

10:21:40 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY,**

2 **8TH JUNE 2006 AT 10.30 A.M:**

3

4 CHAIRMAN: Good morning, Ms. Dillon.

10:35:19 5

6 MS. DILLON: Good morning, sir. Mr. Larry Lohan please.

7

8 MR. ABRAHAMSON: Chairman, I wonder just before you start to hear evidence, if I

9 could briefly mention a matter, my name is William Abrahamson and I appear with

10:35:28 10

11 Mr. Sanfui and Mr. Marray for Monarch and some of the other individuals. It

12 just came to our attention that when limited representation was granted to our

13 clients, the reference was to Monarch Properties Limited and my solicitor was

14 just anxious that I would clarify to the Tribunal that we do also appear for

15 all the companies in the Monarch Group, including L&C Properties and Monarch

10:35:46 16

17 Services Properties.

18

19 CHAIRMAN: Well, we understood that and in so far as the granting of limited

20 representation was made, it applies to all those parties.

21

10:35:55 22

23 MR. ABRAHAMSON: That's the point I simply wanted to clarify. Thank you,

24 chairman.

25

26 **MR. LARRY LOHAN, PREVIOUSLY SWORN, WAS EXAMINED AS FOLLOWS**

27 **BY MS. FOLEY:**

10:36:13 28

29 CHAIRMAN: Good morning, Mr. Lohan.

30

Q 1 MS. FOLEY: If I could take you back to where we left off on the last

2 occasion, Mr. Lohan, if I could have 7172 please. This is the map that was

10:36:27 30

31 being considered at the meeting of the 11th November 1993.

10:36:41 1 Now, the Development Plan review commenced around October 1987 and at this  
2 stage it's November 1993, a month from the end which is about six years into  
3 the process. The map that we have here is where all of the yellow lands, both  
4 Monarch lands and the surrounding lands are one house to the acre and then we  
10:36:58 5 have, I don't know if you can see 4A and 4B, the two squares in the centre of  
6 lands there which are zoned for C, town district centre and then the lands  
7 beside that in white which are agriculture. I was wondering what you thought  
8 of that map?

9 A Well, I know the area intimately because I live beside it, I am very poor at  
10:37:24 10 map reading and my sense of direction is also poor but I know those lands  
11 intimately.

12 Q 2 But I was wondering what you thought -- there's a large area, I think it's 178  
13 hectares at two houses to the hectare which would be about 356 houses that the  
14 entire of those yellow lands would take and then you have 4A and 4B which is  
10:37:44 15 the town centre and the other two sides of the town centre are fields. So  
16 from -- what would you think of that as a map for November 1993?

17 A Well if I take it back to my original motion to the council was to leave the  
18 lands as they were until such time as all the infrastructure was in place and  
19 that didn't actually happen until 1996. Unfortunately for me, my motion was  
10:38:08 20 roundly defeated, so I had to accept that and move on and consider other  
21 elements.

22 Q 3 What would your opinion be of it, that where you have a town centre surrounded  
23 on two sides by fields and the other two sides by 356 houses?

24 A I was totally against the town centre and I put down a motion to have it  
10:38:27 25 rezoned down to neighbourhood centre.

26 Q 4 And I think the Tribunal has heard that the developers wouldn't have been  
27 prepared to develop the lands at one house to the acre, that it wouldn't have  
28 been viable and you said yourself on the last occasion that from your own point  
29 of view, by the time it had come to November 1993, you didn't think one house  
10:38:44 30 to the acre was good development.

- 10:38:46 1 A I thought it would be very bad development of a very important parcel of land  
2 because on the other side of the N11, you have houses at 16 to the acre, up to  
3 2/3,000 houses, so I thought would be very elitist to have that type, in other  
4 words a two tier society, the very rich on one side of the N11 and the very  
10:39:05 5 poor and unemployed on the other side of the N11.
- 6 Q 5 And would you as well that a town centre, that from the point of view of  
7 getting tenants for a town centre where you are surrounded by fields and 356  
8 houses, that that would not be commercially viable to develop either?
- 9 A Well my interest was the town of Dun Laoghaire which I regarded to be dying on  
10:39:23 10 its feet.
- 11 Q 6 But at this point on this particular map, we now have a town centre and the  
12 residential as I described to you, would you consider that that was a good  
13 planning perspective, would you consider that to be a good and viable map?
- 14 A Well history has proven that it wasn't because today the centre that's there is  
10:39:42 15 not doing that terribly well.
- 16 Q 7 Would you agree it was almost inevitable that change would have to happen?
- 17 A Yes.
- 18 Q 8 Would you think that this map was the result of careful consideration of the  
19 planning issues and the needs of the Dublin community?
- 10:39:54 20 A Well once we came to Dun Laoghaire/Rathdown County Council, I took my direction  
21 from the manager and the professional planners. I know they had a view of how  
22 the lands should be developed. There were times I found it difficult to  
23 comprehend but as they were professional planners, I spoke to them and took  
24 direction from them because I have no experience of planning, I was a new  
10:40:15 25 councillor and I had to read myself in the situation, I felt I owed myself that  
26 and I owed my community that and I also I would get, from the community as  
27 well, I was getting mixed messages, total opposition to everything in  
28 Cherrywood and total support for everything in Cherrywood and in between, you  
29 had kind of --
- 10:40:33 30 Q 9 So would you agree there were two powerful lobby groups?

- 10:40:36 1 A Absolutely. You had the Carrickmines Preservation Association on the one hand  
2 who were willing to accept four houses to the acre at one stage, they changed  
3 their minds subsequently, and then you had the Monarch proposals.
- 4 Q 10 And that -- would you agree this map might be the result of the impact of two  
10:40:52 5 powerful lobbying groups rather than careful considered planning?
- 6 A Well the lands were already zoned in 1983, 167 acres was zoned in 1983 and that  
7 was the fact I suppose you had to live with.
- 8 Q 11 With septic tank.
- 9 A You couldn't rezone it back to agriculture without huge legal cost and legal  
10:41:08 10 implications.
- 11 Q 12 So it had to remain residential?
- 12 A I would have thought so, yes.
- 13 Q 13 Could I have 7226 and 7227 beside each other please.
- 14 A Yes, this is the motion for the last day, yes.
- 10:41:38 15 Q 14 11th November. Just to review, we were just pointing out that the area that  
16 you have outlined there, you are proposing four to the, four houses to the acre  
17 and that the rest remained at one?
- 18 A The last day when you brought this up, of course it was 13 years or more since  
19 I seen it and I was totally vague, relatively vague about it, I just gave you  
10:41:59 20 whatever I could remember. Naturally since then I have been talking about, not  
21 talking about it, thinking about it, and I had no documentary evidence of any  
22 type except what you provided for me to look back on, which I did.  
23
- 24 I realised at the time that the manager -- this was a compromised motion on the  
10:42:19 25 manager's proposal, I know, your honour, you have problems with it or  
26 understanding where it came from, there were three ruling parties in the  
27 council at the time, Fianna Fail, Fine Gael and the Progressive Democrats, of  
28 which we were two, and my name would be attached to that motion because I was  
29 part of the ruling group.
- 10:42:37 30 Q 15 I don't understand what you mean by part of the ruling group?

- 10:42:43 1 A Well the group who elected the Cathaoirleach.
- 2 Q 16 Oh I see.
- 3 A Like in the Dail, we were a coalition, if you like.
- 4 Q 17 Okay. So you are saying this was a compromise between the manager, what the
- 10:42:56 5 manager was proposing and what else?
- 6 A It was a compromise with what the manager was proposing and what the council as
- 7 a group were willing to vote for or to accept. And centre to it was the
- 8 capping of the district centre down to neighbourhood centre, which would of
- 9 course have negative impact on the development.
- 10:43:16 10 Q 18 Sorry, Mr. Lohan, you described your group there as a coalition?
- 11 A That's right.
- 12 Q 19 Who would be part of the coalition?
- 13 A Fine Gael, Fianna Fail and Progressive Democrats.
- 14 Q 20 And what activities did the coalition discuss?
- 10:43:52 15 A Really I suppose the basic function of any coalition is that they elect the
- 16 Chair or the Cathaoirleach at any one time. There would be no inter-party
- 17 discussions on issues, probably each party would come to their own conclusion
- 18 and then --
- 19 Q 21 Such as motions or --
- 10:44:16 20 A Yes and would you accept it or would you go with it or might you go with it.
- 21 Q 22 Your coalition was formed principally for the election of the Cathaoirleach?
- 22 A That's right, yes.
- 23 Q 23 Mr. Lohan, you described yourselves as part of the ruling group.
- 24 A Yes, the group that elect the Cathaoirleach, yes.
- 10:44:43 25 Q 24 And would that mean that you would have a majority?
- 26 A Yes, we would have.
- 27 Q 25 So that Fine Gael, the Progressive Democrats --
- 28 A And Fianna Fail.
- 29 Q 26 And Fianna Fail. If I could have please page 2359, this is a map of the lands
- 10:45:12 30 following the 11th November 1993 meeting and the success of your motion. If

- 10:45:22 1 you could see the lands outlined in red, the yellow part, sorry the lands  
2 outlined in red are Monarch lands, the yellow lands are now ten to the hectare,  
3 the blue remained agricultural and the C are still town centre and the yellow  
4 around are at one to the acre. I was wondering what you thought of that map,  
10:45:41 5 did you feel it was an improvement on the previous map?
- 6 A That, I can't recall what I thought at the time. I do remember questioning  
7 when the motion was presented whether there was going to be access for the  
8 development of the lands and I remember being informed at the Wyattville end,  
9 there would be access within a year but at the further end of the lands, there  
10:46:07 10 wouldn't be access until maybe 7, 8, 10 years, until the motorway was complete.  
11 So the access was the big problem with the developments of the land in total.
- 12 Q 27 Which end of the lands do you say there was difficulty with access?
- 13 A The upper end, towards the M50 side; the Southeastern Motorway side.
- 14 Q 28 If I could have page 3983 please. This is a letter from Phil Reilly dated the  
10:46:33 15 23rd February '94, replying to you and it's a request for support for a T box.
- 16 A That's right.
- 17 Q 29 For the Alana club?
- 18 A When I was Cathaoirleach in Dun Laoghaire I was very much involved in local  
19 community activity and the Alana club are a drug free group who support people  
10:46:56 20 who have alcohol or drug problems, so they were short of funds and I said I  
21 would help them in a fund-raising event, that was it.
- 22 Q 30 I was wondering how well do you know Mr. Reilly, I see there is a handwritten  
23 note on it saying "Larry Lohan reckoned Monarch should have first option on the  
24 T box and matters like that" and I was wondering how you knew Mr. Reilly?
- 10:47:24 25 A I met Mr. Reilly a few times when their road show was first put out because I  
26 went along as often as I could to see it and to get to know exactly what they  
27 were proposing. Eventually I told them I couldn't support them, but that's  
28 when I would have known Phil Reilly but mostly it would have been through  
29 Mr. Lynn, Richard Lynn, that I would offer anything like this.
- 10:47:48 30 Q 31 Can I have page 5084 please, this is around the same time, it's the end of

- 10:47:55 1 April 1994, and it's an expense claim form for Mr. Lynn suggesting that in that  
2 week, he met yourself and he is charging expenses of 40 pounds 53 pence  
3 attributable to this meeting, do you recall meetings alone between yourself and  
4 Mr.--
- 10:48:11 5 A I told you the last day, I would have no recall of small items like that,  
6 because I would never recall something like that myself.
- 7 Q 32 You wouldn't recall having had a meeting?
- 8 A No. I recall having met Richard several times outside council meetings and  
9 that but --
- 10:48:26 10 Q 33 But not on a one to one?
- 11 A I wouldn't, no.
- 12 Q 34 If I could have the map at page 2722 please. This is in April 1994 and it's a  
13 draft area action plan suggested by the manager. You will see the lands  
14 outlined in red there, the Monarch lands.
- 10:48:57 15 A Yes.
- 16 Q 35 But the plan was initiated as I say by the manager and the planners, the  
17 residential densities have been increased. There was 65 and a half acres zoned  
18 B and G which are considered anomalies. They would be the agricultural lands  
19 that you have seen on the previous maps and the residential densities have been  
10:49:16 20 increased, there's no mention of a science and technology park here.  
21  
22 I don't know if you recall in May 1994 Councillor Gilmore proposed a motion  
23 "That the committee welcomed the development of a science and technology park  
24 in the Dun Laoghaire/Rathdown area and in order to encourage and facilitate  
10:49:36 25 such development, the council agrees to review the zoning of the lands at  
26 Cherrywood Loughlinstown which are owned by Monarch Properties."
- 27 A That's correct.
- 28 Q 36 Do you recall this proposal of a science and technology park?
- 29 A The science and technology issue arose towards the end of 1993 for the first  
10:49:52 30 time, I was Cathaoirleach at the time and I remembered the manager telling me

- 10:49:55 1 about this proposed science and technology development and they asked me what  
2 would be my attitude towards them and I said I would totally approve of it  
3 because all my life I had been in education and at the time we were  
4 endeavouring to get a third level institution into Dun Laoghaire which we  
10:50:10 5 subsequently got. Which is now the Institute of Art Design and Technology. So  
6 anything that would be favouring employment or for third level students or  
7 research and development, that type of thing I would be totally supportive of.
- 8 Q 37 And would you have heard this proposal of a science and technology park before  
9 the November 1993 motions that finalised the --
- 10:50:32 10 A It was about November 1993 I heard about it for the first time. I knew about  
11 the one in Limerick and I had been down there at the University of Limerick and  
12 I knew how exciting a project they were, particularly as we had UCD down the  
13 road only five kilometres. I felt it would be an ideal location, there was no  
14 guarantee we were going to get it.
- 10:51:00 15 Q 38 Was that your understanding, that it was the Monarch lands were only one of the  
16 areas proposed as a science and technology park?
- 17 A That's right.
- 18 Q 39 There were a number of other lands competing as it were?
- 19 A I think there was a special group put together from our council to deal with  
10:51:09 20 the minister at the time, enterprise and whatever, Minister for Enterprise, to  
21 see if we could get --
- 22 Q 40 Get it into your area?
- 23 A Into our area.
- 24 Q 41 But there were other areas in Dublin, is that right?
- 10:51:22 25 A Yes, it was on open competition really at the time.
- 26 Q 42 Later on at this meeting in June 1994, Monarch were anxious for the manager to  
27 prepare a draft variation to include the science and technology park and if I  
28 could have 5202 please. And one of their goals was to -- point 2 there was "To  
29 re-examine the areas noted in the report of the 23rd May 1994 for their present  
10:52:05 30 zoning being anomalous" and this would refer to the B and G lands that was saw



- 10:52:10 1 on the previous map which had been zoned for agriculture. At the end of the  
2 note of this meeting, "The specific members should be approached on the basis  
3 of moving and supporting a motion from the floor, in particular senior members  
4 of the Progressive Democrats should be approached and their support obtained."
- 10:52:22 5 And I think page 5203 please, you see there third at the end of the list there?
- 6 A I see it.
- 7 Q 43 You have been highlighted as a person who's support should be sought and the  
8 note is taken by Mr. Lynn on the 16th June 1994. Do you recall at this time  
9 for the time of the proposal of the science and technology park being contacted  
10 by Mr. Lynn seeking your support?
- 11 A I can't, but I do -- I can tell you that I was supportive of the development  
12 from day one.
- 13 Q 44 So there would have been no difficulty in gaining your support?
- 14 A Absolutely none.
- 10:53:00 15 Q 45 I think on the 14th November 1994, agreement, "the manager informs the council  
16 that agreement had been reached between Guardian Royal Properties, Monarch  
17 Properties Limited about a potential purchase of one third of the lands which  
18 would form the proposed science and technology park."
- 19 A I think that was for a joint venture.
- 10:53:20 20 Q 46 Joint venture.
- 21 A Because science and technology by their very nature are slow moving things, it  
22 takes up to 10, 12 years to bring them to fruition, so it was going to entail  
23 ongoing investment so the council would have to get involved to ensure that  
24 such ongoing investment would be there.
- 10:53:37 25 Q 47 On this occasion the manager proposes that "the procedures for Draft Variation  
26 Plan be set to place to provide for the rezoning of the lands for the park, the  
27 reciting of the existing C zoned lands and the lands currently zoned  
28 agriculture to be rezoned at a density of 16 houses to the hectare." And this  
29 motion was agreed. Did you find that the zoning of 16 houses to the hectare  
10:53:59 30 was preferable to the four houses to the acre which the other lands had?

- 10:54:04 1 A Well eight to the acre or 16 to the hectare is the zoning on the other side of  
2 the road. So I suppose I always felt that if you are going to zone something  
3 properly and you are going to maximise open space, leisure activities and  
4 activities that benefit the community the large, the higher the density that's  
10:54:25 5 zoned, the more opportunity you have for providing these facilities.
- 6 Q 48 If I could have page 5518 please. This is another one of the expense claims  
7 forms, Mr. Lohan, you just see there in December 1994, Mr. Lynn has noted  
8 contact with yourself again there, you see the sum there of 78 which you have  
9 already told the Tribunal you have no recollection of.
- 10:54:50 10 A None. I know -- I never had a meal with Mr. Lynn, I am absolutely sure of  
11 that.
- 12 Q 49 And then on the 24th April 1995 the manager informs the council there were a  
13 number of submissions, three in favour of the variation, 15 against but he  
14 recommends that the variation takes place without amendment and there was a  
10:55:10 15 vote in that regard, the vote is 23 for the variation without amendment and you  
16 were in favour of that I think, that would be your --
- 17 A Yes.
- 18 Q 50 Could I have map 7283 please. This is the final map posed to the variation  
19 where we see that the stripy lands there are the science and technology park,  
10:55:47 20 the lands that are outlined in red and pale colour are ten to the hectare and  
21 then the lands on the other side, the ones we were speaking of are 16 to the  
22 hectare. 5619 please. This is a letter from Mr. Michael Riordan to  
23 Mr. Richard Lynn from May 1995. Seeking support for the Dun Laoghaire Adult  
24 Education Board for the 16th.
- 10:56:22 25 A Yes, that's correct, I was chairman of that board for eight years. Our  
26 function was to take people who were illiterate, who couldn't read or write  
27 over a period of years to give them reading and writing skills and numeracy  
28 skills and each year we had a session where we would put on display the works  
29 of the groups within the county for three days and on one occasion, our  
10:56:47 30 president actually opened so it was quite a big event. And it was very

- 10:56:50 1 important to the people concerned and I remember on one occasion, the year the  
2 president opened it, one of our students who four years before couldn't read or  
3 write was able to give a recital of his own poetry and for him that was a  
4 hugely significant thing and his family. I was very proud of my involvement.
- 10:57:09 5 Q 51 I think Monarch had been regular supporters, they supported you for 100 pounds  
6 in 1993 and this letter indicates that they supported you 200 pounds the  
7 previous year?
- 8 A There was five or six companies we wrote to and Michael Riordan we wrote to  
9 every year and generally they were all supportive of it.
- 10:57:34 10 Q 52 5735 please. Just to show you, Mr. Lohan, another one of these expense claims  
11 formed and this one is for January '96, the weekend of 5th January 1986 again  
12 indicating that Mr. Lynn had some contact with you that week.
- 13 A I have no recall of these events.
- 14 Q 53 The next sign of any contact is in June of 1996 at 6019 please and it's the  
10:58:07 15 following year, again the adult education exhibition where you are seeking a  
16 donation from Monarch Properties and again they donate 200 pounds to the cost  
17 of the exhibition.
- 18 A That's correct.
- 19 Q 54 6070 please. A couple of months later in August of 1996, Monarch at your  
10:58:33 20 request contribute to tickets.
- 21 A That's right. The 3rd August 1996.
- 22 Q 55 8322 please. This is the cheque there, it appears to have been made out  
23 directly to yourself. And in such circumstances, what would you then do?
- 24 A We had an accountant in charge of the draws and I'd hand all the cheques over  
10:58:58 25 to him and where necessary, he would get me to endorse them but generally they  
26 were made out directly to the Progressive Democrats, it would be unusual to  
27 make one out to myself.
- 28 Q 56 Could I have 7465 please. This is the review of the 1993 Development Plan  
29 these are the draft changes proposed by the manager and I think you see the  
10:59:23 30 Monarch lands there, you see the yellow lands refer to changes 13 and 14 which

- 10:59:27 1 is changing the zoning from AP10 to A and change 14, AP16 to A and for the  
2 purpose of maximising potential of the lands suitable for development and in  
3 effect lifting the densities and changes 4 and 5 are the stripy lands, down at  
4 the bottom of the lands, are to extend the science and technology park.
- 10:59:47 5 A That's correct.
- 6 Q 57 These changes passed through the council and there seems to be no opposition.  
7 A As far as I can recall, there was very little opposition, I think there may  
8 have been one or two but very little.
- 9 Q 58 And the extension of the science and technology park, what was your belief with  
11:00:06 10 a view to that extension?  
11 A I think we extended by 20 acres or something, I was supportive of that.
- 12 Q 59 What was the reasoning behind that?  
13 A Again, everybody was so supportive of the science and technology and I think it  
14 was developing as such a rate at that stage that it justified the zoning more  
11:00:25 15 land because it would be filled.
- 16 Q 60 The park was being developed --  
17 A The park would be filled, yes.
- 18 Q 61 Could I have 7258 please, this is the first display of the Draft Development  
19 Plan of 1987 and a number of representations were received from Monarch  
11:00:43 20 Properties there, you see the numbers if we could enlarge that bit there  
21 please. You see their representation 360 at the top left representation?  
22 A I see that, yes.
- 23 Q 62 And that was to extend the district centre and then the representation beside  
24 it was to remove the cap on the district centre at 362 and then below that  
11:01:07 25 representation 359 was to extend the science and technology parks across the  
26 road.  
27 A I I recall that is -- we resisted extending the cap, we had a cap and we wanted  
28 the cap maintained because we wanted to development Dun Laoghaire and not  
29 outside the town and particularly not in Monarch lands.
- 11:01:24 30 Q 63 I think while the motion to lift the cap was put, there was an amendment put to

- 11:01:32 1 it, it was successful with the addition of the terms accepting the manager's  
2 recommendation in his report that "The following specific objective replace the  
3 cap, the retail elements on lands zoned DC at Cherrywood should compliment  
4 adjoining land uses. As such it shall be of a size which will provide for the  
11:01:46 5 local needs of the proposed science and technology park, the proposed business  
6 park and the adjoining residential neighbourhoods." That isn't quite as firm  
7 as a cap, is that correct?
- 8 A No it's not.
- 9 Q 64 And also the motion to extend the science and technology park was also  
11:02:02 10 successful but the amendment to include without prejudice to the advancement of  
11 the objective of a public golf course.
- 12 A That's correct.
- 13 Q 65 So I think at this stage the lands are now fully developed and there are no  
14 areas remaining that are not suitable for development. So from a developer's  
11:02:20 15 perspective, this was a very happy outcome, would you agree?
- 16 A Well I was very very supportive of the pay and play, the golf thing and I was  
17 very supportive of the science and technology and the zoning, I suppose that we  
18 ultimately arrived at was in keeping with the zoning in the area generally, the  
19 density levels, not the zoning, the density levels. They allowed for the  
11:02:44 20 development of Druid's Glen and they allowed for a lot of open space.
- 21 Q 66 Could I have page 6321 please. This appears to be an internal memo of Monarch  
22 Properties addressed to Mr. Richard Lynn, copied to Noel Murray. I think Noel  
23 Murray was the marketing director of Monarch Properties, did you know Noel  
24 Murray?
- 11:03:08 25 A No, I think I met him once but I didn't know him. I knew of him.
- 26 Q 67 And the note indicates that you telephoned and you wanted to speak with  
27 Mr. Lynn about the arts centre in Bloomfields?
- 28 A There was a proposed arts centre in Bloomfields and it looked as if the arts  
29 group weren't going to take it up. The adult education centre, we were located  
11:03:28 30 in the VEC in Sallynoggin and we needed space in Dun Laoghaire very badly and

- 11:03:33 1 we were just inquiring if it was possible maybe we could maybe rent that space  
2 if it become available, it subsequently didn't become available anyway.
- 3 Q 68 Could I have page 2078 please. This is the statement of Mr. Sweeney and dated  
4 June 2000. And at page 2079 please, he indicates a donation to yourself on the  
11:04:02 5 12th January 1999 for 450 pounds. Do you recall this?
- 6 A I can't recall it but if he did, I would have to check that up for you, it  
7 would be in the context of the local elections that were taking place that  
8 year. But I definitely cannot recall getting any such payment from him.
- 9 Q 69 I think Mr. Lohan in your statement you told the Tribunal that you never  
11:04:29 10 received any political contributions or gifts from anyone associated with the  
11 Monarch Group or any of the people outlined?
- 12 A That's absolutely true, I made that statement in April 1999.
- 13 Q 70 So you are not sure whether this payment took place or not?
- 14 A I have absolutely no recall of but I will check it up for you and see but I --
- 11:04:47 15 Q 71 And there's a further payment, a contribution arranged by Mr. Richard Lynn in  
16 June of 1999 indicating a payment of 500 pounds to yourself for the local  
17 election expenses?
- 18 A That's correct.
- 19 Q 72 But you didn't in your statement, you didn't refer to this donation?
- 11:05:04 20 A I made the statement in April 1999. That was in June 1999.
- 21 Q 73 Excuse me.
- 22 A Sorry, April -- which was it. No, my original statement.
- 23 Q 74 That's 7620 please. This is in reply to the Tribunal's letter of April 2006.
- 24 A Yeah, I took the view that the Monarch lands had ceased in 1998 and that any  
11:05:40 25 information you wanted was up to that date.
- 26 Q 75 Could I have page 1300 please, this is the letter from the Tribunal to  
27 yourself, Mr. Lohan, and at item 3 there if we could enlarge that please. "Any  
28 payment or benefit you may have received from or on behalf of those listed at i  
29 and ii" and I think you see there at ii, the names listed are the late  
11:06:08 30 Mr. Phillip Monahan, Mr. Richard Lynn, Mr. Eddie Sweeney and Mr. Dominic

- 11:06:16 1 Glennane and Mr. Phillip Reilly. That was the question asked of you, Mr.  
2 Lohan.
- 3 A I took that being a reference to the period of the development of the Monarch  
4 lands.
- 11:06:23 5 Q 76 If I could just enlarge, you see the last line of the second paragraph there  
6 please, Mr. Lohan?
- 7 A I do indeed.
- 8 Q 77 It says, "From the 1st January 1989 to date."
- 9 A Yes, I am sorry, I must have misread that.
- 11:06:40 10 Q 78 Just to refer you then briefly to 6619 which is a request from yourself to  
11 Mr. Sweeney.
- 12 A Yes. That was for a draw we were running too.
- 13 Q 79 You indicate that you have recently been appointed to the national executive  
14 party and asked to help out some financial problems and Mr. Sweeney notes he  
11:07:03 15 purchased seven tickets at 100 pounds each in support of your request.
- 16 A That's correct.
- 17 Q 80 And then at page 1375 please, this is from the statement of Mr. Lynn, again you  
18 will see items 7 and 8 there, around the same time period. A contribution to  
19 the Dun Laoghaire Adult Education Board of 800 pounds.
- 11:07:29 20 A That would be correct, yes.
- 21 Q 81 And then the tickets for the grand draw of 100 pounds and then page 1376  
22 please. The last two items on that list.
- 23 A Yes, Dun Laoghaire Education Committee, fine, and local election. I accept  
24 that, yes.
- 11:07:49 25 Q 82 Thank you, Mr. Lohan, if you would answer any questions anybody else might have  
26 for you.
- 27 A Thank you very much.
- 28
- 29 JUDGE FAHERTY: Just one question, Mr. Lohan.
- 11:07:59 30 A Yes, your honour.

