

10:42:14 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON TUESDAY**

2 **2ND OF NOVEMBER, 2004 AT 10:30 A.M:**

3
4 CHAIRMAN: Good morning.

10:50:16 5
6 MR. O'NEILL: Good morning Mr. Chairman, members of the Tribunal.

7 The first witness listed for today is Mr. Pat Minnock.

8 Mr. Minnock, could you come forward to the witness box, please?

9
10:50:30 10
11 **MR. MINNOCK, HAVING BEEN SWORN, WAS EXAMINED BY MS. COGLAN**

12 **AS FOLLOWS:**

13 CHAIRMAN: Good morning, Mr. Minnock.

14 A. Good morning.

10:51:03 15
16 Q. 1 MS. COGLAN: Good morning, Mr. Minnock.

17 You are an agriculture consultant, isn't that correct, Mr. Minnock?

18 A. That's correct.

19 Q. 2 And I believe that you acted for a Mr. Alex Hill and Thomas Grimes in the early

10:51:16 20 '90s in relation to the applications for the area aids schemes and

21 applications to the Department for Agriculture and Food?

22 A. That's correct.

23 Q. 3 You provided some documentation to the Tribunal recently Mr. Minnock. And the

24 documentation is in the brief at pages 2362 to page 2369. If you wouldn't

10:51:33 25 mind, I would just like to put some of the documents on screen for the

26 Tribunal. If we can put 2364 on screen, please.

27
28 We seem to have a technical difficulty.

29 Just to also say you provided, this morning, another document to the Tribunal

10:51:59 30 which you hadn't had last week. Is this something that you found recently?

10:52:04 1 A. Yes. I found it since I was called. I looked at my records again.

2 Q. 4 And this particular document won't have a page number, but we can put it on

3 screen. It seems there's a difficulty still with the screen.

4 So maybe if I just give you the document you provided this morning and we just

10:52:35 5 check the dates upon which Mr. Hill was occupying the lands in Carrickmines.

6 If you can just say when he first contacted you with regard to Carrickmines?

7 A. Well I obviously can't remember. But from the documentation that I have, it

8 would seem to indicate that he would have taken the land on the 31st of March

9 1994.

10:52:57 10 Q. 5 That he was first -- is this the year that you first made an application for

11 Mr. Hill with regard to Carrickmines?

12 A. No -- it would have been, yeah.

13 Q. 6 You had obviously been acting for him with regard to other lands elsewhere?

14 A. Yes.

10:53:09 15 Q. 7 But specifically with regard to Carrickmines it seems to you that he was first

16 on the lands on the 31st of March 1994.

17 A. Yes.

18 Q. 8 You would have applied for the Area Aid Scheme which has to be submitted prior

19 to a certain date?

10:53:24 20 A. It was either April or May 1994. It would be on the application.

21 Q. 9 What I will do is I will just read into the record the date of sowing of the

22 crops, which you filled out.

23

24 It's on page 2364. And this document says "Declaration of sowing to be

10:53:41 25 completed where the crop is sown after the date of submission of the Area Aid

26 Application form but before the 13th of May 1994."

27 At the bottom of this document it sets out the plot numbers and the date of

28 sowing. And we know from your letter to the Tribunal that the plot numbers

29 involved were 10, 11, 12, 13, 14 and 15.

10:54:06 30 In fact sorry there's no 14 on your letter, but 15.

10:54:10 1
2 If I just read the date of sowing into the record. For plot number 10, the
3 15th of May 1994, Linseed. Plot 11A, 15th of May 1994 Linseed. 11B 5th of
4 May 1994, spring barley. 12A the 15th of May 1994, Linseed. 12B the 15th of
10:54:30 5 May 1994, spring barley. Plot 13 and 15, 6th of May 1994.
6 And this document is on screen. I'm reading from the bottom left hand corner
7 of the document where you have the plot number and the date of sowing. This
8 document evidenced the fact obviously Mr. Hill at this point in time had sowed
9 his crop and you were now making an application for the Area Aid Scheme
10:54:56 10 A. Correct.
11 Q. 10 And if I can put on screen as well the document that doesn't have a page number
12 but that we received this morning from you, Mr. Minnock. It's a letter of the
13 21st of June. And I just would like to read into the record the paragraph
14 where you -- this is how you have your understanding of Mr. Hill's first
10:55:20 15 arrival on the Carrickmines lands.
16
17 I will just read the paragraph.
18 "As I understand it the land was obtained on the 31st of March. It comprises
19 approximately 6 year-old pasture which has previously been grazed. The
10:55:37 20 pasture was sprayed early April with Roundup E3 herbicide etc."
21 Essentially this is a letter that you have, which you received from an S Reid
22 addressed to you on the 21st of June where it sets out that Mr. Hill was there
23 from the 31st of March and had sprayed the crop in April, and obviously we've
24 seen the last document which says it was sown by May of 1994.
10:56:05 25 A. Yes.
26 Q. 11 Would it appear to you then, Mr. Minnock, that if Mr. Hill had given evidence
27 that he wasn't on the lands until October of 1994 for a late crop sowing that
28 this wouldn't be correct?
29 A. Obviously, if he sowed it in May he was on it earlier. But memory --
10:56:21 30 Q. 12 And you succeeded in getting the Area Aid for Mr. Hill?

10:56:25 1 A. Yes. Memories -- I wouldn't have remembered unless I had the documentation.
2 Q. 13 But by the very fact of the documentation and the fact that you succeeded in
3 getting the Area Aid. That is proof of itself that the crop was sowed and
4 that he was on the lands in the spring of 1994?

10:56:41 5 A. Yes.

6 Q. 14 Thank you, Mr. Minnock.

7

8 CHAIRMAN: Do you wish to, Mr. Finlay, do you wish to ask any questions?

9

10:56:47 10 MR. FINLAY: No, no, thank you.

11

12 CHAIRMAN: Mr. Redmond, no?

13 Thank you very much, Mr. Minnock.

14

10:56:56 15 **THE WITNESS WITHDREW.**

16

17 MR. O'NEILL: The next witness, sir, is Mr. George Redmond.

18 Mr. Redmond, could you come to the witness box, please.

19

10:57:49 20 **MR. REDMOND, HAVING BEEN SWORN, WAS EXAMINED BY MR. O'NEILL**

21 **AS FOLLOWS:**

22

23 CHAIRMAN: Good morning, Mr. Redmond.

24

10:57:54 25 Q. 15 MR. O'NEILL: Good morning, Mr. Redmond.

26 Can you hear me, Mr. Redmond?

27 A. Yes.

28 Q. 16 In this module of the Tribunal's inquiry, Mr. Redmond, the Tribunal is
29 investigating the circumstances in relation to certain lands at Carrickmines in
10:58:16 30 County Dublin?

10:58:16 1 A. Yes.

2 Q. 17 You've been able to follow that from the brief of documentation which has been
3 furnished to you; isn't that right?

4 A. I can, Mr. O'Neill. EXcept I have something to say about Module 1. Module
10:58:33 5 one of the matters relating to the land that I might be concerned with was
6 taken in December 2002 and I wasn't involved in it at all, by invitation or
7 otherwise. And in fact, when it was likely that my name would come up, your
8 worships, you put the brake on and it had to be done in writing.
9

10:59:08 10 And one of the counsel, Mr. Quinn, at your request on Thursday last, he gave me
11 three volumes of evidence, which I read. And it was certainly very relevant,
12 you know. I would have, the two witnesses I recall. There was Mr. Finnegan,
13 I don't think I had anything much arose on that. There was Mr. Carroll and
14 quite a bit arose on that. And then there was Mr. Conway, who was the senior
10:59:42 15 planning officer. So it's peculiar situation. And I just want to make the
16 point that I hadn't a great weekend but I read most of the documentation. And
17 there would be, certainly I have cause for wishing to cross-examine Mr. Carroll
18 further, having regard to what I've learned, and Mr. Conway. But it doesn't
19 arise now in connection --

11:00:12 20

21 CHAIRMAN: You can raise these issues later on.

22 A. It doesn't arise with Mr. O'Neill.

23 Q. 18 Insofar as the questioning of you today will take place, Mr. Redmond. It
24 concerns, in essence, your connections with the gentleman who has been referred
11:00:29 25 to on numerous occasions in the course of the workings of the Tribunal, but who
26 is neither represented here nor who has ever appeared before the Tribunal, and
27 that's a Mr. Jim Kennedy, isn't that right?

28 A. A Hamlet without the prince.

29 Q. 19 Yes, and Mr. Kennedy is a person with whom you have had connection over some
11:00:52 30 years. And I'll be exploring that with you in the questioning that I'm going

11:00:58 1 to put to you. It's relevant in the context of the allegations which have
2 been made to the Tribunal. Firstly, that Mr. Kennedy is one of the owners of
3 the Jackson Way lands. And secondly, that he is a person who was facilitated
4 by you with the provision of documentation and information which was not then
11:01:23 5 publicly available, but which was of possible commercial advantage to him.
6 Namely documentation which surrounded the plans of the council to implement a
7 scheme to drain the Carrickmines Valley and subsequently the intentions of the
8 County Council with regard to the draft Development Plan which was being
9 prepared in 1989 within the advanced planning section.

11:01:55 10 You understand that they are the areas involved; you understand that?

11 A. Yes, I understand that.

12 Q. 20 Okay. I think it is the case that you, at the time of the matters which are
13 the subject of this questioning, held the position within Dublin County Council
14 of being the assistant city and county manager, although that was colloquially
11:02:27 15 known in the council as the "county manager"; isn't that right?

16 A. Well if I was colloquially known my official direction was to contradict it.
17 And if it appeared in the the newspapers I was to contradict it, and that was
18 from the county manager.

19 Q. 21 Yes. I'm perfectly aware of your full title, it was a somewhat cumbersome
11:02:45 20 one and it was abbreviated I think in a lot of the documentation within the
21 council to ACM, isn't that right?

22 A. Or manager.

23 Q. 22 Yes. But generally by way of a distinction between the office of Mr. Feeley,
24 who was the, in effect the city manager but also the county manager. The
11:03:04 25 distinction was that the ACM, namely yourself, was generally referred to, and I
26 say colloquially, but within the council as the county manager. Everybody
27 understood who the county manager was - it was you; isn't that right?

28 A. No, I wouldn't agree with that at all.

29 Q. 23 I see.

11:03:25 30 A. Certainly the members of the council when I would be at the council meetings

11:03:29 1 they would always refer me, possibly not as county manager, as manager. As
2 being the manager.

3 Q. 24 Right.

4 A. But the staff who worked with me, they knew that I was one of a number of
11:03:40 5 assistants.

6 Q. 25 Yes. The managerial position which you had of course was one of a delegated
7 function of the city manager, Mr. Feeley, who specifically designated part of
8 his tasks amongst a number of persons of managerial rank and I think that you
9 have at all times indicated correctly to the Tribunal that you were not the
11:04:13 10 planning manager; isn't that right?

11 A. I was one of ten persons, officers to whom functions had been, county
12 functions. And I wasn't the planning manager although I did have some
13 planning functions. I had Part 7, the Development Functions. But insofar as
14 the day-to-day planning, you know, Development Plan, applications, all that
11:04:40 15 went with that. I didn't have that function, you're correct.

16 Q. 26 And in relation to the development functions, I think you would agree that
17 your functions extended to having a detailed knowledge of the infrastructure of
18 Dublin County, both as regards the sewage, the essential road network, and
19 matters of that nature; isn't that so?

11:05:07 20 A. Well I was there for ten years. I'm not a technical person, but I would have
21 certainly been familiar with all that was, more or less, on the table.

22 Q. 27 Yes. And I think you took up that position in 1979; is that right?

23 A. Yes.

24 Q. 28 And you held it until your retirement in 1989; isn't that so?

11:05:30 25 A. That's right, yes.

26 Q. 29 During that period, and I think for possibly a very short period thereafter,
27 you knew Mr. Jim Kennedy; isn't that so?

28 A. That's quite so.

29 Q. 30 And had dealings with him. And perhaps if we could start at the beginning.
11:05:44 30 And you might indicate to the Tribunal how and when it was that you first came

11:05:49 1 to meet with Mr. Kennedy?

2 A. My first occasion?

3 Q. 31 Yes?

4 A. Yes. Well, oh the first occasion was I was invited to both the blessing of a

11:06:07 5 house and house warmer by the Lord Mayor at the time in the city and also by

6 the Chairman of the County Council. And I went along anyway, it was on a

7 Sunday. And as far as I recall it was in the summer, I think the weather was

8 good. And there were a good few people there. There were refreshments.

9 And it was in Howth, and I remember anyway, and the garden was at a low level.

11:06:44 10 You went down steps. And I remember sitting on a seat and there was this man

11 beside me and he was nursing an infant. And I got talking to him, and that

12 was Jim Kennedy.

13 Q. 32 Right.

14 A. That was the first time I ever met him.

11:07:04 15 Q. 33 Had you known of him before that, by either repute or by --

16 A. No.

17 Q. 34 -- correspondence or any other way?

18 A. No, never knew, didn't know him, Mr. O'Neill, from Adam. He was there and

19 that was the first time I ever met him.

11:07:23 20 Q. 35 Right.

21 A. And I obviously got talking to him. I remember him telling me that he was a

22 publican, and he named the pub that he owned, a very big pub at the time, the

23 Laurels in Clondalkin. And he also, you know, I got where did he live. And

24 he told me that he lived on the Lower Road, that's the Strawberry Bed Road.

11:07:46 25 And that surprised me because there was a really, you know, the shutters down

26 on that sort of a road. And I mean, anyway, he got talking to me and I asked

27 him how did he manage to get a house on the Lower Road. Oh, he said, I

28 didn't. He was -- I think he was the third owner of the house but he said,

29 you know, he bought it secondhand. And I said it's very, very difficult to

11:08:11 30 get any sort of a permission on the Lower Road. Oh, he says there's a site

11:08:16 1 next door to me and it has a permission. And I said, you know, I felt some
2 disbelief. So he said to me "would you like to see it" and I said I would.
3 And I went out to see it. That's the first time really insofar as the living
4 on the road is - my own family would have nothing to do with it, madness. You
11:08:42 5 know, I thought it was a lovely area myself, it had an aspect looking south.
6 Anyway, that's how I met him.

7 Q. 36 I see. So you were both guests at a social occasion?
8 A. Yeah.

9 Q. 37 And in the course of social exchange the question of his ownership of property
11:09:02 10 came up and he mentioned a site in the Strawberry Beds. Was that with the
11 intention of seeking your advice as to whether it was capable of being
12 developed, or was it with a view to selling it to you for your own purpose or
13 --

14 A. No, it wasn't owned by him, Mr. O'Neill.

11:09:19 15 Q. 38 Yes.
16 A. It was just there beside him. And somebody had done work on it. You could
17 see, you know, some of the cliff had been cut into. As a matter of fact, it
18 was built on about three years ago. I used to pass by there. And I would
19 have met him around '80 and that's how many years ago, twenty.

11:09:39 20 Q. 39 Yes.
21 A. But it was there and I saw it. And that's how I came about. I knew nothing
22 of him. The only thing then when I got to know him was he was a publican and
23 he had a very big pub.

24 Q. 40 Fine. He told you on the first occasion that he met you that he was a publican,
11:09:57 25 as far as I understand?
26 A. Yes.

27 Q. 41 And he mentioned the Laurel Pub, which was a very large pub in Clondalkin and
28 you were familiar with that premises?
29 A. No, I didn't know it but I knew it by name.

11:10:09 30 Q. 42 Very good. Can you date what year it was that this exchange took place?

11:10:12 1 A. '80S.

2 Q. 43 You're talking about a decade?

3 A. No, the year '80.

4 Q. 44 I see. In the summer of 1980.

11:10:20 5 A. I'd say roughly or thereabouts, yeah. It may not have been in the summer but

6 it was benign weather anyway.

7 Q. 45 And obviously your meeting led to further meetings because within a relatively

8 short period of time of that date, summer 1980, you had loaned him substantial

9 sums of money; isn't that right?

11:10:46 10 A. That's right, I did. That is so. The next sort of episode is I met him, and

11 I'm not going to name the man, but he's named in your -- I will write it down

12 if you wish. I don't wish to be naming people, it doesn't do anyone any good.

13 I met him with a man who is expert in a certain field. And between them they

14 had taken a lease of the property in Westmoreland Street.

11:11:14 15 Q. 46 We're talking about the Amusement City Gaming Arcade?

16 A. Yes. And certainly as far as I recall the lease was from a German individual,

17 a German national. And at that time the Gaming and Lotteries Act was an

18 adoptive act. And it had been adopted in both the city and the county. In

19 other words, the -- they could operate there and that was the position. It

11:11:44 20 had to, of course the premises had to get a license from the courts. I'm not

21 certain what the position under the Planning Act. Certainly bookies shops

22 needed a license. I don't think Gaming and lotteries, however maybe they did.

23

24 Anyway, they had -- I used to go to, you know, one of the men and he would come

11:12:09 25 up particularly when there would be race meetings in Dublin, Saturdays. And I

26 would go for a meal with him. And I got close enough to him. He wasn't

27 involved in land, as far as I know, at that stage. And the covenants in the

28 lease of Westmoreland Street were very onerous, some of them. I think one of

29 them was to provide a lift. And they were talking about money and, you know,

11:12:39 30 I made the proposition to them that I'd advance them the money.

- 11:12:45 1 Q. 47 The amount of money that you advanced, Mr. Redmond, was 110,000 pounds?
2 A. No, no.
3 Q. 48 Sorry, 70 and 40, totalling 110.
4 A. 40. 40. That was to the two of them. And I had an agreement drafted to
11:13:12 5 cover it, as part of the property or the documents that you got from my house.
6 I remember confronting them and saying, you know, they talked me into it.
7 They said "look you'll have no trouble with us". One man his word was his
8 bond. That was the position.
9 Q. 49 We're talking about 1980 again here aren't we, Mr. Redmond.
11:13:27 10 A. Yeah, as far as I recall.
11 Q. 50 So within weeks of meeting this gentleman for the first time you were
12 financially involved with him to the extent of advancing to him, and you say to
13 his partner or his associate?
14 A. Well a partner is named in the agreement.
11:13:48 15 Q. 51 Well the agreement in fact was never entered into; isn't that right?
16 A. Never executed, that's so.
17 Q. 52 There was never an executed document recording the fact that you had advanced
18 any money to either of the gentlemen, or in particular 70 to one and 40 to
19 both; isn't that so?
11:14:06 20 A. That's exactly it.
21 Q. 53 And that sum of money of 110, 000 pounds, I suggest to you, represented a very
22 substantial sum in those days, speaking objectively, and also a very
23 substantial sum from your own point of view, being probably nine times your net
24 salary?
11:14:27 25 A. It was a very large sum, there's no question about that.
26 Q. 54 At that time, isn't that so. And isn't it an indicator of the trust and
27 friendship that you had managed to develop with Mr. Kennedy, that you felt
28 happy to give him this money within a relatively short period of meeting him
29 and without there being any documentation to evidence the fact that you had
11:14:49 30 given him the money, or is there another explanation for it Mr. Redmond?

11:14:55 1 A. Well I think I'd have to say there would be another explanation of it, and
2 something that was being considered by the House of Commons yesterday. And
3 that is gaming. And what happened in my case was that I was -- I had never
4 witnessed gaming, you know apart from being in Bray during the summer. I had
11:15:20 5 never witnessed it, but they brought me around and showed me how it operated.
6 And I suppose you could say I almost got hooked on it, you know, I was
7 impressed by it. And it seemed to me, from what I could see, I went down to
8 the Fun Palace I remember, I was in another place Barney's over in Talbot
9 Street. And there seemed to be an extraordinary atmosphere with people just
11:15:59 10 shoving monies into it. There were wins of course.

11
12 But no, I think that was the reason more than anything else. But then I knew
13 him and I trusted him. He was an engaging man, I think Mr. Dunlop said that.
14 It's, I don't know whether the Tribunal want me to give them a pen picture of
11:16:18 15 this man because he was -- I found him somewhat unique in some respects. He
16 was very engaging to listen to. He always had, you know, something to say and
17 something of interest. And then of course in my experience of him he was the
18 owner of one of the biggest pubs in Dublin and hence one of them, probably in
19 the country, probably successful. He had the gaming shops until the Act was
11:16:48 20 withdrawn. He had book makers licenses.

