considered by the council. And indeed I believe you were at the
4 first meeting in May of '92.
- 14:59:27 5 A. No I wasn't. I was at the April meeting.
- 6 Q. 650 13th of May 1992. At page 7192 you are recorded --
- 7 A. Was I at that?
- 8 Q. 651 Yes, you were.
- 9 A. Oh was I. I beg your pardon. It's the 27th of May.
- 14:59:36 10 Q. 652 No, I said the 13th of May I think.
- 11 A. You said April.
- 12 Q. 653 It was that meeting which considers the manager's report DP92/44. In dealing
13 with the Cherrywood area at 7197. The manager in the third paragraph refers
14 to and I quote.
- 14:59:54 15
16 "The Monarch Properties submission illustrates one possible option although at
17 a higher overall density whereby this sort of improvement could be achieved".
18
19 And he's talking about draining the use of a pipe.
- 15:00:06 20 A. Well then I must have known. I mean, I would have seen that report, yes.
- 21 Q. 654 It would follow that everybody who was at those meetings would have seen the
22 report and would have been aware of the fact that Monarch Properties were the
23 owners of a substantial amount of land in the Carrickmines Valley. Isn't that
24 right?
- 15:00:20 25 A. Yes, I think that's fair.
- 26 Q. 655 So it would follow then that in November of 1993 when people came to consider
27 Councillor Marren and Councillor Coffey's motion at 7226. That everybody knew
28 or ought to have known that what was being discussed were the lands of Monarch
29 Properties?
- 15:00:35 30 A. Yes, I think that's a fair assumption, yes.

- 15:00:37 1 Q. 656 So bearing that in mind, then what was the difference in the Monarch Properties
2 land to the other land that was zoned residential that permitted of an increase
3 in the density on the Monarch lands to four to the acre can you help?
4 A. I just can't remember what points were made in the debate to help us make a
15:00:58 5 decision. I mean, that was the motion that those councillors decided to put
6 in and that was what we were -- what was put forward to vote on. There wasn't
7 a motion to zone the whole yellow piece.
- 8 Q. 657 Yes. It was already zoned residential, isn't that right?
9 A. Yes, it had been zoned in '83 I think one to the acre or something was it?
- 15:01:17 10 Q. 658 Yes. And there was never a suggestion it would be zoned at anything other
11 than residential?
12 A. Um.
- 13 Q. 659 Isn't that right?
14 A. Well, yes. I mean, I don't remember.
- 15:01:26 15 Q. 660 In fact what's being discussed in relation to these motions is the density on
16 the already residentially zoned lands, isn't that right?
17 A. Yes, yeah.
- 18 Q. 661 So --
19 A. With the extra bit I think of a town centre and --
- 15:01:37 20 Q. 662 That's in the second motion.
21 A. Uh-huh.
- 22 Q. 663 So really what the argument is about is about density, isn't that right?
23 A. Yes.
- 24 Q. 664 So that what's being discussed here by everybody is the density of Monarch
15:01:47 25 Properties lands, isn't that right?
26 A. Yes.
- 27 Q. 665 And everybody who was at those meetings who had received the manager's report
28 and received the surrounding material knew that what they were discussing were
29 lands owned by Monarch Properties and the residential density on those lands?
15:02:01 30 A. Well I can only say what I would have assumed. I can't speak for 77 other

15:02:17 1 councillors. I mean you'd have to ask them what they knew or assumed. I
2 would have read that report. And so I have to take it that I would have known
3 it was Monarch's, yes.

4 Q. 666 As would any other councillor who was at the meeting in May of 1992. On the
15:02:18 5 13th of May 1992.

6 A. You are pressing me to answer for 77 other people and I'm not going to answer
7 for 77 other.

8 Q. 667 Insofar as you are concerned yourself --

9 A. Yes.

15:02:27 10 Q. 668 You would accept?

11 A. I accept in if the Manager's Report had made it quite clear there, yes, that
12 was it.

13 Q. 669 And therefore the only thing that's being discussed here is the density on
14 Monarch's lands?

15:02:36 15 A. Yes, I have already confirmed that to you, yes.

16 Q. 670 So what then was special, if I can put it in its simplest terms, about the
17 Monarch lands that compelled councillors to change the density on those lands
18 or bring it back to four to the acre and leave the balance at one to the acre?

19 A. I just -- I mean, you are really asking me to try and remember what the debate
15:02:57 20 was about. I would have listened to what Councillor Marren and indeed the
21 other councillors would have said and I assume they made a good enough case.
22 And it also was reducing the amount of acreage that was going to get the higher
23 density, the four to the acre.

24

15:03:13 25 Incidentally, as the honourable Justice Mahon said. Four to the acre was
26 still considered low density. The standard density at that time was ten to
27 the acre. It's now anything from 15 to 40 to the acre, incidentally. But it
28 was -- so it was reducing I suppose the amount of zoning and that would have
29 had a bearing on my thinking as well. But there was nothing that I can
15:03:37 30 remember. As I say, you might have to ask the people who put the motion what

15:03:41 1 exactly they said on the day but it was the motion that was there and it was
2 the one I chose along with one or two others I think that I voted for.
3
4 JUDGE FAHERTY: Sorry, Ms. Dillon. Can I just ask you, Ms. Owen. You say
15:03:54 5 that it was one of the reasons you thought you might have supported it. It
6 was reducing the amount of zoning. I think you said that there would have
7 been higher density.
8 A. Yeah well higher than one to the acre that was
9
10 JUDGE FAHERTY: But I think this meeting concerned what you were voting on was
11 the --
12 A. 40.
13
14 JUDGE FAHERTY: The plan that was out. It was actually at this stage one
15:04:17 15 house to the acre. It wasn't a fact of limiting density.
16 A. You're correct.
17
18 JUDGE FAHERTY: I just wanted to make sure you understand where, Ms. Dillon,
19 as I understand it is coming from.
15:04:29 20 A. Yes.
21
22 JUDGE FAHERTY: Mr. Barrett's motion that has gone out on the second display.
23 That was successful.
24 A. Yes it was. But the manager's proposal in the earlier one had gone out on the
15:04:39 25 higher one. Hadn't it in '91?
26
27 JUDGE FAHERTY: Yes.
28 A. So it kind of flipped from the manager's recommendation back to Councillor
29 Barrett's motion and then a year and a half later.
15:04:52 30

- 15:04:52 1 JUDGE FAHERTY: And the manager was suggesting deleting the change going back
2 to one house to the acre to the entire tire of the lands
- 3 A. Yes.
- 4
- 15:05:00 5 JUDGE FAHERTY: I just wanted to make sure.
- 6 A. Yes, so you could say that we voted for partly what the manager wanted to
7 return it to but not fully.
- 8
- 9 Q. 671 MS. DILLON: And were you lobbied by Mr. Lynn or anybody else from Monarch
10 Properties in relation to these lands?
- 11 A. Yes, I was.
- 12 Q. 672 Would you outline to the Tribunal who approached and who lobbied you about
13 these lands?
- 14 A. Well, as I say, it was Richard Lynn because he is the person who was around the
15:05:27 15 council making the case for. I did indicate in a letter that I knew Phil
16 Reilly. But I don't remember him actually talking about these lands. I
17 think my main contact with Mr. Reilly would have been about the Tallaght town
18 centre and it would have been before this Development Plan through the years in
19 the '80s when there was really a push on to try and get Tallaght built. But
15:05:50 20 Richard Lynn was probably the main contact. I don't recall meeting any of the
21 other names that you mentioned.
- 22 Q. 673 And would Monarch have been a political supporter of your's, Mrs. Owen?
- 23 A. Not specifically. In what way? I don't know how they voted. There's a lot
24 of people in the company. I hope some of them voted for me or for the party.
- 15:06:10 25 Q. 674 Would they have made financial contributions?
- 26 A. Well as I've indicated. I got a financial contribution from them in 1997,
27 which was handed to the constituency. And I said in my letter to the Tribunal
28 that I hadn't any records before '97 that I couldn't be absolutely sure I
29 didn't get one. And I see from the lists that Monarch have submitted that
15:06:34 30 they have me down for a 500 pounds donation in 1992. I am perfectly

- 15:06:37 1 willing -- I assume those lists have been verified by the Tribunal. I am
2 perfectly willing to accept that if they say they gave me a donation. And
3 apart from that then, Dublin north constituency ran golf classics through the
4 years, the early '90s right through to the current day. We'll be having
15:06:55 5 another one in September. And during most of those years through Richard
6 Lynn, Monarch would have in the first year they took half a team. From then
7 on they took a team of four which cost about 400 pounds and then gradually went
8 up to 500 and that's all recorded. And most of the entries that are recorded
9 are to do with the golf classic.
- 15:07:20 10 Q. 675 Yes. Certainly at 8378, please. On the 19th of November 1992 there is a
11 copy of a cheque.
- 12 A. Yes.
- 13 Q. 676 I think you said a moment ago if the documentation was there in relation to
14 that. That's a cheque made out to Nora Owen Fine Gael. And the back of the
15:07:38 15 cheque at 8379 might assist you.
- 16 A. Yes, I signed it.
- 17 Q. 677 That's your signature.
- 18 A. I would have signed it and handed it over to the constituency.
- 19 Q. 678 It certainly would indicate that in November of 1992 that they had made a
15:07:52 20 financial contribution to you at that stage?
- 21 A. Yes, yeah.
- 22 Q. 679 And I think --
- 23 A. I'm prepared to accept that. That's my signature and that's certainly the
24 cheque. But as I say, I wasn't able to definitively say that to the Tribunal
15:08:04 25 in any of my letters but I did leave open the possibility by saying I wasn't
26 sure.
- 27 Q. 680 I think in your correspondence you dealt in the main, with support that was
28 provided to Fine Gael Dublin north by way of golf classics, isn't that right?
- 29 A. That's right, yeah.
- 15:08:16 30 Q. 681 At 4355 there is a joint letter, I think signed by yourself as Deputy leader of

15:08:23 1 Fine Gael and Councillor Devitt. And there is a note at the bottom 200
2 pounds?
3 A. Yes that's half a team, yes.
4 Q. 682 That that in fact was so.
15:08:33 5 A. Yes.
6 Q. 683 And I think at 5303. In August of '94 there's a similar letter.
7 A. That's right.
8 Q. 684 I think there's a note at the bottom "strongly recommend that we enter a team".
9 And I think on that occasion a sum of 400 pounds was paid.
15:08:50 10 A. That's correct. Yes.
11 Q. 685 I think in '94.
12 A. That's '94/'95 I'm sure.
13 Q. 686 No, I think this is a business lunch at 5388.
14 A. Oh, that's the Swords lunch. Yes, my name would have been just put at the
15:09:06 15 bottom of that because I was the TD in the area and it was mentioned that I'd
16 be at the lunch. But that was run by the Swords branch of Fine Gael and would
17 have been lodged in the Swords branch Fine Gael files, accounts.
18 Q. 687 Yes. Again I think in '95 the golf classic again at 5652.
19 A. That's right, they're all there, yeah.
15:09:28 20 Q. 688 Isn't that right?
21 A. Yes.
22 Q. 689 And again, that would have been a sum of 400 pounds, is that correct?
23 A. That's correct, yeah.
24 Q. 690 Again in September '96 at 6081
15:09:37 25 A. Yes. I made all of this knowledge known to the Tribunal, yes.
26 Q. 691 It's needed I think for the record.
27 A. Yeah.
28 Q. 692 And they would have supported again I think the cheque is at 8448. Which is a
29 cheque to Nora Owen.
15:09:50 30 A. Yes.