11:08:01 1 JUDGE FAHERTY: Could I have 2359, I think it's a map, the Development Plan  
2 map of 1993 and 7283 beside it if I could for a second. I just want to ask,  
3 Mr. Lohan, the one on the right is the lands after the variation of the 1993  
4 plan and I think that was finally, I have forgotten the day, I think it was  
11:08:50 5 1995 it was actually adopted.

6

7

MS. DILLON: April 1995.

8

9

11:09:00 10 JUDGE FAHERTY: April 1995. If you like I suppose it's about 18 months or so  
11 after the draft development, the 1993 plan. And you were saying earlier that  
12 when you came to sign the motion in November of 1993, that that was a  
13 compromise. And I just want to ask you, ultimately 18 months later, all of the  
14 Monarch lands are zoned otherwise than agriculture, isn't that correct, there's  
no agriculture lands left?

11:09:28 15 A Yes.

16

17

JUDGE FAHERTY: And in November 1993, Monarch had their lands on ten houses to  
18 the hectare. To the right, if you like of the old 1983 line, isn't that  
19 correct?

11:09:39 20 A Yes.

21

22

JUDGE FAHERTY: And by April 1995, they had retained that and then they had  
23 this, obviously the science and technology park. And the district centre  
24 capped.

11:09:50 25 A That's correct.

26

27

JUDGE FAHERTY: And then they had 16 houses to the hectare, to the left of the  
28 old 83 line, is that correct?

29

A That's correct, yes.

11:10:01 30



- 11:10:02 1 JUDGE FAHERTY: I am just want to ask you, all that seems to have happened  
2 without, as I understand it, any compromise having to be achieved, is that  
3 correct, Mr. Lohan?
- 4 A Well as I said before, after '92 onwards, I took my direction from the county  
11:10:24 5 manager and the professional planners. What they proposed, I tended to support  
6 mostly.  
7
- 8 JUDGE FAHERTY: Yes but just if you look at that at that, 1995 variation map  
9 and you took at the '93 map, that's the, is that the Brides Glen there I think,  
11:10:46 10 is it?
- 11 A The Druid's Glen.  
12
- 13 JUDGE FAHERTY: I beg your pardon, the Druid's Glen, there seems to be quite a  
14 diverse density zoning pattern there now, isn't that correct by '95?
- 11:10:58 15 A As far as I can remember, yes.  
16
- 17 JUDGE FAHERTY: You have one house to the acre, is that right, and then you  
18 have 16 houses to the hectare and ten houses to the hectare. And in terms of,  
19 just asking if anybody is looking at that and within the council, when that  
11:11:17 20 came to be proposed, were the lands north of the Druid's Glen still within the  
21 jurisdiction of Dun Laoghaire/Rathdown?
- 22 A The Druid's Glen runs through Cherrywood.  
23
- 24 JUDGE FAHERTY: As i understand it, the Cherrywood lands are still -- So the  
11:11:31 25 houses, I am just wondering the houses, the lands that were zoned one house to  
26 the acre, when you were considering if you like looking at densities and you  
27 seem concerned about densities, you have given reasons as to why you voted why  
28 you did, Mr. Lohan, that you didn't want an elitist pattern developing, which  
29 obviously one can understand.
- 11:11:57 30 A Yes.

11:11:58 1 JUDGE FAHERTY: I am just wondering why, if that was a compromise in November  
2 1993, how come some 18 months later, there was no great, I haven't heard  
3 anyway, discussion about giving 16 houses to the hectare to lands that were  
4 zoned agricultural, already zoned lands at one house to the acre, I know it's a  
11:12:27 5 very long-winded question but you get my drift.

6 A I understand where you are coming from but I honestly cannot recall as to why,  
7 what my reasoning or my thinking was at the time on that.

8  
9 JUDGE FAHERTY: All right and just one other thing. You said last time you  
11:12:43 10 were here that Mr. Marren asked you to sign the motion, is that correct?

11 A That would be normal within the group.

12  
13 JUDGE FAHERTY: That was the motion on the 11th, do you have of recollection  
14 of being actually asked or?

11:13:00 15 A I don't have a recollection but I now I that's what would have happened.

16  
17 JUDGE FAHERTY: Obviously your signature is on it. I see. All right. Thanks  
18 very much.

19  
11:13:04 20 CHAIRMAN: All right. Thank you very much.

21 A Thank you.

22  
23 **THE WITNESS THEN WITHDREW**

24  
11:13:10 25 MS. DILLON: Mr. Gerry Gannon please.

26  
27  
28  
29  
30

11:13:12 1 **MR. GERRY GANNON, HAVING BEEN SWORN, WAS EXAMINED AS**

2 **FOLLOWS BY MS. O' RAW.**

3

4 CHAIRMAN: Good morning, Mr. Gannon.

11:13:41 5 A Good morning.

6 Q 83 MS. O'RAW: Good morning, Mr. Gannon, my name is Eunice O' Raw, I will be  
7 taking you through your evidence this morning. The Tribunal wrote to you in  
8 April of this year with a note of a meeting that occurred back in August 1991.

9 A That's correct.

11:13:54 10 Q 84 And asked for you to provide a narrative statement and you did so. Just in  
11 relation to that particular minute of a meeting, it appears that you attended  
12 at a meeting with two other people or the three of you appear to have come  
13 together, Mr. Noel Smyth, and Mr. Louis Scully, is that right?

14 A That's correct.

11:14:16 15 Q 85 You have given evidence to the Tribunal before.

16 A Yes.

17 Q 86 And I think in that evidence, you said that you had a relationship with Mr.  
18 Smyth?

19 A That's correct.

11:14:25 20 Q 87 And that was in relation to lands at Airfield, is that correct?

21 A That's correct.

22 Q 88 In relation to those lands out at Airfield, the nature of the relationship that  
23 existed there, Mr. Smyth owned the lands, I think you told that to the Tribunal  
24 before, and then you were involved in obtaining planning permission in relation  
11:14:49 25 to those lands, is that correct?

26 A I also had some of the lands owned myself in my name too, so there was a kind  
27 of a both parties came together to get the whole thing sorted out.

28 Q 89 Did you purchase the lands together at the time?

29 A No, he purchased the lands, I forget now going back because obviously this was  
11:15:04 30 the last, this hasn't been brought to me before.

- 11:15:07 1 Q 90 Yes. So when did you come on board with Mr. Smyth in relation to obtaining the  
2 planning permission for these lands, the Airfield lands? Was it around about  
3 the same time or did Mr. Smyth seek to obtain planning permission first of all?
- 4 A No.
- 11:15:26 5 Q 91 So it was he brought you on board to obtain the planning permission?
- 6 A Yes.
- 7 Q 92 Were the lands zoned for residential purposes at the time?
- 8 A Yes.
- 9 Q 93 I see. So you didn't need any rezoning done at the time, it was just the  
11:15:38 10 planning permissions?
- 11 A It was just basically a sewerage problem, there was a problem with the sewerage  
12 capacity.
- 13 Q 94 I see, okay. So if we could have a look at a document please at 8549. And  
14 this is a letter dated the 19th June 1991, it's a letter from Mr. Smyth to  
11:16:02 15 Mr. Louis Scully and it's in relation to the Cherrywood lands and he encloses  
16 various different documents there in relation to the location maps, etc. and he  
17 said "We anticipate that the 1983 plan is unlikely to be the one that will  
18 finally be adopted". I think he is referring there to the 1983 road plan,  
19 "However, perhaps you would like into the matter and set up a meeting with  
11:16:26 20 Gerry and we can discuss it further." So this is in June 1991, Mr. Smyth  
21 writing to Mr. Scully and suggesting that Mr. Scully would look into the matter  
22 and set up a meeting with Gerry, do you think you are that Gerry referred to in  
23 that letter there?
- 24 A More than likely.
- 11:16:46 25 Q 95 Can I ask the relationship then between yourself, Mr. Smyth and Mr. Scully, was  
26 Mr. Scully involved in the Airfield lands as well?
- 27 A No, Mr. Scully was -- he dealt in land, he was an agent, a land agent. An  
28 auctioneer.
- 29 Q 96 An estate agent and auctioneer, right. And after this letter was written, were  
11:17:08 30 you contacted, do you think, by Mr. Scully? Or by Mr. Smyth in relation to

11:17:14 1 these lands. We see that the minute of the meeting you were sent by the  
2 Tribunal was in August of 1991, this letter is written in June '91. And you  
3 attended a meeting in August '91. So presumably, between June and August, you  
4 were contacted by Mr. Smyth or Mr. Scully.

11:17:37 5 A I have no recollection of it, I might have been, done.

6 Q 97 However, you ultimately ended up at a meeting in Monarch on the 27th August  
7 1991?

8 A That's correct.

9 Q 98 Can you recall what was the intention of you attending this particular meeting,  
11:17:53 10 what was the purpose behind it?

11 A Well to the best of my knowledge obviously in 1991, it was a long time ago and  
12 the meeting wasn't a very long meeting as such.

13 Q 99 Yes.

14 A I do remember going into this big boardroom which was very impressive and I  
11:18:08 15 remember we were a bit late, the meetings was a bit late but I think the main  
16 thing that was the problem there, I think that in 1991 and correct me if I am  
17 wrong because this is only meeting I think I had with about the land, I think  
18 there was no sewerage line in Cabinteely at that particular time, there was no  
19 sewerage capacity and obviously if you are to build houses, whether it's one to  
11:18:35 20 the acre or five to the acre or six to the acre, you need a sewer line and I  
21 think the houses at that stage were zoned on septic tanks, if I can remember  
22 correctly.

23 Q 100 Yes.

24 A And I suppose why I was brought into the meeting probably was to see if it was  
11:18:48 25 possible that a new sewer line which was about three miles away, again I am  
26 only going from memory, I have no maps or recollection or no details of it,  
27 that the sewer be brought in, I feel it needed a sewer line brought to the  
28 site.

29 Q 101 At the time the lands were zoned for low density residential.

11:19:08 30 A I think it was one house to the acre, I am not quite sure but I think it was.

- 11:19:12 1 Q 102 Do you remember a discussion or what was said about the zoning of the lands and  
2 the density of the housing?  
3 A Well not really. I think my view at the time was that septic tanks wouldn't be  
4 viable on a large septic tank probably is viable on a house on, in a country  
11:19:39 5 area but not in an area like that.  
6 Q 103 Was there intention then to increase the density on the lands?  
7 A No, it was totally a sewer line, the sewer line was far away and I had -- we  
8 had already done a sewer line in Airfield, so I think we were the pain purpose  
9 of the thing was to see could a sewer line be brought from Cabinteely to  
11:20:00 10 wherever the sewer could be taken through.  
11 Q 104 And out in Airfield, you had to have a sewer line put in?  
12 A Correct.  
13 Q 105 And was it the intention then that a similar project would be done here to see  
14 about how to get the sewer line out?  
11:20:14 15 A We brought a sewer line I think about two and a half mile in Airfield and this  
16 was roughly, now I am going totally from memory, I think roughly it was  
17 something similar distance, maybe a bit longer to get into a pipe where there  
18 was capacity in the pipe to take houses.  
19 Q 106 If we just have a look at the minute of the meeting, it said "NS" whom I take  
11:20:34 20 to be Noel Smyth, "introduced Gerry Gannon and Louis Scully and stated that --  
21 A Sorry.  
22 Q 107 Page reference 3314. Sorry it should be appearing before you now.  
23 A Yes.  
24 Q 108 "NS introduced Gerry Gannon and Louis Scully and stated that GG" who I take to  
11:20:56 25 be yourself "had obtained a planning permission at Grange Road, Malahide".  
26 They would be the Airfield lands, would they?  
27 A Correct.  
28 Q 109 "On which Abbey Homes had had seven or eight refusals previously. He obtained  
29 permission within --  
11:21:09 30 A Sorry, that's a little bit of a exaggeration, I don't think it's seven or

- 11:21:14 1 eight. But that's what's there but I think they had one or two.
- 2 Q 110 You think they had one or two refusals. Did you have a look at the planning  
3 application that had been put in by Abbey Homes?
- 4 A Absolutely.
- 11:21:26 5 Q 111 And where Abbey Homes --
- 6 A I would have my own engineers looking at this obviously and my architects to  
7 see what was the problems.
- 8 Q 112 And do you recall the difference between your application and the application  
9 that had been put in by Abbey Homes?
- 11:21:40 10 A A sewer line.
- 11 Q 113 The sewer line. That was how it was achieved.
- 12 A Sewer pipe, well capacity, you can't flush a toilet without a sewer pipe. And  
13 they were doing something similar that time to what Monarch was doing, they  
14 were trying to put in a treatment plant at that stage but I thought wouldn't  
11:21:58 15 work. It was in a residential area so it's different ways and means, you know.
- 16 Q 114 "He obtained permission within a 15 month period for 770 houses with an  
17 additional 135 houses to come together with restaurant, pub, etc, D was not  
18 proceeding with a refurbishment at Donaghmede pending Malahide." Do you recall  
19 what that is about?
- 11:22:21 20 A I think that that was reference to Dunnes Stores.
- 21 Q 115 "GG was in contact with Manor Parks Homes in the sum of 6.5 million pounds.  
22 (David Daly) prior to planning permission." Can you tell us what that was  
23 about?
- 24 A Manor Park had actually entered -- again I had -- Manor Park had entered a  
11:22:49 25 contract with us to purchase the lands.
- 26 Q 116 The purchase the Airfield lands?
- 27 A Airfield lands, yes.
- 28 Q 117 And "GG had looked at the Cherrywood site and recognised that there was some  
29 difficulties attached." So that would indicate that you had done some work on  
11:23:07 30 this beforehand?

- 11:23:10 1 A Well --
- 2 Q 118 Before this meeting?
- 3 A I knew there was a service problem, that there was no sewerage in Cabinteely at
- 4 the time.
- 11:23:17 5 Q 119 Right. And what were you proposing to do then?
- 6 A Well my engineers was proposing to put in a new sewer line from where were the
- 7 capacity was in the existing sewers in, I honestly don't know at the time where
- 8 it was, I think it was up in Shanganagh or somewhere. That was our proposal at
- 9 this stage, this was only very brief, it's just one look into a meeting, it
- 11:23:43 10 wasn't as if we done detailed studies on it or anything like that.
- 11 Q 120 How did the three of you come together to present this to Monarch, yourself,
- 12 Mr. Smyth, and Mr. Scully?
- 13 A Well I suppose Mr. Scully was a valuer, Noel Smyth was a solicitor.
- 14 Q 121 And the three of you had operated previously together?
- 11:24:11 15 A Yes, well he'd be -- Yes.
- 16 Q 122 And you decided to broach Monarch with this possible assistance, or to provide
- 17 a service?
- 18 A I don't quite know it was like that. I think they could have approached Noel
- 19 Smyth, I don't know, he might have rang me to see about it.
- 11:24:37 20 Q 123 Yes and according to this note here. "He was prepared to offer his services to
- 21 provide as follows, GG to look after residential." Was that in relation to
- 22 providing the sewerage line?
- 23 A Yes.
- 24 Q 124 "Monarch look after retail, GG use own architect for residential, GG will enter
- 11:24:55 25 contract with Manor Homes. He states he has a good rapport with officials."
- 26 Can you tell me about that rapport that you had with officials and in obtaining
- 27 what whatever it was that needed to be obtained to provide this residential
- 28 development?
- 29 A Well I suppose that, you are talking about 1991 when the services in Dublin
- 11:25:21 30 were very bad and the services in Dublin at that stage was, there was usually



11:25:26 1 one pipe which also connected to surface water and sewerage into the one pipe  
2 rather than nowadays it all goes into the one pipe, at the time there was a  
3 certain amount of people connecting surface water mains into the sewer pipe. I  
4 suppose what we did up in the last site, we disconnected, our proposals was to  
11:25:49 5 disconnect all the existing surface water pipes into a separate surface water  
6 main and to keep the sewer pipe separate and this was something similar what we  
7 were thinking about here.

8 Q 125 But can you tell me about the contact you would have had with officials in  
9 order to obtain --

11:26:04 10 A Personally I had no contact at all myself, my engineers would have, they had no  
11 contact at this stage, this was just a proposal we were going to do, it never  
12 materialised.

13 Q 126 But in relation to Airfield, for example, did you have any contact with the  
14 officials then?

11:26:16 15 A No, not me personally, my engineers would have been in contact with them, I am  
16 not an engineering person, so obviously that is an engineering detail that  
17 would have to be worked out over many months.

18 Q 127 And your role was in relation to the development of the lands but you would  
19 have other professionals, architects and engineers?

11:26:38 20 A I am not an architect or an engineer.

21 Q 128 Yes. So what exactly was your role in relation to it? If you are not the  
22 architect or the engineer, just to explain exactly the nature of the service  
23 that you would have provided to Monarch?

24 A Well it happened they didn't want me at all but I suppose we would have looked  
11:27:00 25 at bringing the pipe from A to B and seeing, first of all, was it viable to do  
26 and secondly, could it be done.

27 Q 129 Yes. There was a further meeting that occurred on the 3rd September 1991, this  
28 is at 3328. And again, you are present with Mr. Noel Smyth, Mr. Louis Scully,  
29 Mr. Edward Sweeney, Mr. Noel Murray and Mr. Richard Lynn, Monarch and it said  
11:27:38 30 "NS stated that GG required to know the area of land devoted for residential

- 11:27:43 1 purposes and that to be retained for commercial and retail." Can you recall  
2 any discussions about how the land was going to be used at that time?
- 3 A I haven't seen this before actually.
- 4 Q 130 It should have been in the documentation that was furnished to you, I believe a  
11:28:00 5 CD Rom of the entire brief was sent to you, so ...
- 6 A I haven't seen it.
- 7 Q 131 If you would like a minute to have a look at it.
- 8 A Yes.
- 9 Q 132 And there's a following page as well, page 3329 please. Just to give you an  
11:28:49 10 opportunity to have a look at it. I think this appears to be the package that  
11 you are presenting to Monarch of services that you would have provided and in  
12 relation to that particular package, "NS then outlined the package required by  
13 Mr. Gannon and Louis Scully to be involved in Cherrywood."
- 14 A I am sorry, can you put up --
- 11:29:17 15 Q 133 Sorry of course 3328 please. This is on the first page, it was a payment of  
16 20,000 pounds for this they would open up discussions with David Daly in  
17 relation to the sale of the residential lands to Manor Homes. I think you have  
18 already said that you had an involvement with Manor Homes in your Airfield  
19 site?
- 11:29:38 20 A Yes.
- 21 Q 134 On signing of a contract for the residential lands, payment of 100,000 pounds  
22 on the grant of planning permission, 12 percent of residential contract price  
23 within this NS was to receive 2.5 percent of which he would not be taking and  
24 then it goes on to outline further amounts there. Who, can you recall,  
11:30:00 25 negotiated or who came up with those particular figures?
- 26 A Who wrote the letter?
- 27 Q 135 Well this is a minute of the meeting that occurred and this is the Mr. Smyth  
28 outlining the package that was, that he said that was being required by  
29 Mr. Gannon and Mr. Scully.
- 11:30:21 30 A I don't actually know. I think it was just discussions, just a discussion that

- 11:30:25 1 was brought through the same as the last letter, I don't think there's any  
2 actually -- I don't know to be quite honest. It's the first I have seen of it.
- 3 Q 136 On the following page at 3329, it indicates there "E.S" whom I take to be  
4 Mr. Sweeney indicated "that GG should do was to provide a layout which he felt  
11:30:50 5 David Daly would like and make a submission advising timing etc, after further  
6 discussion, NS submitted that the package as outlined by him should be  
7 considered by Monarch and if acceptable, heads of agreement should be entered  
8 into. The payment of the 20,000 pounds initial fee would be made and work  
9 could then be commenced by both Mr. Gannon and Mr. Scully." Was that 20,000  
11:31:12 10 ever paid, that initial fee in?
- 11 A No.
- 12 Q 137 Did you do any work in relation to assisting Monarch in providing, in obtaining  
13 residential --
- 14 A No, I have no documentation at all about it, if I had I would have given it to  
11:31:28 15 the Tribunal.
- 16 Q 138 You mightn't have any documentation but do you recall assisting Monarch at all  
17 in their endeavours?
- 18 A No.
- 19 Q 139 Do you recall any discussion about changing of zoning or changing of density at  
11:31:42 20 this later meeting?
- 21 A No. I was taking the land basically at one house per acre which was in 1991, I  
22 think Monarch was trying to achieve some development on the site at that stage  
23 because obviously they had paid a lot of money for the site. So --
- 24 Q 140 Yes. Well at this time the lands were zoned on a very low density residential  
11:32:07 25 basis. Now, you have been presented at this earlier meeting as some one who  
26 had obtained a large amount or high density planning permission on other lands,  
27 was something similar being sought by Monarch here?
- 28 A I would say it probably was. They were trying to maximise their lands.
- 29 Q 141 And given that their lands were zoned with low density residential, how did you  
11:32:35 30 propose to them you could obtain this?

11:32:38 1 A As I say, I didn't make any proposal to them, it was a general talk to them  
2 about what their views were and what they were trying to do on it, I never made  
3 no actual submission to them on drawings or anything at that stage. Because  
4 the first of all the thing that we had to do was, we had to find out if you  
11:32:57 5 could get a sewer pipe to the lands which we didn't follow up on that.

6 Q 142 I see. But the zoning at that time was low density, so there would have to be  
7 a change in the zoning.

8 A Well, we weren't looking at that, we were looking at the house per acre as was  
9 there, what we were trying to do first was see could we get a sewer line into  
11:33:17 10 the site and then probably afterwards that would be a different --

11 Q 143 So to get a sewer line put in first and then to get a change in the zoning --

12 A That would be my view to get a sewer line into the place because there was no  
13 sewer line.

14 Q 144 Thank you Mr. Gannon if you have any questions.

11:33:33 15  
16 CHAIRMAN: Thank you very much.

17 A Thank you, your honour.

18

19 **THE WITNESS THEN WITHDREW**

11:33:37 20  
21 MS. DILLON: Mr. Sean Barrett please.

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11:33:46 1 **MR. SEAN BARRETT, HAVING BEEN SWORN, WAS EXAMINED AS**

2 **FOLLOWS BY MS. DILLON:**

3

4 CHAIRMAN: Good morning, Mr. Barrett.

11:33:59 5 A Good morning.

6 Q 145 Good morning, Mr. Barrett, you have previously given evidence to the Tribunal  
7 but briefly, you are a member of the Fine Gael political party and between June  
8 of 1991 and December of 1993, you were a member of Dublin County Council, and  
9 after December of 1993, you became a member of Dun Laoghaire/Rathdown County  
10 Council?

11:34:33 10  
11 A That is correct.