21 Q. 55 Did he have an auctioneer's license as well, do you know?

22 A. Yes, that's what I mean. He was man of many parts.

23 Q. 56 Right.

24 A. And of course he went out house building on his own. The other feature I
11:17:11 25 remember, he was an expert equestrian.

26 Q. 57 Right. I take it from that, Mr. Redmond, that you had made extensive
27 inquiries about this man before you committed yourself to lending him any
28 money?

29 A. No, I didn't know anybody who knew him.

11:17:29 30 Q. 58 You didn't know anybody who knew him?

- 11:17:32 1 A. No, it was a ingenuous. I made it on my own estimation. I trusted him.
- 2 Q. 59 Mr. Redmond, I think you are a person who is particularly careful of your
3 financial affairs, and indeed conscious of the value of money. Do you not
4 consider it extraordinary that you'd give a man 110,000; be it in combination
11:17:52 5 of 70 and 40, or otherwise, without there being any documentation, any legal
6 structure to protect you in relation to those monies?
- 7 A. Oh, looking back on it I must have been out of my mind. However, I did it and
8 that's it and one has to accept responsibility for what one does.
- 9 Q. 60 At this time, Mr. Redmond, amongst the matters that were discussed between
11:18:16 10 yourself and Mr. Kennedy, did they include his intentions to acquire a plot of
11 land known as the Ballyowen Stud, which is part of the lands of the, in the
12 ownership of Captain Rogers, who owned the Airlie Stud as well?
- 13 A. I had no discussions with him about land. I just at the time I made the
14 advances to him and the other person, it was simply related to -- I was giving
11:18:49 15 a loan which, you know, the interest would have been very good at that time and
16 I would have got a good return on it.
- 17 Q. 61 Uh-uh.
- 18 A. That's it.
- 19 Q. 62 What arrangements did you have with regard to (A) the payment of interest and
11:19:06 20 (B) with regard to the refunding of the capital sum that you had advanced to
21 these gentlemen. Firstly, if we deal with the interest; was it to be by
22 reference to bank deposit rate or bank lending rate, was it to be paid weekly,
23 monthly or --
- 24 A. Well in so far as the repayment was concerned that was agreed. That was a
11:19:32 25 matter for Mr. Kennedy. And he would refund it out of the proceeds and the
26 progress, the proceeds of the two gaming stations. And interest was, I don't
27 think we ever agreed a rate of interest but, I mean, in those days you would be
28 talking up to 15%. But certainly, you know, the original payments would cover
29 interest. It was very loose.
- 11:20:06 30 Q. 63 Well, I mean if he was paying you back your capital of course he could -- you

11:20:11 1 might believe you are getting interest back for quite some time before the
2 capital fund ran out; isn't that right?

3 A. Well --

4 Q. 64 Sorry before I finish on that. Are you saying that there was never any
11:20:25 5 agreement between you, and by agreement I mean a meeting of minds between
6 yourself and Mr. Kennedy as to what the rate of interest was that you were to
7 receive.

8 A. I can't remember specifically about that now. I wouldn't say, I just can't
9 remember anything specific about it. It's --

11:20:40 10 Q. 65 I'm not asking you, Mr. Redmond, to pin yourself to a particular interest rate.
11 But to the issue of there being agreement or otherwise as to interest. Do I
12 understand you to say that you never in fact agreed a specific rate of interest
13 with him at the time that you gave him the money?

14 A. It may well be provided for on that agreement which you have.

11:20:59 15 Q. 66 But that agreement was never signed and never left your hands to go to him?

16 A. No, but that would have been the intention.

17 Q. 67 Right. Well --

18 A. If I could have sight of the agreement it would be helpful. I don't remember
19 it myself. I mean, this is 24 years ago. Is that right? Yes.

11:21:22 20 Q. 68 It is. But it's the only occasion, I suggest to you, Mr. Redmond, in which
21 you ever advanced, as you say, a loan of 110, 000 pounds to anybody?

22 A. Yes, that's true. And I've given your worships, I've given you the
23 explanation.

24 Q. 69 Yes.

11:21:40 25 A. Maybe, you know, he was rather a charmer in his own way and -- but he didn't
26 have to persuade me. I was persuaded myself that I could trust both men and
27 that it seemed to me at the time a very attractive investment. Now, that's
28 the position.

29 Q. 70 When you say "investment" are you distinguishing between investment and loan.
11:22:06 30 In other words, are you suggesting that you were to have either an equity or a

- 11:22:10 1 physical ownership of some part?
- 2 A. I never had any agreed or formal equity. The first one, you know, would, I
- 3 mean, 40, 000 in relation to the building and all that went with it would be
- 4 very minor. The other one was the cost, I advanced them the cost of buying a
- 11:22:31 5 premises in Clondalkin. But I didn't, it was as vague as that. You can be
- 6 very critical of it and I'm responsible, but that's the way it was.
- 7 Q. 71 As regards any repayment, be it capital or interest, can you indicate to the
- 8 Tribunal were you paid money and how you were paid that money?
- 9 A. Well I don't recall when the gaming -- during the currency of the Gaming and
- 11:23:03 10 Lotteries Act in Dublin I certainly got money, you know, fairly regularly.
- 11 But what happened then, your worships, was the adoptive act was cancelled by
- 12 resolutions of both the city council and the county council, on a county at
- 13 large basis and a city at large basis. So it meant that gaming was no longer
- 14 legal in the premises. And you had to resort then, or they had to resort then
- 11:23:40 15 to amusement machines, which weren't anything like as profitable as the others.
- 16 Q. 72 I think there was a maximum stake in relation to slot machines?
- 17 A. 50 pence I think.
- 18 Q. 73 Or one shilling I think at one point, five pence?
- 19 A. Oh, no it was limited, you know, I can't remember the limitation on it. But
- 11:24:03 20 anyway, the position was, you know, they were all closed. Well some of them
- 21 closed down and some of them went over the computerised, other machines, you
- 22 know, these game machines were coming in and young people were, you know,
- 23 taking them up and spending a lot of money on them, but nothing like the money
- 24 that was going in from, into gaming machines.
- 11:24:30 25 Q. 74 And how were you paid? Was it in cash or was it by cheque or was it by
- 26 standing order or what was it?
- 27 A. Oh, no. I was paid in cash except what happened then as I recall, that the
- 28 two people who were involved in Westmoreland Street, I don't know whether they
- 29 had a falling out or they had a legal dispute. And I know Mr. Kennedy when I
- 11:25:00 30 would meet him, he would tell me all about it and what was happening not the

11:25:04 1 courts. It seemed to be a very bitter sort of an encounter anyway. At the
2 end of that the other man came along to me and he said that as a result of the
3 litigation they had parted company. I think it wound up with Mr. Kennedy
4 taking over the Westmoreland Street. And he said insofar as he was concerned,
11:25:31 5 he was giving me -- he really appreciated that I hadn't been paid. And he
6 gave me, I think in his written statement he said 5,000, but my recollection.
7 Q. 75 10 actually.
8 A. 10? No, I think he said 5 and I said 10. Anyway, whatever it is, Mr. O'Neill.
9 He said "look, this is the arrangement I've made with Mr. Kennedy, I'm giving
11:25:57 10 you this and whatever else is owed is a matter for him".
11 Q. 76 So you got 10 from the gentlemen to whom you say you lent 40 in combination
12 with Mr. Kennedy?
13 A. 10 or whatever, it was capital or interest. And I can't put a time on that.
14 Q. 77 I see. It was at the conclusion of the litigation between Mr. Kennedy and his
11:26:18 15 partner at that time?
16 A. I couldn't say.
17 Q. 78 And it was in May of 1988 insofar as we know?
18 A. Sorry?
19 Q. 79 May of 1988 was the transfer of the shares.
11:26:28 20 A. Oh, this is long before that.
21 Q. 80 You think it's long before that.
22 A. Yes, it was long before that. All I can -- I can say that with certainty. I
23 would have thought sometime --
24 Q. 81 Is that the only sum that you can specifically remember receiving?
11:26:42 25 A. Yeah.
26 Q. 82 As regards capital return on the 110, 000 pounds that you had advanced over
27 that time?
28 A. Well I didn't regard that as capital either. I just regarded it as an
29 inclusive payment. And it was more or less something he had agreed. And
11:26:59 30 quite honourably in the circumstances, I can see that he had agreed that and

11:27:03 1 without reference to whatever had been paid previously. And then he just said
2 "well, from now on you're in Mr. Kennedy's hands insofar as any remainder is
3 concerned".

4 Q. 83 At a guess, is that five years after you had first given the money over or --

11:27:21 5 A. I don't know. You know it's a long time ago. It would, somewhat I think
6 relate to the date of whatever resolution was passed about you know, cutting
7 out gaming in Dublin.

8 Q. 84 Yes. At any rate it was at a period of relatively high interest and inflation
9 rates through the early '80s, isn't that right?

11:27:43 10 A. All of the '80s were very high.

11 Q. 85 There could be up to 20% loss in the value of your asset in any one year?

12 A. I remember one day going down to Barry Desmond, who was Chairman of the
13 Council, and telling him we were getting 28% on overnight money from CitiBank.

14 Q. 86 When you were getting any of the reward or return on your funds, you say it was
11:28:10 15 in cash, did you physically go to Mr. Kennedy to collect the cash from him or
16 his staff or where did that take place, or did he come to you?

17 A. No, I used to go down, you know, every perhaps -- this is in the '80s?

18 Q. 87 Yes.

19 A. Up to the time of the -- up to the time of the row they had and the abolition
11:28:36 20 of gaming. I generally went on a Saturday/Sunday night. Always on a
21 Saturday/Sunday. I wouldn't go on a weekday. And that was the position.

22 Q. 88 And when you went there was it down to the gaming hall in Westmoreland Street
23 that you went or was it to the pub in --

24 A. No. At some stage he sold the pub, I don't know. No, I would never. Oh,
11:29:12 25 yes, for Clondalkin I'd go up to the pub all right.

26 Q. 89 And in the pub would you collect the funds from him, by arrangement?

27 A. Well if he had something to hand over he'd hand it over to me there, yes.

28 Q. 90 When you say "if". Is it not something that was prearranged between you that
29 you turn up for a specific purpose, the collection of money from Mr. Kennedy at
11:29:28 30 a particular location, at a particular time and a particular amount?

- 11:29:32 1 A. Well it would depend on how well the week went or didn't go or what expenses he
2 might have had to pay during the week. You know, the Clondalkin one wasn't
3 all that successful. And you know, all I know is that it wasn't as successful
4 as the other one up to the time of the abolition of the Gaming Act.
- 11:29:54 5 Q. 91 Whatever funds you were going to get out of this venture, Mr. Redmond, from
6 Mr. Kennedy, were on the basis of you being joint venturers in this project;
7 isn't that right?
- 8 A. Well not formally.
- 9 Q. 92 Well forget formality for the moment. The amount you were to get was
11:30:13 10 dependent upon the success or otherwise of the venture that you had with him;
11 isn't that right?
- 12 A. Clondalkin?
- 13 Q. 93 Irrespective of where it was. Certainly if you want to qualify -- feel free
14 to qualify the arrangement, but as I understand it you were saying that the
11:30:31 15 amount that you got depended on how successful he was at a particular time and
16 that dictated the amount that he paid to you; is that so?
- 17 A. In the case of Clondalkin, clearly.
- 18 Q. 94 Well to that extent then you were joint venturers in this exercise although it
19 wasn't formalised; isn't that right?
- 11:30:52 20 A. I suppose you could say that, yeah.
- 21 Q. 95 And are you saying that that is the only relationship which you had with
22 Mr. Kennedy that was informal and in which you were in receipt of funds from
23 him?
- 24 A. That's all, that's the only thing I had with him at that time, nothing else.
- 11:31:10 25 Q. 96 At this time, of course, you tell us that he had widely diverse interests,
26 including auctioneering, the public house business, betting shops, and building
27 or speculating perhaps in land?
- 28 A. Well that's over the entire period.
- 29 Q. 97 Sure.
- 11:31:32 30 A. Yeah.

- 11:31:32 1 Q. 98 Well we know in relation to Ballyowen that he was buying Ballyowen in 1980,
2 1981 and selling it in 1983, a period during which you would have been closely
3 connected with him in your gaming, joint gaming business; isn't that right?
4 A. Well, yes.
- 11:31:49 5 Q. 99 And Mr. Kennedy, you've told us, is a rather charming and effusive person.
6 And I take it that he discussed with you the success of his other ventures,
7 including the Ballyowen Stud land which seemed to be remarkably successful
8 within a relatively short period of time; isn't that right?
9 A. Yes, yes.
- 11:32:08 10 Q. 100 He had purchased it for 1.3 million. He sold it on for 3.5 million and he
11 shared the profit with another co-owner; isn't that right?
12 A. Another co-owner?
13 Q. 101 A Mr. Duffy who was a co-owner in that Princetown Homes venture.
14 A. Well I know that he bought it through the good offices of the other man who was
11:32:34 15 involved in --
16 Q. 102 Mr. Sam Stanley, was he involved in the sale on?
17 A. No. Through the good offices of the man, the other man who we, who I loaned
18 the 40, 000.
19 Q. 103 Yes.
11:32:52 20 A. I think, am I right in saying that they were formerly, I don't know if it was a
21 stud farm or certainly it was a horse farm, and the owner was involved in the
22 turf and hence he was a very good friend of the other man who I hadn't named.
23 Q. 104 The other gentlemen, Mr. Skelly?
24 A. Well you've named him.
11:33:19 25 Q. 105 He is a gentlemen who equally loaned to Mr. Kennedy a sum of 110, 000 pounds.
26 And that 110, 000 pounds was lent by way of a deposit or portion of the deposit
27 of over 330, 000 pounds which was paid for the acquisition of the Ballyowen
28 Stud?
29 A. Well I was only referring to Mr, I didn't know that. I was only referring to
11:33:47 30 Mr. Skelly in the context that the purchase price was very keen.

- 11:33:53 1 Q. 106 Yes. Mr. Skelly was not a person who shared in the profit of the Ballyowen
2 Stud nor was he an owner of the Ballyowen Stud. That was another gentlemen, a
3 Mr. Duffy. In any event, that was a particularly successful operation which
4 resulted in a profit before tax of some 2.2 million pounds in 1983 or
11:34:21 5 thereabouts for Mr. Kennedy.
6 Now, is that something of which you were unaware, though you were meeting, I
7 suggest, Mr. Kennedy on a very regular basis at that time?
8 A. Yes, I remember him telling me. But apparently it had all gone wrong. He
9 told me that while, you know, it looked as if it was a profitable exercise.
11:34:47 10 He had one of these tax schemes, and he couldn't, anyway somebody wouldn't
11 cooperate with him in operating it and that virtually all of the profit went
12 back in tax. I don't know what the tax rates were in those days, they were
13 very high.
14 Q. 107 Yes. But that transaction was one of which you were aware and I suggest to
11:35:12 15 you that the increase in the value of those lands went in turn with the
16 extension of the drainage system heading west through Balgaddy which ultimately
17 served these lands?
18 A. The Greater Dublin Scheme.
19 Q. 108 Yes.
11:35:35 20 A. -- including the canal tunnel was known for years and there were permissions
21 out there for thousands of houses, unbuilt.
22 Q. 109 They would depend upon the drainage of those lands becoming operational?
23 A. The drainage was there. It was there from, I don't know what, years, you know,
24 it was well established drainage. But there was nobody building there. You
11:36:05 25 see, the extraordinary thing about him. And as I said, he had his own
26 ability. The ability to sell land up there at the time was incredible
27 because, I don't know whether any of you have a recollection of the old
28 Fonthill Road. For about a mile down the road there were literally thousands
29 of itinerants and no one would touch lands up there. Insofar as permissions
11:36:35 30 were concerned, there were thousands. And how he was able to sell the land,

- 11:36:41 1 you know, to me was always a bit of a miracle. As matter of fact, the
2 owners -- that land, it stayed there for at least 15 or 17 years. And the
3 same with all land there. That was one of his abilities, Mr. O'Neill.
- 4 Q. 110 Once he had exercised that ability, Mr. Redmond, and had generated a
11:37:07 5 substantial profit out of that project I suggest, did he discuss with you a new
6 or alternative project which he would become engaged in in 1984 or thereabouts,
7 and in particular did he discuss with you that he would like to acquire land in
8 the Carrickmines area of Dublin which might come up?
- 9 A. No, I've no recollection.
- 11:37:33 10 Q. 111 He never discussed Carrickmines with you at any point; is that right?
- 11 A. No, or anywhere else.
- 12 Q. 112 Right. Carrickmines is an area which at that time was being considered for a
13 sewage scheme which would run to the Shanganagh outfall; isn't that right?
- 14 A. Well there was talk about the, you know, the general talk about things in
11:38:02 15 planning in those days. You'd hear talk about the canal tunnel and the inner
16 tangent ring. And one of the things that would be mentioned was the
17 Carrickmines Valley sewer.
- 18 Q. 113 Yes. It was something that would come up, I take it, at sanitary services
19 meetings if it was on the agenda for discussion?
- 11:38:24 20 A. It wasn't on the agenda, you know, as an urgency. The only thing that made it
21 urgent from the council's point of view was that some time in the '60s I think
22 or maybe early '70s, the council had bought land from the Holy Ghost Fathers on
23 Ballyogan Road and it was intended to meet housing need. And whenever any
24 questions came up. It couldn't be used at the time for lack of services.
- 11:39:00 25 And whenever, you know it came up, the answer was "oh, well now these lands
26 will have to wait for the Carrickmines Valley sewer". That sort of a
27 reference.
- 28 Q. 114 In general Mr. Redmond, was it the case that the council had plans for sewage
29 throughout the Greater Dublin area but that there simply wasn't the funding
11:39:23 30 available to build what was contemplated by the technical staff at the time?

11:39:29 1 A. Well when you say they had plans ready. Had they plans ready to go to tender?
2 No, they hadn't plans. But they certainly had a programme which was very slow.
3 You were speaking about pre-Maastricht. Pre-structure funds time, when the
4 early days of subvention would be sanitary services subvention of 40% and that
11:39:57 5 would only be in the case of services that were needed. Carrickmines was
6 never regarded by the department as a service that was needed. They saw it as
7 simply a development for private dwellings that should be financed in some way
8 from levy or maybe some other way, but from their point of view it wasn't an
9 urgency, and that was the position which persisted, now reading the file, up
11:40:32 10 to 1993.

11 Q. 115 Right. So that there were a number of projects, Carrickmines not being unique
12 in this, in which there was an identified need as far as the council was
13 concerned. There was no immediate finance for it. And there was competition
14 between the various projects, some obviously would be successful, others
11:40:57 15 wouldn't; isn't that right?

16 A. Well the position about the Government in those days, the Department of Local
17 Government. They financed all major road construction, not by loan, by grant.
18 And they financed sanitary services, that's water, drainage, surface water,
19 reservoirs. In that case they financed it by loan, not by grant in other
11:41:23 20 words. What was happening throughout the council, each local area had its own
21 requirements. The northern county, the north part of the county were looking
22 for drainage for Swords, for Malahide and other places, and there were other
23 councils looking for the roads. Insofar as the manager's job was concerned,
24 he made the case for them all.

11:41:47 25 Q. 116 Yes.

