

09:27:57 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON WEDNESDAY,**

2 **7TH JUNE 2006, AT 10 AM:**

3  
4 CHAIRMAN: Good morning Ms. Dillon.

10:05:51 5  
6 MS. DILLON: Morning sir. Mr. Finbarr Hanrahan please.

7  
8 **FINBARR HANRAHAN, HAVING BEEN SWORN, WAS EXAMINED**

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

10:06:04 10  
11 CHAIRMAN: Good morning Mr. Hanrahan

12 Morning Chairman.

13 Q. 1 Good morning Mr. Hanrahan.

14 A. Morning.

10:06:38 15 Q. 2 You were elected to Dublin County Council in 1985 and in 1994 you became a  
16 member of South Dublin County Council, is that correct?

17 A. That's correct.

18 Q. 3 Therefore your involvement with the Cherrywood lands, insofar as you had an  
19 input into the zoning or planning of those lands, occurred between the years  
10:06:54 20 1990 and ended in the end of 1993, December 1993, is that correct?

21 A. I guess so, I wouldn't remember it in detail but I guess so, yes.

22 Q. 4 I will show you the documents. I believe you were elected as member of Fianna  
23 Fail, is that right?

24 A. That's correct.

10:07:09 25 Q. 5 Can I ask you first of all whether or not you recollect the members of Fianna  
26 Fail having pre council meetings upstairs in Conway's pub?

27 A. Yes we had pre council meetings, yes.

28 Q. 6 And the Tribunal has been told that in general the party tended to go through  
29 the matters that were on the agenda for the meeting, do you agree with that?

10:07:28 30 A. Yes.

- 10:07:29 1 Q. 7 Would the local councillors concerned with the lands that were on the agenda  
2 give their opinion on what should happen with the lands?
- 3 A. Sometimes, yes, sometimes no. Sometimes it wouldn't necessarily be a local  
4 councillor, but we'd generally debate the agenda, it was considered to be good  
10:07:48 5 practice to have the agenda looked at and considered by ourselves before we go  
6 into the Council. Because the Council was a very big Council, 77 members, and  
7 it was a bit chaotic at general Council meetings so that as our party was the  
8 biggest party, we always found it a good idea to have a look at the agenda  
9 before we go inside.
- 10:08:10 10 Q. 8 And the Tribunal has been told that, by some members of your party,  
11 Mr. Geraghty and Mr. Madigan in particular, that effectively a decision was  
12 made by the Fianna Fail party at that meeting before you you went into the  
13 Council Chamber, do you agree with that?
- 14 A. I do not agree with that.
- 10:08:27 15 Q. 9 The Tribunal has also been told that in general the Fianna Fail party tended to  
16 present a united front at the Council meetings, would you agree with that?
- 17 A. No I never considered myself voting in terms of a united front with the Fianna  
18 Fail party. If I felt that something should be voted on and if my party voted  
19 in the same way, then you can call it that we all voted the same way, but there  
10:08:50 20 were times when councillors voted freely and according to their own decision.  
21 And there was never a situation where the party actually decided inside of the  
22 meetings in Conway's, that we'd all vote in a particular way outside.
- 23 Q. 10 Do you remember the late Mr. Pat Dunne?
- 24 A. I do.
- 10:09:07 25 Q. 11 And Mr. Dunne has been described to the Tribunal as the whip of the Fianna Fail  
26 party during a particular period of time in Dublin County Council, do you agree  
27 with that?
- 28 A. He was the whip, yes.
- 29 Q. 12 And the Tribunal has also been told that it was, it appeared to be, part of  
10:09:20 30 Mr. Dunne's function to get numbers into the chamber for particular votes, do

- 10:09:24 1 you agree with that?
- 2 A. Well I believe its the function of all whips, in all organisations, to get
- 3 people into the chamber, people of their own party, into a particular chamber
- 4 in order to do the business of the, in our case the business of the County
- 10:09:40 5 Council.
- 6 Q. 13 The Tribunal has also been told that on occasion Mr. Dunne would give the nod
- 7 to the Chairman and matters would be moved up or down the agenda depending on
- 8 the numbers that were in the chamber, do you ever recollect anything like that
- 9 happening?
- 10:09:53 10 A. No, I do not, no.
- 11 Q. 14 Now I think the Tribunal wrote to you in connection with the lands at
- 12 Cherrywood and you replied, I think by letter, of the 16 March 2006, at 984
- 13 please and you provided a narrative statement to the Tribunal, in which you
- 14 said the only involvement you had with the lands at Cherrywood was when you
- 10:10:12 15 voted in support of the Cherrywood Development when it came before Dublin
- 16 County Council in the early 1990s. You said the only interaction you had with
- 17 either the servants or agents of Monarch Properties, or any of the individuals
- 18 listed in part 2 or part 4 of your correspondence, was with Mr. Richard Lynn.
- 19
- 10:10:27 20 And you said that you believe that had in relation to part 3 of the inquiry you
- 21 received a cheque in the post from Monarch Properties for 300 or 400 Punts as a
- 22 donation towards the local election in 1991. And a similar contribution was
- 23 also made in the general election of the 1992. And those monies were used in
- 24 the general day to day expenditure of the election campaigns. Is that your
- 10:10:47 25 statement?
- 26 A. That is correct yes.
- 27 Q. 15 Do you confirm the contents of that Mr. Hanrahan to be true?
- 28 A. Well in the meantime you have sent me documentation which suggests that in fact
- 29 my figures were wrong.
- 10:10:58 30 Q. 16 Yes. From the documentation that you have been provided with Mr. Hanrahan, by

- 10:11:04 1 the Tribunal, it would appear that you received three political payments, isn't  
2 that right, from Monarch Properties?
- 3 A. It would appear to be so yes, I presume the figures Monarch Properties gave you  
4 are correct, but I wouldn't have -- my memory is this, the statement that I  
10:11:18 5 gave.
- 6 Q. 17 Yes your memory in relation to the 1991 payment was 300 or 400 punts and  
7 according to Monarch Properties, at 3241 please, and you will see just slightly  
8 above halfway down on that, that you were recorded as receiving 600 pounds on  
9 the 6th June 1991 and at 3252, seven from the bottom, a cheque payments book of  
10:11:47 10 Monarch records you as receiving 600 pounds. Do you see that?
- 11 A. Yes I do.
- 12 Q. 18 Do you dispute that record Mr. Hanrahan?
- 13 A. Well I have no records of my own, so I can't dispute their records if I have no  
14 records of my own. So I am accepting it as, I presume that the Tribunal has  
10:12:06 15 well and truly checked their details already and I believe it may be true all  
16 right, yes.
- 17 Q. 19 I mean your own recollection was that you had received money in 1991?
- 18 A. Yes.
- 19 Q. 20 But you put it at 300 or 400 pounds an not 600, is that right?
- 10:12:23 20 A. That's true.
- 21 Q. 21 The records you have also been provided with by the Tribunal at page 3809,  
22 record a contribution in November 1992 of 1,000 pounds, and that's just  
23 slightly above halfway down on that document, do you see, F Hanrahan, Fianna  
24 Fail, general election expenses?
- 10:12:41 25 A. Yes.
- 26 Q. 22 13th November 1992. And you had no recollection or sorry, you did not in your  
27 statement to the Tribunal provide any information in relation to that payment,  
28 isn't that correct?
- 29 A. Oh I do. I did tell the Tribunal that I got a similar amount, I couldn't  
10:12:58 30 remember the actual amount, so in my letter that you had on the screen just a

10:13:02 1 moment ago, I actually said in '92 I got a similar amount, but because I  
2 couldn't remember the amount, I called it a similar amount. I trusted that you  
3 would probably find the correct amount from Monarch Properties as in fact they  
4 did send out cheques anyway.

10:13:18 5 Q. 23 Sorry, I obviously didn't make myself clear, what I had said to you  
6 Mr. Hanrahan was you didn't tell the Tribunal in your letter to the Tribunal of  
7 the 16th March 2006 that you had received a thousand pounds, in November of  
8 1992, isn't that the position?

9 A. Sorry, I didn't tell the Tribunal -- when?

10:13:39 10 Q. 24 In your letter, what you said to the Tribunal was a similar contribution of 300  
11 or 400 pounds was received for the general election in 1992, isn't that right?

12 A. No its not. I said a similar contribution, but I didn't say a similar  
13 contribution of 300 or 400 pounds.

14 Q. 25 Very well, we'll just look at the letter, 984 please. Do you agree first of  
15 all that in your letter you disclose two donations?

16 A. Yes.

17 Q. 26 The first is a payment of 300 or 400 pounds in 1991?

18 A. Yes.

19 Q. 27 The second is described as "A similar contribution was made for the general  
10:14:15 20 election of 1992", by the words a similar contribution, was the Tribunal to  
21 understand that you were saying you had received 300 or 400 pounds in 1992?

22 A. No, the reason I actually said a similar contribution was, that I couldn't  
23 recall what the contribution was. But I did recall that I got a contribution  
24 and since I couldn't actually put a figure on it I called a similar  
10:14:39 25 contribution.

26 Q. 28 Similar to what?

27 A. Similar to the contribution that I received in '91.

28 Q. 29 Which was 300 or 400 pounds.

29 A. But I didn't mean it to be the same.

10:14:52 30 Q. 30 I see. In any event...

- 10:14:53 1 A. If I actually wanted to say it was the same, I would have said the same  
2 contribution was made in '92.
- 3 Q. 31 But you weren't aware of the precise amount you received in 1991 either, isn't  
4 that the position?
- 10:15:03 5 A. No, in fact that's true.
- 6 Q. 32 I think you were provided with a cheque, at 8346, this is a copy of a cheque in  
7 the sum of 1,000 pounds in favour of yourself dated 13th of November 1992,  
8 isn't that correct?
- 9 A. Yes, I see it.
- 10:15:19 10 Q. 33 Now can you recollect having any contact with anybody in Monarch Properties  
11 leading up to the receipt of that cheque?
- 12 A. No.
- 13 Q. 34 Can I show you a document of 4655 Mr. Hanrahan. And you will have seen this in  
14 the brief of documents, with which you were furnished and these are expenses  
10:15:42 15 sheets provided to the Tribunal by Monarch Properties and this one is made out  
16 in the name of Mr. Richard Lynn and its for the weekend of the 12th November  
17 1993, and you will see there that you -- sorry I beg your pardon its 1993 so  
18 its not relevant to the point that I was making, I beg your pardon.  
19
- 10:16:02 20 The next payment I think Mr. Hanrahan is 1997, is that right?
- 21 A. So you tell me, I had no memory of it myself, but I accept if its in the  
22 records that in fact it was made.
- 23 Q. 35 At 6322 you will note some seven or eight from the bottom of the 3rd of June  
24 1997, an election contribution of 495 pounds, do you accept that that's a  
10:16:28 25 payment that was made to you?
- 26 A. I accept that that's what's in the records. I don't have any memory of getting  
27 it at all, but obviously if it was sent out, if its recorded properly and if  
28 you have checked it out properly, I will accept that I must have received it.
- 29 Q. 36 Well according to the cheque payments book of Monarch Properties which records  
10:16:46 30 the cheques that are written by Monarch properties, at 6335, you will see on

- 10:16:58 1 that page, in the top half of that page, there are a series of payments that  
2 are political payments, commencing with Fianna Fail, Fine Gael, Labour Party,  
3 Democratic Left, Fine Gael Dun Laoghaire, Fine Gael -- and then Finbarr  
4 Hanrahan, Fianna Fail and beneath that Michael Joe Cosgrave?
- 10:17:13 5 A. Yes, I see that, yeah.
- 6 Q. 37 That is a record of payments made by Monarch Properties in 1997. And would you  
7 accept that it is likely that you received a sum of 495 pounds in 1997?
- 8 A. It is quite likely, but I have no memory of it at all.
- 9 Q. 38 Yes. Who did you deal within Monarch Properties, or did you deal with anybody  
10 in Monarch Properties Mr. Hanrahan, in connection with those payments?
- 11 A. Well, I wouldn't really call it dealing with anybody. I met Mr. Richard Lynn  
12 who was actually, a person who was actually promoting their proposals,  
13 generally, and I met him probably on a number of occasions actually. I don't  
14 recall meeting others, but I may have.
- 10:18:05 15 Q. 39 Were you aware that Mr. Lynn was lobbying for support for the development at  
16 Cherrywood?
- 17 A. Absolutely, yes.
- 18 Q. 40 And would Mr. Lynn and did Mr. Lynn seek your support in connection with the  
19 Cherrywood Development?
- 10:18:17 20 A. Oh he would have, yes. I mean we wouldn't have been -- we wouldn't have been  
21 talking about yesterday's race meeting, obviously if Mr. Lynn sought me out it  
22 would be to discuss Cherrywood, I expect.
- 23 Q. 41 And Cherrywood wouldn't have been situate in your constituency, isn't that  
24 right Mr. Hanrahan?
- 10:18:38 25 A. That's correct.
- 26 Q. 42 You are the other side of the county, you are west Dublin, isn't that the  
27 position?
- 28 A. That's correct yeah.
- 29 Q. 43 Would you have had any experience or knowledge of these lands yourself?
- 10:18:45 30 A. No personal knowledge, no.

- 10:18:47 1 Q. 44 And did you discuss with any of your colleagues on Dublin County Council, the  
2 zoning of these lands, or changes that were proposed to be made to these lands  
3 in the review of the Development Plan?
- 4 A. Well, it may have been discussed at one of our Fianna Fail meetings for  
10:19:03 5 instance and I may very well have heard discussions or been involved in  
6 discussions but, I can't remember them now.
- 7 Q. 45 The record records Mr. Hanrahan, that you voted in favour of the Manager's  
8 report in May of 1992, at 7207, if I can show you first a map at 7203, now the  
9 lands outlined in red are the Cherrywood lands that were owned by Monarch  
10:19:34 10 Properties, would you have been shown any maps or documents by Mr. Lynn?
- 11 A. I probably would, but I can't recall at this stage.
- 12 Q. 46 And the Manager was proposing in May of 1992, that the residential density  
13 would be changed to Action Area Plan and that the extent of the residential  
14 lands owned by Monarch would increased, and that was reflected on the map  
10:19:58 15 that's on screen, do you see that?
- 16 A. I see the map on the screen.
- 17 Q. 47 Well do you see where it says A to A1?
- 18 A. Yes.
- 19 Q. 48 And the first A with the P is, residential zoning on piped sewerage, isn't that  
10:20:14 20 right?
- 21 A. Yes.
- 22 Q. 49 And the second, A1P, is residential zoning on Action Area Plan, isn't that  
23 right?
- 24 A. Correct.
- 10:20:21 25 Q. 50 So what the Manager is suggesting insofar as the words A to A1, is a change in  
26 the density, from residential on piped sewerage, to Action Area Plan, isn't  
27 that right?
- 28 A. Correct yes.
- 29 Q. 51 And included in an Action Area Plan would be provision for schools and  
10:20:45 30 provision for retail, isn't that right?



- 10:20:45 1 A. That's correct yeah.
- 2 Q. 52 And the Manager is also showing on that map a change in zoning from B to A1P,  
3 do you see that?
- 4 A. I do, yes.
- 10:20:53 5 Q. 53 And that's a change from agriculture to residential Action Area Plan?
- 6 A. Yes.
- 7 Q. 54 So now having considered the map, do you agree that the Manager was proposing a  
8 change in the residential density on the lands, together with an increase in  
9 the residentially zoned area?
- 10:21:10 10 A. Yes.
- 11 Q. 55 Now that map came before the meeting of the Dublin County Council on the 27th  
12 of May, 1992 and it was proposed by Councillor Lydon and seconded by Councillor  
13 McGrath, at 7207 please. Now Councillor Lydon and Councillor McGrath proposed  
14 that the Manager's report, DP 92/44 be adopted and approved by the Council, do  
10:21:38 15 you see that?
- 16 A. Yes.
- 17 Q. 56 And you voted in favour of that, isn't that right?
- 18 A. That's correct, yes.
- 19 Q. 57 Now would you outline to the Tribunal having looked at the map, the reasons why  
10:21:48 20 you would have voted in favour of that?
- 21 A. Well, we are going back a very long time now. Any vote I made in the County  
22 Council was as a result of listening to arguments in favour of, or against a  
23 particular proposal, over a period of time. Not necessarily in a short few  
24 moments inside at that particular council meeting. I would have listened to  
10:22:11 25 the various arguments and I would have come to the conclusion that that was the  
26 correct way for me to vote.
- 27 Q. 58 Yes and that was a very close meeting in May of 1992, 35 against and 33 for,  
28 with no abstentions, isn't that right?
- 29 A. Yeah I see that now, I would have no memory of that, but I can see it now, yes.
- 10:22:31 30 Q. 59 Is it likely that these, this map and these lands were discussed by the Fianna

10:22:34 1 Fail party at their meeting in Conway's pub in advance of the full Council  
2 meeting?

3 A. It is probably likely, yes, we may have discussed it, I am not sure, we didn't  
4 always have meeting before every meeting of the County Council by the way, so I  
10:22:50 5 have no memory of the meeting I couldn't say, we mightn't have a meeting at  
6 all. By the way you keep saying in Conway's, we did have meetings in other  
7 venues besides Conways, it just happens I might stress about the Conway's  
8 situation, we had very small office in the County Council offices in O'Connell  
9 Street, to accommodate our very large numbers, it was a room that would be very  
10:23:14 10 small for ten councillors and we were a membership of, I think we were 37  
11 members, Fianna Fail members, who had to use that room and normally you'd have  
12 your group meetings in your own -- in your actual party room, but it was so  
13 small that we had to repair to other places to have our meetings. And that's  
14 why one of the venues we attended frequently was Conways, because there was  
10:23:39 15 enough space for us and it was convenient to the County Council as well, I just  
16 thought I might point that out because you keep mentioning meetings in Conways  
17 all the time, I feel that's its important to perhaps people should know why we  
18 were meeting in Conway's and not the County Council itself, we just didn't have  
19 the accommodation.

10:23:59 20 Q. 60 I think the Tribunal has heard evidence from your other of your colleagues also  
21 as to the lack of accommodation in Dublin County Council?

22 A. Well I wasn't aware of that.

23 Q. 61 I think in fact Mr. Kitt described the Council facilities as being inadequate.  
24 And I think other members, not limited to Fianna Fail, have given similar  
10:24:18 25 evidence to the Tribunal?

26 A. Yes I agree totally with Minister Kitt.

27 Q. 62 On the 27th of May 1992 there was a second vote at which you voted, which was  
28 the one to put a town centre zoning on the lands at 7215, and this was a motion  
29 by Councillor Gilmore, seconded by Councillor O'Callaghan, to provide a C  
10:24:46 30 zoning on a portion of the lands and the land in question are the Monarch

10:24:50 1 Property lands at Cherrywood -- sorry 7214, I beg your pardon. 7214, you will  
2 see there there is a motion by Councillor Gilmore, seconded by councillor  
3 O'Callaghan, to put a C zoning on a portion of the lands?  
4 A. Yes.  
10:25:14 5 Q. 63 And you will see that you vote in favour of that motion?  
6 A. Yes, I see that.  
7 Q. 64 Right. And again can you outline to the Tribunal the reasons why you would  
8 have voted in favour of that motion?  
9 A. I wouldn't remember the actual detail again, but in fact I would have listened  
10:25:33 10 to the various arguments for and against and I would have come to the  
11 conclusion, obviously, in that particular case, to vote for.  
12 Q. 65 There were also a number of motions, you will have seen in the records  
13 Mr. Hanrahan, that took place on that date, including a motion by councillor  
14 Sean Barrett, which had the effect of reducing the residential density to one  
10:25:53 15 per acre, do you remember that happening?  
16 A. No.  
17 Q. 66 You voted against all of the low density motions, including voting against  
18 Councillor Barrett's motion at 7216, but Councillor Barrett's motion was in  
19 fact passed.  
10:26:11 20 A. Okay.  
21 Q. 67 Now the effect of that at 7217. 7217 please, this is the map that went out on  
22 the second public display and the yellow lands are the residentially zoned  
23 lands in the Carrickmines Valley and the lands within the red outline are the  
24 Monarch lands. And the cut out portion at the centre of the Monarch lands is  
10:26:41 25 the new town centre zoning?  
26 A. Right.  
27 Q. 68 It should have been coloured pink, the effect of Councillor Barrett's motion,  
28 was to change the density from four per acre, to one per acre for all of the  
29 yellow lands, which are the residential lands, including Monarch's lands. You  
10:27:01 30 will have seen that in the documentation Mr. Hanrahan, isn't that right?

- 10:27:04 1 A. Yes.
- 2 Q. 69 And the effect of that was to reduce the density for Monarch from four per acre  
3 to one per acre, isn't that right?
- 4 A. Yes.
- 10:27:14 5 Q. 70 Now the matter came back before the Council in December, in November of 1993  
6 for the confirming meeting, and the Manager had recommended that that change be  
7 deleted, in other words that the density go back to four per acre and a motion  
8 was brought, on the 11th of December 1993, seeking to confirm the change at one  
9 per acre, at 7262 please. And this is the vote, on seeking to confirm  
10 Councillor Barrett's motion and you vote against that, in other words you vote  
11 against low density, isn't that right?
- 12 A. Yeah.
- 13 Q. 71 Now what happened after that -- can I ask you Mr. Hanrahan when that happened  
14 and the Council voted against confirming change 3 or against Councillor  
10:28:11 15 Barrett's proposed change, did it automatically revert to the previous map, the  
16 map that had gone out on the first public display?
- 17 A. I'm not sure, it may have.
- 18 Q. 72 Well you were the councillor Mr. Hanrahan, you were there?
- 19 A. Yes but we are talking about a long time ago, I'm afraid.
- 10:28:27 20 Q. 73 You are still a councillor?
- 21 A. No I am not.
- 22 Q. 74 When did you retire?
- 23 A. 99.
- 24 Q. 75 Now let's go to - take it up to recent times, if a motion was brought to, in a  
10:28:39 25 Development Plan, seeking to confirm a change, and it was lost, what was the  
26 effect of that?
- 27 A. Yeah, you go back to the original.
- 28 Q. 76 The map that had been displayed previously?
- 29 A. Yes.
- 10:28:50 30 Q. 77 So that if the map that had been displayed previously was four to the acre and

- 10:28:55 1 the change was one to the acre and the motion sought to confirm one to the acre  
2 and was lost, automatically would it have reverted to four to the acre?
- 3 A. It would yes, I should imagine, yes.
- 4 Q. 78 The next motion that was brought, on the same date, was a motion by Councillor  
10:29:09 5 Marren and Coffey at 7263. Now this motion is in connection with the Monarch  
6 lands, I am going to get you to the map attached to the motion, but the map  
7 attached to the motion is at 7227, and this relates only to the Monarch lands,  
8 it's the same outline Mr. Hanrahan, you can see that?
- 9 A. All right yes.
- 10:29:40 10 Q. 79 If you go back to 7263 and the record of the meeting, Councillor Marren and  
11 Coffey propose a motion that, to accept the Manager's report, insofar as it  
12 relates to the Monarch lands, do you see the motion that's on screen straight  
13 in front of you?
- 14 A. Yes.
- 10:30:02 15 Q. 80 So what Councillor Marren and Coffey were proposing, was delete the amendment,  
16 insofar as the Monarch lands are concerned and confirm it in relation to the  
17 balance of the lands?
- 18 A. Yes.
- 19 Q. 81 The effect of that if it was passed was that Monarch's density would be four  
10:30:18 20 houses to the acre and the balance of the residentially zoned lands in the  
21 Carrickmines Valley would be one house to the acre, isn't that right?
- 22 A. Yes.
- 23 Q. 82 That motion was passed by 44 to 27 and you voted in favour of it?
- 24 A. Yes.
- 10:30:33 25 Q. 83 Now can I ask you Mr. Hanrahan, if that motion hadn't been brought, in view of  
26 the fact that the previous motion was lost, if that motion hadn't been  
27 proceeded with, the effect would have been that all of the residentially zoned  
28 lands would have reverted to four to the acre?
- 29 A. I'm not absolutely certain but --
- 10:30:54 30 Q. 84 Well subject to anything --

- 10:30:55 1 A. I can't definitively say that, I would need some advice on that myself.
- 2 Q. 85 It would seem --
- 3 A. I'd need professional advice on it.
- 4 Q. 86 Yes. But it would seem logical, that if the change was defeated, the
- 10:31:09 5 confirming change was defeated as happened here, the density on the lands had
- 6 to be some density, it had to revert to something isn't that right? It would
- 7 have had to have gone back to what was on the previous map?
- 8 A. I'm afraid I would have had to have -- I would have had to have the advice of
- 9 management in the County Council, or the advice of a town planner, to help me
- 10:31:29 10 in my deliberations on that particular issue.
- 11 Q. 87 How long were you a councillor Mr. Hanrahan?
- 12 A. 14 years.
- 13 Q. 88 In that 14 years you are not in a position to assist the Tribunal and tell the
- 14 Tribunal what would happen to a Development Plan map or a zoning on a
- 10:31:43 15 Development Plan map, in the event that the confirming motion was unsuccessful?
- 16 A. It would normally revert to the original motion.
- 17 Q. 89 Isn't that the point. That's what would normally happen?
- 18 A. Yes.
- 19 Q. 90 In those circumstances, can you think of any reason as to why anybody would
- 10:31:58 20 have proceeded with the motion, that would have had the effect of giving four
- 21 houses to the acre to the Monarch lands only and leaving the balance at one to
- 22 the acre.
- 23 A. The motion in question, only refers to the Monarch lands, it doesn't refer to
- 24 the other lands at all.
- 10:32:17 25 Q. 91 Well with respect, it does, because it says that the balance of the lands will
- 26 remain at two per hectare, isn't that right?
- 27 A. It does yes.
- 28 Q. 92 Isn't that right, so that this motion is dealing with all of the residentially
- 29 zoned lands in the Carrickmines Valley isn't that the position?
- 10:32:32 30 A. Yes.

- 10:32:32 1 Q. 93 As a result of the defeat of the prefers motion these lands would automatically  
2 have reverted to four to the acre, isn't that likely?
- 3 A. Likely, but I am not absolutely certain.
- 4 Q. 94 The effect of this motion was to ensure, four to the acre for the Monarch lands  
10:32:46 5 and one to the acre for the balance of the lands, isn't that right?
- 6 A. It would appear to be the case, yes.
- 7 Q. 95 Can you give any reason to the Tribunal as to why that would be so?
- 8 A. No its quite a long time ago now at this stage, all I can imagine is that the  
9 lands immediately around the town centre, you know to make the town centre more  
10:33:07 10 viable, the immediate lands around it would probably, would probably give a  
11 better service to the town centre, if the zoning was higher, but I can't recall  
12 it myself now at this stage, I don't know if that was the reason why I voted  
13 for, I would have taken all the various arguments into consideration, I would  
14 have listened to everybody speaking, local councillors and councillors from  
10:33:26 15 outside as well, because everybody was entitled to their opinion and at the end  
16 of the day I was entitled to vote for, against, or abstain and I ended up  
17 voting in this particular case, I voted for.
- 18 Q. 96 And looking back at it now Mr. Hanrahan and looking back at the map, at 7217.  
19 Can you see any reason as to why the decision was made to zone the Monarch  
10:33:57 20 lands at four to the acre and the balance of the Carrickmines residentially  
21 zoned lands at one to the acre?
- 22 A. I am sure the proposers at the time and the others who spoke in favour of it  
23 would have outlined very good reasons why they proposed that particular  
24 proposal in that particular end result and I voted in favour of that particular  
10:34:18 25 end result.
- 26 Q. 97 Yes obviously I didn't make myself clear Mr. Hanrahan, looking at the map can  
27 you give the Tribunal any reason as to why the Monarch lands would have been  
28 zoned at four to the acre and the balance of the residentially zoned lands at  
29 one to the acre?
- 10:34:35 30 A. Are you asking me to give an opinion, 15 or 16 years later, I have no opinion

10:34:41 1 to give on that.

2 Q. 98 I'm asking to you give the Tribunal a reason as to why you voted the way you

3 did Mr. Hanrahan?

4 A. I already told you. I listened to all the arguments in favour of that

10:34:51 5 particular motion and would have paid very strict attention to what people said

6 at the time and at the end of the debate, when the vote was called, my duty was

7 to vote for, or against, or abstain. And I voted for the motion having

8 listened attentively to all the various arguments and I am sure I may have

9 heard arguments about the other lands as well at the time, but I can't recall

10:35:17 10 it at this stage, and I wouldn't be in a position to give an opinion now, just

11 looking at a map that's come up from many years ago. I'm not in a position to

12 give it, I just wouldn't be able to.

13 Q. 99 Yes.

14 A. To suggest anything --

10:35:29 15 Q. 100 Just to confirm, did you receive all the documents from the Tribunal is that

16 right?

17 A. Oh I did yes.

18 Q. 101 Thank you very much Mr. Hanrahan would you answer any question that is anybody

19 else might have?

10:35:38 20 A. Thank you.

21

22 CHAIRMAN: Anybody here who wishes to ask Mr. Hanrahan questions?

23 Mr. Hanrahan, could I just ask you, in 1992 approximately what was the biggest

24 or political payment or political donation you received outside of your family?

10:35:57 25 A. Chairman, I -- 1992 was the one where the cheque for Monarch was for a thousand

26 pounds?

27

28 Q. 102 CHAIRMAN: For a thousand, yes.

29 A. That was the biggest, I didn't even recall that, but that --

10:36:09 30



- 10:36:09 1 Q. 103 CHAIRMAN: Would it have been the biggest by far? Can you recollect?
- 2 A. I don't know, but the biggest anyway.
- 3
- 4 Q. 104 CHAIRMAN: And surely that would have helped you to recall it when you were
- 10:36:21 5 providing the information to the Tribunal.
- 6 A. Honestly Chairman I couldn't remember that. I thought, I didn't have legal
- 7 advice now when I was writing my letter, I wrote the letter in all serious --
- 8 you know, gave it full consideration and tried to recall as best I could. I
- 9 gave you the answer that I was capable of and only that, otherwise if I had
- 10:36:47 10 remembered that I received a thousand pounds, I would have no problem actually
- 11 informing the Tribunal.
- 12
- 13 Q. 105 CHAIRMAN: And up to 1999 when you left the council would that have remained
- 14 the single largest donation?
- 10:37:04 15 A. It would yeah.
- 16
- 17 Q. 106 JUDGE FAHERTY: Just one thing Mr. Hanrahan, on the 11th November, the first
- 18 substantive motion that's put, that was a motion I think, I have forgotten who
- 19 brought it now, but it was to confirm change 3 simplisitor, change 3 was where
- 10:37:22 20 the zoning had gone back from four houses to the acre, to one to the acre.
- 21 A. Yes.
- 22
- 23 Q. 107 JUDGE FAHERTY: The first motion, substantive motion put to the floor on the
- 24 11th November is to confirm that, and you vote against that?
- 10:37:35 25 A. That's correct.
- 26
- 27 Q. 108 JUDGE FAHERTY: And that would appear consistent with your earlier vote back
- 28 in 1992 where you were voting for the Manager's proposals, because he wanted
- 29 four to the acre, low density four to the acre, on an Action Plan?
- 10:37:51 30 A. Yes.

- 10:37:52 1
- 2 Q. 109 JUDGE FAHERTY: That would appear, certainly your vote against the confirming  
3 of the one house to the acre, would appear consistent.
- 4 A. Yes. That's correct yeah.
- 10:38:05 5
- 6 Q. 110 JUDGE FAHERTY: And from what you have said to the Tribunal, you would have  
7 considered, you say, not just what would happen on the day, but all matters,  
8 and presumably including all documents you would have received as a councillor,  
9 in advance of the votes?
- 10:38:21 10 A. Absolutely, yes, yes Chair moon, yes.
- 11
- 12 Q. 111 JUDGE FAHERTY: And can I just ask you, I'm taking it from that, that when you  
13 voted against confirming change 3, you didn't agree with change 3?
- 14 A. Yes, I mustn't have.
- 10:38:38 15
- 16 Q. 112 JUDGE FAHERTY: And it would appear you didn't agree with change 3 regarding  
17 all of the yellow lands that's on the map that's before you there, I think  
18 that's the same map, 7217?
- 19 A. I think it is yeah.
- 10:38:49 20
- 21 Q. 113 JUDGE FAHERTY: But leaving aside the issue of what would happen or what  
22 happened legally if you like, because you say you can't answer that, but a  
23 little while later, there is a motion brought for the Monarch lands and you  
24 vote in favour of that -- and for four houses to the acre for Monarch, but for  
10:39:13 25 only one house to the acre for the balance of the lands?
- 26 A. Yes.
- 27
- 28 Q. 114 JUDGE FAHERTY: And can you explain at all, why you would have taken, taken  
29 that stance, having, if you like, voted against a motion to confirm change 3 at  
10:39:37 30 the same meeting?

10:39:40 1 A. Well, as I said, its a long time ago now, and I guess there would have been  
2 various arguments for and against a particular motion at the time and  
3 notwithstanding whether there was another motion earlier or not, the arguments  
4 on that particular one -- I can't actually recall why people would have argued  
10:40:03 5 against four to the acre for the other lands but this was the motion that was  
6 before us, and if the owners of the other lands had a proposal for four to the  
7 acre later on I might very well have voted for or I might not have voted for  
8 it. I would have listened again how they put their case and what I felt was  
9 good planning for the area. But at the time the motion in question, I believed  
10:40:28 10 it was in the interests of good planning for the county, to have actually  
11 supported that particular motion.  
12

13 Q. 115 JUDGE FAHERTY: And did you, when you were voting on that the words of the  
14 motion, I think they are on page 7263, it mentions the lands outlined in red  
10:40:45 15 on the map and the balance then, at one to the acre, did you know that they  
16 were the Monarch lands Mr. Hanrahan?

17 A. I might have, I probably did actually but --  
18

19 Q. 116 JUDGE FAHERTY: And how would you have known they were the Monarch lands?  
10:41:03 20

21 A. Well there was quite a considerable amount of lobbying, of course, going on and  
22 these maps were actually posted to us, if not handed to councillors and to  
23 officials as well of course and to other interested parties. So I would have  
24 known at that stage I'm sure, but at this stage I don't recall it so well, but  
I would have known at the time, yes.

10:41:25 25  
26 JUDGE FAHERTY: Right. Thanks very much.