- 15:09:51 1 Q. 693 Is that correct?
- 2 A. Yes. They would have all been given in on the day of the golf or posted and
3 would have been lodged by the treasurer at that time into the Fine Gael
4 account.
- 15:10:00 5 Q. 694 And I think subsequently through Dunloe Ewart at 6752, in 1998, there's again
6 400 pounds from Dunloe Ewart for your golf classic. It was receipted item
7 five. And at 6754 at item 49. 600 pounds is contributed to the Fine Gael
8 Swords branch annual business lunch. But you say that is separate?
- 9 A. No, that's separate. I didn't really have much to do with that other than
10 attending it.
- 15:10:28 10
- 11 Q. 695 Yes.
- 12 A. Sorry, just say again. There was a golf classic on No. 43 there.
- 13 Q. 696 No. 43.
- 14 A. 500 was contributed in August '99. That was for the golf classic that year.
15 It's held every year in September.
- 15:10:40 15
- 16 Q. 697 It would appear that on an annual basis certainly since 1993 they have been
17 fairly consistent sporters of your's, is that correct?
- 18 A. Well they responded to a letter to play in the golf, yes. I mean, the main --
19 I think the only soliciting, if you could call it that was for the golf.
- 15:11:01 20
- 21 Q. 698 Yes.
- 22 A. And I didn't write for any donations in the '92 or '97 elections directly to
23 anybody. Certainly always the golf letter went out. Once you got on the
24 list it was hard to get off it.
- 15:11:17 25
- 26 Q. 699 Insofar as the first donation of 500 pounds is concerned. Do you tell the
27 Tribunal that was unsolicited the November '92?
- 28 A. Yes. I see in a letter from Noel Smyth that he said that they were all -- he
29 didn't say it for definite. He said that they might have been solicited. I
30 don't recall writing any letters. Now, as I say, you may now make me sound
strange by sticking a letter up on the file here. I don't recall writing
letters to companies as such for election donations, other than in 1999 we did

- 15:11:45 1 a small travel for the Local Elections. But generally speaking it wasn't my
2 practice to send out requesting letters.
- 3 Q. 700 And do you --
- 4 A. Except for the golf.
- 15:11:54 5 Q. 701 Do your records show in addition you received a sum of 1,000 pounds from
6 Monarch Properties in March of 1997?
- 7 A. No. You see, this is -- in the Fine Gael report I notice they say in March
8 1997 I got 1,000 pounds. In fact that's June '97 for the election.
- 9 Q. 702 But you got a sum of 1,000 pounds?
- 15:12:14 10 A. Yes, in June. I actually sent you in a copy of the letter. I found it,
11 amazingly, from Phil Reilly. The same as one of the letters that you showed
12 earlier and I noticed that in -- I did point out to you -- there seems to be a
13 second list from Monarch saying that none of these payments were made in July
14 1997 but in fact, I got one donation in '97.
- 15:12:34 15 Q. 703 That was a sum of 1,000 pounds?
- 16 A. 1,000. Yes.
- 17 Q. 704 And that came to you through Mr. Reilly, is that correct?
- 18 A. It did, indeed, yes. Enclosed please find our contribution to the above which
19 is the election 1997.
- 15:12:45 20 Q. 705 Do you ever remember any discussion in Dublin County Council about Monarch
21 being political sporters of a number of councillors?
- 22 A. No. I mean, you mean in a public debate?
- 23 Q. 706 Apparently so. Mr. Sean Gilbride told the Tribunal that there was a
24 discussion that took place in the council about a number of people being in
15:13:06 25 receipt of funds from Monarch Properties. And that this was the discussion in
26 council chamber. Do you have any recollection of any such discussion?
- 27 A. No, I have no recollection of that at all, no.
- 28 Q. 707 Were you aware that Monarch Properties were supporters of a number of
29 widespread number of councillors if I can put it like that?
- 15:13:24 30 A. No, I wasn't aware. No, when I got this letter I didn't know that they had

- 15:13:28 1 sent out donations to a whole lot of other people.
- 2 Q. 708 Now that you have looked and you have considered the documents that the
3 Tribunal have given you, you have seen the lists of the political payments that
4 were made by Monarch, particularly in 1990, 1991, 1992 and 1993. Do you have
15:13:42 5 any views on whether councillors, there should be some form whereby councillors
6 should disclose the fact that they have been in receipt of payments from
7 developers who have developments coming up for discussion before the council?
- 8 A. Well, you are probably aware, Ms. Dillon, the law has changed considerably
9 since those years now. And there is a lot of accounting that has to go on
10 after an election under the -- all of the new ethics legislation. In those
11 early years there wasn't that. And I think it's only in very recent years now
12 that the councillors are being brought into that legislation. Certainly when
13 it came out in '95 and '96 it wasn't relevant to the council but it is now I
14 believe. I'm not quite up-to-date. As you know, I left the Dail in 2002 so
15:14:05 15 I'm not quite as up-to-date on the law.
- 16 Q. 709 And certainly, would you agree, Mrs. Owen, a councillor in dealing with the
17 Development Plan and in voting to rezone or change density is exercising a
18 quasi judicial function?
- 19 A. I do agree, yes.
- 15:14:29 20 Q. 710 And that the only matter that a councillor should consider when they are making
21 a vote on a matter, is the merits of the matter that's before them, isn't that
22 right?
- 23 A. Absolutely, yes. And that was what I always did.
- 24 Q. 711 In circumstances in which people are secretly in receipt of monies from
15:14:56 25 developers because there's no obligation on people to disclose that they have
26 received the money. That's a factor that can never be subject to review.
27 Isn't that right?
- 28 A. Yes. Except that I object to the way you stick in the word secretly.
- 29 Q. 712 I don't stick in anything, Mrs. Owen.
- 15:15:13 30 A. You say the word secretly. It seems as though there was something under hand.

15:15:18 1 This came by way of a letter to Fine Gael headquarters to me in '97. I don't
2 have the similar letter for '92 but, I mean, there is no doubt in recent years
3 the sort of concept of political donations and disclosing them has become a
4 matter of public knowledge. It wasn't a matter then. Parties were able to
15:15:41 5 take donations from whenever they wanted. And they didn't have to disclose
6 them. And it was subsequently decided that that wasn't a good idea and it's
7 been changed.

8 Q. 713 I wasn't speaking specifically about you. I was talking about the system.

9 A. Uh-huh.

15:15:54 10 Q. 714 I mean, the disclosure by Monarch Properties of the widespread nature of the
11 donations that they had made not just to you but to a lot of councillors.

12 A. Yes.

13 Q. 715 In circumstances in which these councillors are all going to vote on matters in
14 which Monarch have an interest. That was the point I was putting to you.

15:16:10 15 A. Uh-huh.

16 Q. 716 The point I was trying to you, and obviously not making it very well. Is that
17 in circumstances where there was no obligation on any councillor to disclose to
18 the floor of the chamber that they had received money from a developer whose
19 motion was before the chamber for discussion, was a system that was -- if I can
15:16:28 20 put it like this, was ripe for exploitation. Isn't that right?

21 A. Well certainly it could be interpreted as being ripe for exploitation. I
22 didn't see it as that. I got political donations. I won't every second
23 guess that, I got political donations. It didn't have any bearing on my role
24 as a councillor. But I can see how now in the fullness of time, when you look
15:16:51 25 back on it.

26
27 The other thing is, I didn't know when Monarch were sending me a donation that
28 in their accounting they were going to lodge it to some form of development.
29 That wasn't my business. It's only now as you disclose it that they, you
15:17:07 30 know, lodged it in some book as being part of this, or that development.

- 15:17:12 1 Q. 717 But the point Mrs. Owen, I think is this, if there had been an obligation or a
2 requirement on every councillor before they voted for any development to say I
3 have received 500 pounds or 1,000 pounds from this developer. There was no
4 such requirement.
- 15:17:27 5 A. No, none at all.
- 6 Q. 718 Isn't that right?
- 7 A. That's right.
- 8 Q. 719 Everybody in Dublin County Council including yourself --
- 9 A. Yes.
- 15:17:32 10 Q. 720 Could take money from developers and then subsequently sit and vote on their
11 developments without disclosing they had received money. Isn't that also
12 right?
- 13 A. Yes, they could, yes.
- 14 Q. 721 Thank you, Mrs. Owen?
- 15:17:42 15 A. I mean, when you say "take money". I was sent donations and I lodged them to
16 the constituency. So I didn't go out and spend it in the local shop or
17 anything. It was spent on the elections. Just so that I make that absolutely
18 clear.
- 19 Q. 722 It's the system I'm looking at.
- 15:17:57 20 A. Yes, I realise that.
- 21 Q. 723 Thank you very much.
- 22 A. Thank you very much.
- 23
- 24 CHAIRMAN: Mrs. Owen, just one matter. You mentioned I think this belief
15:18:05 25 that there was an inference or possible inference that the Tribunal had a view
26 or might have a view that where councillors voted contrary to a proposal of the
27 manager. That in some way that was a questionable vote. It was just
28 something that you mentioned.
- 29 A. Yes, I did.
- 15:18:33 30

15:18:33 1 CHAIRMAN: It was a comment that you made. I think there have been many
2 instances and there continue to be many instances, where I think we would quite
3 clearly understand and appreciate why a different view to that of the manager
4 might be taken. And it's quite understandable from looking at the issues that
15:18:53 5 were there at the time that a different view was taken. So, I mean, that's
6 certainly wouldn't be a strongly held view on our part.

7
8 What puzzles the Tribunal in relation to the November '93 decision to what in
9 effect was a decision to give Monarch a higher density for part of the lands
15:19:22 10 that had originally been destined for residential use, what puzzles the
11 Tribunal is the fact that in the approach by the councillors to that decision,
12 why it wouldn't have been abundantly clear to all of the councillors that this
13 was an agenda being set by the landowner. In that one would expect that if it
14 was the desire of the councillors simply to ensure that less than the total
15:20:01 15 amount of the land should carry the higher density. And I can understand why
16 they might take that view. Why no one suggested that this should be
17 delineated by, say, a line drawn arbitrarily down the middle?

18 A. Somewhere else.

19
15:20:17 20 CHAIRMAN: Or a line following some natural boundary. In fact, what happened
21 was the piece of land was taken like a jigsaw piece out of a larger piece.
22 And the jigsaw piece fits precisely into the ownership of Monarch.

23 A. Yes.

24
15:20:40 25 CHAIRMAN: I think that's what puzzles so much -- it doesn't greatly puzzle us
26 that the councillors were taking a different view to that of the manager.
27 What puzzles us is the fact that they went about it in the way that they did
28 rather than in a less personal way, personal to Monarch.

29 A. Yes. And thank you for that explanation because, I mean, I wasn't in any way
15:21:07 30 trying to say that the Tribunal is responsible for the impression that every

15:21:11 1 time people voted against the manager that they were wrong and everybody who
2 voted with the manager was right. It's, I'm afraid, an interpretation that
3 over the years has just persisted.
4

15:21:21 5 I can understand how you could look at that. There were instances, in my
6 recollection, across the council but don't ask me to name them now. You know,
7 where land was zoned or you know that didn't follow the line of the submission
8 made and then there were other instances where it did because they happened to
9 be the people who owned that bit of land.

15:21:41 10
11 And I can only ask you to believe me anyway. You'll have to ask others.
12 That the ownership of the land was not, you know, I didn't make an issue of the
13 ownership. In some instances you would take a bit off one, bit of land and
14 add a bit beside it that belonged to somebody else. It wasn't really -- it
15 wasn't as much of an issue as you might think it was at the time in the debate.