26 A. He made the case.

27 Q. 117 And in particular in relation to the Carrickmines area in 1985, I think we have
28 seen a drawing at page 2161 of the sanitary services department preparing a
29 plan which would show a sewage outfall running from Carrickmines in Kiltiernan
11:42:13 30 down to the Shangannah scheme. I think it's on screen in front of you there,

- 11:42:19 1 Mr. Redmond, just on the smaller screen.
- 2 A. I don't think -- I mean, well Kiltiernan to Carrickmines wasn't part of the
- 3 scheme, Mr. O'Neill.
- 4 Q. 118 Well can I show you a hard copy perhaps of the plan, Mr. Redmond.
- 11:42:34 5 (Document handed to Mr. Redmond).
- 6 You'll see a red line there which indicates the route of the proposal which is
- 7 contained within this plan. And on the left-hand side you will see a proposed
- 8 pumping station. You see the logo there on the left-hand side within a box?
- 9 A. Ballyogan Pumping Station?
- 11:43:02 10 Q. 119 No, no. Lower down on the left-hand side?
- 11 A. Rathmichael?
- 12 Q. 120 Well it says Kiltiernan is the land there?
- 13 A. Oh, up in Kiltiernan.
- 14 Q. 121 Yes?
- 11:43:17 15 A. But the point I'm making to you is that at that time all the council or the
- 16 engineers I should say, contemplated for the pipe between Kiltiernan and --
- 17 Q. 122 Glenamuck and Ballyogan.
- 18 A. Ballyogan, yes. Ballyogan. Is that Ballyogan? Yeah. Was a pipe that
- 19 would take the two sets of cottages, the Kiltiernan cottages and the Glenamuck
- 11:43:50 20 cottages and the 150 houses I think that were counted along the route.
- 21 Q. 123 Well if we can look firstly at the plan?
- 22 A. There was no question of providing, you know, an arterial large drain there.
- 23 That's evident from the files. I don't remember that, by the way. But it's
- 24 just evident from the files.
- 11:44:13 25 Q. 124 What is clear from this particular plan is that it was drawn in April of 1985.
- 26 We see that in the legend in the bottom there, in the date section?
- 27 A. Well it's equally evident that it was a very limited pipe. That pipe was
- 28 designed mainly to take the cottages. And then as it was going by houses to
- 29 relieve them of their septic tanks and bring them into the sewer.
- 11:44:43 30 Q. 125 It was certainly evidence I suggest, Mr. Redmond, of the fact that this was one

11:44:48 1 of the matters which was receiving consideration at this particular time in
2 1985; isn't that right?

3 A. By the engineers, I don't think by anybody else.

4 Q. 126 And could I suggest to you that you had an interest in advancing this scheme or
11:45:05 5 one very similar to it, in the 1980s; in 1985 for example and in 1986?

6 A. How do you mean? I had interest in advancing it?

7 Q. 127 Yes. It was one of a number of competing schemes?

8 A. It would be on the programme. It would be on the sanitary services programme.
9 The engineer would put it on.

11:45:29 10 Q. 128 Sure.

11 A. One thing I remembered, or a peculiar thing about it that didn't apply to
12 others. In the case of all major schemes, whether they would be roads or
13 sanitary services, if they were any way major we always gave them out to
14 consultants, that I remember. And that was the established practice when I
11:46:00 15 took up office and I continued that. I mean, you're in the hands of engineers
16 and that's it. But we had meetings, we had regular meetings with the union
17 representing the engineers and one of their principle complaints was, as we had
18 a big staff of engineers, and they were doing some design work, you know, it
19 wouldn't be big design work but obviously they had to do a lot of design work.

11:46:20 20 Surely, you know we could give them some of the bigger jobs. And at the
21 time -- in around '80 something, I don't know, there was a -- certainly a lot
22 of the schemes and other work had been advanced and there was a slackness.
23 And the chief engineer decided to put a team to do, you know, drawings that
24 would serve for contract drawings.

11:46:47 25 Q. 129 Right. Those contract drawings, I take it, since we see the plan on screen
26 here, included the Carrickmines area and there were probably, as a matter of
27 course, preliminary drawings to that that we see on screen which is dated in
28 April 1985?

29 A. Yes, but only up as far as the Merville Pumping Station and would not have
11:47:12 30 included the other pipe between Kiltiernan.

- 11:47:19 1 Q. 130 Right. Why do you say that, Mr. Redmond?
- 2 A. Because, I mean, there's a report of the council, I think it's in '89,
- 3 submitting the drawings to them to show them what was afoot. And it mentioned
- 4 that that's not included.
- 11:47:34 5 Q. 131 Well this proposal here in 1985, I suggest, was preceded by certainly working
- 6 drawings; isn't that right?
- 7 A. Well the engineers would be working on all sorts of things, which way the sewer
- 8 was to go, I would have had no input into that.
- 9 Q. 132 Fine. The fact that this was now receiving the attentions of the engineering
- 11:47:57 10 section would be a fair indication, I suggest, that something might happen in
- 11 this area?
- 12 A. Oh, I think -- well first of all, as you're probably aware. Well it was
- 13 generally known that there was going to be a Carrickmines Valley sewer for a
- 14 start. The second thing that I would point out, just to inform the Tribunal,
- 11:48:20 15 was that the Eastern Regional Development Organisation actually as one of the
- 16 objectives they said there was going to be a trunk sewer in that area, clear as
- 17 daylight. And they also said that it would sustain, or something would
- 18 sustain a population, or the area would sustain 27, 000 of a population. So
- 19 there was no secret. By the way, they referred to it as Shanganagh. But I
- 11:48:52 20 presume they had in mind the catchment of the sewer. I mean, I'm assuming
- 21 that that's what they meant, but they did use the expression 'Shanganagh'.
- 22 Q. 133 Right. That was a body which couldn't itself implement these wishes, it was
- 23 merely a review group which studied the area and offered a review?
- 24 A. Yeah, but it's composition, the core of its professional staff were city and
- 11:49:16 25 county staff, professional officers.
- 26 Q. 134 Right. Its views were not embraced by the Government at the time; isn't that
- 27 right?
- 28 A. Yes. Well I think what they were doing in the '80s they were winding up all
- 29 sorts of quangos and it got the knock like others. But they did make a
- 11:49:38 30 statement to say that they didn't agree with it. But in what parts they

11:49:42 1 didn't agree with it I couldn't say.
2
3 But getting back to, you know, what -- in the case of sanitary services
4 matters, Mr. O'Neill, unlike zoning there was never any secret about what we
11:49:57 5 were doing. And you know, if you went to the sanitary services desk they'd
6 tell you what we were doing or what we planned to do. That was the rule.
7 And what brings it to mind in particular around that period was something that
8 happened.
9
11:50:17 10 At that stage I was very, very, very keen on open space. And in my time I put
11 four and a half thousand acres, that's more than twice the size of the Phoenix
12 Park, together. But one parcel of land I was chasing from the time I took
13 office was Corcagh Demesne, which was owned by Sir John Galvin at the time.
14 And I wasn't familiar with the demesne itself but some of the planners told me
11:50:51 15 about it and they painted a beautiful, something I gathered something like
16 Malahide demesne or even Newbridge demesne. But anyway I was chasing it and
17 meeting his agents here and one of his sons anyway here in Dublin. Anyway, he
18 wasn't ready to sell but my understanding is that he was well disposed, but
19 then I got a call from him one day I remember from British Columbia and he
11:51:26 20 spoke about the demesne and he said, I remember him saying that the dollar
21 relationship was right, whether we were in punts or what we were in, anyway it
22 was right at the time. Anyway, he said that he'd come over and he'd discuss
23 it with me.
24
11:51:43 25 A short time afterwards he came to Dublin and he came to my office and he
26 discussed it and he made a firm offer of the land to me on behalf of the County
27 Council. And I think the figure was three and a half million. It was very
28 big. I think it must have been about 600 acres, I don't remember, but anyway,
29 it was a very generous offer. But you might say to yourself what's that got
11:52:12 30 to do with Carrickmines? But at the same time he also offered his own land in

11:52:21 1 Lehaunstown, that was running, you know, when you passed Jordan's as it was
2 there at Cherrywood and you came on to the road and all of that land going up
3 as far as Cabinteely and then going up the valley up to, up towards the golf
4 course.

11:52:38 5 Q. 135 Yes, substantial part of it being the Monarch lands as they've been referred
6 to?
7 A. I don't think they bought all of the land.

8 Q. 136 I'm not saying all, but a substantial part?
9 A. No, it was very big, yeah. So I think that he offered, I remember, this is a
11:52:54 10 complete shock to me I never expected to be offered a second parcel of land.
11 Anyway, we were offered a very big parcel of land. And I told him "look, I'll
12 have to, I won't have the final say in the buying of this land". And I said
13 I'd have to take it up to my colleagues to the county manager and the other
14 managers, all of which would have an interest. He said that was all right, I
11:53:23 15 could get in touch with him and he made up his mind. And I cleared it. Both
16 parcels were on offer, yes he said and you've first refusal.
17
18 So I took it up to the City Hall and it was discussed at length by the
19 managers. And the view on Corkagh was that we should buy it because we were
11:53:48 20 committed to a major open space there, and you know, there was some development
21 land as well, there was 100 acres as far as I recall. And what was agreed at
22 the time was that I would buy it on behalf of the council and the corporation
23 would buy the 100 acres of development land. I think it worked out at about a
24 million.

11:54:09 25
26 When it came to discussing the other lands I would have made the managers aware
27 of, you know, what plans were effecting them. First of all, we had the, that
28 Southeastern Motorway which was somewhat pie in the sky at the time. It's not
29 even mentioned in the ERDO plan. Anyway, the department were insistent that
11:54:37 30 we had a diagrammatic line on the plan. I said anyway there's that for a

- 11:54:43 1 start and we're also considering the sewer going up the valley, and this would
2 be the place it would go, go through these lands. But anyway, the decision
3 was that we shouldn't buy them.
- 4 Q. 137 Right.
- 11:54:57 5 A. There were, well one of the reasons, you know, was they felt insofar as the
6 County Council was concerned it had enough commitments about land.
- 7 Q. 138 And these lands were all zoned agricultural land at that particular time under
8 the development plan?
- 9 A. That was an advantage, Mr. O'Neill. I mean, the organisation that could
11:55:23 10 change all of that was the county.
- 11 Q. 139 Sure.
- 12 A. And I mean, there's no doubt about it, if the manager or the Dublin planning
13 officer were to recommend that land that was owned by the county should be
14 joined for housing, it would go through.
- 11:55:46 15 Q. 140 Sure; subject to the councillor's views etc.
- 16 A. Except there were other views about it. There were a lot of people, I
17 understand, political people took the view; this got out you know, that this
18 land was on offer.
- 19 Q. 141 Sure.
- 11:56:00 20 A. That they didn't want to see Dun Laoghaire's housing problems solved on that
21 land. I don't know whether that was one of the reasons why we didn't buy it.
22 Anyway, the decision was to tell Sir John that it wasn't being bought. And
23 one of the reasons I remember that came up at the meeting was the feeling that
24 there was, there would be tremendous hostility to dense development in that
11:56:31 25 area. That they weren't accustomed to it most people living there and that it
26 would be a lot, anyway.
- 27 Q. 142 My concern at this point, Mr. Redmond, is in relation to the year 1984 and
28 1985. And the evidence of Mr. Stanley to the effect that he was given a map
29 by Mr. Kennedy which Mr. Kennedy attributed to you as being the source.
- 11:56:56 30 A. Yes, I heard that.

- 11:56:57 1 Q. 143 You heard that evidence and you reject it?
- 2 A. Just before we get to that I just want to clear up something as to why, you
- 3 know, the story about the Galvin lands. I don't know at what stage the Galvin
- 4 lands were put on the market, your worships. Certainly it was before I
- 11:57:14 5 retired. Anyway, they were put on the market. And, you know, a big parcel
- 6 of land like that in a very key position in southeast Dublin, there was huge
- 7 interest in it. And I remember somebody getting on to me in a firm of
- 8 auctioneers or land valuers to complain that different information was being
- 9 given out in relation to infrastructure by the County Council.
- 11:57:48 10
- 11 So I remember, you know, speaking to the engineers about it and the policy in
- 12 those days was to tell everything, you know, if we're preparing a scheme tell
- 13 them, if we have it tell them, if we have a Roads Act tell them, let them know.
- 14 If there's any problems with it let them know. And I remember instructing the
- 11:58:10 15 engineers to make certain that not alone did we tell everything but that all
- 16 the staff were singing from the same hymn sheet. But in telling you that,
- 17 your worships, I just want to illustrate that insofar as sanitary services were
- 18 concerned, there was no hold back. And as a matter of fact, at these auctions
- 19 the sanitary services position would be read out, and the same with roads.
- 11:58:39 20 But when it came to planning you could only deal with what was there. What
- 21 was going to happen in the future on a change, well that was something that no
- 22 one knew about. That was the big question. Sorry, Mr. O'Neill.
- 23 Q. 144 Not at all.
- 24 A. Yes.
- 11:58:53 25 Q. 145 Mr. Redmond, if we move to the document at page 2163. We'll see that by the
- 26 4th of April 1986 Mr. Tom Leahy was the acting senior engineer as the time,
- 27 was in a position to advise the principal officer, in confidence, that he was
- 28 "Attaching a copy of the preliminary report and book of drawings for the
- 29 proposed Carrickmines foul sewer in accordance with the instructions by
- 11:59:20 30 Mr. Redmond ACM at the last development coordinating committee meeting. It is

11:59:25 1 in order to submit this scheme to the Department of the Environment for their
2 approval ".

3
4 Firstly, this is a confidential exchange between the parties. Can I take it
11:59:36 5 from that that this is not information that is to be generally disseminated,
6 namely that the senior engineer was moving on the instructions of yourself to
7 submit a scheme to the department; isn't that so.

8 A. That's so, but I don't know the reason for the confidential on it. Because the
9 reason I say that is that Mr. Murray would have been at the same meeting. You
12:00:01 10 know, he would be my deputy chair at the meeting.

11 Q. 146 Of course, I mean everybody at the meeting would receive, they would have heard
12 the information passed and would have noted whatever decision was made?

13 A. Yes, of course.

14 Q. 147 But does it not suggest that persons who were not at the grade of persons
12:00:19 15 entitled to attend such meetings, that they would not know what the long-term
16 decision was that was made at these meetings, unless particularly directed by
17 their superiors to know this?

18 A. Well, I mean, at those meetings I think if you look up the attendance, is huge
19 numbers as far as I know at it. And there was nothing secretive about it.
12:00:44 20 That thing had been going on for months.

21 Q. 148 Well could I suggest to you that it was deemed certainly by the acting senior
22 engineer here to be confidential information. To know that the council was
23 applying to the Minister for sanction for this particular scheme. It means
24 that at a minimum, does it not Mr. Redmond, that somebody at this meeting of
12:01:07 25 the development co-ordination committee had decided to advance the process one
26 step further in relation to the Carrickmines foul, valley foul sewer over and
27 above perhaps another scheme which would be competing with it for interest?

28 A. No, there was no other -- at that stage in County Dublin our staff, that's our
29 own engineering staff, were not engaged in any schemes at all. And anything
12:01:35 30 else that was being drawn up at the time would have been with consultants.

12:01:40 1 Q. 149 Right. We will see that whilst a scheme went to the Department for its
2 approval it was considered in February of 1987 by the Department of the
3 Environment. We'll see at page 2152 the document which sets out a response to
4 the Eastern Region Settlement Strategy 2011, which I think was the ERDO scheme.
12:02:08 5 John Boland, now deceased, was at that time the Minister for the Environment
6 and the report reads:
7
8 "John Boland, Minister for the Environment has informed the Eastern Regional
9 Development Organisation, ERDO, that point:
12:02:20 10 The Government are not satisfied that the eastern region settlement strategy
11 2011 can be used as a basis for future planning of the Eastern region.
12 A fundamental review of the strategy is needed in the light of the evidence of
13 changes in demographic trends and improved possibility for inner city
14 development.
12:02:40 15
16 And in the present situation no commitment from the Government is possible in
17 respect of the capital works outlined in the strategy report. Settlement
18 strategy was commissioned by ERDO in 1982 and the report was published in 1985.
19 The population projections underlying the recommended strategy for the location
12:02:56 20 for future developments are based mainly on statistics for the period 1971 to
21 '81 with limited information in relation to later periods.
22
23 Whilst there is some uncertainty about current and future demographic trends,
24 the information available since the study was undertaken calls into question
12:03:17 25 some of the basics assumptions on which the population objections in the ERDO
26 report are based. The substantial adjustments required in these projections
27 would entail fundamental changes in the proposed development strategy.
28
29 It's clear therefore for this reason alone that the proposed settlement
12:03:33 30 strategy cannot be regarded as an acceptable framework for the plans and

12:03:37 1 programmes of local authorities and other development agencies in the region.
2 A long-term development strategy for the east region is, of course, desirable
3 so that the future growth and development of the region can be planned in a
4 realistic and cost effective manner with proper regard to social,
12:03:52 5 environmental and other considerations.
6
7 ERDO has therefore been asked to review its work on the settlement strategy in
8 light of the most up-to-date information and analysis available on demographic
9 trends and taking a full account of current Government policies and programmes.
12:04:09 10
11 The ERDO report rejected the inner city as a development option finding that
12 there was not a good case for the accommodation of significant additional
13 population there. However, since the report was completed, development
14 incentives have been introduced for designated areas in Dublin city as well as
12:04:27 15 enhanced house improvement grants, especially for older homes.
16
17 These measures provide an improved climate for investment in inner city areas
18 and should generate the confidence that will lead to a self sustaining urban
19 renewal process in the years ahead. Full account should be taken of these new
12:04:44 20 factors in determining settlement strategy.
21
22 Transportation factors exercise a major influence on settlement strategy
23 options and it is for these reasons it is suggested to ERDO that special
24 account should be taken of these factors when reviewing its proposals. It is
12:04:55 25 envisaged that following agreement on a broad settlement strategy for the
26 region, a detailed land use transportation study would be carried out. With a
27 view to providing a proper framework for the review by ERDO of it's settlement
28 strategy proposals and for regional planning generally, the Government will
29 request the central statistics office to prepare a range of population and
12:05:20 30 labour force projections up the periods up to 20 years ahead for each of the

12:05:24 1 nine planning regions. It is envisaged that the group under the chairmanship
2 of the Central Statistics Office which prepared the population and labour force
3 projections '86 to '91 would oversee this task."
4

12:05:37 5 It goes on then to say that "fundamental objective of such a review would be to
6 provide support for the development of regions outside Dublin and to stem the
7 growth of the Dublin area on which the ERDO report is based. Arrangements for
8 undertaking this review will be made by the Government as soon as possible".
9

12:05:57 10 I referred to that document in February of 1987 because it was, in effect, the
11 response to the suggestion that there should be this ongoing expansion in the
12 Carrickmines area. I think also in the other areas identified; Swords,
13 Greystones and otherwise. This was offering the Government view at the time
14 that the direction should be focussing more on inner city development. In

12:06:20 15 that instance the Carrickmines scheme would be a long way off; isn't that
16 right?

17 A. The?

18 Q. 150 Carrickmines sewage scheme would be a long way off if the Government's
19 intention to review the matter, in the light of encouraging inner city rather
20 than outer fringe development was adopted; isn't that?

12:06:38 21 A. Well the amount of inner city development that you get, even with Government
22 initiative would be very small. Certainly what it said was that anything that
23 was identified in the ERDO report, you couldn't count on capital monies.

24 Q. 151 Sure.

12:07:00 25 A. In any event the sanitary services monies were always very slow to come.

26 Q. 152 Right. We'll see how sanitary services viewed this on the next document, 2516.
27 Which was the 21st of August 1987, approximately six months after the
28 commentary on ERDO which I've referred earlier. This was to planning
29 administration, Mr. Keane, and sanitary services section from EA Cassidy
30 planning officer. Subject: The Carrickmines Valley sewage scheme.