12 Q 146 After 1993, insofar as you were a member of Dun Laoghaire/Rathdown County  
13 Council, I think that the documentation shows that in late 1995, your  
14 involvement with Dun Laoghaire/Rathdown County Council and these lands ceased  
15 and you had little or nothing to do with the lands thereafter, isn't that the  
16 position?

11:34:49 15  
16  
17 A No, late 1994, I finished because I was appointed to the new government.

18 Q 147 Yes. That's correct and I think in prior to 1991, you had previously been a  
19 member of Dublin County Council up to 1982.

11:35:08 20 A That's correct.

21 Q 148 And then you retook your seat or stood in the local elections in June of 1991  
22 and were elected, isn't that the position?

23 A That is correct.

24 Q 149 By the time you were elected in June of 1991, certain things had happened to  
11:35:23 25 the Cherrywood lands and I will ask you some questions about that. But can the  
26 Tribunal take it, Mr. Barrett, that you would have known this entire area and  
27 location very, very well?

28 A Well as part of my constituency even though I wasn't a member of council.

29 Q 150 Yes. And would it be fair to say and indeed the Tribunal has heard evidence  
11:35:44 30 as late as yesterday from Mr. O'Herlihy, that you were opposed to high density

11:35:50 1 residential development in the Carrickmines Valley?

2 A Well the position I took was that these lands had been zoned in 1983 at one  
3 house to the acre which one would regard as sort of a holding exercise I don't  
4 think anybody would ever envisage developing a large area like this at one  
11:36:11 5 house to the acre on septic tank.  
6  
7 When I was elected in 1991, I took a decision that any change was premature  
8 pending the overall plan being presented by the new Dun Laoghaire/Rathdown  
9 County Council as to the whole area stretching from Cherrywood Road to  
11:36:36 10 Glenamuck, so I decided that the best thing to do was to retain what was there  
11 in 1983 and to allow the new Dun Laoghaire/Rathdown County Council, through the  
12 officials, to present a new action plan for the whole area. I didn't see any  
13 sense in changing from one house to the acre to four houses to the acre because  
14 it was evident to anybody who knew the area that the whole of that area would  
11:37:01 15 not be developed purely for housing at four houses to the acre.  
16 Q 151 And by that, do you mean that you would have known as your colleagues would  
17 have known that portion of the land would have been developed the at a higher  
18 density?  
19 A All you have to do is look at the report presented, the technical reports  
11:37:19 20 presented to the council at that time. They clearly stated that there was a  
21 proposal to put a new main sewer, the Carrickmines sewer, into this area and  
22 therefore they were indicating that this was in future a development area and  
23 therefore anything that was going to be proposed, whether it was one house to  
24 the acre or four houses to the acre was going to be totally irrelevant because  
11:37:43 25 you had proposal for a new motorway to go through it, the line hadn't been  
26 decided, there was a proposal for a new mains sewer, not just to service that  
27 land but other lands, right up Glenamuck Road up to Stepside. So that whole  
28 area was going to change. My attitude was that in the 19 -- as it turned out  
29 1993 Development Plan, that it was pointless changing from one house to the  
11:38:13 30 acre to four houses to the acre, especially with the Monarch proposal which

11:38:18 1 also included major retail development when Dun Laoghaire town was dying on its  
2 feet, when you had a neighbourhood shopping centre in Loughlinstown, one in  
3 Ballybrack, you had shopping facilities being developed in Shankill, you had a  
4 major outlet in Cornelscourt and here we were talking about a major retail  
11:38:42 5 development in an area that was totally virgin, a virgin area, and Dun  
6 Laoghaire town dying on its feet, it didn't make any sense to me. I said to  
7 people if you want to develop, go down to Dun Laoghaire and I will support you.  
8 That was quite simple.

9 Q 152 And at that time, sorry, Mr. Barrett, you had effectively dual membership, you  
11:39:03 10 were also a member of Dun Laoghaire Urban District Council, is that correct?

11 A No, I was never a member of.

12 Q 153 Sorry I beg your pardon. Can I show you the position that pertained when you  
13 were elected in 1991, which was the map that went out on first public display  
14 at page 7021.

11:39:29 15  
16 Now, you will have seen this documentation, Mr. Barrett, in the brief. The  
17 yellow lands are the residentially zoned lands and the lands caught within the  
18 red boundary are those that were owned by Monarch Properties and in the first  
19 public display, the yellow lands were proposed at four houses to the acre or  
11:39:50 20 ten house to the hectare on piped sewage as a result of a map that was brought  
21 to the council by the manager in May of 1991, just before the elections. And  
22 that was the position that was put on the first public display. So when you  
23 were reelected to the council, that was the position that pertained?

24 A That's correct.

11:40:08 25 Q 154 Now, the manager in his report to the members had explained to the members that  
26 it was more appropriate that all of these yellow lands be zoned on piped  
27 sewerage because of the imminence of the Carrickmines sewer that was going to  
28 service the area.

29 A Well that was the report that I saw.

11:40:26 30 Q 155 Yes.

- 11:40:27 1 A I didn't necessarily agree with it mind you but --
- 2 Q 156 That was what the manager had said, that it was more appropriate, that instead  
3 of it being on septic tank, it should be on piped sewage but the pipe itself  
4 had not been built indeed at this stage, isn't that the position? Now --
- 11:40:42 5 A Or the capacity of the pipe hadn't been agreed either. That was an issue  
6 following on 1992, 1993 as to the size was pipe that should be installed, as to  
7 what level of development should be allowed.
- 8 Q 157 Because the size of the pipe or the diameter of the pipe would determine the  
9 density of development, isn't that right?
- 11:41:04 10 A Correct.
- 11 Q 158 And that was a decision indeed I think that came before the council and there  
12 was much discussion in the council about the size of the pipe, isn't that  
13 right?
- 14 A Correct. That is correct.
- 11:41:13 15 Q 159 Because that was going to have a knock-on effect on what density, sorry, what  
16 the capacity would be would determine the density, isn't that the position?
- 17 A That is correct but it would also determine what level of development should be  
18 allowed in that whole area and that's why it was an action plan was needed for  
19 this whole area in advance of any change. Which therefore my argument was,  
11:41:38 20 which I stated publicly at various meetings and at the council meeting, my  
21 argument was that it was premature to make any change when you hadn't decided  
22 on the size of the pipe, the pipe hadn't been built, the road line hadn't been  
23 decided, and yet we were changing from one house to the acre to four houses to  
24 the acre. I couldn't understand it.
- 11:42:02 25 Q 160 But your position in relation to the lands was that you wanted an action area  
26 plan and you wanted the matter left to the new Dun Laoghaire/Rathdown County  
27 Council which was due to take up office in early 1994, isn't that right?
- 28 A Immediately after the Development Plan. What I actually did was I asked the  
29 planning officials to supply me with a map outlining the area in that general  
11:42:25 30 area which was zoned at one house to the acre. They supplied me with the map



11:42:31 1 and I tabled a motion which stated that these lands should be zoned at one  
2 house to the acre, the reason why I worded it that way is because technically  
3 some of it had gone on public display at four houses to the acre. So I got  
4 that map supplied to me by the council and I tabled that motion.

11:42:49 5 Q 161 That's the motion that was dealt with by the council on the 27th May 1992.

6 A That is correct.

7 Q 162 But I think that prior to that, in late November 1991, it appears somebody  
8 else, the Tribunal heard from Mr. Bill O'Herlihy, you may have had a meeting  
9 with Mr. O'Herlihy or some of the Monarch people who wanted to make their  
10 proposal to you?

11 A That's correct.

12 Q 163 Did you attend a meeting in the offices of Monarch Properties to view the  
13 display that they had or their proposals?

14 A I did.

11:43:22 15 Q 164 Can you remember first of all who you met at the meeting?

16 A I can't remember exactly, but there was a large group of people there. There  
17 was Mr. Monahan, who I had met for the first time and there was a large group  
18 of officials and a model of who was being proposed. So out of courtesy, I  
19 attended and listened to what they had to and then I told them straight up I  
20 wasn't support it and I gave them all the reasons why.

21 Q 165 And would those reasons have been, Mr. Barrett, the reasons you have outlined  
22 to the Tribunal today, that it was premature because the sewer hadn't been  
23 built or the size of the pipe hadn't been determined and the matter should be  
24 left over to the new council?

11:43:56 25 A What I said clearly was that this matter should be left to the new council,  
26 that an action plan should be drawn up and that I would recommend that if they  
27 wanted to have more retail development, that they should move from Cherrywood  
28 down to Dun Laoghaire where redevelopment was very badly needed. The town was  
29 dying on its feet. It was the main centre of my constituency, I was concerned  
11:44:21 30 about it, there was a lot of dereliction in the area and I couldn't see any

- 11:44:26 1 sense of building a new retail centre back in 1991, 1992, in an area that was  
2 totally, well for all intents and purposes, agricultural.
- 3 Q 166 And prior to this, would you have known, Mr. Barrett, that Monarch had bought  
4 these lands and were the purchasers of those lands?
- 11:44:42 5 A Well it was public knowledge that Monarch and GRE had purchased these lands at  
6 some enormous price. But that was none of my business.
- 7 Q 167 Yes, I know that but being familiar with the area, the price paid for these  
8 lands in 1989 was approximately 10 million pounds, was that regarded as a very  
9 high price for land in that area at that time?
- 11:45:03 10 A Well I put it to you this way, I wouldn't have paid 10 million pounds for lands  
11 that was zoned one house to the acre on septic tank.
- 12 Q 168 I think you mentioned a moment ago that it was regarded as being a high price,  
13 was that generally known in the area or in the location that or was it  
14 generally considered that a large amount, a bigger than normal amount had been  
11:45:24 15 paid for these particular lands?
- 16 A I suppose I mean we are going back now what, 15, 16 years, you are talking  
17 about punts. I suppose given the value of property in the area at that stage,  
18 it would have been a large sum of money, yes.
- 19 Q 169 And the line that was used by the council to determine residential development  
11:45:50 20 as has been explained to the Tribunal, was what was described as the 1983 line  
21 of the Southeastern Motorway and on the map that's on screen, the lands to the  
22 east of that line were zoned residential but the lands to the west of that line  
23 were zoned agriculture?
- 24 A Yes, well I mean in 1983, I would imagine that the line that was put in was  
11:46:11 25 just an indication that a road was going in, there was never any detailed  
26 discussion that, to my knowledge, from '91 to '93 as to the exact line of this  
27 road. I mean if you look at back to the minutes of the new Dun  
28 Laoghaire/Rathdown County Council, you will find strangely that a report was  
29 presented, to the best of my recollection, by the engineers suggesting three  
11:46:40 30 options for that road. The least desirable one, according to that report as I

- 11:46:47 1 recall turned out to be the one that was eventually built on.
- 2 Q 170 That's the mountain route, it's called the mountain route?
- 3 A The one through Leopardstown racecourse was the one that the engineers said was
- 4 least desirable, yet it turned out to be the one that eventually went ahead.
- 11:47:04 5 Now, that had a significant effect on where development should take place. I
- 6 was off the council by that stage and in fact the Dail record will show that I
- 7 questioned why this line was changed and I asked the Minister for Agriculture,
- 8 who was responsible at the time, for horse racing and I asked why was it
- 9 allowed that the only remaining race track in Dublin, which was of significant
- 11:47:31 10 importance to the racing industry, was allowed to lose its six furlong track
- 11 for a line of a road where the report had previously said it was the least
- 12 desirable route to take. I could never understand why it was changed. The
- 13 alternative route was up through Kilgobbin and across through the tip head and
- 14 I mean all the of this, chairman, is public knowledge. These reports are
- 11:47:59 15 available at the council.
- 16 Q 171 And I think some of these documents are in the brief, Mr. Barrett, but on the
- 17 1983 plan, the line of the motorway bisected the Monarch lands, isn't that
- 18 right?
- 19 A Yes.
- 11:48:14 20 Q 172 It's only a notional line because nothing as you say, was built but it did
- 21 bisect the Monarch lands?
- 22 A Yes.
- 23 Q 173 And the agreement within the council or the understanding within the council
- 24 was that residential development would be allowed on the eastern side of that
- 11:48:28 25 line up to the notional line, is that right?
- 26 A Yes.
- 27 Q 174 And that beyond that's correct the other side, the western side of that line,
- 28 would not be available or there wouldn't be residential development, that was
- 29 the thinking at the time?
- 11:48:39 30 A That is so and in fact there was a proposal which I supported, I think it was

- 11:48:47 1 Mr. Galvin, through estate agents called Spain, I think, Paddy Spain.
- 2 Q 175 Spain Courtney.
- 3 A He was representing Mr. Galvin and they were anxious to develop a golf course
- 4 on the line to the west of that notional line. And therefore any movement in
- 11:49:08 5 that line could affect the viability of a pay and display golf course or pay
- 6 and play I should say golf course. That if you moved it, if you kept moving
- 7 it, that it would take up so much land that there wouldn't be sufficient for a
- 8 golf course and I thought at that stage again we are talking about 1991, 1992,
- 9 that you know there was a need for pay and play golf facilities because the
- 11:49:34 10 only other facilities in the area were mainly private golf courses with the
- 11 exception of a nine hole course in Stepside which was developed by Dublin
- 12 County Council.
- 13
- 14 And therefore it was important that you were in favour of that golf course on
- 11:49:52 15 the west side of the line, that to move the notional line more west would
- 16 affect that possibility, so that was a consideration also.
- 17 Q 176 So at the time, so far as the line of the motorway was concerned, you had two
- 18 competing interests, Monarch Properties didn't want the line of the motorway on
- 19 their lands because they would only be allowed develop up to the line of the
- 11:50:19 20 motorway, that would make sense, isn't that right?
- 21 A This would make sense, yes.
- 22 Q 177 Mr. Galvin didn't want the motorway going through his lands which adjoined
- 23 Monarch's lands because he wouldn't be able to build his pay and display golf
- 24 course?
- 11:50:33 25 A That's correct.
- 26 Q 178 And I think ultimately the manager together with the council officials resolved
- 27 the matter by saying the line was diagrammatic only and nobody could take it
- 28 was a fixed and final line?
- 29 A That was all the more reason, Ms. Dillon, for a proper action plan to be drawn
- 11:50:49 30 up for this whole area, I can understand Monarch Properties wanting to get

11:50:54 1 development on the land they bought, I was talking about the wider area and if  
2 you look at the motion I was tabled, it was not confined solely to Monarch  
3 Properties land, it was lands zoned at one house to the acre from Cherrywood  
4 Road to Glenamuck Road and the map was supplied to me by the officials.

11:51:10 5 Q 179 In fact I think your map, which I am going to show you in a moment,  
6 Mr. Barrett, but your map in May of 1992 covered all of the lands that are  
7 coloured yellow on that map that's on screen at the moment?

8 A Well that was supplied to me by the council officials.

9 Q 180 And the map that you prepared for your motion is at 7175 --

11:51:28 10  
11 CHAIRMAN: Ms. Dillon, could I stop you there, give the stenographer a break,  
12 we will break for about ten minutes.

13

14 MS. DILLON: May it please you sir.

11:52:02 15

16 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT**

17 **BREAK AND RESUMED AS FOLLOWS**

18

19 Q 181 MS. DILLON: Good afternoon, Mr. Barrett. Just briefly can I ask you before  
12:04:29 20 we look at the motion of the 27th May 1992, and the minutes of the meeting of  
21 the 27th May 1992. The lands had been zoned at one house to the acre in the  
22 1983 Development Plan, they had gone out on the first public display at four  
23 house to the acre, the manager had recommended that the density be changed and  
24 that motion was lost on the 27th May, if you hadn't brought your motion,  
12:04:55 25 Mr. Barrett, to change the density as it were, on those lands, would they have  
26 stayed at four houses to the acre?

27 A Yes.

28 Q 182 That would have followed, would it?

29 A Yes.

12:05:05 30 Q 183 So that in even though the manager's map was not accepted by the councillors

- 12:05:10 1 and Councillor Lydon and Councillor -- Councillor Lydon withdrew his motion  
2 seeking to the zone the lands to a higher density, if you hadn't brought your  
3 motion seeking to rezone them at one to the acre, they would have gone on the  
4 1993 plan at four house to the acre?
- 12:05:30 5 A That's correct.
- 6 Q 184 That would have followed. Right. If I show you page 7174, and this is your  
7 motion, Mr. Barrett, dated the 11th May 1992, to rezone the lands on the  
8 attached map stretching from the Glenamuck Road to the Cherrywood Road  
9 Loughlinstown for residential development not exceeding one house to the acre  
10 and at map is in question is at 7175. And if we can return this map on its  
11 side please. The other way. Yes, and you will see that the outline in red,  
12 Mr. Barrett, is the same as the yellow lands we had looked at briefly on the  
13 map, isn't that right?
- 14 A That's correct, as I said to you earlier, the map was supplied to me by the  
15 officials of Dublin County Council. I asked that they give me a map showing  
16 what lands between Cherrywood Road and Glenamuck Road had been zoned at one  
17 house to the acre in '83. So that's where that map came from.
- 18 Q 185 And you then, your motion then sought effectively to confirm that, to keep them  
19 at one house to the acre?
- 12:06:41 20 A That's correct.
- 21 Q 186 They were at this stage proposed for four houses to the acre?
- 22 A That's correct.
- 23 Q 187 But the manager himself had brought a map before the council seeking to  
24 change -- page 7203. Now, this deals with the same lands but in the lands  
25 outlined in red are the Monarch lands and what the manager was proposing there  
26 was a change from AP to A1P which was an area action plan and again, a change  
27 on some of the lands from agriculture to A1P again, do you see that?
- 28 A Yes.
- 29 Q 188 And I think at the minutes of the meeting of the 27th, at page 7207, Councillor  
12:07:31 30 Lydon proposed and Councillor McGrath seconded that the manager's report be

- 12:07:37 1 adopted and approved. And you voted against that, isn't that right?
- 2 A That's correct.
- 3 Q 189 Right. Now, if that had been adopted and approved, Mr. Barrett, the effect of
- 4 that would have been to give, there would have been an action area plan for the
- 12:07:57 5 Monarch lands, is that right?
- 6 A Yes.
- 7 Q 190 It wouldn't necessarily have dealt with the balance of the lands that were
- 8 zoned residentially but it would have dealt with the Monarch lands, isn't that
- 9 right?
- 12:08:05 10 A Well it would appear so, yes.
- 11 Q 191 According to the manager's map?
- 12 A Yes.
- 13 Q 192 And it would also have increased the area that was available for residential
- 14 zoning across the old 1983 line, if you want to see the map again, it's 7203.
- 12:08:24 15 What the manager was proposing was a change in the notional line of the
- 16 Southeastern Motorway from the old '83 line to a line that became known as the
- 17 '91 line and that the lands between those two would be changed from agriculture
- 18 to action area plan, residential, isn't that right?
- 19 A That's correct.
- 12:08:44 20 Q 193 The effect of that for Monarch Properties if it were passed would have been to
- 21 give them the benefit of an action area plan, isn't that right?
- 22 A Well I wouldn't call it an action area plan, it was just extending the area for
- 23 development at four houses to the acre into agricultural zoned land.
- 24 Q 194 That was one effect of it but by putting an area action, an action area plan in
- 12:09:10 25 place in connection with these lands, when the council came to consider an
- 26 action area plan, they would also come to consider shopping or retail, isn't
- 27 that right, in the context of an action area plan.
- 28 A Well that wasn't defined in the motion.
- 29 Q 195 No it wasn't defined, it wasn't defined in the motion because all that was
- 12:09:29 30 proposed by Councillor Lydon was to adopt the manager's report and to adopt

- 12:09:34 1 effectively this map, DP90/244.
- 2 A Yes, it was increasing the area for development.
- 3 Q 196 And it was changing the zoning so far as it was changing it from AP, which was
- 4 10 houses to the hectare or four houses to the acre on to an action area plan
- 12:09:53 5 but with still with the same density, it meant the council would consider it
- 6 again, isn't that right?
- 7 A No what would have happened to us the fact that in 1991, when the draft plan
- 8 went on display, any change that we made subsequent to that would have to go
- 9 back on display again. So what I -- the effect of my motion, which was passed,
- 12:10:23 10 that it remain at one house to the acre, the fact that that was different to
- 11 what went on display in the draft plan in 1991 meant that it had to go back on
- 12 public display again.
- 13 Q 197 I understand all of, Mr. Barrett, but I am asking you about here, leaving aside
- 14 your motion or for the moment, if it map had been passed, if this motion had
- 12:10:46 15 been passed, the effect of that from Monarch Properties' point of view would
- 16 have been to increase their take of residentially zoned land in the first
- 17 instance, isn't that right?
- 18 A That's correct. Yeah.
- 19 Q 198 And in the second instance would have been to change the residential zoning
- 12:11:00 20 from AP to A1P?
- 21 A Yes, on piped.
- 22 Q 199 On piped sewerage, isn't that right?
- 23 A Yes.
- 24 Q 200 Now, if that had been passed add you say, that would have had to go out on the
- 12:11:11 25 second public display and would have to be confirmed by the council?
- 26 A That's correct.
- 27 Q 201 And indeed when your motion was passed it went out on public display and
- 28 subsequently wasn't confirmed so far as these lands are concerned by the
- 29 council, isn't that right?
- 12:11:23 30 A That's correct.



- 12:11:24 1 Q 202 What I was asking you about was, in your view looking at this map, was this  
2 something that would inure to the benefit of Monarch Properties if this had  
3 been passed?  
4 A Well they would have got more land zoned for development, yes.
- 12:11:36 5 Q 203 And they would have got an action area plan also?  
6 A That would have been subsequent, yes.  
7 Q 204 And within the context of an action area plan, the council would have had to  
8 consider retail, isn't that right?  
9 A Well not necessarily.
- 12:11:53 10 Q 205 I think the manager when he had given his report in relation to DP92/44 and I  
11 will get it up for you in a moment -- sorry I will just show you this, page  
12 7197, this had been dealt with at the meeting of the 13th May 1997 and the  
13 manager in the third last paragraph in talking about the action area plan had  
14 said "This will require the development conform to an action plan to be  
12:12:28 15 adopted by the council. The action plan will provide for the provision of the  
16 necessary community facilities, schools, shopping etc and appropriate road  
17 system and appropriate open space provision."  
18  
19 So that within the context of the action plan, the council would have to  
12:12:42 20 consider, according to the manager in any event, schools and shopping?  
21 A Yes but I mean if that was to, in my opinion if that was to take place, that  
22 would be a further variation of that plan of 1993 when they subsequently would  
23 have an action plan and if you adopted an action plan, it would have followed  
24 that the council then from 1993 onwards would have had to pass a variation of  
12:13:09 25 the '93 plan.  
26 Q 206 Or by the time this plan came to be made in December 1993, it would have gone  
27 into the new council.  
28 A Well, once the '93 plan was finished by Dublin County Council, Dun  
29 Laoghaire/Rathdown County Council would then have to --  
12:13:25 30 Q 207 Vary it?

- 12:13:26 1 A Vary that particular development.
- 2 Q 208 As indeed they did with the science and technology zoning, isn't that right?
- 3 A That's correct, yes.
- 4 Q 209 Now, on the day itself, the 27th May 1992, that proposal by Councillor Lydon at
- 12:13:40 5 7307 was unsuccessful. Can I ask you, Mr. Barrett, do you remember this
- 6 meeting of the 27th May 1992?
- 7 A I do.
- 8 Q 210 And can you describe to the Members of the Tribunal whether it was a very
- 9 heated meeting, whether there was a lot of discussion about this entire issue
- 12:14:01 10 on the Carrickmines Valley?
- 11 A Yes, that is correct, I mean people who took the similar view to mine argued
- 12 that to change the zoning at this stage was premature and that it was, well,
- 13 the case I was making was that it was quite ridiculous to make any change
- 14 without having a proper action plan drawn up for the whole area and to consider
- 12:14:26 15 the road network, the sewerage facilities available, the other facilities that
- 16 would have to be incorporated and the level of open space, the whole area.
- 17
- 18 I mean this is a very beautiful area, anybody who knows it. It would -- in my
- 19 opinion, there should have been a proper action plan outlining what was going
- 12:14:50 20 to be open space, high amenity, shopping or whatever, science technology,
- 21 whatever you want, housing. In the whole wide area rather than just
- 22 concentrate on one area of land which happened to be owned by Monarch
- 23 Properties. I couldn't understand why there was such an effort to just deal
- 24 with one piece of this land. When the whole area was going to be affected by
- 12:15:20 25 the installation of a major sewerage system and a road network and that was the
- 26 argument and what I used on that occasion was to try and persuade my colleagues
- 27 to leave it as it is. And not to be seen as anti everything but to do it in an
- 28 organised fashion when the new Dun Laoghaire/Rathdown County Council was set up
- 29 and that was only going to be a matter of 12 months or whatever, rather than
- 12:15:47 30 sort of rush in and just do one piece of it, which never made sense to me.