27  
28 CHAIRMAN: Right thank you very much Mr. Hanrahan.  
29

10:41:29 30 **THE WITNESS THEN WITHDREW**

10:41:38 1  
2 MS. DILLON: Mr. Bill O'Herlihy please.  
3  
4 MR. O'HIGGINS: I should say sir I appear for Mr. O'Herlihy, instructed by  
10:41:57 5 Martin E Marren solicitors.  
6  
7 CHAIRMAN: Okay we grant representation.  
8  
9 MR. O'HIGGINS: I think representation was granted last week, or the week  
10:42:05 10 before.  
11  
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**BILL O'HERLIHY, HAVING BEEN SWORN, WAS EXAMINED**

**AS FOLLOWS BY MS. DILLON:**

- 10:42:05 1
- 2
- 3
- 4 CHAIRMAN: Good morning Mr. O'Herlihy.
- 10:42:19 5 A. Good morning.
- 6 Q. 117 Good morning Mr. O'Herlihy, I think that at some date, probably towards the
- 7 late, latter part of 1991 you were retained by Monarch Properties as a public
- 8 relations consultant, is that right?
- 9 A. That's correct.
- 10:42:34 10 Q. 118 Can you outline to the Tribunal first of all who you met in Monarch Properties
- 11 and the brief as you understood it?
- 12 A. The person who worked most closely with was Richard Lynn, and the brief that I
- 13 was -- there were quite a few, the very first meeting had quite a few Monarch
- 14 executives, I can't remember who they were offhand at this stage to be
- 10:42:59 15 truthful. The name escapes me, but the principle person was a Scots man.
- 16 Q. 119 Mr. Sweeney?
- 17 A. Exactly. Eddie Sweeney, exactly. Eddie Sweeney and Richard Lynn were the two
- 18 people I worked most closely with. My brief essentially was to create a
- 19 climate of opinion where the Cherrywood project would be appealing, first of
- 10:43:25 20 all to the community, secondly to the -- that there would be positive media
- 21 response to it and thirdly that the councillors, particularly the councillors
- 22 of the area, but generally speaking, the councillors of Dublin County Council
- 23 would be supportive of the project. That was the brief.
- 24
- 10:43:43 25 My function then was to actually develop a strategy and to actually talk to and
- 26 bring the Monarch people on board in the context of how they themselves would
- 27 fully represent that strategy, rather than me, because the function of public
- 28 relations, is to stay in the background.
- 29 Q. 120 And can I ask you Mr. O'Herlihy, prior to your involvement with the Monarch
- 10:44:03 30 Group, did you have any experience in any particular aspect of lobbying that

10:44:08 1 would be associated with the Development Plan, or making of a Development Plan  
2 in Dublin County Council?

3 A. Oh not at all. But lobbying with respect is a bit of an emotive word, because  
4 what I was involved in, was asking the members of Dublin County Council to view  
10:44:23 5 the plans and to view the model that had been made, I wasn't lobbying in the  
6 sense of asking them to vote for it or anything like that, that was not my  
7 function.

8 Q. 121 But insofar as the making of a Development Plan was concerned, or as the  
9 Tribunal is concerned, with the changes that happened to these lands in the  
10:44:42 10 making of the Development Plan, prior to being engaged by Monarch had you  
11 engaged in any other similar exercise?

12 A. Oh no.

13 Q. 122 So was this your first introduction?

14 A. This was my first and only association ever with the construction industry.

10:44:55 15 Q. 123 Was there any particular reason why you were sought out by Monarch to bring  
16 your expertise to bear on this particular project?

17 A. I would like to think talent came into it for a start, I'd say principally  
18 let's be honest about it was I had an association in those days, a fairly  
19 strong association, with the Fine Gael parliamentary party and with Garrett  
10:45:14 20 Fitzgerald and people at that level and presumably the thinking of Monarch was  
21 that I was a person that could make contact with, positively, with the Fine  
22 Gael councillors particularly, I'd say that's the primary reason I was taken on  
23 board.

24 Q. 124 Was there any particular Fine Gael councillor who would be seen of particular  
10:45:30 25 importance, in that area?

26 A. Oh yeah.

27 Q. 125 Who was that?

28 A. Absolutely. The most important person emphasised to me in the course of my  
29 dealings with Monarch was Sean Barrett. Now they put a huge weight on Sean  
10:45:44 30 Barrett's opinion, because Sean Barrett was highly influential, he had been in

10:45:47 1 the previous Fine Gael coalition administration and presumably was ear marked  
2 again for office, if they ever got back into power, which they did and he  
3 became a Government Minister, he was considered to immensely influential and I  
4 was asked specifically to get him to view the plans and to meet with the  
10:46:07 5 Monarch people, which he agreed to do in their headquarters in Harcourt Street.

6  
7 He made it very clear to me from the word go that he was opposed to it, he felt  
8 it wasn't right environmentally and felt it wasn't right commercially, as far  
9 as the area was concerned.

10:46:22 10  
11 He told me that we not be voting for it, but because I was a friend of his he  
12 certainly come along and view the plans.

13  
14 He came along, viewed the plans, thought they were extremely good, but  
10:46:34 15 indicated at that meeting, which would have been attended by Richard Lynn and  
16 by Eddie Sweeney and maybe Noel was there as well, I'm not quite certain who  
17 else, there would have been more than two anyway and he indicated he was not  
18 going to vote for it and he was consistent all the way.

19 Q. 126 And when you were retained by Monarch initially, Mr. O'Herlihy, did they  
10:46:56 20 discuss with you, or did they tell you, what the zoning was on the lands at  
21 that time and what they hoped to achieve?

22 A. I don't have any recollection of such a conversation. I think its important to  
23 make the point that I thought Monarch were a highly professional operation, I  
24 thought they were extremely good, they knew exactly what they were going up to  
10:47:15 25 do, what they wanted to achieve. They had been involved of course as well in  
26 Tallaght, the team was a very strong powerful team, who knew exactly what they  
27 wanted to get.

28  
29 My role I suppose if I was to define forensically was almost a bit tangential to  
10:47:33 30 the whole thing, it was a media role as much as anything else, it was

- 10:47:39 1 essentially to deal with communications, I wasn't ever involved in the planning  
2 side of it or anything like that.
- 3 Q. 127 But you would --
- 4 A. Because there was a series of people within the company who were experts in  
10:47:48 5 that area.
- 6 Q. 128 But would you have known in general terms, Mr. O'Herlihy, that they were  
7 anxious to put a lot of houses on the lands?
- 8 A. I suppose the answer is yes. I can't be specific, but I mean I thought  
9 personally, I was enthusiastic about the project, because I thought it was a  
10:48:05 10 terrific project all the way through, so presumably I was told that, I can't  
11 remember it, but I am sure I was.
- 12 Q. 129 And did you bring out a free sheet edition called The Valley News, on behalf of  
13 Monarch property?
- 14 A. Cherrywood News, yeah we did, which was distributed locally.
- 10:48:22 15 Q. 130 Can I just show you a page of that document I don't seem to have a Tribunal  
16 reference for it, at 7765. Is this part of the document that you put out?
- 17 A. I can't remember honestly.
- 18 Q. 131 And on the document that you prepared, Mr. O'Herlihy, would you have included  
19 maps, or sorry, drawings of what they wanted to achieve?
- 10:48:53 20 A. Again I can't remember, but I would certainly say that if we were putting out a  
21 free sheet that was being dropped into all the homes in the area, you certainly  
22 would want to give them a fair idea of what was happening, but specifically I  
23 can't remember.
- 24 Q. 132 But certainly if Monarch wanted to put 950 houses, or thereabouts, on a portion  
10:49:12 25 of the lands that's something that you would have informed or they would, the  
26 local people community would have been informed about?
- 27 A. I would imagine so, yeah.
- 28 Q. 133 And if I can take you through some documents then Mr. O'Herlihy, that might be  
29 relevant, and ask you to comment on them, at 3375, this is an extract from  
10:49:29 30 Mr. Sean Barrett's diary and on Monday the 18th of November, 1991 he records a



10:49:36 1 meeting with you.

2 A. Yeah.

3 Q. 134 And I just want to draw to your attention that on the 22nd November 1991 you

4 also had a meeting with Monarch Properties, so can I ask you do you think its

10:49:49 5 likely that that meeting might have been in connection with the Cherrywood

6 Development?

7 A. Sorry I am a bit confused would you go back on that again please.

8 Q. 135 This is 3375?

9 A. Yeah the meeting with Sean Barrett.

10:50:00 10 Q. 136 This is Mr. Barrett's diary.

11 A. Yeah and what does it say?

12 Q. 137 It records on the 18th Bill O'Herlihy 3 pm.

13 A. Yeah. In his office is it?

14 Q. 138 I can't tell you that because I don't -- it just records in his diary.

10:50:12 15 A. Well my recollection, for what its worth, after so many years, is that I only

16 met him once and that was, that my conversation with him was by telephone and

17 that I met him, that I met him then in the Monarch offices, but if I had a

18 previous meeting and its so recorded, I can't deny it obviously.

19 Q. 139 No I don't suggest that that meeting is in connection with Cherrywood

10:50:36 20 Mr. O'Herlihy, I am asking you do you think in view of the fact that on, within

21 two or three days of that on the 22nd, you had a meeting with Monarch people,

22 that it may have had something to do with Cherrywood?

23 A. It may have had yeah. Could I have been reflecting the views that he expressed

24 to me, its possible. But I don't recall that, there was such a meeting but I'm

10:51:05 25 not going to contradict you.

26 Q. 140 Certainly there are other documents Mr. O'Herlihy that we will come to look at

27 that indicate a longer meeting with Mr. Barrett at the offices of Monarch?

28 A. Yeah.

29 Q. 141 At 3383 this is an extract from a diary of Mr. Dominic Glennane, who was one of

10:51:16 30 the people in Monarch, and it records on the 22nd of November Bill O'Herlihy at

- 10:51:23 1 Monarch re Cabinteely?
- 2 A. Yeah.
- 3 Q. 142 That's the first recorded document in the Monarch documentation that records a
- 4 contact with you?
- 10:51:34 5 A. Yeah.
- 6 Q. 143 And based on that is it likely that it was around November 1991 that you were
- 7 retained?
- 8 A. Probably, I would imagine so, yeah. I mean there were, there was a whole
- 9 series of meetings. I mean the normal public relations practice would be that
- 10:51:48 10 if you were dealing with a client on a short-term basis, as I was, over a
- 11 period of about eight months, you would have extremely regular meetings. They
- 12 to be kept up to date, they to look at how the strategy was unfolding whether
- 13 it was successful or unsuccessful. I would imagine I had a meeting at least
- 14 once a week probably twice a week with Monarch.
- 10:52:07 15 Q. 144 Certainly the records seem to indicate that you did have a number of meetings
- 16 with Monarch on an ongoing basis?
- 17 A. Did I absolutely.
- 18 Q. 145 When you were retained was there also another public relations company retained
- 19 at the same time?
- 10:52:19 20 A. I don't know.
- 21 Q. 146 Pembroke PR?
- 22 A. Oh yeah, I saw that in the papers that I was sent, but I had no contact with
- 23 them at all. I don't know whether they were employed before me and were just
- 24 being phased out, or whether they continued to be employed on a different
- 10:52:33 25 basis, do I not know, or for a different project.
- 26 Q. 147 If I could have page 3521, I think in fact they were in connection with the
- 27 same project, this is another extract from Mr. Sean Barrett's diary, you will
- 28 see on 2nd of December 1991, it records a meeting at 12 o'clock with Bill
- 29 O'Herlihy?
- 10:52:52 30 A. Mm.

- 10:52:53 1 Q. 148 And if we go to 7768 Mr. O'Herlihy and this is part of an invoice submitted by  
2 you to Monarch Properties, you will see that you record meeting Mr. Sean  
3 Barrett for one and a half hours on the second of December, do you see that?  
4 A. Yeah.
- 10:53:12 5 Q. 149 Is that the meeting that you were thinking about earlier on, when you mentioned  
6 that you had met with Mr. Barrett?  
7 A. Well I mean if its there in black and white and I'm billing them for it, I  
8 obviously had the meeting.
- 9 Q. 150 Yes the actual invoice is 7767 and you will have seen that in the documentation  
10 and attached to that doc -- that invoice was the document at 7768 where you set  
11 out the meetings that you had had?  
12 A. Yeah.
- 13 Q. 151 And on that --  
14 A. Well John Butterly now was Pembroke PR, I see there on December 3rd, so  
10:53:46 15 presumably they were still involved, in what role I do not know.
- 16 Q. 152 And you will note also there that you had a meeting with Mr. Alan Shatter and a  
17 meeting with Mr. Michael Keating?  
18 A. Yeah.
- 19 Q. 153 And would they have been members of Fine Gael at that time?  
10:53:58 20 A. Yes they were indeed, yeah. They were both TDs I think at the time.
- 21 Q. 154 And Mr. Keating has told the Tribunal that he remembers you speaking to him in  
22 connection with the Cherrywood Development. Now what was the purpose of these  
23 meetings Mr. O'Herlihy, was it to seek the support of these people for the  
24 project?  
10:54:14 25 A. It would have been, yeah, yeah.
- 26 Q. 155 And again I think in January of 1992. At 7770. You also put in another  
27 invoice, in respect of the fee -- work that you had done in the intervening  
28 period, so you were working throughout December and into January for Monarch,  
29 is that right?  
10:54:40 30 A. I'm sure it is yeah. If it's billed it's right.

- 10:54:43 1 Q. 156 Now did you meet Mr. Frank Dunlop at any stage in connection...
- 2 A. No, he was not involved at all.
- 3 Q. 157 Well I want to show you 7771. Which is a document that's attached to this
- 4 invoice Mr. O'Herlihy and I want to draw to your attention the entry 7/18
- 10:55:02 5 January, phone calls, briefing discussions, meeting Frank Dunlop, do you see
- 6 that?
- 7 A. I do indeed yeah.
- 8 Q. 158 That's your document as provided to Monarch Properties as I understand it?
- 9 A. Mm-hmm.
- 10:55:13 10 Q. 159 Can you assist the Tribunal at all as to why you would have been meeting
- 11 Mr. Dunlop sometime in early January of 1991?
- 12 A. Haven't a notion. It may have followed out of some discussions that had taken
- 13 place or something like that, it may have been a follow-up call, do I not know
- 14 honestly. I can't remember. Because to my honest recollection he was never
- 10:55:33 15 involved at all in the period I was involved.
- 16 Q. 160 But did you know Mr. Dunlop, as a lobbyist in Dublin County Council?
- 17 A. I knew Frank Dunlop very well from working in RTE in the first instance, he was
- 18 a northern correspondent and then I knew him when he was the special advisor to
- 19 John Boland, when he was Minister for Public Service and I knew Frank very
- 10:55:55 20 well.
- 21 Q. 161 But did you know that he was a lobbyist to councillors in Dublin County
- 22 Council, did you know that Mr. Dunlop had a business that involved seeking the
- 23 changes of zoning of lands?
- 24 A. I suppose it would be naive of me to say I didn't, but I can't remember to be
- 10:56:14 25 honest, I don't know.
- 26 Q. 162 What I'm asking is it possible you might have gone, in view of the fact this
- 27 was your first job in connection with the Development Plan?
- 28 A. And asked for his advice is it?
- 29 Q. 163 Exactly.
- 10:56:23 30 A. I don't know.

- 10:56:24 1 Q. 164 Do you think its possible you might have met him about that?
- 2 A. I honestly can't remember.
- 3 Q. 165 Again on that document at 7771 Mr. O'Herlihy, you set out there certain phone
- 4 discussions with East Coast Radio, organising a newspaper and certain meetings
- 10:56:39 5 with Monarch, isn't that right?
- 6 A. Yeah.
- 7 Q. 166 And was the newspaper you were organising this free sheet?
- 8 A. That would be the Cherrywood News.
- 9 Q. 167 That was going to be sent out to the all of the houses in the area?
- 10:56:50 10 A. Correct, correct.
- 11 Q. 168 Now I think that again in February of 1992, at 7772, you furnished an invoice
- 12 in connection with the provision of a copy of the special edition of The Valley
- 13 News, you gave a break down of that at 7773?
- 14 A. Yes.
- 10:57:13 15 Q. 169 Again I think you would accept that its likely that you would have put in
- 16 information in relation to what Monarch wanted in that document, that was the
- 17 whole purpose that have isn't that right?
- 18 A. O, yeah, yeah.
- 19 Q. 170 So it was to provide information about the development, to the local community?
- 10:57:24 20 A. Mm-hmm.
- 21 Q. 171 And that would have been given to everybody, is that right?
- 22 A. Sorry what would have been given to everybody?
- 23 Q. 172 To the local community -- the free sheet.
- 24 A. Oh, yes, dropped into the houses, yeah.
- 10:57:35 25 Q. 173 Now obviously what Monarch were seeking had to be different to what they
- 26 already had in the Development Plan, isn't that right Mr. O'Herlihy, they were
- 27 seeking to change the status of their lands?
- 28 A. Yeah, they were more than anything else they were seeking from my perspective
- 29 to change the climate of opinion towards it.
- 10:57:52 30 Q. 174 And that was based in the community and also with councillors?

- 10:57:56 1 A. Well Monarch had the belief that this was a very very good project and that it  
2 was a project that was going to materially benefit the area and they wanted to  
3 convey that information by The Cherrywood News and they wanted to convey it  
4 through the media generally and we also developed a television documentary as  
10:58:16 5 it were, which was used for community meetings.
- 6 Q. 175 But in order for Monarch to put 950 houses on that land Mr. O'Herlihy, they had  
7 to change the zoning density on their lands in the Development Plan?
- 8 A. Mm-hmm.
- 9 Q. 176 Isn't that right?
- 10:58:30 10 A. Yeah well obviously yeah.
- 11 Q. 177 In your meetings with Mr. Lynn and Mr. Sweeney, you would have been made aware,  
12 I assume, that they made a submission to Dublin County Council seeking to  
13 change the density on their lands?
- 14 A. I'm sure I was, yeah.
- 10:58:45 15 Q. 178 Because you became aware of the fact that, there would be a vote in Dublin  
16 County Council, which was regarded by Monarch as important, isn't that right?
- 17 A. Absolutely, sure that was the whole point in it yeah.
- 18 Q. 179 Wasn't the entire exercise in which you were engaged with Mr. Lynn and  
19 Mr. Sweeney and the other Monarch personnel geared towards changing the climate  
10:59:03 20 so that there would be support for the changes Monarch wanted?
- 21 A. That's correct, that's correct.
- 22 Q. 180 So the whole thrust of the PR campaign and submissions that were made by the  
23 professional people on behalf of Monarch, was to change the status of the  
24 lands?
- 10:59:14 25 A. Yes.
- 26 Q. 181 Because Monarch couldn't built on what they wanted to build on it, with the  
27 zoning that they had on the lands isn't that right?
- 28 A. Yeah.
- 29 Q. 182 So everything was going to end up on the floor of Dublin County Council?
- 10:59:25 30 A. Absolutely.

- 10:59:26 1 Q. 183 And you would have known, as did everybody else involved in the exercise, that  
2 at the end of the day the people who were going to make the decision on this  
3 were the councillors?
- 4 A. Yeah and there was a belief also that politicians were influenced by climate  
10:59:39 5 and if the climate of opinion was very supportive towards it, that that in turn  
6 would actually be something that would support Monarch.
- 7 Q. 184 And the -- you had gone and you had spoken to Mr. Barrett but Mr. Barrett had  
8 made his position absolutely clear that he was not going to support what  
9 Monarch wanted?
- 10:59:57 10 A. Correct, that's right.
- 11 Q. 185 Did he in anyway resile, or change from that, from the time that you were  
12 involved in the exercise?
- 13 A. Not at all, not at all. Even at the meeting with Monarch when we viewed the  
14 plans and viewed the model he said he wasn't going to vote for it, he thought  
11:00:11 15 it was wrong for the area.
- 16 Q. 186 And therefore whatever influence was perceived with in Monarch rested with  
17 Mr. Barrett, it could not be brought to the assistance of the project, isn't  
18 that right, because he never supported the project as far as you were aware.
- 19 A. No no.
- 11:00:24 20 Q. 187 So that created an added urgency to the get the balance of support elsewhere,  
21 isn't that right?
- 22 A. I presume so, yeah.
- 23 Q. 188 Because what you were told the Tribunal earlier is Mr. Barrett was regarded as  
24 influential.
- 11:00:35 25 A. Oh yeah, yeah.
- 26 Q. 189 When you couldn't bring Mr. Barrett to the table, as it were, to support this  
27 project you had to get that support elsewhere?
- 28 A. When you say you now, you mean Monarch.
- 29 Q. 190 Mean Monarch Properties and yourself as part of the team.
- 11:00:48 30 A. Yeah but I wasn't canvassing support in the sense that you are implying it.

- 11:00:53 1 Q. 191 Well were you meeting with councillors?
- 2 A. I had very -- obviously from some of the documentation you have provided I had
- 3 some meetings with them, but it was very few. My essential contact was by
- 4 telephone and what I -- what I did primarily was to set up meetings for
- 11:01:09 5 Monarch, so that I would ring whatever councillor was involved and I'd say look
- 6 we'd like to you look at the plans, this is a very good development or whatever
- 7 I'd say something to that effect and the plans will be on view in the Royal
- 8 Dublin Hotel or in the Monarch headquarters and we'd like to you come along and
- 9 see them, and they'd come along and view them, I had practically no
- 11:01:31 10 relationship with them at all, in fact I wasn't at most of those meetings
- 11 because it wasn't my function to make the presentation to them.
- 12 Q. 192 Certainly in February of 1992, at 7776 Mr. O'Herlihy, you provide another
- 13 invoice and again you provide back up details at, 7777 and on the 11th February
- 14 you record a meeting with Monarch or meeting Monarch and Senator Lydon two
- 11:01:59 15 hours, do you see that?
- 16 A. Do I yeah.
- 17 Q. 193 Do you have any recollection of that meeting and what it involved?
- 18 A. I have no recollection whatever of it. I'm just wondering though whether or
- 19 not, they were meetings that I attended, or if that could well be a meeting I
- 11:02:18 20 set up as it were, but didn't necessarily attend.
- 21 Q. 194 If you just look at the top of the document Mr. O'Herlihy it says executive
- 22 time Mr. O'Herlihy isn't that right?
- 23 A. Yeah.
- 24 Q. 195 And then it details set out, under meetings that took place and the duration of
- 11:02:33 25 the meetings, isn't that right?
- 26 A. That's correct.
- 27 Q. 196 And that would suggest that what you are itemising there, if you go to 7778
- 28 please, it says total executive time Bill O'Herlihy 18 hours?
- 29 A. Mm-hmm.
- 11:02:45 30 Q. 197 That would suggest if you go back to 7777 subject to anything you have to say



- 11:02:50 1 yourself Mr. O'Herlihy, that the meeting of two hours involving Mr. Lydon  
2 involved yourself?
- 3 A. That's a reasonable interpretation, I don't remember it but that's a reasonable  
4 interpretation.
- 11:03:00 5 Q. 198 And can you recollect anything that would have brought you to meet with  
6 Mr. Lydon, in connection with Monarch Properties?
- 7 A. Nothing specific, I would have thought that as far as I was concerned that  
8 Senator Lydon would have been just, one of the senior members of Fianna Fail  
9 and he would have been viewing the plans and that would be it, I would imagine  
11:03:25 10 that the meeting with Monarch would have been to go through the plans and go  
11 through the model, same as other people as well.
- 12 Q. 199 And I think again at 7779, I think this document is part of the other document,  
13 this details the involvement of Mr. Ian Sherwin who I think worked with you?
- 14 A. He did yeah that's correct.
- 11:03:45 15 Q. 200 And what's set out on this document is what Mr. Sherwin was doing and he was  
16 setting up meetings in local community schools and matters such as that sort?
- 17 A. That's correct.
- 18 Q. 201 I think part of the PR campaign involved what has been described as road show?
- 19 A. That's correct.
- 11:04:01 20 Q. 202 Where you would have had drawings and a scale model of the development and you  
21 brought it around to the community?
- 22 A. That's correct.
- 23 Q. 203 And that appeared to have been Mr. Sherwin's function?
- 24 A. That's correct.
- 11:04:10 25 Q. 204 Your function seems to have been a more senior dealing with senior Monarch  
26 personnel and indeed on occasion some councillors?
- 27 A. Yeah.
- 28 Q. 205 Now were you made aware of the when the vote was coming up in the were  
29 important vote in Dublin could County Council?
- 11:04:25 30 A. Was I made aware of it?

- 11:04:27 1 Q. 206 Yeah.
- 2 A. Oh indeed I was. I was actually I went for the very first time in my life into  
3 the Dublin County Council Chamber, prior to the meeting starting, because I had  
4 never been at a Dublin County Council meeting of any sort I said my myself as  
11:04:41 5 the vote is coming up today I'd like to see what the setup is, I spent about  
6 three or four minutes in there and that was it.
- 7 Q. 207 I suggest to you Mr. O'Herlihy that that meeting is likely to have been a  
8 meeting on the 27th May 1992 which, where Monarch lost --
- 9 A. Yeah that's correct.
- 11:04:57 10 Q. 208 They lost by two votes in fact, what they sought and they ended up with their  
11 lands zoned at one house to the acre as a result of a motion by Councillor  
12 Barrett?
- 13 A. Mm-hmm.
- 14 Q. 209 Now was that your first and only time in the offices of Dublin County Council?
- 11:05:09 15 A. First and only time, yeah. Never since.
- 16 Q. 210 And were you going that meeting because you were made aware of the importance  
17 of that meeting from the zoning point of view of Monarch?
- 18 A. No, I was going -- I went to the meeting first of all because professionally I  
19 was interested in seeing whether or not the campaign was going to be successful  
11:05:28 20 and the ultimate determination of success was whether we got the motion through  
21 or not. So I was extremely interested because I had worked very closely with  
22 Richard Lynn and worked very closely with Monarch I was very impressed by  
23 Richard Lynn, I thought he was a really good professional operator and I was  
24 impressed by the whole Monarch set up, so it would have been completely I think  
11:05:51 25 illogical for me to actually miss out on something like that, so -- but I was  
26 there for as I said about three or four minutes before it started and I spent  
27 the rest of the time in the Royal Dublin Hotel.
- 28 Q. 211 Who was in the Royal Dublin Hotel with you Mr. O'Herlihy?
- 29 A. Well definitively I can say Richard Lynn was with me, others may have come and  
11:06:11 30 gone, Noel Murray may have come and gone, I am not certain.

- 11:06:14 1 Q. 212 Now as far as you were aware who was dealing with the matters on behalf of  
2 Monarch in the chamber, did you know?  
3 A. I have no idea.
- 4 Q. 213 And who was handling that part of the exercise, the motions and matters such as  
11:06:26 5 that sort?  
6 A. I don't know.
- 7 Q. 214 Did you ever see any motion on behalf of Monarch, a motion that would be  
8 brought before the Council in order to change the zoning on the lands?  
9 A. I have no recollection, honestly.
- 11:06:40 10 Q. 215 But you did know that the meeting of the 27th of May 1992 was regarded by  
11 Monarch as a critical?  
12 A. Absolutely, of course I did yeah.
- 13 Q. 216 Everything you had been engaged on up to this point in time, was leading to  
14 that position?  
11:06:52 15 A. Correct.
- 16 Q. 217 Right. When you were -- did you go to the hotel in order to await the results?  
17 A. Oh yes.
- 18 Q. 218 Who was going to bring the results to yourself and to Mr. Lynn?  
19 A. I can't remember, I can't remember. It was felt that would take about two  
11:07:11 20 hours before the decision would come through, that could be because they were  
21 other motions on the agenda, but we were anticipating a delay of about two  
22 hours and we were there from whatever time the Council started, which was  
23 around 11 o'clock I think and then I think we got the result sometime and 12.30  
24 am -- p.m. I mean.
- 11:07:29 25 Q. 219 In the course of your meeting with Mr. Lynn did you have a conversation with  
26 Mr. Lynn about how to achieve zoning changes in Dublin?  
27 A. I did.
- 28 Q. 220 Can you outline to the Tribunal the content of that conversation as you  
29 recollect it now Mr. O'Herlihy?  
11:07:44 30 A. I will. We were waiting for the result, I'd say fairly late into the day, in

11:07:51 1 The sense that the result would have been coming maybe within half an hour or  
2 thereabouts, and I said to him, I said to Richard, well I said, I hope the  
3 Council will see the merits of this and recognise the quality of the  
4 development that's proposed and he said to me are you joking me? I said what  
11:08:12 5 do you mean? He said the councillors never recognise quality and merit, it has  
6 nothing whatever to do with it, he said if you want to get a planning change or  
7 a material contravention through, you have to buy it and he said that planning  
8 changes and material contraventions were worth, in his judgement, about 50,000  
9 a year into the back pocket of the councillors, if they cooperated with the  
11:08:36 10 developers.

11  
12 So frankly, because I had never been involved, with any building company or any  
13 development like this in my life, I was absolutely staggered at this, to be  
14 truthful and I said well how does it work? And I was told that you -- he told  
11:08:56 15 me that you develop a lead councillor and you deal with him and he deals with  
16 all the other councillors and he determines what exactly is required to  
17 actually get the votes required to pass a particular planning approval or  
18 motion.

19  
11:09:17 20 So I said did you, did Monarch pay money for this? And he said yes. And again  
21 I was, to be honest I was staggered and he said -- I said how much? And he  
22 said, to the best of my knowledge he said a hundred thousand. Now I don't know  
23 whether he was talking about generally, or whether, on that particular project,  
24 but my question related to the project.

11:09:43 25  
26 Now I want to say and its very important that I say this, in all my dealings  
27 with Monarch money never came up, there was never any question of anything  
28 untoward whatsoever in my dealings with Monarch. I found them a company of  
29 extreme probity, all the way through. Therefore what was said to me was  
11:10:01 30 completely out of character with the whole development and programme that I was

11:10:04 1 involved in and the whole campaign.  
2  
3 I have no idea and its very important that I make this point, I have no idea  
4 whether what he said to me was true or not, or the context in which he said. I  
11:10:17 5 have no idea of the no evidence whatsoever to back up the claim he made,  
6 because money never ever came into any discussion that I was part of in, with  
7 Monarch.  
8  
9 And it was extremely, as I said a company of great probity all the way through  
11:10:35 10 and they were highly professional in the approach to the campaign. I was not  
11 involved in providing financial inducements or bribes, I was never asked to  
12 offer them, I was never -- there was never any discussion on that, it never  
13 came up whatsoever. Therefore when that point was made to me, I was to be  
14 honest about it, I was gob smacked.  
11:10:57 15  
16 Now I don't know whether he was talking about, he might have been talking, to  
17 be honest, in fairness to him, he could have been talking about the way things  
18 happened generally. But unquestionably I asked the question very specifically.  
19 Q. 221 You asked him had Monarch paid monies?  
11:11:11 20 A. I think I may have said have you paid monies, like I was talking -- it was  
21 clearly understood it was Monarch I was talking about yeah.  
22 Q. 222 And he said yes?  
23 A. Yeah.  
24 Q. 223 And did you ask him did they have a lead councillor, did Monarch have a lead  
11:11:25 25 councillor?  
26 A. Yes I did.  
27 Q. 224 And did Mr. Lynn indicate to you who the lead councillor was?  
28 A. Yes he did.  
29 Q. 225 Who did he tell you who the lead councillor was?  
11:11:33 30 A. I have a problem with that now Chairman because the evidence I am offering here

11:11:36 1 is entirely anecdotal and completely out of character with the whole campaign.

2

3 CHAIRMAN: We appreciate that and we take that into account when we are  
4 assessing evidence?

11:11:45 5 Yeah but sorry excuse me, my difficulty is I don't want to be naming a person  
6 who might be completely innocent of the allegation, let me put it that way, if  
7 I am being asked to actually name publicly a person without any evidence  
8 whatsoever to back up that claim I think its very unfair, so the best -- sorry  
9 what I'd like to do is give it to you privately write down the name and you can  
10 do whatever you want thereafter.

11

12 CHAIRMAN: Yes we can --

13 The Councillor in question is on notice first of all and is here and is  
14 represented and this is part of this Module, it wasn't mentioned in the opening  
15 out of deference --

11:12:18

16

17 CHAIRMAN: Is that person aware that --

18

Yes.

19

11:12:22 20 CHAIRMAN: That this evidence is going to be given.

21

Yes.

22

23 CHAIRMAN: Well from those circumstances we must ask you to name the name, but  
24 we take it on the basis that its not, if you like, direct evidence on your  
11:12:34 25 part, that this person did anything wrong?

26

Absolutely.

27

28 CHAIRMAN: Simply evidence of what you were told by another individual?

29 That's right. Completely hearsay, it could be entirely untrue, so may I give

11:12:46 30

it to you then under protest.

11:12:47 1  
2 CHAIRMAN: Absolutely?  
3 Okay. Senator Lydon.  
4 Q. 226 You asked the question, who was the lead councillor? Is that right  
11:12:56 5 Mr. Herlihy?  
6 A. That's right.  
7 Q. 227 And the answer you got to the best of your recollection from Mr. Lynn, is that  
8 it was Senator Don Lydon?  
9 A. Yeah.  
11:13:03 10 Q. 228 Were you shocked by that?  
11 A. Of course I was shocked, because I was one of the people at the time who  
12 believed in the, that things were decided on merit. I had no idea that there  
13 was corruption in the planning system at all, or that money came into it, or  
14 financial inducements, I had no idea in the wide world, as I said I had never  
11:13:22 15 ever been involved in any of that, that aspect of Irish life at all, so of  
16 course I was shocked.  
17 Q. 229 If I understand you correctly Mr. O'Herlihy, you had an absolutely professional  
18 relationship with Monarch and its employees and personnel up to this point in  
19 time?  
11:13:40 20 A. Absolutely they were terrific.  
21 Q. 230 You had never heard any suggestion of money for votes, or matters such as that  
22 sort, up to this particular time?  
23 A. Not at all and if I had I wouldn't have stayed with the campaign let me tell  
24 you.  
11:13:53 25 Q. 231 And on the of May 1992 the date of the critical vote for Monarch you are having  
26 a conversation with Mr. Lynn and Mr. Lynn volunteers this information to you,  
27 is that what happened?  
28 A. Yeah, yeah. Well it was, it follows directly on the first question I asked him  
29 about -- it flowed out of his response to my question of a decision being  
11:14:15 30 taken, both on the merits and quality of the proposition.