12:07:35 1
2 And the reference number is given there.
3
4 "I have noted the relevant documents namely the preliminary report by Dublin
12:07:43 5 County Council and Mr. Anderson's report of the 11th of the 8th '87."
6
7 The preliminary report there, Mr. Redmond, I think was the report which was
8 sent by Mr. Leahy following the direction in 1986.
9 A. Well I haven't seen any, I've no reason to doubt.
12:08:02 10 Q. 153 The drawing indicated the extent of the area etc
11
12 The author this report says at the third paragraph there:
13 "It must be pointed out that the layout is not in accordance with the current
14 1983 Development Plan. The review is due in 1988. Much of the land indicated
12:08:21 15 for development on drawing 2893 1A is presently zoned for agriculture and open
16 space in the Development Plan. The preliminary report does indicate that the
17 areas were decided upon in the light of consultations with ERDO and the IDA.
18 It is worth noting however, with regard to ERDO that there has been no formal
19 change in the Government's position since the statement of the 5th of February
12:08:47 20 1987. That statement expressed dissatisfaction with the ERDO strategy and
21 called for a fundamental review of it. I understand that the implementation of
22 the southern cross route may not be likely before the middle of the next decade
23 and that the Southeastern motorway, which is relevant to the area under
24 consideration, subsequent to that again.
12:09:07 25
26 The long lead time involved with major sewage schemes on one hand and the
27 desirability of providing adequate pipe diameters for the initial trunk system
28 on the other is appreciated.
29
12:09:21 30 To ensure that proper co-ordination does take place at the local level it seems

12:09:25 1 prudent to query the County Council as to how this scheme is seen in the
2 context of the existing Development Plan and its imminent review and I'd
3 suggest that this be done."
4

12:09:35 5 So there was a holding position taken on the application which was advanced in
6 1986; isn't that right?
7 A. By the Department.
8 Q. 154 By the Department on the basis that they were sending it back to see what the
9 intention was?
12:09:46 10 A. And they throw it back to the review.
11 Q. 155 Right. And we see then that the next document at page 2158 again, I think is
12 a Department --
13 A. What date is your document?
14 Q. 156 It's the 27th of August, 1987. Again, it's dealing specifically with the
12:10:17 15 Carrickmines Valley Scheme?
16 A. Yes.
17 Q. 157 -- scheme and the approval of the preliminary report?
18 A. Yes.
19 Q. 158 The council had done its work, I take it, estimating it as 3.9 million pounds
12:10:27 20 as of April 1985. You see that in the heading of the scheme. That would
21 tend to indicate that the council had carried out certainly an estimation of
22 the overall costs operative as of a date in April '85 at 3.9 million for the
23 scheme; isn't that right?
24 A. Yeah.
12:10:52 25 Q. 159 So there was a considerable amount of work being done in 1985 to cost it. The
26 benefits then, under paragraph four you'll see there's commentary about
27 Inspector Daly's recommendation about --
28 A. Before you get there. I beg your pardon, Mr. O'Neill. But the first
29 background, "the preliminary report for the Glenamuck cottage drainage scheme
12:11:19 30 was tagged on to the large scale development of the land at Ballyogan

- 12:11:26 1 originally in '79 at an estimated cost of 400,000. However
2 Glenamuck/Kiltiernan section was subsequently omitted because of the scarcity
3 of finance." So that pipe going up, you know, that you showed me. That's
4 gone out of it.
- 12:11:41 5 Q. 160 Well it says that it was originally submitted in 1979.
6 A. Yes, even before -- that was submitted even before I took up office.
- 7 Q. 161 Sure. But that it was dropped, that is the Glenamuck/Kiltiernan section was
8 subsequently omitted because of the scarcity of finance at that time. It's
9 not saying here that it isn't being considered in this particular review. It
10 was being considered in this review because this review is the April 1985?
11 A. But the plans which Mr. Leahy sent down didn't contain it.
- 12 Q. 162 Why do you say that when we see at 2161 that the April 1985 plan includes the
13 Carrickmines, the Kiltiernan/Carrickmines run?
14 A. Where I do see that?
- 12:12:36 15 Q. 163 At 2161. It's the hard copy plan that you had before you earlier, Mr. Redmond.
16 The document which shows the proposed pumping station at Kiltiernan running all
17 the way down to Ballyogan. It's one which you said was only to serve the
18 needs of the County Council cottages. But I suggest to you that it's clearly
19 shown on the plan here and not distinguished as regards diameter from any other
12:12:57 20 pipe which is in the scheme.
21 A. Well, I mean, obviously I -- where I am now I just can't pick up the documents,
22 but I will pick up the documents.
- 23 Q. 164 I am suggesting to you that what the Department was considering by way of
24 application was documentation which was prepared and costed as of April 1985.
12:13:33 25 And if so, it is likely to have included a particular plan which is before you,
26 which is dated 19 April, 1985. Which shows the sewer running down the
27 Glenamuck Road or perhaps in the margin of it, down to Ballyogan and then
28 joining up with the Merville to Shanganagh pumping station.
29 A. Could I refer you to 2443.
- 12:14:06 30 Q. 165 Yes.

- 12:14:07 1 A. "The design of the extension of the scheme to serve the Glenamuck/Kiltiernan
2 area has been completed. This scheme provides for the extension of the sewer
3 from the head of the main scheme in Merville up to Glenamuck Road to pick up
4 the Glenamuck cottages and other dwellings along the road."
- 12:14:25 5 Q. 166 Yes.
- 6 A. "The Golden Ball area, the Wayside Cottages and Kiltiernan. The length of the
7 proposed pipeline is 4.7 kilometers and 148 cottages are proposed to be
8 drained". That's the position about that. In my time that was the always the
9 position about that pipe; it was a limited pipe for just houses and cottages.
- 12:14:54 10 Q. 167 Well it was going to be used by others as the means of draining their lands;
11 isn't that right?
- 12 A. It hadn't the capacity, Mr. O'Neill.
- 13 Q. 168 Yes?
- 14 A. It's quite clear, it hadn't the capacity.
- 12:15:08 15 Q. 169 Why do you say it's quite clear that it didn't have the capacity?
- 16 A. It says here that's it's designed for 148. "The length of the pine line was
17 4.7 and 148 are proposed be drained." And that's all it was intended for.
- 18 Q. 170 It says the design of the scheme is to serve the area. "The design of the
19 extension of the scheme to serve the Glenamuck/Kiltiernan area has been
12:15:31 20 completed. This scheme provides for the extension of the sewer from the head
21 of the main scheme at Merville up Glenamuck Road to pick up" and it identifies
22 the various cottages. It doesn't say that it's limited in its capacity to
23 only deal with those. And indeed I suggest to you that it would be very poor
24 value if 1,184,000 pounds was going to be spent to drain only 148 dwellings.
- 12:16:03 25 A. Yes, but if it was your intention that that is all that should be drained.
- 26 Q. 171 Yes.
- 27 A. That would be the cost of the pipe.
- 28 Q. 172 Well who says that it was the intention that that would be the only area
29 drained? I know it says here that it facilitates it. It doesn't say that
12:16:22 30 it's limited and will be permanently limited to doing that.

12:16:24 1 A. You're asking me and I am telling you that was my understanding and the
2 understanding of the people who sat around the table, that that was a limited
3 pipe and it would get rid of the problem of the two cottage drainages scheme.
4

12:16:36 5 CHAIRMAN: Sorry, Mr. Redmond. Would you look at the second paragraph there?
6 The second paragraph. It stated in the the second sentence:
7 "It must be pointed out that it is unlikely that a scheme designed on the basis
8 of restricting capacity rather than draining a natural catchment, as is normal
9 practice, would be acceptable to the Department of the Environment".

12:17:02 10
11 My understanding of that statement is that it was to -- the intention as far as
12 the Department -- if it was to be passed by the Department of the Environment
13 it would have to be designed to drain the catchment area. And then the next
14 paragraph goes on simply to state that it will pick up the existing houses en
12:17:26 15 route. But I don't understand how that could be interpreted, that particular
16 document could be interpreted as suggesting that it could only be a pipe with a
17 very limited capacity.

18 A. Well I think in the records, there's a record of the councillors passing a
19 resolution that it be designed in that form only. But I --

12:17:54 20
21 CHAIRMAN: How do you explain then the second paragraph where it's clear that
22 the Department of the Environment weren't going to be interested in the pipe
23 unless it was capable of draining an actual catchment, which it says is normal
24 practice?

12:18:13 25 A. They just say it's unlikely that a scheme could be designed. But the design
26 would probably require a report from the planning officer and his, you know,
27 the view could well be expressed by him that this area was not to be developed
28 intensely. And hence --
29

12:18:33 30 CHAIRMAN: But do you agree though that the interpretation of those paragraphs

- 12:18:37 1 would suggest that the system was to be designed to drain the catchment area
2 and not just a small number of houses?
- 3 A. Well, first of all, you had to establish what did the members want. The
4 members --
- 12:18:54 5
- 6 CHAIRMAN: No, no. Just in relation to that document. Do you agree that
7 that is what is being stated there? I can't see how any other --
- 8 A. Yes, yes. I agree.
- 9 Q. 173 MR. O'NEILL: And isn't it the case, Mr. Redmond, that this scheme as
12:19:09 10 envisaged by you was one which you considered would in fact be expanded upon
11 considerably. In other words it would be only the thin end of the wedge to
12 put this in because in effect it was going to serve the future development of
13 this area? Do you understand what I'm putting to you?
- 14 A. Sorry, no, I just didn't hear.
- 12:19:30 15 Q. 174 Sorry. What I was saying to you, Mr. Redmond, was whether or not it is the
16 case that you considered when this scheme was going in, and obviously you were
17 aware of the scheme because you were the person chairing the meeting and you
18 were the person upon whose recommendation the scheme was submitted to the
19 minister, that's clear.
- 12:19:53 20 A. Well it was a joint decision. The chief engineers and deputies would also
21 have been there. Certainly we wouldn't have gone against their wishes.
- 22 Q. 175 No. But the acting engineer who was in charge of the scheme, Mr. Leahy,
23 records in sending the document to the principal officer, that he is doing is
24 so and that it is in accordance with the instructions which were given by you
12:20:18 25 at the meeting in 1986 to forward this documentation to the Department?
- 26 A. Yes.
- 27 Q. 176 So you are familiar with it. And I'm putting to you that in forwarding that
28 documentation which included a provision to drain the area along the Glenamuck
29 Road, you were aware that this was something which could be used to facilitate
12:20:43 30 other development and was not limited to the servicing of the requirement of

12:20:47 1 existing County Council cottages; isn't that right?

2 A. No, it's not right.

3 Q. 177 It's not right?

4 A. Whatever about written in the report.

12:20:58 5 Q. 178 Right.

6 A. My own view about that pipe. Once it left Merville was it was a local pipe.

7 That was my own view. I may not have asked questions about it but that was my

8 own view, it was always a local pipe to serve the cottages and houses.

9 Q. 179 Are you saying that was always your view and you retained that view?

12:21:17 10 A. Well I never thought much of the scheme, you know. It's something that wasn't

11 in my mind especially as, we're in '87 and I think if I can refer you now to

12 again, the sanitary services conference. I don't know whether you're going to

13 bring it up yourself. It's 2445. 2446.

14 Q. 180 Yes.

12:21:49 15 A. And 2445.

16 Q. 181 Right.

17 A. And I think it's probably better to read the letter first. It's a letter from

18 Mr. Taylor, the same Mr. Taylor who was addressed by Mr. Leahy. And he is the

19 principal officer of the engineering department and had delegated functions in

12:22:10 20 relation to sanitary services.

21

22 And he says "I attach herewith copy of a letter dated the 5th of October" is

23 that the one you were reading?

24 Q. 182 I believe so.

12:22:20 25 A. Yes. "Received from the Department of the Environment in connection with the

26 above scheme. This letter was discussed at the sanitary services staff

27 conference on the 10th of November and it was agreed to reply to the Department

28 stating that this scheme would be considered in the context of the review of

29 the Development Plan."

12:22:41 30 Q. 183 Yes.

12:22:42 1 A. So that's what was going to happen. "The information required for the
2 appendix and annex is being prepared and will be forwarded to the Department in
3 due course.
4

12:22:50 5 In the context of the review of the development plan it should be noted that
6 this particular scheme along with a number of other schemes, which are being
7 processed with the Department of the Environment are unlikely to be undertaken
8 in the foreseeable future and account should be taken of this when reviewing
9 the Development Plan".

12:23:12 10 Q. 184 Can I stop you at this point, Mr. Redmond and say that as much as this letter
11 appears to do is to acknowledge the validity of the Department of the
12 Environment's response to your initial request to advance the Carrickmines
13 sewage scheme, by saying that it was premature because the land was still
14 zoned. The ERDO report did not indicate, or was not acceptable to the
12:23:41 15 Government as a grounds for putting in the sewage in this area and that the
16 matter would really have to be reviewed in its appropriate context, which was
17 in the light of the Development Plan and the wishes of the local authority with
18 regard to developing this area, because obviously the local authority might
19 have decided not to develop the area at all. In which case there would be a
12:24:06 20 very expensive sewer in agricultural lands where there was a crying need for
21 the same sewer perhaps in another area which might be rezoned?

22 A. Yes.

23 Q. 185 In essence they were saying it was premature?

24 A. I'll read also the minute, 2446. A minute of the sanitary services
12:24:28 25 conference.
26 "It was agreed in the context of the preparation of the Development Plan that
27 Mr. Taylor would write to Mr. Smith, principal officer of the planning
28 department, in relation to this scheme and other proposed schemes stating that
29 it was unlikely that they would be undertaken in the foreseeable future."

12:24:48 30 Q. 186 Now, whilst that was a view in the sanitary services department, could I

12:24:49 1 suggest that it wasn't a view that you shared?

2 A. Sorry?

3 Q. 187 Could I suggest that that view in the sanitary services department, that this
4 was a project which might not advance for quite some time. That that was not
12:25:03 5 a view that you shared. You believed that the matter should progress faster
6 than they did, do you understand?

7 A. No, I didn't. I knew it wouldn't.

8 Q. 188 Fine. We will look now to a document at 422. A letter of the 11th of
9 January 1989.

12:25:20 10

11 This is a letter of your's, Mr. Redmond, to the secretary of the Department of
12 the Environment at O'Connell Bridge House. I take it it was rare enough for
13 you to write directly to the secretary was it on such issues, or was it not?

14 A. Well if somebody drafted a letter and asked me to sign it I'd sign it. If I
12:25:41 15 thought --I don't think there was any hard and fast rule.

16 Q. 189 Fine, well we'll read the letter. It says, it's dated the 11th January, 1989.
17 "I refer to our letter of the 18th of April 1986" you are referring back now to
18 the original submission which went in through Mr. Leahy in 1986. We've
19 already reviewed that documentation.

12:26:03 20

21 "In connection with the proposed Carrickmines Valley foul sewer in which
22 preliminary approval was requested, the Carrickmines Valley foul sewer is
23 designed to provide land drainage facilities to the Carrickmines Valley area of
24 South County Dublin. The valley runs eastwards from the townland of
12:26:21 25 Murphystown through the townlands of Loughlinstown/Rathmichael and stretches to
26 the coast adjacent to the County Council Shanganagh Disposal Plant. The area
27 has been identified as a future residential and industrial development area.
28 The proposed sewer will connect to the recently constructed County Council
29 disposal works at Shanganagh which outfalls to Killiney Bay through a long sea
12:26:46 30 outfall pipe. Part of this area is already served by interim drainage

12:26:51 1 arrangements which were designed to be incorporated into the Carrickmines
2 Valley sewer eventually. These drainage arrangements in particular cover lands
3 currently being developed at Ballyogan which drain to a pump house at
4 Carrickmines Bridge "I think that's Merville. Isn't that right?

12:27:08 5 "This pumping station currently discharges into the main sewer at Cornelscourt
6 Hill Road, which in turn drains to a pumping station in Cabinteely Park from
7 which it is pumped directly into the Deansgrange Valley sewer.

8 On construction of this proposed sewer both of these pumping stations will no
9 longer be required. In accordance with the current County Development Plan
10 much of the land in the catchment area of the proposed scheme is zoned for
11 housing purposes while other areas of land are zoned for agricultural
12 purposes". Now we're talking about the 1983 plan there, Mr. Redmond; isn't
13 that so?

14 A. That's so.

12:27:46 15 Q. 190 "However, there are current applications with the council for the development
16 of two schemes comprising 128 houses at Glenamuck, Carrickmines Road and it is
17 likely that these will be approved by the council and the zoning altered.
18 Following on from this it is reasonable to assume that this development will
19 only be the thin end of the wedge and further applications are likely to occur
20 subsequently.

12:28:09 21 In the circumstances, and particularly in view of the fact that the recent ERDO
22 settlement strategy report showed an additional population distribution of some
23 40, 000 persons in this area by 1996 and also the fact that the council's major
24 investment in the construction of the major sewage scheme and outfall works at
12:28:29 25 Shanganagh is underutilised I would be grateful for some indication as to when
26 it is likely that this project will receive preliminary report approval.
27 Yours faithfully, George Redmond, assistant city and county manager".
28

29 Could I suggest, Mr. Redmond, firstly, that that confirms what I put to you
12:28:50 30 earlier, which you disputed at the time, namely, that the proposal contained

12:28:55 1 within the 1985 plan which was submitted in 1986, was intended and was
2 recognised by you as being the thin end of the wedge for future development
3 along the Glenamuck Road. And you quote here two examples of 128 houses at
4 Glenamuck, which I suggest were Mr. Mooney and Mr. Leddy's schemes which were
12:29:15 5 current at that time. Isn't that so?

6 You were at all times of the view that this was a thin end of the wedge for
7 future development which would take place in that area. And it was not
8 limited to serving the County Council cottages, as previously indicated by you.
9 Do you understand the question?

12:29:41 10 A. The evidence, Mr. O'Neill, is that from the 1970s there were queries going down
11 about the Carrickmines Valley sewer. I mean, it was - when I joined the
12 council it was one of the projects which was listed. And I mean, I didn't
13 push it. I mean, the engineers were anxious to design it. That's all they
14 wanted to do.

12:30:09 15 Q. 191 The question I was asking you, Mr. O Redmond, was whether or not you are now
16 prepared to revise what you had said earlier, namely that the line in question
17 as far as you're concerned was intended solely to serve the existing
18 requirement of the two County Council cottage schemes on the roadway as opposed
19 to being the thin end of the wedge for other development in the area, which is
12:30:36 20 what I put to you and which you had rejected earlier. I am suggesting to you
21 that this letter confirms what was your view in 1989 -- well sorry, it states
22 what your view was in 1989. And I suggest it confirms that you had that view
23 earlier; that this would be the thin end of the wedge and that the council --
24 sorry, the Department should view is in that light when coming to determine the
12:31:04 25 viability of the project and the requirement to expend those funds in that
26 area.

27 A. The position about the thin -- I'm trying to recall what happened in those
28 days. The position, as I understood it at that time, was that there was a
29 certain amount of capacity in the Merville pump house, some hundreds, I don't
12:31:35 30 know how many hundreds. I think at one stage it was a thousand. And the

12:31:43 1 thin edge of the wedge was not the sewer in relation to those houses. Those
2 140, whatever the number I mentioned there, they could go straight into
3 Merville. They would go into Merville at the moment without any enlargement
4 of any pump between Kilternan and the bridge. They weren't dependent on the
12:32:09 5 sewer. But what was happening was there was pressure. There was pressure
6 from lands at Ballyogan, from the Gallops, and it was all going to be used up.
7 All that memorandum sought was when is it likely to receive preliminary
8 approval? It could be years before development.

9 Q. 192 Well do you not accept, Mr. Redmond, that the view expressed by the sanitary
12:32:36 10 services department, and you quoted or you read out there Mr. Taylor's letter
11 in 1987 which indicated that there was nothing would happen here for the
12 foreseeable future. That was the view within the sanitary services
13 department?

14 A. That was my view.

12:32:57 15 Q. 193 If that was so, what was the requirement for you to write to the secretary of
16 the Department in 1989 seeking some indication as to when it is likely that the
17 project will receive preliminary report approval. Because --

18 A. Well, what I recall about that scheme generally at the time was that it was a
19 very major breakthrough for the design people who had carried out the work and
12:33:24 20 had prepared documents which were near enough to contract documents. Both the
21 chief engineer and his deputies spoke very, very highly of the work that had
22 been done. And I certainly remember a group of them coming in to me one day
23 and saying "sure it's a waste of time, you'll get no kudos for having the work
24 done. It's only when it's a scheme that you can, you know, make something of
12:33:51 25 it and put it in your CV".