- 12:15:52 1 Q 211 Is it your recollection that the focus of the argument on the 27th May 1992  
2 centred on the Monarch Properties lands?  
3 A Yes.
- 4 Q 212 And insofar as Councillor Lydon proposed the map DP92/44 and indeed had a  
12:16:07 5 motion that he didn't proceed with on that day, and correct me if I am wrong,  
6 would it be fair to say that Councillor Lydon was promoting the pro Monarch  
7 viewpoint?  
8 A Well I mean I -- I mean Councillor Lydon would have to answer that for himself.  
9 On the particular day, the real -- going into the meeting, the real debate was  
10 that the major Monarch proposal which included massive retail and all the other  
11 things that were incorporated into the motion that was subsequently withdrawn.  
12 Now, in my opinion, once that first motion was defeated, it was evident that  
13 there wasn't support in the council for the subsequent motion. That's my  
14 feeling. I have no reason to state categorically that was the case but once  
12:16:59 15 the first motion was defeated, the next motion was withdrawn because it was  
16 obvious there wasn't the support there.
- 17 Q 213 And the second motion, which sought the major rezoning, including the retail,  
18 was the motion by Councillor Lydon and Councillor Hand, is that right?  
19 A That's correct.
- 12:17:17 20 Q 214 But the first motion that came to be considered was the manager's proposals in  
21 connection with the land which were not as radical, if I can put it like that,  
22 in connection with the Monarch lands as Mr. Lydon and Mr. Hand's motion, isn't  
23 that the position?  
24 A That's correct.
- 12:17:31 25 Q 215 Now, and it's your view and it seems to be borne out by the sequence of events  
26 that when the manager's map failed, in other words when the councillors voted  
27 against it, then it would have become apparent to those who were proposing the  
28 second Monarch motion, if I can put it like that, that there was insufficient  
29 support for what they were proposing in the council chamber?  
12:17:52 30 A Yes.

- 12:17:52 1 Q 216 And --
- 2 A It was a tight vote, it was 33 for and 35 against.
- 3 Q 217 And that's a very tight vote, isn't it?
- 4 A Yes.
- 12:18:00 5 Q 218 And indeed I think at 7209, the record shows that Councillor Lydon informed the
- 6 meeting that he wished to withdraw his motion, which had sought residential
- 7 zoning at 12 houses to the hectare and a retail element and certain other
- 8 matters that were set out in the motion, isn't that right?
- 9 A Yes, including a maximum of 80,000 square feet retail space.
- 12:18:24 10 Q 219 Yes and that was quite significant?
- 11 A That was significant, given the state of play in Dun Laoghaire town and areas
- 12 quite near this location in 1992. It's 14 years ago. Where there wasn't the
- 13 massive developments that have now taken place.
- 14 Q 220 Thereafter, on that date a number of motions were taken, including a motion
- 12:18:52 15 that there would be a C zoning on a portion of the lands which was proposed by
- 16 Councillor Gilmore and Councillor O'Callaghan and you also voted against that,
- 17 isn't that right?
- 18 A Yes, I disagreed with it. I thought that was a pointless exercise but there
- 19 was a lot of pressure at the time in the locality because of the massive
- 12:19:10 20 campaign launched by Monarch Properties for extra jobs and so on, facilities in
- 21 the area, there was a massive pro lobby for that.
- 22
- 23 Now, I didn't buy into that argument, to be honest with you, because anybody
- 24 who knows the area, you would have to cross the main Dublin, Bray Road to get
- 12:19:37 25 to this retail shopping, where there was no walkways or overhead bridges or
- 26 anything else. I mean I just didn't buy into this. My argument was the same
- 27 could be achieved in terms of employment if you went to Dun Laoghaire and
- 28 redeveloped Dun Laoghaire town. So I didn't buy into the extra jobs syndrome.
- 29 And despite what has been said and I'd like to turn to that at a later stage in
- 12:20:08 30 various statements made to this Tribunal, about I was supposed to have been

- 12:20:13 1 lobbying to have other people support for this when I was voting against it, it  
2 was completely and utterly untrue. I based my argument solely as I saw it on  
3 what was going to be good for the area that I represented.
- 4 Q 221 And your position, Mr. Barrett, insofar as the retail element was concerned, is  
12:20:34 5 you were opposed to that for the same principles that you were opposed to the  
6 residential development, it was premature, the facilities weren't in place and  
7 also it would have an adverse impact on Dun Laoghaire town centre?
- 8 A Yes.
- 9 Q 222 You made those known to everybody that that was your position, including the  
12:20:51 10 people who represented Monarch Properties.
- 11 A That's correct.
- 12 Q 223 Are you satisfied that every person who was at that meeting of the 27th May  
13 1992 knew that what was being discussed by the councillors were Monarch  
14 Properties proposals in connection with their lands at Cherrywood.
- 12:21:08 15 A Well that was the whole emphasis, the whole emphasis was on the Monarch  
16 proposal.
- 17 Q 224 The Tribunal has been told by councillors who were present at that meeting that  
18 he they did know Monarch Properties owned those lands or that the subject  
19 matter of discussion on the 27th May 1992 were the Monarch Properties land and  
12:21:26 20 they were unaware of the ownership or actual owners of the land, do you have  
21 any comment to make on that, Mr. Barrett?
- 22 A The only comment I make is I represented the area, I don't know who made these  
23 statements but I represented the area and I knew it because it was very close  
24 to me and I wouldn't be doing my job if I didn't know. Mind you it's not my  
12:21:48 25 business to know who owns the land, that's not a reason for voting one way or  
26 the other.
- 27 Q 225 No but insofar as the meeting of the 27th May 1992 was concerned, the meeting  
28 concerned what was going to happen to the Monarch lands?
- 29 A Well the lobbying was in favour or against Monarch Properties.
- 12:22:06 30 Q 226 And that's what everybody was talking about?

- 12:22:08 1 A In my opinion, that would be the case, yes but I wasn't talking about that as  
2 you will see from the map because I asked that the area between Cherrywood Road  
3 and Glenamuck be retained as one house to the acre. I was not dealing solely  
4 with Monarch Properties lands.
- 12:22:22 5 Q 227 You were dealing with all of the lands that were zoned residential in the 1983  
6 plan which were east of the then Southeastern Motorway line?  
7 A That's correct.
- 8 Q 228 And that's on the map that we have seen. Your motion was taken at 7216, sorry,  
9 yes at 7216 and because the previous motion had been successful in relation to  
10 the town centre zoning, your motion dealt with all of the lands that were  
11 residentially zoned except those that had just been zoned for a town centre, is  
12 that right?  
13 A Yes.
- 14 Q 229 And those lands were voted by 36 to 24 at one house to the acre?  
12:23:02 15 A In favour, yes.
- 16 Q 230 In favour, the effect of that was to change the density on the residentially  
17 zoned lands, including Monarch lands from four to the acre to one to the acre?  
18 A That's correct.
- 19 Q 231 And that change necessitated a second public display.  
12:23:14 20 A That is correct.
- 21 Q 232 And it would also have then required a second vote by the councillors when they  
22 came to confirm or not that motion, isn't that right, that change?  
23 A Unless somebody tabled a motion to the contrary, it would have been adopted as  
24 part of the 1993 plan. There was no need for another motion.
- 12:23:33 25 Q 233 So --  
26 A If it had been accepted what went on public display should form part of the '93  
27 Development Plan, there was no need for any more motions unless you wanted to  
28 change it again.
- 29 Q 234 At that time, can you tell the Tribunal who was the person within Monarch who  
12:23:50 30 was most publicly visible in terms of seeking support from councillors, can you

- 12:23:55 1 remember?
- 2 A Mr. Richard Lynn.
- 3 Q 235 And did you meet him?
- 4 A I did, yes.
- 12:24:00 5 Q 236 And did you make known to him your view?
- 6 A Yes.
- 7 Q 237 In relation to the lands?
- 8 A Yes.
- 9 Q 238 Now, Mr. Dunlop, and I outlined this to the Tribunal when I was opening this
- 12:24:11 10 module, in his private interviews to the Tribunal, suggested to the Tribunal
- 11 that your motion in some way, Mr. Barrett, saved the day, if I can summarise
- 12 what he is saying, for Monarch, is there any truth in that?
- 13 A Absolutely none, I read that myself, I was absolutely astonished. I mean how
- 14 could I be doing anything in favour of Monarch when I had succeeded in having
- 12:24:36 15 the area of land that they were involved in which was zoned at four house us to
- 16 the acre, that I had gotten it reduced to one house to the acre, I couldn't
- 17 possibly be doing any favours for Monarch and I mean this wasn't a pro or anti
- 18 Monarch thing as far as I was concerned, I was dealing with this as an issue in
- 19 an area that I represented and, you know, I couldn't understand what Mr. Dunlop
- 12:24:58 20 was saying.
- 21 Q 239 You will have seen and you have been supplied with the extracts from the
- 22 transcripts of Mr. Dunlop where he and I am summarising what he is saying when
- 23 I am saying he says you saved the day for Monarch but looking at the sequence
- 24 of the documentation and what the record shows up to this point in time,
- 12:25:14 25 Mr. Barrett, the only way in which you could have saved the day for Monarch, if
- 26 that was indeed the case, if you proposed a motion and everything else in your
- 27 party voted in a different way is that right? In other words Mr. Dunlop has
- 28 previously indicated to the Tribunal that sometimes what happened was a local
- 29 councillor might take a particular view but would have sorted matters out by
- 12:25:36 30 ensuring that other members of his or her party voted a particular way. I am

- 12:25:42 1 not suggesting that that happened here today here, but just to cover all  
2 eventualities if I show you 7216, it's on the screen and just for the record,  
3 Mr. Barrett, if you go through the councillors who voted in favour of your  
4 motion and indicate those in your political party who voted in favour of the  
12:26:00 5 motion.
- 6 A Councillor John Dockrell. Stanley Laing. Joan Maher. Olivia Mitchell. Mary  
7 Muldoon. That's it.
- 8 Q 240 Okay. So three or four other colleagues of yours voted in favour of your  
9 motion and if you look at the list then of those who voted against your motion  
10 and if you would indicate any of your Fine Gael colleagues who voted against  
11 the motion.
- 12 A Councillor Anne Devitt, the late Tom Hand. I am not sure was Michael Keating  
13 in Fine Gael at that stage or PDs.
- 14 Q 241 I believe that he was in Fine Gael at that stage, subject to correction?
- 12:27:12 15 A Therese Ridge, four I think.
- 16 Q 242 So that insofar as the --
- 17 A There are some missing from that, I mean there was only, what, 60 voted.
- 18 Q 243 Yes.
- 19 A Some had obviously left from the previous vote.
- 12:27:25 20 Q 244 But the only matter that was dealt with by the council on the 27th May 1992 was  
21 the Carrickmines valley, isn't that right?
- 22 A That's correct.
- 23 Q 245 And the end result of that, Mr. Barrett, was that as a result of your motion,  
24 the map that went out on the second public display at 7217, the effect was that  
12:27:48 25 the lands coloured yellow on the map at 7217 were now subject to change 3 and  
26 change 3 was changing the density from four to the acre to one to the acre.
- 27 A That's correct.
- 28 Q 246 There was also a second change 4A and 4B which was the introduction of the town  
29 centre on lands that had been previously residential for one portion of them  
12:28:11 30 and agriculture for the second portions of them?



- 12:28:13 1 A Which I voted against.
- 2 Q 247 Which you had voted against. And that came back before the council in November  
3 of 1993, isn't that right?
- 4 A That's correct.
- 12:28:22 5 Q 248 Now, the manager recommended that the amendment of change 3 be deleted. That  
6 was the manager's recommendation.
- 7 A Yes.
- 8 Q 249 If the manager's recommendation had been accepted, Mr. Barrett, and change 3  
9 had been deleted, what density would the residentially zoned lands have been  
10 left at?
- 11 A Four house houses to the acre.
- 12 Q 250 The council came to consider that, including yourself, on the 11th November  
13 1993 and there were a number of motions before the council, the first motion of  
14 which was at 7224, and this was a motion by Councillors Misteil, Smyth and  
12:29:03 15 Buckley and it's item number one that they were seeking that the resolving that  
16 the lands referred to as change 3 on map 27 be confirmed as low density housing  
17 at two houses per hectare, one house to the acre?
- 18 A They were confirming what I had succeeded in doing.
- 19 Q 251 Yes and you proposed an amendment to that motion at 2725 and that was the  
12:29:29 20 manager be requested to prepare and submit to the new Dun Laoghaire/Rathdown  
21 County Council not later than June '94, a draft variation of the new County  
22 Development Plan for those lands.
- 23 A That's correct.
- 24 Q 252 And that was third motion at 7226, which was a motion by Councillor Marren and  
12:29:48 25 Coffey which sought to delete change 3 in respect of the lands outlined in red  
26 and that the balance of the lands remain at two per hectare and the map is at  
27 7277 and the lands outlined there are the Monarch lands, isn't that right?
- 28 A Yes, that was effectively the manager's previous proposal.
- 29 Q 253 Well the manager's proposal, with respect, Mr. Barrett, had been to delete  
12:30:14 30 change 3 in its entirety, that was all of the residentially zoned lands, isn't

- 12:30:20 1 that right? The change 3, if you look at 7217.
- 2 A No in the amendment in November 1993, there was an attempt to defeat what I had
- 3 achieved in terms of bringing it back to what it was in 1983, so bring back
- 4 what the manager had proposed when it went on display in 1991, as I understand
- 12:30:48 5 it.
- 6 Q 254 What went on display as a result of your motion was change 3 and change 3 as a
- 7 result of your motion dealt with all of the residentially zoned lands in the
- 8 Carrickmines Valley?
- 9 A That's right, yes.
- 12:30:59 10 Q 255 The manager recommended to delete change 3 in its entirety, so change the
- 11 zoning on all of the residential lands to four to the acre, isn't that right?
- 12 A Yes.
- 13 Q 256 Councillor Smyth and Misteil brought a motion seeking to confirm change 3, in
- 14 other words leave it at one house to the acre for all the residentially zoned
- 12:31:21 15 land, isn't that right?
- 16 A Yes.
- 17 Q 257 And Councillors Marren and Coffey brought a motion seeking to confirm the
- 18 change for a portion of the lands but to delete it for other lands at 7227.
- 19 What Councillor Marren and Councillor Coffey's motion sought was to change the
- 12:31:40 20 density on the lands that are on screen which are the Monarch lands to four to
- 21 the acre but that the balance of the residentially zoned lands would stay as
- 22 per your motion at one house to the acre?
- 23 A Yes.
- 24 Q 258 Now, this motion, Mr. Barrett, correct me if I am wrong, is particular to the
- 12:31:57 25 Monarch lands, isn't that right?
- 26 A It would appear so from this, yes.
- 27 Q 259 And the motion is proposing at 7226 that the Monarch lands, it says "Dublin
- 28 County Council resolves to accept the county manager's recommendation and
- 29 delete the 1993 amendment in respect of the lands outlined in red". That is
- 12:32:20 30 delete change 3 in respect of the Monarch lands, isn't that right?

- 12:32:20 1 A Yes.
- 2 Q 260 And leave the balance of the lands at two per hectare or one per acre, isn't  
3 that right?
- 4 A Yes.
- 12:32:26 5 Q 261 So the effect of that would be that the Monarch lands would go on the '93 plan  
6 at four to the acre and the balance of the residentially zoned lands would stay  
7 at one to the acre as a result of your motion?
- 8 A Yes.
- 9 Q 262 Now, is there anything on the map of the over all residentially zoned lands  
10 that for good zoning or planning reasons that one would say that it's a proper  
11 planning or zoning decision to make to zone a portion of these lands at four  
12 and the balance of them at one to the acre?
- 13 A Well I couldn't see it and I voted against that motion. And again, being  
14 consistent, I hope, insofar as that we shouldn't do anything until we had the  
12:33:07 15 new Dun Laoghaire/Rathdown council in situ and have an action plan prepared.  
16 That was one of the reasons why I tabled an amendment to Councillor Smyth's  
17 motion to retain the one to the acre because what I was trying to do was bring  
18 the council with me in my argument and I was afraid I might lose them because  
19 it's always a motive when you are going against the manager's proposal but in  
12:33:38 20 this instance I didn't agree with the manager's proposal.
- 21 Q 263 And your amendment was lost I think, Mr. Barrett, at 7261?
- 22 A Yes.
- 23 Q 264 And then Mr. Smith's motion was then put, 43 voted against and 27 for and then  
24 the substantive motion with no amendment because your amendment was lost to  
12:34:00 25 confirm change 3 was put by Councillor Smyth and Buckley and at 7262, you voted  
26 for that motion which was seeking to confirm change 3 which would be in  
27 accordance with your May 1992 motion and that was also lost, isn't that right?  
28 Now, the effect of that, as I understand it, Mr. Barrett, and you correct me if  
29 I am wrong is once that vote took place, the change was not confirmed, isn't  
12:34:26 30 that right? This is a motion seeking to confirm change 3.

- 12:34:32 1 A Oh no, no -- yes.
- 2 Q 265 That motion is lost, isn't that right?
- 3 A That is correct.
- 4 Q 266 So change 3 is not confirmed.
- 12:34:39 5 A Well, technically, unless somebody had tabled a motion, that motion would have  
6 been to the contrary, that motion would have been irrelevant. Because what  
7 went on public display was one house to the acre. And all we need do in the  
8 adoption of the over all plan was to confirm that change from May 1992. Now,  
9 unless somebody had put down a motion to change that again, it would have  
10 irrespective of this motion, it would have remained at one house to the acre.
- 11 Q 267 But there was a motion.
- 12 A That was really a confirmation motion, if you like, of something that was  
13 already decided. So it was academic in many respects, but it was an indication  
14 as to the way the council was thinking. Do you get my point?
- 12:35:16 15 Q 268 I do get your point exactly, but what I was wondering was this, Mr. Barret,  
16 would the effect of that -- when that motion was brought and when that motion  
17 was lost, would the map, if nothing else had happened that day and that was the  
18 only vote that was taken and the change was not confirmed, would the map have  
19 reverted to the 1991 zoning?
- 12:35:39 20 A No.
- 21 Q 269 Or would it have gone back to the 1983 zoning?
- 22 A Or would it have gone back to the 1983 zoning because the overall adoption of  
23 the plan comes at the final stage when you adopt the whole plan. So in my  
24 opinion, that made no change, it was the following motion to confirm the  
12:36:20 25 manager's recommendation, that changed the whole thing again.
- 26 Q 270 That's the motion at 7263 and you voted against that motion which was to  
27 decrease?
- 28 A Increase again the density back up to four to the acre effectively.
- 29 Q 271 For the Monarch lands only?
- 12:36:37 30 A Yes.

- 12:36:37 1 Q 272 Right. And did you see any good reason why that should be done, Mr. Barrett?
- 2 A No, I didn't, those I didn't voted against it.
- 3 Q 273 Can I put it to you as bluntly as this, do you agree the sole purpose of that
- 4 motion had to be to benefit the Monarch lands?
- 12:36:52 5 A Of course it was of benefit to the Monarch lands, yes, but again, I mean as I
- 6 hope I have displayed in all of this, I wasn't just dealing with Monarch lands,
- 7 I was dealing with an area bigger area and, you know, what the manager was
- 8 proposing was dealing with Monarch lands. He wasn't dealing with the whole
- 9 area at all.
- 12:37:12 10 Q 274 Well the manager's proposal was delete change 3 in its entirety which was your
- 11 motion which covered all of the residentially zoned lands?
- 12 A Effectively he was dealing with one section of the over all area. I wasn't, I
- 13 was dealing with the over all area and of course as a result of that, it did
- 14 benefit Monarch to answer your question directly.
- 12:37:36 15
- 16 JUDGE FAHERTY: Ms. Dillon, would you mind if I just interject, just one
- 17 thing, it might be yourself that might have to answer it. When you say that
- 18 the manager was only dealing with the Monarch lands, we know that the manager
- 19 was recommending in November, Mr. Barrett, to delete change 3 for the whole of
- 12:37:56 20 the map 26, whatever map that is that's gone up.
- 21
- 22 MS. DILLON: 27.
- 23
- 24 JUDGE FAHERTY: 27, yes. The map. But just could I seek clarification on, if
- 12:38:08 25 you go back to May of 1992, when the manager comes in, in May of 1992, this is
- 26 after the first public display where they have gone out on four houses to the
- 27 acre or ten to the hectare and it comes back to the council and the manager
- 28 before your motion is ever brought, there's a map and a report by the manager,
- 29 it's called DP92/44 we dealt with it earlier in your evidence. That map, when
- 12:38:35 30 the manager was proposing A1 on piped sewerage for the lands and an extension

12:38:42 1 of some of the already residentially zoned lands, further down south of the  
2 1983 line, could I have that map for a moment, that's DP92/44, Ms. Dillon. I  
3 don't want to confuse either myself or Mr. Barrett.

4  
12:39:03 5 MS. DILLON: 7203 please.

6  
7 JUDGE FAHERTY: Maybe you could assist, Ms. Dillon, that map and maybe indeed  
8 it may well be the planners who have to answer, that map that's on screen, the  
9 AP to A1P, was that largely for the Monarch part of lands and not for the rest  
10 of the lands?

11  
12 MS. DILLON: That appears to be the position because if you travel up to the  
13 residentially zoned lands that were in the corner, the change there is from B  
14 to AP.

12:39:39 15  
16 JUDGE FAHERTY: Yes.

17  
18 MS. DILLON: And they are not within the Monarch take and they are not A1P.  
19 If you take my point.

12:39:47 20  
21 JUDGE FAHERTY: That's what I wanted to understand. Back in '92, this map in  
22 terms of what Ms. Dillon put to you earlier, Mr. Barrett, the manager was  
23 proposing for part of the lands on that map would go from AP to A1P. And an  
24 extension of residential zoning.

12:40:10 25 A Yes, to four houses to the acre.

26  
27 JUDGE FAHERTY: Four houses to the acre exactly, and that those two changes on  
28 that map were in respect of Monarch lands. Was that your understanding in May  
29 1992?

12:40:26 30 A I have a copy of the minutes of the meeting.

- 12:40:28 1 JUDGE FAHERTY: Because you have said to us a moment ago yes I have looked at  
2 the report of the manager that was given.
- 3 A There was never a report which relates solely to Monarch Properties, lands at  
4 Cherrywood.
- 12:40:40 5
- 6 JUDGE FAHERTY: You are saying that DP92/44 the AP to A1P and extension of the  
7 residential zoning, that was just in relation to Monarch property lands.
- 8 A Yes.
- 9
- 12:40:53 10 JUDGE FAHERTY: So do we take it the answer you gave to Ms. Dillon a few  
11 minutes ago, you said some of the manager's proposals were only dealing with  
12 the Monarch lands, were you referring in particular to this map?
- 13 A I was referring to the report that was discussed on the 27th May.
- 14
- 12:41:08 15 JUDGE FAHERTY: Yes, that's what I'm talking about, that's the report that  
16 went with DP92/44. Yes I just wanted to understand that. Thanks. Sorry  
17 Ms. Dillon about that.
- 18
- 19 Q 275 MS. DILLON: You said just a moment ago, Mr. Barrett, that dealing with  
12:41:26 20 November 1993, that the manager was proposal, that the manager was dealing only  
21 with the Monarch lands and I just want to show you the manager's report which  
22 is on the 3rd November which is at 7256. And it's commencing at 7255. And in  
23 fairness to you, it's headed Carrickmines Monarch Properties, isn't that right
- 24 A Yes.
- 12:41:58 25 Q 276 And then it talks about change 3. But change 3 dealt with, as we know, as a  
26 result of your motion all of the residentially zoned lands, isn't that right?
- 27 A Yes.
- 28 Q 277 In the Carrickmines Valley, including the Monarch lands but not limited to the  
29 Monarch lands?
- 12:42:12 30 A That's correct.