16
17 It was obviously this is what the proposers of the motion decided was the right
18 bit of land to give an increased density to it. And subsequently, I
19 understand that the rest of the land has in a newer plan been zoned. And
15:22:17 20 that's exactly what I would have imagined was going to happen over the years
21 because that has happened everywhere in the county. You start with one bit
22 and then the five years later you add it on. And perhaps there are some who
23 say if we had done a bit more people wouldn't be commuting from Carlow and
24 Mullingar and places. But that's as it is. That's the size of the land a
15:22:39 25 that was proposed.

26
27 JUDGE FAHERTY: Just one matter.

28 A. Yes.

29
15:22:43 30 JUDGE FAHERTY: Was Mr. Marren a colleague of yours?

15:22:46 1 A. He was a Fine Gael.
2
3 JUDGE FAHERTY: And he was local to the area?
4 A. He was local to the area, he was. As was indeed, Councillor Barrett so it was
15:22:53 5 a bit like somebody getting the present of the two ties, if you didn't like the
6 other one when you don't wear the one that they wanted.
7
8 JUDGE FAHERTY: And when you voted in November, which I think you supported
9 Mr. Marren's --
15:23:04 10 A. I did.
11
12 JUDGE FAHERTY: Do you recall ever his speaking to you about it?
13 A. No, I was trying to recollect did he talk to me. But if I could say in Donal
14 Marren's favour. He was a very good speaker at the council. When he spoke
15:23:19 15 he spoke, you know, with a lot of knowledge and information. That's my memory
16 of Donal Marren in the council. So I have no doubt that whatever case he made
17 was enough to convince me and his motion did say in keeping with the Manager's
18 Report partly. So I just added all of the bits together and I decided that
19 was the one I was voting for.
15:23:42 20
21 JUDGE FAHERTY: All right.
22 A. Thank you very much. Is that it?
23
24 CHAIRMAN: All right. Thank you very much.
15:23:46 25
26 MS. DILLON: Thank you, Mrs. Owen.
27
28 **THE WITNESS THEN WITHDREW**
29
30

15:23:48 1 Ms. Theresa Ridge, please.

2

3 **MS. THERESE RIDGE HAVING BEEN SWORN, WAS QUESTIONED**

4 **BY MS. DILLON AS FOLLOWS:**

15:23:55 5

6 CHAIRMAN: Good afternoon, Ms. Ridge.

7 A. Good afternoon, Chair, and members.

8

9 Q. 724 MS. DILLON: Good afternoon, Ms. Ridge.

15:24:38 10 A. Good afternoon, Ms. Dillon.

11 Q. 725 I believe that you were a member of Dublin County Council between 1985 and 1993
12 and you are a member of the Fine Gael party, is that correct?

13 A. Correct.

14 Q. 726 And I think that in 1994 you became a member of South Dublin County Council?

15:24:52 15 A. Correct.

16 Q. 727 And that therefore your involvement in the Cherrywood lands ceased in December
17 of 1993 with the making of the 1993 Development Plan?

18 A. Correct. Excuse me.

19 Q. 728 Not at all.

15:25:08 20 A. Okay. Sorry.

21 Q. 729 Can you tell the Tribunal whether you were ever approached or lobbied by
22 anybody on behalf of Monarch Properties in connection with the Cherrywood
23 lands?

24 A. Yes, I was lobbied by -- excuse me -- I was lobbied by Richard Lynn, I think
15:25:35 25 only once. And I was lobbied by Philip Reilly.

26 Q. 730 And would you have met Mr. Philip Reilly on a number of occasions?

27 A. Yes, I knew him as a friend from -- I think the late '80s.

28 Q. 731 And were you ever lobbied by Mr. Frank Dunlop in connection with these lands?

29 A. No, not in connection with the Monarch lands, no.

15:26:08 30 Q. 732 Would it be fair to say. And I think you have dealt with this on a previous

15:26:08 1 occasion, that you would have been in reasonably frequent contact with Mr.
2 Dunlop?

3 A. Yes.

4 Q. 733 And that you would have had -- that you would have been friends of fairly
15:26:14 5 long-standing and that you would have been sufficiently comfortable with Mr.
6 Dunlop to ring up and ask the office to video something for you to get a copy
7 of something from the radio, matters such of that sort?

8 A. Very possibly. When I was in before with you I did tell you about my
9 long-standing friendship with Mr. Dunlop.

10 Q. 734 Yes. That's the point. Yes. I think, for example, I mean you have on
11 occasion in the documentation with which you've been supplied in this module
12 for example, I think at 4275 on 1st of July '93. And you will just see there
13 at 12.25. You are recorded as wanting a video of the six one news that
14 evening?

15:26:59 15 A. I'm sure it's true if there.

16 Q. 735 And I think at 4251 on 12th of the 7th 1993 at ten o'clock you are recorded as
17 wanting the Pat Kenny show taped. And it's recorded as being done, isn't that
18 right?

19 A. Yes, I'm sure that is true.

15:27:14 20 Q. 736 And also on the 19th of October 1993 at 4600. I just want to draw to your
21 attention just there an entry at ten past ten. "Therese Ridge, Barrett coming
22 in. Shatter coming in. Dockrell to get back to her. Anne Devitt at
23 classes in Blackhall Place, on mobile from 2.30, 088 542129". Do you see that
24 entry?

15:27:37 25 A. I do.

26 Q. 737 Are they all members of the Fine Gael party or were they at the time?

27 A. They are.

28 Q. 738 Would that suggest to you looking at it now. If that's an accurate record
29 that at that time you were involved in providing some kind of head count to Mr.
15:27:50 30 Dunlop?

- 15:27:51 1 A. Possibly. Maybe we were just having a meeting. I don't know.
- 2 Q. 739 Well just look at it now and see.
- 3 A. I have looked at it.
- 4 Q. 740 And bearing in mind that they are all members of Fine Gael. And that they
- 15:28:01 5 were coming in to something. Isn't it likely that what they were coming into
- 6 was Dublin County Council?
- 7 A. I should imagine, yes, indeed.
- 8 Q. 741 So what you are doing there, Ms. Ridge, is you are reporting to Mr. Dunlop on
- 9 the availability of members of Fine Gael?
- 15:28:15 10 A. Well I don't know that I was. If somebody asked me a question about who was
- 11 going to be in, I don't think it's availability. Maybe he knew that I would
- 12 be able to know where they were. I don't know. I can't remember.
- 13 Q. 742 Well, if it's an accurate record and there is no reason for the moment to
- 14 assume that it's not, it's recording first of all Barrett is coming in, isn't
- 15:28:37 15 that right?
- 16 A. Yeah.
- 17 Q. 743 Is that a reference to Mr. Sean Barrett?
- 18 A. I'm sure it is. Yes.
- 19 Q. 744 And that would mean that Mr. Sean Barrett is coming into something and it's
- 15:28:43 20 likely to be a council meeting?
- 21 A. Yes, I would say that's very true.
- 22 Q. 745 You are informing the office of Mr. Dunlop that Sean Barrett is coming into a
- 23 council meeting. Isn't that right?
- 24 A. Yes.
- 15:28:52 25 Q. 746 It would follow from that that you must have contacted Barrett to assert him
- 26 that he was coming in to the meeting, isn't that right?
- 27 A. Perhaps not. Perhaps I had met him the day before or something, I don't know.
- 28 I can actually assure you that I have had no dealings with Mr. Dunlop with
- 29 regard to the Monarch lands. Absolutely none.
- 15:29:11 30 Q. 747 This is October 1993. It's approximately three weeks in advance of the vote

- 15:29:16 1 of the 11th of November 1993. Which is the important Monarch confirming vote
2 that we'll come to in a moment?
- 3 A. Okay.
- 4 Q. 748 So if you look at the second name on that list. That's Shatter coming in.
15:29:27 5 Is that Mr. Alan Shatter?
- 6 A. Yes.
- 7 Q. 749 Is it likely that you are telling Mr. Dunlop's office that Mr. Shatter is
8 coming into a meeting of the council?
- 9 A. Yes, I'm sure that would be the case.
- 15:29:39 10 Q. 750 And it would follow from that, that you had some communication with Mr. Shatter
11 of some sort to establish that that in fact is so. Isn't that right?
- 12 A. Well I can't remember. And I'm not going to invent something to say. But I
13 couldn't see myself ringing up any of these people to ask are they coming in, I
14 would assume maybe in a chat the previous evening or whatever people would say.
- 15:30:00 15 Q. 751 That you must have had some communication with Mr. Shatter to be in a position
16 to inform Mr. Dunlop?
- 17 A. Yes, all right. Yeah, okay.
- 18 Q. 752 That Mr. Shatter was coming in. Dockrell is to get back to her. And that
19 would mean that in the light of the two previous entries that you weren't sure
15:30:14 20 that Mr. Dockrell in fact was coming in to the meeting. Isn't that right?
21 Wouldn't that follow?
- 22 A. That would follow.
- 23 Q. 753 And then you say Anne Devitt is at classes in Blackhall Place. And I think at
24 that time Ms. Devitt was studying to be a solicitor, isn't that right?
- 15:30:32 25 A. That's correct.
- 26 Q. 754 So you would have had to have had some communication with Ms. Devitt, again to
27 assert whether or not she was coming into the meeting?
- 28 A. Well, I might just have known she would be at her classes anyway. I don't
29 know because I don't remember.
- 15:30:37 30 Q. 755 Yes but certainly insofar as that entry is concerned. What you appear to be

- 15:30:41 1 telling Mr. Dunlop's office there is the availability of four or five members
2 of Fine Gael who are going to be either present or not present as the case may
3 be in Dublin County Council. Isn't that right?
- 4 A. I don't know. I don't know what reason I would have been telling them about.
- 15:30:59 5 Q. 756 Well in October of 1993, Ms. Ridge, what endeavour were you engaged in that
6 Barrett was engaged in, Mr. Shatter was in engaged in, Mr. Dockrell was engaged
7 in, Ms. Devitt was engaged in and of which Mr. Frank Dunlop had an interest?
- 8 A. Well, I presume. I can't presume because I don't know what you mean actually
9 by that.
- 15:31:23 10 Q. 757 These people are all County Councillors. Isn't that right?
- 11 A. That's true.
- 12 Q. 758 And at that time all of the councillors were involved in the making of the 1993
13 Development Plan. Isn't that right?
- 14 A. Yes.
- 15:31:34 15 Q. 759 Mr. Frank Dunlop was a lobbyist. Isn't that right?
- 16 A. Yes.
- 17 Q. 760 Mr. Frank Dunlop's interest in the Development Plan was in promoting his
18 client's interests. Isn't that right?
- 19 A. I'm sure it was.
- 15:31:44 20 Q. 761 With councillors.
- 21 A. Yes.
- 22 Q. 762 Isn't that right? So what I am suggesting to you is that one hypothesis or
23 one reason for this communication is that the only matter of which the Tribunal
24 is presently aware, subject to anything you may wish to tell the Tribunal, in
15:31:59 25 which you were all involved, in October 1993 was the Development Plan?
- 26 A. Well we had ordinary council meetings as well during that time.
- 27 Q. 763 Uh-huh.
- 28 A. As well as the Development Plan. And we had the area meetings which were also
29 held in O'Connell Street. So we were doing our other council duties as well.
- 15:32:20 30 Q. 764 Yes. But insofar as this entry is concerned, Ms. Ridge, and what I'm trying