26 And as far as I recall I recall that letter spanned from that to try and, you
27 know, to try and see from that point of view would they approve it. But I
28 knew, I had discussions with the Department and I knew what the position was
29 about the financing of that forgetting about the planning now, planning is a
12:34:16 30 separate matter. For just on the financing there was no question of the

- 12:34:20 1 scheme coming within four or five years from the time, you know, that time '89.
- 2 Q. 194 You're saying that you had discussions with the Department is it, about it or
- 3 with whom?
- 4 A. About the financing?
- 12:34:31 5 Q. 195 Yes.
- 6 A. Oh, yeah.
- 7 Q. 196 Are you are saying that in 1989 you were led to believe that there would be no
- 8 financing of it for years?
- 9 A. Their general disposition towards this type of scheme was such that, you know,
- 12:34:45 10 there wouldn't be money for it, no question about that.
- 11 Q. 197 And if there was no money for it presumably they wouldn't be encouraging
- 12 further work in the engineering section, either by way of preliminary reports
- 13 or --
- 14 A. Well I think a lot of the work was done. I'm not certain now about exactly
- 12:35:07 15 how much was done. I mean, obviously if they wanted modifications and you
- 16 know. Anyway it wouldn't have gone, it wouldn't have been finalised without
- 17 consideration by the planners.
- 18 Q. 198 And certainly you wouldn't have been requested to prepare contract documents
- 19 unless there was a realistic prospect of it being carried out?
- 12:35:27 20 A. Contract documents were a long way down the line, you know.
- 21 Q. 199 Well if we look to the next document, Mr. Redmond, it's at page 531. And it's
- 22 a letter from the Higher Executive Officer to the Department to the secretary
- 23 of Dublin County Council, sanitary services section.
- 24
- 12:35:49 25 It's a letter which is four months later than your request. And it reads as
- 26 follows:
- 27
- 28 "A Chara, with reference to your letter of the 11th of January 1989" I should
- 29 say that is a letter that we've just read, that was written by you personally.
- 12:36:03 30 "And previous correspondence in connection with the above. I am to convey

12:36:07 1 approval to the preliminary report and to the preparation of contract documents
2 for this scheme. Approval is given on condition of provisions by you of an
3 Appendix 1A giving a detailed breakdown of the all in cost of the scheme".
4

12:36:23 5 Isn't that totally contrary to what you have just indicated, Mr. Redmond, of
6 the attitude of the Department. Here within four months they are writing to
7 you, not only confirming the scheme but authorising the drawing up of the
8 contract documents.

9 A. Well it would depend. I don't see any conflict as far as I was concerned.
10 And your suggestion is that having issued that letter in May 1989 that there
11 would be a swift forthcoming of finance to follow it.

12 Q. 200 I'm merely saying, Mr. Redmond, that it's inconsistent with you having received
13 in your discussions with the Department, an indication from them that the
14 scheme was unlikely to be approved for many, many years. Which as I
15 understand it was the summary of your evidence until this letter was opened to
16 you which indicates the contrary; namely that the attitude now of the
17 Department in May is that the scheme should go ahead, that the contract
18 document should be prepared.

19 A. It doesn't say that the scheme is to go ahead Mr. O'Neill.

12:37:29 20 Q. 201 It says: "I am to convey approval to the preliminary report and to the
21 preparation of contract documents for this scheme".

22
23 And you've already agreed with me that you don't prepare contract documents for
24 a scheme unless it is going to be --

12:37:42 25 A. Oh, indeed you could. You could have contract documents lying around for
26 eight or nine years. I can remember contract documents that were ready with
27 consultants, in offices waiting for the money. In addition to that there are
28 letters subsequent to that making it quite clear that there are financial
29 problems.

12:38:09 30 Q. 202 I accept that that is so. But we're looking at what you're --

- 12:38:09 1 A. You're talking about consistency. On the one hand you say the Department is
2 giving it a green line and you accept without producing the letters that the
3 Department is saying "No, there's no money for this".
- 4 Q. 203 Obviously everything is capable of being changed until such time as a
12:38:21 5 contractor has signed up to the contractual arrangement in the documents which
6 are prepared by the Department. But I'm putting to you here that it is the
7 case that you were advancing this scheme, in the knowledge that the sanitary
8 services department themselves believed that it wouldn't be taking place in the
9 foreseeable future.
- 12:38:44 10 A. That wasn't just their view, that was my view.
- 11 Q. 204 Right. Well I'm suggesting to you, Mr. Redmond, that if it was your view you
12 would not have written to the department in the terms you did in January 1989
13 seeking, in effect, confirmation of the scheme which by that time had been with
14 the department for nearly three years. There was no reason to --
- 12:39:11 15 A. The sanction sought, when are we -- at what time are we going to get
16 preliminary sanction? That's all it did. It didn't do anything more. It
17 didn't ask them to provide money or to accept contract documents. Virtually at
18 the same time we had -- at that sanitary services conference I chaired a
19 meeting which decided that the planners should forget about this scheme during
12:39:43 20 the review. Remember, Mr. O'Neill, the review was due to be completed in
21 '88.
- 22 Q. 205 Yes.
- 23 A. It was very current, you know, when that minute went over in the very end of
24 November '87. I mean, they were expected to have the plan. I don't know
12:40:02 25 what date in '88, you might know yourself. I don't know what date they had to
26 produce it by. But at that time it was quite clear this thing wasn't going to
27 be approved.
- 28 Q. 206 It had not been produced in 1988; isn't that right?
- 29 A. Sorry?
- 12:40:18 30 Q. 207 It had not been. The Carrickmines Valley Drainage Scheme had not been

- 12:40:23 1 produced for discussion?
- 2 A. It had no real sanction. None. It hadn't got the sanction of the members.
- 3 It hadn't got the sanction of the Minister in any form and that's its status.
- 4 It had no status.
- 12:40:36 5 Q. 208 The status of events as of the 1st of May of 1989 when the sanitary services
- 6 department was written to, was that this, I take it, remained confidential
- 7 exchange between the department and the council as to its intentions with
- 8 regard to the Carrickmines scheme; isn't that right?
- 9 A. No, I don't think it could be deemed to be confidential. Any sort of a
- 12:41:11 10 parliamentary question about it would have elicited that report. That they
- 11 had sanctioned it. And in fact there are a number of them there. Now, I
- 12 don't know if any of them went as specific as that, but I don't think that it
- 13 could be deemed to be confidential.
- 14 Q. 209 So that are you saying that any member of the public who went to the public
- 12:41:29 15 desk on the 4th of May would be informed that the department was considering
- 16 the preparation, or had indicated that the preparation of contract documents
- 17 for this scheme should take place?
- 18 A. I don't know if somebody, if a consultant engineer went in and asked that he
- 19 might well be informed of that. But one thing I am certain of is if a TD put
- 12:41:52 20 down a question as to what was the position about the status of that scheme,
- 21 the Minister would have to reply in those terms, that he had approved
- 22 something.
- 23 Q. 210 Since this response was a response to a letter which had been written
- 24 personally by you. I take it that you would have been informed immediately of
- 12:42:13 25 the content of this letter on the 3rd of May?
- 26 A. He refers -- well I don't remember it. I certainly don't remember it. It
- 27 refers to the letter of the 11th of January and previous correspondence.
- 28 Q. 211 Yes. But the letter of the 11th of January is the one which was written by
- 29 you to the secretary.
- 12:42:30 30 A. That's right.

- 12:42:31 1 Q. 212 And this was a response at the same hierarchical level. It wasn't to an
2 assistant or principal officer. It was secretary to manager in effect; isn't
3 that the right?
- 4 A. Well I wasn't the secretary.
- 12:42:45 5 Q. 213 I know you weren't.
- 6 A. That letter, by the way. What the content of that letter, the normal thing
7 that would have happened to it was that it would have been brought to the next
8 meeting of the sanitary service conference.
- 9 Q. 214 Would you interpret the content of this letter, that is the letter of the 1st
10 of May, as being a positive indication that it was likely that the department
11 would embrace the scheme as furnished to them some three years prior to this
12 date and that steps were now underway to bring it to the contract stage; is
13 that correct?
- 14 A. Absolutely not.
- 12:43:22 15 Q. 215 You wouldn't take that view at all?
- 16 A. No. Well at this stage I was 65 and I was going out, and with a wide
17 experience that I have in dealing with departmental letters and; no, the
18 position on that was quite clear in my mind. The likelihood of money being
19 made available for that scheme was dim and was certainly way back in the
12:43:46 20 future.
- 21 Q. 216 The local authority were to consider this document at a meeting on the 14th of
22 June of 1989. It's at page 2444. The minutes of the council meeting under
23 Carrickmines Valley Sewage Scheme.
- 24
- 12:44:05 25 "The following report by the manager, which has been circulated, was read and
26 noted" and then you'll see "by letter of the 1st of May 1989 the Department of
27 the Environment approved the preliminary report on the Carrickmines Valley
28 sewage scheme and allowed for the preparation of the contract documents for the
29 scheme"
- 12:44:24 30 A. Can I have the second page of that, Mr. O'Neill?

- 12:44:29 1 Q. 217 Do we have it?
- 2 A. Page 120.
- 3 Q. 218 121 on the internal document?
- 4 A. Yeah.
- 12:44:36 5 Q. 219 I'm not sure if we have it screened, or scanned I should say. If you just
- 6 bear with me a moment, Mr. Redmond.
- 7 A. I think the first thing it does is it scoffs any idea of confidentiality.
- 8 Q. 220 The first thing it does, Mr. Redmond, is that it indicates that this
- 9 information was brought to the attention of the councillors at a meeting of the
- 12:45:00 10 14th of June 1989; isn't that so?
- 11 A. Well I haven't seen the second page but --
- 12 Q. 221 Was it normal to circularise the members in advance of the meeting with a copy
- 13 of the report that would be read and noted?
- 14 A. I wouldn't be in a position to say with certainty what would be circulated.
- 12:45:23 15 Generally if documents were available they would be circulated, generally, yes.
- 16 Although sometimes they would be given a bundle of papers when they went in,
- 17 although I couldn't be specific about that.
- 18 Q. 222 Whilst the second page of this is being generated, Mr. Redmond, I'd ask you to
- 19 look at a document at page 2078. Which is a record of a meeting which took
- 12:45:50 20 place with Mr. Jim Kennedy and Mr. Brian O'Halloran on the 9th of June of 1989.
- 21 It predates, in other words, the meeting at which this matter was opened to the
- 22 councillors, by five days.
- 23
- 24 And if you look to the points of the meeting here. The fourth point is that
- 12:46:15 25 JK, that's Jim Kennedy "told me that the Carrickmines Valley foul sewer has
- 26 been approved in the County Council's expenditure estimates. Tender
- 27 documentation is currently being finalised. JK's confident that the scheme
- 28 will be sent for tendering very shortly. In JK's opinion the new Carrickmines
- 29 valley sewer" --
- 12:46:36 30 A. Sorry. Just to interrupt you, Mr. O'Neill. None of those allegations are

- 12:46:41 1 valid. Expenditure was never approved in the estimates and the tender
2 documentation currently being finalised, that isn't true either.
- 3 Q. 223 "JK is confident that the scheme will be sent for tendering very shortly."
4 A. Couldn't be sent for tendering without clear indication that the funds would be
12:47:04 5 available; and as I said I was firmly -- I had been firmly told that they would
6 not be available.
- 7 Q. 224 What was the purpose then of having the matter brought before the body of
8 councillors for you to read the report indicating the content of the letter of
9 the 1st of May of 1989 and outlining what the intention of the scheme was?
- 12:47:59 10 A. Well that -- I don't think I would have had any hand, act or part in that.
11 That would be a matter for the principal officer. And the general rule was to
12 keep the members up-to-date.
- 13 Q. 225 Well this is stated to be the following report by the manager which has been
14 circulated. Was read and noted. And it sets out what, obviously what the
12:48:20 15 intention is here.
- 16 A. Yeah. The intention is --
- 17 Q. 226 Could I suggest that that would be entirely an unnecessary exercise if there
18 was no intention to follow up on the --
- 19 A. I think if you would look at the scheme that has been put up to them. It
12:48:46 20 doesn't contain your pipe from Kiltiernan down. It only contains what was the
21 main scheme, and that's as far as Merville.
- 22 Q. 227 What it says in the second paragraph. Perhaps it's better if I read the
23 entire of the report which was read to the members.
24
- 12:49:30 25 "By letter dated the 1st of May 1989 the Department of the Environment approved
26 the preliminary report on the Carrickmines Valley sewage scheme and allowed the
27 preparation of contract documents for the scheme. This work is now in hand."
28
- 29 Does that mean what it says, Mr. Redmond? And that is that the contract
12:49:52 30 documents for the scheme which had been submitted in 1986 were now in hand and

12:49:59 1 in preparation?

2 A. The scheme is described on page 246 and does not include that pipe.

3 Q. 228 What was approved in the preliminary, by the Department was the preliminary

4 report on the Carrickmines Valley sewage scheme. And I'm suggesting to you

12:50:23 5 that that includes the Carrickmines pipe and Glenamuck --

6 A. -- it's clearly omitted in the report.

7

8 JUDGE FAHERTY: Mr. O'Neill, could you put up both paged 2444 and 2045?

9

12:50:41 10 MR. O'NEILL: 2444 is on screen at the moment.

11

12 JUDGE FAHERTY: And 2445 I think. Sorry Mr. Redmond I want to put the next

13 page up. I think there's the next page is up.

14

12:50:50 15 MR. O'NEILL: The other one is just being scanned as page 246. It's DLRCC

16 Monarch 248, at 246.

17 A. Your worships could I ask for an adjournment here? They can give me these

18 papers and I can read them at lunch.

19

12:51:15 20 CHAIRMAN: Well I think that's sensible, because --

21 A. I'm having difficulty hearing yourselves, that's the first thing. And I'm

22 hearing Mr. O'Neill all right. But I think I'd -- if the relevant papers

23 would be given to me.

24

12:51:30 25 CHAIRMAN: All right. Well I think that you should read the documents

26 carefully because we find it difficult to agree with your interpretation.

27 A. Yes.

28

29 CHAIRMAN: But have a look at them and you can deal with it at two o'clock.

12:51:45 30 A. Well my interpretation I'm satisfied is the correct one. There was never --

12:51:49 1
2 CHAIRMAN: All right.
3 A. -- the scheme that would be put out to tender would be up as far as Merville.
4 No further than that.

12:51:55 5
6 CHAIRMAN: And do you say that that is clear from the --
7 A. The report to the council.

8
9 CHAIRMAN: From the report to the council?
12:52:05 10 A. Yes, it is.

11
12 CHAIRMAN: And it doesn't have any other interpretation?
13 A. No, absolutely.

14
12:52:10 15 CHAIRMAN: Right. We'll adjourn until two o'clock. It's ten to one.

16

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

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

- 12:52:36 1
- 2
- 3 Q. 229 MR. O'NEILL: Mr. Redmond, before the lunch break we were examining the record
- 4 of the minutes of a meeting of Dublin County Council which took place on the
- 14:05:36 5 14th of June 1989 in the context of the Carrickmines Valley sewage scheme.
- 6 And we were looking at the two pages in which the minutes of the meeting are
- 7 reflected. And I think that it is the case that there was a description of
- 8 the scheme, expressed to be a description in broad terms, which we see on the
- 9 second page. And nowhere in that description is there a reference to the spur
- 14:06:07 10 or the link from the Ballyogan/Merville Road pumping station up to Golden Ball.
- 11 And you therefore conclude that what was being discussed were the other aspects
- 12 of the scheme A, B and C and not the Ballyogan/Kiltiernan run; is that right?
- 13 A. I'm absolutely certain that that spur wasn't.
- 14 Q. 230 Fine.
- 14:06:31 15 A. And to fortify that, could I refer you Mr. O'Neill, to correspondence you
- 16 raised yourself this morning?
- 17 Q. 231 Yes.
- 18 A. That is 333. It was Mr. Leahy who was the design engineer to Mr. Murray.
- 19 About sending the preliminary report down to the Department of the Environment.
- 14:06:58 20 I have a copy of the preliminary report. It's page 334 in the internal. And
- 21 I've gone through it at lunchtime. Not a mention of the spur. I mean, I
- 22 have no doubt that the scheme, as understood, was to the Merville pumping
- 23 station.
- 24 Q. 232 Sure.
- 14:07:20 25 A. Your worships, this is available. It hasn't been circulated but it's in the
- 26 County Council's sanitary services file.
- 27
- 28 CHAIRMAN: Very well.
- 29 Q. 233 MR. O'NEILL: In either event, Mr. Redmond, that particular section of the
- 14:07:39 30 drainage scheme would not be required to drain the lands of Jackson Way

- 14:07:55 1 Properties through which the wayleave for the main scheme runs; isn't that so?
- 2 A. I don't know.
- 3 Q. 234 You're not aware of that.
- 4 A. I don't know the position that well.
- 14:07:55 5 Q. 235 Yes.
- 6 A. Especially with the intervention of a motorway.
- 7 Q. 236 Right.
- 8 A. But if I recall when you were examining Mr. Stanley, if that's his name, isn't
- 9 it?
- 14:08:07 10 Q. 237 Yes Mr. Sam Stanley.
- 11 A. And a map was produced. My, you know, my understanding of the map just
- 12 looking at it was that it went up the valley, or at least a lot of the lands he
- 13 had in were in the valley.
- 14 Q. 238 That's right, those three maps I think were in --
- 14:08:24 15 A. In other words, would I be right in saying it would have been north of the
- 16 proposed roadway reservation.
- 17 Q. 239 The page number is page 3. This is the reference map which Mr. Stanley was
- 18 using. It's just coming up on screen now.
- 19 You see the map there in front of you, Mr. Redmond?
- 14:08:48 20 A. I do. Is that north? I presume the blue line, Mr. O'Neill, is the motorway
- 21 reservation.
- 22 Q. 240 Well there are a number of blue lines. Firstly, there is a kind of a broken
- 23 blue line which runs up the Glenamuck Road apparently, up to the Kilternan
- 24 area; do you see that? It's following actually the road itself, the Glenamuck
- 14:09:12 25 Road?
- 26 A. The old road, the existing road, I see that, yes.
- 27 Q. 241 The existing road.
- 28 A. Yeah.
- 29 Q. 242 And my recollection of Mr. Stanley's evidence was that there was a sewer
- 14:09:22 30 intended to run down that road and he was intending to use that.

14:09:25 1 A. That's the point I was trying to make to you too. That most of his
2 investigation would seem to have been north of the motorway. And as I say, at
3 the time up to '89 that wasn't part of the scheme, that pipe.

4 Q. 243 Yes. The --

14:09:46 5 A. I think you've said that the Jackson Way lands were not affected by that pipe.

6 Q. 244 Not the pipe which runs up the Glenamuck Road. But the Carrickmines scheme
7 which runs across, either adjacent to the Southeastern motorway, either north
8 or south of it whichever, they would have served the Jackson Way lands?

9 A. The main scheme, as I say, which was a virtually public matter as far as I was
10 concerned, especially in view of the Galvin position, ran as far as Merville.
11 And I think the correspondence, subsequent correspondence indicates that there
12 was all sorts of controversy about that second pipe. I'll read you something
13 that is relevant I think.

14
14:10:45 15 Yeah, it's page 24. And it's a reply to a parliamentary question put down by
16 Helen Keogh. It's about the Carrickmines Valley sewer.

17
18 "As this scheme is primarily designed to cater for domestic development it
19 would be unlikely to qualify for EC co-financing. My department have been in
14:11:12 20 consultation with Dublin County Council about the financing of the proposal and
21 a further submission is now awaited. Given the existing level of commitments
22 on water, sanitary services, I cannot indicate at this stage when a decision
23 may be made on the scheme". Now, that's 1993.

24 Q. 245 That's right.

14:11:31 25 A. Four years after I'd left. And the position was the same as when I was in
26 office. There was no money for that scheme.

27 Q. 246 Obviously we know that you left in June of 1989, about two weeks after the
28 meeting of the 14th of June 1989, which we were considering a little earlier
29 earlier. Now, after that there are a number of documents which you refer to
14:11:58 30 in 1991, 1992 and 1993. From which I think it's safe to conclude that the

14:12:09 1 expression of hope I suggest it was, contained in the letter of the 1st of May,
2 1989, from the department to you, where the writer, the secretary of the
3 department indicated that he was to convey the approval to the preliminary
4 report and the preparation of the contract documents for the scheme. That did
14:12:33 5 not advance any further after 1989; isn't that right?

6 A. No, it was simply some civil servant just giving a stock reply. And it is,
7 insofar as the Minister was concerned, if he did get political representations,
8 he always had the fall-back; well I've sent it back to the county to do
9 something with it.

14:12:54 10 Q. 247 Yes. of course your ongoing interest in this would have ceased as of the date
11 of your retirement on the 26th of June of that month; isn't that right?

12 A. Well that's my official duties.

13 Q. 248 Your official duties?

14 A. Yes, of course.

14:13:10 15 Q. 249 Do you have any recollection, Mr. Redmond, of having any other functions in
16 relation to the Carrickmines Valley, either the drainage scheme or the approval
17 of zoning changes or anything of that nature, either as a consultant or
18 otherwise, after the date of your retirement from the council?