- 12:42:13 1 Q 278 And the manager recommends in relation to change 3 which are all of those lands  
2 at 7256 to delete the amendment. So do I take it from that then, Mr. Barrett,  
3 that what the manager was saying was change all of the residentially zoned  
4 lands from one house to the acre back to four houses to the acre?
- 12:42:31 5 A He was actually saying was in relation to the Monarch property lands, leave it  
6 at four houses to the acre and leave the rest at one house to the acre. That  
7 was the motion proposed I think by Councillor Marren, was it?
- 8 Q 279 By Councillor Marren and councillor --
- 9 A Which relates to the managers's proposal.
- 12:42:51 10 Q 280 Do you interpret the manager's proposal therefore as being confined to Monarch  
11 properties only and not the entire of the residentially zoned lands in the  
12 Carrickmines Valley?
- 13 A Well the way I read was what was being proposed of the Monarch lands and the  
14 additional lands that was zoned from agriculture to development should remain  
15 at four houses to the acre and the balance of the land in my motion should  
16 remain at one house to the acre.
- 17 Q 281 But if that --
- 18 A That's the way I read it.
- 19 Q 282 If that interpretation was correct, Mr. Barrett, then there would have been no  
12:43:28 20 necessity for the handwritten amendment on the Marren Coffey motion at 7226, if  
21 your interpretation of the manager's report is correct, then all the Marren  
22 Coffey motion needed to record was to accept the manager's recommendation, full  
23 stop.
- 24 A Well I just I don't know why that was. I mean, my understanding was that what  
12:43:51 25 was being proposed was that the lands owned by Monarch Properties would go from  
26 one house to the acre to four houses to the acre and the balance would remain  
27 at one house to the acre. That's in relation to the over all area where I  
28 proposed one house to the acre, to remain at one house to the acre. That was  
29 the way it was in '83.
- 12:44:11 30



12:44:11 1 JUDGE FAHERTY: Ms. Dillon, just in relation to that point, the map that went  
2 out after Mr. Barrett's motion that was for the second public display, perhaps  
3 if Mr. Barrett saw that.  
4

12:44:22 5 MS. DILLON: That is the map at 7217.  
6

7 JUDGE FAHERTY: Yes, with the 1993 amendments.  
8

9 MS. DILLON: The 1993 amendment.  
10

12:44:33 11 JUDGE FAHERTY: Because change 3 is written on a number of parts of that map,  
12 isn't it?  
13

14 MS. DILLON: I think it's written change 3 is covered by lands within the  
15 black outline.  
16

17 JUDGE FAHERTY: And not just the red out line.  
18

19 MS. DILLON: No, it's all of those yellow lands are covered by change 3  
12:44:47 20 because they were all covered by Mr. Barrett's motion.  
21

22 JUDGE FAHERTY: Exactly.  
23 A What actually happened, the sequence of the notions, the fact that my motion  
24 happened to be last, meant that if anything was proposed prior to the taking of  
12:45:05 25 my motion and passed by the council, that I couldn't do anything about it in  
26 relation to my own motion. So in other words that area that's shown as zoned  
27 for a district centre, my motion excluded that area because I couldn't do  
28 anything about it, that's why I voted against that district centre because I  
29 knew exactly what was going to happen. You would end up with this area here  
12:45:30 30 all zoned at one house to the acre and stuck in the middle you would have a

- 12:45:33 1 district centre feeding nowhere.
- 2 Q 283 But insofar as the manager's report in November 1993 is concerned, Mr. Barrett,
- 3 his report appears to be speaking to the entire of change 3, which as a result
- 4 of your motion, covered all of the residentially zoned lands in the
- 12:45:49 5 Carrickmines Valley.
- 6 A That would appear to be the case, yes.
- 7 Q 284 And the motion by Mr. Marren and Mr. Coffey dealt only with the Monarch
- 8 property residentially zoned lands within that area, isn't that right?
- 9 A Yes.
- 12:46:03 10 Q 285 And at the end of the day, you having voted against it, their motion was
- 11 successful, isn't that right?
- 12 A That's correct.
- 13 Q 286 So that at the end of the process in the making of the 1993 plan, some of the
- 14 lands were zoned at one house to the acre and some of the lands being Monarch's
- 12:46:20 15 lands were zoned at four houses to the acre.
- 16 A Yes and a neighbourhood shopping centre.
- 17 Q 287 In the centre of the Monarch lands.
- 18 A Yes.
- 19 Q 288 Right and I think in 1994, after the council split up, one of the first matters
- 12:46:39 20 that were undertaken by Dun Laoghaire/Rathdown County Council was an area
- 21 action plan in relation to this area, is that right?
- 22 A It wasn't what I was looking for. It again concentrated on only part of that
- 23 overall area. As I said at the outset what I wanted was that whole area there
- 24 would be subject to an action plan where we would decide on where the line of
- 12:46:58 25 the motorway would be, what would be high amenity, what would be open space,
- 26 where would we have shopping where were we to concentrate whatever type of
- 27 development and all of those things would be discussed and debated by the new
- 28 Dun Laoghaire/Rathdown County Council.
- 29 Q 289 Yes and the draft action plan that was prepared at 2722 and again the lands
- 12:47:25 30 outlined in red there are the Monarch lands but I want to draw to your

12:47:28 1 attention there what's in the report that speaks to that map which is at 7472  
2 and under the heading location, Mr. Barrett, you will see when they are talking  
3 about the plan, that plan centres on 95.3 hectares or 236 acres of land  
4 presently owned by Monarch Properties Limited.

12:47:49 5 A Yes.

6 Q 290 So it would seem the focus of the action plan that was prepared in April 1994  
7 was on the Monarch Properties lands, isn't that right?

8 A That's correct.

9 Q 291 Did you agree with that?

12:47:58 10 A No, not -- I mean at that stage, there were other objectives, you will see  
11 there to develop a public golf course, extend the bus way, retain existing  
12 right of way and the creation of additional ones and to examine Tully Church  
13 with a view to making a special amenity area order.

14 Q 292 If fairness to you, they were already local objectives attached to map 1993 in  
15 the 1993 plan?

16 A That would be part of an overall action plan.

17 Q 293 But certainly so far as this action plan is concerned at 2722, the focus of the  
18 action plan appears to be lands owned by Monarch Properties?

19 A Yes.

12:48:38 20 Q 294 Now, in fact I think no, while a decision was made to proceed with the action  
21 plan, it was overtaken by events which was the development of a science and  
22 technology park.

23 A Well I left the council in 1994, the latter part of 1994 when I was appointed  
24 to the new government, so I had no more dealings at council level with this.

12:49:01 25 Q 295 Can I ask you, Mr. Barrett, in connection with these lands, were you ever  
26 approached by anybody else in connection with these lands? Or in connection  
27 with what you understood to be the Monarch Properties' lands?

28 A In what respect, Ms. Dillon?

29 Q 296 For example in connection with, say, a proposed swap of lands with the golf  
30 club?

- 12:49:22 1 A I was.
- 2 Q 297 Would you outline to the Tribunal the circumstances of that particular  
3 encounter?
- 4 A In the course of carrying out my weekly advice centre, somebody arrived in, I  
12:49:37 5 didn't recognise the person, a male, and he asked me, he said as I recall now,  
6 I can't be exactly correct with the words I am using because it's so long ago,  
7 asked me would I, he said I understand you are opposed to the Monarch proposal  
8 and he said would you be interested in taking on a consultancy on a  
9 professional basis to see if we could swap lands with Monarch Properties and  
12:50:12 10 move either Killiney Golf Club or Dun Laoghaire golf club up to their lands and  
11 develop either of Dun Laoghaire or Killiney. So he said I would be prepared to  
12 pay a professional fee if you were prepared to take this on, and it would be  
13 done on a professional basis. And he outlined a fee and secretarial assistance  
14 and possible expenses. I think the whole thing came to about 80,000 or  
12:50:44 15 something.
- 16
- 17 I was shocked and I said no, I am not interested and I don't accept any payment  
18 for any duties I have to perform as an elected public representative and I said  
19 also I would oppose you if you tried to have either Dun Laoghaire Golf Club or  
12:51:10 20 Killiney Golf Club rezoned for development and that ended the conversation and  
21 he left. I have no reason to believe that he was representing anybody, this is  
22 what he said to me but that was the end of the conversation. I never saw him  
23 before and I haven't seen him since.
- 24 Q 298 Did he leave you a name?
- 12:51:29 25 A No.
- 26 Q 299 Did he, his introduction to you at this meeting, was an introduction in  
27 connection with the lands owned by Monarch Properties?
- 28 A He just walked in and said to me I know you are opposed to the Monarch  
29 development but would you be interested taking on this consultancy.
- 12:51:49 30 Q 300 And insofar as a consultancy is concerned, Mr. Barrett, can I ask you do you

- 12:51:58 1 operate as a consultant in connection with lands in any way?
- 2 A Never did and never will.
- 3 Q 301 And do you have any professional expertise or qualification or do you hold
- 4 yourself out at having any professional expertise or qualification in relation
- 12:52:04 5 to negotiation to do with land?
- 6 A No.
- 7 Q 302 Do you know, may I ask you this: Did you treat this as an underhand approach
- 8 to you in any way?
- 9 A Well he was at pains to that this would be done on a professional basis, I
- 12:52:19 10 assume what he meant was that I would be acting in a professional capacity as
- 11 he saw it and that I would have to presumably disclose any fees to the Revenue
- 12 if I received them. That was the implication that I took out of it but I mean
- 13 our conversation lasted about two or three minutes I would say. He got a quick
- 14 shift from me I can tell you.
- 12:52:41 15 Q 303 But any such professional engagement by you in 1992, Mr. Barrett, would have
- 16 brought you into conflict with the job you were doing as a councillor, isn't
- 17 that right?
- 18 A Correct.
- 19 Q 304 And did you make that plain to the person who approached you?
- 12:52:55 20 A I told him exactly that I didn't take any reward of any description for any
- 21 duties I had to perform as a public representative, whether it was on or off
- 22 the council.
- 23 Q 305 And did you -- sorry, you just said there you wouldn't accept any reward for
- 24 any duties you had to perform?
- 12:53:15 25 A Correct.
- 26 Q 306 Did you regard this as some or the sorted of an offer of reward for a function
- 27 that you were going to have to carry out?
- 28 A I don't see how I could carry out duties as a professional consultant and at
- 29 the same time be part and parcel of voting on the council.
- 12:53:30 30 Q 307 At that stage, at the time of this approach, Mr. Barrett, did you know the

12:53:38 1 various personnel in Monarch, the various people who were involved in Monarch  
2 such as Mr. Lynn?

3 A The only person I could identify at that stage was Mr. Lynn because he was  
4 always around the council and he was lobbying on a regular basis but I mean I,  
12:53:53 5 if you ask me who X Y or Z was, I mean I didn't know people involved in Monarch  
6 at all until after I was on the council and I met some people at that briefing  
7 session that you referred to earlier. And I met subsequently met people in  
8 relation to developments that were carried out in Dun Laoghaire, at various  
9 functions but --

12:54:19 10 Q 308 But none of those people that you met subsequently were the gentleman who made  
11 the proposal to you?

12 A No, no, not that I can recall. I mean as I said, I don't ever recall meeting  
13 that gentleman before nor do I recall ever having met him since.  
14 Unfortunately, I happened to mention to somebody that I had this approach and  
12:54:41 15 then the next thing I read in the newspaper where there was a suspicion that I  
16 had taken a large sum of money in connection with this rezoning in Monarch.  
17 And that's borne out by some of the papers that were sent to me by this  
18 Tribunal. Where various accusations were made by people to this Tribunal in  
19 private which are completely and totally untrue.

12:55:07 20  
21 I was subjected to newspaper articles which hinted that it was me. I think  
22 there was one subsequent article by Mr. Sam Smith where he said it was  
23 scurrilous that these people were going around spreading these stories without  
24 any evidence and for the last ten years, I have carried this thing where there  
12:55:31 25 is a suspicion that I received some large sum of money and there was also  
26 suggested that I was going to vote for or against these proposals but at the  
27 same time, get my colleagues to vote for them. Which I reject totally out of  
28 hand and I dare anybody to come into this Tribunal and suggest that I ever  
29 approached them to vote for a proposal that I was voting against. That is not  
12:55:59 30 the way I do my business. I made my case quite clear, I made my case through

- 12:56:05 1 argument at the council level, in public, and persuaded people to come to my  
2 way of thinking. Unfortunately, I didn't succeed the full way but I succeeded  
3 some of the way and I had no objections to ultimately development taking place  
4 in this particular area. Anybody with a brain in their head would see that if  
12:56:25 5 you are going to put a motorway through this and a main sewer, that there was  
6 going to be some development. All I wanted is that it take place at a later  
7 stage when there be proper debate and discussion through the local council, ie  
8 Dun Laoghaire/Rathdown County Council.
- 9 Q 309 Certainly insofar as the approach was made to you, Mr. Barrett, at the time by  
12:56:50 10 this gentleman, this approach was presented to you in the context of your  
11 objection to the Monarch Properties' position in connection with their lands at  
12 Cherrywood?
- 13 A What was said to me was he was thinking of a proposal and would I be interested  
14 in taking on this on a professional basis and be paid a consultancy fee.  
12:57:08 15 That's the way it was put to me.
- 16 Q 310 Now, in June of 1991, the record of Monarch Properties record a political  
17 donation in the sum of 600 pounds to you, Mr. Barrett, and I think you accept  
18 you received a donation from Monarch Properties in June of 1991?
- 19 A What happened was prior to the local elections in 1991, a cheque arrived to my  
12:57:33 20 home from Monarch Properties. I had never met these people. I phoned my  
21 director of elections and I said I had received this cheque, I asked him to  
22 take it away and to acknowledge it on behalf of the party, which he did. And I  
23 supplied the name of the person to the Tribunal who I gave the cheque to.
- 24 Q 311 And the funds were lodged to the credit of the organisation, is that correct?
- 12:57:57 25 A As I am aware, that's what happened, it certainly wasn't lodged to my account.
- 26 Q 312 And the, insofar as there is a suggestion in the documentation that all  
27 political donations were paid by Monarch Properties as a result of being  
28 solicited, it's your position that you received this money unsolicited, is that  
29 correct?
- 12:58:16 30 A That's absolutely correct. As I said, I had no dealings whatsoever with these

12:58:21 1 people and I also read that in the documentation you supplied to me which was  
2 made by a solicitor acting on behalf of Mr. Monahan who was deceased as I  
3 understand when this statement was made, I fail to see how any firm of  
4 solicitors can say that it's their understanding that all of these donations  
12:58:43 5 were solicited. I certainly never wrote to Monarch Properties looking for a  
6 donation, not that I can recall. And I'd no reason to, I wouldn't have known  
7 where to write to. This was prior to my being elected to the council, prior to  
8 any discussions I ever had with Monarch Properties about their proposal one way  
9 or the other.

12:59:02 10  
11 I also subsequently read and it was only when I received your papers that they  
12 also state that I received a cheque for 500 pounds prior to the November 1992  
13 general election. I have absolutely no record or recollection of this and as  
14 you have already stated in May of the same year, I succeeded in having a motion  
12:59:24 15 reducing the density from four houses to the acre to one house to the acre and  
16 if anybody thinks I would go look for money off people that I had succeeded in  
17 having their density reduced, I mean I don't know, but I certainly have no  
18 recollection whatever.

19  
12:59:41 20 Now if you accept, if there's a cheque to show that it was there, I have to  
21 accept it but I certainly have no recollection, the only thing I can say is  
22 that I think from any records I had, I always acknowledged in writing any  
23 unsolicited donation I ever received. I have no recollection whatsoever of  
24 ever having approached Monarch Properties for any donations.

13:00:06 25 Q 313 At 8376 there is in fact a copy of that cheque dated 19th November 1992 and the  
26 reverse of the cheque, 8377 please, do you see there's an account number there,  
27 can we turn that upside down there please. I don't know whether that assists  
28 you in any way, Mr. Barrett, that's the reverse of the cheque?

29 A Well, that's not my account number.

13:00:29 30 Q 314 And at 8376, the cheque on its face is made out to Sean Barrett?



- 13:00:37 1 A That's not my account number.
- 2 Q 315 On the reverse of the cheque?
- 3 A So the only thing, it may have arrived and I may have passed it over to the
- 4 organisation. I mean I just have no recollection whatsoever of it but the
- 13:00:49 5 account number on the back of that cheque, unless it's some account that I
- 6 never heard of it, I can't recall it. But I mean I had no reason whatsoever
- 7 not to have disclosed initially to the Tribunal that I would have received that
- 8 donation.
- 9 Q 316 And I think that the records also show and you will have seen that in 1995,
- 13:01:08 10 further to a consideration with Mr. Lynn, you sought support for the party at
- 11 5623 by way of a gala dinner and a cheque of 1,000 pounds was paid to Dun
- 12 Laoghaire Fine Gael as a result of that. I think the cheque is in fact, is
- 13 made out to 5633, Fine Gael Dun Laoghaire, it's just slightly above halfway
- 14 down?
- 13:01:45 15 A That was fund-raising for the constituency, certainly it had nothing to do with
- 16 me personally.
- 17 Q 317 Other than those contacts, Mr. Barrett, have you ever received any funds from
- 18 Monarch properties or Mr. Phillip Monahan or anybody else acting on the behalf
- 19 other than those three payments that have just been outlined to the Tribunal?
- 13:02:00 20 A Not that I can recall but I noticed also from the documentation supplied to me
- 21 by the Tribunal, that there was a suggestion made by, I don't know whether I
- 22 should the person, but an individual who gave evidence in private that he
- 23 claimed that Mr. Monahan told him that I insured his race horses. I want to
- 24 state categorically, I never spoke to Mr. Monahan about his race horses and I
- 13:02:26 25 was also asked by the Tribunal if I had ever insured race horses or anything
- 26 else on behalf of Mr. Monahan and I checked with my office and they tell me
- 27 that at no stage they can recall or are there any records of us ever insuring a
- 28 race horse.
- 29
- 13:02:45 30 Now, that was suggested that this was a means of payment to me. At that stage,

13:02:48 1 I was a full-time public representatives. I wasn't working on a day to day  
2 basis in my business and people would ring up and insure houses and horses and  
3 various things. I would not be aware of it. But I went to the trouble of  
4 checking, I have no record, nor do my office have any record of having insured  
13:03:09 5 in the name of Mr. Monahan, race horses, but it was suggested that this was a  
6 means of paying me off. Which is totally and utterly untrue and in fact the  
7 same individual had the cheek to leak this, those lies to journalists. And  
8 admitted that he couldn't, that they couldn't print the whole lot because it  
9 could be libelous.

13:03:33 10  
11 Now, I have been subjected for the last ten years to this sort of innuendo  
12 based on hearsay evidence or no evidence but hearsay and I have had to try and  
13 defend myself. I was on one occasion I was subjected to having, giving an  
14 interview as Minister for the Marine about the development of Dublin Port the  
13:03:57 15 said journalist asked that he record the interview by way of dictaphone and he  
16 came into my office and placed a dictaphone on the table in front of us and  
17 when the interview about Dublin Port was finished, I stood up and he stood up.  
18 And he said to me by the way, he said what was all that nonsense about you  
19 supposed to have got -- received money for rezoning and I said what rezoning  
13:04:22 20 are you talking about, he said Cherrywood. I said well that's peculiar, I  
21 voted against Cherrywood and that was public knowledge and the next thing I  
22 notice that the dictaphone was still on. And I said excuse me, our interview  
23 ended ten minutes ago. Two weeks later, there was a banner headline in the  
24 Sunday Business Post, Minister denies money for planning. That's the sort of  
13:04:47 25 stuff that I have been subjected to by people passing on false information, not  
26 accepting that I was genuine in what I was doing out in that whole area of  
27 Carrickmines. And it's taken me ten years to get the opportunities to say this  
28 in public in front of this Tribunal.

29 Q 318 You will understand of course, Mr. Barrett, that the Tribunal must examine any  
13:05:12 30 information?

- 13:05:12 1 A I accept totally that you have a job to do and I fully accept that.
- 2 Q 319 And I think you would also accept, Mr. Barrett, that you have been provided  
3 with all material and information?
- 4 A Absolutely.
- 13:05:22 5 Q 320 Can I ask you this finally, insofar as Mr. Dunlop has outlined to the Tribunal  
6 certain activities that he says he was involved in, in the making of the 1993  
7 Development Plan, were you aware or was there any rumour or suggestion of this  
8 type of activity on the part of Mr. Dunlop that you can recollect during that  
9 period?
- 13:05:43 10 A Ms. Dillon, I never knew that Mr. Dunlop was involved in that particular module  
11 until I received the documentation from that Tribunal.
- 12 Q 321 I just ask you --
- 13 A I never had any contact with him about Monarch Properties at all.
- 14 Q 322 I am just asking you generally, Mr. Barrett, about what Mr. Dunlop has  
15 described to the Tribunal and what's been fairly widely reported as his  
16 conduct, his own conduct which was the bribing of councillors in return for  
17 obtaining votes, at the time that this plan was being made and leaving aside  
18 Monarch Properties for the moment, were you aware of any concerns or rumour  
19 within the council and your colleagues of the way business was being conducted?
- 13:06:22 20 A Well as I have just outlined to you, I have been the subject of rumour, I never  
21 paid much attention to rumour and nor will I ever pay much attention to rumour.  
22 Unless I have concrete evidence that somebody is in receipt of monies  
23 illegally, I just ignore it. I mean you know you can't operate on the basis of  
24 people whispering falsehoods into your ear every day of the week. If they have  
13:06:48 25 something to say. I told the said journalist, by the way, the one I referred  
26 to in the Sunday Business Post, you rang me up on another occasion and said  
27 well, I believe it's not 80,000 now, it's 27,000, I said is that right. Well I  
28 said do you know what you do, if you have all this information, there's a thing  
29 called the Tribunal, will you please supply it to them, I don't know whether  
13:07:09 30 you ever received any documentation or representations from that said

13:07:13 1 gentleman? But that's the sort of stuff that was going on. And people like me  
2 and people with a family have to put up with this.

3 Q 323 Thank you very much, Mr. Barrett, if you would answer any questions that  
4 anybody else might have.

13:07:27 5 A Thank you.

6  
7 MR. SANFUI: Chairman, I have one question.

8  
9 CHAIRMAN: All right.

13:07:32 10  
11 **THE WITNESS WAS CROSS-EXAMINED AS FOLLOWS BY MR. SANFUI:**

12  
13 Q 324 And that's all. I wonder, Mr. Barrett, my name is Mark Sanfui and I represent  
14 Monarch Properties, I have one question for you, I wasn't here earlier this  
13:07:43 15 morning, but I am assured by colleagues that you agreed with Ms. Dillon that  
16 the motion of December 1993, Mr. Marren's motion benefited Monarch by  
17 increasing the density from one per acre to four per acre and indeed that's a  
18 fact that nobody could dispute.

19  
13:08:00 20 We had Mr. Marren here yesterday outlining in detail various planning reasons  
21 that he had for proposing the motion and saying that he had become convinced  
22 that to increase the density from one to four per acre was the right thing to  
23 do and he set out his reasons in that regard. Can I take it that you accept  
24 Mr. Marren's bona fides even though you may disagree with the reasons that he  
13:08:27 25 advanced and I take it you are not suggesting that the motion was put forward  
26 solely for the purpose of benefitting Monarch but for what Mr. Marren saw to be  
27 good planning reasons

28 A I accept totally that any councillor -- I mean individually, we have a  
29 statutory duty and people will differ. Their views will differ on many  
13:08:45 30 occasions. I have differed with other people on many occasions and I take in

13:08:50 1 good faith what people do the way they believe is the right thing to do. And  
2 if Councillor Marren felt that that was the right thing to do, that's a matter  
3 for himself. I mean the option open to me is either vote for or against that  
4 particular motion. I selected to vote against it because I thought as I have  
13:09:08 5 outlined, that we should wait and do an overall action plan. That was the -- I  
6 am a realist, I knew that some day there was going to be development of that  
7 land. I mean as I said if you are going to have a motorway and a main sewer,  
8 of course there's going to be development, there's a question of timing and how  
9 you go about it, that's all.

13:09:28 10 Q 325 Yes and in fact Mr. Marren said that he had had disagreements with you I think  
11 perhaps disagreements that caused him some distress because he had been close  
12 to you but that he put this motion forward and he did so in the best interests  
13 of the Development Plan.

14 A Well of course. I mean it also puts paid to the idea that we met in secret as  
13:09:50 15 a group and decided to vote one way or the other. We didn't do that. I can  
16 only speak for myself but I mean, I knew that some people in my own group voted  
17 and thought differently about different issues. You accepted that. One has to  
18 accept it's an individual statutory duty to vote, you cannot in my opinion  
19 impose a whip on something like this.

13:10:16 20 Q 326 Yes, thank you Mr. Barrett. Thank you chairman.

21  
22 CHAIRMAN: All right Mr. Barrett, can I just ask you one thing and we will, you  
23 can stand down then. You mentioned I think in May of 1992, the 27th May the  
24 motion that -- this is your motion -- you got a map from an official of Dublin  
13:10:33 25 County Council, you went in and you asked them to give you a map and then you  
26 used that as a base for your motion. Was that facility there for councillors  
27 generally if a councillor who themselves obviously wouldn't have the facility  
28 for producing a map or even possibly understanding a map, was there a facility  
29 there for councillors to go to the officials, to the engineers and get an  
13:11:05 30 explanation for a map or get help in understanding a map?

13:11:08 1 A Oh yes. I went to the planning department, the official in the planning  
2 department. The administrative end of it and I just asked could they give me a  
3 copy of the map relating to the '83 Development Plan for that particular area.  
4

13:11:23 5 CHAIRMAN: And were you aware of other councillors using that facility or --

6 A Not really, I mean I understood it was available to everybody. I mean if you  
7 want a map, I mean it was --

8  
9 CHAIRMAN: It wasn't a special favour to you?

13:11:39 10 A No, no, it's a matter of public knowledge, the area is zoned and it's zoned,  
11 it's just to get, in order to submit your motion and to make sense of the  
12 motion, you have to indicate what area you are talking about.  
13

14 CHAIRMAN: All right. Thank you very much, Mr. Barrett.

13:11:53 15 A Thank you.  
16

17 **THE WITNESS THEN WITHDREW**

18

19 CHAIRMAN: We will say ten past two.

13:12:04 20

21 MS. DILLON: May it please you, sir.  
22

23

24 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH**

25

13:12:11 26

27

28

29

30

14:15:06 1 **THE TRIBUNAL RESUMED AS FOLLOWS AT 2.10 P.M.**

2

3

MS. DILLON: Mr. Richard Conroy please.

4

14:15:12 5 **MR. RICHARD CONROY HAVING BEEN SWORN, WAS EXAMINED AS**

6

**FOLLOWS BY MS. DILLON:**

7

8

CHAIRMAN: Good afternoon Mr. Conroy.

9

A Your honours.

14:15:47 10

11

Q 327 MS. DILLON: Good afternoon, Mr. Conroy. I think you were originally elected to Dublin County Council in 1985 and remained a member of Dublin County Council until January 1994, when you became a member of Dun Laoghaire/Rathdown County Council.