- 15:32:25 1 to establish for the benefit of the Tribunal is whether as a matter of
2 likelihood the common purpose in which you were all involved at this particular
3 time was the Development Plan?
- 4 A. Yeah, well we would have been involved in it, yes, certainly.
- 15:32:41 5 Q. 765 And what appears to be happening here, subject to anything you may wish to tell
6 the Tribunal, is that you are telephoning Mr. Dunlop's office to tell Mr.
7 Dunlop that four of your fellow County Council -- identify for Mr. Dunlop a
8 number of your councillors colleagues who are going to be coming in to
9 something. And I'm suggesting to you that he is it's likely to be a meeting
10 of Dublin County Council?
- 11 A. Well I'm looking at this, it looks as though if I left a message or I must have
12 been returning a call I imagine. But I'm -- I accept that I certainly did
13 give that message, yes.
- 14 Q. 766 Yes. And again, if you look, for example, at 4618. Of the 27th of October
15 '93 and it's just the tenure of the message that you are leaving for Mr. Dunlop
16 at twenty past two. "Therese Ridge." Just to increase the entry for twenty
17 past two please?
- 18 A. I see it.
- 19 Q. 767 Yes. "Therese Ridge, Sisk & Sharkey in Dublin County Council." Now, I think
20 both Sisk and Sharkey?
- 21 A. Sisk certainly. I don't know who Sharkey is.
- 22 Q. 768 I think PHI Investments, the lands adjoining the Quarryvale lands the old
23 Neilstown Shopping Centre?
- 24 A. Oh, right.
- 15:33:56 25 Q. 769 You remember that. That's in your own constituency, isn't it?
- 26 A. It is.
- 27 Q. 770 Yes.
- 28 A. Yes.
- 29 Q. 771 You remember PHI Investments?
- 15:34:04 30 A. What's PHI Investments?

15:34:07 1 Q. 772 They owned the lands adjoining the old Neilstown Shopping Centre. What had the
2 town centre designation first.

3 A. Oh, I do, yes.

4 Q. 773 Now that, that might assist you in remembering that Mr. Sharkey was a developer
15:34:20 5 in your own constituency?

6 A. That's correct.

7 Q. 774 Right. So you appear there to be informing Mr. Dunlop's office of the fact
8 that Mr. Sisk and Mr. Sharkey, who are two developments, are in Dublin County
9 Council and you can be contacted either in the Fine Gael room or in the hall,
15:34:35 10 isn't that right?

11 A. Well if that's what it says that's what it says.

12 Q. 775 Right. And then if we look at the 23rd of November 1993 at 4735. And again,
13 I just want you to look at the tenure of the message that you are leaving at
14 9.40.

15:34:49 15

16 "Therese Ridge at home after 10.30 tonight. Thursday okay. Mary Elliott
17 can't make it. Liam Cosgrave available as are the charming Fine Gael ladies."
18

19 I suggest that's probably some sort of a lunch meeting with Mr. Dunlop?

15:35:13 20 A. Well it certainly sounds like that.

21 Q. 776 Isn't that right?

22 A. Indeed.

23 Q. 777 That would show a reasonably close relationship between yourself and Mr.
24 Dunlop. Isn't that right?

15:35:14 25 A. Yes. Certainly.

26 Q. 778 And again, if you look at 4766. On the 3rd of December 1993. At 3.15 you
27 leave a message there. I suggest to you that this could only relate to the
28 development. "3.15 Therese Ridge. Everything fine. Checked wording.
29 Draft variations to be presented to the manager to the Fingal County Council
15:35:36 30 for 30th of April '94 as it effects the Swords area."

- 15:35:40 1
2 And that would suggest that you have possibly checked the wording of a motion
3 for Mr. Dunlop. Would that make sense?
- 4 A. I quite honestly haven't a clue because I -- Fingal County Council before
15:35:55 5 April. But I would have been off Dublin County Council from the end of
6 December '93.
- 7 Q. 779 Yes. Well, with respect, Ms. Ridge, what is being said there is everything is
8 fine, checked wording. And then you are actually giving the wording to Mr.
9 Dunlop's secretary. In other words, draft variations to be present the by the
15:36:17 10 manager to the Fingal County Council before the 30th of April 1994 as it
11 effects the Swords area".
12
13 And I am suggesting to you that that is probably an extract from a motion that
14 was going to be put to Dublin County Council?
- 15:36:30 15 A. Well I really don't know because I genuinely and truly do not remember that at
16 all.
- 17 Q. 780 Does it look to you now with your vast experience of being a member of Dublin
18 County Council as being part of a motion?
- 19 A. No. I imagine -- well it possibly could be. But I think it's probably to do
15:36:50 20 with, you know, the different titles on things in the council, like material
21 contravention, variation, draft variation, I think that's probably what it was.
- 22 Q. 781 I think we'll look very shortly at some of the motions in relation to the
23 subject lands of this motion. And you will see a very similar wording on a
24 motion that was proposed and defeated by Councillor Barrett. Where he sought
15:37:16 25 that a variation would be presented to Dun Laoghaire/Rathdown County Council by
26 a particular date and it was unsuccessful. I'm not suggesting that this
27 motion or entry relates to the lands. What I am suggesting to you is that it
28 probably relates to a motion. And that you are approving the motion for Mr.
29 Dunlop.
- 15:37:36 30 A. I certainly am not going to comment on that because I haven't a clue what it's

15:37:40 1 about.

2 Q. 782 Just so that we're clear. It doesn't to you, looking at it now, appear to
3 relate to a motion. Is that right?

4 A. No, because I don't know whether what it was. I have -- like, if I am to give
15:37:57 5 you an answer now I am inventing an answer, which I am not going to do.
6 Because I do not know. I have no recollection of that. And there are.
7 There are variations, there are drafts, there are material contraventions.
8 There's part 8s that's a very complicated system. And I don't know if I had
9 the original query I could answer the question but I don't. Maybe -- I don't
15:38:24 10 know.

11 Q. 783 Right. And I think if you were to look at 7th of December at 4789. At ten
12 past twelve. You are just recorded there as telephoning Mr. Dunlop's office
13 and faxing over minutes this evening. Everything is okay. Do you think
14 those minutes are likely to relate to matters to do with Dublin County Council?

15:38:46 15 A. I'm sure they are, yes, indeed. Which would have been public knowledge,
16 incidentally, all of those things.

17 Q. 784 Yes. Would you normally have rendered any assistance that you could to Mr.
18 Dunlop in any of the matters in which he had an interest?

19 A. How do you mean assistance?

15:39:12 20 Q. 785 Would you have listened to anything that Mr. Dunlop had to say and if it was
21 within your remit to do so, supported any endeavour in which Mr. Dunlop was
22 involved?

23 A. Not necessarily. Because the main involvement that I had with Mr. Dunlop
24 would have been with regard to the Quarryvale town centre. And I didn't -- I
15:39:39 25 certainly wouldn't have been supporting Mr. Dunlop in my vote. I would
26 have -- I voted for it. I vetted for it at the behest of a most neglected
27 area. We probably have short memories but in 1992 I felt it incumbent upon
28 myself to vote for Quarryvale because of the desperate situations in the areas
29 that I represented, namely, north Clondalkin vis-a-vis employment and
15:40:10 30 facilities. And Mr. Dunlop would have held absolutely no sway over my vote

- 15:40:17 1 with regard to Quarryvale.
- 2 Q. 786 Did you know --
- 3 A. Equally, may I add, with regard to the Monarch vote, he did not lobby me on the
- 4 Monarch vote.
- 15:40:31 5 Q. 787 So that your evidence to the Tribunal is notwithstanding the fact that you had
- 6 reasonably close contact with Mr. Dunlop, as is evidenced by the telephone
- 7 records. And that you had a good personal relationship with Mr. Dunlop. You
- 8 were never lobbied by Mr. Dunlop in connection with the Cherrywood lands?
- 9 A. That is absolutely correct. I was not lobbied by Mr. Dunlop for the
- 15:40:51 10 Cherrywood lands.
- 11 Q. 788 And I think that insofar as your voting in Dublin County Council is concerned
- 12 in connection with the Cherrywood lands, that you are first recorded as voting
- 13 on a a map DP90/129A on the 24th of May 1991. Have you had an opportunity to
- 14 look at the documentation with which you've been supplied, Ms. Ridge?
- 15:41:10 15 A. I have, yes.
- 16 Q. 789 I'll bring it up on screen in any event.
- 17 A. Yes, please do.
- 18 Q. 790 The map in question is at 7019.
- 19 A. Is it to come up on this screen?
- 15:41:20 20 Q. 791 It should do.
- 21 A. It's slightly delayed. Yes.
- 22 Q. 792 This was the manager's recommendation in May of 1991. For the map to be put
- 23 on public display. And in the Carrickmines Valley the -- what he has
- 24 suggested. The lands outlined in red are the Monarch lands?
- 15:41:45 25 A. Yes.
- 26 Q. 793 And what the manager is recommending is that the lands be taken off septic tank
- 27 and be put on piped sewage?
- 28 A. Yes.
- 29 Q. 794 And that was in fact I think accepted by the council and it went on public
- 15:41:58 30 display?

- 15:41:58 1 A. Uh-huh.
- 2 Q. 795 And I think the first public display map is at 7021. And you will see there,
3 Ms. Ridge, that the yellow lands are the residentially zoned lands in the
4 Carrickmines Valley. And they had been substantially zoned residential in the
15:42:20 5 '83 Plan?
- 6 A. Uh-huh.
- 7 Q. 796 Albeit at one house to the acre on septic tank?
- 8 A. Uh-huh.
- 9 Q. 797 Yes.
- 15:42:26 10 A. Yes.
- 11 Q. 798 And that the lands that are south of the, or west of the yellow lands are
12 divided by the 1983 Southeastern Motorway line and they are zoned agriculture?
- 13 A. Yep.
- 14 Q. 799 And the yellow lands are the residential lands.
- 15:42:42 15 A. Yeah.
- 16 Q. 800 And the lands outlined in red are the Monarch take of the residentially zoned
17 lands and partly agriculture.
- 18 A. Uh-huh.
- 19 Q. 801 I think you came to consider the matter again in May of 1992, isn't that right?
- 15:42:53 20 A. Yes.
- 21 Q. 802 And in May of 1992 you voted in favour of the manager's recommendation, isn't
22 that right? The manager's map is at --
- 23 A. If the record show that is I'm sure it's true, yes.
- 24 Q. 803 I'll take you. The manager's map at 7203. And these are the same lands
15:43:15 25 again. The manager was recommending an extension of the residentially zoned
26 lands --
- 27 A. Yes.
- 28 Q. 804 Across the old '83 line to what I think was known as the '91 line of the
29 Southeastern Motorway and an up take from AP to A1P?
- 15:43:31 30 A. Uh-huh.