19 A. My major recollection of that scheme was knowing that it was about for a long
14:13:38 20 time.

21 Q. 250 We're talking about the sewage scheme?

22 A. I won't belong.

23 Q. 251 I didn't mean to cut your short.

24 A. Incidentally your worship, would it be in order for me to leave at 3.20?

14:13:51 25
26 CHAIRMAN: Well we would prefer if you could sit until four o'clock in an
27 effort to -- unless you have some pressing --

28 A. Oh, I have.

29

14:14:00 30 CHAIRMAN -- engagement.

14:14:02 1 A. Oh, I have. I go every evening at twenty past three. I have another
2 problem. I have the question and the problem of my own cross-examination by, if
3 I had counsel, which I haven't got. And much of my cross-examination will
4 relate to matters which were raised by Mr. O'Neill in this the morning's
14:14:29 5 session which I have no idea of what he was going to raise. So I'll have to
6 work on that. So that part of my cross-examination --

7
8 CHAIRMAN: We'll worry about your cross-examination when the time comes. But
9 we would prefer if we could sit until four o'clock unless you have some
14:14:46 10 important reason for leaving before four o'clock?

11 A. It's a matter of getting home. I mean, when Mr.-- I remember when Mr. Gogarty
12 was here they had no problem in closing up shop every day at one o'clock.
13 This is the first time I've asked for anything of that nature. And I
14 explained to you. You have the name of being a gentleman and I expect that I
14:15:08 15 wouldn't ask for it if I didn't need it.

16
17 MR. O'NEILL: I should just clarify that Mr. Gogarty's sessions were dictated
18 to, in a large extent by his health considerations, which were --

19 A. Well I haven't revealed my health situation.

14:15:23 20
21 CHAIRMAN: All right. If there's a health reason for you going at twenty
22 past three we won't stop you going at twenty past three. If it's simply to
23 facilitate you're getting home earlier we would prefer if, on this particular
24 occasion you could stay until four o'clock.

14:15:39 25 A. If you can provide me with transport I'll certainly stay.

26
27 CHAIRMAN: Well what's the problem about transport at four o'clock as against
28 twenty past three.

29 A. Well I'm asking you will you provide me with transport?

14:15:52 30

14:15:52 1 CHAIRMAN: No, no. We can't, but what is the --

2 A. Yes you can.

3

4 CHAIRMAN: Well we can't. But what transport do you normally use when you

14:16:00 5 leave at twenty past three?

6 A. Public transport.

7

8 CHAIRMAN: Well can you not use that at four o'clock?

9 A. Well it's for me now at my stage it gets very, you know, full and -- and I'm

14:16:13 10 asking you can you not provide me with transport.

11

12 CHAIRMAN: Well I can't provide you with transport.

13 A. Well I had an experience with counsel. First time I'd ever met Mr. O'Neill

14 and Mr. Gallagher and I had counsel with me and he had a very urgent

14:16:33 15 appointment and they provided him with transport.

16

17 CHAIRMAN: Well, we can't provide you with transport. We will review it at

18 about twenty past three. We'll see how we're getting on at that stage.

19 A. There is the other consideration as well. About my own questioning of myself.

14:16:55 20

21 CHAIRMAN: I accept that. We can deal with that on another day if we don't

22 reach it today. So we'll continue for the moment and we'll review it at 3.20.

23

24 Q. 252 MR. O'NEILL: Mr. Redmond, I wanted to deal with --

14:17:09 25 A. Yes, I was dealing with that.

26 Q. 253 Sorry.

27 A. As I said, the major things I can remember, the big decision from the council's

28 point of view was not getting involved in Galvin. As far as the road was

29 concerned, it wasn't even in ERDO. The department in my discussions with them

14:17:27 30 always took the view "oh, that will be somebody making a toll provision" and

- 14:17:32 1 there was very little work done on it.
- 2 Q. 254 Mr. Redmond, you may have misunderstood my question. Maybe it might assist if
- 3 I was to redirect my question to you. I'm concerned with events after the
- 4 date of your retirement?
- 14:17:45 5 A. Yes.
- 6 Q. 255 I'm asking you whether or not having retired from the council in June 1989 you
- 7 concerned yourself from that day forward with the Carrickmines lands? Either
- 8 by way of being a consultant to any party, or an advisor to any party, or in
- 9 any other capacity. Do you understand the question, from the day you retired?
- 14:18:10 10 A. I fully understand it and I'll give you a very comprehensive answer.
- 11 Q. 256 Very good.
- 12 A. From the day I retired I never got involved in anything of that nature,
- 13 anywhere, with anybody.
- 14 Q. 257 Is that limited to Carrickmines now, or is that limited to other --
- 14:18:32 15 A. Oh, no, Carrickmines and everywhere else.
- 16 Q. 258 Are you saying that you were never a consultant in other projects; do you
- 17 understand me?
- 18 A. Not in relation to planning.
- 19 Q. 259 Well in relation to offering advices as to local authority requirements or
- 14:18:43 20 needs?
- 21 A. No. The only thing I did get involved in was with the late Tom Roche and that
- 22 was in a search for suitable areas for tipping.
- 23 Q. 260 Are you quite certain of that, Mr. Redmond?
- 24 A. Well I can't remember anything else.
- 14:19:03 25 Q. 261 Very good.
- 26
- 27 CHAIRMAN: Did you say tipping, Mr. Redmond? Did you say, you said you got
- 28 involved with Mr. Tom Roche in relation to tipping; was it?
- 29 A. Refuse, landfill, sorry. They were known as tips.
- 14:19:25 30 Q. 262 MR. O'NEILL: So are you saying that you never went, for example, to a

14:19:30 1 solicitor's office to meet with clients or to offer advice in the presence of
2 solicitors, possibly counsel, in relation to issues after your retirement?
3 A. There was -- in relation to --
4 Q. 263 You needn't name the individual. I just want to know whether or not it is --
14:19:48 5 A. Oh no, I will name him.
6
7 CHAIRMAN: Mr. Redmond don't name him. It's just a simple question. Were
8 you involved in any consultancy work in any shape or form?
9 A. Yes, of course. I had quite forgotten it. In relation to Balgaddy.
14:19:58 10 Q. 264 MR. O'NEILL: I see.
11 A. In relation to Balgaddy.
12 Q. 265 And in that capacity you were acting as a consultant; is that right?
13 A. Yes.
14 Q. 266 You were being remunerated for what you were doing?
14:20:13 15 A. Yes.
16 Q. 267 And you were offering advices based on your expertise over many years in the
17 area?
18 A. I didn't want to get involved. He was a friend of mine who insisted, you
19 know, that he come to me.
14:20:26 20 Q. 268 Right. And in the course of that you had dealings with that individual, his
21 firm and a firm of solicitors?
22 A. Firm of solicitors, yes.
23 Q. 269 And are you quite certain that you had no dealings and offered no advices in
24 relation to Carrickmines?
14:20:42 25 A. Yes, positive.
26 Q. 270 Yes. I'll come back to that shortly, Mr. Redmond.
27 A. Yes, of course.
28 Q. 271 In the time, in the years we've been speaking of just before lunch, that is
29 from about '84/'85 running through to 1989 when this meeting took place at the
14:21:05 30 council when it considered the Carrickmines sewer scheme. Is it the case that

- 14:21:08 1 you were meeting with Mr. Jim Kennedy from time to time?
- 2 A. Yes, I had only one objective at that time in meeting him. I met him rarely,
3 but I did meet him from time to time. And the only concern I had at that time
4 was the fact that he had ceased making payments, or very few payments, and
14:21:29 5 that's it.
- 6 Q. 272 Right. You'll be aware, of course Mr. Redmond, from the statements of the
7 Tracey brothers which were contained within the brief of documents furnished to
8 you, that they certainly had a picture of your role painted for them by
9 Mr. Kennedy; isn't that right?
- 14:21:48 10 A. Yes indeed, yes.
- 11 Q. 273 And to the extent that he claimed that he was your brother in law; you've dealt
12 with that extensively in your statement. It is untrue to say that he was your
13 brother in law. But I think you accept that he was spreading this information
14 about for his own advantage?
- 14:22:05 15 A. I had a number of instances where he was names dropping, my name was dropped.
16 A valuer told me I was described as a relation. A Chairman of the council
17 told me, that's two. Somebody else told me. I know that.
- 18 Q. 274 So you wouldn't dispute what the Stanley brothers --
- 19 A. No, no.
- 14:22:30 20 Q. 275 Sorry, the Tracey brothers I should say, said in their statements about their
21 having been approached and it having been indicated to them?
- 22 A. Yes.
- 23 Q. 276 And was that a matter which you ever took up with Mr. Kennedy to reprimand him
24 about the fact?
- 14:22:46 25 A. I did, indeed.
- 26 Q. 277 And what response did you get?
- 27 A. Oh, he always said they misunderstood or, you know, he always had a -- I mean I
28 knew he was, but I was seeing very little of him at that time. I'm not going
29 to say that I had broken off all connection, I hadn't. But I mean, a number
14:23:03 30 of things had happened, and that's it.

- 14:23:06 1 Q. 278 And had you gone on holidays, for example, with him to locations?
2 A. No, that's completely false. Never was outside of Dublin with him.
3 Q. 279 Never?
4 A. Never.
- 14:23:14 5 Q. 280 You were never in Spain or the Canary Islands or any of these places?
6 A. No, no. Absolutely not. It wasn't nothing like that. No. Certainly not.
7 Q. 281 And on the occasions when you did meet him what matters had you in common? I
8 take it there's a relatively wide age gap between you; isn't there?
9 A. Sorry?
- 14:23:42 10 Q. 282 What issues had you in common that were the subject of your suggestions over
11 the years between 1984 and '89 with Mr. Kennedy?
12 A. Well as far as I was concerned I always had the one objective. Always.
13 Nothing else. To try and recover what money I had given him and his friend.
14 Insofar as what would come up. I remember, you know, in the later stages.
14:23:59 15 In fact I remember the last meeting I had with him. And he just spoke about
16 his, the liquidation of the company.
17 Q. 283 I think in your statement to the Tribunal you indicated that probably the last
18 time you saw him was about 14 years ago, that would make it about 1990?
19 A. Some time after, yes, about 14 years ago.
- 14:24:23 20 Q. 284 And he was discussing some financial difficulties was he at that point in time?
21 A. You know, he always had financial difficulties, all the time. I mean,
22 whatever, you know, it is on paper. As far as I was concerned he always had
23 financial difficulties.
24 Q. 285 You never received your money back from him?
14:24:45 25 A. No.
26 Q. 286 And it became, I suggest to you, pretty apparent very early on that that wasn't
27 going to happen; isn't that it?
28 A. Well I wrote it off and I wrote him off and that was it. I haven't spoken to
29 him in 14 years or whatever it is, 15 years.
- 14:25:00 30 Q. 287 Why were you seeing him over a period of about 10 years when it became apparent

- 14:25:05 1 in about one year or less of him loaning you the money that he wasn't paying
2 you back?
- 3 A. My recollection is that he made some payments. By say Christmas time he'd
4 make a payment. But, you know, it was nothing having regard to the total
14:25:18 5 amount that was outstanding. He never disputed it. He always said well, you
6 know, things are bad at the moment. And he had a couple of, I think,
7 unfortunate things happening to him. Anyway, that was it.
- 8 Q. 288 But certainly it seems unusual to say the least, Mr. Redmond, that if somebody
9 is a defaulter in a sizeable debt to you, which would have represented a
14:25:42 10 sizeable amount of money for you in your retirement, that you could continue to
11 visit this person on a relatively friendly basis and make your application for
12 your funds to be rejected yet again and then come back without comment and
13 without instituting proceedings against him, for example within the statutory
14 period which would allow for it?
- 14:26:05 15 A. I never considered instituting proceedings. Certainly never considered that.
16 And as to what I would have had to back it up. Again, insofar as the man is
17 concerned, your worships, none of you have experienced him. And he had to be
18 sort of met and spoken to. And that was the way it was. I was glad to be
19 rid of him anyway and that was all I could say.
- 14:26:31 20 Q. 289 But you seemed to have a relatively harmonious relationship with him albeit
21 that he was in gross default in his obligations towards you; isn't that so?
- 22 A. I don't see where you derive the view that it was harmonious.
- 23 Q. 290 You continued to visit him. You never sued him. You never gave any
24 indication so far that you reprimanded him in anyway for his obvious default.
14:26:59 25 Is that not a harmonious relationship? If it extends over nine or ten years of
26 default without ever being brought to head by you?
- 27 A. Not nine or ten years. As I say, he paid something up to the time of the
28 Gaming and Lotteries Act building effected. I don't know when that was. And
29 infrequently I would get something from him. So he wasn't an entire write off
14:27:21 30 and that's the position. My own --

14:27:23 1
2 CHAIRMAN: Sorry, Mr. Redmond. How much did he pay you back?
3 A. Oh, I always reckoned it would be something in the region of 40,000.
4
14:27:34 5 CHAIRMAN: Because -- and is that all in cash?
6 A. Oh, yes.
7
8 CHAIRMAN: And -- because the amount that you had loaned in total --
9 A. Yeah.
14:27:45 10
11 CHAIRMAN: Probably in today's money, given the relationship to your salary at
12 the time, in today's money it would probably be in the a region of close to 1
13 million Euro.
14 A. Well, you know, at the time I was considering it at that time and not today.
14:28:08 15
16 CHAIRMAN: But relatively that was the purchasing power at the time.
17 A. Yes, but you don't -- I mean, when you look at today's money you don't look at
18 it in what it's going to be in fifty years time.
19
14:28:21 20 CHAIRMAN: In those days it was around nine or ten times your salary. So it
21 was a huge amount of money.
22 A. It was a big amount of money. But at the same time --
23
24 CHAIRMAN: But it was a fortune and you gave it all to this man.
14:28:43 25 A. Yes.
26
27 CHAIRMAN: And you didn't seem to make any huge effort to get repayment.
28 A. Well I did. I followed him up and that was it and I didn't get anywhere. It
29 depends on your nature. I mean, what could I do? Anyway, I am telling you
14:28:52 30 the facts as they were. I was a very foolish man and that's it. That's the

14:28:57 1 way I wound up with him.
2
3 CHAIRMAN: If it was a legitimate loan --
4 A. Oh, it was a legitimate loan.

14:29:03 5
6 CHAIRMAN: And surely you were used to running a fairly large organisation.
7 You would have known that there were ways and means of collecting money using
8 solicitors and writing letters.
9 A. I never even considered that, your worship.

14:29:22 10
11 CHAIRMAN: Sorry?
12 A. I never even considered that, that option.
13
14 CHAIRMAN: And were you not upset that you'd lost all of this money?
14:29:30 15 A. I had to -- I had to, you know, drill myself into a position that I got it out
16 of my mind and got him out of my mind. And I did.
17
18 CHAIRMAN: And this was money that you had saved up; is that right?
19 A. Well it's money that I'd accumulated up to 1980. I always saved money. And
14:29:52 20 anyway, that's the way it happened. And when I parted company with him I
21 never said I wasn't going to see him again or anything. I just simply never
22 did. Just as simple as that.
23
24 CHAIRMAN: Where did the money come from that was used to advance the money to
14:30:10 25 Mr. Kennedy?
26 A. Well that would have been in the main, up to 1980, consultancy services I had
27 given people and an accumulation of my own savings.
28
29 CHAIRMAN: Consultancy services to whom? To --
14:30:34 30 A. Well to people who were involved in buying land, selling land. I mean, a good

14:30:40 1 example is, that would have been the Gogarty case. I got him a buyer.
2 And -- sorry, I beg your pardon. I got him a seller. And I got Bailey, I
3 got him, Bailey a seller and I got Gogarty a buyer. And they both, you know,
4 were more than happy about the transaction.

14:31:03 5
6 CHAIRMAN: And was this money kept by you in cash before you gave it to him?

7 A. Yes, yes. That was accepted in cash.

8
9 JUDGE KEYS: Mr. Redmond, sorry. Could I just also ask you. Did you ever
14:31:13 10 offer any consultancy advice to Mr. Kennedy?

11 A. No, I've no recollection of having offered him consultancy advice. He was
12 very single minded about -- I certainly offered him the advice that he was out
13 of his mind to go building on his own. But outside of that, no, he was a
14 great -- one thing about him was that he was a great man for getting
14:31:39 15 professional advice. And that included of course on large scale legal advice,
16 employing good consultants and good architects. He was very good like that.
17 That was one of the, of his features. Is that, you know, before he'd do
18 anything he'd be down to the law library or down to some consultants.
19

14:32:01 20 JUDGE KEYS: Weren't you one of the best consultants he could approach in
21 relation to the planning aspect of things in Dublin at the time?

22 A. Well I don't know what he had and what he hadn't, any matters for me.

23
24 JUDGE KEYS: And that you had such a relationship that you lent him over
14:32:14 25 100,000 pounds.

26 A. I lent him over a hundred thousand pounds before he was ever involved in
27 developing, your worships.
28

29 JUDGE KEYS: Correct me if I'm wrong. But my understanding is that once his
14:32:26 30 business was set up, and I take it that's the business in Westmoreland Street,

14:32:29 1 that you were to repaid the sums that you had lent to him from the profits that
2 business would make; is that correct?

3 A. From the weekly takings, yeah.
4

14:32:40 5 JUDGE KEYS: Isn't that business still running, isn't that correct?

6 A. It is.
7

8 JUDGE KEYS: Pardon?

9 A. It is I understand, yes.
10

14:32:48 10 JUDGE KEYS: And despite the agreement you reached with him you took no steps
11 either to engage a solicitor to sue him. You could have sued him and got
12 judgement against him. He had assets and you could have forced him that way
13 to pay you. Why didn't you do that because that's what a normal person would
14 do?

14:33:08 15 A. Well the position that I found myself in. I just severed my connection, my
16 personal connection with him. I was retired now. I wasn't going to worry
17 myself about anything further insofar of much as I could. I didn't foresee
18 this of course. That was it.
19

14:33:25 20 JUDGE KEYS: Is it that you didn't bother to sue him because he might be able
21 to raise some past history that might compromise you, in some way?

22 A. No, I never thought of suing him. It never entered my head.
23
24

14:33:41 25 JUDGE KEYS: Yes, and the reason I'm suggesting it to you, could it possibly
26 be from the business you were carrying on with him prior to that. If you did
27 threaten to sue him that he might disclose some things that might become an
28 embarrassment to you?

29 A. No.
30

14:33:52 30

14:33:52 1 JUDGE KEYS: No?

2 A. No, I don't know what would have been embarrassing.

3

4 JUDGE KEYS: So you were prepared write off, well not 110,000. You say it

14:34:02 5 was about 40 that was paid back?

6 A. I think the way I saw it at the time I was prepared to sever my --

7

8 JUDGE KEYS: And write off 70,000?

9 A. That didn't trouble me at all. I had written that off years before and --

14:34:16 10

11 JUDGE KEYS: But why did you write it off? What happened that you write off

12 such a large figure?

13 A. Well I, having regard to the man. And the man I was dealing with.

14

14:34:28 15 JUDGE KEYS: Well were you afraid of him?

16 A. Not in physical terms, your worship.

17

18 JUDGE KEYS: Well in any other way would you be afraid of him. That's what

19 I'm saying. Did he have some other information on you that he might have

14:34:41 20 disclosed?

21 A. No, I made up my mind. He always expressed his intention that at some future

22 date that he would come and make it right. Who knows he may do it yet. I

23 don't know.

24

14:34:55 25 JUDGE KEYS: I see. Thank you.