- 11:14:17 1 Q. 232 And you were impressed if I understand you correctly and taken with both the  
2 merits and quality of the project that Monarch were proposing?  
3 A. I was yeah I thought it was very good.
- 4 Q. 233 You were an enthusiastic supporter of it, on its merits?  
11:14:31 5 A. I would have been.
- 6 Q. 234 It was in that context you raised with Mr. Lynn the question it should get by  
7 on merit, as I understand it?  
8 A. Absolutely.
- 9 Q. 235 It was in that context Mr. Lynn made the response you have outlined to the  
11:14:45 10 Tribunal?  
11 A. Yeah.
- 12 Q. 236 Which as I understand it and correct me if I'm wrong, which is that, merit had  
13 nothing whatsoever to do with it, did had all to do with the purchase of votes,  
14 is that right?  
11:14:51 15 A. That was my understanding of it yeah.
- 16 Q. 237 Were you taken aback, blown away by this Mr. O'Herlihy?  
17 A. Well I had no -- I had no experience of how the planning system worked at all,  
18 I had no idea how the council system responded to the planning motions, so I  
19 was completely surprised and shocked, and to be honest about it I was disgusted  
11:15:15 20 as well.
- 21 Q. 238 And you then asked him how the system worked effectively and Mr. Lynn explained  
22 to you about the lead councillor?  
23 A. That's correct.
- 24 Q. 239 To that point in time had you ever heard anything that have nature before?  
11:15:27 25 A. No, nothing, nothing.
- 26 Q. 240 By lead councillor did you understand Mr. Lynn mean you needed a lead  
27 councillor in each party?  
28 A. That I'm not sure, I couldn't tell you, because for some reason or other which  
29 is I suppose as I think I made the point to John Gallagher against my  
11:15:42 30 inquisitive nature, I never pursued the discussion and the reason I may not



- 11:15:47 1 have was because we could have been interrupted, I can't remember, but I'm not  
2 sure whether or not he would have been the -- there was a lead councillor would  
3 have been somebody who represented the company in relation to all parties, or a  
4 specific party, I do not know.
- 11:16:03 5 Q. 241 But you then proceeded to ask the question about who effectively was Monarch's  
6 lead councillor?  
7 A. I did.
- 8 Q. 242 You were given the name, you recollect, of Senator Lydon?  
9 A. Yeah.
- 11:16:12 10 Q. 243 Was any amount of money mentioned in connection with any payment that was made  
11 to the lead councillor, that you can recollect?  
12 A. A figure was mentioned of a hundred thousand but that wasn't necessarily money  
13 that went to him now necessarily, that was money, as I understood it, was to be  
14 distributed, if its true and it may not be true at all.
- 11:16:30 15 Q. 244 And in your explanation that was provided to you by Mr. Lynn, of what the lead  
16 councillor did, did you understand it that the lead councillor would make  
17 disbursements to other councillors?  
18 A. Yeah.
- 19 Q. 245 So if you just outline in your own words how Mr. Lynn explained to you how this  
11:16:47 20 system of the lead councillor worked?  
21 A. Well my recollection going back these 15 years would be that what he said to  
22 me -- I can still visualise the scene, inside in the bar of the Royal Dublin  
23 Hotel, we were drinking coffee if I remember correctly, because it was only  
24 about quarter past 12, and when he mention it had, he said what happened was  
11:17:11 25 that you would appoint a councillor, a lead councillor he called him, who would  
26 be your point man as it were, in the, in terms of the councillors at large, and  
27 that he would determine, you know, how money would be distributed to buy the  
28 votes on the basis of whatever the requirement would be to get the motion  
29 through. Now that was my understanding of it.
- 11:17:36 30 Q. 246 And this was volunteered to you by Mr. Lynn?

- 11:17:38 1 A. It was yeah, yeah.
- 2 Q. 247 And that followed on your initial question about the councillors approaching  
3 this matter on merit?
- 4 A. Oh, yes, that was the -- I mean if I had never mentioned that there would never  
11:17:50 5 have been any discussion about it at all.
- 6 Q. 248 And was this your last involvement with Monarch Mr. O'Herlihy?
- 7 A. Oh yeah it was. Now its important to recognise that my -- my appointment was  
8 not in indeterminate one, it was a finite one for a specific project and the  
9 project was over once the vote came through, they said thank you and good bye.
- 11:18:14 10 And that was the end of me.
- 11 Q. 249 Monarch lost the vote?
- 12 A. They did by two votes if I remember correctly.
- 13 Q. 250 On that date and that was the meeting of the 27th of May 1992 and I think that  
14 after that, I think you put in a final fee note of the 29th of May, at 3731.
- 11:18:33 15 And this covers the period 13 of April to 29 of May 1992 and that is your last  
16 fee note?
- 17 A. Yeah, yeah.
- 18 Q. 251 So that would indicate that you concluded your business with Monarch in or  
19 around the 29 of May of 1992?
- 11:18:45 20 A. That's correct.
- 21 Q. 252 So that would appear to agree with the documents that we have looked at, you  
22 were retained to change public opinion coming up to the important vote in May  
23 of 1992?
- 24 A. Correct.
- 11:18:55 25 Q. 253 That vote was lost?
- 26 A. Yeah.
- 27 Q. 254 And they didn't continue with you thereafter?
- 28 A. No, nor did I expect them to either.
- 29 Q. 255 Yeah. And in that meeting you had with Mr. Lynn would he have seen from your  
11:19:09 30 demeanour that you were shocked by what you were hearing?

- 11:19:11 1 A. I don't know. He may have thought me a complete innocent, I don't know or  
2 he -- I can't remember, I certainly was shocked whether he recognised it is  
3 another matter, I don't know.
- 4 Q. 256 Do you remember ever discussing any, leaving aside what happened with Mr. Lynn  
11:19:32 5 at the meeting of the 27th of May, did you ever have any discussion with  
6 Mr. Lynn about the importance of individual councillors, or maybe councillors  
7 changing their attitude in relation to Monarch?
- 8 A. No. Now you see Mr. Lynn was the person who -- Mr. Lynn was a highly  
9 professional operator in my judgement and he had years of experience in  
11:19:53 10 operating the Monarch what would you call it, or in developing the Monarch  
11 Properties and indeed going about achieving what was to be achieved, both with  
12 the Council and people like that, he also made a point I think that he didn't  
13 necessarily see the value of public relations, because he was a very very good  
14 operator.
- 11:20:15 15  
16 Having said all that now I have forgotten what you asked me.
- 17 Q. 257 Did Mr. Lynn ever mention the importance of any other particular individual  
18 councillor, or changing their position in relation to Monarch?
- 19 A. No, because sorry to go back to the point I was about to make or that I should  
11:20:29 20 have made, Mr. Lynn was dealing with, dealt with, the Council pretty well all  
21 the time, the councillors themselves all the time, he had loads of experience  
22 it have, my involvement was kind of marshalling them into meetings but I had  
23 very little part in the meetings myself, that wasn't my function.
- 24 Q. 258 Insofar as presentations were made to councillors or matters such as that sort  
11:20:49 25 that was dealt with by the Monarch people?
- 26 A. Yes correct.
- 27 Q. 259 And were you surprised when he identified Senator Lydon as being the person who  
28 he said was the lead person for Monarch?
- 29 A. I'd have to say yes, but I don't honestly remember. But I would have been  
11:21:08 30 surprised all right.

- 11:21:11 1 Q. 260 Was there any discussion before the meeting took place in Dublin County Council  
2 of the numbers, of how many votes they had or how many numbers were in place or  
3 anything such as that sort?
- 4 A. There probably would have been a discussion, like a casual discussion as to how  
11:21:24 5 many votes we need.
- 6 Q. 261 Yes.
- 7 A. Whether or not they weren't through it in a forensic sense and said we had X  
8 number against Y, I can't remember.
- 9 Q. 262 In the PR strategy committee or the unit that was in place to get this job  
11:21:39 10 done, who was the person who was dealing with getting the numbers?
- 11 A. Well Richard Lynn would have been the project man basically, Eddie Sweeney and  
12 himself, but Richard was the guy, as it were, who was on the road and who was  
13 dealing with most aspects of it.
- 14 Q. 263 And when the result came through and you were told that Monarch had lost  
11:21:58 15 effectively, was there a post mortem, did anybody sit down and analyse where it  
16 had gone wrong?
- 17 A. I don't recall it to be honest, I don't recall that that there was a post  
18 mortem. I think there was a general recognition, if there was a post mortem  
19 there might have been a casual discussion in the Royal Dublin Hotel afterwards,  
11:22:17 20 which would indicate that they would have to go back to the drawing board, but  
21 that's as far as I can recall it, the most that would have happened.
- 22 Q. 264 And would it be fair to say that Monarch wouldn't have regarded that setback as  
23 the end of the road, as far as they were concerned?
- 24 A. Probably not, they knew the system better than I did so probably not.
- 11:22:37 25 Q. 265 Did any of the councillors come into the Royal Dublin afterwards, can you  
26 remember?
- 27 A. I can't remember.
- 28 Q. 266 When Mr. Lynn told you about the lead councillor and about the fact that the  
29 matters had to be paid for, material contraventions or zoning, was it your  
11:22:56 30 understanding from what you were hearing, that Monarch had themselves paid in

11:22:59 1 order to achieve rezoning?

2 A. In this particular instance.

3 Q. 267 Yes?

4 A. Yeah, that was my understanding.

11:23:05 5 Q. 268 Thank you very much --

6 A. But again, with no evidence whatsoever. No evidence, purely based on anecdotal

7 information given to me, no evidence whatsoever to back it out and everything

8 that I had -- I think its hugely important to say, all the dealings I had with

9 Monarch were contradicted by that particular statement that was made, so

11:23:26 10 whether it was factual or not I do not know.

11 Q. 269 I understand that Mr. Lynn will say that no such conversation took place, I

12 assume that you would disagree with that?

13 A. Yeah, the conversation took place.

14 Q. 270 And you are absolutely satisfied the conversation took place?

11:23:39 15 A. Absolutely. What is in it for me to come in and here and make up a

16 conversation?

17 Q. 271 Thank you very much Mr. O'Herlihy, would you answer any questions that anybody

18 else might have.

19

11:23:48 20 CHAIRMAN: Just before that happens I think we'll take a ten minute break now

21 and you might return then after ten minutes and hopefully you won't be here too

22 long.

23

24 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK,**

11:24:40 25 **AND RESUMED AS FOLLOWS:**

26

27

28

29

11:41:27 30

11:41:27 1 CHAIRMAN: Now.

2

3 MS. DILLON: I don't know whether the order has been agreed.

4

11:41:31 5 CHAIRMAN: Well who would like to start the.

6

7 MR SANFEY: Chairman I'm Mark Sanfey, I am senior counsel and I represent among

8 others Mr. Lynn, my other clients are Monarch Properties Limited, Paul Monahan,

9 Dominic Glennane, Noel Murray, Philip Reilly and estate of Philip Monahan. I

11:41:53 10 think you were told previously Mr. Mohan would be here, but in fact it's myself

11 Chairman.

12

13 CHAIRMAN: All right we can live with that. Would you like to cross examine?

14

11:42:03 15 MR SANFEY: Yes.

16

17 **THE WITNESS WAS EXAMINED AS FOLLOWS BY MR SANFEY:**

18

19 Q. 272 MR SANFEY: Mr. O'Herlihy, as I said, my name is Mark Sanfey I'm senior counsel

11:42:08 20 and for today's purposes I represent Richard Lynn. I should say Chairman

21 before I commence questioning Mr. O'Herlihy, that I did wish to refer to the

22 notes of the private session that Mr. O'Herlihy had and I take it that there is

23 no objection to that, my solicitor wrote in formally during the week...

24

11:42:27 25 CHAIRMAN: No you can do that certainly, if you have the page number.

26

27 COUNSEL: My difficulty is that our copy of the private session doesn't have

28 the usual four digit number at the top, so I may require some assistance, I do

29 obviously have the internal pagination, which I hope to refer to.

11:42:44 30

11:42:44 1 CHAIRMAN: If you use that then we can see that it goes up on the screen.

2 Q. 273 Very good. Thank you.

3

4 Mr. O'Herlihy, leaving the conversation with Mr. Lynn aside for a moment, in

11:43:02 5 your private interview, which took place on the 6th July 2000 and in fact today

6 I think its fair to say, you have nothing but praise for Monarch Properties and

7 its operatives in general is that right?

8 A. Oh that's absolutely correct I thought they were a very very professional

9 company. I thought Richard Lynn was a highly professional operator, I was

11:43:22 10 delighted to be working with him, because he was apart from being professional

11 he was good humoured, he was a pleasure to work with.

12 Q. 274 In fact I am instructed that my clients will say equally that you were also a

13 pleasure to work with and extremely professional and they had no difficulties

14 and while they didn't achieve the result they wanted, they had no problem with

11:43:41 15 your work.

16 A. That's nice to know, thank you.

17 Q. 275 Just given the seriousness of what you have said about the conversation with

18 Mr. Lynn, I would like to go back through your notes and just see exactly what

19 you said about Monarch or Mr. Lynn in those notes, I wonder if those could be

11:43:58 20 put up on the screen, this is an interview you did with Mr. Gallagher Senior

21 Counsel for the Tribunal on the 6th July 2000, I understand that they are part

22 of the brief.

23

24 CHAIRMAN: is there a page number.

11:44:11 25

26 MR SANFEY: We don't have a page number on our copy unfortunately.

27

28 CHAIRMAN: Is there any page number on it?

29 Q. 276 MR SANFEY: There are two sets of pagination, I am going to refer to the one of

11:44:27 30 the top right hand corner and I'd like to begin with page 18.

11:44:38 1  
2 MS. DILLON: 7996.  
3 Q. 277 Thank you. The first answer there, in fact we don't see the first part of that  
4 answer, but just the last sentence that was, the Monarch people that made the  
11:44:55 5 presentation and the people who did it were professional. And I think you were  
6 referring to the presentation that this taken place in the Royal Dublin Hotel  
7 in that?  
8 A. Yeah.  
9 Q. 278 All right. Page 22.  
11:45:08 10  
11 MS. DILLON: 8000.  
12 Q. 279 The question is "Had you been asked by anybody for money or had it been  
13 suggested to you that money should be offered? Answer: Oh not at all. There  
14 was never any discussion that the entire relationship between Monarch and me  
11:45:25 15 was entirely kosher, there was no suggestion of money there was no suggestion  
16 of anything other than a campaign, that was of the highest integrity, there was  
17 no question of anything untoward ever mentioned, money was never mentioned in  
18 terms of buying votes and there was never any suggestion that I should actually  
19 make contact with councillors by any means to achieve anything like that, there  
11:45:42 20 was never any question of anything like that." I take you stand over that?  
21 A. Absolutely.  
22 Q. 280 Would you have a look at page 24 please.  
23  
24 MS. DILLON: 8002.  
11:45:53 25 Q. 281 You were asked about the possibility of money changing hands and as you will  
26 see at the very top of the page you said the standards were the very highest in  
27 the dealings that I had between Monarch and myself. There was never any  
28 question.  
29  
11:46:07 30 And if you move on to page 32.



11:46:11 1  
2 MS. DILLON: 8010.

3 Q. 282 Now once again you are being asked about the conversation with Mr. Lynn here  
4 and at the end of the page you say "It was entirely, the conversation was  
11:46:23 5 entirely anecdotal in the sense that it could have been a fellow boasting in a  
6 bar for all I know. There was no evidence whatsoever in my dealings with  
7 Monarch at any stage that suggested that this was part and parcel of the way  
8 that they did business" and I take it you stand over that as well?

9 A. Oh absolutely yeah.

11:46:39 10 Q. 283 On page 34.  
11  
12 MS. DILLON: 8012.

13 Q. 284 In the second paragraph you say, the whole question of money as a means of  
14 getting planning permission was raised you say "There was no sign of it any  
11:46:55 15 dealings that I had or it was never mentioned. Nobody ever asked me for money  
16 and the councillors never asked me for money, there was no suggestion by  
17 Monarch that I should consider offering money." you go on to say that if that  
18 had been said, you would have left the project immediately, because that's not  
19 the way I do business, I would have been shocked if anybody did business that  
11:47:12 20 way, which makes me very innocent. Then you say but their entire dealings with  
21 me at all stages were entirely of the highest standards. I take it you stand  
22 over that?

23 A. Yeah.

24 Q. 285 On the next page, page 35, its a short page but you say simply "There was never  
11:47:30 25 any evidence shown to me or employed in anyway that suggested that that was the  
26 way to do business, that was the one and only example."  
27  
28 And at page 42.  
29

11:47:41 30 MS. DILLON: 8020.

11:47:49 1 Q. 286 You refer to your finishing your involvement with the project and Mr. Gallagher  
2 asked you when they lost and you said "Yes when they lost and I never had any  
3 contact with Monarch thereafter. I mean I found Monarch very good to deal  
4 with, they were very nice guys, very decent people I thought". Do you have

11:48:08 5 any --

6 A. No I agree with that.

7 Q. 287 Any reason to resile from that?

8 A. No.

9 Q. 288 And finally, if we look at page 46.

11:48:16 10

11 MS. DILLON: 8024.

12 Q. 289 You were asked a general question by Mr. Gallagher in relation to having  
13 anything else to say about the project, in the second paragraph of your answer  
14 you said "At no stage in any conversations at that took place involving Phil, I

11:48:30 15 assume that should be Monahan, or any of his executives, or right up to the  
16 conversation that I told about there in the bar in the hotel, there was never  
17 ever, ever, ever any suggestion that their normal practice was to buy anything,  
18 there was never any snide comments, or there was never any kind of subtextual  
19 comments that is gave you the impression that this was only all a charade and  
11:48:51 20 that the work was really going on underneath the surface. There was never  
21 anything like that.

22  
23 I got the impression all the time that that was a campaign that was what it  
24 looked like, that it was entirely an up front campaign and I got that  
11:49:02 25 impression all the way through" do you stand over that?

26 A. I stand over that.

27 Q. 290 In that answer you seem to be suggesting that not only was it not said that  
28 there was any question of giving money to politicians, but that there was no  
29 means to infer. That...

11:49:15 30 A. No.

- 11:49:17 1 Q. 291 That there was --
- 2 A. If somebody had dropped in from Mars and sat at any of the Monarch strategy
- 3 meetings, not for one minute would they imagine that it was anything other than
- 4 the campaign that was being mounted and presented.
- 11:49:31 5 Q. 292 Right. I think you intimated in your evidence this morning that the
- 6 conversation with Mr. Lynn was out of character, in the sense of going against
- 7 all of that, all of your dealings with Monarch?
- 8 A. That's what shocked me the most, because it was completely out of character.
- 9 As I said I haven't the slightest idea whether it was accurate or inaccurate,
- 11:49:49 10 whether he was reflecting on my naivete or whatever it was, but it certainly
- 11 was not in character in any sense what ever with what had gone before for the
- 12 six or eight months.
- 13 Q. 293 All right. Would you agree that if the conversation did take place, that it
- 14 has very serious implications for Mr. Lynn's honesty and integrity?
- 11:50:10 15 A. I'd have to say first of all the conversation did take place it, wouldn't
- 16 profit me for a minute to come here and as I said, make up a conversation,
- 17 there is no gain in it for me, its the last thing I need to be in front of a
- 18 Tribunal. So I wouldn't dream of making up something like that its too
- 19 serious, I understand precisely what you are saying, it is a very very serious
- 11:50:30 20 allegation, but what I am really reporting is simply a conversation, I am not
- 21 saying that its a factual conversation, or that the conversation represents a
- 22 fact. I'm not saying that for one minute because I have no evidence to that
- 23 effect, I am simply saying the conversation took part, if he was taking -- he
- 24 could have been taking the Mickey out of me, I don't know whether he was or he
- 11:50:52 25 wasn't, there was no evidence or subsequently that I saw to justify what was
- 26 said, but nonetheless, I am saying and I have sworn before God for this, it
- 27 took place.
- 28 Q. 294 There is no possibility that you could be mistaken?
- 29 A. No, I'm sorry, there isn't.
- 11:51:07 30 Q. 295 Yes.

- 11:51:08 1 A. I say that with a heavy heart because I have an awful lot of time for Richard  
2 Lynn, he was a very good guy to work with. But it was said.
- 3 Q. 296 You are aware from what Ms. Dillon said that Mr. Lynn utterly denies that the  
4 conversation took place?
- 11:51:22 5 A. I'm aware of that.
- 6 Q. 297 In fact he will go further, not only does he deny the conversation took place,  
7 but it was an impossibility for it to have taken place, because he wasn't in  
8 the Royal Dublin Hotel that day?
- 9 A. Of course he was. He was there with me.
- 11:51:35 10 Q. 298 He will say that he was not?
- 11 A. We were waiting for the result of the vote.
- 12 Q. 299 All right. I will come back to that Mr. O'Herlihy, can I ask you a couple of  
13 questions about your general involvement, could we look at page 14 of your  
14 private session interview? That's 8005 apparently.
- 11:51:57 15
- 16 MS. DILLON: Page 14 is 7992.
- 17
- 18 MR SANFEY: I'd just like to ask you one or two questions about your  
19 involvement, prior to the 27 of May 1992, you say on the third paragraph down  
11:52:15 20 on that page "Thereafter I was asked to set up a series of meetings in the  
21 Royal Dublin Hotel with various councillors, who would have included Greens,  
22 who would have included Fine Gael councillors. I don't know if they included  
23 Fianna Fail or Labour, I just don't know, I can't remember" would you stand  
24 over that statement now that you were asked to set up a series of meetings in  
11:52:35 25 the Royal Dublin Hotel?
- 26 A. I would in the sense that -- I don't understand why you are asking me that  
27 question in the first place, so maybe you might like to tell me why you are  
28 asking the question.
- 29 Q. 300 I'd like an answer to the question Mr. O'Herlihy, you said in the statement you  
11:52:53 30 were asked to set up a series of the meetings in the Royal Dublin Hotel, did

11:52:56 1 you or did you not?

2 A. Oh I did, the series of meetings was set up by telephone, it was a question of

3 ringing councillors, saying the plans and the model would be available in the

4 Royal Dublin Hotel, which was adjacent to the Council offices and presumably

11:53:12 5 the councillors would have been going in and out for different reasons and I

6 was asked to set up the meetings and I set up the meetings.

7 Q. 301 Well did you attend any of those meetings?

8 A. I would have attended a couple, but not all.

9 Q. 302 Do you recall the dates of those meetings?

11:53:25 10 A. Oh no I don't.

11 Q. 303 So you have just a general recollection of having gone to a couple of these

12 meetings which you set up?

13 A. Yeah, yeah.

14 Q. 304 My clients can only recall one meeting, they recall one meeting which was taken

11:53:35 15 in a break in the Council activities and they refer to it colloquially as the

16 goulash meeting, because they recall that the hotel served Hungarian goulash to

17 the councillors, when they came in to see the project, but they can't trace any

18 reference in their records to any more than one meeting. I'm just wondering do

19 you have any more detail...

11:53:56 20 A. Well, a series of meetings doesn't imply they all took place on different days,

21 it means a as series of meetings with various councillors, that could have

22 taken place and probably did take place on one day, but that I cannot remember.

23 Q. 305 Which are we talking about, a lot of meetings on the one day?

24 A. Well certainly, what I have in my mind would be a series of, a series of

11:54:17 25 meetings with different councillors on the one day, but whether there was more

26 than one day I can't remember. You see there were meetings that took place in

27 Monarch and there were meetings that took place in the Royal Dublin and as I

28 said, my function was to actually make sure that, or to work with Richard to

29 make sure that people saw the plans and saw the model, so they saw the scale

11:54:39 30 and quality of the project.

11:54:41 1 Q. 306 All right. A page 21 of the private session interview there is an answer to a  
2 question --  
3  
4 MS. DILLON: 7999.

11:54:51 5 Can you remember the vote in Dublin County Council and the circumstances  
6 surrounding it and you say "Yes. Well as I said, we were working quite a lot  
7 in the Royal Dublin Hotel which was next to the Council chambers and we had,  
8 obviously there were full meetings in the council or committee meetings of the  
9 council which made the hotel a very convenient place next door to the Council  
11:55:10 10 offices to have these presentations. But I had never been to the Council  
11 offices I had never been to the Council chamber in my life." would you agree  
12 with me Mr. O'Herlihy that that would tend to suggest that you were of the view  
13 when you gave this interview that there were presentations on different days  
14 and that you had been there on a number of occasions?

11:55:26 15 A. Yeah that is a reasonable assumption yeah.

16 Q. 307 Which is it then were there a lot of meetings on the one day?  
17 A. I can't remember. I would have thought if I had to be definitive about it I  
18 would have thought there were a series of meetings.

19 Q. 308 On the same day?  
11:55:40 20 A. No, that there was more than one, but I am open to being corrected on that.

21 Q. 309 Well my clients can only recall one meeting on one day, you have no reason to  
22 gain say that have you?  
23 A. No but I have no reason to say that there were meetings that didn't take place  
24 either, you know.

11:55:57 25 Q. 310 Okay. All right. At page 14.  
26  
27 MS. DILLON: 7992.

28 Q. 311 Just the very last question on that page, can you remember any of the  
29 councillors who actually attended? You said I can't. The question was you  
11:56:17 30 genuinely can't? No. And you went on to say that you weren't involved in the

- 11:56:23 1 construction industry and you were never involved in planning before or since.  
2 You can't remember any of the councillors you met?
- 3 A. Well from the documentation that's been presented, I obviously met Sean Barrett  
4 and I met Alan Shatter and I met Michael Keating, that's obvious from the  
11:56:39 5 documentation I presented to Monarch, I remember there was a Green councillor  
6 but I can't remember -- I think it was a woman if I recall and I can't remember  
7 her name. I honestly don't know, I would be -- I just don't know, I can't  
8 remember.
- 9 Q. 312 Why didn't you give those names to Mr. Gallagher when he asked you?
- 11:56:58 10 A. Because I couldn't remember then either.
- 11 Q. 313 But you have just given us a few names there, why didn't you give those names  
12 to Mr. Gallagher?
- 13 A. To be honest about it, well Barrett's name I certainly gave, because that's  
14 very obvious in the course of the documentation, as far as the Michael Keating  
11:57:15 15 and Alan Shatter, my memory has been jogged by the invoices I sent up -- that  
16 have been shown this morning.
- 17 Q. 314 All right. Obviously in preparing for today you have had a chance to look at  
18 some of the documentation and so on, would you have had the chance to look at  
19 the documentation prior to this interview with Mr. Gallagher?
- 11:57:33 20 A. No, not at all. You see, you must -- you must take into account that I am  
21 nearly 35 years in the business of public relations, that was a period of about  
22 six or seven or eight months I don't have the files. I got rid of the files,  
23 I don't have any diaries, I have no information whatever. As far as I was  
24 concerned that was only a short-term project, that I never figured out at the  
11:57:55 25 end of the day was going to end up in a Tribunal.
- 26 Q. 315 Yes?
- 27 A. So I didn't keep anything. So there was nothing to, nothing to jog my memory,  
28 as it were.
- 29 Q. 316 I am just trying to get a feel for the state of your recollection  
11:58:07 30 Mr. O'Herlihy, obviously the famous meeting of May 27th 1992, was some eight

11:58:12 1 years prior to this interview and some 14 yours prior to today?

2 A. Yeah.

3 Q. 317 So I just want to get a feel for...

4 A. That's the conversation with Richard Lynn, is that what you are saying?

11:58:23 5 Q. 318 Which took place in May 1992.

6 A. Yeah.

7 Q. 319 And your interview with Mr. Gallagher took place on July 6, 2000.

8 A. That's correct.

9 Q. 320 I am just trying to get a feel for what your recall of your involvement was in

11:58:36 10 July, which was some eight years after the events you have described.

11 A. I think if you read the documentation of Mr. Gallagher's interview you see

12 there are a lot of things I don't remember, but the interview with Mr. Lynn or

13 the discussion with Mr. Lynn I do remember because it was so, as you said out

14 of character. It was as far as I was concerned, so extraordinary.

11:58:55 15 Q. 321 Are all right. Would you look at page 20 of your interview please.

16

17 MS. DILLON: 7998.

18 Q. 322 You will see down towards the end of that page, question 28 "Did you have local

19 presentations in the area, in the Dun Laoghaire area?" and your answer was "I

11:59:19 20 can't remember. I really genuinely can't remember. I would be surprised if we

21 hadn't but it wouldn't have necessarily followed that had I would have been

22 present at them at all?"

23 A. At them all.

24 Q. 323 Sorry I beg your pardon "At them all", now I am just wondering why, given that

11:59:38 25 you would have been very involved with the local presentations at that time

26 your memory of what did you wasn't a bit better?

27 A. Well you will recall from the documentation presented this morning, that there

28 were three people working on the account and in the context of presentations

29 two other names were mentioned, so I wouldn't necessarily have been present at

12:00:00 30 that, at those presentations, but other members of my staff would have been.



- 12:00:04 1 Q. 324 But you have described this morning to the Tribunal, that what you were trying  
2 to do was to create a climate.
- 3 A. Yeah.
- 4 Q. 325 Whereby this development would become acceptable to the local people?
- 12:00:14 5 A. Correct.
- 6 Q. 326 Am I right in thinking that the main component of that campaign as regards the  
7 people, as opposed to councillors, was a road show, which took place on 14  
8 weekends, I am instructed on a Friday night from 6 o'clock to 10 o'clock and  
9 Saturday from 10 o'clock to 6 o'clock in the evening, in local schools and  
10 halls, over that 14 week period, throughout the area, and in addition there  
11 were radio and TV adds, newspapers, leaflet drops, a video and so on, do you  
12 not recall that road show?
- 13 A. Do I of course, but I wasn't necessarily present at all of them, which is a  
14 different question.
- 12:00:55 15 Q. 327 You were asked did you have local presentation in the area, local Dun Laoghaire  
16 area and you said, I can't remember.
- 17 A. Well if I said I can't remember at the time, I couldn't remember at the time,  
18 and obviously let's be Frank about it, my memory has been jogged between then  
19 and now.
- 12:01:14 20 Q. 328 But you worked on this project from November 91 until the end of May '92 a  
21 period of some 7 months is that right? And this would have been fairly intense  
22 high profile project for you during that time would it?
- 23 A. I it would be, but the nature of my business wouldn't have meant that, and if  
24 you look at the fees that I was charging, it wouldn't have meant that I was  
12:01:40 25 working exclusively on the Monarch project, I would be working on many other  
26 projects, which would have been on a retainer basis, over a period of a lot  
27 longer than six or seven months, so for that reason I would have been diverted  
28 into other things and other people on the staff -- you see my function at the  
29 start was to actually create a strategy, the implementation of the strategy  
12:02:01 30 could have been done by other people within my company and primarily, let's be

- 12:02:05 1 Frank about it, was done by Richard Lynn who was an outstanding operator.
- 2 Q. 329 But if you remembered anything at all about this campaign, Mr. O'Herlihy,
- 3 surely you would have remembered the local presentations?
- 4 A. Even Homer nods.
- 12:02:21 5 Q. 330 Okay. Now can I just ask you about your involvement on the 27th of May, which
- 6 you have described for the Tribunal this morning, if you want to refresh your
- 7 memory of what you said in 2000 you can look at page 26 and you will see that,
- 8 you say that you went to see the council chamber --
- 9
- 12:02:47 10 MS. DILLON: 8004.
- 11 Q. 331 And you described yourself as an open mouthed observer, somebody who had never
- 12 been there before, was wandering around to see how it worked and so on. I take
- 13 it from what you said here as well, that you went to the hotel around 11
- 14 o'clock?
- 12:03:04 15 A. Well obviously once it started, I don't know whether or not the public goes
- 16 into these meetings, but I didn't go into the meeting, nor did anybody with me
- 17 go into the meeting, so we went into the hotel and waited. We had a couple of
- 18 cups of coffee.
- 19 Q. 332 Yes I am just looking at your paragraph just over halfway "And I remember we
- 12:03:23 20 were in there not longer than a maximum would have been around, roughly would
- 21 have been 11 o'clock and we stayed in the hotel and that have wouldn't about I
- 22 would imagine roughly around 11 o'clock and we stayed in the hotel until we got
- 23 the results, which would put us after the vote, which was I would say maybe
- 24 between half 12 and 1 o'clock" I take it you stand over that, you went to the
- 12:03:45 25 hotel around 11 and got the result sometime around half 12?
- 26 A. That's very approximate.
- 27 Q. 333 Did I understand you putting the vote earlier this morning?
- 28 A. I don't know I can't remember.
- 29
- 12:03:56 30 CHAIRMAN: Half 12 he said this morning. Approximately.

- 12:03:58 1 A. I don't know precisely when the vote came in.
- 2 Q. 334 Well it's of some importance Mr. O'Herlihy, my solicitor has a note of 12.15,  
3 my own recollection was the same as the Chairman, would you like to plump for  
4 a time?
- 12:04:11 5 A. If I was to plump for a time, I would say around 12.30, but I am open to  
6 contradiction.
- 7 Q. 335 All right. Now can you remember who was with you between 11 o'clock and 12.30?
- 8 A. Richard Lynn was certainly with me, I would suspect but I can't -- you see I  
9 don't want to be definitive about these things, I just don't remember, but I  
12:04:32 10 would be surprised if Noel Murray didn't come in and out as well you know  
11 because he was the marketing man, but I don't know that for an absolute fact.  
12 I remember Richard Lynn because there was so much riding on it from Monarch's  
13 point of view, he was there.
- 14 Q. 336 Right. And at page 32.
- 12:04:52 15
- 16 MS. DILLON: sorry, page 2?
- 17 Q. 337 32.
- 18
- 19 MS. DILLON: 8010 -- Sorry we have handed a copy containing the page numbers  
12:05:05 20 to my friend Mr. Sanfey if he could use that, it would probably speed the  
21 process up.  
22
- 23 Mr. O'Herlihy you will see the second paragraph there "As it transpired they  
24 were beaten by one vote and I remember it was a desperate disappointment and  
12:05:20 25 when the vote came through we drowned our sorrows for a while", who was with  
26 you when you were, when the vote came through?
- 27 A. Richard Lynn was with me.
- 28 Q. 338 He is the only one you remember?
- 29 A. He is the only one I remember.
- 12:05:32 30 Q. 339 When you say we drowned or sore owes?

- 12:05:34 1 A. That's figurative, it probably was a cup of coffee, I don't think which were  
2 drinking at that hour of the day.
- 3 Q. 340 I think drowning our sorrows would normally refer to having a few drinks.  
4 A. Yeah.
- 12:05:46 5 Q. 341 But you think it was coffee?  
6 A. I think so, it was too early to take a jar, I am not a heavy drinker anyway.
- 7 Q. 342 But when you say drowning sorrows, how long did it go on for?  
8 A. I don't know, I couldn't tell you. When I say drowning sorrows I'm referring  
9 to the fact it was acutely disappointing to Monarch, they put a lot of work,  
10 very professionally, into the campaign and they lost the vote, therefore we in  
11 a figurative sense we drowned or sorrows in the sense that we expressed a huge  
12 level of disappointment and we probably had another cup of coffee and looked  
13 forward to the future, but the future didn't include me.
- 14 Q. 343 If the vote came through at half 12 and a certain amount of time was spent  
15 drinking coffee after that, how long would you say, would you put it at an  
16 hour, an hour and a half less?  
17 A. I don't know. I honestly can't remember, but I would imagine the very maximum  
18 would be an hour, but I don't know.
- 19 Q. 344 So there wasn't a long coffee drinking session?  
12:06:29 20 A. It wasn't a long session no.
- 21 Q. 345 Now Mr. Lynn, as you are aware, was effectively the project leader in relation  
22 to this?  
23 A. Yes.
- 24 Q. 346 He was the one coordinating the entire project in terms of getting rezoning and  
12:07:04 25 liaising with councillor, liaising with you, liaising with the professions so  
26 on, you agree with that?  
27 A. Oh absolutely.
- 28 Q. 347 Now Mr. Lynn will say that in relation to every single meeting that Dublin  
29 County Council had in relation to the Cherrywood Development, he entered the  
12:07:24 30 chamber and remained in the gallery, adjacent to the chamber, watching every

12:07:29 1 minute of the meeting and that in none of those meetings did he step outside  
2 the chamber, or leave the gallery and that that invariable practice also  
3 applied on May 27th 1992.  
4

12:07:41 5 MS. DILLON: I thought my friend had said that Mr. Lynn wasn't present on the  
6 27th of May 1992.  
7

8 CHAIRMAN: Wasn't present -- well at the meeting or --  
9

12:07:50 10 MS. DILLON: That's my understanding maybe my friend will clarify that.  
11

12 CHAIRMAN: We understood you to say that he wasn't present, now whether you  
13 mean simply at the meeting, in the hotel, or in the chamber.