- 15:43:32 1 Q. 805 Although, in fairness, the manager in his report to the meeting of the 13th of
2 May 1992 had said that the land would still be low density residential at four
3 to the acre. You voted in favour of that but the motion was of the manager's
4 map was not accepted, isn't that right?
- 15:43:48 5 A. What -- I agree with what the record shows.
- 6 Q. 806 7207. You will see that 33 voted for DP92/44 and 35 voted against it. You
7 are recorded as voting in favour of it?
- 8 A. Right.
- 9 Q. 807 The manager's map was proposed by Councillor Lydon and seconded by Councillor
15:44:09 10 McGrath?
- 11 A. Uh-huh.
- 12 Q. 808 Was that something that was open to anybody to do, any councillor to do,
13 Ms. Ridge, from the floor, as it were? To propose something like the manager's
14 map without a motion?
- 15:44:20 15 A. I haven't the slightest recollection at all. And that's not being unhelpful,
16 I genuinely haven't.
- 17 Q. 809 It's just you will see there that at the third paragraph. "It was proposed by
18 Councillor Lydon and seconded by Councillor McGrath that the Manager's Report
19 and the proposed amendments to the draft plan shown on DP92/44 be approved and
15:44:41 20 adopted."
- 21 A. Uh-huh.
- 22 Q. 810 Now, there's no evidence of an actual motion from Councillors Lydon and
23 McGrath. Now, that's subject to any correction anybody wishes to give?
- 24 A. From the floor.
- 15:44:52 25 Q. 811 Would it?
- 26 A. Yeah.
- 27 Q. 812 Could it have come from the floor?
- 28 A. Oh, yeah.
- 29 Q. 813 Was it open to any councillor to approve the Manager's Report from the floor
15:45:00 30 without a motion?

15:45:07 1 A. Well the motion would have to be written, and passed around and put on display
2 for some time. No, I don't know to be quite honest. I never even thought of
3 that.

4 Q. 814 I think in the subsequent votes that took place --

15:45:22 5
6 JUDGE FAHERTY: Sorry, Ms. Dillon. I just want it clarify your answer,
7 Ms. Ridge. That was voted on, obviously it was lost. Mr. Lydon's and
8 Mr. McGrath's motion but there is no suggestion from the minutes that what they
9 did was out of order or against standing orders or anything like that. They
10 proposed a motion, it seems from the floor.

11 A. Yeah.

12
13 JUDGE FAHERTY: And you said it had to be passed around, but the procedure
14 went ahead and people voted on it.

15:45:46 15 A. Yeah well from my recollection of procedure in the council. If a motion -- in
16 the discussion of an ordinary motion at any council meeting.

17
18 JUDGE FAHERTY: Uh-huh.

19 A. A contrary motion or maybe an amending motion.

15:46:00 20
21 JUDGE FAHERTY: Yes. Exactly.

22 A. Can be sent from the floor in the middle of discussion even and the Chair
23 can -- if it meets with standing orders. What I mean by that is if it's
24 totally applicable to what is being discussed, it can be admitted as an extra
25 motion.

26
27 JUDGE FAHERTY: Yes.

28 A. That happens quite frequently actually at ordinary council meetings.

29
30 JUDGE FAHERTY: Thanks. Sorry, Ms. Dillon.

- 15:46:31 1
- 2 Q. 815 MS. DILLON: On 27th of May I think, Ms. Ridge, thereafter then you voted
3 against all of the low density motion. That's what the record shows.
- 4 A. Yes, I think that's correct, yes.
- 15:46:39 5 Q. 816 And you voted against Mr. Sean Barrett's motion which had reduced the lands to
6 one house to the acre?
- 7 A. Yes.
- 8 Q. 817 And you voted in favour of the town centre motion putting a town centre on the
9 lands. That's what the record shows?
- 15:46:51 10 A. Right. Well I'm sure you are correct.
- 11 Q. 818 I think that the matter went on public display then with one house to the acre.
12 For all of the residentially zoned lands that went out on the second public
13 display?
- 14 A. Yes.
- 15:47:04 15 Q. 819 That would have been standard. And it came back to be considered by the
16 council on 11th of November 1993 for the confirming meeting?
- 17 A. Uh-huh.
- 18 Q. 820 Isn't that right?
- 19 A. Yes. Well I'm -- I'm assuming. I'm assuming that what you're putting up is
15:47:20 20 a correct record, yes. It's hard to look through papers as quick as look at
21 the monitor.
- 22 Q. 821 I think that in November 1993 the manager on the 3rd of November 1993 had
23 recommended that the change at 7256 be deleted in its entirety. In other
24 words, that Mr -- the council go back to the density on the lands that had
15:47:44 25 applied prior to Councillor Barrett's motion?
- 26 A. That would appear to be the case.
- 27 Q. 822 And that would be four to the acre. And as a result of Councillor Barrett's
28 motion they were now standing at one to the acre?
- 29 A. That's right.
- 15:47:57 30 Q. 823 A motion came to be debated by the council on the 11th of November 1993. And

15:48:02 1 that was a motion signed by councillors -- sorry, yes, at 7227 -- councillors
2 Marren, Coffey, Cosgrave and Ormonde. And this motion seeks to change the
3 density on these lands from the one to the acre as a result of Mr. Barrett's
4 motion back to four to the acre, which they had been prior to that?

15:48:32 5 A. Uh-huh.

6 Q. 824 Do you you agree with that?

7 A. Yeah.

8 Q. 825 And that's what's recorded at 7226, which is the motion. Now, first of all,
9 would you have known that they were the Monarch lands?

15:48:54 10 A. Not particularly, at all. Can I just elaborate a little?

11 Q. 826 Yes.

12 A. From the point of view that there were 78 councillors. And I was representing
13 the Clondalkin/Newcastle ward. I would have had very little contact but I did
14 go out on a bus tour with the council to look at that whole general area at --

15:49:18 15 I can't remember at what date, to try and familiarise myself with the -- with
16 the lands, I suppose. But with regard to local knowledge as to what was what
17 and who owned what, I would not have had any notion at all.

18 Q. 827 Well just on that point. At 7210, which relates to the 27th of May, 1992. I
19 just want to draw to your attention that you voted on a motion. If you look
20 at the second motion that's referred to there.

21
22 "This council resolves to retain the low density residential zoning at one
23 house per acre on the Monarch lands at Lehaunstown and Cherrywood."

24 A. Uh-huh.

15:49:56 25 Q. 828 So you voted on that motion and you voted against the low density.

26 A. Yeah.

27 Q. 829 And you would have been provided with the motion and the map. Isn't that
28 right?

29 A. Yeah, I see it here.

15:50:19 30 Q. 830 And the map would of course have identified the Monarch lands at Cherrywood.

- 15:50:19 1 Isn't that right?
- 2 A. It wouldn't have had it on the map as such. It would have been on an
3 accompanying document I should imagine.
- 4 Q. 831 Yes. There would have been the motion and then there would have been a signed
15:50:19 5 map?
- 6 A. Yeah. With it.
- 7 Q. 832 Isn't that right? And that map would have identified the lands the subject of
8 the motion?
- 9 A. Yes.
- 15:50:25 10 Q. 833 So the map attached to that motion would have identified the Monarch lands?
- 11 A. Yeah, but like when was that did you say May.
- 12 Q. 834 That was in May of 1992?
- 13 A. Yeah. Well I have no recollection. And that's all I can say about that. I
14 would have looked at literally hundreds of maps during the very long drawn out
15:50:45 15 five years that we spent on the draft. I couldn't count how many maps I would
16 have looked at.
- 17 Q. 835 Certainly --
- 18 A. From most areas that I wouldn't even know about. I don't mean that I wouldn't
19 know about them but I certainly wouldn't be familiar with them. But I totally
15:51:02 20 accept what you are saying.
- 21 Q. 836 On 11th of November 1993. You are recording as voting in favour of
22 Councillors Marren and Coffey's motion to change the zoning on the Monarch
23 lands. And that's what the record shows?
- 24 A. That's what the record shows.
- 15:51:13 25 Q. 837 Can I take you back just very briefly to the map. At 7217 I think it is.
26 Yes. And just looking at those lands. Ms. Ridge, and what you voted for was
27 to change the density on the lands within the red outline to four to the acre.
28 And leave the balance of them at one to the acre.
- 29 A. Correct.
- 15:51:38 30 Q. 838 Now, looking at the map. What reason was there for that decision to vote in

- 15:51:43 1 favour of that?
- 2 A. I haven't the faintest recollection at all. You're talking about, when was
3 it? 1993? 13 years ago.
- 4 Q. 839 That's right.
- 15:52:00 5 A. So I would be -- I do not have any recollection of my reasons for that time.
6 I would be totally dishonest if I said I had.
- 7 Q. 840 All right. You were in receipt of two political donations which you have
8 confirmed to the Tribunal, isn't that right, from Monarch Properties?
- 9 A. Yes, and I also had and I think my solicitor sent in a further letter because I
15:52:32 10 don't want anybody -- hopefully I haven't forgotten anything. But I would
11 prefer if anybody was coming back to me saying I hadn't declared something.
12
13 So I did send a further letter which was received by the Tribunal on the 19th
14 of May. My solicitor, who is present, acknowledges that it should have been
15:52:54 15 sent in April. I had been in the United States and a draft was prepared for
16 me, which I agreed. But whether -- he is of the opinion that he sent it but
17 it wasn't received so he sent -- when I received the documentation back, this
18 documentation with regard to donations, I noticed the last letter was missing
19 and I contacted him. And he sent in the further letter with an explanation as
15:53:23 20 to the late arrival. And it added and I'm not certain about this. But I
21 have a memory of a sum of 200 pounds or Euros, because I genuinely can't
22 remember, because I received it towards the funding for the 2002 General
23 Election from Philip Monahan, who is now deceased.
24
15:53:50 25 So I haven't tried to verify that, obviously but perhaps his estate can. But
26 I didn't want to be seen to be excluding something that I had -- that I think I
27 received. But the other one is 500 pounds unsolicited in the 1992 General
28 Election. And 50 pounds in the 1991 Local Elections. All unsolicited by me.
29 And all, may I say, that were delivered to me.
- 15:54:23 30 Q. 841 Yes. And can you remember who it was that sent you the correspondence in

- 15:54:27 1 relation to the 500 pounds donation in November 1992?
- 2 A. I believe it was probably Phil Reilly but I couldn't be certain. As a matter
3 of fact, I am not certain because I forgot all about the 50 pounds in 1991.
4 Because it came in the post and was absorbed with other monies during the rush
15:54:55 5 and running around of elections. But I remembered it was a cheque and I did
6 check on the cheque, if you'll pardon the pun. And I found 50 for '91 and 500
7 for the 1992 elections in which I was a candidate, which was as far as my
8 memory serves me, it came by post or through my letter box anyway. As far as
9 I remember but I don't want to -- I'll stick to that term, as far as I
15:55:29 10 remember. I never wrote for it and I never asked for it.
- 11 Q. 842 And the documentation that you have' been supplied with and that has been
12 circulated include documentation that record apparently meetings that took
13 place between Mr. Reilly and yourself. Isn't that right?
- 14 A. Yes.
- 15:55:47 15 Q. 843 Do you dispute any of those? That you met Mr. Reilly on the occasions -- we
16 can go through the documents. 4044. Dated 12th of March 1993. And you
17 will see that third from the bottom there is a reference to "T Ridge and Liam
18 Ormsby" and a small sum is entered suggesting in the week ending 12th of March
19 '93 you met with Mr. Reilly.
- 15:56:12 20 A. I'm sure I did, the 12th of March is my birthday and he is a very good friend
21 of mine. May I, 9.10 pounds, is that it?
- 22 Q. 844 I can't be giving an answer for the document?
- 23 A. If it's up there and there I'm not going so to say that I -- everybody. I
24 think it's down actually and Liam Ormsby was my driver at the time.
- 15:56:34 25 Q. 845 And certainly there are seven records of meetings between April, March of '93
26 and November of '94 between yourself and Mr. Reilly. You wouldn't dispute any
27 of those?
- 28 A. No. And excuse me, I still meet Mr. Reilly after all of those years we are
29 quite good friends.
- 15:56:55 30 Q. 846 Can I ask you. Finally, did you ever ask Mr. Dunlop to support Ms. Olivia

15:57:01 1 Mitchell's election campaigns?
2 A. No. And I have to be very specific about this. I can remember it in detail
3 because I know that Deputy Mitchell was concerned when Mr. Dunlop's version
4 appeared, as I was myself. Mr. Dunlop asked me, and I am most specific about
15:57:20 5 this, did I think that Deputy Mitchell would welcome an election subscription.
6 And I said you better ask her yourself. And he asked me would I phone her.
7 And I said I will but I'm not talking to her, you can talk to her yourself.
8 And in no way did I ever say to him that I thought she could do with an
9 election subscription.