26 Q. 291 MR. O'NEILL: Mr. Redmond, you indicated I think in your cross-examination of

27 Mr. Campion recently, in dealing with the time period when he indicated that he

28 met you in the arcade --

29 A. Yes.

14:35:07 30 Q. 292 You indicated that you did not visit that arcade with the frequency which he

- 14:35:11 1 was attributing your visits to. But you indicated to your visits were at
2 weekends and that your usual practice was that you would go out for a meal?
3 A. Always.
4 Q. 293 With Mr. Kennedy on those occasions?
14:35:24 5 A. Always, Mr. O'Neill.
6 Q. 294 And that's your best recollection?
7 A. When I say weekends. It would either be a Saturday night or a Sunday night.
8 But it was usually some time after seven. I would go to the place. And my
9 recollection, as I say, I normally went in the front door. I mean, not the
14:35:45 10 back door. But anyway, I would wait. I would give my name to whoever was in
11 the cash desk or whatever it was, and he would come up to me. And I think I
12 was in the basement portion just once, but I never went upstairs. And we went
13 out. It was always by arrangement. I'd give him a call to say I'll be in
14 this evening. And then we would go out have something to eat in some of the
14:36:14 15 local places and then I would go home.
16 Q. 295 Isn't that again, I suggest, Mr. Redmond, extraordinary, in circumstances where
17 you were now seven or eight years after the time you'd advanced this money to
18 Mr. Kennedy. You were coming along, you weren't getting paid, and yet you
19 were going out for a meal with him. And presumably having pleasant
14:36:34 20 conversation with him and then renewing this the following weekend or maybe the
21 weekend after.
22 A. Oh, absolutely. There's no question about that. I didn't at the time, you
23 know, I could talk to him and listen to him and laugh at him, notwithstanding
24 the other.
14:36:50 25 Q. 296 So obviously you had you discussed other matters other than the painful one for
26 you of the fact that you weren't getting paid. Did he discuss with you, for
27 example, his activities in Carrickmines and the fact that the 108 acres out
28 there in which he had an interest was showing signs of being rezoned and
29 matters of that nature? Did you discuss those issues with him?
14:37:11 30 A. No, I certainly did not.

- 14:37:13 1 Q. 297 Well was there any reason why?
- 2 A. The only thing I remember discussing with him at the end was, in the last
- 3 couple of years I met him was he was telling me about the progress of the
- 4 building site he was on and he was very optimistic. He says the houses were
- 14:37:30 5 selling themselves really. And then he went into great length as to the
- 6 reasons for the liquidation or receivership, or whatever it was, and how unjust
- 7 it was. And from what he told me, I always thought that he had a case. And
- 8 he vowed that he would take legal action against, I think it was the banks in
- 9 the main who were responsible for it and that.
- 14:37:56 10 Q. 298 Would you agree, Mr. Redmond, that Mr. Kennedy seemed to have a finger on the
- 11 pulse of the thinking of the council as evidenced by the references in the
- 12 attendances taken by Mr. O'Halloran of what was taking place in relation to the
- 13 gravity sewer in the Carrickmines Valley in 1989?
- 14 A. Oh, yes, it looked as if he was quite au fait.
- 14:38:30 15 Q. 299 Sure.
- 16 A. With whatever information would have been available to him from the council.
- 17 Q. 300 Did he ever ring you to check the accuracy of his source?
- 18 A. He never mentioned it to me.
- 19 Q. 301 But you were somebody who he had known, who he was indebted to, to say the
- 14:38:46 20 least, for the fact that you'd given him seed capital, which presumably had
- 21 been put to good use. There was no impediment in him contacting you that you
- 22 were aware of?
- 23 A. I had put my foot down on that, on discussing council matters with him.
- 24 Q. 302 Oh, I see. When did that arise?
- 14:39:04 25 A. What?
- 26 Q. 303 At what point did it arise that you put your foot down in discussing council
- 27 matters?
- 28 A. In the mid '80s.
- 29 Q. 304 And in what circumstances did that happen?
- 14:39:14 30 A. He might have asked me a direct question which I wouldn't answer. I can't

- 14:39:17 1 remember circumstances.
- 2 Q. 305 Well was he asking you for something then that was confidential and would have
3 involved you in a breach of ethics or of your obligations to the council in
4 responding?
- 14:39:28 5 A. Well insofar as the services were, for which I was responsible, infrastructure
6 and roads. They were generally widely available and, I mean, he was
7 sufficiently au fait with things to know that if he employed a consultant the
8 consultant would get him probably get him a lot more information than I would.
- 9 Q. 306 Well then there would be no reason to put your foot down which you remember
10 doing. I'm wondering what the circumstances were which led to you putting
11 your foot down and saying that you were not going to discuss council affairs
12 with him?
- 13 A. That's just an expression of saying I won't talk shop.
- 14 Q. 307 No, it's quite, more positive to say that you put your foot down and you told
14:40:12 15 him you would not do it is quite a different thing from saying I'm not going to
16 talk shop?
- 17 A. Mr. O'Neill, you're going to sit there and put every twist and turn on
18 everything I say. There is such a thing if you're up to your ears all day in
19 council, when you get out you don't want to talk about it. I don't talk about
14:40:32 20 it, I never talk about it at home. And I haven't spoken to him in fourteen or
21 fifteen years.
- 22 Q. 308 So it's your evidence to the Tribunal that Mr. Kennedy at no time discussed the
23 Carrickmines lands with you, either with regard to the sewage facilities or
24 with regard to any map of the rezoning of that area in 1989 or otherwise; is
14:41:00 25 that so?
- 26 A. So far -- well I'm just going to say insofar as the drainage was concerned of
27 that area, as far as I was concerned. Now, this is nothing to do with
28 Mr. Kennedy.
- 29 Q. 309 Well we only want to know with Mr. Kennedy?
- 14:41:14 30 A. The answer to that is I never spoke to him about any of those matters. Any of

- 14:41:17 1 them.
- 2 Q. 310 Right. Did you speak to any other person about the Carrickmines lands or the
- 3 progress of the rezoning application in Carrickmines after your retirement?
- 4 A. No. I didn't know anything about what rezoning was going on. Incidentally,
- 14:41:34 5 I think if you look at the manager, and when he went, I think it was in 1990
- 6 with those three propositions in relation to the area, he accepted what the
- 7 sanitary services conference had recommended to him; and that is forget about
- 8 Carrickmines and the sewer in this Development Plan. There's no rush about it,
- 9 leave it.
- 14:42:00 10 Q. 311 There's a document which I am now putting on screen Mr. Redmond, at page 788 of
- 11 the brief.
- 12
- 13 It's a letter from the senior administrative officer, Mr. Clarke, to each
- 14 member of the council on the 29th of November 1990. Now, this is a year and
- 14:42:23 15 five months after your retirement from the council, you will appreciate that.
- 16 Do you see the document on screen there?
- 17 A. I do, yeah.
- 18 Q. 312 And it deals with an agenda. And the agenda is:
- 19 "Further consideration of report on possible development proposals in the
- 14:42:41 20 Carrickmines Valley area and further consideration of map No. DP 90/123".
- 21 You've heard that reference in the Tribunal here; isn't that so? The reference
- 22 to that map?
- 23 A. Yeah.
- 24 Q. 313 Is there any reason why you would have that documentation?
- 14:43:00 25 A. Sorry?
- 26 Q. 314 Is there any reason why you have this documentation?
- 27 A. I couldn't tell you, Mr. O'Neill.
- 28 Q. 315 When the Criminal Assets Bureau carried out a raid on your home they seized
- 29 this documentation from your home?
- 14:43:28 30 A. Yes.

14:43:28 1 Q. 316 You accept that?

2 A. Well if you tell me that is the case, of course I accept it.

3 Q. 317 And why is it that 17 months after your retirement you had in your home

4 documentation which was generated after your retirement, that concerned the

14:43:37 5 Carrickmines Valley and the rezoning of lands which include the lands of

6 Jackson Way Properties if you had no interest in Carrickmines Valley?

7 A. I don't know. I can't answer that question. There could be all sorts of

8 reasons how it got there.

9

14:43:55 10 CHAIRMAN: Mr. Redmond, could you give us some of the reasons? Could you give

11 us some of the reasons how this document could be in your home long after

12 you've retired from the council?

13 A. Yes.

14

14:44:06 15 CHAIRMAN: Because you say things, "it could be a number of reasons". But

16 we're not fools. And you're going to have to be somewhat more frank.

17 A. But where would I get it your worship?

18

19 CHAIRMAN: I don't know. It was found in your home.

14:44:21 20 A. I know.

21

22 CHAIRMAN: Now, does your wife collect these sort of documents?

23 A. No, she doesn't, of course not.

24

14:44:29 25 CHAIRMAN: Can you explain to us how this could be found in your home over a

26 year after you leave the council, if what you say is correct; that you had no

27 dealings or no interest in any County Council business relating to Carrickmines

28 after you retired.

29 A. That's right. Well this document was found in 1999. It would have been ten

14:44:54 30 years after.

14:44:56 1
2 CHAIRMAN: Mr. Redmond, this is November 1990 document. It didn't exist when
3 you left the council.
4 A. Yes, yes.

14:45:03 5
6 CHAIRMAN: Now, you're being asked a simple question and you're refusing to
7 give a straight answer to it.
8 A. No, no. I'm not.
9

14:45:10 10 CHAIRMAN: Well can you explain how it could get into your possession?
11 A. Well the only thing I can say is someone who was interested in that who had a
12 copy of the agenda gave it to me and I just. It was there.
13 Q. 318 MR. O'NEILL: Who is that person?
14 A. I don't know. I can't remember. But, I mean, people would come to you from
14:45:29 15 time to time and ask you, if they were living in the area and they were
16 concerned and they might say "did you see that, did you see that, would you
17 have a look at that".
18
19 CHAIRMAN: That's ridiculous answer, Mr. Redmond.

14:45:42 20 A. It's what?
21
22 CHAIRMAN: It's a ridiculous answer.
23 A. Well what answer can I give?
24

14:45:47 25 CHAIRMAN: You're suggest that go somebody from Carrickmines would wander
26 across to where you were living in Castleknock?
27 A. No, no, I'm not saying that at all. I'm saying out in social life. I was
28 very active I played a lot of games. I played with a lot of people.
29

14:46:04 30 CHAIRMAN: What's that got to do with this document?

14:46:07 1 A. I don't know. I don't know why it's there.
2
3 CHAIRMAN: Well do you not agree -- isn't a ridiculous answer to the question?
4 A. No, You asked me how it might have come.
14:46:13 5
6 CHAIRMAN: You're saying that somebody might have handed you this document,
7 just out of the blue.
8 A. Somebody handed it to me anyway.
9
10 CHAIRMAN: While you were playing some sport?
11 A. I'm just saying that as a possibility because most of my time was given to that
12 sort of thing at the time.
13 Q. 319 MR. O'NEILL: Have you any recollection, Mr. Redmond, of offering advices to
14 any person on the procedures which are appropriate to County Council meetings
15 and the circulation of agenda for the meetings in advance of those meetings?
14:46:40 16 A. The --
17 Q. 320 The procedures of council meetings. Do you ever remember being consulted by a
18 person in relation to the validity of a council meeting, with particular
19 reference to prior circulation of the agenda of such meeting or the amendment
14:47:07 20 of the agenda in the course of a meeting? Do you remember such issues ever
21 being discussed with you with a view to seeking your opinion?
22 A. If that ever arose; if that ever arose, Mr. O'Neill, I would expect it to have
23 arisen in the case of the Balgaddy lands. That's all I could say there.
24 Q. 321 It would have arisen in the course of your employment, I take it, and you would
14:47:34 25 have been consulted in the course of your work. But I'm asking you about
26 consultancy work after the event of your retirement. You've already indicated
27 to me that you were not consulted by anybody in connection with Carrickmines.
28 A. Yes.
29 Q. 322 I'm trying to be more specific with you now in asking you whether or not you
14:47:52 30 have any recollection of giving advices to some third party after you had

14:47:57 1 retired about the correct procedures which should be adopted in respect of
2 County Council meetings. And your view as to the consequences of those
3 procedures not being followed; do you understand?

4 A. Yeah. I don't remember that as an issue.

14:48:20 5 Q. 323 Very good. The next document I'd ask you to look at on screen is at page 786.

6
7 This document, as you'll see, is headed "points for consideration.

8 1. Consider the procedure regarding written notification to elected members
9 of the items listed for an agenda which should be circulated by post an
10 appropriate number of days in advance of the meeting.

11 2. The agenda, copy attached, dated 29th of November 1990 for the meeting on
12 the 6th of December 1990 lists four items for consideration.

13 1. Motions No. 2 and No. 3 were not moved.

14 2. We draw attention to page 1375 where motion was submitted, that was not
15 formally on the agenda and the query is to interpret that this motion drafted
16 and handwritten during the meeting was in order to be put before the meeting
17 relative to item No. 1 above."

18

19 And on the next page:

14:49:25 20 "3. Page 1376 second paragraph refers to an amendment to the motion which one
21 can interpret as confirming that the handwritten motion was not in any way
22 associated to motion 2 and 3 on final agenda as circulated, dated 29th of
23 November 1990.

24

14:49:48 25 An opinion is necessary to establish if the motion submitted during the meeting
26 was legally out of order by not complying with the formal procedure of tabling
27 motions by post in advance of the said meeting".

28

29 Now, that document, again, Mr. Redmond isn't a document which was found in your
14:50:06 30 home. And is a document which accompanied the document which I last referred

- 14:50:13 1 you to, that is the council generated document of the 29th of November 1990,
2 setting forth the motion. And it seems that the querist in this typewritten
3 document here, was seeking an opinion as to the validity of the procedure that
4 was adopted in the course of the council meeting which took place on the 6th of
14:50:37 5 December of 1990 which affected the rezoning of the Carrickmines lands.
6 Does that jog your memory at all as to who it was who was seeking your advices
7 as to whether or not the motion was a valid or an invalid motion in the light
8 of the concerns which were expressed in this note?
- 9 A. That's it. That note seems, what it seems to me. I know nothing about the
14:51:08 10 note. But what it seems to me is that someone was putting those questions to
11 me as to get my views on them.
- 12 Q. 324 That would appear to be the reasonable inference that can be drawn from the
13 fact that the memorandum is framed as, in questioning form, and it is
14 accompanied by the documentation.
- 14:51:32 15 A. Yes.
- 16 Q. 325 And it is found in your premises.
- 17 A. Yes, well that could well have been, you know, submitted to council. It may
18 have come back to me.
- 19 Q. 326 You're not suggest that this draft here is the draft of lawyer. It clearly is
14:51:47 20 not drafted in legal terms.
- 21 A. It looks to me like the draft of lawyer.
- 22 Q. 327 Well it's hardly even English, Mr. Redmond, if you read it.
- 23 A. Is it not? Well I don't know that, but the only thing I would say is it's an
24 area that I was never very strong on, that's council procedure. And I didn't
14:52:07 25 have to be strong on it because we had a man, an officer who was the, you might
26 say, county secretary, clerk to the council, who was absolutely, you know, top
27 man on that sort of thing. It's something I'm not good on. I might be good
28 on planning alright but that's not my forte.
- 29 Q. 328 The person who raised the question with you obviously thought otherwise?
- 14:52:34 30 A. Sorry?

- 14:52:35 1 Q. 329 The person who raised this query and reduced it to writing, typed it out,
2 furnished you with copies of the documents, and sent them to you, obviously
3 thought otherwise.
- 4 A. Well I put it to you that is probably -- that seems to me to be intended for
14:52:51 5 the law library or at least for a -- it looks like perhaps the hand of a
6 solicitor going to counsel. But beyond that I can't say anything about it,
7 and it fortifies my earlier statement that somebody gave me something and that
8 may have been, you know, that was attached. When you say it was attached I'm
9 in no position to contradict.
- 14:53:28 10 Q. 330 If you had no interest --
- 11 A. Insofar as, you know.
- 12 Q. 331 Insofar as --
- 13 A. In that area of advice, Mr. O'Neill, I certainly have, I have no strength and
14 never would have strength.
- 14:53:33 15 Q. 332 Mr. Redmond, if you had no interest whatsoever in the Carrickmines lands, is
16 there any reason for you to retain documentation? Firstly, is there any reason
17 for you to receive this information. And secondly, having received it, is
18 there any reason why you shouldn't have binned it the moment you received it on
19 the basis that it meant nothing to you, it was irrelevant and it was outside
14:53:58 20 your area of expertise?
- 21 A. As far as the Carrickmines lands are concerned, I had no involvement with them
22 at any time. Now, that's my statement. And it's on oath. And as to that
23 document there, the second part you put up seems to imply that somebody had the
24 agenda, was raising questions, and it could well, somebody might have asked me
14:54:24 25 but I've no recollection of it.
- 26 Q. 333 And can you offer any explanation as to why somebody should select you in your
27 retirement to discuss this matter in relation to a plot of land with which you
28 had no interest, you say?
- 29 A. Well if somebody has a -- if I'm known to have been, you know, involved in
14:54:42 30 local government and to have some knowledge, why wouldn't they ask me?

- 14:54:48 1 Q. 334 Because they have the facilities of asking persons who are professionally
2 trained or they have the opportunity of seeking advices from lawyers, council
3 officials or otherwise, who are actually not in retirement and who are
4 available to them.
- 14:55:06 5 A. In this case whoever asked me may have known me, you know, he may have -- I
6 have no recollection, Mr. O'Neill of it, of even, that it was there. I've
7 absolutely no recollection.
- 8 Q. 335 You retained in your premises, Mr. Redmond, only a limited amount of
9 documentation by reference to the vast amount of documentation that would have
14:55:30 10 passed through your hands in the course of your professional life; isn't that
11 so?
- 12 A. The unique thing about me, your worship, is that the Tribunal have ever piece
13 of paper that was in my house. In February 1999 I think it was eight police
14 officers, CAB officers and revenue officers, they took everything. So I am
14:55:54 15 unique in that respect. If you asked me questions about what I have, you have
16 everything. That's my position, Mr. O'Neill, as you know on that.
- 17 Q. 336 Well the Tribunal, Mr. Redmond, has the documentation but it doesn't have your
18 explanation for the documentation. Could I suggest to you that if this is an
19 unusual feature for you to have received such a document seeking advices as to
14:56:19 20 the propriety of the Tribunal's -- sorry, of the council's procedures, it is
21 something that you should remember because you retained the document rather
22 than disposing of it.
- 23 A. Well there were all sorts of fortuitous things retained in the house going back
24 for as long as I had papers. I have no control. It was a unique thing to
14:56:44 25 come in on a house like that. One good example I would give you was the
26 drafted letter in relation to the sale of lands which you quizzed me about.
27 And I didn't have any notice of it, but the position there was in later days,
28 years, I remembered that it was the late Tom Shanaghan who came into me about
29 that, not Baileys. And that Baileys had in fact submitted their own letter.
14:57:11 30 But I mean, you reported it and put me under cross-examination about a letter

14:57:16 1 that I can't remember at the time. Insofar as this is concerned, this is
2 clearly a question or questions being put in relation to procedures.
3 Undoubtedly it was given to me after my retirement by somebody I can't
4 remember, and that's all I can say about it. But insofar as being involved in
14:57:38 5 land or, you know, in Carrickmines. I wasn't involved in Carrickmines at any
6 stage.

7 Q. 337 One of the other matters upon which evidence was led in the Tribunal was that
8 of Mr. Carroll, who indicated that it was as a result of a direction which he
9 received, which was attributed to the manager, and he believes the manager to
14:58:02 10 have been you at the particular time. He was obliged to produce a map of the
11 Carrickmines area. And that map was in turn forwarded to Mr. Finnegan. And
12 from Mr. Finnegan to Mr. Kennedy.

13
14 Firstly, are you aware of the existence of such a map? Did you ever learn of
14:58:37 15 the existence of such a map independently of the documentation here?

16 A. I have no knowledge of any of the matters that was raised by that man.

17 Q. 338 All right. Have you a recollection of discussing with Mr. Frank Finnegan the
18 question of the development in Carrickmines which involved Mr. Kennedy and
19 expressing your views as to the likelihood or otherwise of it receiving
14:58:56 20 development?

21 A. I haven't, Mr. O'Neill, none.

22 Q. 339 Right. You have a memory of his evidence, I take it in the past number of
23 days, that is Mr. Finnegan, saying that you in passing indicated to him that it
24 was unlikely that there would be rezoning in this area? Do you remember
14:59:12 25 Mr. Finnegan's evidence to the effect that you raised with him on one occasion
26 the fact that he was working in Carrickmines and the chances that it was
27 unlikely that there would be rezoning?

28 A. I don't think that was what he said. I think his evidence was to the effect
29 that he had been retained in connection with a site in Carrickmines. And he
14:59:32 30 said that I said it was a no hope, or something to that effect.