14 Q. 348 Well I'm glad to have the chance to clarify that Chairman. I haven't begun to  
12:08:11 15 spoke about Mr. Lynn's involvement with the County Council, if I said that he  
16 wasn't present at the meeting I refer purely to the meeting at which the  
17 conversation is alleged by Mr. O'Herlihy to take place, he wasn't in the Royal  
18 Dublin Hotel, for that conversation.  
19

12:08:27 20 CHAIRMAN: But you said he was in the chamber that day?

21 Q. 349 Yes. You are clear on that Mr. O'Herlihy? That what I am saying is that  
22 Mr. Lynn will say that he was present in the gallery, which is adjacent to the  
23 chamber, because non councillors are not allowed into the chamber itself and  
24 was there attending on the meeting from the time it started, in fact before  
12:08:55 25 that until, five past ten two when the minutes say that it ended and that he  
26 did not go to the Royal Dublin Hotel at any time between those times?

27 A. That's not my recollection.

28 Q. 350 You see, Mr. Lynn has gone back over his movements as closely as he could, and  
29 what he will say is this, he will say that he arrived in the County Council  
12:09:14 30 hall, between 10.15 and 10.30 and the reason he did this was because the

12:09:20 1 meeting was scheduled to start at 10.30 am, you have to get a member to sign  
2 you into the public gallery, which is behind the chamber and there is limited  
3 seating, so if you don't get there early, you don't get a seat. And he says  
4 that the meeting would have commenced at 11 am at the latest, he will say that  
12:09:42 5 he stayed with the meeting for the entire time. The Manager's report was the  
6 first matter voted on and I wonder if we can have page 3720?

7  
8 Now that is a page of the minutes of the meeting produced by the council,  
9 Mr. O'Herlihy, and on the previous page it says that it was agreed that the  
12:10:27 10 Manager's report and the amendments to the draft plan and the motions were to  
11 be discussed together, but voted on separately. And then at page 490, there,  
12 you see it says "Following discussion to which Councillors Lydon, Hand, Gordon,  
13 Fitzgerald, Dillon-Byrne, Breathnach, Smith, Lohan, Gilmore, O'Callaghan, C  
14 Breathnach, Barrett, Dockrell, Coffey, Mitchell, Butler, Cass, Marren, Higgins,  
12:10:54 15 contributed, the Manager replied to queries raised by the members" so I'm not  
16 sure quite how many that is, but its perhaps about 15 different councillors got  
17 up and spoke to the motion on one side or the other, and it was then proposed  
18 by Councillor Lydon and seconded by Councillor McGrath that the Manager's  
19 report recommended and shown therein be adopted, it was put to a vote and the  
12:11:19 20 motion was lost.

21  
22 And Mr. Lynn will say that he was present for all of that. And Mr. Lynn will  
23 say that he had to be present for all of that, because as the point man, as it  
24 were, for Monarch Properties there was no question of anybody else being at  
12:11:40 25 that meeting and that he could co not leave the meeting and if anybody had a  
26 point they wanted to ask him about the development, he had to be there to  
27 answer it and he had to be there to monitor developments and he says that he  
28 did not leave that meeting at all until the entire meeting ended. Do you have  
29 any comment to make on that?

12:12:00 30 A. That's not my recollection. I'm not suggesting that he wouldn't have been

12:12:04 1 there for part of the meeting, but he was certainly in the Royal Dublin Hotel  
2 with me.

3 Q. 351 Now I wonder could we refer to page 588? I want to refer you to something  
4 Mr. Dunlop has said, now this relates to Mr. Lynn's involvement, so I would  
12:12:43 5 just like you to have a look at this Mr. O'Herlihy, at question 58 there, there  
6 was talk of a motion and they are trying to fish for the date that that motion  
7 took place --

8  
9 CHAIRMAN: Is this Mr. Dunlop's evidence?

12:12:54 10 Q. 352 It's Mr. Dunlop. The answer to 58 he says, three lines down "Remember that a  
11 lot of the motions fell, or were withdrawn on the basis that the case could not  
12 be made, or that people did the figures in the room and said, withdraw that  
13 immediately because its not going to run" and Mr. Dunlop was asked were you  
14 present on those occasions he said I would have been present, yes. Was  
12:13:18 15 Mr. Lynn present and the answer is "Always, always present. Not Phil Reilly,  
16 not always, but Richard Lynn, always" he is then asked who would make a  
17 decision that a particular motion should be withdrawn? And the answer is "I  
18 remember on one particular occasion Richard Lynn signalling Don Lydon to come  
19 out of the chamber after he had made a disastrous speech in relation to why you  
12:13:41 20 this was required, and not required and he came back in and withdrew.

21 Question: Withdrew the motion? Answer: The motion." and then there is some  
22 debate as to when that motion actually took place, but if you go forward to  
23 page 596, now you see just below short discussion off the record Mr. O'Herlihy?

24 A. Mm-hmm.

12:14:07 25 Q. 353 Mr. Gallagher for the Tribunal said "What year is that, it looks like December  
26 is it? It is the special meeting of 27 May 1992? Answer: Yes, that could be  
27 one of them. A special meeting of the councillors, in other words a  
28 Development Plan meeting. Question: It was a Development Plan meeting.  
29 Question yes. Answer: Yes. Question: Councillor Mitchell it say here, she  
12:14:32 30 had no interest in the lands. The Manager reading to the words, to propose

12:14:33 1 amendments where in etcetera: Then question 100 "Lydon withdrew the motion  
2 Answer: That motion Question: Having spoken outside the chamber with Richard  
3 Lynn having been called out of the chamber by Richard Lynn, is that correct  
4 Answer: Yes."

12:14:51 5  
6 CHAIRMAN: What page is that?  
7 Q. 354 Page 600 Chairman. Sorry Chairman I didn't go consecutively there, question  
8 100 on page 600 up on the screen.  
9

12:15:04 10 And at question -- in question 102 Mr. Dunlop says "I have to admit that's its  
11 earlier than I would have anticipated, it is earlier in 1992 than I would have  
12 anticipated it, but I do vividly recollect and I have on a number occasions  
13 mentioned the fact that a compromise motion was proposed by Sean Barrett, so  
14 that if that was the day that the motion was proposed that is it. Question:

12:15:32 15 The motion that was withdrawn was one proposed by Councillor Lydon, seconded by  
16 Councillor Hand and it proposed that the lands at Cherrywood be rezoned  
17 residential within a density not exceeding an average of 12 houses per hectare  
18 with the parks taken into account, or in any event to be provided for, not more  
19 than 956 housing units. It is a lengthy motion. Is that the motion that you  
12:15:53 20 were referring? It is referred to at page 492 of the minutes of Dublin County  
21 Council, of 27 May of 1992".  
22

23 So we see there Mr. O'Herlihy, that Mr. Dunlop is identifying the motion which  
24 was withdrawn by Mr. Lydon as the one that occurred on the 27th of May of 1992  
12:16:24 25 and he refers to a confab held between Mr. Lydon and Mr. Lynn, in relation to  
26 that, I think Mr. Lynn might take some issue with the characterisation of that  
27 by Mr. Dunlop, but that shows that Mr. Lynn was available to the councillors at  
28 the time when that motion was withdrawn.  
29

12:16:46 30 MR. O'HIGGINS: Just to interject for a moment on behalf of the witness, this



12:16:49 1 is of course potentially legitimate material to put to Mr. O'Herlihy, but  
2 Mr. O'Herlihy has been circulated with none of the material which is now being  
3 put to him, nor has it ever been suggested, in any of the material circulated  
4 to Mr. O'Herlihy that Mr. Lynn would say of the things which are now being put  
12:17:09 5 by Mr. Sanfey so Mr. O'Herlihy, so that to the extent that he is being asked to  
6 comment on evidence given it appears several years ago, by Mr. Dunlop, which he  
7 hasn't had an opportunity to consider or address, he may have very reasonable  
8 difficulties in recalling this, on the hoof, so to speak, I'd just like to make  
9 it clear, as I say none of this material has been circulated nor has any  
12:17:35 10 statement suggesting that this approach would be taken by Mr. Lynn being  
11 circulated to him either.

12  
13 CHAIRMAN: Well I suppose Mr. Sanfey all you can really put to O'Herlihy is  
14 whether, having heard your account as read from the transcript, does he in  
12:17:53 15 anyway change the evidence or wish to change the evidence or consider the  
16 evidence, that he has given, in relation to the fact that the conversation he  
17 says the fact that the conversation took place. This is Mr -- this, at the end  
18 of the day this is Mr. Dunlop's account as to what he recalls, I mean its not  
19 something that Mr, that Mr. O'Herlihy has any direct knowledge of.

12:18:25 20 Q. 355 Precisely Chairman, you are absolutely right, I wasn't expecting Mr. O'Herlihy  
21 to have a view on whether what Mr. Dunlop said was true or untrue, I didn't  
22 want to be subject to the criticism that I didn't put to Mr. O'Herlihy that  
23 there is evidence to suggest, from other parties, that Mr. Lynn was in the  
24 chamber until after the vote took place, because as we know from the minutes  
12:18:47 25 Mr. Lydon's motion was withdrawn after the vote on the Manager's report.

26  
27 So I literally wanted to just put that to him, you are quite right, all I  
28 really wanted to say to Mr. O'Herlihy was not to comment on what Mr. Dunlop  
29 said, but just to say does that give him any reason to suspect his recollection  
12:19:07 30 may not be correct?

- 12:19:08 1 A. My recollection of the conversation is absolutely correct. The only thing at  
2 issue from what you have raised would be the timing, the time, my time and the,  
3 that I have put forward at around 12.30 might be wrong, that's all I can say,  
4 but the conversation took place.
- 12:19:28 5 Q. 356 Well Mr. O'Herlihy, isn't it true that the conversation with Mr. Lynn in the  
6 way that you described it in your interview took place while you were waiting  
7 for the vote?  
8 A. Yeah, that's my recollection.
- 9 Q. 357 Now if Mr. Dunlop is correct, and once again you can't have a view on this, but  
12:19:47 10 let's say assume for a moment he is correct, Mr. Lynn is put in the gallery of  
11 the chamber, after the vote has been taken and in fact when Mr. Lydon, Senator  
12 Lydon was considering whether or not to persevere with his motion?  
13 A. Yeah.
- 14 Q. 358 So the time something fairly crucial from Mr. Lynn's point of view isn't it?  
12:20:05 15 A. Well I think its a red herring to be honest. Because it seems to me that the  
16 point at issue is, did the conversation take place? That's far more important  
17 than the time in which the conversation took place. If I am completely wrong  
18 in my timing, that doesn't mean the conversation didn't take place, it simply  
19 took place at a later time than I have indicated at 12.30, but the conversation  
12:20:30 20 took place.
- 21 Q. 359 But Mr. O'Herlihy you have said and you have had a chance to think about it,  
22 that the conversation took place at 12.30 while you were waiting for the vote  
23 to come through?  
24 A. That's right that's my understanding.
- 12:20:41 25 Q. 360 And in fact it was asked in a that context, how do you think the vote is going  
26 to go?  
27 A. That's right.
- 28 Q. 361 So its not just a matter of timing is it, if this evidence from other people  
29 tends to suggest that Mr. Lynn, was in fact in the chamber until long after the  
12:20:53 30 vote was taken, in fact when Senator Lydon's motion was considering then you

12:20:59 1 are quite wrong aren't you?

2 A. I'm not wrong in what I am saying, I am wrong in my timing if everybody else

3 can say he was there until 2 o'clock, then the conversation took place after 2

4 o'clock, but it took place. And I'm not going to yield on that, it took place.

12:21:13 5 Q. 362 I appreciate that Mr. O'Herlihy, but you would be wrong in saying that it took

6 place at 12.30. You would be wrong in placing it in the context of a

7 discussion of waiting the vote?

8 A. Yeah that's right.

9 Q. 363 And wondering how it was going to go, isn't that right?

12:21:26 10 A. Obviously if the other indication of time is correct, I'm wrong in that.

11 Q. 364 Right, right.

12 A. Yeah but I'm not wrong, you see the material point is the conversation took

13 place.

14 Q. 365 Yes but I mean you have couched that conversation in a context where you were

12:21:43 15 waiting for the vote to come through?

16 A. Yeah.

17 Q. 366 And you are asking Richard Lynn, how do you think its going go? And you get

18 this very cynical response from Mr. Lynn.

19 A. Yeah and that's my understanding.

12:21:53 20 Q. 367 But if that conversation took place at 2 o'clock, when you knew the vote, it

21 couldn't have happened in that way is that right?

22 A. That's true, yeah.

23 Q. 368 Now just to finish this, Mr. Lynn will say that he remained, for all of the

24 motions, as you know there were a number of motions and all of them were voted

12:22:13 25 on and so on, and that Mr. Lynn, as is his normal practice, waited in the hall

26 way, thanking members for their support, in fact he specifically remembers

27 shaking hands with Mr. Sean Barrett, on the footpath outside, because Mr. Lynn

28 and Mr. Barrett were then approached by RTE to do an interview and they agreed

29 do the interview and it was switched to the Fine Gael room, because the noise

12:22:44 30 outside made interviewing impossible. And Mr. Lynn duly did that interview and

12:22:49 1 in fact we have a tape of it, if you want to see it --

2

3 MS. DILLON: Sorry before question is finally put to Mr. O'Herlihy, we are

4 heading back into the territory of people producing evidence or documentation

12:23:01 5 or information to the Tribunal which has not been provided before today so we

6 haven't been in a position to circulate it to Mr. O'Herlihy, or indeed to

7 anybody else, we are unaware of any suggestion of an interview with anybody for

8 any purpose, at any particular date or time and in fairness to Mr. O'Herlihy

9 and indeed anybody else, including Mr. Lydon who might be affected by this

12:23:23 10 before any further reference can be made the matter will have to be circulated.

11

12 CHAIRMAN: If you want the Tribunal to consider permitting the content of the

13 tape, or viewing of the tape, to go into evidence and to be referred to in

14 cross-examination of witnesses you will have to submit it to the Tribunal and

12:23:44 15 if the Tribunal believe it appropriate to do so, it will then be circulated.

16 If necessary Mr. O'Herlihy can be recalled to deal with anything that might

17 arise as a result of the tape, but what you can't do is refer to a tape which

18 nobody has seen but yourself.

19 Q. 369 Well Chairman, I will be glad to turnover the tape, but absolutely nothing

12:24:08 20 turns on it.

21

22 CHAIRMAN: Well that's fine.

23 Q. 370 I am not going to refer to the content of the tape or anything like that, I

24 simply want to establish that an interview did take place, I have no reason to

12:24:19 25 believe that Mr. O'Herlihy will gain say that, or have any opinion on it in

26 anyway, if he did or wanted to see the tape there is no difficulty in

27 circulating the tape.

28

29 CHAIRMAN: We would be anxious to see the tape, if its going to be referred to

12:24:32 30 in evidence because its been, if you like opened by you on the basis that it in

12:24:40 1 some way supports your client's case, that he was in attendance until a certain  
2 time or until the conclusion of the meeting or whatever, so whatever --  
3 whatever evidential value it has, obviously we would have to have it, if its  
4 appropriate to do so, to have it circulated.

12:25:04 5 Q. 371 Chairman we have no difficulty what so ever in making the tape available, I  
6 think you may well conclude that it doesn't have much evidential --

7  
8 CHAIRMAN: All right well then its of no relevance to your cross-examination  
9 of Mr. O'Herlihy.

12:25:20 10  
11 MR. O'HIGGINS: Chairman on behalf of Mr. O'Herlihy here could I just say for a  
12 moment while Mr. O'Herlihy is quite happy I think to answer any of the  
13 questions which are put to him now, I am slightly concerned that there may be  
14 material which I was meant to have received and haven't. Now I am not sure  
12:25:34 15 because certainly I am in position possession of many statements by Mr. Lynn,  
16 but none which even makes reference to the question of a meeting, or the  
17 absence of a meeting, between Mr. Lynn and Mr. O'Herlihy, I am just somewhat  
18 concerned before I go on, whether through my inadvertence or anyone else's,  
19 that there has been a failure to provide me with documents in which Mr. Lynn  
12:26:04 20 gives some alternative account of what was meant to have happened on the 27th  
21 of May.

22  
23 MS. DILLON: No my friend Mr. O'Higgins has all of the documentation from  
24 Mr. Lynn, we do not have any further statement from Mr. Lynn detailing,  
12:26:19 25 following his receipt of Mr. O'Herlihy's statement, detailing any further  
26 material or information in relation to that matter.

27  
28 MR. O'HIGGINS: I am grateful sir, because what does concern me is and I note  
29 this and I don't make any criticism in doing so, that it was indicated in the  
12:26:36 30 opening of the Module, at which time I hadn't looked at all the documents that

12:26:43 1 Mr. Lynn denied the conversation with Mr. O'Herlihy, but I have to say that  
2 none of the materials with which I have been circulated, even includes a denial  
3 of the fact of the conversation, and I ask there for no reason other than if  
4 there is some document I don't have I would be anxious to have it and if there  
12:27:03 5 isn't then I don't press the matter any further.

6  
7 CHAIRMAN: Where did we get the information.

8  
9 MS. DILLON: I understand it was indicated in telephone conversation by the  
12:27:12 10 solicitors, with solicitor for the Tribunal, that Mr. Lynn would be denying  
11 that the conversation took place, but the Tribunal has no statement from  
12 Mr. Lynn detailing his version of the meeting, or any of the other material  
13 that Mr. Sanfey had indicated, or mentioned earlier.

14  
12:27:30 15 MR. O'HIGGINS: I am grateful for that, it puts matters in context, I was just  
16 somewhat concerned that I was, that these matters are coming out of the blue  
17 then from everyone's point of view.

18 Q. 372 Chairman can I just say too there appears to have been one private session  
19 interview with Mr. Lynn, after 27 of May 1992, as I understand it no reference  
12:27:50 20 was made to Mr. O'Herlihy's reference to that conversation to Mr. Lynn, in that  
21 private interview.

22  
23 CHAIRMAN: I know that yes.

24 Q. 373 So if Mr. Lynn didn't refer to it in that interview he can't be criticised.

12:28:02 25  
26 CHAIRMAN: There is no criticism of him not dealing with it in a formal  
27 statement, we now know that it was said by your solicitor to the Tribunal's  
28 solicitor, that's how it was stated in that way in the opening time opening by  
29 Ms. Dillon, but there is no mystery now, there is no mystery as to why Mr. Lynn  
12:28:21 30 didn't make a further statement.

- 12:28:25 1 Q. 374 Mr. O'Herlihy, to wrap it all up, you will understand that Mr. Lynn will say  
2 that he was at the County Council meeting for the whole of it, that he didn't  
3 leave the gallery, or the chamber and that in fact he didn't go to the Royal  
4 Dublin Hotel until after he had done the interview and that only for a sandwich  
12:28:45 5 on his own. I take it you say that that cannot be the case?  
6 A. That is not my recollection.  
7 Q. 375 Can I ask you something about the conversation itself, just a few questions I  
8 want to ask you about it, Mr. Dominic Glennane and Mr. Noel Murray are both  
9 also my clients and each of them will say that they remember you being in the  
10 Royal Dublin Hotel, but that they don't remember Mr. Lynn being there and in  
11 fact would have been, wouldn't have expected him to be there because his place  
12 was down in the chamber, do you recall Mr. Glennane Mr. Murray being there?  
13 A. I recall Mr. Murray, in a coming and going situation, but I don't remember Mr.  
14 Glennane.  
12:29:36 15 Q. 376 Yes. Could we have a look at page 36, 8014? Mr. O'Herlihy you were asked at  
16 the top of the page there, was anybody else present when you were having this  
17 conversation the answer was "I would have thought, I don't know. I mean its  
18 possible that Noel Murray was present but the conversation if I remember  
19 correctly we were standing at the bar, and it was probably a private  
12:30:07 20 conversation and I would think that -- I can't, I don't know. We were not the  
21 only people there, but I think the conversation was maybe Noel Murray was  
22 there, I don't know honestly. I suspect not. But I don't know, I mean we  
23 would have been in a little island talking to each other" do you have any  
24 position today as to whether Noel Murray was there?  
12:30:27 25 A. In terms of the conversation, the conversation would have been a private  
26 conversation. Noel Murray was certainly in the hotel.  
27 Q. 377 But you seem unsure during the course of that answer as to whether Noel Murray  
28 was party to the conversation with Mr. Lynn?  
29 A. No to my knowledge he wouldn't have been party to the conversation but he would  
12:30:46 30 have been thereabouts, you know.

- 12:30:48 1 Q. 378 But you were less sure in 2000, you said we were not the only people there but  
2 I think the conversation was, maybe Noel Murray was there, I don't know  
3 honestly.
- 4 A. I'll have to stick to that then won't I. I don't know honestly but my  
12:31:02 5 recollection, such as it is now is that he was certainly not part of the  
6 conversation but he was there.
- 7 Q. 379 Would you not remember him being part of such a momentous conversation as such  
8 as this?
- 9 A. That's exactly the point. The fact that I don't remember him being part of the  
12:31:19 10 conversation suggests to me that he wasn't part of the conversation.
- 11 Q. 380 But you seemed less sure when you were in private interview with the Tribunal  
12 in July 2000?
- 13 A. Well I don't know. I can't answer that.
- 14 Q. 381 I mean wouldn't it, when you were told this by Mr. Lynn, if Mr. Murray was  
12:31:39 15 present, one assumes you would turn to Mr. Murray and say, Noel did you --
- 16 A. I think the difficulty I have in a situation like that is I am attempting to be  
17 as honest as I can and you know to make declamatory comments, about people  
18 being there, or not being there, is not my normal style for a start, certainly  
19 in terms of trying to be careful you can actually do yourself a certain amount  
12:32:03 20 of damage by suggesting that you are unsure. I am sure of only the basic fact.
- 21 Q. 382 All right. Could I ask you to have a look at page 8006, you see that  
22 Mr. O'Herlihy?
- 23 A. Yeah.
- 24 Q. 383 Now this is when you asked Mr. Lynn about the project and he said "merit  
12:32:33 25 doesn't come into it, the quality of the project has nothing to do with it", he  
26 then said "you cannot get through a planning application or material  
27 contravention in Dublin County Council unless you buy it" and you said "what do  
28 you mean buy" it he said "planning permissions and material contraventions were  
29 worth 50,000 a year in the back pocket of councillors in the Dublin County  
12:32:54 30 Councillors who play ball with developers". Is that your best recollection of



- 12:32:57 1 what he said?
- 2 A. Yeah.
- 3 Q. 384 Do you stand over that today as your recollection?
- 4 A. I, absolutely -- because as I said to the Tribunal earlier, I had no
- 12:33:06 5 involvement whatever with planning applications or construction industry or
- 6 whatever, and that to me was such an extraordinary comment that it just stuck
- 7 in my mind.
- 8 Q. 385 You know that what was afoot that day was neither an application for planning
- 9 permission nor a material contravention?
- 12:33:25 10 A. I'm not aware of that.
- 11 Q. 386 Well you must be aware, Mr. O'Herlihy, what was happening was a review of the
- 12 development plan, it wasn't an application for planning permission?
- 13 A. Well I can't remember that either, but I will tell you this much, it was
- 14 material as far as the go ahead for Cherrywood was concerned, it was important
- 12:33:44 15 from that point of view for Monarch. The technical detail, I can't answer at
- 16 this stage.
- 17 Q. 387 But you mentioned twice planning application, material contravention?
- 18 A. That is what was said to me. I am not saying that this was a planning
- 19 application or material contravention. What was said to me is that, that a
- 12:34:04 20 material contravention or a planning application could not go through on its
- 21 merits, it had to be bought, and that 50,000 a year was the calculation that
- 22 was made by the councillors if they played ball with the developers. Now how
- 23 would I make up a statement like that, would you ask me? How could I possibly
- 24 make up a statement like that when I have no idea in the wide world what the
- 12:34:28 25 dynamics of the industry was, or the whole question of getting planning
- 26 permission.
- 27 Q. 388 Well I suppose what I am trying to find out Mr. O'Herlihy, is whether those
- 28 were the exact words said or whether it's a paraphrase? Because my client, who
- 29 is intimately familiar with the mechanics of planning applications and
- 12:34:46 30 development plans and so on, can't understand why it's alleged he would have

12:34:51 1 referred to a planning applications at all in the context of a review of the  
2 development plan. Why talk about oranges when he was concerned with apples?  
3 A. I don't know.  
4 Q. 389 You may well be aware from your own public knowledge that planning permissions  
12:35:07 5 are not decided by councillors, they are decided by the officials of the low  
6 authority, and that therefore the question of paying money to councillors in  
7 respect of planning permissions doesn't arise; so why would Mr. Lynn who would  
8 know that, even if you didn't, refer to planning applications, putting 50,000 a  
9 year in councillors pockets.  
12:35:30 10  
11 CHAIRMAN: But isn't that -- obviously that's something that Mr. O'Herlihy  
12 can't really comment on.  
13 A. Yeah.  
14  
12:35:38 15 CHAIRMAN: It's a matter which obviously your client can give in evidence in  
16 support of his contention that he couldn't have said anything of this nature.  
17 Q. 390 Can I ask you this then Mr. O'Herlihy, in that context Mr. Lynn will say that  
18 he, even if it were true he wouldn't have said that; so are you standing over  
19 the exact words that you have used here?  
12:35:59 20 A. I am standing over these words, yeah.  
21 Q. 391 Planning applications and material contraventions?  
22 A. That's what I was told. You see, going back to the point that I made earlier,  
23 he could have been talking at that particular point about planning applications  
24 and material contraventions in a much broader context than the Monarch property  
12:36:21 25 context, I don't know, you will have to ask him that.  
26 Q. 392 At page 8008, you see that middle paragraph there, and a note of caution  
27 entered what you were telling Mr. Gallagher at this point and you said, you  
28 were being asked Mr. Lydon you said "I have to be very careful here now because  
29 everything I am talking about anecdotal, there is no material or tangible  
12:36:55 30 evidence of anything like this in my relation with Monarch. This was a

- 12:36:58 1 conversation in a bar, in a bar of a hotel and it is entirely anecdotal. I  
2 don't have any evidence of any sort to back it up" and you return to that topic  
3 two pages later, at 8010.  
4
- 12:37:13 5 You see at the bottom of the page there you are talking about the conversation  
6 and you say the "The conversation was entirely anecdotal in the sense that it  
7 could have been a fellow boasting in a bar, for all I know. There was no  
8 evidence what so ever in my dealings with Monarch at any stage that suggested  
9 that this was part and parcel of the way that they did business." Now your  
10 reference there to "it could have been a fellow boasting in a bar", can I ask  
11 you Mr. O'Herlihy, did you take this conversation seriously?  
12 A. I did. You see, as I said to you earlier, I have no experience, I have had  
13 since no experience and up to then no experience what so ever of that  
14 particular industry. If a person says that to me and he says it with authority  
15 I take it to be a fact, or I take it to be, you know, but I did make the point  
16 that it could have been a reaction to the fact that I was naive, it could have  
17 been an exaggeration. I have no evidence and this wasn't caution, this was  
18 realism. I have no evidence whatsoever to indicate that this was a fact, and  
19 therefore I entered that as caveat on the basis of being fair and being honest.
- 12:38:23 20 Q. 393 All right, well it's very fair of to you say that, but did you ever afterwards,  
21 immediately afterwards or in the week afterwards, write down the contents of  
22 your conversation?  
23 A. No.
- 24 Q. 394 You didn't take a note of it?
- 12:38:38 25 A. No.
- 26 Q. 395 Even to fix it in your own mind for your own purposes not to show to anyone  
27 else, you didn't write it down?  
28 A. No, it fixed in my own mind because it was such an extraordinary conversation,  
29 but I didn't write it down.
- 12:38:50 30 Q. 396 Did you ever discuss it with anyone?

- 12:38:52 1 A. I may have, I probably did make a reference to it along the lines somewhere,  
2 you know, about the council and that.
- 3 Q. 397 To whom?
- 4 A. I don't know, I can't remember.
- 12:39:03 5 Q. 398 Well when Mr. Lynn said it to you, did you say it to Dominic Glennane or Noel  
6 Murray, "can this be true, you will never guess what Richard has just told me",  
7 something of that nature?
- 8 A. I have no recollection of that.
- 9 Q. 399 By your own time line and given that you may have reservations about your own  
10 time line, this conversation would have taken place waiting for the vote of  
11 which you have informed at half 12?
- 12 A. That's what I thought.
- 13 Q. 400 You think you may have had a cup of coffee for about another hour after that.  
14 In the hour that you spent, did you discuss it any further with Mr. Lynn or  
12:39:39 15 Mr. Murray or Mr. Glennane or anyone else, you had just been told something  
16 that according to your evidence this morning was staggering, you were gob  
17 smacked by it, and you were disgusted by it, now given that you were disgusted  
18 by it, did you not mention it to Mr. Glennane or Mr. Murray?
- 19 A. No, because my interpretation of the conversation was that it was a private  
12:40:02 20 conversation, at that time and I didn't discuss it with anyone, I wasn't going  
21 to start raising a hair at that particular point in time. It didn't occur to  
22 me to say to anybody else at that time.
- 23 Q. 401 At that stage is it not fair to say that you weren't aware that that your  
24 involvement with Monarch was at an end, you could have been retained on an  
12:40:25 25 ongoing basis?
- 26 A. I'd say there wasn't a slightest prospect of that, I would be a realist about  
27 these things.
- 28 Q. 402 You thought from that day on you wouldn't have any more association with  
29 Monarch?
- 12:40:35 30 A. Yeah, I mean I was specifically appointed for a particular project and the

12:40:41 1 project finished with that vote, that was the end of my involvement, it was  
2 never understood by me, nor never implied by Monarch that I was to continue or  
3 anything like that, so I assumed that was the end it, and I was right, it was  
4 the end of it.

12:40:57 5 Q. 403 You then, up to that day had been associated with the PR for a project, which  
6 if what Mr. Lynn told you was true, involved whole sale bribery and corruption,  
7 did that concern you from the point of view of your own personal reputation?

8 A. I think you're ignoring one fact, or one point I made, I have no idea whether  
9 it was true or not. And if I was to exercise my judgement on the basis of the  
12:41:26 10 eight months I spent with Monarch as I said it was entirely out of character, I  
11 would not have been party to something that was, if there was a sniff of  
12 corruption in it, I wouldn't have been part it have under any circumstances,  
13 there was no such sniff, it was a very legitimate campaign. So when that was  
14 said to me, I said to myself okay, as I said in the thing that was somebody  
12:41:50 15 boasting, was it somebody taking the Mickey out of me, was it somebody  
16 reflecting on the fact that I was such an innocent, I don't know, I never knew  
17 whether it was true or not and certainly, like the whole campaign as far as I  
18 was concerned, was over at that stage anyway.

19 Q. 404 You didn't know whether it was true, but I asked you a few minutes ago did you  
12:42:07 20 take the conversation seriously and you said, absolutely?

21 A. I did because I would have assumed that this was a person talking from the  
22 basis of understanding the dynamics of the industry, which I did not and  
23 therefore in that sense I took it to be true.

24 Q. 405 You took it to be true. So you have the project leader, the person with whom  
12:42:28 25 you have worked most closely, telling you that this is true, telling you this  
26 and you take it that it is true and yet you never mention it to Mr. Glennane,  
27 you never mention to Mr. Murray, you don't discuss with anybody else, you don't  
28 write it down, can I ask you did you raise it with Monarch, with the board of  
29 directors?

12:42:46 30 A. I didn't, I had no further contact with Monarch, as far as I recall after that.

- 12:42:53 1 Q. 406 Did you take up with Fine Gael?
- 2 A. No, why would I take it up with Fine Gael?
- 3 Q. 407 Would it not have been a matter of great interest to Fine Gael the matter that
- 4 there is rampant bribery in Dublin County Council?
- 12:43:03 5 A. I wasn't involved with Fine Gael in those days if I recall I think my
- 6 relationship had finished I don't know I can't remember, I didn't anyway is the
- 7 answer.
- 8 Q. 408 Did you speak to your solicitor about it?
- 9 A. No I did not.
- 12:43:15 10 Q. 409 Did you take any kind of advice about it?
- 11 A. No I didn't, because I didn't know whether it was facts all or not as I said to
- 12 you earlier on.
- 13 Q. 410 Did you consider reporting to the Gardai?
- 14 A. No I did not.
- 12:43:26 15 Q. 411 So despite the fact that you took the conversation seriously and assumed that
- 16 Mr. Lynn was telling you, what he believed to be true, you didn't write it
- 17 down?
- 18 A. No.
- 19 Q. 412 You didn't see a solicitor, you didn't say it to the other representatives of
- 12:43:39 20 Monarch who were present, you didn't follow it up with Monarch, you didn't say
- 21 it to the party, with whom you had an association and because of which
- 22 association you got involved in the project in the first place, and you didn't
- 23 consider reporting to the Gardai?
- 24 A. Because I had no evidence whatsoever. I mean if you want to go to the Gardai,
- 12:44:00 25 you have to go with more than a conversation in a bar, you have to go on the
- 26 basis of the fact that I can tell you categorically A B C D and E, there was no
- 27 evidence whatsoever that was true, it may be true, but there was no evidence
- 28 therefore I wasn't going to go and run to, from Billy to Jack and tell them
- 29 something, a conversation in which I couldn't say was true or not.
- 12:44:21 30 Q. 413 Were you not concerned that if all this came out at a later stage it would

- 12:44:25 1 damage your reputation?
- 2 A. Well what you are saying is damaging my reputation now. In fact the reality is
- 3 that if never dawned on me that this thing would actually get to a Tribunal,
- 4 you know. That wouldn't be the reason I wouldn't say it, the reason I didn't
- 12:44:38 5 say it was that there was no evidence.
- 6 Q. 414 Okay. Can I have a look at page 8007? Now Mr. O'Herlihy this is where you
- 7 refer to Mr. Lynn telling you that, what do is you pick off a lead councillor
- 8 in each of the parties and you discuss the matter with them and you get an
- 9 estimation from him as to the amount of money and the kind of money involved
- 12:45:12 10 that would be required to actually buy the votes, and you give that money to
- 11 the lead councillor and he does everything after that. Now do I understand you
- 12 to come back from this morning, from asserting that Mr. Lynn said you pick a
- 13 lead councillor in each of the parties, am I wrong in that?
- 14 A. As against what.
- 12:45:32 15 Q. 415 Did I understand to you suggest this morning that in fact it might be only one
- 16 lead councillor that would be picked?
- 17 A. I said there to John Gallagher, that it was each of the parties, but only one
- 18 name was mentioned so I did make the supposition that that person could be
- 19 working for all the parties but that I do not know.
- 12:45:54 20 Q. 416 Yes but Mr. Gallagher understandably, asked you about why you didn't follow
- 21 that up, if you have a look at page 36, 8014, now if you see halfway down, you
- 22 are asked was any other politician mentioned that you can recall? Answer "No
- 23 well I don't know. I mean the natural inquisitive question for me would have
- 24 been to say well who was the person in Fine Gael and who was the person in the
- 12:46:31 25 Labour Party, but I never asked that question, I don't know why I didn't ask
- 26 the question. Now do you have any view today as to why you didn't ask that
- 27 question?
- 28 A. No I haven't, it could well be that we were interrupted, I don't know. I have
- 29 no idea.
- 12:46:47 30 Q. 417 Well was it not a question crying out to be asked?