15:57:49 10
11 As a matter of fact, he is the one who suggested it. That's my -- I am
12 totally -- my memory on that is exceedingly good because of my amazement when I
13 read his statement which was somewhat different to that.

14 Q. 847 But you don't have any recollection of any of the matters that are recorded in
15 Mr. Dunlop's telephone attendances that we went through earlier on today. Is
16 that right, Ms. Ridge?

17 A. No, but I remember that other one certainly.

18 Q. 848 Yes. Thank you very much, Ms. Ridge. If you answer any questions anybody
19 else may have for you.

15:58:23 20
21 CHAIRMAN: Thank you very much, Ms. Ridge.

22 A. Thank you, indeed.

23
24 **THE WITNESS THEN WITHDREW** :

15:58:26 25
26 MS. FOLEY: Chairman, I think Mr. Lohan's evidence might take about an hour so
27 I don't know --

28
29 CHAIRMAN: Well we could do half?

15:58:37 30

15:58:37 1 MS. FOLEY: If you wanted to especially fix for another.

2 CHAIRMAN: Well have you spoken to Mr. Lohan?

3
4 MS. DILLON: I spoke to Mr. Lohan earlier today. I think Mr. Lohan is

15:58:46 5 anxious, if we could even start Mr. Lohan and do some portion of them.

6 Because the list I think we have seven or six witnesses listed for tomorrow.

7 And if we

8
9 CHAIRMAN: Well if it suits Mr. Lohan we'll sit for certainly half an hour and

15:59:01 10 see how we're getting on.

11

12 MS. DILLON: May it please you, Sir.

13

14 CHAIRMAN: We can start a bit earlier tomorrow if necessary.

15:59:08 15

16 MS. DILLON: Thank you, Sir.

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MR. LARRY LOHAN HAVING BEEN SWORN, WAS QUESTIONED BY**MS. FOLEY AS FOLLOWS:**

CHAIRMAN: Good afternoon.

Q. 849 MS. FOLEY: Good afternoon, Mr. Lohan.

A. Good afternoon.

Q. 850 I think you were first elected in 1991, is that correct ?

A. That's correct, yes.

Q. 851 And you were elected at that time to Dublin County Council?

A. Dublin County Council and Dun Laoghaire corporation.

Q. 852 And Dun Laoghaire corporation. And then in 1993, Mr. Lohan, did you move then with the new County Council into Dun Laoghaire/Rathdown?

A. Dun Laoghaire Rathdown, yes.

Q. 853 And what political party are you a member of, Mr. Lohan?

A. Progressive Democrats at that time.

Q. 854 And at the moment?

A. Fianna Fail.

Q. 855 I think that the elections in 1991 took place in June, is that correct?

A. That's correct.

Q. 856 And if I could have 3185, please. Did you meet any of the representatives of Monarch during the course of this election campaign do you recall?

A. No.

Q. 857 You'll see there the item 20 on this list. This is an extract from Monarch's cash book. And there is an item there dated 11th of the 6th 1991 "Larry Lohan PD 300 pounds" and then it's crossed out?

A. Cancelled.

Q. 858 So it may well --

A. I never received anything.

Q. 859 You never received anything. But can you think of why anybody in Monarch

16:01:00 1 would have been preparing to write a cheque to you during the course of this
2 election campaign?

3 A. When I saw that that's the very question I asked myself because I wouldn't have
4 known any of them at all at that time.

16:01:02 5 Q. 860 Had you previously been up for election?

6 A. No. Sorry, that is incorrect. I ran for the General Election in 1987 with
7 the Progressive Democrats.

8 Q. 861 And you didn't form contact with Monarch at that point in time?

9 A. No.

16:01:16 10 Q. 862 So you have no idea why they would have been preparing to write a cheque for
11 your election campaign?

12 A. I haven't a clue.

13 Q. 863 If I could have map 7021, please. This is the map that went on the first
14 public display which was in September to December 1991. So this -- At this
16:01:38 15 point you were now a member of the County Council. And just to give you a
16 brief history of the lands that are outlined on the map there. Is in 1983, if
17 you can see the shape outlined in red there, they are the Monarch lands?

18 A. Uh-huh.

19 Q. 864 And that portion of those lands that's yellow. In 1983 was zoned one house to
16:01:59 20 the acre on piped sewerage. And the area below the line was zoned B,
21 agriculture. And then in October of 1993, the manager recommended an increase
22 in the residential zonings and a district centre and some industrial. But
23 this map was rejected. So this now brings us to the map that's on screen.
24 Where we have the lands outlined in yellow are now at four houses per acre.
16:02:27 25 And the lands below that are agriculture. Do you recall this?

26 A. Yes, I do.

27 Q. 865 If I could have page 3337, please. This is a note of a meeting held by
28 Monarch. And present at the meeting were "Mr. Sweeney, Lafferty, Reilly,
29 Murray and a Mr. Cassidy and the note at item two there "They noted public
16:02:58 30 relations aspects to be explored as soon as a deposit is paid." And then

- 16:03:02 1 fourth on the list there I think is your own name, Mr. Lohan. And the action
2 is to be taken by PR, which I understand to be Phil Reilly?
- 3 A. Uh-huh.
- 4 Q. 866 Can you recall Mr. Reilly contacting you in or around September 1991?
- 16:03:17 5 A. No, I can't. But I can tell you that when I was elected I went to see the
6 Monarch Road Show because I was living in the heart of the area where the
7 problem was. And there was tremendous pressure from all sides on newly
8 elected councillors in particular. So I went to see for myself what exactly
9 was involved in their proposals and I informed them that I would not be
10 supportive.
- 11 Q. 867 And who did you meet in the course of the road show for representing Monarch?
- 12 A. Richard Lynn and Phil Reilly.
- 13 Q. 868 And were there any agents, any PR advisors that you came across?
- 14 A. No, just the two of them.
- 16:03:55 15 Q. 869 You didn't meet Mr. O'Herlihy?
- 16 A. No.
- 17 Q. 870 And would you have met Mr. Sweeney? I just want to show you page 2752. Which
18 is a note from Mr. Sweeney's records which indicates what may well be your
19 phone number there.
- 16:04:13 20 A. Occasionally at some residents association meetings where they would come along
21 and put their case to the residents. We would all have to attend.
- 22 Q. 871 Would he have telephoned you. Is that your home number there if you could
23 just enlarge that?
- 24 A. That's correct.
- 16:04:24 25 Q. 872 Would he have telephoned you at home do you recall?
- 26 A. No.
- 27 Q. 873 Page 7620, please. This is an extract, this is your statement to the Tribunal
28 dated 24th of April 2006, Mr. Lohan.
29
- 16:04:41 30 At paragraph one you say "That you were first elected councillor in June '91.

16:04:46 1 And you became aware soon after that of the Monarch Group plan for Cherrywood
2 and you went to examine the plan on display in Dun Laoghaire. You also came to
3 the conclusion after having met Mr. Lynn and Mr. Reilly that the proposed
4 development was premature and that there was no infrastructure in place and the
16:05:04 5 Carrickmines sewerage scheme was only at the planning phase. As you just told
6 the Tribunal there that you informed Mrs. Lynn and Reilly that they couldn't
7 support their plan. And that accordingly you would be tabling a motion to
8 that effect."

9 A. That's correct.

16:05:18 10 Q. 874 If I could have page 7156, please. I think the first portion of that, please.
11 I think, Mr. Lohan, this is a motion dated 4th of May 1992.

12 A. That's correct, yes.

13 Q. 875 And it says that "Dublin County Council hereby resolves that the lands at
14 Loughlinstown outlined in red in the attached map which has been signed for
16:05:50 15 identifications purposes by the proposer of this motion be zoned S2." Is that
16 correct?

17 A. One to the acre on septic tanks. In other words, the 1983 zoning.

18 Q. 876 And if I could have the map then that's attached to that please, at 7157. If
19 we could turn that -- the other, upside down, please. Can you see there
16:06:20 20 outlined the portion outlined in red?

21 A. Yes, I can.

22 Q. 877 And that would appear to be the Monarch lands specifically?

23 A. Uh-huh.

24 Q. 878 As opposed to the area that was on the previous map that was the over all
16:06:34 25 residential?

26 A. The total area, yeah.

27 Q. 879 And also it would -- your motion would appear to cover that portion that was
28 zoned B in the agriculture in the public display. Can you explain that
29 please, Mr. Lohan?

16:06:48 30 A. I can't really. I put in the motion as I thought, covering the totality of

16:06:53 1 the lands that had been, that were about to be rezoned or looked at rather.

2 Q. 880 So where would you have gotten the map from, Mr. Lohan?

3 A. The County Council.

4 Q. 881 And the outline that's drawn in red, would it have been yourself that drew

16:07:08 5 that?

6 A. I can't recall. It probably would be myself, yes.

7 Q. 882 And it would appear that that outline is that of the Monarch lands

8 specifically?

9 A. Yeah.

16:07:25 10 Q. 883 But yet you say it was your intention to effect the entire of the residential

11 lands?

12 A. My intention was to keep the zoning as it was in 1983 precisely.

13 Q. 884 For the entire of the lands not just the Monarch lands?

14 A. Exactly for the entire of the lands.

16:07:38 15 Q. 885 And the portion there below the Southeastern Motorway line that is zoned

16 agriculture. Was it your intention to zone that residential?