12

13

14

14:15:59 15

A Yes.

16

Q 328 I think that you were elected or you were a member of the Fianna Fail political party, is that correct?

17

18

A Yes.

19

Q 329 I think the Tribunal asked you to provide such information as you could in connection with the lands at Cherrywood and asked you a number of questions and you replied by letter dated 20th March 2006 at page 185 please, and at paragraph 1 you state "You had no contacts or meetings with any servants or agents of Monarch Properties Limited, Monarch Properties Services or any company in the Monarch Group in relation to the lands at Cherrywood." Is that correct?

14:16:12 20

21

22

23

24

14:16:44 25

26

A I think it is correct but I may well at some stage or another, someone of Monarch Properties mentioned the matter to me but I certainly didn't have any contacts or meetings with any of the persons involved.

27

28

29

Q 330 And other than the lands at Cherrywood, did you ever meet any of the servants or agents of Monarch Properties or Monarch Properties Services Limited?

14:17:04 30

- 14:17:11 1 A Not having the list in front of me but Richard Lynn was about the place quite  
2 frequently and I am not, Mr. Monahan, to the best of my knowledge, the late  
3 Mr. Monahan I don't think I have ever met him. I think Mr. Murray I may have  
4 met at some stage or other on other business. I can't recollect the other  
14:17:33 5 names.
- 6 Q 331 And at paragraph 2, you state "You had no contacts or meetings with the various  
7 names parties in relation to the Monarch Group whether a servant or agent or  
8 otherwise with regard to the lands at Cherrywood." And I think the parties  
9 that were identified to you in the Tribunal letter, were Mr. Phillip Monahan,  
14:17:50 10 the late Mr. Monahan, Mr. Richard Lynn, Mr. Eddie Sweeney, Mr. Dominic  
11 Glennane, Mr. Philip Reilly and Mr. Frank Dunlop.
- 12 A None other than Mr. Lynn was about the place, as I said, he may have at some  
13 stage mentioned it to me or he may have called to the office but I have no  
14 recollection of any discussion with him.
- 14:18:10 15 Q 332 And you say at 3 "You say you have not received any benefit or payment for or  
16 on behalf of those listed at 1 or 2." And at 4, "No person made  
17 representations to you on behalf of any company in the Monarch Group."
- 18 A Correct.
- 19 Q 333 Now, if I can take you, Mr. Lynn in his statement to the Tribunal says that he  
14:18:25 20 would have met and spoken with all of the members of Dublin County Council,  
21 including yourself, you don't dispute that, is that correct?
- 22 A I don't dispute that and I note in the documentation a tick beside my name.
- 23 Q 334 Now I think that in 1993, you were a member of Dublin County Council, is that  
24 correct?
- 14:18:44 25 A Yes, I think it was, Ms. Dillon, 1993, yes.
- 26 Q 335 And in the course of that, you had occasion to come to consider the  
27 Carrickmines lands, the Cherrywood lands, isn't that the position?
- 28 A Yes.
- 29 Q 336 But I think in fact your only involvement as recorded in the minutes of the  
14:18:59 30 minutes of the meetings is in connection with the meeting in November 1993,



- 14:19:02 1 isn't that right?
- 2 A I think that's correct, yes.
- 3 Q 337 But you don't appear to have any involvement up to that particular point in  
4 time and you were recorded in the minutes of the meeting as voting in favour of  
14:19:11 5 a motion that's put before the meeting by Councillor Marren and Coffey. And I  
6 will show you a copy of the motion please at 722, 7229 please. These are the  
7 lands that were the subject matter of the motion and these are the lands you  
8 may take it from me, Mr. Conroy, that these are the lands that were owned by  
9 Monarch Properties at Cherrywood. And as a result of the, sorry the motion  
14:19:50 10 that was put forward to the meeting was a motion in connection with the  
11 rezoning of these lands on behalf of Monarch Properties from one to the acre  
12 which they had been since May of 1992 to four to the acre, did you understand  
13 that, Mr. Conroy?
- 14 A Yes.
- 14:20:07 15 Q 338 Now, I think that you are recorded at 7263 as voting in favour of the motion.
- 16 A Yes.
- 17 Q 339 Can you outline to the Tribunal anything you recollect about that or the  
18 circumstances in which you came to support it?
- 19 A In the general terms, which I think I have been consistent about from the  
14:20:42 20 beginning, in that I felt that there was a housing shortage, a land shortage  
21 and I have consistently supported increased housing per acre or per hectare as  
22 it's now known and no other particular reason for voting for it or against it.
- 23 Q 340 Yes. The lands that were the subject matter of this motion were part of the  
24 lands, 7217 please, if I just explain to you, Mr. Conroy, on the map that's on  
14:21:18 25 screen, all of the yellow lands are zoned residential.
- 26 A Yes.
- 27 Q 341 And the Monarch lands are outlined in red and they form part of the yellow  
28 lands.
- 29 A Yes.
- 14:21:28 30 Q 342 All of those yellow lands being all of the residentially zoned lands in the

- 14:21:33 1 Carrickmines Valley were zoned at one house to the acre in May of 1992 as a  
2 result of Councillor Barrett's motion.
- 3 A Yes.
- 4 Q 343 When the matter came back before the council in November 1993, the motion that  
14:21:46 5 was put before the council by Councillors Marren and Coffey was to rezone a  
6 portion of those residentially zoned lands at four to the acre and the balance  
7 at one to the acre, you follow that?
- 8 A Yes. Yes.
- 9 Q 344 Now, your position had been pro development as I understand what you have just  
14:22:03 10 told the Tribunal.
- 11 A Yes.
- 12 Q 345 In those circumstances, can I ask you, Mr. Conroy, why you didn't take some  
13 step to bring all of the zoning to four houses to the acre?
- 14 A Well I would absolutely agree that all of the zoning should be four houses or  
14:22:19 15 more to the acre, but that was the actual proposition that was before the  
16 council at that stage.
- 17 Q 346 And certainly the manager had recommended that that entire change be deleted  
18 and that the lands revert to four houses to the acre.
- 19 A Yes.
- 14:22:35 20 Q 347 And you could have brought a motion to do that, isn't that correct?
- 21 A That is correct, yes.
- 22 Q 348 But you didn't do that, notwithstanding the fact that you have a pro  
23 development view?
- 24 A That is correct.
- 14:22:46 25 Q 349 So you simply responded, is that correct, Mr. Conroy, to the motion put before  
26 the chamber by Mr. Marren and Ms. Coffey?
- 27 A In that that was a motion which I felt had a possibility of succeeding at that  
28 time, yes.
- 29 Q 350 Sorry.
- 14:23:02 30 A In that that was a motion which I thought, rightly or wrongly, had the

- 14:23:07 1 possibility of succeeding at that time.
- 2 Q 351 Was it your belief at that time that if a motion were put to the chamber
- 3 concerning all of the lands that were zoned residential in the Carrickmines
- 4 Valley and to rezone those lands at four to the acre, that motion would not
- 14:23:21 5 succeed?
- 6 A It might have been more difficult I am just speculating on that.
- 7 Q 352 Do you have any recollection of there being, of the rezoning of the
- 8 Carrickmines Valley being a contentious issue before the council?
- 9 A Yes, it was a contentious issue, it's a very beautiful valley and it's very sad
- 14:23:39 10 that it had to be rezoned but with the demand on housing and later the
- 11 possibility of a science park, it was, I felt, necessary, but there was a lot
- 12 of opposition to it, and very understandably.
- 13 Q 353 And was it well known within the council that the lands, the subject matter of
- 14 that motion, were the Monarch lands?
- 14:23:59 15 A I am not so sure if that was very well known but it may well have been.
- 16 Q 354 And you will have seen in the documentation and records of the minutes of the
- 17 meeting, Mr. Conroy, that these lands are referred to as Monarch Properties
- 18 lands throughout the minutes, isn't that right?
- 19 A That is absolutely correct.
- 14:24:16 20 Q 355 And they are also so referred in the manager's report, isn't that right?
- 21 A Yes, indeed.
- 22 Q 356 So it would follow from that for anybody who was in attendance at those
- 23 meetings, they would have been aware of the existence of Monarch Properties
- 24 interests in the lands, isn't that right?
- 14:24:30 25 A They would certainly have been aware of it but from time to time you have
- 26 various developers whose interests in the lands are mentioned in the council.
- 27 Q 357 Certainly if I could move on, Mr. Conroy, to 1994 and the events in 1994. I
- 28 think would it be fair to that you would have been in favour of the science and
- 29 technology park?
- 14:24:49 30 A Very much so.

- 14:24:50 1 Q 358 And indeed when matters weren't moving along, I think that you signed a motion  
2 at 5396.
- 3 A I think so.
- 4 Q 359 Which is dated October 1994 and by this stage, Mr. Conroy, a decision had  
14:25:30 5 already been taken to promote a science and technology park and that decision  
6 had been taken by Dun Laoghaire/Rathdown County Council.
- 7 A Do you mind if I just --
- 8 Q 360 Not at all.
- 9 A Thank you very much. Yes, thank you.
- 14:25:42 10 Q 361 But that decision was taken in June of 1994 and by October of 1994, the council  
11 received a motion that's signed by Councillor Lydon, Councillor Liam Cosgrave  
12 and yourself, isn't that right?
- 13 A I think that's correct, yes.
- 14 Q 362 And I think the map that's attached to that motion at 5397 outlines the Monarch  
14:26:03 15 lands and details the break down in zoning that was sought.
- 16 A Yes.
- 17 Q 363 And I think you also signed that map, isn't that right?
- 18 A That looks like my signature there, I think yes. Yes, it is my signature, yes.
- 19 Q 364 Now can I ask you, Mr. Conroy, the circumstances in which you came to sign this  
14:26:27 20 motion at 5396?
- 21 A Well I would certainly have made my position on a science and technology  
22 development as being very very much in favour. It was something which I think  
23 at the time, still is urgently needed, a very beneficial development, which we  
24 are very fortunate to get and therefore I would have been very happy indeed to  
14:26:53 25 sign that motion.
- 26 Q 365 Yes. Who asked you to sign the motion?
- 27 A Sorry.
- 28 Q 366 Who asked you to sign the motion?
- 29 A I have no recollection but anyone who asked me to sign that motion, I would  
14:27:05 30 happily do so.

- 14:27:06 1 Q 367 Do you know whether Mr. Lydon or Mr. Cosgrave had already signed the motion by  
2 the time you signed it?
- 3 A I don't really, it likes as though I am the first signature on it but I just  
4 don't recollect.
- 14:27:17 5 Q 368 Do you remember meeting Mr. Lynn or anybody from Monarch Properties in  
6 connection with this motion?
- 7 A No, I don't.
- 8 Q 369 Do you remember discussing it with either Mr. Lydon or Mr. Cosgrave?
- 9 A They could well have said that they were putting that motion forward and I  
10 would have been very happy with that.
- 11 Q 370 And the motion was an unusual motion, was it not, Mr. Conroy in the sense that  
12 the science and technology park was a new development for Dun  
13 Laoghaire/Rathdown County Council?
- 14 A Indeed, yes.
- 14:27:43 15 Q 371 And this I suggest to you is probably the only motion in connection with the  
16 science and technology park that was ever heard, dealt with or received by Dun  
17 Laoghaire/Rathdown County Council?
- 18 A I think that's probably correct, I can't just be certain of that.
- 19 Q 372 And therefore the subject matter of the motion is an unusual subject matter in  
14:28:00 20 your experience as a councillor, isn't that right?
- 21 A Yes, that would be true.
- 22 Q 373 And it's still your position that you cannot recollect anything about the  
23 circumstances in which you came to sign it, Mr. Conroy?
- 24 A I don't think there was anything untoward or out of the way about the signing  
14:28:15 25 of it that I can recollect at any rate. It seemed a very proper motion, very  
26 essential motion and very beneficial one in my view at any rate.
- 27 Q 374 I am not suggesting that there's anything untoward about it Mr. Conroy, I am  
28 simply seeking to establish who was the person who asked you to sign the  
29 motion, whether it was somebody from Monarch Properties or whether it was  
14:28:36 30 either of the two persons whose names appear beside yours?

- 14:28:41 1 A It certainly wasn't anyone from Monarch Properties, it could have been one of  
2 my two colleagues but I would certainly have been happy to initiate that motion  
3 myself, i have to say that.
- 4 Q 375 Would you have drafted the motion if you had initiated it?
- 14:28:53 5 A No.
- 6 Q 376 Does it follow from that, if you were the main proposer of the motion, it would  
7 have required somebody else to prepare the motion and present it to you?
- 8 A That would be correct.
- 9 Q 377 And you yourself did not prepare the motion?
- 14:29:03 10 A Not to my recollection, I don't think so. No.
- 11 Q 378 Do you have any idea where the map came from at 5397 please.
- 12 A That would be normal procedure in relation to motions to provide a map, I would  
13 take it, it comes from the officials on the council but I have no particular  
14 recollection of where it came from.
- 14:29:24 15 Q 379 In any event, ultimately a variation was made, isn't that right, by Dun  
16 Laoghaire/Rathdown County Council in connection with the science and technology  
17 park and that variation was confirmed.
- 18 A Yes.
- 19 Q 380 That motion in fact was never proceeded with because the manager brought before  
14:29:39 20 the council his own proposals which were accepted, isn't that right?
- 21 A That is correct, yes.
- 22 Q 381 But other than the fact that this was a unique motion in your experience as a  
23 councillor, you can't assist the Tribunal as to the circumstances in which you  
24 came to sign it?
- 14:29:55 25 A I don't think so, other than that I thought it a very necessary development  
26 that should be encouraged in which I was, I didn't sign very many motions when  
27 I was on the council, as you will be aware but that was certainly one I was  
28 very happy to sign.
- 29 Q 382 Yes, and I think that matters moved on, Mr. Conroy, and Dun Laoghaire/Rathdown  
14:30:15 30 County Council came to consider the Development Plan, the review of the

- 14:30:16 1 Development Plan in 1997 and 1998, isn't that right?
- 2 A About then, yes.
- 3 Q 383 And I think that there were a number of submissions that were made to the
- 4 council in connection to the Development Plan by Monarch Properties at 2561
- 14:30:30 5 please. This is a submission 359 and it seeks, Mr. Conroy, rezoning of a
- 6 certain portion of lands from B agriculture to E1 and the lands are outlined on
- 7 the map on the following page at 2563. We just need to turn this map. And
- 8 what was being sought was to extend the science and technology zoning into the
- 9 area marked 3 on that map, do you see that?
- 14:31:06 10 A Yes, I do indeed, yes.
- 11 Q 384 And I think subsequently, a motion was brought before the council at page 7286,
- 12 and this motion sought as its objective, the rezoning of 40 acres from B to
- 13 objective E1 and the map attached to that motion, Mr. Conroy, is at 7287. And
- 14 you will see that the map seeks the rezoning of the area marked 3 and you will
- 14:31:45 15 see that the motion at 7286 is signed by Councillors Lowry, Matthews, Cosgrave
- 16 and yourself, is that right?
- 17 A That's absolutely correct and the map as well, I've signed.
- 18 Q 385 And the map is signed. Can you outline to the Tribunal the circumstances in
- 19 which you came to sign this motion?
- 14:32:04 20 A I would assume and this is an assumption now, that an extra area was required
- 21 or had been requested and certainly if it was required to change it to
- 22 agricultural which is B to E1, science and technology, I would certainly feel
- 23 that that was something I would support. But I don't recollect if that's the
- 24 following -- who asked me to sign it but I see names ahead of me.
- 14:32:39 25 Q 386 Yes. Do you remember or do you recollect having being approached by anybody
- 26 from Monarch Properties in connection with this motion?
- 27 A No, no.
- 28 Q 387 Would you agree that what is sought on the face of this motion is exactly what
- 29 had been sought by Monarch Properties in their submission to the council at
- 14:32:55 30 page 2561. Monarch Properties outline in that letter that they seek a change

- 14:33:10 1 for the lands marked 3 for the provision of a science and development park and  
2 you will see and you have seen already that the map that is attached to the  
3 Monarch submission at 2563, if we just turn that please, is almost the same as  
4 the map that you signed that's attached to the motion, is that correct?
- 14:33:35 5 A That's absolutely correct.
- 6 Q 388 So and it would seem then that the motion that was brought, Mr. Conroy, was on  
7 all fours or in agreement with the submission that had been made by Monarch  
8 Properties?
- 9 A That would appear to be the case, yes.
- 14:33:48 10 Q 389 And yet you have no recollection of the circumstances in which you came to sign  
11 this motion, is that the position?
- 12 A Other than that if it was something in relation to the science park, I would  
13 certainly support it. But certainly I wasn't approached by Monarch Properties  
14 to the best of my recollection and I don't specifically recollect but somebody  
15 must obviously have suggested it to me.
- 14:34:07 16 Q 390 That motion was amended by a motion saying that any such rezoning of the lands  
17 marked 3 on the map that's on screen would be without prejudice to the  
18 council's stated objective to develop a golf course on those lands. Do you  
19 remember that?
- 14:34:27 20 A That could well be the case, yes.
- 21 Q 391 Because the lands --
- 22 A Yes.
- 23 Q 392 Which it was proposed by your motion would be rezoned were lands that had been  
24 zoned for a golf course in the 1993 plan, is that right?
- 14:34:38 25 A That would be correct.
- 26 Q 393 So that motion as amended was passed, isn't that the position?
- 27 A To my recollection, yes.
- 28 Q 394 And the second submission that was made by Monarch Properties to the council in  
29 the review of the Development Plan is at 2564, and this submission seeks an  
14:35:01 30 extension of the area zoned DC or district centre and the map shows the area



- 14:35:06 1 marked 2 at 2566. If you just turn this map please. What was sought is an  
2 extension of the town centre zoning from the area marked 1 into the area marked  
3 2 on that map at 2566, Mr. Conroy, do you see that?
- 4 A I do indeed, yes.
- 14:35:24 5 Q 395 So it was an additional piece of land that was sought to be rezoned to include  
6 retail and district centre activities.
- 7 A Yes.
- 8 Q 396 And if I could show you a motion at 7288, Mr. Conroy, which is signed by  
9 yourself, isn't that the position?
- 14:35:42 10 A That is correct, yes.
- 11 Q 397 And this motion seeks a rezoning of lands from objective A residential to DC as  
12 an extension of the existing district centre zoning on the adjoining lands,  
13 isn't that right?
- 14 A That's correct, yes.
- 14:36:00 15 Q 398 And I think you will accept from the map attached to that motion which is at  
16 7289, that what is sought there is an extension of the district centre zoning  
17 from the area marked 1 into the area marked 2.
- 18 A Correct.
- 19 Q 399 Isn't that the position?
- 14:36:13 20 A Yes, absolutely.
- 21 Q 400 And that is exactly the same matter that had been sought by Monarch Properties  
22 in their submission 360 to the council, isn't that the position?
- 23 A Absolutely correct, yes.
- 24 Q 401 Can you outline to the Tribunal the circumstances in which you came to sign  
14:36:27 25 this motion?
- 26 A Certainly, I assume there that one of my colleagues asked me to sign it, I  
27 would have to assume that because I would have no particular interest in the  
28 district centre per se in the same way that I would in the science and  
29 technology one.
- 14:36:49 30 Q 402 I think you in fact seconded that motion at 2625, Mr. Conroy?

- 14:36:53 1 A Very likely. Yes.
- 2 Q 403 It was proposed by Councillor Lowry and seconded by yourself.
- 3 A Yes.
- 4 Q 404 And it was passed on a show of hands, isn't that right?
- 14:37:00 5 A I think so, yes.
- 6 Q 405 Can you assist the Tribunal as to whether you would have done that at the
- 7 instigation of somebody from Monarch or whether you did it at the request of
- 8 one of your colleagues who also signed the motion?
- 9 A I cannot assume that it was at the request of the colleague who proposed the
- 14:37:17 10 motion but it certainly wasn't at the request of Monarch, so therefore I have
- 11 to assume it was one of my councillor colleagues.
- 12 Q 406 And insofar as these three motions are concerned, the original motion,
- 13 Mr. Conroy, seeking to bring on a science and technology park that was dealt
- 14 with in 1994 and these two motions in the course of the review of the
- 14:37:39 15 Development Plan, it's your position that you accept that you signed the
- 16 motions and the maps, is that right?
- 17 A Yes, absolutely, yes.
- 18 Q 407 And that these latter two motions were ultimately successful but that you have
- 19 no recollection of the circumstances in which you came to sign them.
- 14:37:53 20 A Of the science and technology park, I am quite clear this was something I was
- 21 very much advocating and in favour of. The other, the retail centre, not
- 22 really, no.
- 23 Q 408 But you have no recollection in any of these cases, Mr. Conroy, of who asked
- 24 you to sign the motion, is that right?
- 14:38:09 25 A I have no recollection of who asked me, but certainly wasn't Monarch Properties
- 26 so one has to assume therefore it was one of the my colleagues.
- 27 Q 409 And you do not know who prepared the motion or provided the maps, is that the
- 28 position?
- 29 A No, I don't.
- 14:38:25 30 Q 410 Ultimately those motions were successful, is that correct?

- 14:38:28 1 A That's correct, yes.
- 2 Q 411 And you were in favour of those motions in any event, isn't that the position?
- 3 A Yes, particularly the first one, yes.
- 4 Q 412 Were you ever in receipt of any money or payments from Monarch Properties or  
14:38:38 5 anybody in connection with Monarch Properties?
- 6 A None.
- 7 Q 413 In the course of your career in Dun Laoghaire/Rathdown County Council since  
8 1994, would you have had occasion to sign many motions?
- 9 A I would have signed a number but I was not I would say the number of motions  
14:38:55 10 that I signed was not a very large number indeed.
- 11 Q 414 And the records of the meetings would show --
- 12 A It's on the record the ones I did propose obviously.
- 13 Q 415 And the record of attendances at the meeting would tend to show, Mr. Conroy,  
14 and I am in no way criticising you for this, that you were a less than frequent  
14:39:11 15 attender at the meetings, would that be fair?
- 16 A Before I came Cathaoirleach, that is correct, I had various other demands.
- 17 Q 416 Would it be fair to say without putting words in your mouth, that the signing  
18 of these motions would be a not commonplace occurrence in your life as a  
19 councillor?
- 14:39:29 20 A I signed a number of motions, it certainly wouldn't be a commonplace  
21 occurrence, I think that's fair to say, yes.
- 22 Q 417 Thank you very much, if you answer any other questions.
- 23
- 24 CHAIRMAN: Thank you very much.
- 14:39:45 25
- 26 **THE WITNESS THEN WITHDREW.**
- 27
- 28 MR. QUINN: Mr. Fergal McCabe please.
- 29
- 30

**MR. FERGAL MCCABE, HAVING BEEN SWORN, WAS EXAMINED**

**AS FOLLOWS BY MR. QUINN:**

- 14:39:52 1
- 2
- 3
- 4 CHAIRMAN: Good afternoon, Mr. McCabe.
- 14:40:23 5 A Good afternoon.
- 6 Q 418 Thank you Mr. McCabe, good after. Mr. McCabe you were a town planner and you
- 7 were retained by Monarch in relation to the lands at Cherrywood, isn't that
- 8 right?
- 9 A That's correct.
- 14:40:32 10 Q 419 And you were written to by the Tribunal and you were asked to provide a
- 11 statement, the letter seeking the statement dated the 7th April 2006 is at
- 12 pages 1426 and 1427 of the brief an your response is 8202. I think you say in
- 13 the first paragraph of that letter of response, that you have worked for the
- 14 Monarch property group since you first commenced practice in 1974. Isn't that
- 14:40:58 15 right?
- 16 A That's correct.
- 17 Q 420 And you work with the group right up until 1997 and probably later, is that
- 18 correct?
- 19 A Yes.
- 14:41:07 20 Q 421 So therefore you would have been involved with all the other various projects
- 21 that Monarch had been involvement with prior to Cherrywood?
- 22 A Yes.
- 23 Q 422 So by 1989, you would have in your capacity as a consultant town planner have
- 24 quite a good deal of experience with the various personnel within Monarch
- 14:41:24 25 Group?
- 26 A I would.
- 27 Q 423 And Monarch I think at that stage had a reputation in relation to the
- 28 development of supermarkets and shopping centres?
- 29 A They were principally a shopping centre developer.
- 14:41:33 30 Q 424 The departure towards Cherrywood, that was a departure for them?

- 14:41:39 1 A Yes, it was. I suppose in the sense that it was principally residentially or  
2 industrially zoned land but I think their initial interest was there might be a  
3 shopping centre involved.
- 4 Q 425 But by and large, they hadn't been involved to that extent in relation to  
14:41:58 5 residential property prior to that?
- 6 A No.
- 7 Q 426 I think that Mr. Monahan obviously was the chairman and chief executive of the  
8 Monarch Group and you knew the late Mr. Phil Monahan I presume?
- 9 A I did.
- 14:42:12 10 Q 427 Mr. Noel Murray was also involved with the group and presumably you knew him  
11 also?
- 12 A I do of course.
- 13 Q 428 In what capacity did Mr. Murray --
- 14 A I think Mr. Murray was mainly marketing.
- 14:42:23 15 Q 429 Then there was a Mr. Phillip Reilly I think who had a responsibility in  
16 Tallaght, is that correct?
- 17 A Yes, I think that was --
- 18 Q 430 Did you know Mr. Reilly?
- 19 A I did.
- 14:42:30 20 Q 431 And then Mr. Lynn, isn't that right?
- 21 A That's correct.
- 22 Q 432 Had Mr. Lynn been with the company prior to 1989 and had he been involved with  
23 the other projects?
- 24 A I don't think so, I think Mr. Lynn came in around the time of Cherrywood.
- 14:42:46 25 Q 433 So Mr. Lynn would have been peculiar to the Cherrywood development?
- 26 A He certainly was the team leader.
- 27 Q 434 Yes. Now, I think there was a Mr. Lafferty who was an in-house engineer, is  
28 that correct?
- 29 A In-house architect.
- 14:42:58 30 Q 435 Did you have a lot of dealing with Mr. Lafferty?