12:46:51 1 A. It certainly would logically suggest, it should be asked, but therefore there  
2 must be a logical reason why it wasn't asked and it could be because we were  
3 interrupted and that was the end it, I don't know. I actually do not know.

4 Q. 418 I think your background Mr. O'Herlihy is as an investigative reporter isn't  
12:47:08 5 that right?

6 A. Yeah.

7 Q. 419 And I think we know that one of your greatest attributes as a broadcaster is  
8 your ability to ask the question that the audience wants asked, if there had  
9 been an audience or a fly on the wall there, would they not have been screaming  
10 who is the Fine Gael guy, who is the Labour guy, ask, but you didn't ask?

11 A. I didn't ask.

12 Q. 420 You are a dyed in the wool Fine Gael person, whether or not you have a formal  
13 association with the party, I don't think I am mis-describing you when I say  
14 that, would you not at least have been dying to know who the Fine Gael person  
12:47:43 15 was?

16 A. I can't -- I honestly can't answer the question, I don't know. I don't know  
17 why I didn't ask the question, there must have been a logical reason but I  
18 can't remember what it might have been, I don't know.

19 Q. 421 All right. Now could I have a look at that, page 8016, now, sorry, if I just  
12:48:28 20 look at the last question on page 8016, to your best recollection that was Don  
21 Lydon who was the person to whom the hundred thousand was to be paid? Answer  
22 Yes to the best of my recollection. My understanding was that he didn't get  
23 the 100,000 he got the 100,000 to distribute, how much he got of it I have no  
24 idea, but the idea was that he would actually ensure that the votes -- that the  
12:48:48 25 Fianna Fail votes would be -- although there might have been other votes as  
26 well, but that he would be able to deliver a certain number of votes on that  
27 and that he would pay them he would regard as the appropriate fee, as it were,  
28 for the vote and that what was left over, he would keep himself. That was the  
29 function of the man who was point, as it were, and the way they explained it to  
12:49:10 30 me was that there was usually on from each party and that that was the way it



12:49:11 1 usually worked. And then you go on to say, now I'm not saying that was the way  
2 it worked for Monarch on this particular project, but what he was explaining to  
3 me is that it was a general principle for construction industry people --  
4 looking for planning permissions, I assume that should be, sorry that doesn't  
12:49:35 5 appear to be on screen.  
6  
7 Just the second paragraph, Now I am not saying that that was the way it  
8 worked... Do you see that?  
9 A. Do I yeah.  
12:49:44 10 Q. 422 Now do I understand that to be consistent with the evidence that you gave this  
11 morning that effectively you seemed to be rowing back from saying that Mr. Lynn  
12 was saying that this would happen, was what had happened on this particular  
13 project and saying he may have been talking in a general way?  
14 A. Mm-hmm.  
12:50:03 15 Q. 423 I understood you to say that this morning and that appears to be what you are  
16 is a saying here?  
17 A. Yeah I think I was making two points. The question was really was raised by me  
18 in relation to the specific project, the question of the, the answer in terms  
19 of the lead councillor could have been a generic answer in the context and way  
12:50:24 20 in which it normally operates.  
21 Q. 424 So, so in Mr. Lynn describing how...  
22 A. How the System operates...  
23 Q. 425 This payoff may take place he may have been talking...  
24 A. He could have been talking generally, or generically, in that context.  
12:50:42 25 Q. 426 But Ms. Dillon then asked you, did he say he paid a hundred thousand? And your  
26 answer to that was, yes.  
27 A. Yeah.  
28 Q. 427 So he was talking directly on the one hand and on on the other...  
29 A. No no, I am only speculating, he said it, I didn't say it. I am telling you  
12:50:55 30 what he said and I asked him the question on the hundred thousand and that's

12:50:59 1 the answer I got. What is down in black and white was what I was told.

2 Q. 428 All right. Can I ask you then about the hundred thousand pounds, mention of a

3 figure of hundred thousand spent by Monarch, seems to have been circulating

4 around the time of the Council meeting were you aware of a figure of a hundred

12:51:32 5 thousand pounds which it was suggested Monarch had spent in trying to get this

6 rezoning?

7 A. I wasn't aware of any figure of any sort.

8 Q. 429 Yes?

9 A. I wasn't aware of any money of any sort being mentioned, I never heard of that

12:51:47 10 figure of a hundred thousand until then.

11 Q. 430 Yes. Ms. Eithne Fitzgerald was asked by Counsel for the Tribunal on Tuesday of

12 last week about a quote attributed to her, in an Irish Times article, now

13 Chairman I don't want to be -- I don't want to disturb Mr. O'Higgins in

14 relation to this, this was the article Ms. Fitzgerald was asked about, its part

12:52:17 15 of the brief and I would like Mr. O'Herlihy to see it, I am not expecting --

16

17 CHAIRMAN: I think he probably has it.

18

19 MS. DILLON: It's in the brief, the earlier objection related to material we

12:52:27 20 didn't have, but this is in the brief so no difficulty.

21

22 CHAIRMAN: All right is there a page number for it.

23 Q. 431 7764. Now you see the bit in the centre Mr. O'Herlihy the bit around the

24 headline quotes, it says "A leading public relations consultant Mr. Bill

12:52:52 25 O'Herlihy is engaged for the campaign as well as architects planners and

26 landscape designers. Monarch have told me that they were spending 100,000

27 pounds to bring pressure to bear on us to rezone their land said Councillor

28 Eithne Fitzgerald, Labour. To put this in context it is more than the

29 nationwide campaign to elect Mary Robinson cost.

12:53:14 30

- 12:53:15 1 Now there is a hundred thousand pounds and you in the same paragraph  
2 Mr. O'Herlihy, you weren't aware of a general suggestion abroad, that Monarch  
3 had spent a hundred thousand pounds?
- 4 A. No but I think you are, to use your own analogy, you are confusing apples with  
12:53:28 5 oranges. Hiring of public relations consultant and all the various experts  
6 that are mentioned there by Mrs. Fitzgerald, costs money, developing a road  
7 show costs money, developing a television promotional film costs money, so a  
8 hundred thousand wouldn't be out of the ordinary at all, and would have nothing  
9 whatsoever to do about which I am talking.
- 12:53:53 10 Q. 432 Yes. So the 100,000 figure wasn't in anyway unusual then?
- 11 A. It could be the promotional figure that they decided was the right figure for  
12 that particular project.
- 13 Q. 433 Yes. Ms. Fitzgerald, before this Tribunal, said she didn't recall the 100,000  
14 pound figure and didn't think it was anybody in Monarch who had mentioned it  
12:54:12 15 to her.
- 16 A. Well I hope you are not suggesting it was I said it to her.
- 17 Q. 434 No I am not, I'm not. But she said and I quote "If you are trying to read into  
18 that particular quote that I thought money was being spent to buy councillors,  
19 that would not have been something at that time that I would have contemplated  
12:54:30 20 was going on, so just for the record Ms. Fitzgerald was distancing herself from  
21 any discussion of 100,000 was spent in anyway corruptly, what I am saying to  
22 you is that, given that a figure of 100,000 pounds was being bandied about in  
23 this article, appearing along side your name, although it's not suggested that  
24 you had anything to do with that, is it possible that someone else mentioned  
12:55:03 25 this figure to you and that your recollection has become jumbled in some way  
26 and that it has become part of another conversation you may have had in  
27 relation to this?
- 28 A. I don't remember having a conversation with Monarch in relation to the  
29 promotional costs of the campaign at all.
- 12:55:23 30 Q. 435 Is it possible that somebody else, whether in Monarch or outside Monarch,

12:55:28 1 mentioned the figure, in a completely different context?

2 A. I have no recollection of such conversation.

3 Q. 436 Certainly Monarch were spending monies of that order on the campaign around

4 about that time, is it at all possible that somebody would have mention that

12:55:56 5 had as a figure which represented expenditure to you and it would have got into

6 your head in that way?

7 A. In the context in which I am talking, no.

8 Q. 437 Right. You will be aware as I have said, that Mr. Lynn not only denies the

9 conversation which you had and says that it couldn't possibly have taken place,

12:56:20 10 and that's most unfortunate because you are somebody for whom he and the other

11 Monarch people have regard, do you have any theory as to why Mr. Lynn who, to

12 use your own words was a nice, decent very professional guy, why he would

13 certainly blurt out to you the details of a scheme to bribe councillors?

14 A. I have given you a few propositions, maybe in responding to my naivete or

12:56:50 15 whatever it might have been, I don't know you will have to ask him that

16 question.

17 Q. 438 My client's position Mr. O'Herlihy is that while they are not suggested in

18 anyway that you are activated by ill will or malice or anything like that, they

19 say that your account of the meeting or the conversation with Mr. Lynn is

12:57:15 20 inherently unbelievable and could not have taken place because Mr. Lynn simply

21 was not there?

22 A. Well my response to that is that it is unbelievable that I would come into a

23 Tribunal, either now or in 2000 and fabricate a story that would damage the

24 reputation of a person for whom I have a lot of respect, it is inconceivable I

12:57:46 25 would do that. And I am simply reporting what was said to me. I do so, I can

26 assure you, with a very heavy heart, I don't want to be in this situation,

27 there is no gain in this for me at all, in fact a lot of the questioning of you

28 in the last couple of minutes have been damaging in my judgement to my

29 reputation, which I think is unfair, because from my perspective I did nothing

12:58:06 30 wrong. I have never been involved in my entire life, in anything to do with

12:58:12 1 financial inducements, or bribery of any sort, I never was part and parcel of  
2 any meeting with Monarch or any other client through more than 33 years that  
3 had anything to do with something that was either illegal or immoral, so it is  
4 unbelievable that I would take a position that would be damaging to people in  
12:58:31 5 the way that -- so I reject completely out of hand the notion that this is all  
6 fabricated.

7 Q. 439 Well in fairness Mr. O'Herlihy, I never used the word fabricated, I wasn't  
8 suggesting it, what I said was it was inherently unbelievable, in fact what I  
9 was going put to you next, was the fact, would you -- what way would you go  
12:58:52 10 with me on the suggestion that because Mr. Lynn wasn't there and because of  
11 your lack of recall of certain details and the fact that you did absolutely  
12 nothing afterwards, not even to write down details of the conversation, could  
13 it be that you are simply mistaken in your recollection and that the  
14 conversation never took place or that it is a miss remembered version of a  
12:59:17 15 conversation you had with somebody else?

16 A. No, that would not be my -- I'd have to reject that, the only concession I make  
17 to you is maybe my timing is incorrect, that's the only concession I could make  
18 to you, that the time of the conversation was different to the time I gave that  
19 the conversation took place.

12:59:43 20 Q. 440 Thank you Mr. O'Herlihy.

21 A. Thank you.

22  
23 CHAIRMAN: All right.

24  
12:59:50 25 MR O'TUATHAIL: Mr. Chairman before the Tribunal rises, if that's the proposal,  
26 Seamus O'Tuathail here I appear for Senator Lydon, I would ask you in lieu of  
27 the fact that our client was certainly not present at this conversation, that  
28 you would repeat for the benefit of the media, the warning that you issued when  
29 you ruled that this evidence, naming my client, would be accepted and opened in  
13:00:17 30 this Tribunal.

13:00:17 1  
2 I do that because of the severe damage that a misrepresentation of this  
3 evidence could make in the public mind. Its very important matter, its been  
4 followed along. Mr. O'Herlihy has already said that this is pure hearsay, he  
13:00:34 5 couldn't swear to it, he hasn't sworn to it and its a remembrance situation, in  
6 which I propose to cross examine in the afternoon, so I ask you please to  
7 repeat your ruling so that that will be carried with any reports of this  
8 morning's proceedings.  
9

13:00:51 10 CHAIRMAN: Well just, I am not quite clear as to what you are referring to,  
11 but I mean certainly as far as the Tribunal is concerned this is evidence of a  
12 conversation that Mr. O'Herlihy says he had with Mr. Lynn, Mr. Lynn says that  
13 conversation didn't take place and I assume Mr. Lydon will contest any  
14 suggestion that might arise from Mr. O'Herlihy's evidence, that he, Mr. Lydon  
13:01:20 15 did anything inappropriate.  
16

17 MR. O TUATHAIL: Sorry Mr. Chairman, finally I am simply asking, this was  
18 allowed in on a certain basis, that we were notified in advance that Senator  
19 Lydon could be named in this session.

13:01:38 20  
21 CHAIRMAN: Yes.  
22  
23 MR. O TUATHAIL: Mr. O'Herlihy objected in evidence to the naming of Senator  
24 Lydon, wanted to write down the name, it was simply allowed in on the basis  
13:01:47 25 that it may be of assistance in the general running of the Tribunal.  
26

27 CHAIRMAN: Well it was allowed in on the basis that Mr. Lydon had been  
28 informed and his legal team had been informed, so its only reason he,  
29 Mr. O'Herlihy would have been asked to write down the name would be that if the  
13:02:06 30 party to be named had not been informed. But the name has to come out

13:02:12 1 obviously and -- all right.

2

3 MR. O TUATHAIL: And the fact that its pure hearsay, that is correct should come  
4 out as well and accompany any reports.

13:02:19 5

6 CHAIRMAN: Yes but that's, even Mr. O'Herlihy himself said that, he has no  
7 direct knowledge.

8

9 MR. O TUATHAIL: That's the point I'm obliged Mr. Chairman.

13:02:28 10

11 CHAIRMAN: All right you'll want to cross examine for a short while?

12

13 MR. O TUATHAIL: Certainly yes.

14

13:02:33 15 CHAIRMAN: Mr. O'Herlihy you will have to come back at 2.00, I'm afraid. All  
16 right?

17

18

19

13:02:54 20 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**

21

22

23

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29

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13:02:56 1

**THE TRIBUNAL RESUMED AS FOLLOWS AFTER LUNCH**

2

3

CHAIRMAN: Good afternoon.

4

14:04:07 5

MS. DILLON: Yes, sir good afternoon Yes, sir I think Mr. O Tuathail.

6

7

**THE WITNESS WAS THEN EXAMINED BY MR. O TUATHAIL.**

8

9

MR. O TUATHAIL: Thank you Mr. Chairman. Mr. Herlihy Seamus O Tuathail is my

14:04:17 10

name and I appear with Mr. Humphreys, for Senator Lydon, I have some questions

11

arising out of your, particularly out of your evidence to Mr. Gallagher in the

12

year 2000.

13

14

Now just to give, I think we agree that these matters or these events if they

14:04:38 15

happened at all, happened in May 1992, isn't that correct?

16

A. Correct.

17

Q. 441 You spoke to Mr. Gallagher in what you believe was confidence?

18

A. I may interrupt, you are a bit off mic would you --

19

Q. 442 Sorry, that's the old RTE experience kicking in there.

14:04:54 20

21

Now thank you very much for that, you spoke with Mr. Gallagher, in confidence

22

in July 2000 and now six years later in this year and this moment, and this

23

morning, for the first time this evidence has come to light, isn't that so. I

24

think you mentioned that you hoped when you were talking to Mr. Gallagher that

14:05:24 25

this matter would never come to light isn't that?

26

A. That's absolutely correct.

27

Q. 443 Yeah. And you said that, I think, in the context where you were dealing with

28

the conversation in the bar which is my main concern?

29

A. Mm-hmm.

14:05:39 30

Q. 444 And you protested valiantly in relation to having to give the evidence and



- 14:05:46 1 particularly naming Senator Lydon, that's so?
- 2 A. That's correct.
- 3 Q. 445 Yes. Now, just generally a few background questions. You were retained by
- 4 Monarch Group and your job was to, you campaigned for a period of eight or nine
- 14:06:05 5 months and you had a threefold objective if I'm correct. You wanted to
- 6 establish a climate, using public relations techniques in the local community,
- 7 of support for the Cherrywood project?
- 8 A. Correct.
- 9 Q. 446 And in that sense you say quite honestly that you were probably contracted for
- 14:06:27 10 this business because of your Fine Gael connections?
- 11 A. I'd say that was a big, had a big bearing on it, yeah.
- 12 Q. 447 Now just going briefly as you can, through your Fine Gael connections, with you
- 13 have, you mentioned that you worked for 35 years in public relations, what are
- 14 the Fine Gael connections you are referring to?
- 14:06:52 15 A. The Fine Gael connections really go back to the end of my period in current
- 16 affairs and I was particularly friendly with Ted Neilan, he and I worked on 7
- 17 days together. And he set up a group of people that subsequently became known
- 18 as the national handlers, if you remember working with Garrett Fitzgerald,
- 19 Peter Barry, people like that, and I worked on various campaigns. I was the
- 14:07:18 20 first paid public relations consultant to work on a political campaign in
- 21 Ireland, that was the first direct elections to the European Parliament. I
- 22 worked also on piles of general elections, well a number of general elections
- 23 and I did the party political broadcasts for them and I ran the press office
- 24 for a number of campaigns, as a consultant.
- 14:07:44 25 Q. 448 You did that for the Fine Gael party, or for Fine Gael in Government?
- 26 A. Well initially for the Fine Gael party and then for Fine Gael in Government, it
- 27 alternated, depending on whether they were in or out, most of the time as you
- 28 know they were out.
- 29 Q. 449 I think the gentleman you mentioned Ted Neilan became a Fine Gael TD for Sligo?
- 14:08:03 30 A. He did, but when I worked with Ted Neilan he was the communications director of

- 14:08:08 1 Fine Gael.
- 2 Q. 450 Fine Gael, yes. And what Ministers, over the period, in term terms of your  
3 professional public relations involvement, what Ministers or ministerial  
4 departments might you have worked for?
- 14:08:22 5 A. Well I worked for Peter Barry, I worked for Enda Kenny, I worked for Michael  
6 Lowry. I can't remember any others but, you know they took up a lot of my  
7 time.
- 8 Q. 451 I think you mentioned that Mr. Frank Dunlop --
- 9 A. Oh, I worked for John Boland, sorry I worked for John Boland and Jim Mitchell.
- 14:08:52 10 Q. 452 He was the Minister to for Public service?
- 11 A. Public Service that's right and Jim Mitchell Transport and Power, that's  
12 another.
- 13 Q. 453 You worked for them as a civil servant or professionally?
- 14 A. No no as a paid political, as a public relations consultant.
- 14:09:05 15 Q. 454 Yeah. And going on from that then you say in your conversation with  
16 Mr. Gallagher which is recorded, that you believe in terms of the Monarch  
17 retainer that it was principally to make contact with Sean Barrett, would that  
18 be correct?
- 19 A. No that would be overstating it a little bit to be honest. He was a key person  
14:09:29 20 in it obviously because they felt that he was leader of opinion in South Dublin  
21 and therefore in the Dun Laoghaire constituency area and council area he'd have  
22 been immensely important and getting his support for the project was seen  
23 initially when I first joined, to be hugely important, but he made it clear he  
24 wouldn't support it.
- 14:09:50 25  
26 But it was also to make contact with other party people, in order that the  
27 message of Cherrywood would be planted firmly in the minds of everybody in  
28 terms of its quality and its merits.
- 29 Q. 455 Yeah. Just referring there, I'm looking at page four internally or page number  
14:10:12 30 eight of the Tribunal, the Gallagher conversation, question 22, or answer 22

14:10:22 1 rather --  
2  
3 MS. DILLON: 7986.  
4 Q. 456 7986 now on that page there, if you look at that Mr. O'Herlihy, you see that  
14:10:38 5 clearly, you say in relation to the Monarch project, you say at line 17 "And  
6 together we planned" that's Mr. Lynn "Together we planned the media campaign,  
7 we planned the community campaigns and we both liaised together in the context  
8 of the political campaign per se" and you are asked the question "What did you  
9 do as part of the that political campaign? Answer: Well principally I was  
14:11:07 10 asked to make contact with Sean Barrett, that was one of the primary objectives  
11 because of his status and leadership within the Council or in terms of the  
12 influence in the Council."  
13  
14 So I think, I don't think we are in disagreement that initially you were  
14:11:20 15 employed as it were to head hunt Sean Barrett's support for this project, would  
16 that be correct?  
17 A. That would have been an imperative all right, yeah.  
18 Q. 457 Yeah and how would you define a lead councillor just -- how would you define  
19 the lead councillor in any Council group, how would you define that person?  
14:11:42 20 A. Well my definition could be entirely wrong, but as, in terms of the  
21 conversation that I re told earlier today the definition I would have of it, he  
22 would be the main point of contact between the client or the company and the  
23 council, and the councillors more accurately.  
24 Q. 458 Yes. Just in relation to that matter on screen there, because of his status  
14:12:09 25 and leadership within the council or in terms of the influence in the council,  
26 would that qualify in your description as a lead councillor?  
27 A. I didn't see it in those terms at all, as I interpreted it and I could be wrong  
28 about this, as I interpreted it, it had nothing to do with status within the  
29 council area, it was a question of his ability to make contact with other  
14:12:32 30 members of the council for this particular project at the time, therefore I

14:12:35 1 suppose it included automatically a certain status.

2 Q. 459 Yes. And but you wouldn't define him in your sense of what a lead councillor  
3 is, as a lead councillor?

4 A. Sean Barrett.

14:12:48 5 Q. 460 Yes?

6 A. In the context of his importance within Fine Gael and his importance within  
7 Fine Gael in his own constituency I think he was a hugely important person, but  
8 not in the way that you are implying.

9 Q. 461 But also, when you were talking of Mr. Barrett earlier this morning, you  
10 described him I think as a friend?

11 A. Mm-hmm.

12 Q. 462 So the liaison with Mr. Barrett goes beyond politics?

13 A. Oh yeah and he made that very clear to me in coming to see the Monarch plans  
14 and model, he made it very clear to me that the only reason he was coming was  
14:13:25 15 because we were friends, otherwise he wouldn't because he was voting against  
16 it.

17 Q. 463 And you had worked I think, when Mr. Barrett was a Minister, had you worked for  
18 any of his Ministries?

19 A. No I don't think so, I don't think I did.

14:13:38 20 Q. 464 And the overall campaign and I just want to ask you if I can, coming back to  
21 the Mick, political campaign, you were liaising in, with Monarch on a political  
22 campaign per se?

23 A. Mm-hmm.

24 Q. 465 Now what did that involve precisely?

14:13:58 25 A. As far as I was concerned as I explained earlier T, meant that I made contact  
26 with councillors. I asked -- I talked to them about the quality of this  
27 particular proposal and I asked them to come and view the plans and the model  
28 in where ever was appropriate, where ever it was there at the time. It could  
29 have been in community areas or it could have been Monarch's headquarters or  
14:14:21 30 could have been in the Royal Dublin.

14:14:23 1 Q. 466 And in 1992 there was a series of general elections around that period, were  
2 Fine Gael in power at that time?  
3 A. I don't think so, I think they were out of power.  
4 Q. 467 Yeah.  
14:14:34 5 A. I think, if I remember.  
6 Q. 468 Yeah. And -- but looking at the transcript of Mr. Gallagher, you seem to  
7 confine your efforts largely, if I'm correct, to Fine Gael councillors.  
8 A. Well I mean I wouldn't have been well known to councillors of any party, to be  
9 quite honest about it, because my contact with them would have been fairly low  
14:14:55 10 key or non existent in many cases, so I think what I was trying to do was  
11 accentuate the positive.  
12 Q. 469 Yes. And you say that they would have, that people who visited the project or  
13 looked at it at your request would have included Fine Gael councillors and a  
14 Green -- that you weren't able to name this morning?  
14:15:15 15 A. Yeah.  
16 Q. 470 A Green councillor. But you don't know if they included Fianna Fail or Labour,  
17 I'm looking at page 7 of Mr. Gallagher's?  
18 A. I don't know, but you can take it for granted that would be the case. It has  
19 to be recognised also that Monarch had a very sophisticated operation  
14:15:33 20 themselves in the contact they had with councillors, so in a way I was gilding  
21 the lilly I suppose you could say, because already the ability to make contact  
22 with the councillors was there.  
23 Q. 471 Yes. And I think the retainer if I'm correct, looking at the invoices that  
24 were shown this morning, the retainer was a hundred pounds per hour, was it?  
14:15:56 25 A. Well in what we have seen yeah, I can't remember but it was fairly modest let  
26 me tell you.  
27 Q. 472 Well was it a minimum of five hours per week?  
28 A. I can't remember, you see I don't have the contract, I don't know.  
29 Q. 473 Well you were meeting at least twice a week for a nine month period with  
14:16:16 30 Monarch people isn't that correct?

- 14:16:17 1 A. Yeah, yeah.
- 2 Q. 474 And then if I could come along to the -- I think you now accept that the  
3 council meeting, when it finished on, in May of 1992, finished around the 2  
4 o'clock mark or a few minutes later in the afternoon?
- 14:16:41 5 A. That point has been made strongly.
- 6 Q. 475 By Mr. Sanfey, and that your timing, I think you conceded that your timing  
7 could be out. Your timing is then running between 11 o'clock and at least 2  
8 o'clock in the Royal Dublin?
- 9 A. Mm-hmm.
- 14:16:59 10 Q. 476 Now do you recollect, did you have lunch in that period?
- 11 A. I have no -- I can't remember, I can't remember.
- 12 Q. 477 Yeah?
- 13 A. I would suspect I didn't actually, but I don't know. I could have had a  
14 sandwich, I don't know.
- 14:17:10 15 Q. 478 Yeah well the detail that you can remember is that when you were asked about  
16 drowning your sorrows after the vote was made known, that more than likely  
17 there was no drink in the company, it was coffee?
- 18 A. Yeah there wasn't any drink.
- 19 Q. 479 And are you saying that everyone else in that company was not drinking?
- 14:17:31 20 A. I have no idea, I can't remember. I honestly can't remember.
- 21 Q. 480 So the other three people, I think you have identified up to three people, some  
22 of them coming and going, could have been drinking?
- 23 A. Theoretically yes, but I don't know.
- 24 Q. 481 And certainly if they started at 11 in the morning they would be well on by two  
14:17:52 25 in the afternoon?
- 26 A. No there was no question of drinking -- if they drank.
- 27 Q. 482 Well which is it Mr. O'Herlihy, either you can remember or you can't remember?
- 28 A. I'm saying to you, that to imply that people were drinking, from 11 o'clock in  
29 the morning until two in the afternoon, is completely absurd.
- 14:18:11 30 Q. 483 But for you to say that you have no recollection and then to say its completely

14:18:15 1 absurd and rule it out is also absurd?

2 A. I'll tell you why its absurd, because people were waiting for the count or

3 waiting for the result of the Council vote, so they were not likely to be

4 completely jarred or hammered, by the time the result came in, so it was

14:18:31 5 important.

6 Q. 484 I'm not even suggesting?

7 A. That's the implication of drinking for three hours.

8 Q. 485 Well I asked you the question were the other people in the company drinking?

9 You deny that you were drinking.

14:18:41 10 A. I'm not --

11 Q. 486 You said you couldn't remember. Now are you changing your evidence?

12 A. If you want to call it changing my evidence, I can't remember but I doubt very

13 much if any of us was drinking.

14 Q. 487 Well surely the phrase drowning your sorrows relates to drink and not to

14:18:57 15 coffee.

16 A. I made that point already this morning that that was simply a figure of speech,

17 obviously you guys who are very literate can tell me I was wrong to say it, but

18 I didn't say it in the context of drink.

19 Q. 488 But its a suspicious factor in the very suspicious scenario that's arising in

14:19:15 20 relation to this conversation. Could I come along to, as it were, the meat of

21 the situation here. This is the remembered conversation between yourself and

22 you allege Mr. Lynn and that's denied since this morning. And I'm looking at

23 page 15 internal, page 30 of the transcript and you say here -- I'm looking at

24 line 6 on page 15 internal, he said "A hundred thousand pounds" he mentioned

14:19:56 25 specifically Fianna Fail. Now and then you go ahead on page 9, there seems to

26 be a question missing but that's a matter for the Tribunal, you go ahead anyhow

27 in reply to some other type of question and you say "And well I mean hang on a

28 second now, my recollection is that he mentioned Fianna Fail, I had to be very

29 careful here now because everything I am talking about is anecdotal" we can

14:20:21 30 agree on that?

14:20:21 1 A. Oh absolutely.

2 Q. 489 Even today its anecdotal "There is no material on tangible evidence or anything

3 like this in my relation with Monarch" is that correct?

4 A. Absolutely correct.

14:20:32 5 Q. 490 Yeah. This was a conversation in a bar --

6

7 CHAIRMAN: Sorry Mr. O Tuathail what's the page number?

8

9 MS. DILLON: The page reference Mr. O Tuathail are giving me are not the

14:20:44 10 correct references.

11

12 CHAIRMAN: What page.

13 Q. 491 Page 15 internal, page 30 on top right hand it would be helpful maybe to get it

14 up.

14:20:56 15

16 MS. DILLON: Well page 30 is page 8008 and its not the page in question.

17 Sorry 8008 that's page 30, is that the page?

18 Q. 492 Sorry that the page? Yes I think it is, I'm told it is. Yes it is. And he

19 said a hundred thousand pounds, he mentioned specifically Fianna Fail.

14:21:19 20

21 Now I am simply putting to you Mr. O'Herlihy how tenuous your own evidence is

22 in its own terms. First of all its anecdotal, we have covered that, then you

23 say there is no material or tangible evidence of anything like this in my

24 relation with Monarch. Then you follow that on by saying, this was a

14:21:37 25 conversation in a bar, in the bar of a hotel and it is entirely anecdotal. Now

26 why would you -- what do you imply by saying this was a conversation in a bar,

27 in the bar of a hotel?

28 A. Because it was entirely outside the parameters of the normal formal meetings

29 with Monarch, that's what I am implying in it, nothing whatever to do with

14:22:03 30 normal meetings with Monarch.



14:22:05 1 Q. 493 "I don't have any evidence of any sort to back it up" is that correct?  
2 A. That's absolutely correct.  
3 Q. 494 Yes. You said, then you go ahead at line 20 there "And he said he had. And if  
4 my memory is accurate, and I would in the swear to this" now I want to pause  
14:22:25 5 there, you are not swearing to this today either I take it?  
6 A. Well I've given the evidence under oath.  
7 Q. 495 No I am asking you, because of the seriousness of the allegation that's been  
8 floated around, "If my memory is accurate, and I would not swear to this  
9 because I just can't be a hundred per cent certain that I am giving you the  
14:22:49 10 right name, but I am almost sure the name was Don Lydon" now you are not  
11 swearing even today that it was?  
12 A. Well I suppose what that reflects is a kind of, the natural caution of taking a  
13 person's character and my recollection is that the name that I have given is  
14 the accurate name.  
14:23:15 15 Q. 496 Yeah because --  
16 A. But I couched it as I always would in a case like that, I hope to God I'm not  
17 wrong.  
18 Q. 497 Well if I go ahead to page 16, we will come back to that recollection because  
19 its central to the issues that you have raised here, albeit in terms of  
14:23:32 20 hearsay. Just looking at page 16 now, that's page 32 in the right hand top,  
21 once the vote was over there my involvement was ended, now I want to emphasise  
22 very strongly that I could be inaccurate with the name I have given you --  
23  
24 CHAIRMAN: Where is that, wait now --  
14:23:59 25 Q. 498 That's on page 16 internal, page number 32 on the top right, we better get it  
26 up.  
27  
28 MS. DILLON: Its up.  
29  
14:24:10 30 CHAIRMAN: Yeah okay line 15.

- 14:24:13 1 Q. 499 Yeah onwards. "Now I want to emphasise very strongly that I could be  
2 inaccurate with the name that I have given you. I am not certain that I am  
3 accurate but I could be inaccurate." now --  
4
- 14:24:26 5 MS. DILLON: Sorry I am not certain that I am inaccurate.
- 6 Q. 500 Yes, but I could be inaccurate. Yes, thanks Ms. Dillon for that. Now what  
7 exactly does that statement mean, given to Mr. Gallagher in July of 2000?  
8 A. It means exactly what it says, in the sense that I am pretty sure that the,  
9 that the name I have given the Tribunal and given Mr. Gallagher on that  
10 occasion, is the correct name, but having said that, as I say, natural caution  
11 is such that I just wanted to be, wanted to just put in that qualification.
- 12 Q. 501 But that's not a qualification, its a total contradiction, as I read it?  
13 A. Well its not really, it said I am not certain that I am inaccurate, but I could  
14 be inaccurate, that's a qualification.
- 14:25:15 15 Q. 502 Well now isn't that a 50-50 position, you are trying to have it both ways  
16 Mr. O'Herlihy?  
17 A. Listen I am not trying to have it anyway let me tell.
- 18 Q. 503 You either its true or its false?  
19 A. As far as I am concerned the evidence I have given is true and the name I have  
14:25:28 20 given is the name I recollect after 15 years, so it has to be couched in that  
21 length of time.
- 22 Q. 504 And this was, this name was given eight years on?  
23 A. That's right, exactly.
- 24 Q. 505 And you have already replied this morning that you took no action whatever in  
14:25:50 25 relation to that at the time, even though you professed to be shocked by the  
26 information?  
27 A. Well I certainly was shocked by the information, but I would have been  
28 ridiculed I any I had taken any action against an allegation that I couldn't  
29 prove one way or the other.
- 14:26:04 30 Q. 506 Well then if I go down to the following line there, line 21, same page, you are

- 14:26:11 1 referring again to the conversation and you say it was "It was entirely, the  
2 conversation was entirely anecdotal in the sense that it could have been a  
3 fellow boasting in a bar for all I know" now how vague is that? Whose the  
4 fellow?
- 14:26:31 5 A. Well you are literally interpreting a figure of speech, the fellow clearly is  
6 Richard Lynn, because that's the person I am talking about in that particular  
7 thing and the fellow is not somebody who is conjured out of the air, it related  
8 to a conversation I had with him.
- 9 Q. 507 And a fellow who boasts in a bar, doesn't he usually have drink on him?
- 14:26:54 10 A. Generally, yeah but I'm not saying he had on this occasion, I can't remember  
11 one way or the other.
- 12 Q. 508 Well metaphors are being re translated here. So in terms of your auditors, in  
13 terms of three people that were in your company, if that was the entire  
14 company, this could have been a sort of a drink sodden episode remembered in  
15 the tranquility of Dublin Castle eight years later?
- 16 A. Well I have told you already it was not a drink sodden recollection, I think I  
17 made that very clear to you.
- 18 Q. 509 Well you were certainly sober yourself on your own evidence. I want to, I want  
19 to go and deal with this though, you then say and I think you answered  
14:27:38 20 Mr. Sanfey, you then go ahead to say that of course this didn't relate to the  
21 Monarch transaction that was afoot that particular day, is that correct?
- 22 A. I don't think so, I don't think that's what I said.
- 23 Q. 510 Well if I could, if I could go back on some of the replies you gave this  
24 morning in cross-examination either to Ms. Dillon or to Mr. Sanfey, when  
14:28:07 25 Mr. Sanfey put it to you about material contraventions and planning which  
26 wasn't the business afoot in the council offices on that morning, you did say  
27 and I'm quoting you here I hope accurately, "There could have been talking  
28 about planning an material contraventions in a broader context?"
- 29 A. Oh yeah that's right I did say that, yes.
- 14:28:35 30 Q. 511 So there is two possible contexts now arising on your evidence. One is there

14:28:40 1 was a specific context, that this particular motion and vote in which Senator  
2 Lydon was involved and 72 other councillors, that a hundred thousand pounds had  
3 been spent to secure a positive vote and for some reason this project had  
4 failed, isn't that one context? And the other context is that somebody was  
14:29:04 5 explaining to you, generally, how the building industry, over the years had  
6 bought planning permissions and material contraventions?