17 A. No. To leave it as it was in 1983.

18 Q. 886 So you intended it to stay agriculture?

19 A. No change on the 1983 plan.

16:07:53 20 Q. 887 Although the motion --

21 A. That was the was I decked it.

22 Q. 888 So there would have been an error in the map attaching to the motion?

23 A. Possibly, yes.

24 Q. 889 I think then the next meeting that takes place is on 13th of May 1992. At

16:08:18 25 which you were present and at 7203, please. This is map DP92/44 and it is the

26 manager's proposal for amendments to the zonings of the lands. And I think

27 you see there the changes proposed are where it was AP, the lands are now AP

28 because of the pipe, the proposed the Carrickmines sewer. So where it was AP

29 it was now to become A1P but not exceeding four houses per acre. And the

16:09:02 30 Action Plan was to include facilities such as shopping but that was to be

- 16:09:06 1 restricted to a neighbourhood size. And also the area that's zoned B
2 agriculture is proposing to zone that residential. Do you recall this map?
- 3 A. Not quite but --
- 4 Q. 890 The map bore some similarities to the Monarch's representation No. 1117. At
16:09:28 5 page 3681, please. And the first three items there in the context of the
6 Monarch representation were one, "that the low density residential zoning be
7 changed to normal density. Two. That the residential zoning boundaries be
8 extended south wards." In other words into those agricultural lands. Three.
9 "That the district zoning centre be introduced on the lands."
- 16:09:51 10
- 11 Now, this motion was voted upon. The proposal of this map was actually voted
12 upon 27th of May 1992. Again, Mr. Lohan, you were present at this. The vote
13 is at I think page 3720, please.
14
- 16:10:13 15 Councillors Lydon and McGrath recommended that the amendments shown on map
16 DP92/44 be adopted and approved. And here you'll see that the vote is
17 narrowly defeated with 33 for and 35 against. And I think Mr. Lohan that you
18 voted against this motion.
- 19 A. That's correct.
- 16:10:34 20 Q. 891 Can you explain to the Tribunal the reasoning behind this, please?
- 21 A. It's a long time ago but I can remember I was against the development on the
22 Corcoran Grimes.
- 23 Q. 892 And I think that -- sorry. These lands are the Monarch lands now we're
24 talking about now here and the whole of the valley but you were against any
16:10:58 25 increase in density is that what you're saying?
- 26 A. I was against any development on the Monarch lands until such time as the main
27 sewage was in place. The access roads had been built and the line of the
28 motorway had been determined. That was my reason for voting against it and
29 rejecting it at that particular time.
- 16:11:20 30 Q. 893 Page 3723, please. These are the votes on three various motions that were in

- 16:11:33 1 place to further reduce the density back to the original zoning. And in all
2 of three cases, Mr. Lohan, you voted to retain the low density residential
3 zonings I think?
- 4 A. That would be consistent, yes.
- 16:11:57 5 Q. 894 Could I have 3727, please. You see that the motion reads "That Dublin County
6 Council hereby resolves that the lands on map 27 outlined in red and attached
7 map, which has been signed for identification purposes by the proposers of the
8 motion, be zoned C in the review of the County Dublin Development Plan."
9
- 16:12:21 10 This was a motion to put a town centre on the Monarch lands. And I see,
11 Mr. Lohan, that you abstained from this motion?
- 12 A. Correct.
- 13 Q. 895 Why would you do that?
- 14 A. Any development I wanted to take place I want the to take place in Dun
16:12:37 15 Laoghaire, which was the county town, which badly needed development. So I
16 thought that was the preferred option. I believed that was the preferred
17 option, I still do.
- 18 Q. 896 In that case, Mr. Lohan, why didn't you vote against it?
- 19 A. I can't recall at this stage, Ms. Dillon. (SIC) my position was such that any
16:12:57 20 development I would have preferred in Dun Laoghaire I would prefer
21 neighbourhood centre in any development, Cherrywood would be of a neighbourhood
22 centre size.
- 23 Q. 897 If I could have page 3729, please. This is the record of the voting on
24 Councillor Barrett's motion resolving that the lands being the entirety of the
16:13:27 25 area be zoned for residential development at a density not exceeding one house
26 per acre. And I think Councillor Lohan that you voted for that motion?
- 27 A. I did. That was the last motion tabled before the council and had that motion
28 fallen, then the Manager's Report would be tabled. So we had no choice really
29 at that stage.
- 16:13:51 30 Q. 898 If I could have the map at 7217, please. Mr. Lohan, this is the map that went

16:14:05 1 on the second public display which incorporated the changes. And in effect,
2 the changes were that the portion of the Monarch lands that's outlined there
3 that's in yellow, which is change three, is now from AP residential piped
4 sewerage ten house to the hectare to A residential two houses per hectare. So
16:14:30 5 that is as according to your vote. That was as you wished?

6 A. I believe so, yes.

7 Q. 899 And that change four as you can see that down at the lower portion of the lands
8 there, zoning portion of the lands that were A and a portion to B to district
9 centre for the zoning of C. And that's the map that went on the second
16:14:53 10 display?

11 A. That's correct, yes.

12 Q. 900 I think as well you spoke there of the line of the Southeastern Motorway. I
13 think on the map there the line has been reduced, sorry lowered from the
14 initial line that cut through the Monarch lands the 1983 line, and it's now
16:15:16 15 lower but this line I believe is diagrammatic only. And I think there was a
16 meeting in June 1992 on the subject of the Southeastern Motorway. It was
17 determined that until further reports had come in the line would not yet be
18 fixed. And this you were saying earlier --

19 A. That the line was not fixed.

16:15:35 20 Q. 901 Until the line was fixed --

21 A. Yes.

22 Q. 902 You were against any development in the area. Is that correct?

23 A. That was my position.

24 Q. 903 Yes. If I could have page, sorry. 7620, please. This is just a further
16:16:17 25 extract from your statement, Mr. Lohan.

26
27 At paragraph three there you say "That you received no payment of any kind for
28 the 1991 Local Elections and you were not a candidate in any other election
29 until 1999. You have never received any financial contribution from Mr.
16:16:32 30 Dunlop. You have no knowledge of Shefran Limited and you have never received

- 16:16:35 1 any political contributions or gifts from anyone associated with the Monarch
2 group."
- 3 A. That's correct.
- 4 Q. 904 Could I have 3841, please. This is a letter I think, Mr. Lohan, from yourself
16:16:53 5 to Mr. Richard Lynn.
- 6 A. Correct.
- 7 Q. 905 And you are enlisting support for the upcoming national draw.
- 8 A. That's correct.
- 9 Q. 906 I think there's a note on the end of this that indicates "Please let me have
16:17:10 10 cheque for 400 pounds to Councillor Larry Lohan". Now, you addressed this
11 letter to Mr. Richard Lynn.
- 12 A. Correct.
- 13 Q. 907 And was this the first time that you would have ever asked Mr. Richard Lynn for
14 contributions?
- 16:17:25 15 A. Well I wasn't asking for a contribution. I was asking support for a national
16 draw and the Progressive Democrats depended totally on that draw for their
17 funding because they had very limited funding.
- 18 Q. 908 Would this have been the first time do you think or would you have written to
19 Mr. Lynn or contacted him on previous occasions?
- 16:17:42 20 A. I would say this was about the first time.
- 21 Q. 909 I think at page 3571, please. A list of payments furnished to the Tribunal by
22 Monarch indicate 20th of October "L Lohan PD General Election expenses".
- 23 A. That's correct. I was not a candidate in 1992. But if you cross reference
24 that 400 pounds, it refers precisely to the previous sheet that you had on
16:18:14 25 display.
- 26 Q. 910 And the cheque journal of Monarch at page 3852 indicates again 20th of the 10th
27 1992 "Councillor Larry Lohan". Do you recall if the cheque was made out to
28 you and if so what did you do with it?
- 29 A. As far as I would be concerned, it should be made out to the Progressive
16:18:34 30 Democrats. But any cheques I would have got by way of selling tickets I would

- 16:18:38 1 immediately forward to head office. They would have been dealt with from
2 there, both tickets and cheque.
- 3 Q. 911 So whether the cheque was made out to you or the Progressive Democrats?
- 4 A. I cannot remember. It would be most unlikely that it would not be made out to
16:18:52 5 me. It shouldn't be made out to me because it's for the Progressive
6 Democrats. If it had been I would have endorsed it and sent it on.
- 7 Q. 912 If I could have page 3859, please. This is a record furnished to the Tribunal
8 by Monarch again. Entitled "expense claim form". The name Richard Lynn and
9 for the week ended Friday 6th of November 1992. And in this Mr. Lynn
16:19:22 10 indicates that the last of the list there Dun Laoghaire and I think that says L
11 Lohan and the amount is 31.66. This indicates that Mr. Lynn may have been
12 claiming expenses for some contact, maybe coffee or lunch with yourself in the
13 week ending 6th November, '92?
- 14 A. I would have absolutely no recall of an item like that.
- 16:19:42 15 Q. 913 Would you have any recall of meeting with Mr. Lynn?
- 16 A. You would meet him around the chamber, the council chamber. But other than
17 that I would never have met him personally.
- 18 Q. 914 But not going?
- 19 A. Never.
- 16:19:56 20 Q. 915 Having lunch or coffee or anything?
- 21 A. I can't recall. Like, it would be a very minor item at this so many years down
22 I wouldn't recall that.
- 23 Q. 916 If I could have page 3950, please. This is a further expense claim form of
24 Mr. Lynn's to Monarch in respect of the Cherrywood Properties Limited. This
16:20:24 25 is for the week ended Friday 4th of December 1992. You will see the fourth
26 item down there. D L which I understand may stand for Dun Laoghaire. D
27 Lydon L Lohan. And the expense being claimed is 48 pounds. Do you recall
28 ever meeting up with Mr. Lynn and Mr. Lydon together?
- 29 A. No, I don't.
- 16:20:54 30 Q. 917 If I could have page 4006, please. This is a note of a meeting taken by

- 16:21:08 1 Mr. Lynn of a meeting that took place on 4th of January 1993 in the council
2 chamber of Dun Laoghaire Corporation. And you are indicated at the top you'll
3 see "members present" includes yourself?
- 4 A. Uh-huh.
- 16:21:20 5 Q. 918 The meeting appears to be it starts off with "at outset of the meeting John
6 Martin planner outlined the additional conditions which would be attached to a
7 permission should the council pass the material contravention".
8
9 Do you know what material contravention this was relating to?
- 16:21:39 10 A. I don't. I never had any experience of material contraventions because we
11 never had material contraventions in the new councils, as far as I can
12 remember.
- 13 Q. 919 In Dun Laoghaire Corporation in January '93 you can recall?
- 14 A. I can't recall one.
- 16:21:52 15 Q. 920 It seems that all of the members spoke, according to Mr. Lynn's note, except
16 for yourself, the only further reference to yourself is at page 4010.
17
18 And the last paragraph there the Chairman then put the Manager's Report
19 together with the various submissions made by the councillors to be
16:22:10 20 incorporated as additional conditions to the meeting which resulted in those
21 voting in favour and you are listed as being in favour. And then one
22 councillor voting against. So the motion was carried.
- 23 A. If that's what the record shows, then that is true.
- 24 Q. 921 The claim form submitted by Mr. Lynn is for the week ending 4th of December
16:22:31 25 1992.
26 This is about a month later?
- 27 A. Uh-huh.
- 28 Q. 922 Can you recall Mr. Lynn contacting you in any way to do with a material
29 contravention before Dun Laoghaire Corporation?
- 16:22:40 30 A. Not at this stage, I can't recall.

16:22:43 1 Q. 923 So you had no contact either with Mr. Lynn or of this particular material
2 contravention?
3 A. I have no recall of it, no recollection.
4 Q. 924 And if I could have page 4044, please.
16:23:03 5
6 Again, it's an expense claim form on behalf of Mr. Phil Reilly in this
7 instance.
8
9 And you'll see about six or seven lines down an item marked lunch P L/PR who I
16:23:17 10 understand to be Phil Reilly. L Lohan, B Cass, R L, possibly Mr. Lynn, and C
11 Quinn. The reference --
12 A. C Quinn, Catherine Quinn.
13 Q. 925 Catherine Quinn.
14 Do you recall this lunch or ever having lunch with these people?
16:23:34 15 A. I don't but the group mentioned there are a Progressive Democrat group, all
16 three.
17 Q. 926 All three.
18 And the reference then at the top is company Ongar Stud. Do you recall
19 Mr. Reilly ever talking to you about Ongar Stud?
16:23:58 20 A. No.
21 Q. 927 If I could have page 4245, please.
22 This is a letter signed by a Michael Riordan.
23 A. Uh-huh.
24 Q. 928 Addressed to Mr. Lynn dated 4th of June 1993.
16:24:06 25 About the 14th adult education exhibition September 1st to 4th 1993.
26 Paragraph three the author indicates that he is writing to Mr. Lynn on behalf
27 of the Chairman, Councillor L Lohan, and seeking a contribution for the
28 exhibition.
29 Do you recall requesting Mr. Riordan to write to Lynn line in respect of this
16:24:26 30 matter?