- 14:43:01 1 A Yes, I would have.
- 2 Q 436 Now, I think in May 1989, you wrote to Mr. Monahan, if I could have 2846  
3 please, this is a letter discovered to the Tribunal by you and it's a letter to  
4 Mr. Monahan and it's your assessment of the site, isn't that right?
- 14:43:19 5 A I think Monarch had just bought the lands at the time. Mr. Monahan asked me  
6 for an initial reaction in terms of the statutory planning system.
- 7 Q 437 Yes. Is that unusual, Mr. McCabe, that you would be asked for an assessment  
8 after the purchase rather than before the purchase?
- 9 A Yes, I suppose it is.
- 14:43:41 10 Q 438 Now, I think the property, according to the Irish Times of the 12th May 1989,  
11 at 8510 had been recently purchased for a sum of 11 million which would have  
12 been a substantial payment at the time, both in relation to size and indeed in  
13 relation to price per acre for this green field, well it was effectively a  
14 green field site?
- 14:44:00 15 A I really don't know about values.
- 16 Q 439 You in any event did write as we saw on the 16th May 1989 at 2846 to  
17 Mr. Monahan and you set out what you thought was the current zoning situation  
18 on the land and what might be contained on the land, isn't that right?
- 19 A Yes.
- 14:44:24 20 Q 440 And both you highlighted the prospect of possibility on both residential and  
21 shopping centre, isn't that correct, although you felt the inclusion of  
22 shopping facilities in the Draft Development Plan at that stage might be  
23 controversial?
- 24 A I was sceptical as to the viability of a shopping centre at that stage.
- 14:44:45 25 Q 441 Yes.
- 26 A It's on page 2, I think.
- 27 Q 442 Yes. At 2847, you are familiar with this correspondence I take it?
- 28 A Yes, I am.
- 29 Q 443 You would have recently updated yourself on it in any event. I think one of  
14:44:59 30 the important points being made by you at the very early stage in relation to

- 14:45:05 1 the property is that the current development plan was being undertaken, the  
2 review of the current Development Plan was in being, isn't that right?
- 3 A I think it had commenced.
- 4 Q 444 About 1987 and a series of working papers were being prepared?
- 14:45:18 5 A Yes.
- 6 Q 445 And maps were being prepared and I think and would it be fair to that your  
7 approach to both that review of the plan and the review of the 1993 plan was  
8 that you should get in and try and have your views adopted by the management?
- 9 A It was not unusual for significant landowners to make their views known to an  
10 evolving Development Plan in the early stages, in fact that's provided for  
11 statutorily in the 2000 act now.
- 12 Q 446 We are now talk being 1989. I think in 1989, the idea was that there would be  
13 a statutory display when submissions would be made to the plan, isn't that  
14 right, after the first statutory display.
- 14:46:05 15 A In the ordinary circumstances, yes.
- 16 Q 447 And I think the first statutory display in relation to the '83 plan was between  
17 September and December 1991 which was two years away, isn't that right?
- 18 A I take your word.
- 19 Q 448 Yes. Now, I think there were a series of meetings and you will have seen in  
14:46:24 20 the brief if we could have 2850 please, one of the meetings occurred between  
21 the roads department and, sorry, the sewerage department of the council and  
22 representatives of your associates who I think were retained as engineers under  
23 the development?
- 24 A Yes.
- 14:46:45 25 Q 449 And you will have seen one of the issues at this early stage was the issue of  
26 the Carrickmines Valley sewerage scheme, is that right?
- 27 A That's right.
- 28 Q 450 There were two issues in relation to this green field site, one was a question  
29 of access complicated by the proposed siting of the Southeastern Motorway and  
14:47:02 30 the other was the question of drainage and in particular, sewage drainage and

- 14:47:07 1 that was to be catered for by the Carrickmines Valley sewer, isn't that  
2 correct?
- 3 A Yes.
- 4 Q 451 And both of those were essential to any development of the site?
- 14:47:14 5 A Yes.
- 6 Q 452 As indeed was the zoning because the zoning at the time I think was one house  
7 to the acre on septic tank.
- 8 A Yes, of that order.
- 9 Q 453 It would be wholly uneconomic to develop this site on that zoning I take it?
- 14:47:32 10 A Again, I am not, I'm unwilling to give evidence on values but it would seem to  
11 me in planning terms alone inappropriate.
- 12 Q 454 Yes. It's unlikely that you would get a large scale planning, for 243 houses  
13 on the 243 acres.
- 14 A At that particular zoning of septic tanks, it would have caused a lot of  
15 pollution problems.
- 14:47:54 16 Q 455 Yes. Now, I think as we see from the document on screen that when they met  
17 with the representatives of the council, they were informed that tender  
18 documents had recently been approved by the Department of the Environment in  
19 relation to the scheme and that is to say that the internal engineers were  
20 surprised at the instruction since it wasn't on a priority list. Do you recall  
14:48:16 21 any discussion in May, June 1989 in relation to that matter?
- 22 A No.
- 23 Q 456 But in any event, you did find out and you discovered I take it that the tender  
24 documents were being drawn up within the council, approval having been given I  
14:48:38 25 think on the 1st May or shortly prior to the 1st May of that year, that the  
26 scheme could go ahead.
- 27 A Yes, I am aware of that.
- 28 Q 457 Yes. And I think you then, on the 7th June 1989 provided your first  
29 comprehensive report to Mr. Sweeney, if I could have 2852 please, in relation  
14:48:57 30 to the matter, isn't that right?



- 14:48:59 1 A Yes, that's it.
- 2 Q 458 And I think as I indicated in the very first paragraph there, you were  
3 highlighting the advantage of securing a rezoning in the initial draft, isn't  
4 that right?
- 14:49:11 5 A Yes.
- 6 Q 459 Presumably if it were the manager's proposal, it had a greater possibility of  
7 being accepted by the councillors, although as we discover, that wasn't  
8 necessarily the case here at a later stage?
- 9 A Well that's what should happen.
- 14:49:28 10 Q 460 Yes. Now, you were suggesting a density, current density, isn't that right, in  
11 relation to the lands at this stage. I think in fact what you say is "I would  
12 suggest that a representation be made to the planning authority to the effect  
13 that the lands be considered for development at full residential densities,"  
14 isn't that correct?
- 14:49:47 15 A Yes.
- 16 Q 461 What were full residential densities at that time?
- 17 A Probably in the order of 20 to the acre.
- 18 Q 462 We know, for example, and we have evidence --
- 19 A Sorry 20 to the hectare, I am sorry.
- 14:49:59 20 Q 463 Which would be about ten to the acre?
- 21 A Eight. Eight to the acre.
- 22 Q 464 So therefore four to the acre would be considered low density.
- 23 A It would be lowish. It would be verging on the, verging on the level at which  
24 it would be difficult to sustain a proper neighbourhood.
- 14:50:21 25 Q 465 And I think you directed that a series of studies be undertaken which might be  
26 of assistance in compiling a report, isn't that right?
- 27 A Yes.
- 28 Q 466 You have seen that document and I am sure you have revised your, you have  
29 updated your memory in relation to what went on?
- 14:50:40 30 A Yes.

- 14:50:40 1 Q 467 We see at 2853 under the heading "Housing development" you said that you would  
2 recommend that -- this is the suggested application perhaps for a material  
3 contravention at that stage that any such application be delayed, isn't that  
4 right? You say there that "However the possibility of seeking a material  
14:51:01 5 contravention is available at any time, I would recommend that it would be  
6 delayed until such time as a favourable draft zoning at least for the lands has  
7 emerged." Isn't that right?  
8 A Yes, ideally until the plan had been fully approved.
- 9 Q 468 Yes. Now, the submissions and the case for housing and density, you suggest I  
14:51:21 10 think at 2854 be established on the principles laid down in the studies  
11 prepared for the Development Plan submission, were you there talking about the  
12 working papers, etc?  
13 A Yes.
- 14 Q 469 And then I think you dealt with the retail element and based on that, I think  
14:51:38 15 you followed up that letter on the 7th June with a further letter setting out  
16 your charges and recommending that I think it was the late Mr. Meehan who was  
17 also a planner?  
18 A Dr. Meehan, yes.
- 19 Q 470 Be employed also, is that correct?  
14:51:52 20 A Yes.
- 21 Q 471 I think on the 26th June 1989, if we see 2874 you were given instructions in  
22 relation to the matter. Now, on the 29th June '89, if we could have 2878  
23 please, the issue of the route of the Southeastern Motorway was beginning to  
24 surface, isn't that right? And you were given a map with a suggested land use  
14:52:23 25 structure, isn't that correct?  
26 A That's correct, yes.
- 27 Q 472 And I think you wrote to the planners on 2879 on the 3rd July 1989 advising of  
28 your client's interests in the land and asking that a development -- not  
29 exceeding 10 thousand house to the acre in the forthcoming review of the plan?  
14:52:46 30 A That's right, that's a preliminary letter.

- 14:52:48 1 Q 473 That's a preliminary letter written to the planners at the time when they were  
2 considering the papers for publication to the councillors?  
3 A Yes.
- 4 Q 474 Now, I think that letter was acknowledged as we see on the 10th July '89 at  
14:53:03 5 2883 and I think that strategy meetings were beginning to develop within the  
6 Monarch Group attended by you and others in relation to how you might proceed,  
7 is that correct?  
8 A Yes.
- 9 Q 475 Were you providing a strategy control option to Monarch on how they might  
14:53:23 10 proceed?  
11 A I was outlining, if I remember right, the form of submission that might be  
12 successful.
- 13 Q 476 For example if we look at 2894, on the 11th August 1989, I think you were  
14 referring to the ERDO report, is that correct?  
14:53:44 15 A Yes, it seemed to me it was the bedrock of the whole exercise.
- 16 Q 477 Yes. ERDO I think had compiled a report in May of 1988 or revised a report in  
17 1988 which suggested that there might be an additional 30,000 houses required  
18 in this location, is that correct?  
19 A An additional 20,000 population if I recollect.
- 14:54:03 20 Q 478 Yes. If we look at 2894, we just look at the second paragraph there, you say  
21 that "The revised ERDO strategy for the Dublin sub region of May 1988 which is  
22 the basic research document informing the forthcoming review of the Development  
23 Plan recommends an additional population of 20,000 persons for the Shanganagh  
24 area by the year 2001. In addition to a committed population capacity based on  
14:54:30 25 current permissions and land use zoning objectives of 30,000 in the south and  
26 south eastern suburbs."  
27 A I think that might be 2011.
- 28 Q 479 20 and 11 as opposed to 30?  
29 A Sorry an additional 20,000 persons by 2011 rather than 2001.
- 14:54:47 30 Q 480 I understand. And I think you were suggesting then that there was a scarcity

- 14:54:50 1 of industrially zoned lands and again these lands might be considered for that  
2 purpose?
- 3 A Yes.
- 4 Q 481 And I think your suggestion was more or less to the effect that based on the  
14:55:00 5 existing zoning, that you would not have a capacity on these lands for that  
6 projected population growth.
- 7 A I made a study of the southeast area generally and looked at committed lands or  
8 permissions and undevelopable of lands and it seemed to me one of the few  
9 places in which the 20,000 population could be located was the Lehaunstown,  
14:55:24 10 Cherrywood lands.
- 11 Q 482 That's 30 years on from when this commission is being undertaken or 20 years  
12 on?
- 13 A By 2011.
- 14 Q 483 And it's now 1989, 1990.
- 14:55:36 15 A Yes.
- 16 Q 484 I think additional population then would give rise to the necessity for  
17 shopping and other activities, isn't that right?
- 18 A There would be ancillary retail and schools and open space necessary.
- 19 Q 485 Now, I think that as you go forward, you eventually have a meeting with the  
14:56:00 20 planners, isn't that right? And that meeting took place on the 29th August  
21 1989 and at 2902 we have a report of that meeting and I think that report may  
22 have been in fact compiled by yourself for Mr. Lynn?
- 23 A That's correct.
- 24 Q 486 How did that meeting take place?
- 14:56:15 25 A I sought the meeting and the members of the Development Plan team agreed to  
26 meet me.
- 27 Q 487 Had you sought similar meetings on behalf of other clients in relation to the  
28 review of that Development Plan?
- 29 A In relation to the 199 -- that Development Plan, that was the only submission,  
14:56:39 30 I don't think I made any other submissions in relation to that plan other than

- 14:56:43 1 Cherrywood.
- 2 Q 488 Yes. You would have been one of the leading planning consultants at that time
- 3 in the country, isn't that right?
- 4 A I was an established planning consultant.
- 14:56:49 5 Q 489 And yet this is the very first and only occasion that you have had to meet with
- 6 the planners during their review of the plan in advance of its publication.
- 7 A It is but I wouldn't really have made any large scale submissions to the
- 8 development plans other than Cherrywood.
- 9 Q 490 Yes. Well did you make any submissions during the public display between
- 14:57:13 10 September and December 1991 other than Cherrywood?
- 11 A No.
- 12 Q 491 On behalf of any clients?
- 13 A I don't believe so.
- 14 Q 492 In any event, you discussed your views in relation to the valley and in
- 14:57:25 15 relation to these lands with the planners, isn't that right, at that, as
- 16 appears from that and it was obvious that the Shanganagh, or sorry, the
- 17 Carrickmines sewerage system and the proposed Southeastern Motorway were going
- 18 to be huge factors in relation to the matter, isn't that right?
- 19 A Yes.
- 14:57:43 20 Q 493 The motorway was particularly important from the point of view of the line of
- 21 the motorway, isn't that correct?
- 22 A Well it would because if you were to put residential, new residential
- 23 population on the lands, in the ordinary course of events, correct planning
- 24 principles would suggest that the motorway would go on the edge of the lands
- 14:58:09 25 and the public transport up the middle. It would be unusual to have the
- 26 motorway running through the middle of a residential area.
- 27 Q 494 Presumably the motorway doesn't take account of the ownership of the lands?
- 28 A I -- no, but it would take account of planning principles.
- 29 Q 495 For sure but this is a green field site.
- 14:58:30 30 A Yes.

- 14:58:31 1 Q 496 And the motorway was unlikely at this stage to take account of the ownership or  
2 the owners' objectives or views or --
- 3 A No, presumably it wouldn't.
- 4 Q 497 For these lands, isn't that right?
- 14:58:45 5 A Yes.
- 6 Q 498 Yet I think that you discussed two options with the planners at this meeting,  
7 isn't that right, in relation to the lands?
- 8 A Yes.
- 9 Q 499 They had a view, I think there were two, an option A and an option B or C,  
14:59:00 10 option A being as we see it at 8554, a suggestion that the motorway would join  
11 with the existing road, that is to say the existing Dublin, Bray Road which had  
12 been upgraded, is that right?
- 13 A Yes.
- 14 Q 500 Option C as we see it there would be to go through the lands to the west of the  
14:59:23 15 lands, isn't that right?
- 16 A Well on the map I'm looking at here, there are two options, the blue line is  
17 picking up the existing Bray Road and the brown line is where the motorway acts  
18 as an edge to the development area.
- 19 Q 501 Yes. I think the '83 plan had envisaged a line going straight through these  
14:59:46 20 lands, isn't that right?
- 21 A Yes.
- 22 Q 502 And I think it was your view and I think it would have been the councillors'  
23 view and possibly the planners' view at that stage, that any development would  
24 only be permissible to the line of the motorway.
- 15:00:06 25 A I am not too sure, if you could repeat that question.
- 26 Q 503 Any development, any rezoning of these lands for residential development was  
27 likely to end wherever the motorway line --
- 28 A Yes, in general the motorway was considered to be the stop line between the  
29 city and the mountain zone.
- 15:00:24 30 Q 504 So for example if the blue line as we see it there were to be the motorway

- 15:00:29 1 line, it would effectively mean these lands were going to be continue to be  
2 zoned for agricultural purposes whereas if the brown line was to be zoned owes  
3 a motorway line, there's a possibility that residential development would be  
4 extended to the brown line.
- 15:00:45 5 A Well, I mean I don't think it's as simple as that. There was an identification  
6 of a need for 20,000 population in the area, it had to be accommodated  
7 somewhere and this was very well located land. And it is very possible that  
8 the, if the blue line were to go ahead that somehow or other a reasonable stop  
9 gap for some kind would have to be provided on the south west boundary.
- 15:01:17 10 Q 505 In other words there would have to be development on the other side of the  
11 motorway?
- 12 A Yes.
- 13 Q 506 However assuming the brown line or a variation of the brown line were to be the  
14 motorway line, then obviously the development was going to take place east of  
15 that line, isn't that is right?
- 16 A It was preferable.
- 17 Q 507 Yes. Now, at that meeting, I think Mr. Davin, if we could have 2903 please,  
18 Mr. Davin had suggested a line, and I think if we look at the second last  
19 paragraph of that it says "It was generally felt that we had a lot in common  
20 and the meeting ended on the request that I would examine in more detail  
21 Mr. Davin's line and its implications and possibly come up with a structure  
22 plan based on it which could be the subject of further discussions."  
23 Mr. Davin's line at that time, as I understand it and I may be wrong, if we go  
24 back to 8554 was in fact the blue line.
- 15:02:13 25 A That's correct.
- 26 Q 508 So in other words you were being invited by the planners to put in a submission  
27 on the basis that the motorway line might in fact be the blue line.
- 28 A One or the other.
- 29 Q 509 Yes. I think after that meeting, there was a return meeting by Muir &  
15:02:31 30 Associates with the roads planning department, if we could have 2906 please. I

- 15:02:39 1 think the roads planning department had expected Muir to return some sort of  
2 submissions in relation to the line of the roadway also, but this meeting had  
3 been called following on your meeting with the planners in September, sorry in  
4 August, isn't that correct? And we see there in the first paragraph, "Fergal  
15:02:57 5 McCabe had recently met the County Council planners and had been asked by them  
6 to examine a certain proposed location for the road and Muir Associates now  
7 wish to discuss this in outline with Cormac Rabbitte before embarking on a  
8 detailed proposal which may be at total variance with the roads planning  
9 department's ideas." That is correct?
- 15:03:19 10 A Yes. I think that may have been the first time I have seen that.
- 11 Q 510 It's included in the brief of documents, you would have been reporting back  
12 presumably both to Monarch and their other professional consultants including  
13 Muir Associates, is that correct?
- 14 A Yes, that's correct.
- 15:03:32 15 Q 511 And you would have been advising them of what had been told to you by Mr.  
16 Conway and Mr. Davin at your meeting in August and having regard to what you  
17 hades to, they had returned to the roads department to see what the position  
18 was, isn't that correct?
- 19 A Yes.
- 15:03:44 20 Q 512 And I think you submitted to Mr. Davin on the 20th October 1989 at 2912 a draft  
21 structural plan for the above -- for discussion purposes, isn't that right?
- 22 A Yes.
- 23 Q 513 And I think that map which we have been looking at at 8554, if we could have  
24 that on screen, was the structure map that you enclose with that letter, isn't  
15:04:13 25 that right?
- 26 A Yes.
- 27 Q 514 Now as we go forward, I think into late 1989, the issue of the road becomes an  
28 even greater issue, isn't that right, the location of the roadway.
- 29 A In what context?
- 15:04:35 30 Q 515 In relation to your submissions and the submissions that you might put in in



- 15:04:39 1 relation to these lands?
- 2 A The location of the road was critical.
- 3 Q 516 Critical, yes. Not just the Southeastern Motorway but also presumably any
- 4 junction on the motorway and access to the lands?
- 15:04:55 5 A Yes.
- 6 Q 517 In any event, on the 27th November 1989 I think you formally submitted a report
- 7 in relation to the lands, isn't that right, if we have 2918 please. And that's
- 8 a report as we see it at 2919 prepared by yourself, Dr. Meehan and Muir
- 9 Associates, isn't that correct?
- 15:05:14 10 A Yes.
- 11 Q 518 Mr. Lynn I think will tell the Tribunal, if I could have 14130 please, that the
- 12 contents of that submission was generally accepted by the county manager and it
- 13 formed part of the manager's report to the council in October 1990 entitled the
- 14 Carrickmines area action plan, do you see that, that's an extract from
- 15:05:33 15 Mr. Lynn's statement to the Tribunal and I take it that you would accept that
- 16 and agree with it. Perhaps if we could have the third paragraph highlighted
- 17 please. Just slightly north of the area action plan. You see a submission was
- 18 prepared --
- 19 A Yes. Yes, I see that.
- 15:06:05 20 Q 519 Do you accept that, Mr. McCabe?
- 21 A That report.
- 22 Q 520 That would be Mr. Lynn's evidence, I understand. Is that your evidence?
- 23 A I have no knowledge that it was generally accepted by the county manager.
- 24 Q 521 We will come in a moment to look at DP90/123, do you say that was substantially
- 15:06:27 25 different from what you were proposing at that's various meetings and these
- 26 reports you were submitting?
- 27 A If I could have see DP90.
- 28 Q 522 Yes. If we could have 6937 please. The area shaded in red at the bottom
- 29 right-hand side corner is the Monarch site as I understand it.
- 15:06:56 30 A Yes.

- 15:07:00 1 Q 523 I think the entire valley was being proposed for development for either  
2 residential or industrial zoning, the proposals were that there would be  
3 development at both sides of the proposed line which is the blue line and that  
4 the industrial zoning would be close to the interchange, particularly the  
15:07:20 5 interchange at Carrickmines.
- 6 A Yes. It's a different layout, I mean I accept the principle that the general  
7 body of the lands were to be developed for housing and shopping purposes but  
8 the --
- 9 Q 524 Which is what you were hoping for in your submissions?
- 15:07:40 10 A In principle but not in detail.
- 11 Q 525 Yes. Yes. Would you accept that in large part the planners accepted your  
12 proposals. I don't want to and I will if necessary go through your submissions  
13 and through the manager's report to the council.
- 14 A Well I accept that they agreed that lands should be developed to ordinary  
15:07:59 15 densities.
- 16 Q 526 And do you accept that the submission was generally accepted by the manager, as  
17 Mr. Lynn will tell the Tribunal?
- 18 A In principle.
- 19 Q 527 Now, this was a submission which was made not during the display period but  
15:08:16 20 during the consideration of the maps by the planners, isn't that right?
- 21 A Yes.
- 22 Q 528 And I think in fact you were able to tell Mr. Lynn on the 18th January 1990, if  
23 we could have 2952 please that your submission was being considered seriously  
24 and was being examined, isn't that right?
- 15:08:33 25 A Yes.
- 26 Q 529 "However until the line of the road was resolved, the land use planning of the  
27 area was deferred." Isn't that right?
- 28 A Yes.
- 29 Q 530 Now, if we could have 2954 please, this is a meeting attended apparently by you  
15:08:46 30 held on the 24th January 1990 in relation to the Cherrywood lands, isn't that

- 15:08:51 1 right?
- 2 A Yes.
- 3 Q 531 This was one of the a series of meetings and I think in relation to the
- 4 motorway, you were advised that it now appears that the western option was the
- 15:09:02 5 most favoured by the council but that a clear decision may not emerge for
- 6 another couple of months?
- 7 A Yes.
- 8 Q 532 Who advised the meeting of that?
- 9 A I did but --
- 15:09:11 10 Q 533 Based on?
- 11 A At the time I would have been generally involved with planning in the southeast
- 12 area and I would have had quite a number of contacts with the Development Plan
- 13 team in relation to other lands which were being developed at Ballyogan or
- 14 Cabinteely. So I would have been generally aware of the debate that was going
- 15:09:34 15 on between the planners and the engineers.
- 16 Q 534 There was no doubt but there was a dispute within the council at this stage
- 17 between the planners and the road department?
- 18 A There was a debate.
- 19 Q 535 Yes, and I think it was your view the planners were likely to win out in that
- 15:09:50 20 debate?
- 21 A I believe so that, yes.
- 22 Q 536 However, that debate wasn't doing anything for the development of the site and
- 23 it was deemed essential that the motorway line be fixed, isn't that right?
- 24 A The fixing of the line would resolve many of the planning issues of the site.
- 15:10:06 25 Q 537 The merits of an immediate planning application were again discussed at this
- 26 meeting, isn't that right, and again I think you were of the view that the that
- 27 that, you should hold off on that?
- 28 A I always felt that it was pointless making planning applications until the
- 29 planning situation had settled down.
- 15:10:25 30 Q 538 Because obviously within the council planning department, at this stage they

- 15:10:29 1 hadn't even decided on the proposals that might be put to the councillors in  
2 relation to the review of the plan, isn't that right?
- 3 A An application would have been entirely premature.
- 4 Q 539 I think however the possibility of leverage was also discussed at that meeting  
15:10:44 5 and at 2955, I think you or someone suggested that a possible leverage would be  
6 to utilise the IDA in relation to the request for 60 acres of land and you  
7 indicate that a possible approach to the planners with the IDA might result in  
8 the speeding up of a decision, is that right?
- 9 A I didn't make the suggestion about the IDA but that was my response to it.
- 15:11:07 10 Q 540 Yes. If somebody else suggested the IDA and you suggested that it might sped  
11 it up?
- 12 A That it might, yes.
- 13 Q 541 Now, there was a meeting again on the 24th January 1990 at 5956 and it would  
14 appear from the note of that meeting that Mr. Sweeney was able to advise the  
15:11:31 15 assembled experts, including yourself, that the political decision had been  
16 made to align the motorway on the western edge of the site although the forward  
17 planners in the roads and the planners were continuing meetings and having  
18 discussions on options, is that right?
- 19 A I see that, yes.
- 15:11:47 20 Q 542 Yes. Can you recall that meeting, Mr. McCabe?
- 21 A No.
- 22 Q 543 Do you know the source of Mr. Sweeney's knowledge?
- 23 A No.
- 24 Q 544 That must have come as a relief, however, to those involved, including  
15:11:59 25 yourself, that there was such level of finality in relation to where the line  
26 might be.
- 27 A Well I don't know with what credibility I would have taken it.
- 28 Q 545 Yes. What political decision was Mr. Sweeney referring to?
- 29 A I have no idea.
- 15:12:17 30 Q 546 You have absolutely no recollection of that meeting?