7 A. Yeah correct.

8 Q. 512 Yeah. And you also said in relation to that, you said it twice in your  
9 evidence this morning, "I don't know whether they were talking generally or  
14:29:24 10 about the particular project" isn't that support the --

11 A. Yeah.

12 Q. 513 Yeah. So that, as it were, that gives Monarch a clean slate, in relation to  
13 the business being transacted in Dublin City Council that morning.

14  
14:29:38 15 CHAIRMAN: Well Mr. O Tuathail I remember Mr. O'Herlihy clearly stating in  
16 response to that series of questions, that the -- this conversation with  
17 Mr. Lynn arose in the context of him raising the issue specifically in relation  
18 to the vote that day and whether, the word or term merit was mentioned, that's  
19 the context in which Mr. O'Herlihy explains he raised the issue or at least he  
14:30:18 20 raised the issue of vote on that particular day, and then he said Mr. Lynn went  
21 on to say what he said.

22 Q. 514 Well thank you Mr. Chairman, could I then refer the Tribunal and the witness to  
23 page 20 internal?

24  
14:30:40 25 MS. DILLON: 8019 please. Now at line four its coming towards the end of the  
26 conversation with Mr. Gallagher and on line four he says "Now I am not --

27

28 CHAIRMAN: That should be 8018.

29 Q. 515 Yes the third line down "Now I am not saying that that was the way it worked  
14:31:09 30 for Monarch on this particular project, but what he was explaining to me was

14:31:13 1 the way it worked as a general principle for the construction industry people  
2 looking for planning commissions" that's probably permissions. So therefore  
3 Mr. O'Herlihy, this is your statement six years ago, clearly this conversation  
4 that you had, if you had it and if you heard it correctly, this was giving a  
14:31:38 5 general background from somebody in the company about how planning permissions  
6 worked or were obtained in reality by bribery, isn't that correct?  
7 A. Yes, that is an interpretation.  
8 Q. 516 Yeah. And that allowed you, with clear conscious then, to present your final  
9 bill some few days later, to Monarch for the work you had already done on the  
14:32:10 10 project?  
11 A. You are joking I hope are you?  
12 Q. 517 No I am asking you the question straight up.  
13 A. They are completely irrelevant, I don't understand why you should ask that  
14 question.  
14:32:18 15 Q. 518 Because you said you were shocked, I'm exploring your state of mind.  
16 A. Listen I have gone through.  
17 Q. 519 From the time you heard this and your reaction to it, I am quite entitled to  
18 ask the question.  
19 A. Well I have gone through the answer.  
14:32:30 20 Q. 520 Please do it again.  
21 A. The answer simply is, that there were no facts whatsoever to back up the  
22 allegation made. Now it is very easy to be here in the Tribunal be pompous  
23 about did you go to the Gardai, did you go to Fine Gael, did you go to the  
24 Manager did you do this?  
14:32:48 25 Q. 521 I didn't ask you any of this?  
26 A. I know that the questioners were asked what am I going to say? I hear this  
27 that and the other. I would be a complete ridiculed idiot. I had no evidence  
28 and I made it very clear to John Gallagher. I had no evidence whatsoever, I am  
29 simply re telling a conversation, I don't know what weight you put tonne that's  
14:33:07 30 for the Chairman of the Tribunal, I can't put any weight because I don't know

14:33:11 1 whether its true or not, I said that to John Gallagher and I said it again  
2 today.

3 Q. 522 But you were also relating this hundred thousand pounds issue to a general  
4 situation in the building industry and not to the specific vote that was taking  
14:33:25 5 place in Dublin council offices that morning, is that correct?

6 A. That is not correct, that's not what I said.

7 Q. 523 Well will I read it -- you can read it there.  
8

9 MS. DILLON: I think in fairness to the witness if Mr. O Tuathail is going  
14:33:37 10 select a portion from the transcript that relates to a portion of the answer he  
11 should go back to the question that was originally put which he will find on  
12 page 8014 and while the answer is quite lengthy it might assist the witness in  
13 making any clarification, rather than simply selecting a portion of it?

14 A. Thank you.

14:33:55 15 Q. 524 Now which page are we talking about?  
16

17 MS. DILLON: Question, the portion of which Mr. O Tuathail selected at page  
18 8016, commences at page 8014 and the question at line 39, was there any other  
19 politician mentioned that you can recall? And then the answer commences, it  
14:34:12 20 goes on for another page.

21 Q. 525 Hold on now, can you give me the internal pagination.  
22

23 MS. DILLON: Internal page 18. Question commences at question 39, it  
24 continues on the next page and concludes on the third page.

14:34:31 25 Q. 526 Yeah. "Was there any other politician mentioned that you can recall?" and then  
26 the witness goes ahead and he says "No, well I don't know. I mean the natural  
27 inquisitive question for me would have been to say well who was the person in  
28 Fine Gael who was the person in the Labour Party. But I never asked that  
29 question, I don't know why I didn't ask the question.  
14:34:58 30

14:34:58 1 In fact if I remember looking back at it, I don't remember any Fianna Fail  
2 people coming in and seeing the project, but it wouldn't have followed that  
3 that -- that they hadn't because you see my function really would have been to  
4 deliver other than the Fianna Fail, I mean it would have been a particular  
14:35:17 5 connection with Fine Gael and maybe Labour, because of the coalition, you know,  
6 but they would have assumed automatically that I didn't know much about -- I  
7 didn't know anything about Fianna Fail.

8  
9 Now I think Mr. O'Herlihy, just in passing, you are saying there "I didn't know  
10 anything about Fianna Fail" you are being more or less positively asserting  
11 that you had no connection with Fianna Fail in this, in this particular  
12 campaign, is that correct?

13 A. No, that's not, that wouldn't be entirely correct but the greater emphasis  
14 would have been on Fine Gael and to an extent Labour, but there would have been  
14:35:56 15 presumably been some Fianna Fail people as well.

16 Q. 527 Now then do you return, sorry I have to go back on this now because I have been  
17 pulled up by Counsel for the Tribunal, but on page 19 question 41 and your best  
18 recollection.

19  
14:36:12 20 CHAIRMAN: Is that the next Page sorry its on this one, number 41.

21 Q. 528 To your best recollection that was Don Lydon? Answer: Yes to the best of my  
22 recollection. My understanding that he didn't get a hundred thousand pound, he  
23 got the hundred thousand top distribute. How much he got of it I have no idea,  
24 but the idea was that he would actually ensure that the votes, that the Fianna  
14:36:38 25 Fail votes would be, although there might have been other votes as well but  
26 there he would be able to deliver a certain number of votes on that and we pay  
27 them what would be regarded as the appropriate fee for the vote and what was  
28 left over he would keep for himself" so we are talking about Senator Lydon at  
29 this stage. And then we go ahead to page 20 and you say quite emphatically, at  
14:37:00 30 page 4 on page 20, we might as well get that up on screen, line four rather on

14:37:06 1 page 20.  
2  
3 CHAIRMAN: What page is this?  
4  
14:37:09 5 MS. DILLON: 8018.  
6 Q. 529 Page 20 internal.  
7 That was the function of the man who was the point, as it were and the way they  
8 explained it to me, they, was that there was usually one from each party and  
9 that was the way it normally worked. Now having discussed Senator Lydon,  
14:37:34 10 having discussed Fianna Fail, they then, he then adds what I was putting to the  
11 witness before I was interrupted "Now I am not saying that that was the way it  
12 worked for Monarch on this particular project", so there is no doubt whatever  
13 on any interpretation of that, is there Mr. O'Herlihy, that you were  
14 exculpating Monarch on this particular project in relation to this rumoured  
14:38:01 15 hundred thousand pounds?  
16 A. What I am doing there is trying to, obviously in a fairly garbled way, I am  
17 trying to be as fair as possible, I didn't know one way or the other whether it  
18 was true. So that's why I was saying it is not, I'm not saying that that's the  
19 way it worked for Monarch on that particular project, because I have no  
14:38:21 20 evidence one way or the other to support that.  
21 Q. 530 But you are saying affirmatively.  
22 A. You are putting two, excuse me, you are putting too positive a response on that  
23 spin if you can use a PR expression on that particular line.  
24 Q. 531 Well could I just repeat the line to you, it couldn't be my view, but I  
14:38:39 25 shouldn't give a view, could it be more emphatic than this Mr. O'Herlihy "Now I  
26 am not saying that that was the way it worked for Monarch on this particular  
27 project" then you go ahead to give your reasons for denying that, "But what he  
28 was explaining to me was the way it worked as a general principle for the  
29 construction industry people looking for planning permissions" now isn't  
14:39:01 30 that -- you are agreeing with that I take it?



14:39:03 1 A. Well what I am saying to you is that you can interpret now I am not saying that  
2 that was the way it worked for Monarch as a qualification if you want to put it  
3 that way. You see I am being asked to be specific on certain points that were  
4 raised to me in a conversation, and I have no idea how to interpret these  
14:39:25 5 things accurately because I have no idea what the background was.

6 Q. 532 What might have been the motive of your informant, would you hazard any guess  
7 in this conversation Mr. O'Herlihy?

8  
9 MS. DILLON: I don't --

14:39:42 10 Q. 533 Why would somebody point a finger at Senator Lydon.

11  
12 MS. DILLON: I don't want to interrupt.

13  
14 MR. O'HIGGINS: If I might interrupt that surely is a question for Mr. Lynn if  
14:39:52 15 at all? Mr. O'Herlihy has already repeatedly told the witness what was said.

16  
17 CHAIRMAN: How can Mr. O'Herlihy guess as to what was in the mind of Mr. Lynn?  
18 If he said this to him?  
19 I didn't ask him about and I didn't mention Mr. Lynn's name, I don't think it  
14:40:10 20 has been established in evidence that he was talking to Mr. Lynn.

21  
22 CHAIRMAN: It says --  
23 He was talking to three people in a bar, and he can't recollect the time he  
24 spent in the bar.

14:40:21 25  
26 CHAIRMAN: Wait now, you said -- you asked, what might have been the motive of  
27 your informant? Which I understand to be Mr. Lynn according to Mr. O'Herlihy,  
28 would you hazard any guess in this conversation and that's clearly a question  
29 that Mr. O'Herlihy can only have an opinion about, and we don't necessarily  
14:40:42 30 want to know, or need to know his opinion.

14:40:46 1 Yeah but -- what he does say, what he does say in relation to having or not  
2 having opinions Mr. Chairman -- hold on now.

3  
4 CHAIRMAN: But the question you are asking is, why do you, Mr. O'Herlihy  
14:41:07 5 think, Mr. Lynn said this to you? Now I can't see how Mr. O'Herlihy can give  
6 that, an answer to that, other than --

7 Well Mr. Chairman I want to correct that, I never mentioned Mr. Lynn's name.

8  
9 CHAIRMAN: No you talked about his informant.

14:41:27 10 His informant yes.

11  
12 CHAIRMAN: Who we have been told repeatedly today, that that was Mr. Lynn.  
13 Yes on Mr. O'Herlihy's evidence, I don't accept that necessarily. I have  
14 listened this morning to careful examination of the witness by Mr. Sanfey and I  
14:41:41 15 am not at all convinced, there were three people in the company, one of them  
16 was coming and going --

17  
18 CHAIRMAN: But the question, the evidence is quite clear from Mr. O'Herlihy as  
19 to who he says the informant of this information was and that was Mr. Lynn. He  
14:41:58 20 has never indicated that any snippet of information on this issue came from  
21 anyone else who might or might not have been there for all or part of the  
22 conversation.

23 Well if I come back to the issue of opinion --

24  
14:42:14 25 MR. O'HIGGINS: Mr. Chairman I don't think Mr. O'Herlihy is in the slightest  
26 need of protection from me, but at the same time, might I just ask that if  
27 Mr. O Tuathail has some case to put, then I have no objection to his putting  
28 it, but is he making the proposition now that this was said by somebody to  
29 Mr. O'Herlihy but not by Mr. O'Herlihy? Because there is no evidential  
14:42:41 30 foundation of any description for the proposition that somebody else said

14:42:45 1 something to Mr. O'Herlihy and how therefore can Mr. O Tuathail ask any  
2 question about the motivation of some party unknown. I think the Chair has  
3 already said --  
4

14:42:56 5 CHAIRMAN: I don't think anybody can answer ask that question of  
6 Mr. O'Herlihy, unless Mr. Lynn or the or anyone else said the reason I am  
7 saying this to you is because I am angry, or whatever. He can't, he shouldn't  
8 be asked --  
9

14:43:14 10 MR. O'HIGGINS: Obviously Mr. O Tuathail can, but the question is whether he  
11 may. In my respectful submission he can't.  
12

13 CHAIRMAN: I think we made it clear Mr. O Tuathail we don't -- we can't permit  
14 you to ask this witness as to what he thinks was in the mind of the person who  
15 gave him this information.  
16

17 MR. O TUATHAIL: Very well Mr. Chairman if that's your ruling in the matter.  
18

19 Q. 534 The next question I want to ask you Mr. O'Herlihy is the, when this  
14:43:46 20 conversation took place, or this portion of the conversation, the allegation  
21 that's made, was it before or after the news arrived about the vote and the way  
22 the vote had gone in the council chamber?

23 A. My recollection is that that was a conversation that took place before the vote  
24 was in.

14:44:10 25 Q. 535 And how does that square with Senator Lydon's actions in the council chamber on  
26 the vote, where he withdrew a Monarch proposal and instead proposed the  
27 manager's proposal, the official's proposal for the vote, which turned out 35  
28 to 33 against?

29 A. I don't know.

14:44:38 30 Q. 536 Now but, in other words isn't that another --

- 14:44:42 1 A. I think we are getting away from the main point with respect sir, I am simply  
2 re telling a conversation that took place, I am not interpreting what anyone  
3 did in any other location such as the council, I don't know. I haven't a clue.  
4 I am simply telling you what was told to me.
- 14:44:57 5 Q. 537 Well we are exploring the context or the res jecte if we go to Munster Irish,  
6 in relation to what happened in the bar and your recollection of it, because a  
7 very serious and poisonous allegation has emerged in relation to my client and  
8 its hedged around, with all the caveats you have put in yourself Mr. O'Herlihy,  
9 and its very much a question of opinion, whether you ever heard the name of my  
14:45:27 10 client in that context or not, that's why I am pursuing this matter, because  
11 the context is very important in relation to this, its all we have in a hearsay  
12 situation, to grasp and to deal with.  
13  
14 For instance, if I could advance matters this far Mr. O'Herlihy, what you did  
14:45:46 15 say this morning in relation to whoever gave you this information in the bar,  
16 you said the person could have been taking the Mickey out of me, do you  
17 recollect saying that this morning?
- 18 A. I do, I do indeed.
- 19 Q. 538 Yeah. How does that square with any serious recollection?
- 14:46:04 20 A. The recollection has nothing to do with my interpretation of the recollection.  
21 The recollection is as I put it, under oath, a fact. Now how you interpret it  
22 and how I interpret it is an entirely different matter.
- 23 Q. 539 Yeah and you also said in answer to cross-examination this morning you say the  
24 answer could have been generic in the way industry normally operates, that's  
14:46:28 25 the industry context rather than the specific context?
- 26 A. Yeah, yeah.
- 27 Q. 540 And do you accept that -- you accept I think that Senator Lydon did propose the  
28 manager's proposal on that occasion in the council chamber?
- 29 A. If its a fact its a fact.
- 14:46:46 30 Q. 541 Yeah. And -- very well. and towards the end of your conversation then with

14:47:21 1 Mr. Gallagher I think you expressed some concern about --  
2  
3 CHAIRMAN: What page number is this?  
4 Q. 542 I will retrieve the page now towards the very end I think. Yeah, page 25  
14:47:53 5 internal at line --  
6  
7 MS. DILLON: 8028 please.  
8 Q. 543 I think you say there, you are talking to Mr. Gallagher towards the very end of  
9 the conversation and you say at line 19 "The one point that I would like for  
14:48:18 10 you to bear in mind, from my perspective, is that I have had a number of  
11 newspaper journalists from the Sunday Tribune and RTE, a couple of programmes  
12 from RTE querying me about this, the concern that I have in surfacing at all is  
13 that by association with Frank Dunlop, it damages me and I am very concerned  
14 that I am seen to be, even by the people who read the headlines, that because  
14:48:39 15 of the fact that I am on television that I have a somewhat higher profile than  
16 the average guy" you recollect making that statement to Mr. Gallagher?  
17 A. I don't recollect it, but I'm sure I made it.  
18 Q. 544 Yeah and that was in the year 2000?  
19 A. Yeah.  
14:48:56 20 Q. 545 So any, I think worry about association with Mr. Dunlop would have faded in the  
21 interval?  
22 A. What do you mean by that?  
23 Q. 546 Well you wouldn't be as worried today as you were in the year 2000 when you  
24 expressed those views to Mr. Gallagher?  
14:49:15 25 A. I can't remember.  
26 Q. 547 Yeah.  
27 A. I don't know why I said it.  
28 Q. 548 I'm looking at page 22 internally and just to put it to you Mr. O'Herlihy --  
29  
14:49:41 30 MS. DILLON: 8022.

14:49:42 1 Q. 549 Sorry yeah, you are operating from memory, its line number 20, its an answer.  
2 They are talking about the date, Mr. Gallagher is talking about the date of the  
3 vote and he says "Oh it was, I think it would be at the very latest '93, but I  
4 don't have any files in the office now, because I would have thrown them out"  
14:50:02 5 so you had, by the time you were talking to Mr. Gallagher you had dispersed, or  
6 thrown out all your files?

7 A. Oh I had yeah, yeah.

8 Q. 550 Thank you.

9

14:50:13 10 CHAIRMAN: All right anyone? Mr. O'Higgins do you want to ask your client?

11

12 **THE WITNESS WAS THEN EXAMINED BY MR O'HIGGINS.**

13

14 MR. O'HIGGINS: I have really only one composite question with maybe two bits

14:50:26 15 of it. I think Mr. O'Herlihy, that in the course of Mr. Dillon's examination

16 on behalf of the Tribunal your attention was drawn to a bill for, I think

17 January 1992, which included a number of items I think telephone calls,

18 meetings and a meeting with Mr. Frank Dunlop, its page 7771, I wonder if we can

19 have that up? Phone calls, briefing discussions, meeting Frank Dunlop, between

14:50:55 20 the 7th and 18th January. Can you indicate how long is billed for that series

21 of things?

22 A. Well the series is billed for one hour in total.

23 Q. 551 Yes?

24 A. So I must have met Frank Dunlop but I have no recollection it have because I

14:51:14 25 wouldn't have put it down unless I had met him, so it would have been, I would

26 have thought, considering briefing discussions would have been with

27 councillors, phone calls presumably to councillors as well and meeting Frank

28 Dunlop would be a very small part that have as well, I couldn't imagine it

29 would be longer than a quarter of an hour or something T, could have been a

14:51:34 30 casual cup of coffee might have a a casual meeting in a hotel, I don't know, I

14:51:39 1 can't remember. Because he had nothing to do with the campaign as far as I was  
2 concerned.

3 Q. 552 This is what I was going ask you, because some pages were put to you by  
4 Mr. Sanfey and I don't want to go back to them in detail at present, but I'm  
14:51:53 5 suggesting and we'll deal with this if there is evidence to that effect later,  
6 that they don't indicate an involvement by Mr. Dunlop in factor no certainty of  
7 an involvement by Mr. Dunlop on the 27th of May 1992, now can you say when you  
8 were involved up to the 27th of May for which you billed on the 29th, can you  
9 remember Mr. Dunlop having to your knowledge, any association with any of the  
10 affairs of Monarch?

11 A. No, as far as I am concerned he had nothing whatever to do with the campaign,  
12 the campaign was being directed by me in association with Richard Lynn, I think  
13 Pembroke PR may have been on a retainer basis I am not quite certain because  
14 they are mentioned as well, but Frank Dunlop was never part of any campaign,  
15 any part of the campaign as far as I was concerned.

14:52:41 16 Q. 553 So can you think of any reason why on the 27th of May 1992, being asked about  
17 it several years later, that Mr. Dunlop would know whether Mr. Richard Lynn was  
18 in or out of the council chamber at any given time?

19 A. Well not in the context of working on this particular campaign he wouldn't have  
14:53:04 20 had any role whatever, I don't know why he was in the council chamber, he  
21 certainly wasn't there for this particular campaign anyway.

22 Q. 554 Yes. Thanks very much.

23  
24 CHAIRMAN: All right. Just before Mr. O'Herlihy goes, and this is really  
14:53:19 25 directed at Mr. Sanfey, is it your client's case, because if it is I think it  
26 should be put to Mr. O'Herlihy before he leaves the witness box, is it his case  
27 that he did not meet Mr. O'Herlihy on that day, on the day of the vote, the  
28 day Monarch lost the vote at all? I know he disputes saying what Mr. O'Herlihy  
29 says he said to him and when it might have been said, but is it his case that  
14:53:48 30 he didn't meet him at all that day?

14:53:50 1  
2 MR. SANFEY: I don't understand that to be his case. I understand he met  
3 Mr. O'Herlihy early in the morning. But I would like an opportunity to take  
4 instructions on that, Chair, if you just give me a couple of moments, it  
14:54:03 5 certainly is his case that from the time he went into the chamber, he didn't  
6 see Mr. O'Herlihy again, but -- I wonder if I could just take instructions on  
7 that.

8  
9 CHAIRMAN: Yes certainly.

14:55:20 10  
11 MR. SANFEY: Chairman, Mr. Abrahamson has taken instructions and Mr. Lynn will  
12 say that he can not recall with certainty whether he met Mr. O'Herlihy on the  
13 morning before the meeting, but that once he went into the meeting he didn't  
14 see Mr. O'Herlihy again, didn't have contact with him.

14:55:47 15  
16 CHAIRMAN: All right. That's fine. Thank you. Thank you Mr. O'Herlihy.  
17 Thank you very much.

18  
19 **THE WITNESS THEN WITHDREW**

14:55:56 20  
21 MR. QUINN: Mr. William Dockrell please.

22  
23  
24  
25  
26  
27  
28  
29  
30



**WILLIAM DOCKRELL, HAVING BEEN SWORN, WAS EXAMINED**

**AS FOLLOWS BY MR. QUINN:**

- 14:56:03 1
- 2
- 3
- 4 CHAIRMAN: Good afternoon Mr. Dockrell.
- 14:56:40 5 Q. 555 Good afternoon Mr. Dockrell, Mr. Dockrell I think you are a member of the Fine  
6 Gael party and on the 13th of July 1995 you were co-opted on to Dun  
7 Laoghaire/Rathdown as County Council as a councillor, is that correct?
- 8 A. That's correct yes.
- 9 Q. 556 And I think you were re-elected in the 1999 local elections, is that correct?
- 14:56:59 10 A. That's correct.
- 11 Q. 557 You were asked for a statement by the Tribunal by letter of the 9th March 2006  
12 at pages 389 and 390 and at 391 to 392 you provided a statement on the 9th of  
13 March 2006, isn't that correct?
- 14 A. That's correct.
- 14:57:19 15 Q. 558 I think in that statement you say that you had no contacts with any of the  
16 companies or agents in the Monarch Group, isn't that right?
- 17 A. To the best of my knowledge and belief, yes.
- 18 Q. 559 You say that on reflection you did meet, albeit briefly, as you recall on an  
19 informal basis, Messrs Lynn, Sweeney and Reilly?
- 14:57:38 20 A. That's correct.
- 21 Q. 560 You say you understand that they attended a number of Council or special  
22 meetings in the months proceeding the 1999 local elections, and you recall  
23 being introduced to them either within the confines of the County Hall building  
24 in Dun Laoghaire, or possibly at an informal reception, you say that as far as  
14:57:56 25 you recollect you never meet either formally, or otherwise, Messrs Monahan,  
26 Gilane or indeed Mr. Dunlop, although you will instantly recognise Mr. Dunlop  
27 from his numerous appearances on TV, is that correct?
- 28 A. That's correct.
- 29 Q. 561 You say that having examined your files you recall receiving a payment of 500  
14:58:14 30 pounds, you think the figure is correct, by cheque from Mr. Richard Lynn,

- 14:58:20 1 Dunloe Ewart PLC by letter dated 13 of March 1999 is that correct?
- 2 A. That's correct.
- 3 Q. 562 You say the donation was as you understand it given to you in good faith and  
4 received by you in good faith as a donation towards your election expenses.
- 14:58:34 5 You say it was not a favourable payment for voting, as an elected  
6 representative on any issue or issues affecting lands at Cherrywood or any  
7 other lands in or around the Dublin area, is that correct?
- 8 A. That's correct.
- 9 Q. 563 I think in fact you go on at page 392 to say that as you have already stated  
14:58:57 10 any donations you received were given to you solely for your election expenses  
11 and were accepted by you as such. And you say, you also say I might also  
12 mention that I made a statement to the gardai to that effect, is that correct?
- 13 A. That's correct.
- 14 Q. 564 In what circumstances did you come to make a statement to the gardai in  
14:59:15 15 relation to this matter?
- 16 A. Well the, I was approached by them, not the local gardai I think these  
17 particular gardai were attached to Dublin Castle, if I remember it correctly.  
18 And they asked me to make a statement. Now I have searched my files and I  
19 don't actually have a copy of that statement but this was a number of years  
14:59:39 20 ago.
- 21 Q. 565 How many years ago?
- 22 A. I think it was about three or four years ago now actually.
- 23 Q. 566 Now just in relation to the 500 pounds you say you received from Mr. Lynn, did  
24 you know Mr. Lynn when you received that money?
- 14:59:55 25 A. I would have met him previously, yes.
- 26 Q. 567 You have I think in your statement, as I have read it, said that Messrs Lynn,  
27 Sweeney and Reilly attended a number of council and special meetings in the  
28 months preceding the 1999 local elections is that right?
- 29 A. That's correct.
- 15:00:12 30 Q. 568 And you say you recall being introduced to them within the confines of the

- 15:00:16 1 council buildings is that right?
- 2 A. That's correct.
- 3 Q. 569 From that I take it that prior to months preceding the 1999 local elections you
- 4 had never met Mr. Lynn?
- 15:00:27 5 A. That's correct, yeah, yes.
- 6 Q. 570 So you had been a councillor from 1995 until shortly and you had remained a
- 7 councillor, but you had not met Mr. Lynn until shortly prior to the 1999 local
- 8 elections?
- 9 A. That is correct sir and that's to the best of my knowledge.
- 15:00:45 10 Q. 571 Yes. And then somebody introduced you to Mr. Lynn shortly prior to those
- 11 elections and you say you received subsequently an unsolicited 500 pound
- 12 contribution to your election campaign?
- 13 A. That that's correct yes, that was sent to me. I actually have the letter here,
- 14 I brought it in.
- 15:01:03 15 Q. 572 And do you know why Mr. Lynn would have given you a contribution in those
- 16 circumstances?
- 17 A. I think it was just in relation to donation for my election expenses, I
- 18 wasn't -- you know it was my first election and at that stage I hadn't a clue
- 19 what it was going to cost, but as, you know as I say, as I accepted it in good
- 15:01:32 20 faith and it was understandably given to me in good faith.
- 21 Q. 573 Can I ask you did you receive many unsolicited 5007 pounds donations towards
- 22 that 1999 campaign?
- 23 A. I received a number of donations.
- 24 Q. 574 No but did you receive many unsolicited 500 pounds or greater donations?
- 15:01:50 25 A. No.
- 26 Q. 575 This stood out?
- 27 A. This particular one I do remember because on reflection and on examining my
- 28 1999 file I came across the letter.
- 29 Q. 576 Would you say it was an unusual donation first of all you barely knew Mr. Lynn
- 15:02:11 30 at that stage isn't that right?

- 15:02:11 1 A. I wouldn't have known him that well no.
- 2 Q. 577 It was unsolicited that is correct?
- 3 A. That's correct.
- 4 Q. 578 It was for 500 pounds?
- 15:02:13 5 A. 500 punt.
- 6 Q. 579 How would 500 pounds compare to other donations you would receive at that time?
- 7 A. It would be a lot bigger certainly.
- 8 Q. 580 Do you know if anybody else received similar unsolicited donations in or about
- 9 1999?
- 15:02:27 10 A. I couldn't recall for certain now, you know, on that.
- 11 Q. 581 Did Mr. Lynn, Mr. Murray, sorry Mr. Lynn, Mr. Sweeney or Mr. Reilly ever ask
- 12 you to vote on any of their proposals be it Dunloe Ewart or indeed Monarch
- 13 proposals?
- 14 A. No these were discussed at our group meetings, I mean they were quite a number
- 15:02:53 15 of them in the years, well months preceding the '99 election as part of the
- 16 Development Plan.
- 17 Q. 582 Yes. These were the, would have come up in the normal way in the review of the
- 18 1993 plan as varied, isn't that right?
- 19 A. That's correct.
- 15:03:07 20 Q. 583 There had been a variation when you came to the Council in '95?
- 21 A. That's correct yes.
- 22 Q. 584 But there was a review I think which commenced in May or June 96 and I think
- 23 throughout '97 and in the early part of '98?
- 24 A. 98, I think you are correct there.
- 15:03:23 25 Q. 585 In January '98 I think, if we could have 2617, there were at least 3 or 4
- 26 proposals or motions which would have benefited the Monarch lands, isn't that
- 27 right?
- 28 A. That's correct.
- 29 Q. 586 Did you support those proposals at that time?
- 15:03:39 30 A. We would have discussed it at group meeting, the Fine Gael group and I think

15:03:47 1 most Fine Gael councillors anyway would have, including myself, would have  
2 supported them and I am just speaking on memory now although the evidence would  
3 be there on record.

4 Q. 587 Yes. There appears to have been a practice within the council certainly by  
15:04:02 5 1998 of not recording the vote on all occasions, in other words those voting  
6 for and against motions don't appear to have been listed.

7 A. Well I would have thought that certainly the main motion, now you are going  
8 back to 1997 sir and '98 that's a while back, I would have thought that they  
9 would have been certainly in the minutes of the meeting.

15:04:25 10 Q. 588 Not in all cases, but in fact in relation to some of the Monarch proposals they  
11 were passed by unanimously in some cases, isn't that right?

12 A. That's correct.

13 Q. 589 When they came up for confirmation in June 1998 I think apart from a motion by  
14 Councillor Fitzgerald and Smith, which is recorded, if I could have 2647, which  
15:04:47 15 is a motion to rescind map 10, changes 4, which would have restricted the  
16 extension of the Science and Technology Park, that motion is recorded and I  
17 think you voted against the proposal which would have, had it been successful,  
18 would have restricted the extension of the park, isn't that right?

19 A. That's correct.

15:05:09 20 Q. 590 And is it your evidence to the Tribunal that you were never lobbied by anybody  
21 on behalf of Monarch and never lobbied by Mr. Lynn in relation to any matter?

22 A. No, no.

23 Q. 591 Thank you very much?

24 A. Thank you.

15:05:23 25

26 CHAIRMAN: Thank you very much Mr. Dockrell.

27

28 **THE WITNESS THEN WITHDREW**

29

15:05:28 30 MR. QUINN: Mr. Trevor Matthews please.

15:05:36 1  
2 **TREVOR MATTHEWS, HAVING BEEN SWORN, WAS EXAMINED.**  
3 **AS FOLLOWS BY MR. QUINN:**  
4

15:05:51 5 CHAIRMAN: Good afternoon Mr. Matthews.

6 Q. 592 Thank you Mr. Matthews, I think you first came to be a member of Dublin County  
7 Council in March 1992 in succession to a colleague who was promoted to Junior  
8 Minister, is that correct?

9 A. That's correct, Tom Kitt.

15:06:18 10 Q. 593 Yes. You are a member of the Fianna Fail party?

11 A. Yes.

12 Q. 594 And I think you continued to be a member of Dun Laoghaire/Rathdown County  
13 Council, after it was formed, in January '94 is that correct?

14 A. That is correct.

15:06:29 15 Q. 595 Can I just ask you in the first instance about a series of motions which  
16 carried your name and which appear to be dated the 17th November 1997, if I  
17 could have 7286 please? This is a motion which was put in on the review of the  
18 1993 plan as varied, its signed by a number of councillors but the second  
19 councillor who has signed the motion would appear to have been you?

15:06:56 20 A. That's correct yeah.

21 Q. 596 That's a motion to extend the area of the Science and Technology Park, isn't  
22 that correct?

23 A. Yes that is correct.

24 Q. 597 And I think there is a map accompanying that motion which also bears your  
15:07:08 25 signature and then there is a further motion at 7288, its a motion extending  
26 the district centre into an area which had previously been zoned for  
27 residential purposes isn't that right?

28 A. That is correct.

29 Q. 598 And that contains your signature also is that correct?

15:07:24 30 A. It does, yes.