- 14:59:38 1 Q. 340 Yes. Is that what you said to him?
- 2 A. I have absolutely no recollection of that. None.
- 3 Q. 341 Do you deny that you would have said it to him then?
- 4 A. Said what?
- 14:59:48 5 Q. 342 That it was a no hoper or words to that effect, in discussion concerning
- 6 Carrickmines?
- 7 A. Oh, as far as I was aware I don't know when he raised it. But presumably if
- 8 it was in the last year or years of my employment I would have said certainly
- 9 there was no hope. I mean, there was no proposal there for anything there as
- 15:00:10 10 far as I knew.
- 11 Q. 343 Did you know or are you aware of the fact that Mr. Finnegan was acting for
- 12 Mr. Jim Kennedy in this regard?
- 13 A. No, no. Not that I have a recall. I have no recollection.
- 14 Q. 344 You know Mr. Finnegan of course and have known him for years; isn't that right?
- 15:00:31 15 A. Yes, I knew his late partner very well and through him, he took over the
- 16 business and I knew him, you know, from coming in and odd things arising.
- 17 Q. 345 Did you know him to be an engineer used by Mr. Kennedy?
- 18 A. No, I didn't. Sorry?
- 19 Q. 346 Did you know him to be used by Mr. Kennedy in his projects?
- 15:00:51 20 A. No.
- 21 Q. 347 You didn't?
- 22 A. No, I didn't.
- 23 Q. 348 So you never discussed Mr. Finnegan with Mr. Kennedy or Mr. Kennedy --
- 24 A. I never heard of that business coming up, no, never. I think at that stage
- 15:01:06 25 he'd only been involved with him once wasn't it, and then he was let go, he
- 26 told me, Cruck House.
- 27 Q. 349 No, we weren't discussing Cruck House at the time when he said that the plan
- 28 was a no hoper. He was discussing Carrickmines?
- 29 A. Oh, yes but he never mentioned. What he said in evidence here. I'm not
- 15:01:26 30 saying I even met him but what he gave in evidence was, he said that he'd been

15:01:30 1 retained for a site of over 100 acres and that he was over the moon and he said
2 where it was and I expressed a view on what his prospects were.

3
4 JUDGE FAHERTY: Mr. Redmond, sorry. Could I just ask you. When you wrote
15:01:45 5 to the Department of the Environment in January of 1989.

6 A. Yes.

7
8 JUDGE FAHERTY: You were queering the drainage scheme. Did you not in that
9 letter, I think you referred to the area being ear marked for future industrial
10 and residential development?

11 A. Yes.

12
13 JUDGE FAHERTY: So you were.

14 A. That was in the earlier report.

15:02:07 15
16 JUDGE FAHERTY: Yes. But you knew from 1987 that the Government response to
17 ERDO was extremely negative; isn't that correct?

18 A. Yes.

19
15:02:17 20 JUDGE FAHERTY: Mr. O'Neill read out a document I think.

21 A. Yes, they needed more study, yes. But that didn't mean that they were
22 rejecting every element in it. It covered the five counties including Dublin
23 City. And the strategy, you know, wasn't on but that didn't mean now, for
24 example, that the ring road wouldn't continue or --

15:02:38 25
26 JUDGE FAHERTY: Yes, but in terms of industrial and residential development.
27 When you were writing in January of 1989, you were putting it on paper that it
28 was ear marked for future development; isn't that correct? When you were
29 seeking the funding for the drainage, the sewage scheme?

15:02:55 30 A. Well if we were going down with a sewage scheme we had to be, it had to be for

15:03:02 1 some reason. But where that was going to go, your worship, is a different
2 matter. That could have gone, you know, that could have gone in the
3 Rathmichael direction, really. It could have gone down the coast, so that was
4 a matter for planners. But I think, you know, common sense dictated that it
15:03:30 5 wasn't being put in the valley for nothing.

6
7 JUDGE FAHERTY: So there was some scheme. There was something in the
8 contemplation?

9 A. Sorry?

15:03:30 10
11 JUDGE FAHERTY: You believed there was something in the contemplation of
12 somebody that there was going to be residential and industrial development.

13 A. The proposal was to spend four point something million. You don't do that
14 without a reason. Now obviously the immediate reason was to relieve the
15:03:46 15 existing two pumping stations. But, to think that anybody was sitting there
16 doing this plan that had been on the stocks for long before I came and not to
17 think of it as being the receptical of something, you know drainage or
18 something.

19
15:03:58 20 JUDGE FAHERTY: The reason I'm asking you this question is you answered
21 Mr. O'Neill one of his questions you said there was no proposal for anything
22 there as far as you knew. When he was asking you about --

23 A. What I said is no proposals. There were certainly no specific proposals.

24
15:04:10 25 JUDGE FAHERTY: Perhaps. But you were attaching your request for the drainage
26 funding to perhaps the area being ear marked in the future for residential and
27 industrial development. That letter that you wrote to the department.

28 A. Yes, but that refers to the scheme in general, nowhere in particular, it could
29 have been anywhere.

15:04:31 30

15:04:31 1 JUDGE FAHERTY: Oh indeed and that may be so. But you certainly were
2 believing that there was going to be some development.
3 A. But sure everybody believed that there was going to be some development. Why
4 would we design a sewer if we didn't?

15:04:45 5
6 JUDGE FAHERTY: That's just the point.
7 A. Yes, that's just part of it. Sorry, thank you your worship.
8 Q. 350 MR. O'NEILL: Mr. Campion, who I referred to a little earlier, Mr. Redmond, is
9 a person who says that you visited the particular gaming hall premises during
10 the period in which he worked in that premises. I think you have no
11 recollection of ever meeting that gentleman at any time -- sorry face-to-face
12 at any time; is that right?
13 A. There's a record.
14 Q. 351 There is a record?
15:05:16 15 A. That I met himself and his father.
16 Q. 352 I'm asking you if you have a recollection?
17 A. No.
18 Q. 353 Even if it had not been for example for that written memorandum you would have
19 no recollection of ever meeting him; is that right?
15:05:30 20 A. Yes, no recollection. I would have had no recollection of his face. When I
21 saw him here now I'd no recollection of him.
22 Q. 354 Sure. And you had no recollection of, I take it, of any particular person
23 occupying the position he did in the arcade?
24 A. No.
15:05:49 25 Q. 355 You have no memory of meeting --
26 A. I have no memory of anything like that. As I said, on the infrequent
27 occasions I went there, I would have gone after seven and I went to the cash
28 desk and Mr. Kennedy would have come up.
29 Q. 356 Yes. Do you have any recollection of ever using the entrance into Parliament
15:06:13 30 Row, which is the rear entrance of the premises, to gain access?

- 15:06:18 1 A. I do, yes. I do, once or twice, I do.
- 2 Q. 357 Right.
- 3 A. Yes.
- 4 Q. 358 And do you recollect whether or not it was necessary for you to seek the
- 15:06:30 5 permission of those inside to get in, or was it simply a matter of opening the
- 6 door?
- 7 A. I don't recall. I don't recall enough of, you know, the detail. I do
- 8 recall -- I think it was one evening Mr. Kennedy asked me to come that way, he
- 9 had bought a new car and he wanted to show it to me. You see, there was some
- 15:06:49 10 private car parking space between the door and --
- 11 Q. 359 It was used as a private carpark. But in fact was part of the Row itself,
- 12 Parliament Row; isn't that right?
- 13 A. Yes, but I think himself and his wife's car were there.
- 14 Q. 360 Yes. They erected gates on the public street and gated off the end of the
- 15:07:14 15 street for their advantage?
- 16 A. I don't know how it was achieved, but there was certainly a place to, you know,
- 17 lock up cars, yeah.
- 18 Q. 361 And do you remember being told that that area was scrutinised by a television
- 19 camera?
- 15:07:31 20 A. No, I didn't know that.
- 21 Q. 362 You've no recollection --
- 22 A. Sorry?
- 23 Q. 363 Sorry. You've no recollection of being buzzed in?
- 24 A. I've no recollection at all of the back entrance. The only thing I'm certain
- 15:07:43 25 of is the car which he described as my own. You have evidence of my purchase
- 26 of the car from the Brady records. And it was a Cressed, it wasn't the car
- 27 that he described.
- 28 Q. 364 Yes. The entry into and the exit from that premises involved going through
- 29 what was a non-public area of the arcade, isn't that right?
- 15:08:13 30 A. The front area?

- 15:08:14 1 Q. 365 The back entrance. When you went in the back entrance there?
2 A. I don't remember it well enough, Mr. O'Neill, to give evidence on that now.
3 On my recollection, my main recollection is the front exit, front entrance.
4 But, I mean, I know there was a back entrance but I couldn't give evidence on
15:08:37 5 it.
6 Q. 366 Obviously you kept no particular record of the times you did visit that
7 establishment?
8 A. No, no. Indeed I haven't, except I am certain that they were usually Saturdays
9 or Sundays.
15:08:52 10 Q. 367 And I think you're equally certain that on none of those occasions did you ever
11 have occasion to meet with either Mr. Liam Lawlor or Mr. John Caldwell in
12 combination with Mr. Jim Kennedy or individually; is that right?
13 A. That is true. In the case of, it's the same with Mr. Lawlor, since I retired
14 certainly I haven't spoken to him. And I was just trying to think when before
15:09:18 15 that, possibly the last meeting was the one I had with Mr. Gilmartin. But no,
16 I never met them together in any circumstances, at any time, anywhere.
17 Q. 368 Right.
18 A. Insofar as Mr. Caldwell is concerned, never heard of Mr. Caldwell until all
19 this thing broke.
15:09:39 20 Q. 369 Right. You, in the course of any of your discussions with Mr. Kennedy, did
21 you ever ask him to identify for you the advisors who he used in the course of
22 his project? You've indicated that he sought the best and received the best
23 advice as far as you were concerned.
24 A. Yes.
15:10:04 25 Q. 370 Did he ever identify to you from whom this advice was being sought or was being
26 given?
27 A. I do recall him mentioning the firm of Binchys. And I do recall him naming
28 and describing the counsel he was retaining for various things.
29 Q. 371 And did he mention either architects or engineers he used, planning
15:10:28 30 consultants?

- 15:10:29 1 A. I think he did. I think he would have, yes. I think he would have all right.
- 2 Q. 372 And engineers?
- 3 A. Sorry?
- 4 Q. 373 And engineers?
- 15:10:39 5 A. I can't remember engineers to any great extent. No, I can't remember. Maybe
- 6 he did, I can't remember any engineers.
- 7 Q. 374 On the occasion of your occasions you can recollect of your visits to the
- 8 gaming hall premises. You indicated that it was very infrequently and perhaps
- 9 it might have only been on one occasion that you met him other than on the
- 15:11:06 10 public floor of the gaming hall itself?
- 11 A. Sorry?
- 12 Q. 375 Did you meet him anywhere other than in the public area of the amusement
- 13 arcade?
- 14 A. Well one, I remember going down to, being admitted to the basement where he had
- 15:11:24 15 some residential accommodation.
- 16 Q. 376 Right. And --
- 17 A. But never upstairs. I don't ever recall going upstairs.
- 18 Q. 377 Okay. And what was the residential accommodation that was downstairs?
- 19 A. Oh, well I think it was, what I recall was that it was just a kitchen cum
- 15:11:41 20 breakfast room, you know, that's all I remember.
- 21 Q. 378 And when was it that that visit took place? Was it towards the end of the
- 22 period?
- 23 A. Yes, towards the end of my visitation to him, yes.
- 24 Q. 379 Right. You're not in a position to say when that residential?
- 15:11:57 25 A. No, no.
- 26 Q. 380 Unit was created?
- 27 A. No, no. I just know that he wasn't residing there as far as I know.
- 28 Q. 381 And how do you know that one way or the other, Mr. Redmond?
- 29 A. Well he was residing in Lucan. He told me he was residing in Lucan.
- 15:12:12 30 Q. 382 He told you he was residing in Lucan?

- 15:12:14 1 A. Oh, yeah, he told me that.
- 2 Q. 383 Right. Did he ever discuss with you the fact that his life apparently was at
3 risk from persons who were subversives and who had threatened him?
- 4 A. I remember him talking to me about guard dogs, that you know, that he had guard
15:12:40 5 dogs and that he couldn't manage them but that Mrs. Kennedy could. I just
6 remember that.
- 7 Q. 384 Were they the ones that were kept upstairs in the premises or were they guard
8 dogs that he had at home?
- 9 A. No, I think he was referring to off the premises, to wherever he was living.
- 15:12:58 10 Q. 385 Right. I think like many others you may have read the articles in the
11 newspaper where persons endeavoured to gain entrance to his house in 1992 and
12 shot the door through in their attempts to get at him. Were you aware of
13 that?
- 14 A. No, I didn't, I wasn't aware of that. But I thought he had been -- I thought
15:13:21 15 he had been attacked when he was living in the Strawberry Beds. The other one
16 may have happened, I don't know. I don't bother much about newspapers.
- 17 Q. 386 I think that you were aware from Mrs. Kennedy, were you, that she was
18 uncomfortable about residing in the Strawberry Beds. She feared for her
19 safety; is that right?
- 15:13:42 20 A. Yes, I was, yes.
- 21 Q. 387 Were you ever told why that was? What the perceived threat was and why it was?
- 22 A. Well I heard, you know, in later years people told me about these raids. But
23 I don't know whether they were specific. I always assumed they were, the
24 raid, whatever raids was when he was in the Strawberry Beds. But I'm sure
15:14:10 25 that the record speaks for itself, I just don't know. I don't remember him
26 ever making much of it to me.
- 27 Q. 388 You learned, did you, of the fact that many of his business ventures were not
28 successful and that there were creditors out there who were left unsatisfied, a
29 little like yourself and your loan?
- 15:14:34 30 A. Well the only matter, and I didn't know anything about creditors, that he had

15:14:40 1 on a very good site which rather amazed me, a super site, you know, he'd be put
2 in a liquidation. And of course there's bound to be a spin-off from that.
3 But other than that, I didn't know him. As to what happened to the booky
4 shops, I didn't know. He just, I knew that he had a number of shops.

15:15:01 5 Q. 389 Uh-uh.
6 A. But I always felt, you know, there might be somebody in it with him. But,
7 however --

8 Q. 390 You deny of there being any meetings, as I have identified, with any of the
9 three individuals who were mentioned earlier. And I take it that you equally
10 deny that you ever met with Mr. Jude Campion leaving the premises of Miley &
11 Miley solicitors; isn't that so?
12 A. Oh, absolutely. Most vehemently, Mr. O'Neill.

13 Q. 391 And the only occasion upon which you were on those premises was in being
14 engaged in council business to resolve the issue of Mr. Miley having been
15 appointed the receiver by way of equitable execution of the assets of the
16 County Council; isn't that right?
17 A. I'm not likely to forget that.

18 Q. 392 And on that occasion you were accompanied by various other members of the
19 council staff and the law agent as well; isn't that right?
20 A. That's right.

21 Q. 393 So it simply did not happen as described by Mr. Campion at any time; isn't that
22 right?
23 A. It certainly didn't. It certainly didn't happen.

24 Q. 394 Right.
25 A. But I think it has to be accepted in relation to his total evidence, is that he
26 had a great personal hostility to me.

27 Q. 395 Yes.
28 A. And I think it's also correct to say that insofar as Mr. Carroll is concerned,
29 you know, having as it were found him to have his hand in the till, that he had
30 a hostility to me.

- 15:16:51 1 Q. 396 Well where do you say he was found to have his hand in the till?
- 2 A. Well, I mean, having given out the map which was totally against all of the
- 3 rules that were ever made.
- 4 Q. 397 But he -- that was not disclosed to you at any time that you were in the
- 15:17:10 5 council nor was there any knowledge in the planning office, through the
- 6 planning officer or any of the other officers of the council, that that had
- 7 happened. He was not caught with his hand in the till, but rather --
- 8 A. No, but I didn't mean it in that sense, Mr. O'Neill.
- 9 Q. 398 Sure.
- 15:17:30 10 A. I meant once Mr. Finnegan had made the statement to the Tribunal of what had
- 11 happened that it put him in, I didn't mean that the council had found out or
- 12 anything like that. But once the, once it was made public to your good
- 13 selves, well then, you know, he had to find some reason for it.
- 14 Q. 399 I see.
- 15:17:51 15 A. To explain it.
- 16 Q. 400 Though to your knowledge you had never met with the man in the course of his
- 17 career in the council or your's. He had never displayed any personal
- 18 animosity towards you nor had you ever reprimanded him or criticised him in any
- 19 way and there was no personal relationship between the two of you?
- 15:18:15 20 A. I never heard of him and I'm sure I never met him and I'm sure our paths never
- 21 crossed. He didn't exist as far as I was concerned. And, I mean, one of the
- 22 reasons he gave under your cross-examination as to why he did it. He said,
- 23 well first of all he painted me as some sort of a demon and the regime that
- 24 existed, and he illustrated it by the suspension or removal from office of five
- 15:18:46 25 draughtsmen. And then he went on to say that he was afraid of what I would do
- 26 to him. I put it to you there's nothing I could have done to that man. It's
- 27 absolutely pure spurious tale. And I'll be giving my own evidence on it of
- 28 course. But the other thing is the coincidental telephone call that of all
- 29 the people, you know, that it had to be him. I didn't ring him. That's
- 15:19:22 30 totally untrue.

15:19:36 1 Q. 401 So it's your evidence that you didn't have anybody ring him and that it wasn't
2 your practice to give directions to persons in departments other than your own,
3 but to go through the channels of communicating with their superiors or their
4 managers?

15:19:47 5 A. Even in my, even in departments under my own control, you always had to go to,
6 you know, in my case normally I had to go to the principal officer, deputy
7 county engineer. But insofar as planning is concerned, from the time I left
8 it, I had no communications with him. The only one I would possibly ring
9 would be the deputy planning officer, principal officer or the manager. That
10 would be it. But it's unthinkable that I would ring anybody else. And it's
11 unthinkable that anyone would respond the way he did. And I put it to you, I
12 put it to the Tribunal that not alone -- in fact I was trying to get page 102
13 and they couldn't give it to me. I'll bring it up when I'm giving my own
14 evidence. But he had a night's sleep to think over it, when he came in the
15:20:44 15 next morning and the superior officers were there. And, you know, if he had
16 any doubts that was the time to clear it up. But he went ahead, and as I
17 said, he has to get -- I mean, the best excuse is the old Hitlerite excuse, I
18 was obeying orders. I put them in the gas ovens but I was obeying orders.
19

15:21:12 20 MR. O'NEILL: It's twenty past three now. I'm not sure what the Tribunal's
21 views are in relation Mr. Redmond.

22
23 CHAIRMAN: Are you finished?

15:21:19 25 MR. O'NEILL: No, I have further documents to put.

26
27 CHAIRMAN: All right.

28
29 MR. O'NEILL: I just want to go through a few documents with you, Mr. Redmond,
15:21:41 30 which were generated in the course of the file at the Coolmine Industrial

15:21:48 1 Estate. It's not my intention to spend any great time --

2 A. Your worship, you're going on, you're not permitting me?

3

4 CHAIRMAN: No, no, no. Just hang on a second. How long approximately?

15:21:59 5

6 MR. O'NEILL: I'd say it will be fifteen to twenty minutes. But they can be
7 put to Mr. Redmond at a later stage.

8

9 CHAIRMAN: So you will be about fifteen or twenty minutes. And then,

15:22:10 10

11 Mr. Finlay, probably be --

12 MR. FINLAY: Thank you very much, Chairman. Unless something emerges in
13 what's still to come with Mr. Redmond, I won't have any questions for him.

14 A. And then there's my own questions, Judge.

15:22:23 15

16 CHAIRMAN: Well what about Thursday morning? Or do you want to leave it?

17

18 MR. O'NEILL: Well Thursday morning is fine. I think we may have to --

19

15:22:41 20 CHAIRMAN: Well half ten on Thursday. And you might -- if you have questions
21 that you want to have put to yourself, you might write them out for, between
22 now and Thursday morning and give them to the solicitor to the Tribunal. All
23 right? And we'll deal with them on Thursday, all right? Half ten on Thursday.

24

15:23:02 25

THE TRIBUNAL THEN ADJOURNED UNTIL THURSDAY

26

4TH OF NOVEMBER 2004 AT 10:30 A.M.

27

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