- 16:24:26 1 A. That was a format of a letter that Mr. Riordan sent out each year, because we
2 had one of these meetings every year. One year in fact the President opened
3 them. I was Chair of this group where we were trying to improve adult
4 literacy in certain areas of Dun Laoghaire. And we used to write to a number
16:24:46 5 of businesses in the Dun Laoghaire area to try and defray the expenses.
- 6 Q. 929 And you indicate here that the total -- Mr. Riordan indicates or estimates that
7 it would cost about 500 pounds to run the event and that you had received
8 contributions from about 10 pounds upwards.
9
- 16:25:02 10 In this instance the note at the end of the page indicates "recommend we will
11 give 100 pounds".
12 Do you recall if you received 100 pounds in respect of --?
- 13 A. Well I wouldn't receive it. It would go straight to the VEC.
- 14 Q. 930 That would have been 20% of the costs of running the event?
- 16:25:18 15 A. Usually about five or six different firms contributed small amounts.
- 16 Q. 931 So that was a reasonably generous contribution; wasn't it?
17 A. It was, yes.
- 18 Q. 932 If I could have page 4320, please.
19
- 16:25:37 20 This is a further expense claim form submitted by Mr. Lynn for the period ended
21 week ended 30th of July 1993.
22
- 23 Again, on the second item down Draft Development Plan. It's the company
24 Cherrywood Properties. L Lohan 11.60?
- 16:25:54 25 A. Again, I wouldn't remember an item like that, so small.
- 26 Q. 933 And around this time, the summer of 1993, July 1993. Do you recall were you
27 ever lobbied or spoken to about these lands by Mr. Frank Dunlop?
28 A. Mr. Dunlop never spoke to me about the Cherrywood lands. I didn't even know
29 he was involved in them.
- 16:26:25 30 Q. 934 If I could have, please, 7256.

16:26:32 1 This is an extract from the Council meeting of the 3rd of November 1993. At
2 which the record indicates that you were present, Mr. Lohan.

3
4 This is about change three, which is the exchange effecting the residential
16:26:43 5 portion of the lands.

6
7 "The 1993 amendment zoning would be (A) residential two houses per hectare.
8 Following the Councillor Barrett's motion. The recommendation of the Manager
9 was to delete the amendment.

16:27:03 10
11 7217, please.

12
13 This is just the map there showing the lands the yellow lands there?

14 A. Uh-huh.

16:27:16 15 Q. 935 Where the Manager was recommending deleting the amendment.

16 This matter didn't come to be voted upon at this meeting. But on the 11th of
17 November there's a motion submitted by yourself.

18
19 Page 7726, please. 7226. Apologies. This is a motion that's signed by
16:28:02 20 five Councillors, including yourself there, I think, Mr. Lohan.

21
22 "Dublin County Council hereby resolves to accept the County Manager's
23 recommendation and delete the 1993 amendment in respect of the lands outlined
24 in red on the attached map and that the balance of the lands remain at two per
16:28:17 25 hectare".

26
27 The map at page 7227, please.

28 Do you see the lands there?

29 A. I do, yes, I see it, yes.

16:28:31 30 Q. 936 Is that your signature?

- 16:28:33 1 A. It is, indeed, yeah.
- 2 Q. 937 And your signature on the motion on the previous page as well?
- 3 A. Correct, yes.
- 4 Q. 938 Who asked you to sign this motion, Mr. Lohan?
- 16:28:43 5 A. Donal Marren.
- 6 Q. 939 Donal Marren. And isn't it correct that the effect of this motion was to
- 7 restore the Manager's recommended density of four per acre to these lands?
- 8 A. The effect of the motion was to go some way towards meeting the Manager's
- 9 recommendation. Not totally. And to build a cluster of housing around the
- 16:29:04 10 district centre.
- 11 Q. 940 And on the previous occasion you had voted, you had abstained from the district
- 12 centre vote. Isn't that correct and voted against the increased?
- 13 A. That's correct, yeah.
- 14 Q. 941 And now on this occasion, you are proposing a motion that these lands be
- 16:29:22 15 restored to the old manager's recommendation of four per acre?
- 16 A. After the vote on the one per acre on main drainage, I consulted widely with
- 17 local residents and within my own party and with colleagues who had some
- 18 knowledge of this area and tried to come to decisions as to how best in the
- 19 interests of the local community, in the interests of the council to develop
- 16:29:47 20 these areas. I came to the conclusion that one house per acre was untenable
- 21 and very poor development.
- 22 Q. 942 So when you say you consulted with your colleagues and then other of your
- 23 colleagues held the same view, that one house per acre was untenable?
- 24 A. Yes, that one house per acre, would be very, very poor development.
- 16:30:04 25 Q. 943 And isn't it also the case that the manager did not recommend one house per
- 26 acre?
- 27 A. No, he recommended four.
- 28 Q. 944 For the entire of the lands?
- 29 A. That's right.
- 16:30:11 30 Q. 945 And then how is it, Mr. Lohan, that you were recommending this change uniquely

- 16:30:16 1 for the Monarch lands outlined on the map?
- 2 A. I cannot recall why but --
- 3 Q. 946 But given that the manager recommends deleting the amendment altogether and
- 4 restoring four per acre to all of the lands. That the people with whom you
- 16:30:31 5 spoke felt one per acre was untenable. Why limit this change?
- 6 A. The one per acre was untenable.
- 7 Q. 947 Sorry. Why limit this change to the Monarch lands?
- 8 A. This was a compromise motion between the different parties. And to go some
- 9 way towards meeting the manager's objective. What I believed to be the proper
- 16:30:52 10 development of the lands in the interests of the local community and the
- 11 interests of the council.
- 12 Q. 948 But, Mr. Lohan, even in 1992, in May of 1992 when the manager was proposing
- 13 DP92/44 which increased the residential zoning. That map only failed by a
- 14 very, very small majority of 35 to 33. So that would suggest there was quite
- 16:31:13 15 a strong level of support for the manager's proposals.
- 16 A. Yes.
- 17 Q. 949 And then a year and a half later, the manager is again recommending the density
- 18 be restored four to the acre and your colleagues believed the same to be
- 19 appropriate?
- 16:31:27 20 A. Correct.
- 21 Q. 950 Yet you on your motion suggested only for the Monarch lands?
- 22 A. Well I cannot recall. I heard about this motion for the first time in 13
- 23 years this morning.
- 24 Q. 951 Uh-huh.
- 16:31:38 25 A. So my recollection of it would be vague. But I can tell you that my reasons
- 26 for development on the lands were that it should be properly developed in the
- 27 interests of the local community.
- 28 Q. 952 And that applied to all of the lands, Mr. Lohan, and not just Monarch lands?
- 29 A. All of the lands.
- 16:31:56 30 Q. 953 That reasoning.

- 16:31:57 1 A. Yeah.
- 2 Q. 954 Why are you submitting a motion restricting it?
- 3 A. That was the motion I was asked to sign. It appeared reasonable at the time.
- 4 Q. 955 By Councillor Marren?
- 16:32:05 5 A. Yes. Indeed.
- 6 Q. 956 And what did Councillor Marren say to you about this?
- 7 A. Well for the proper development of the lands, that one to the acre wasn't
- 8 tenable development and that we were going some way towards meeting the
- 9 manager's objective. Normally we would be criticised if we don't go with the
- 16:32:27 10 managers and the planners.
- 11 Q. 957 But the manager are recommended the entire of the lands not just the Monarch
- 12 lands.
- 13 A. He had.
- 14 Q. 958 So if you wished to go with the managers recommendation wouldn't it be just as
- 16:32:37 15 easy to recommend this change for the entire of the lands?
- 16 A. It could be. We made the decision at that a stage. And as I say, I cannot
- 17 recall totally why at this time but development would be ongoing anyway and
- 18 changes to plans would normally be ongoing over the years.
- 19 Q. 959 And did Councillor Marren give you any explanation as to why the map that he
- 16:32:55 20 was asking you to sign was referable only to the Monarch lands?
- 21 A. Not that I can recall.
- 22 Q. 960 Do you see the handwritten amendment there? Sorry could I have page 7226
- 23 there again, please. You see handwritten amendment seems to reinforce that
- 24 the balance of the lands remain at two per hectare as it indicates that the
- 16:33:24 25 balance of the lands remain at two per hectare?
- 26 A. Yes.
- 27 Q. 961 Do you know whose handwriting that is? Is this your own?
- 28 A. No, it's not. My handwriting is second there below Donal Marren's.
- 29 Q. 962 And do you recall whether you signed this before or after that amendment?
- 16:33:43 30 A. I cannot recall that writing edition being on it. It was just a straight

- 16:33:51 1 motion when I signed it.
- 2 Q. 963 It certainly indicates that a specific intention that the remainder of the
- 3 lands remain at one per acre?
- 4 A. Correct.
- 16:33:59 5 Q. 964 As opposed to a random selection of other lands, the Monarch lands.
- 6 A. As I say, it's difficult to recall. But I know my reason for wanting some of
- 7 the lands zoned was based solely on proper development in the interests of the
- 8 local community and the local area.
- 9 Q. 965 Could I have page 7228, please. This is a further motion signed by yourself,
- 16:34:40 10 Mr. Lohan. And it reads Dublin County Council hereby -- sorry. Regarding
- 11 changes 4A and 4B, which would be changes that put the district centre onto the
- 12 lands. "Dublin County Council hereby resolves to affirm changes 4A and 4B and
- 13 having regard to the County Manager's recommendation to limit the retail
- 14 element to neighbourhood centre size only."
- 16:34:55 15 A. That's correct.
- 16 Q. 966 This would appear to be inconsistent with your voting on the previous occasion.
- 17 When the motion was proposed by Councillors Gilmore and O'Callaghan you abstain
- 18 from it. And you have said to the Tribunal this afternoon that you didn't
- 19 believe that it was appropriate to have a town centre on those lands?
- 16:35:14 20 A. No, neighbourhood centre is what I felt was appropriate.
- 21 Q. 967 So in that case you felt that you could propose this motion but the key point
- 22 of it for you was that it was limiting it to neighbourhood centre size?
- 23 A. That's correct, yes.
- 24
- 16:35:30 25 CHAIRMAN: Ms. Foley, I think we might leave it until tomorrow.
- 26 At a quarter past ten. Would that suit you?
- 27 A. Well, your honour, I had something else planned for tomorrow.
- 28
- 29 CHAIRMAN: All right.
- 16:35:43 30 A. I am a post graduate student in UCD so I have certain works to have in over the

16:35:50 1 next two days.

2

3 CHAIRMAN: How long will you be?

4

16:35:52 5 MS. FOLEY: 30 to 40 minutes maybe, Chairman.

6

7 CHAIRMAN: It will have to go back to some other day. I mean, we could. Is
8 it just tomorrow you have a problem, Mr. Lohan?

9 A. The next two days.

16:36:03 10

11 CHAIRMAN: We could resume, we could take you up next week.

12 A. That would be fine.

13

14 CHAIRMAN: At a quarter past ten some morning.

16:36:11 15 A. That would be fine.

16

17 CHAIRMAN: It's a bit difficult to continue at this stage. So you can talk
18 with Ms. Foley and agree a time and a date next week to suit yourself. All
19 right? And we'll sit tomorrow at half ten.

16:36:30 20 A. Thank you.

21

22 MS. FOLEY: Thank you, Chairman.

23

24 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**

16:48:46 25 **THURSDAY, 1ST JUNE, 2006, AT 10:30 A.M.**

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