- 15:07:25 1 Q. 599 And that was accompanied by a map and we can see that map at 7289 and then  
2 finally, there is a motion if I could have 2587, its a motion seeking to delete  
3 from a draft written statement a restriction on the redevelopment?  
4 A. On the redevelopment that's correct.
- 15:07:46 5 Q. 600 Of a district centre is that correct?  
6 A. That's correct.  
7 Q. 601 I think in the 93 plan the district centre which had the C zoning had been  
8 limited to retail elements the size of a neighbourhood centre?  
9 A. Neighbourhood centre, that is correct.
- 15:08:00 10 Q. 602 You will, as I have demonstrated there, you have signed those three motions?  
11 A. I did.  
12 Q. 603 And the three maps isn't that right?  
13 A. I did, that's right.  
14 Q. 604 You were asked I think for a statement earlier this year in relation to your  
15:08:16 15 contacts with Monarch and their representatives, if I could have 1530 please, a  
16 letter of the 10th March 2006 and amongst the matters that were required of you  
17 to provide details to the Tribunal, were your contacts with the late  
18 Mr. Phillip Monahan, Richard Lynn, Eddie Sweeney, Dominic Glennane, Phillip  
19 Reilly Frank Dunlop and others and then you were asked for any payments or  
15:08:44 20 benefits you might have received from either the Monarch Group or any of those  
21 people is that correct?  
22 A. That is correct.  
23 Q. 605 I think you replied if I could have 1532, on 14 March of 1996, I just propose  
24 to read that statement to you if I may, you refer to the letter of the 10th  
15:08:59 25 March which I have just had on screen, you say "I had had no real involvement  
26 with the lands in question and the only person that I can recall contacting me  
27 was Richard Lynn and I think it was sometime in the mid 1990s, I have no  
28 recollection of being contacted, or meeting any of the other people listed in  
29 your letter, concerning these lands.  
15:09:18 30

15:09:18 1 I was not a councillor in 1989 as I was only co opted to replace Tom Kitt early  
2 in 1992.  
3  
4 Do I recall making a contribution in the Dun Laoghaire Rathdown Council chamber  
15:09:32 5 sometime during the process saying it was wrong to limit the retail element of  
6 the lands at Cherrywood and this in addition we needed retail warehousing. I  
7 think we were talking about one thousand or so new homes, as well as the  
8 Science and Technology joint venture project, where around three thousand new  
9 jobs were to be created. It was an ideal location for retail, warehousing,  
15:09:56 10 leisure and hotel and apartment accommodation just off the motorway with free  
11 parking available. I would have discussed this and my ideas with Richard Lynn.  
12  
13 Concerning the Monarch Group, do I not know what companies or associates or  
14 member of the group, or if there are more companies involved other than those  
15:10:14 15 listed in your letter.  
16  
17 With regard to those listed in your letter I did not receive any payments from  
18 them concerning, or with regard to, the rezoning of land at Cherrywood" in fact  
19 you hadn't been asked if you had received payments concerning or with regard to  
15:10:28 20 the rezoning of lands, do you accept that, I can open the letter?  
21 A. No the letter on my interpretation of the letter as far as that, it did refer  
22 to your reference was lands at Cherrywood so I took it to mean that.  
23 Q. 606 We'll open the letter its at 1530, I don't want to waste time now?  
24 A. No, no I mean -- I am only saying that was my interpretation of.  
15:10:50 25 Q. 607 Do you accept that your interpretation was wrong, you hadn't been asked if you  
26 had received money in connection with rezoning or sorry with regard to the  
27 rezoning of the land at Cherrywood. You were asked to provide a statement?  
28 A. Of any involvement with regard to the lands at Cherrywood.  
29 Q. 608 Yes. Your statement should including but not be limited to and Roman numeral  
15:11:13 30 three, any payments or benefit you may have received from or on behalf of those



- 15:11:17 1 listed at Roman numerals one and two, together with details of the manner of  
2 such payments or benefit, when such payments or benefits were made, by whom  
3 they were made and the reasons therefore, the bank accounts or accounts into  
4 which the said payments or funds were lodged, how you treated such funds on  
15:11:35 5 receipt.
- 6 A. With regard to that section I didn't receive any payments from Monarch or  
7 those listed.
- 8 Q. 609 No, you weren't asked about payments from Monarch you were asked about payments  
9 or benefits received from or on behalf of those listed at Roman numerals one  
10 and two and at two?
- 11 A. Then I must have misinterpreted the letter I took it to mean Monarch and I took  
12 it to mean Cherrywood.
- 13 Q. 610 You agree with me that when you did reply on the 14 March 2006, you made no  
14 reference to a series of payments that you had received I think from  
15:12:14 15 Mr. Lynn, isn't that right, which I will detail in a moment?
- 16 A. I didn't receive a series of payments from Mr. Lynn.
- 17 Q. 611 I see?
- 18 A. I received a 500 --
- 19 Q. 612 Perhaps I will open your letter on the 16th April 2006. If I could have 8537.
- 15:12:22 20 A. As I said I received a legitimate contribution from Dunloe Ewart, of 500 pounds  
21 in provision leisure complex 450 euro and this was in 1999 and it was towards  
22 the election campaign, but it had nothing to do with, as I would see it,  
23 nothing to do with Cherrywood lands.
- 24 Q. 613 The letter that we have now on the screen on the 16th of April 2006 is a letter  
15:12:50 25 you wrote after you had received the brief?
- 26 A. As I --
- 27 Q. 614 On the 12th April?
- 28 A. As I had received all the boxes of documentation when I had gone through those  
29 documents.
- 15:13:01 30 Q. 615 Which show a series of payments, isn't that right? Which I will detail now and

15:13:04 1 in fairness I should open that letter, the 16 of April.  
2  
3 "Further to my letter of the 14 March concerning the lands at Cherrywood I,  
4 note from the documentation that you sent to me, that Dunloe Ewart PLC and the  
15:13:17 5 Pavilion Group were mentioned in connection with the Monarch Group.  
6  
7 As outlined in my letter concerning the Monarch Group and those listed in your  
8 letter I did not receive any payments concerning or with regard to the rezoning  
9 of land at Cherrywood.  
15:13:29 10  
11 I did receive legitimate political contributions towards my campaign in the  
12 1999 local election from Dunloe Ewart PLC 500 and Pavilion Leisure Centre  
13 Limited, 450 pounds. You have already been advised that Mr. Frank Dunlop made  
14 a legitimate contribution of 250 pounds towards this campaign, see attachment.  
15:13:50 15 I note that Dunloe Ewart contributed 250 and 150 pounds to the Fianna Fail  
16 Dublin South CDC golf classic held on 18 of April 1999 saying that I made the  
17 request on their behalf.  
18  
19 With regard to the motions and the correspondence I had completely forgotten  
15:14:04 20 that I signed them but as outlined in my letter I would have had discussions  
21 with Richard Lynn about the Science and Technology Park and the necessity for  
22 a major retail development at this location.  
23  
24 Having viewed the documentation my best recollection of the event is that  
15:14:19 25 Richard Lynn made an appointment to see me in my business office on the Naas  
26 Road to discuss the motions and see if I would sign them. I have no idea of  
27 the date of this meeting.  
28  
29 We had a detailed discussion about each motion and as I agreed that the content  
15:14:31 30 of the motions was the right thing to do for the development of Cherrywood I

15:14:35 1 signed them.  
2  
3 Richard Lynn took the signed motions with him for submission to the Council.  
4  
15:14:40 5 The documentation shows that the motions were listed for the 21st of January  
6 1998 and that they were not controversial as motions 10.14 was passed bay show  
7 of hands, motion 10.13 was passed by amendment, without prejudice to the  
8 advancement of the golf club and the Manager's report was accepted with regard  
9 to motion 10.15 A" And then enclosed with that letter, if I could have 8539  
10 please, are photocopies of two cheques, the first is a cheque of the 18th of  
11 May 1999 from Mr. Dunlop and the second is a cheque of the 6th May 1999 from  
12 Pavilion Leisure Complex and the third is a cheque at 8540 of 500 pounds dated  
13 29th of March 1999, do you see that?  
14 A. Yes that's the, for the election.  
15:15:31 15 Q. 616 Yes if I could have 8541 please, we have the letter enclosing the contributions  
16 to the election campaign?  
17 A. Yes.  
18 Q. 617 Am I correct in understanding Mr. Matthews that the contributions from Dunloe  
19 Ewart and the pavilion were from Mr. Lynn?  
15:15:48 20 A. No, they are not. Dunloe Management Services, Dunloe Management Services but  
21 it was Mr. Lynn that sent the covering letter, but it's not a personal cheque  
22 from Mr. Lynn.  
23 Q. 618 I accept that. But did you ask for that contribution?  
24 A. I would have sent out a standard letter and I think you have a copy of that  
15:16:06 25 letter because there was one as it general election for the election campaign,  
26 I don't know whether you have it dated 15 of April 1999, you should have it.  
27 Q. 619 We can add it to the brief if necessary.  
28 A. I said there as you know the local elections will be held on the 11th June this  
29 year and I am preparing my campaign. You will appreciate that running a  
15:16:30 30 campaign is very expensive and in order to be elected I need assistance and

15:16:34 1 would be obliged if you could make whatever donation you deem appropriate, you  
2 will be aware that Government regulation provide donations in excess of 500  
3 have to be declared, its essential that the work carried out in the new county  
4 of Dun Laoghaire/Rathdown continues by electing councillors who contain the  
15:16:53 5 aggressive the approach has been instrumental in obtaining significant  
6 infrastructural developments throughout the country. A significant number of  
7 candidates from a diversion range of parties will be running this makes the  
8 task of being elected very difficult. If the county is to develop and prosper  
9 it is necessary that the work carried out to date be continued to ensure that  
15:17:11 10 this county is a better place to live in, for my part I'm a senior manager with  
11 a major multinational company and bring to the Council a business and  
12 developmental approach. I would like to continue this work and with your help  
13 will launch a comprehensive campaign through secure, successive forthcoming  
14 elections.

15:17:27 15  
16 That was a general letter that I sent out.

17 Q. 620 Did Mr. Lynn get a copy that have letter can I ask?  
18 A. Mr. Lynn or, would have got a copy, would have got that letter.

19 Q. 621 And Mr. Lynn I think forwarded the payment to you in April 1999, as we see  
15:17:42 20 there, isn't that right?  
21 A. The 7th April 1999.

22 Q. 622 Yes, now when you responded initially to the Tribunal in March you made no  
23 mention at that time of the three motions which I opened a moment ago and which  
24 you had signed?

15:17:54 25 A. No as I said I totally forgot them.

26 Q. 623 Even though those motions were signed in November 1997?  
27 A. Well I had forgotten about them, that's all I can tell.

28 Q. 624 You will you tell the Tribunal how you came to sign those three motions?  
29 A. Well basically what happened was that I would have had a phone call from  
15:18:15 30 Richard Lynn, asking me, asking to see me and he came to my office as I have

- 15:18:19 1 explained in the letter.
- 2 Q. 625 How well did you know Mr. Lynn in 1997?
- 3 A. I would have known him, I would have known him reasonably well because he'd
- 4 been promoting the Monarch scheme for quite some years, I suppose the first
- 15:18:36 5 time really he saw me was about 1994, as I said when I was on the Council in
- 6 '93, '92 and '93 I would have been new and I don't think there was any real
- 7 contact with him until the new council started in Dun Laoghaire/Rathdown. I
- 8 think its probably fair to say that I would have had a lot of correspondence
- 9 and brochures or whatever was going with the Monarch proposal, I think they
- 15:19:08 10 were flying around to nearly all councillors and to the local people generally.
- 11 Q. 626 You were a member of the council I think in May 1992 isn't that right?
- 12 A. That's when I would have been, in May 92 yeah.
- 13 Q. 627 If we could have 7207 I think you voted in favour of Messrs Lydon and McGrath's
- 14 proposal that the manager's proposal the map 92/44 be accepted isn't that
- 15:19:31 15 right?
- 16 A. Just a second to see what are we talking about here.
- 17 Q. 628 This is a map which would have suggested I think an extension and development
- 18 of these land at four houses to the acre on an Action Area Plan of piped
- 19 sewerage?
- 15:19:44 20 A. I voted for.
- 21 Q. 629 You voted for that isn't that right?
- 22 A. Yes.
- 23 Q. 630 You voted also for Councillor Gilmore and O'Callaghan's proposal in relation to
- 24 the town centre is that correct, if I could have 7214 we can get that vote up.
- 15:20:01 25 A. That is correct.
- 26 Q. 631 Both of those proposals would have been proposals which would have been
- 27 acceptable to Monarch interests isn't that right?
- 28 A. Yeah and I mean just with regard to the Monarch Development and all that, it
- 29 seemed to be a very very good plan and seemed to be good for the area.
- 15:20:17 30 Q. 632 Did Mr. Lynn approach you and seek your support for either of those proposals

- 15:20:22 1 at that time?
- 2 A. I don't know whether he did or he didn't but I can just say generally that
- 3 Mr. Lynn N, all the time, never asked me for my vote or to vote, now I was in
- 4 favour of the proposals, so -- but he.
- 15:20:37 5 Q. 633 He never asked you for your support for Monarch proposals?
- 6 A. No what he did was he would put the proposal in front of me and explain what
- 7 they were trying to achieve, but I actually agreed with what they were trying
- 8 to achieve, but he never asked me to go in and vote for a motion.
- 9 Q. 634 How often would you come to you and put before you the proposal of what they
- 15:20:56 10 were trying to achieve?
- 11 A. I honestly don't know, but I mean I would have been contacted on a number of
- 12 occasions.
- 13 Q. 635 Yes. But he surely would have known from the first contact with you that you
- 14 were a supporter of the Monarch proposals?
- 15:21:09 15 A. I don't think any doubt about that, I have been a supporter of development of
- 16 the county I think from the very beginning.
- 17 Q. 636 And I think you voted in favour of the Councillor Marren Coffey proposal on the
- 18 11th of November 1993 isn't that right, if we could have 7263, this was what
- 19 went on public -- sorry which, the were pose all, that was acceptable an put on
- 15:21:33 20 display in the 1993 Development Plan isn't that right?
- 21 A. Just a second please, this was the County Manager's recommendation.
- 22 Q. 637 No this was a proposal by councillors Marren and Coffey, which effectively
- 23 reversed a motion by Councillor Barrett which had reduced the density on the
- 24 site, from four to one house per acre?
- 15:21:59 25 A. I wouldn't have agreed one house to the acre, so I would have voted for that.
- 26 Q. 638 Yes. If we could have 2359 please? The area, the entire area coloured yellow
- 27 on that map is an area which the Manager had recommended be zoned at four
- 28 houses to the acre?
- 29 A. Yes.
- 15:22:22 30 Q. 639 The Barrett motion had reduced it to one house to the acre and the proposal

15:22:29 1 which you supported by councillors Marren and Coffey were that that portion  
2 surrounded by the read line and coloured yellow be zoned at four houses to the  
3 acre, that vote took place on the 11th November 1993. Can I ask you did  
4 Mr. Lynn or anybody from Monarch ask you to support that proposal?

15:22:57 5 A. I can't recall whether they did, but I mean I would have supported. I wouldn't  
6 have supported one to the acre and I mean, I even think four to the acre is too  
7 low.

8 Q. 640 So your view would have been that at least, if there is an area of land which  
9 is capable of carrying four to the acre as opposed to one to the acre that area  
10 ought to be zoned one four to the acre?

15:23:18 11 A. I put it to you where I am living myself is either 10 or 12 houses to the acre,  
12 I think that's proper development of land, four to the acre is a very limited  
13 development and even if you take it forward nowadays, they are filling in all  
14 the corner sites where I am living so its going to be more than 10 or 12 to the  
15 acre this is the way its gone, land is too scarce just to even -- I think four  
16 to the acre is far too low.

17 Q. 641 Well can I --

18 A. That's my opinion.

19 Q. 642 Yes okay, can I put it in the negative to you Mr. Matthews, do you see the area  
15:23:50 20 coloured yellow outside the red line north of the red line?

21 A. At the top.

22 Q. 643 Yes well all of the area top and bottom, but outside the red line, you were  
23 voting --

24 A. Its coloured blue isn't it.

15:24:04 25 Q. 644 No no the area coloured blue was an agricultural zoning, the area coloured  
26 yellow which has, which is outside the red line which is -- slightly there is  
27 very little to the bottom?

28 A. You are talking about that land.

29 Q. 645 Yes?

15:24:22 30 A. Yes okay.

- 15:24:23 1 Q. 646 In supporting the Councillor Marren Coffey motion in November 93 you were  
2 effectively zoning that land at one house to the acre and can I ask you having  
3 regard to what you have said about density how you came to vote that that land  
4 be zoned at one house to the acre in November 93?
- 15:24:42 5 A. In 93.
- 6 Q. 647 Yes?
- 7 A. I can't really. I mean as I said I was very knew at that stage and -- I don't  
8 know but I would -- my whole thing would be to vote for higher densities.
- 9 Q. 648 Now Mr. Lynn has discovered to the Tribunal a number of expenses claim forms  
10 for week endings and there are two which I just want to put to you for the  
11 moment, one is for the week ending the 28th of January of 1994 at 4956 and the  
12 other is for the week ending 13th May 1994 which is at 5119 and they appear to  
13 show a claim by Mr. Lynn for expenses in connection with the Cherrywood  
14 Properties Limited, Cherrywood rezoning, T Matthews, do you see that? Could  
15 Mr. Lynn have spoken with you in relation to the Cherrywood rezoning in May, in  
16 January and May '94?
- 17 A. He could, as I said that was Dun Laoghaire/Rathdown County Council time, so it  
18 is quite possible. As I said to you at the beginning I think that was the time  
19 that I was probably first had contact with Mr. Lynn.
- 15:25:50 20 Q. 649 Yes and I think in fact Later in May 1994 during this period the Council were  
21 preparing a, an Action Area Plan based on the vote which we saw previously  
22 isn't that right for the Cherrywood lands and I think that came before the  
23 Council together with a motion from Councillor Gilmore, in relation to the  
24 Science and Technology Park, I think you referred to the Science and Technology  
15:26:14 25 Park?
- 26 A. Which I would have within in favour of.
- 27 Q. 650 You were very much in favour of that?
- 28 A. Yes.
- 29 Q. 651 And did you know that from a strategy point of view that Monarch recorded your  
15:26:25 30 support as something that should be obtained, as appears from a document



- 15:26:29 1 discovered to the Tribunal which probably was created sometime prior to June  
2 1994, if I could have 5202?
- 3 A. Yeah I saw that in the documents.
- 4 Q. 652 You saw at 5203, the support of the following members must be obtained and you  
15:26:45 5 are there?
- 6 A. I saw that in the documents.
- 7 Q. 653 There are a number of follow On expenses claim forms, supplied by Mr. Lynn,  
8 which appear to suggest that he was meeting with you for '94, '96 and you will  
9 have seen these in the --
- 15:27:09 10 A. Yeah I did yeah.
- 11 Q. 654 Yes. You will have seen those?
- 12 A. I honestly believe they can all be attributed to me.
- 13 Q. 655 You don't believe those --
- 14 A. I met Mr. Lynn, but I don't see how they can all be attributed to me.
- 15:27:22 15 Q. 656 For example the week ending 3rd of November 1994 at 5433, Development Plan  
16 review, T Matthews, then there is one at 5435 for the week ending 11th November  
17 94, I think there was a --
- 18 A. Its just those amounts --
- 19 Q. 657 There was a crucial vote --
- 15:27:40 20 A. The point is I was working in industry, I had to limit the time I took off to  
21 go to the Council meetings, or anything, I had to work through lunchtime, I had  
22 to work late at night, I took homework, I was trying to build up my base in  
23 Dundrum, so I mean there wouldn't have been time for those sort of meetings  
24 that's why I just question this.
- 15:28:02 25 Q. 658 Okay.
- 26 A. For example if you take the 26th of the 1st '96.
- 27 Q. 659 Yes that's the week ending.
- 28 A. Yes.
- 29 Q. 660 If we can have 5746 please.
- 15:28:15 30 A. I was in Malta from 20 of January 96 to 3rd of the 2nd 96.

- 15:28:21 1 Q. 661 So you think you were away?
- 2 A. And if you take 11th of the 7th or 4th of the 4th I was in Sydney on the 27 of  
3 the 3rd and flying back, via Japan, on 8th of the 4th.
- 4 Q. 662 If we can have 6300 please?
- 15:28:43 5 A. So I don't see how they can all be attributed to me to be honest with you, but  
6 that's not to say I didn't meet Richard Lynn, I did meet him he was very  
7 professional, showed me the plans and kept me abreast of what's going on,  
8 that's not in dispute.
- 9 Q. 663 Yes. You dealt with the 5th of the 1st '96, if I could have --
- 15:29:05 10 A. No 26th of the 1st '96.
- 11 Q. 664 He has a schedule in for the 5th of January '96 which is 5735.
- 12 A. He has yes.
- 13 Q. 665 Your query is on the one for 26 of January?
- 14 A. No I am querying generally the amount of things, I don't remember anything like  
15 that.
- 16 Q. 666 There is one for the 24 of May '96 which is at 5951, he has one for the 21st  
17 June 96?
- 18 A. Yeah.
- 19 Q. 667 At 6022, he has one for the 23 of August '96 at 6067, he has another for the  
15:29:42 20 4th of April '97 at 6300, the 6th June '97 at 7360, the 11th July '97 at 6365  
21 the 8th August '97 at 6375. You say whilst you had meetings with him you  
22 dispute you may have had meetings on all those occasions that he seems to  
23 suggest?
- 24 A. I can't see that I would have had the time to have -- I mean a cup of coffee  
15:30:10 25 yes, but I can't see I would have had the time they appear to be lunches or  
26 something, as I explained to you. I used to work through my lunch hour because  
27 I was working full time, that's really what I am saying, but I am not saying  
28 that Richard Lynn didn't keep me fully abreast of the development and what they  
29 wanted to do with Monarch, as I told you already I agreed what they wanted to  
15:30:31 30 do with the Monarch developments.

15:30:33 1 Q. 668 Thank you very much Mr. Matthews.

2

3 CHAIRMAN: Thank you very much.

4 A. Okay, thank you.

15:30:39 5

6 **THE WITNESS THEN WITHDREW**

7

8 MR. QUINN: We have one witness left.

9

15:30:48 10 CHAIRMAN: How long will this witness be approximately?

11

12 MR. QUINN: I think a half hour. Unless the stenographer wants a break?

13

14 MR. QUINN: Mr. Marren please.

15:31:01 15

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**DONAL MARREN, HAVING BEEN SWORN, WAS EXAMINED AS FOLLOWS****BY MR. QUINN:**

CHAIRMAN: Good afternoon Mr. Marren?

A. Good afternoon.

Q. 669 Thank you Mr. Marren. Mr. Marren I think you are a member of Fine Gael and you were first elected to the local authority in 1978 is that correct?

A. January '78, yes.

Q. 670 Yes. I think that you were a member in its time of Dun Laoghaire/Rathdown County Council, is that correct?

A. First of all Dun Laoghaire Corporation and then Dublin County Council in 1985 and Dun Laoghaire/Rathdown County Council in 1994.

Q. 671 I think for a time I think you were in fact Cathaoirleach of Dun Laoghaire/Rathdown County Council is that right 1998?

A. On two occasions, 2001 and 97/98.

Q. 672 Would it be from June or July of '97 to...

A. The election of Cathaoirleach was on second Monday of July traditionally.

Q. 673 You have supplied a statement to the Tribunal which is to be found at brief pages 8007 to 8309. I think one of the questions asked of you was details of any payments you might have received from Monarch interests, or the series of named individuals, and I think in that statement at 8309 you say you may have received a political donation of 500 pounds from Monarch Properties Limited around the time of the local election in 1991 but you couldn't state this with certainty and you had been unable to find any records to verify it isn't that right?

A. Yes I would just like, Mr. Quinn -- first notice I got really of being requested to make a statement on this, was a letter of the 16th of May, which was delivered in error to another address, no fault of the Tribunal, but then the occupiers were away from home and it left me with about three days in fact to draft a statement, I did that under pressure.

- 15:33:32 1 Q. 674 Yes.
- 2 A. I realise subsequently that I did not receive a donation at that time.
- 3 Q. 675 At all?
- 4 A. From Monarch, at that time, 1991 as I stated there had.
- 15:33:42 5 Q. 676 Okay. So contrary to what we see here you got no payment at all from Monarch  
6 in 1991, is that what you are saying?
- 7 A. That's what I believe to be the case.
- 8 Q. 677 Can I ask you what caused you to say you might have received 500 pounds from  
9 them?
- 15:33:57 10 A. Because I think I did in 1999 and I think that may have been in my mind.
- 11 Q. 678 You were confusing 1999 with 1991?
- 12 A. I did, if you understand the circumstances -- I had to draft that under a lot  
13 of pressure and inevitably, I think I made that mistake.
- 14 Q. 679 Yes. I think you had been lobbied by a series of people on behalf of Monarch  
15 isn't that right? You had received representations from a number of people as  
16 we see from your statement at 8308. You say you received many representations  
17 during the period of the consideration of the Development Plan on the lands at  
18 Cherrywood in the ownership of Monarch Properties from servants or agents of  
19 Monarch Property Limited. You say you cannot recall having any contact or  
15:34:22 20 meeting with the late Mr. Phil Monahan, other than exchanges a few words with  
21 him at the official opening of the Bloomfield shopping centre in Dun Laoghaire.  
22 You said did you not receive any payments or benefits from Mr. Monahan in his  
23 capacity as servant or agent of Monarch Properties Limited.  
24
- 15:35:00 25 You said I think Mr. Noel Murray whom you understood to be a director or Senior  
26 manager of Monarch Properties, made representations concerning the lands at  
27 Cherrywood. You said did you not receive any payments or benefit from  
28 Mr. Murray in his capacity as a servant or agent of Monarch?
- 29 A. Correct.
- 15:35:15 30 Q. 680 I think you said Mr. Eddie Sweeney, whom you understood to be a director of

15:35:19 1 Monarch Properties, made representations concerning the land at Cherrywood  
2 particularly with regard to the proposed Science and Technology Park. You  
3 outlined the benefits such a development could have for the county. And you  
4 visited the Science and Technology Park in Montpelier, France along with  
15:35:33 5 Mr. Michael Ryan a consultant associated with Plessey Park Limerick and  
6 Mr. Eddie Sweeney, on invitation of Mr. Sweeney. Can I ask you were there  
7 other councillors on that visit?

8 A. No, just those three persons.

9 Q. 681 No other representatives from the local authority?

15:35:49 10 A. No just the three named persons.

11 Q. 682 You said you did not receive any payments from Mr. Sweeney in his capacity as  
12 servant or agent of Monarch Properties Limited.

13  
14 You say did you not receive any representation from Frank Dunlop concerning the  
15:36:02 15 land at Cherrywood and you did not receive any benefits or payments from Mr.  
16 Dunlop in his capacity as a servant or agent of Monarch Properties Limited.  
17 You met with Mr. Dominic Glennane, whom you understood to be the financial  
18 controller of Monarch Properties Limited, on a few occasions, you could you not  
19 recall him making explicit representations concerning the land at Cherrywood  
15:36:19 20 and did you not receive any benefits or payments from Mr. Glennane in his  
21 capacity as a servant or agents of Monarch Properties.

22  
23 You said Mr. Phillip Reilly, whom you understood to be a Senior manager with  
24 Monarch Properties made representations concerning the lands at Cherrywood.  
15:36:38 25 You did not receive any benefits or payments from Mr. Reilly in his capacity as  
26 servant or agent of Monarch Properties, you say Mr. Richard Lynn whom you  
27 understood to be a servant of Monarch Properties Limited made several  
28 representations concerning the lands at Cherrywood in his capacity as a servant  
29 or agent of Monarch Properties, isn't that correct?

15:36:52 30 A. Yes.

- 15:36:52 1 Q. 683 All in all therefore a quite a number of representations had been made to you  
2 by different representatives of Monarch, in relation to the Cherrywood lands?  
3 A. Yes, very many.
- 4 Q. 684 Now I think the first real vote in relation to these lands came about on the  
15:37:07 5 6th of December 1990, when a motion by Councillor Betty Coffey and councillor  
6 McDonald, was proposed, isn't that right, if we -- you will have seen that?  
7 A. Well what actually, I didn't get a brief either, I got no documentation and I  
8 asked Mr. King on Tuesday, the 30th to supply me with some, he did that  
9 promptly, I got a CD ROM the following day, I have gone through up to page  
15:37:34 10 2775. But I really haven't had an opportunity, I devoted as many hours as  
11 could I, but I haven't had an opportunity to really to get a real...
- 12 Q. 685 Feel for it?  
13 A. Recall, that's right.
- 14 Q. 686 Would you prefer Mr. Marren if your evidence were taken on another day?  
15:37:49 15 A. No I will go through with it now, but I may have to ask for help occasionally.
- 16 Q. 687 As far as we understand the voting pattern we'll certainly help you?  
17 A. Yes.
- 18 Q. 688 Do you recall the meeting of the 6th of December 1990, at 6952. When DP90/123  
19 which was the Manager's proposals had been discussed on two previous occasions  
15:38:10 20 in the months of October and November of 1990?  
21 A. Yes.
- 22 Q. 689 And I think Councillor Coffey had tabled a motion, but she didn't proceed with,  
23 but both herself and councillor McDonald put forward a motion on the day which  
24 would have effectively restricted and considerably reduced the effect of  
15:38:29 25 DP90/123, isn't that right?  
26 A. Yes, yes.
- 27 Q. 690 When their motion was put forward Councillor Fitzgerald proposed an amendment  
28 to that motion, isn't that right?  
29 A. You will have to help me here.
- 15:38:40 30 Q. 691 If I could have 6954 please? Councillor Coffey motion, sorry councillor

- 15:38:49 1 McDonald Coffey motion is 6953, I will just read to you, the Draft Development  
2 Plan for 1990, for Carrickmines Valley area be prepared on the basis of  
3 limiting zoning development to the eastern side of the South Eastern Motorway  
4 proposed line and taking cognisance of the developments approved in the area  
15:39:05 5 since the adoption of the 1983 plan and in doing this significantly reduce the  
6 number of areas being proposed for industrial zoning and indicate where public  
7 open spaces/parks will be provided and indicate the nature of residential  
8 zoning for proposed residential lands.  
9
- 15:39:20 10 By way of amendment to the motion in the names of councillors McDonald Coffey  
11 and Murphy, it was proposed by Councillor Fitzgerald and seconded by Councillor  
12 Buckley to amend the motion to broadly confine development zoning to the east  
13 of the motorway and north of the Glenamuck Road?
- 14 A. Yes, I voted for that didn't I.
- 15:39:39 15 Q. 692 You did, yes. You voted for the amendment, but you don't appear, and the  
16 amendment was unsuccessful -- and then the motion itself was, went on to be  
17 voted upon and you don't appear to have voted on the motion at all?
- 18 A. Well I probably not there, was I, I wasn't in attendance was I? You see like a  
19 lot of us I had a 9 to 5 job.
- 15:40:03 20 Q. 693 Sorry, apologies you actually did vote on the motion itself. At this stage we  
21 are confusing our councillors. You voted for that amendment as appears at  
22 6954?
- 23 A. Yes.
- 24 Q. 694 And that motion was unsuccessful. On the casting vote of the Chairman and then  
15:40:26 25 the motion itself was proposed, as you see at the bottom of 6954 and if we go  
26 to 6955 we see that amongst those voting against it was yourself, Councillor  
27 Marren.
- 28 A. Yes, I can see I voted against it, but I am really finding it difficult to  
29 recall.
- 15:40:52 30 Q. 695 Yes. You voted in favour of an amendment to it and that was unsuccessful and



15:40:59 1 then you voted against the motion itself.

2 A. I would -- well I really would love to be able to read through that and try to  
3 recall it, but I cannot I'm really struggling at the moment, try to recall the  
4 circumstances of that motion.

15:41:19 5 Q. 696 In fact I think you had contributed to the debate on the day, if we look at  
6 6953 please? You see?

7 A. Yes.

8 Q. 697 The discussion resumed with contributions from Councillors Marren, Muldoon,  
9 Cass, Shatter, McMahon and Laing.

15:41:38 10 A. That the proposed rezoning be abandoned? That's the motion isn't it?

11 Q. 698 Yes.

12 A. I recall now re coiling, with a certain amount of shock, at the proposal of  
13 the Manager on that occasion, that all that valley be built on, it seemed to  
14 me just on initial presentation, that it was the wrong thing to do.

15:41:58 15 Q. 699 Yes. And that's why you proposed an amendment to councillor McDonald and  
16 Coffey's motion, which was to the effect that the development would take place  
17 east of the motorway line, only?

18 A. Yes, yeah.

19 Q. 700 You see by voting against Councillor Coffey and McDonald's motion you were  
15:42:29 20 effectively reverting to the Manager's proposal, isn't that right?

21 A. I'm sorry Mr. Quinn but, whether it's the lateness of the day, or what, but I  
22 really am finding it very difficult to comprehend.

23

24 CHAIRMAN: Well perhaps --

15:42:51 25

26 MR. QUINN: Maybe if I took it in stages, you had the Manager's proposal which  
27 was DP90/123, which you say was a proposal that you felt you couldn't support?

28 A. Mm-hmm.

29 Q. 701 Then you had Councillor Coffey and McDonald's proposal, leaving aside the  
15:43:06 30 proposed amendment to it, which you supported, but councillor McDonald Coffey

- 15:43:11 1 proposal, which was effectively limiting zoning to the motorway line or  
2 proposed motorway line and you --
- 3 A. I think I would support, I think.
- 4 Q. 702 But you, the record shows that you voted against it.
- 15:43:22 5 A. Did I, well I'm sorry.
- 6 Q. 703 If we could have 6955 please, again?
- 7 A. I appear to have acted in a contradictory manner.
- 8 Q. 704 I am not -- its just I am just looking for --
- 9 A. Well.
- 15:43:55 10 Q. 705 An explanation in relation to it if there is one or if you can recall one?
- 11 A. No I cannot, but I often recall occasions like that, when debate developed  
12 and -- I mean inconsistency, I hold my hand up, I have frequently if you want  
13 to trace a line through that whole Development Plan from start to finish, I  
14 think I could count many inconsistencies, but I did eventually come around to a  
15 clear vision of what I felt was the right thing to do.
- 15:44:22 16 Q. 706 Okay. I think by the 24 of May 1991 the Manager the manager had put forward  
17 three options in relation to what might form the 1991 Draft Development Plan  
18 and there was a vote in relation to those options and, at that meeting on the  
19 24 of May '91 and we see the vote at 7006 and you voted in favour of the first  
15:44:50 20 option, which in fact was the successful option, namely that the plan would be  
21 on the basis of DP 90 A/129 A.
- 22 A. Yes.
- 23 Q. 707 Which effectively limited development, at four houses to the acre to the east  
24 of the motorway line, isn't that right?
- 15:45:08 25 A. Yes, yes.
- 26 Q. 708 And then, I think, there were a series of motions and the matter came become  
27 before the Council with a Manager's recommendation contained in the map 92/44  
28 if we could have 7203, which is effectively extending the residential zoning to  
29 one of the proposed lines of the South Eastern Motorway on an Action Area Plan  
15:45:32 30 on piped sewage at four houses to the acre and I think Councillors Lydon and

15:45:38 1 McGrath, had proposed that that map be adopted, and that vote took place as I  
2 say on the 27 of May 1992, if we could have 7207 and I think you voted in  
3 favour of that proposal at that time, isn't that right?

4 A. I voted in favour of that, yes.

15:45:59 5 Q. 709 That was unsuccessful, but you were in favour of that proposal, isn't that  
6 right?

7 A. Yes.

8 Q. 710 Then I think that the meeting continued and there was a vote on the order in  
9 which matters would be taken, if we can have 7208 and a proposal by councillors  
10 Gilmore and O'Callaghan, as to the order in which motions would be taken was  
11 unsuccessful and you voted against their proposed order, isn't that right?

12 A. Yes.

13 Q. 711 And then I think there had been a motion in the names of Councillors Lydon and  
14 Hand, which at that stage was withdrawn, isn't that right? It wasn't --

15:46:38 15 A. Yes, I recall that.

16 Q. 712 It was indicated they didn't wish to proceed with that you indicated you recall  
17 that?

18 A. Yes.

19 Q. 713 Then there were a series of motions which would have effectively zoned the area  
15:46:49 20 at one house to the acre, there was a motion for example you see at the very  
21 bottom of 7209 and more particularly at 7210, a motion by councillors Gordon  
22 and Reeves, that the land be zoned on septic tank, at one house to the acre and  
23 a motion by councillor Breathnach and Smith, at one house to the acre?

24 A. Yes.

15:47:09 25 Q. 714 That motion I think had been unsuccessful and you voted against that?

26 A. Yes, I had come around at that stage, I had been very convinced by the  
27 arguments put forward by the planners I recall it now, they argued for  
28 something which they termed a buffer zone, that would be east of the N11 where  
29 the housing in Dun Laoghaire Corporation on the -- which side am I now, the  
15:47:31 30 eastern side of the N11 was of course, had been constructed in the 70s and 80s

15:47:37 1 at a high density, high for that time it was 16 or 17 to the hectare. And the  
2 argument then between the N11 and whatever the proposed new line of the motor  
3 would be four to the acre and would give way to agricultural land, that seemed  
4 an appealing proposition and one that I more and more favoured.

15:47:59 5 Q. 715 Yes and I think that having voted against that then there was a motion by  
6 councillors Fitzgerald and Dillon-Byrne, again at a density not exceeding one  
7 house to the acre and you again voted against that, as we see at 7211?

8 A. Yes.

9 Q. 716 There was a motion by Councillors Lohan and Keogh, that the lands be proposed  
10 at AS 2, that is septic tank, one house to the acre. And you voted against  
11 that?

12 A. That's right, yeah.

13 Q. 717 Then there was a proposal for high amenity zoning, and I think you voted  
14 against that, that was a motion by councillors Smith and Breathnach, then there  
15 was a further motion for special amenity area order in the names of councillors  
16 Gilmore and O'Callaghan and you voted against that, isn't that right?

17 A. Yes.

18 Q. 718 Then Councillor Gilmore and O'Callaghan had a proposal that portion of the land  
19 be zoned C, for district centre, isn't that right?

15:48:51 20 A. Yes.

21 Q. 719 And you voted in favour of that isn't that right?

22 A. A district centre, is it?

23 Q. 720 C, yes, district centre.

24 A. District centre. I thought I voted against that.

15:49:01 25 Q. 721 If we could just have 7214 please, we are now in May 1992 and the proposal by  
26 councillors O'Callaghan, Gilmore and O'Callaghan is that Dublin County Council  
27 hereby resolves that the lands on map 27 outlined in red which had been signed  
28 for identification purposes by the proposers of the motion be zoned C in the  
29 review of the Development Plan?

15:49:25 30 A. For district centre.

- 15:49:27 1 Q. 722 Yes?
- 2 A. I did change my mind on that subsequently because I felt and there were very
- 3 telling arguments for traders in Dun Laoghaire, that they were being squeezed
- 4 out of the business by excessive provision of shopping, already had been in
- 15:49:40 5 place, Cornelscourt Dunnes, Stillorgan shopping centre, Frascati centre in
- 6 Blackrock and one more they said, I took on board their arguments that a
- 7 district centre there, not at that stage but later, wasn't the correct thing to
- 8 do.
- 9 Q. 723 Then I think there was a motion by councillors Gilmore and O'Callaghan in
- 15:49:58 10 relation to seeking agreement with the landowner and the developer, in relation
- 11 to the lands, I don't think you voted on that proposal, nor did you vote in
- 12 relation to proposal by councillors Barrett and Dockrell, which was a
- 13 successful proposal, that the lands be zoned at a density, not exceeding one
- 14 house to the acre, isn't that right?
- 15:50:18 15 A. Yeah, probably wasn't there was I, if I were there I expect I would have voted.
- 16 Q. 724 Yes. What way would you have voted on that proposal?
- 17 A. Well I had come around now to accept four -- ten to the hectare or four to the
- 18 acre.
- 19 Q. 725 You would have voted against that?
- 15:50:36 20 A. I expect so, yes.
- 21 Q. 726 That's at 7216. Now I think you then, the 91 map was amended, went on public
- 22 display and the matter came back before the council on the 11th November '93,
- 23 isn't that correct?
- 24 A. Yes.
- 15:50:56 25 Q. 727 There is a motion, there are two motions which I wish to bring to your
- 26 attention, you will have seen these I am sure, at 7226 there is a motion to
- 27 accept the Manager's recommendation and delete the amendment, that is the
- 28 amendment which would have been inserted by that last vote which you don't
- 29 appear to have voted upon.
- 15:51:15 30 A. No, well I have a clear recollection of that because I actually spoke on it and

- 15:51:20 1 proposed it.
- 2 Q. 728 Okay. Can I ask you when was that motion lodged?
- 3 A. I think it may have been on the day, I think I was acceptable at that second --
- 4 Q. 729 Yes. The motion as signed who would have typed the motion?
- 15:51:39 5 A. Oh I think I got assistance with that, but that wasn't unusual.
- 6 Q. 730 Who gave you assistance?
- 7 A. I think may have been Mr. Lynn.
- 8 Q. 731 Yes you think Mr. Lynn may have typed the motion for you?
- 9 A. Let's be clear on this, provide the secretarial services, it was to my
- 15:51:54 10 prescription, I knew exactly what I wanted, that is not I think what Mr. Lynn
- 11 wanted I think Mr. Lynn wanted, I think Monarch were pressing 16 if I recall to
- 12 the hectare and pressing for restoration of the district centre I wasn't taking
- 13 either of those, and I also added in my own hand that the remainder of the land
- 14 be two to the hectare.
- 15:52:14 15 Q. 732 Can I ask you you say Mr. Lynn would have typed the motion for you?
- 16 A. Well -- I think so, but not absolutely certain, but I mean if -- I got, we get
- 17 a secretarial assistance, either through the County Council, or some other
- 18 place.
- 19 Q. 733 I was going to ask you that, what secretarial assistance was available to you?
- 15:52:33 20 A. If you went in to the general purposes office and asked or the planning office
- 21 asked to have a map, could I have a map, in fact these maps were fairly freely
- 22 available through the executive officers, and you could get a, I wasn't
- 23 computer literate at the time, but I have rectified that in the meantime.
- 24 Q. 734 Okay. Just in dealing specifically, rather than in the generality of the
- 15:53:02 25 situation, if we deal with the specifics of this motion, are you saying
- 26 Mr. Lynn typed this motion, insofar as a portion of it is typed, at your
- 27 behest?
- 28 A. Yes, yes.
- 29 Q. 735 Was that typed on the day?
- 15:53:15 30 A. You have asked me -- I can't recall whether it was submitted that day or

15:53:21 1 earlier, I really cannot recall that.

2 Q. 736 Can you tell the Tribunal the circumstances under which you a councillor asked

3 Mr. Lynn to type a motion in relation to lands that he was concerned with?

4 A. Well I will. I will and I hope I will tell them fairly and as accurately as I

15:53:39 5 can.

6

7 I had very clearly come to the view that ten houses to the hectare was

8 appropriate at that land. I know the question will be asked, why not the whole

9 area? Because the Manager was recommending 178 hectares be zoned at ten to the

15:53:57 10 hectare, but we had come through a very bruising debate, we come through a

11 fairly torrid time in the Council and some of my closest political associates,

12 councillors Barrett and Dockrell and indeed very close friend in the Labour

13 Party councillor Frank Smith, were resolutely opposed to that ten to the

14 hectare and you know, I felt that it was academic in a way the lands to the

15:54:29 15 north of it have, because they had no access by road, so the lands that

16 mattered was the land in the ownership of Monarch Properties, which could be

17 developed and was developed in the short-term, because the access lead onto the

18 Wyattville Road, that was one reason.

19

15:54:50 20 The other reason I felt was I mean the idea of a Science and Technology Park

21 was talked about much later in '94, late '94 and early '95, but it was a

22 concept that we had discussed frequently prior to that and I had been Chairman

23 of the third level education committee, an ad hoc committee for Dun Laoghaire

24 VEC with a task to recommend to the VEC, how the second level College of Art

15:55:19 25 and Design in Eblana Avenue, might have its status increased to a regional

26 technical college. And I recall recommending to the VEC, well they to meet

27 certain criteria, you had to get land of 70 hectares you had to have three

28 colleges, one of the colleges we recommended to be in the new school, would be

29 a business school and to supplement, or support that, we fought, I'm not sure

15:55:44 30 if we used the word Science and Technology Park, but incubator or units that

15:55:50 1 would assist the graduates from the academic into the commercial world, in art  
2 and design and so on.  
3  
4 Now that was very much in my mind and Mr. Sweeney it was in '92, I think, came  
15:56:01 5 to me and talked enthusiastically about the location of a Science and  
6 Technology Park in this land down here. He met a very receptive mind because I  
7 had already developed my thoughts on it even though it was only theorising, he  
8 was a practitioner, he was a businessman and had already contacts with business  
9 people abroad, so I was very enthused by that idea and I felt that the rezoning  
15:56:30 10 of that land, I say rezoning I mean maintaining the Manager's recommendation of  
11 a density of ten to the hectare, would supplement and expedite the provision of  
12 a Science and Technology Park.  
13  
14 And thirdly, I think I have to really stress this point, that I mean on a local  
15:56:52 15 elected representative, I represent people and try to represent their views as  
16 best I can. Now there were two groups of people, there was the upper  
17 Carrickmines and the lower end you have Loughlinstown. There is a very big  
18 difference in quality of life, residences, there is a very articulate affluent  
19 and well organised group of people at the north, who didn't want any  
15:57:22 20 development whatsoever and I had to recognise to a certain degree their  
21 sensitivities and the sensitivities of my colleagues, but quite an opposition  
22 was the case south, at Loughlinstown and they were the people that I was  
23 closest to. They were the people that I represented on the Council and they  
24 were fully supportive of the Monarch proposals. They saw it as something that  
15:57:45 25 would lift their area, an area that had been subject to unemployment and a  
26 certain amount of social problems and they felt that this creation of a new  
27 dynamic centre, might provide opportunities, but more importantly would lift  
28 the area and its image.  
29  
15:58:02 30 And they were their hopes and aspirations, they were the aspirations, I wasn't



15:58:07 1 going to trample on, in fact I saw it as my duty, to help realise those hopes  
2 and aspirations. And that's why I put that motion and I remember speaking in  
3 the council, as I tell it to you Mr. Quinn, I tell it in a matter of fact way,  
4 but I can tell you I spoke with passion and enthusiasm on that day, as to what  
15:58:30 5 that meant to the people that I represented.  
6  
7 And there were a number of councillors coming out of the Council who thanked  
8 me, said I didn't know how I was going vote, you made up my mind for me on that  
9 occasion.  
15:58:44 10 Q. 737 My question to you Mr. Marren was how did you, a councillor, come to have  
11 Mr. Lynn type a motion for you on the day?  
12 A. You mean.  
13 Q. 738 Physically?  
14 A. Physically.  
15:58:56 15 Q. 739 Yes. How did it come about that you had to rely on the promoter of this  
16 development to sign the motion that you were proposing on the day?  
17 A. Well I mean, it was a secretarial service, it wasn't that --  
18 Q. 740 That would have been available to you within the Council to provide a  
19 secretarial service to you?  
15:59:13 20 A. If it was available from somewhere else I'd take it.  
21 Q. 741 Who provided you with the map?  
22 A. Don't -- I wouldn't like to be represented as some sort of a stodge who was  
23 told here do this, go and do that. I wouldn't -- I hope you are not implying  
24 that.  
15:59:27 25 Q. 742 No just, this is an inquiry Mr. Marren and we are really enquiring into the  
26 circumstances on the day and the circumstances surrounding this particular  
27 motion and how it came to be typed up and how the map came to be provided and  
28 typed up and signed by you. And at this stage I am really concerned about the  
29 circumstances under which the motion came to be physically typed up, did you  
15:59:51 30 ask Mr. Lynn to type up the motion or did Mr. Lynn have a typed motion?

- 15:59:56 1 A. Well I think it may be in discussion, I'm not sure who initiated it, but I am  
2 the responsible person. They are my thoughts and that is my wish.
- 3 Q. 743 I appreciate that the motion obviously reflects your wish because you signed  
4 it, but just getting the mechanics into place so to speak, how did -- who  
16:00:16 5 produced this typed motion and map?
- 6 A. I think Mr. Lynn did, I really do.
- 7 Q. 744 Okay. Did you ask him to type it or did he produce a typed motion and map for  
8 you?
- 9 A. I told him what I wanted, I believe that to be the case, this is what I am  
16:00:32 10 doing and this is as far as I am going and then on reflection I said I better  
11 be some palliative, some consolation for the people at the upper end who are  
12 advocating.
- 13 Q. 745 How long before the debate on the 11th November 1993 did you ask Mr. Lynn or  
14 tell Mr. Lynn, that this was what you were proposing, so that he would have a  
16:00:54 15 map and motion ready for signature?
- 16 A. I think, if you go distribute the earlier motions we went through, I think my  
17 ideas were crystalising, what I wanted. What I wanted was the Manager's  
18 recommendation of ten to the hectare, I was supporting that now. What I was  
19 supporting was a neighbourhood centre, rather than a district centre and what I  
16:01:13 20 was most anxious was to secure was some Science and Technology Park, so those  
21 thoughts were formulated and I think Mr. Lynn either sitting in the public  
22 gallery, or where ever quickly picked up what I was doing.
- 23 Q. 746 And knowing your mind or your attitude to the matter you say that he had a  
24 motion prepared which reflected that without having discussed it with you, is  
16:01:33 25 that correct?
- 26 A. No he would have discussed it with me, he knew exactly where I stood.
- 27 Q. 747 Did you have a discussion with Mr. Lynn sometime in advance of the meeting on  
28 the 11th November where you discussed the context or the content of a motion  
29 that you would be prepared to support?
- 16:01:49 30 A. I had frequent meetings. I mean it was very difficult and I -- I told them yes

16:01:57 1 this is what I am doing.

2 Q. 748 And he produced a motion for you is that correct?

3 A. To my prescription.

4 Q. 749 Yes. And what you were proposing, was that, was a rezoning at four houses to

16:02:10 5 the acre of the Monarch only lands, isn't that right?

6 A. Yes.

7 Q. 750 And one of the reasons you put forward for selecting the Monarch only lands was

8 the accessibility to all of the lands. If I could have 2359 please, this is

9 the map which I think shows all of the lands zoned at one house to the acre, we

16:02:32 10 see the Monarch lands outlined in red, as I understand it, Mr. Marren and you

11 would have a better knowledge of the area than me at this stage, that there was

12 no road built on any of the lands at this stage?

13 A. Oh that's right, yes.

14 Q. 751 So there was no greater accessible to the Monarch lands at this stage than

16:02:48 15 there was no any of the other lands isn't that right?

16 A. At that stage.

17 Q. 752 Yes?

18 A. But it was planned in the immediate term to enter from the Wyattville Road, a

19 link road which would and has now of course, linked up with the South Eastern

16:03:03 20 Motorway, at that time the line of the motorway wasn't determined, but it,

21 whatever it would be the link road to was to come in here from the Wyattville

22 junction and it was the plans were well advanced for provision of that which

23 would allow for the development of those lands, wouldn't allow for the

24 development of the upper lands.

16:03:21 25 Q. 753 If I could have 7226, presumably the distinction between these lands and the

26 upper lands was just the length of the roadway, isn't that right?

27 A. Well they would be accessed by the spine road that's planned from the Glenamuck

28 interchange down to the Wyattville interchange and that hasn't as yet been

29 produced and I don't think those lands will be accessible until that spine road

16:03:43 30 is constructed.

- 16:03:44 1 Q. 754 Not alone were you supporting a proposal which would have given four houses to  
2 the acre on the Monarch lands, but you were also suggesting that the balance of  
3 the lands which the Manager was recommending be zoned at four houses to the  
4 acre, that they be zoned at one house to the acre isn't that right?
- 16:04:00 5 A. Yes.
- 6 Q. 755 So you were going against the Manager's recommendations and you were singling  
7 out for support only the Monarch lands?
- 8 A. Well its what you might call an example of real politic. Sometimes you have to  
9 balance your realities with your ideals. On this occasion there were  
16:04:26 10 sensitivities at work, which had to be catered for and the motion was not  
11 intended to confer benefit absolute or, on Monarch, vis-a-vis the other  
12 developers, nor the corollary did it intend to disadvantage the other  
13 landowners vis-a-vis Monarch.
- 14 Q. 756 But isn't that the effect of the motion?
- 16:04:48 15 A. I would contend that is academic, because it really didn't matter, that land  
16 couldn't be developed then, nor has it been developed since, nor can it be  
17 developed until the spine road is constructed, whereas their land could be  
18 developed, that really on the day met most people's, well the vote was there to  
19 show it, it met with the majority vote.
- 16:05:09 20 Q. 757 Now can I ask you, did Mr. Lynn also have insight into the mind of councillors  
21 Lohan, Coffey, Cosgrave and Ormonde on the day they seem to also have signed  
22 the motion?
- 23 A. I couldn't answer that.
- 24 Q. 758 Did you discuss your motion or this motion with any of the other co  
16:05:28 25 signatories?
- 26 A. I am certain that that would have been the case, I'd hardly put their names,  
27 we'd hardly put our names tots one motion without having discussed it and  
28 coming to agreement about it, but I have no recollection of those discussions.
- 29 Q. 759 The impression I am getting from what you are saying to me Mr. Marren is that  
16:05:47 30 you had detailed discussions with Monarch in the lead up to this vote on the 11

- 16:05:52 1 of November 1993 as a result of which Mr. Lynn produced a typed motion and a  
2 map, which you signed and you subject to the amendment as we see it in your  
3 handwriting on the motion?
- 4 A. Mm-hmm.
- 16:06:05 5 Q. 760 Isn't that correct?
- 6 A. Well the main part of it is my thoughts as well. They emanate from me.
- 7 Q. 761 Yes?
- 8 A. That I am sure would not be what Monarch would have wished, they would probably  
9 have framed a motion 16 to the hectare, district centre, but -- that's mine. I  
10 take responsibility.
- 11 Q. 762 This is what the Monarch, the market would hold on the day?
- 12 A. The market.
- 13 Q. 763 Yes, in other words this is what the councillors would --
- 14 A. That was my judgement, it was a political judgement and one that proved to be  
15 correct.
- 16 Q. 764 Which coincidentally favoured Monarch, isn't that right?
- 17 A. That wasn't the intention. And I have outline that had. My intention was not  
18 to give a, confer an advantage on any landowner nor to deny for that matter any  
19 landowner an advantage. I was working for the, what I thought was the best  
20 interests of the people and I can -- I have taken sworn testimony today and I  
21 take that very very seriously as a practising Christian, I am what I did was,  
22 in the best interests of the people I represent, nothing else.
- 23 Q. 765 Had Mr. Reilly approached you in relation to the matter at this stage?
- 24 A. Mr. Phil Reilly, I would meet periodically, perhaps at some of those, perhaps  
16:07:22 25 in some social occasions or where ever, but I can't recall him immediately  
26 prior to that, meeting with him.
- 27 Q. 766 Was it Mr. Lynn you dealt with?
- 28 A. Mr. Lynn I would have met, I also met Mr. Sweeney regularly and Mr. Sweeney who  
29 particularly promoted the idea of Science and Technology Park and I think it  
16:07:40 30 was the instrument that really enthused me about this area.

- 16:07:46 1 Q. 767 Were there any other councillors present when you were discussing this matter  
2 with Mr. Lynn in the lead up to the vote on the 11th November?  
3 A. Not that I recall.
- 4 Q. 768 Now there was a second motion I think if I could have 7228 which was also  
16:08:00 5 proposed and was successful on the occasion, isn't that right, in relation to  
6 the limiting the size of the neighbourhood centre isn't that correct?  
7 A. Yes yes yes.
- 8 Q. 769 Could I take it Mr. Lynn would also have that motion typed?  
9 A. That was clearly not in his interest, but he may very well have. Monarch were  
16:08:19 10 seeking a district centre, my attitude was and it changed incidentally as you  
11 saw on the screen there, initially I thought a district centre was a good idea,  
12 gradually came to the belief that a neighbourhood centre was accurate.
- 13 Q. 770 If I could have motion 7228 and 7226 side by side please, would you agree with  
14 me Mr. Marren that these motions would appear to have been typed, by the and  
16:08:51 15 produced from the same source?  
16 A. Oh I do yes, oh I do.
- 17 Q. 771 And if Mr. Lynn produced the motion in relation to the residential zoning  
18 doesn't it follow as of course, that he must also have produced the other  
19 motion?  
16:09:06 20 A. Provided I would prefer to say the secretarial services, he could in the in his  
21 interests for the company he worked for advocate a neighbourhood centre, nor  
22 indeed could he have advocated ten houses to the hectare, that's what I had  
23 settled on and agreed, and if I was facilitated in producing the motion that's  
24 fine.
- 16:09:28 25 Q. 772 And I think then that both motions were successful, but that in time the  
26 restriction in relation to the neighbourhood centre was lifted subject to a  
27 wording from the Manager, isn't that right?  
28 A. In Dun Laoghaire in the first variation.
- 29 Q. 773 Yes?  
16:09:46 30 A. Oh, yes. I mean the opposition seemed to dissipate very rapidly, when we

16:09:52 1 settled down with Dun Laoghaire, people who were very much opposed to  
2 residential development in this area seemed now to be quite favourably disposed  
3 to it, people who cast doubt on the feasibility of a Science and Technology  
4 Park, were now advocating it as a recipe for the cure of the economic ills of  
16:10:13 5 the area, I didn't participate very actively in those debates, I often listened  
6 in silent astonishment, because there was quite a change in people's attitudes  
7 and I am never quite sure what caused it, but it was much easier for me in the  
8 new Council.

9 Thank you very much Mr. Marren.

16:10:39 10

11 Q. 774 JUDGE FAHERTY: Can I ask you Mr. Marren, you said you didn't believe that  
12 Mr. Lynn would have wanted just ten houses to the hectare?

13 A. I think their submission, Judge Faherty, was for 16.  
14

16:10:54 15 Q. 775 JUDGE FAHERTY: Yes because that's one of the responses you gave, but there  
16 was a letter written by Mr. McCabe to the Council in July, and this was  
17 obviously in response to the second public display, as a result of  
18 Mr. Barrett's motion, the second map showed two houses to the hectare, isn't  
19 that right, for all the lands?

16:11:15 20 A. Yes yes.  
21

22 Q. 776 JUDGE FAHERTY: And Mr. McCabe I think he was a planner, on behalf of Monarch  
23 wrote to the Council seeking -- he was objecting to change number 3?

24 A. Yes, yeah that would --

16:11:36 25

26 Q. 777 JUDGE FAHERTY: Yes, now I was reading the beginning of his letter he is  
27 asking that -- if I just as I understand it, its page 7221.  
28

29 MS. DILLON: Yes just in relation to this document sorry to cut across

16:11:46 30 Mr. Quinn, there are two versions of this letter, we have inquired from Dun

16:11:50 1 Laoghaire/Rathdown County Council to confirm which, if either were received by  
2 them, we still don't have that confirmation.  
3  
4 JUDGE FAHERTY: Maybe I should leave the question Ms. Dillon, it would  
16:12:00 5 appear --  
6  
7 MS. DILLON: What is common to both is that they were unhappy with the  
8 density gone out in second display there is no issue about that.  
9  
16:12:08 10 Q. 778 JUDGE FAHERTY: Exactly. That is my question Mr. Marren Monarch were clearly  
11 unhappy about the density as is evidenced from this letter, and they were  
12 objecting to that change and they seem to want it removed. If the change were  
13 removed simplicitor change 3 goes off the map, the second public display as I  
14 understand it it, would revert to what went out on the first display that's ten  
16:12:32 15 houses to the hectare?  
16 A. Yes, that's my understanding, yes that would have been the case. But there  
17 were -- sorry.  
18  
19 Q. 779 JUDGE FAHERTY: I am just saying that if that letter is there and now assuming  
16:12:45 20 that is the letter that was sent to the Dun Laoghaire, to the County Council,  
21 back in 1993 and we don't know yet obviously, this may be subject to  
22 clarification later, it will be seen, it would suggest that Monarch were  
23 looking for two things really, a reversion to the first display, ten houses to  
24 the hectare and perhaps an extension of the boundary, further down southwest,  
16:13:10 25 do you understand?  
26 A. Yes.  
27 Q. 780 But there didn't seem from that letter again this may be subject to  
28 clarification at a later stage, I am cautious in my question to you, that  
29 Monarch would appear, that they wanted would, have been happy enough with ten  
16:13:24 30 houses to the hectare, they wanted change 3 gone?



- 16:13:26 1 A. Yes I understand.  
2
- 3 Q. 781 JUDGE FAHERTY: I am just wondering, if that is the case, where do you say  
4 between July '93, because this was obviously a representation that went in  
16:13:38 5 after the second display, and November '93, did Monarch make a formal case for  
6 a larger residential density? I know they did previously.  
7 A. Yes.  
8
- 9 Q. 782 JUDGE FAHERTY: I am just asking you --  
16:13:51 10 A. I think their original was 16. I think they were shocked when it was reduced  
11 to one to the acre.  
12
- 13 Q. 783 JUDGE FAHERTY: But do you see my point? I am just putting, it would appear  
14 that Monarch were just looking for a deletion of change 3, I think in fairness  
16:14:06 15 to yourself, a further extension of the boundary of the residential boundary I  
16 think they were still looking for that. Why do you say then that the motion,  
17 which I understand was typed, it appeared to have been typed at some point by  
18 Mr. Lynn as I understand it?  
19 A. Yes.  
16:14:26 20
- 21 Q. 784 JUDGE FAHERTY: Was that before the day, its dated the 11th November? Did it  
22 come to the Council chamber with the motion?  
23 A. You know Mr. Quinn posed those questions and I really couldn't answer with  
24 certainty, whether it was that day, or the day before, I really couldn't, but  
16:14:43 25 it was around that time, certainly.  
26
- 27 Q. 785 JUDGE FAHERTY: Because that's what the motion says, to delete the -- to  
28 accept the Manager's recommendations?  
29 A. Yes. Yes but I had reached that position myself independently, much earlier on  
16:14:58 30 and I recall the planner in question, Mr. Conway, and I -- I almost recall the

- 16:15:03 1 day on which he convinced me it was the right thing to do, in retrospect of  
2 course it probably wasn't, but we can only make our judgements at a particular  
3 time.
- 4 Q. 786 JUDGE FAHERTY: Can I ask you, back in -- when was it, May 1992, the manager  
16:15:19 5 had put forward his, this is before the second display, his more ambitious  
6 project that it would be, I think, still low level residential density, at four  
7 houses to the acre, on an Action Area Plan?
- 8 A. Yes.
- 9
- 16:15:35 10 Q. 787 JUDGE FAHERTY: And I think he also wanted to extend the actual residential  
11 zoning further south, that was his -- this was the DP 92/44, this was the  
12 Manager's map?
- 13 A. Yes yes.
- 14
- 16:15:49 15 Q. 788 JUDGE FAHERTY: And you supported that?
- 16 A. Yes yes.
- 17
- 18 Q. 789 JUDGE FAHERTY: An that map when it went up and I understand subject to what  
19 counsel says, was in relation to the whole of the area that had been already  
16:16:01 20 zoned residential in this area?
- 21 A. Yes approximately 178 acres.
- 22
- 23 Q. 790 JUDGE FAHERTY: Yes and you had supported that, you voted in favour of that,  
24 now that motion was unsuccessful, but it was a motion that was voted on, the  
16:16:11 25 first matter that was voted on back in May 1992.
- 26 A. Yes.
- 27
- 28 Q. 791 JUDGE FAHERTY: I am just -- why then, this is the question that you probably  
29 anticipate, since you had voted in favour of that back in 1992, why limit it --
- 16:16:34 30 A. Oh I know. Well I think we were all on a sort of odyssey, a journey of

16:16:38 1 discovery if you like and we had to adapt ourselves to situations, I -- I mean  
2 some of my very close colleagues, close associates were resolutely set against  
3 it and it was really an effort to, I suppose to, help them some of the way, at  
4 the same time achieve what we in the south end and Loughlinstown people really  
16:16:59 5 wanted.

6  
7 Q. 792 JUDGE FAHERTY: Just can I ask you Mr. Marren, the very first vote on the 11th  
8 of November, it was a motion to confirm change 3. I think there was some  
9 amendment made to that it was lost, but that was the first vote that was taken  
16:17:15 10 on the 11th November, I have forgotten now whose names it was, but it was a  
11 motion to confirm change 3?

12 A. Yes Councillor Barrett and Dockrell was it.

13  
14 MS. DILLON: Smith and Buckley.

16:17:42 15  
16 Q. 793 JUDGE FAHERTY: Yes 7261 and that motion is lost isn't that correct?

17 A. For 27, against, 43, yes.

18  
19 MR. QUINN: No the vote is at 7262.

16:17:57 20  
21 Q. 794 JUDGE FAHERTY: 7262 actually.

22 A. Yes.

23  
24 Q. 795 JUDGE FAHERTY: You vote against that obviously because you don't --

16:18:07 25 A. Yes.

26  
27 Q. 796 JUDGE FAHERTY: And that would appear, just want to - that vote in itself  
28 would you voting against that would appear consistent with more or less the  
29 approach you you took back in 1992, in support of The manager's map?

16:18:26 30 A. Yes yes, I think so yeah.

- 16:18:29 1
- 2 Q. 797 JUDGE FAHERTY: But I am just asking you why not then leave it at that Mr --
- 3 because that vote having lost, what was the effect of, on the map, can I ask
- 4 you that as a councillor -- this change 3 had gone out in 1992, this
- 16:18:48 5 confirmation vote, this is a confirmation vote and its lost?
- 6 A. This is a confirmation, it was lost.
- 7
- 8 Q. 798 JUDGE FAHERTY: Therefore doesn't the support change 3 had was now lost?
- 9 A. Yes on my understanding then is that it would be all, ten to the hectare, the
- 16:19:06 10 whole lot.
- 11
- 12 Q. 799 JUDGE FAHERTY: Yes?
- 13 A. Well there was conciliation if you like, consolation for whatever for a lot of
- 14 my close colleagues and the upper land couldn't be developed -- it was academic
- 16:19:21 15 and it was going to happen fairly soon anyway, those people --
- 16
- 17 Q. 800 JUDGE FAHERTY: I don't know if you can answer this question Mr. Marren, on
- 18 the minute that is we have now, they may not be the entire minutes of the 11th
- 19 of November and I can't say, but in a lot of meetings we would have minutes of
- 16:19:37 20 meetings from the County Council, we would have seen, in various Modules there
- 21 would be reports given and objections and representations would be referred to
- 22 by the Manager and indeed by -- and itemised, isn't that correct?
- 23 A. Yes yes.
- 24
- 16:19:56 25 Q. 801 JUDGE FAHERTY: Can you recall whether objections and representations by
- 26 residents of the northern part of the lands --
- 27 A. Oh, yes, very strong representations.
- 28
- 29 Q. 802 JUDGE FAHERTY: And just to get back to --
- 16:20:06 30 A. I'd say to summarise in a sentence, they were opposed to any development, I'd

- 16:20:10 1 say that was their position.  
2
- 3 Q. 803 JUDGE FAHERTY: Right. And get back to the question of the road Mr. Marren,  
4 Mr. Quinn has suggested that there was no road as of the November '93?
- 16:20:23 5 A. No that's right but it was planned and we knew it was planned an we knew it was  
6 coming on stream fairly soon, which it did.  
7
- 8 Q. 804 JUDGE FAHERTY: Were you aware that there was, the pipe running through the  
9 Monarch lands?
- 16:20:36 10 A. Oh, yes, it was bisecting it I think.  
11
- 12 Q. 805 JUDGE FAHERTY: But the -- that pipe obviously wouldn't begin and end with the  
13 Monarch lands, did you know where it continued on to?
- 14 A. I thought it went from Glenamuck cottages, down to Shanganagh outfall, I think  
16:20:50 15 that was the line of it.  
16
- 17 Q. 806 JUDGE FAHERTY: I see. And can I just ask you, when you, you seem to be the  
18 first signature on the motion on the 11th of November Mr. Marren.
- 19 A. Yes.  
16:20:59 20
- 21 Q. 807 JUDGE FAHERTY: Mr. Marren, do you have a recollection of actually signing it  
22 for Mr. Lynn? Or when it was produced?
- 23 A. Oh I remember -- I couldn't say the exact location, but I remember putting my  
24 name to that motion, yes.  
16:21:14 25
- 26 Q. 808 JUDGE FAHERTY: And were there others with you when you signed it?
- 27 A. No I can't recall that, I really cannot, but I would -- I'm sure I would have  
28 discussed that with councillors that are from my general area, that is  
29 councillors Coffey and Lohan.  
16:21:33 30

16:21:33 1 Q. 809 JUDGE FAHERTY: But you don't know when this discussion --

2 A. But I could say I definitely didn't discuss it with councillor Ormonde,  
3 definitely not.

4

16:21:47 5 Q. 810 JUDGE FAHERTY: Did you discuss it further with the Manager or Council

6 officials, Mr. Marren, when this motion was put?

7 A. Usually if you put forward a motion in the Council if there is a planning  
8 officer or Manager there who disagrees with the content or feels that it is an  
9 unproductive type of motion they are very prompt to say so, no such expression  
10 was made when I moved that motion.

16:22:08

11

12 JUDGE FAHERTY: I see.

13

14 CHAIRMAN: Right thank you very much?

16:22:15

15 A. Thanks.

16

17 **THE WITNESS THEN WITHDREW**

18

19 CHAIRMAN: Half ten tomorrow, all right?

16:22:36

20

21 MS. DILLON: May it please you sir.

22

23 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**

24 **THURSDAY 8TH JUNE 2006, AT 10.30 AM.**

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