- 15:12:27 1 A Not of the meeting specifically and not particularly of that comment.
- 2 Q 547 Do you ever recollect any discussions in relation to meetings with ministers?
- 3 A No.
- 4 Q 548 Even though you attended quite a number of these meetings, isn't that right?
- 15:12:41 5 A Yes.
- 6 Q 549 Was there ever any political or discussion of political interference in
- 7 relation to any of these matters?
- 8 A No, certainly not.
- 9 Q 550 Can you give any indication to the Tribunal how this note of this meeting could
- 15:12:53 10 contain a reference to Mr. Sweeney's contribution, namely there was a political
- 11 decision taken namely that in relation to the alignment of the motorway?
- 12 A I see it but I didn't place any credibility on it because in my view, the only
- 13 decision that would have been relevant would have been the ultimate line that
- 14 was posted on the Draft Development Plan map.
- 15:13:14 15 Q 551 Just let's take that in stages, you recall the comment presumably because you
- 16 have been able to tell us that you didn't take any notice of it at the time,
- 17 isn't that right?
- 18 A Or I put it differently, I wouldn't have taken much notice.
- 19 Q 552 I think your evidence, Mr. McCabe was that you dismissed it at the time, isn't
- 15:13:38 20 that right?
- 21 A Yes.
- 22 Q 553 So you must have recalled hearing it?
- 23 A I must have but --
- 24 Q 554 But you can't assist the Tribunal as to the source of Mr. Sweeney's knowledge?
- 15:13:49 25 A No.
- 26 Q 555 I think the issue of the IDA again surfaced at that meeting at 2957 and it says
- 27 "Mr. F McCabe discussed the option of mobilising the idea's support in order to
- 28 expedite the construction of the sewer." Do you recall having a discussion in
- 29 relation to the IDA to that the sewer issue might be expedited and resolved?
- 15:14:15 30 A Yes, I probably did.

- 15:14:18 1 Q 556 And what did you advise?
- 2 A That the IDA as a development agency, who would be an appropriate body to
- 3 assist in furthering the Carrickmines sewer.
- 4 Q 557 Had you been involved in any other development where the IDA had been mobilised
- 15:14:34 5 to expedite any decisions of the corporation or the council?
- 6 A No.
- 7 Q 558 In any event on the 24th January 1995 at 2958 you were asked by Mr. Lynn to
- 8 identify the most appropriate 60 acres which could be devoted to industrial
- 9 lands in order that they could advise the IDA, isn't that right?
- 15:14:57 10 A Yes.
- 11 Q 559 And I think you eventually did provide a report, if I could have the 2960 on
- 12 the 29th January 1990, you said "The most appropriate location for industrial
- 13 lands, would I imagine be those indicated in my report." Is that correct?
- 14 A Yes.
- 15:15:16 15 Q 560 And I think you went on to provide a further report to Mr. Monahan on the 15th
- 16 February, if we could have 2964 please. This is effectively a review of the
- 17 situation, isn't that right?
- 18 A Yes.
- 19 Q 561 Can I ask you why did you come to compile that report since most of what's
- 15:15:43 20 contained in it appears to have been contained in prior reports?
- 21 A I remember the late Mr. Monahan asking for it specifically, I don't know the
- 22 purpose.
- 23 Q 562 You agree with me it's like a briefing document that he might want to show some
- 24 one?
- 15:15:58 25 A Yes.
- 26 Q 563 That was on the 15th February 1990, is that right?
- 27 A It's not dated but it would have been 1990, yes.
- 28 Q 564 Did you know if Mr. Monahan had any meetings with parties or politicians in
- 29 relation to this project?
- 15:16:10 30 A No.

- 15:16:14 1 Q 565 Now, I think on the 15th February 1990, the coordinating committee of the  
2 council considered the Carrickmines Valley, if I could have 2969 please and  
3 they noted that plans were being drawn up in the planning department for the  
4 future development of the area and a number of issues required to be resolved,  
15:16:35 5 namely the location of the motorway, the question of the provision and  
6 limitation of foul sewer, water requirements, major park requirements,  
7 industrial lands and road systems and they asked that reports be provided as a  
8 matter of urgency, is that right?
- 9 A Yes.
- 15:16:49 10 Q 566 I think you were able to tell Mr. Lynn and Monarch on the 2nd March 1990, if I  
11 could have 2170 please, that "You now believe for a good reason that the  
12 motorway option selection by the planner and road section of the council was  
13 the western most line, option B." Is that correct?
- 14 A That's correct.
- 15:17:11 15 Q 567 What was the source of your knowledge?
- 16 A Again discussions with the Development Plan again in a general way.
- 17 Q 568 Somebody was advising you that this is what was happening?
- 18 A I don't think it was somebody was advising me but these are colleagues whom I  
19 would have met on fairly frequent basis and I would have asked them I suppose  
15:17:30 20 how the debate was going between the roads and planning sections.
- 21 Q 569 Did you know that there was a suggestion at some stage that perhaps IKEA might  
22 be involved together with the IDA, if I could have 2977. So as to expedite the  
23 drainage system. This is an extract from a letter written by Mr. Lynn and just  
24 look at the final paragraph there, it's E.S. which presumably Mr. Sweeney  
15:17:56 25 "indicated that he may be in a position to get a letter from IKEA requiring a  
26 100,000 square feet development on the retail park which could be used with the  
27 IDA to speed up the drainage contact." "RL" which is presumably Mr. Lynn, "to  
28 make contact with IDA and ascertain whether they would back IKEA in their  
29 application, do you recall any discussion in relation to that at that stage?
- 15:18:16 30 A No.

- 15:18:17 1 Q 570 You have no recollection of that being discussed?
- 2 A No.
- 3 Q 571 Can I just ask you at this stage, Mr. McCabe, what exactly was your role within
- 4 Monarch in relation to these lands?
- 15:18:27 5 A Well I suppose generally to advise on responses to the statutory planning
- 6 system, to advise them on what current development plans were saying. What --
- 7 in the light of the ongoing future of the city, what would be the likely future
- 8 of the Cherrywood lands and then formal responses to the statutory planning
- 9 system in relation to the publication of draft plans and advice on the
- 15:19:04 10 implications of those.
- 11 Q 572 Yes. The impression I am getting from what you are saying, Mr. McCabe is that
- 12 your role was that of giving advice?
- 13 A Yes.
- 14 Q 573 Did you have any role or did you accept any role lobbying councillors?
- 15:19:19 15 A No.
- 16 Q 574 Ever?
- 17 A Ever.
- 18 Q 575 On behalf of Monarch?
- 19 A Never.
- 15:19:25 20 Q 576 Did you have speak to councillors on their behalf?
- 21 A I think I spoke to one councillor that I met on a social basis at one stage,
- 22 because I should say that I believed that the proposals for the Cherrywood area
- 23 made sense but that was on a semi personal basis, otherwise no.
- 24 Q 577 When would you have spoken to that councillor?
- 15:19:48 25 A I couldn't give a date.
- 26 Q 578 Could you be mistake in your recollection in relation to your responsibilities
- 27 in respect of lobbying for making representations to councillors?
- 28 A I don't think so.
- 29 Q 579 Did you bill for making representations to councillors?
- 15:20:03 30 A In one bill I mentioned a representation and that was the --



- 15:20:06 1 Q 580 8267 please. This is an invoice dated the 3rd December 1991, you set out the  
2 role that you had played and for which you were billing I think 6,000 to  
3 include VAT, isn't that right?
- 4 A Yes.
- 15:20:24 5 Q 581 And I think one of the matters that you set out there was the preparation of  
6 reports, various meetings with consultants, discussion with council officials,  
7 maps and submissions of objections to the Development Plan together with  
8 representations to councillors and the media. So you are saying that  
9 representations to councillors there was one representation to one councillor?
- 15:20:46 10 A Singular, yes.
- 11 Q 582 And you never had a role in making representations to other councillors?
- 12 A None whatever.
- 13 Q 583 Did you ever recommend to Monarch that they make representations to  
14 councillors?
- 15:20:56 15 A No.
- 16 Q 584 Were you ever present when representations were made to councillors?
- 17 A No.
- 18 Q 585 Did Monarch ever discuss with you their representations being made to  
19 councillors?
- 15:21:10 20 A No.
- 21 Q 586 So you say you had no political interface in relation to these lands?
- 22 A None whatsoever.
- 23 Q 587 But you knew presumably that a review of the Development Plan would require the  
24 input of councillors?
- 15:21:26 25 A I did of course.
- 26 Q 588 And you knew that a planning application because it would involve a material  
27 contravention or indeed a Section 4 would require the input of councillors?
- 28 A Yes.
- 29 Q 589 And yet you say you never had any involvement with councillors?
- 15:21:38 30 A That was not my role, I was a professional adviser.

- 15:21:42 1 Q 590 Did you ever have any role with politicians?
- 2 A No.
- 3 Q 591 Other than councillors?
- 4 A No.
- 15:21:50 5 Q 592 You agree with me that the issue of political contacts was raised in your  
6 presence at various meetings?
- 7 A It was raised, yes.
- 8 Q 593 If I could have 2980 please, this is a minute of the meeting of the 3rd May  
9 1990 and again the Carrickmines sewer valley is being, sorry, Carrickmines  
10 sewer scheme is being addressed, and you see the fourth paragraph, "it was  
11 agreed that a political input was required to ensure that the Carrickmines  
12 Valley sewerage scheme went ahead as soon as possible and F McC" which is  
13 presumably you, "indicated that a named developer with a company Eddie Sweeney  
14 to see Minister Flynn to indicate an overall need in the area."
- 15:22:10 15
- 16 The suggestion that Mr. Flynn be approached appears to be your suggestion from  
17 that note, is that right?
- 18 A Another development which I was engaged in the area had a consent I think for  
19 about 900 houses which was held back due to I think 300 had been permitted and  
20 the balance was held back pending the arrival of main drainage and my other  
21 development in the area felt that there might have been some advantage in both  
22 developers pressing the department to expedite the sewer.
- 15:22:55 23 Q 594 Just to take that in stages, there were two developers in this valley who both  
24 had a problem in relation to the coming on line of the sewer, the Carrickmines  
25 sewer, is that right?
- 15:23:25 26 A Yes.
- 27 Q 595 And that difficulty was being discussed by you and others in the context of  
28 Monarch and their lands at Cherrywood.
- 29 A Yes.
- 15:23:35 30 Q 596 And the difficulty or the solution or a possible solution to the difficulty was

- 15:23:40 1 the possibility of political input, namely an approach to the minister?
- 2 A Yes.
- 3 Q 597 And that was your suggestion and you said that suggestion came about because it
- 4 was something that was being mooted by another developer?
- 15:23:53 5 A Yes.
- 6 Q 598 Well did that meeting take place, can I ask you?
- 7 A I don't believe so.
- 8 Q 599 We know for example you were supposed to meet with the planners, can we have
- 9 page 2981, which is the second page of the same document and if we look at the
- 15:24:06 10 third last paragraph it says "It was agreed that Fergal McCabe and Dr. Brian
- 11 Meehan would meet with the planners on the documents already submitted after
- 12 the meeting with the minister had taken place."
- 13 A I see that but I am not aware a meeting took place.
- 14 Q 600 What was the strategy meeting the planners after the political representation
- 15:24:25 15 had been made to the minister?
- 16 A Presumably if there had been expedition on the arrival of the sewer.
- 17 Q 601 The expedition would have been brought about as a result of the visit to the
- 18 minister?
- 19 A Presumably.
- 15:24:38 20 Q 602 And that Minister's intervention having taken place you would then meet with
- 21 the planners.
- 22 A Yes.
- 23 Q 603 It would be pointless meeting with them in advance of it, is that right?
- 24 A I wouldn't go that far.
- 15:24:49 25 Q 604 But that certainly was the thinking that meeting at a strategy?
- 26 A Yes.
- 27 Q 605 You were intimately involved in the strategy in relation to the planning and
- 28 development of this site, isn't that right?
- 29 A Yes.
- 15:25:01 30 Q 606 You were key to it as was Mr. Lynn and the other representatives of Monarch,

- 15:25:06 1           albeit, sorry, whether it be putting in a Development Plan submission or a  
2           planning submission or advising your clients?
- 3           A           My involvement would be largely to do with the relationship with the statutory  
4           planning system.
- 15:25:28 5           Q 607       Let's look at your advice today, your first advice was not to put in a shopping  
6           centre submission at this stage. You then advised I think that a submission  
7           should go in at this stage during the review process, isn't that right?
- 8           A           Yes.
- 9           Q 608       You had a series of meetings with the various planners and you had relayed the  
15:25:49 10          contents of those meetings back to your employer, Monarch, is that right?
- 11          A           Yes.
- 12          Q 609       You had made a suggestion or had developed a suggestion that the IDA might get  
13          involved in an effort to expedite it?
- 14          A           Yes.
- 15:26:03 15          Q 610       And it would appear from that document we just looked at, that you had because  
16          of your experience elsewhere come up with a suggestion there be a joint  
17          approach to the minister to get involved in relation to the expedition of the  
18          sewerage system?
- 19          A           Yes.
- 15:26:16 20          Q 611       I think there was a meeting on the 5th July 1990, you don't appear to have been  
21          at the meeting but you have seen the documentation at which Mr. Sweeney and  
22          Lynn were at and 2958 and at 2986, under the heading "access to site" it's  
23          taking the second paragraph there RML, which I understand is Mr. Lynn  
24          "indicated that it was not alone necessary to have the line of the motorway  
15:26:48 25          established but to have it actually constructed to facilitate the development  
26          and recommended that contact be made at the highest level, ie ministerial level  
27          to ascertain the position."  
28  
29          Presumably you would agree with both of those propositions being put forward by  
15:27:03 30          Mr. Lynn there?

- 15:27:07 1 A I presume that the position of the motorway was a matter for Dun  
2 Laoghaire/Rathdown County Council, not the minister.
- 3 Q 612 What's being suggested here is that we have moved on from the position, we are  
4 now talking about the construction.
- 15:27:21 5 A Yes.
- 6 Q 613 And that the construction of the site was of the motorway was necessary to  
7 develop the site.
- 8 A It wasn't essential, I mean there was access from the Bray Road.
- 9 Q 614 Well there was access provided a road could be constructed into the site, isn't  
10 that right?
- 11 A Yes.
- 12 Q 615 And there would have been an exit difficulty depending on the level of traffic  
13 exiting on to the Bray Road?
- 14 A Certainly the construction of the motorway would have given more accessibility.
- 15:27:55 15 Q 616 Now, I think Nathaniel Lichfield got involved, isn't that right?
- 16 A Yes.
- 17 Q 617 And in August of 1990, if I could have 2988 please, Delia Lichfield visited the  
18 site and she visited you on in the first instance and you took her on a tour of  
19 the site, isn't that right?
- 15:28:09 20 A No, I think she saw the site independently and I met her afterwards.
- 21 Q 618 I understand and I think her involvement was in the context of shopping, is  
22 that correct?
- 23 A I don't know that. I thought it was general.
- 24 Q 619 Okay. And I think you suggested as we see at 2989 a series of documents that  
15:28:30 25 might be useful studied by her, including the 1983, I referred to there as the  
26 '85 plan, the maps, the working papers and the ERDO report, isn't that right?
- 27 A Yes.
- 28 Q 620 And I think it was understood at this stage that an EIS report would probably  
29 be required in relation to any large scale development of the site and  
15:28:51 30 certainly an EIS report was required in relation to the motorway?

- 15:28:58 1 A It was.
- 2 Q 621 I think you were able to tell her about the position of the motorway as you  
3 understood it at that stage, is that right?
- 4 A Yes.
- 15:29:09 5 Q 622 If we have 2990, I think she was being advised that any approach or overtures  
6 to the planners might be counter productive, isn't that correct? You see K  
7 Mc E that presumably is a representative of Muir & Associates "was of the  
8 opinion that it would be counter productive on making overtures in relation to  
9 the planners in relation to the possible short term development and until such  
10 time as the outline of the full development was available and would be  
11 discussed even at a rough stage."
- 12 A Yes.
- 13 Q 623 That was consistent because you had given similar advice previously in relation  
14 to a proposal for an outline planning application, isn't that right?
- 15:29:59 15 A I believe there had to be a context.
- 16 Q 624 Yes. And the context here was going to be the Development Plan when it was  
17 published, isn't that right, what would be acceptable and if I could just maybe  
18 speed it up a little bit, that context was finally published with the report of  
19 the manager in October 1990 and the publication of that map which we have just  
15:30:20 20 seen of DP90/123, isn't that right?
- 21 A Yes.
- 22 Q 625 And we see the manager's report at 3035 and that was presented to a special  
23 meeting of the planner on the 18th October 1990. And I think there was a  
24 follow up report in November where the manager again having presented that  
15:30:39 25 report on the 18th October, on the 16th November updated the members on the  
26 report, isn't that right, and finally there was a tour of the valley by the  
27 councillors or some of the councillors and the matter came to a head I think on  
28 the 6th December 1990, is that correct?
- 29 A I believe so.
- 15:30:57 30 Q 626 On the same day I think you wrote to Mr. Sweeney, if we could have 3068 and you

15:31:02 1 advised Mr. Sweeney "That at the meeting last night of planners and councillors  
2 to discuss general planning issues in Dublin area and inevitably the current  
3 controversy regarding the above lands surfaced."  
4

15:31:17 5 Can I ask you, we have been following a series of special meetings and  
6 particularly a meeting on the 6th December 1990, since this letter is written  
7 on the 6th December 1990, and refers to previous evening's meeting, I take it  
8 we are talking about a different meeting, a meeting that possibly took place on  
9 the 5th December 1990?

15:31:36 10 A Yes.

11 Q 627 Can you tell the Tribunal what the circumstances that meeting was held and how  
12 you came to be at it?

13 A Yes, I can. At the time I was a member of the council of the Irish Planning  
14 Institute which is a body which represents professional planners in Ireland and  
15:31:50 15 the council during that period was quite disturbed that planning developments  
16 in the Dublin area, in relation to apparent land use zoning land use anomalies,  
17 for example, in north County Dublin, lots of isolated pieces of land were zoned  
18 without any apparent purpose and the movement of the designated centre of the  
19 Lucan, Clondalkin area to Quarryvale and we made statements about this. I got  
15:32:26 20 a call, I think I was press officer of the council at the time. We got a call  
21 from Deputy Liam Lawlor who I didn't know, expressing concern that the  
22 professional institute were making these statements and asking for a meeting to  
23 see if there was any common ground between I think he was representing the  
24 Fianna Fail group and the institute.

15:32:47 25  
26 The institute were not in the least happy about the approach but we felt that  
27 since it was councillors, deputies who were asking it, we had no option but to  
28 go along. So we arranged a meeting in Buswells Hotel on presumably the 5th.  
29 And I attended along with Enda Conway who was councillor of the institute and a  
15:33:16 30 third member who I can't remember and the Fianna Fail councillors were Deputy

- 15:33:18 1 Lawlor, Colm McGrath and a third councillor who may have been GV Wright but I  
2 simply can't remember.  
3
- 4 And I think the intention or the hope of the Fianna Fail councillors was that  
15:33:30 5 in some way, the institute might back off or say friendly things regarding the  
6 Development Plan process in County Dublin. And it was fairly evident from the  
7 outset that they certainly weren't going to do that and a general discussion  
8 then involved or ensued. And at one stage I mentioned publication of the  
9 manager's plan at Cherrywood and I recollect that, I particularly recollected  
10 the views of the councillors that there was a degree of irritation because they  
11 hadn't been consulted before its publication and that to a certain extent  
12 resulted in negative attitude. I thought that was an interesting piece of  
13 information that my clients should be aware of.
- 14 Q 628 There had been no consultation by the planners with the politicians and  
15:34:28 15 councillors or there had been no consultation by the developer with the --  
16 A No, the planners.
- 17 Q 629 The planners, the planners were keeping their distance in relation to at least  
18 this development and that had irritated the councillors.  
19 A That was the impression I got.
- 15:34:45 20 Q 630 And that's what you are reporting in that letter of the 5th December 1992 to  
21 your principals?  
22 A Yes.
- 23 Q 631 Were you at the council meeting of the 5th December itself?  
24 A I have never attended a council meeting which had anything to do with planning  
15:35:01 25 or zoning.
- 26 Q 632 Sorry -- you have never attended a council meeting?  
27 A Never.
- 28 Q 633 Ever. But never in relation to any project that you were involved in?  
29 A No, no.
- 15:35:08 30 Q 634 Would you have been made aware of the outcome of that meeting which was



- 15:35:13 1 effectively, which was negative towards the managers proposals?
- 2 A Only what I read in the papers.
- 3 Q 635 Yes. But I think you were sent back to the drawing board so to speak by your  
4 employers and we see on the 23rd January 1991 at 3094 you are tabling new  
15:35:35 5 structure zoning maps in relation to the area, isn't that right?
- 6 A Yes.
- 7 Q 636 Would it be fair to at this stage you are confined now to any proposed  
8 development to the eastern side of the proposed motorway line which is likely  
9 to run somewhere either through the centre or through the bottom or beyond the  
15:36:06 10 Cherrywood lands, isn't that right?
- 11 A Yes.
- 12 Q 637 And obviously the further west that line is, the more of the Cherrywood lands  
13 that are available to the east for development.
- 14 A The more residential accommodation, the more residential development that can  
15:36:26 15 be accommodated.
- 16 Q 638 Now, I think Councillor McDonald and councillor, yes, Councillor McDonald  
17 tables a handwritten motion at 6972 asking that the council agree to provide  
18 for a district shopping center in the rezoning of the lands at Loughlinstown as  
19 shown on the attached map and to provide C zoning for same. That would be  
15:36:49 20 consistent with what Monarch were seeking at this time, is that right?
- 21 A It was, yes.
- 22 Q 639 Do you know how Councillor Cyril McDonald came to table that motion?
- 23 A No.
- 24 Q 640 Councillor McDonald sponsored the motion with Councillor Coffey on the 6th  
15:37:06 25 December 1990 which eventually stayed DP90/123, is that right?
- 26 A I am not au fait with the various motions and the process of the adoption of  
27 the plan.
- 28 Q 641 Can I ask you, were you ever asked to supply the text of a motion to Monarch.
- 29 A Never.
- 15:37:21 30 Q 642 There was a further motion by Councillor McDonald that the lands fronting on to

15:37:28 1 the main Dublin, Bray Road and marked in yellow on the map be zoned for amenity  
2 lands, that's 6974. I am not going to go through the balance of those motions  
3 because in any event, I think the manager short circuited matters by putting  
4 forward three proposals in May 1990, is that right?

15:37:48 5  
6 JUDGE FAHERTY: 1991 I think.

7  
8 Q 643 MR. QUINN: Sorry, 1991. Do you recall the debate in May '91 or the lead up  
9 to the debate in May 1991?

15:38:12 10 A No, I am not au fait with the procedures of the council during the process of  
11 making the plan.

12 Q 644 Okay. Well in any event I think there was a debate and there were three  
13 options put forward by the manager, including the 1983 plan subject to  
14 amendments, which according to the manager's plan was known as DP90/129A and  
15:38:38 15 that was voted upon to go on display for the Draft Development Plan. You may  
16 or may not be aware of it?

17 A No, no, I am not aware of it.

18 Q 645 In any event, I think that further meetings took place between yourself and  
19 Mr. Conroy because the display period as I say had been between the September  
15:39:00 20 and December '91 and if we look at 3326, it's a memorandum of a meeting of the  
21 2nd September 1991 held in Monarch House and it follows on a meeting where you  
22 had undertaken to speak to Mr. Conway to determine the extent of the content of  
23 a submission that you would put in in relation to the lands, isn't that right?

24 A That's correct, yes.

15:39:25 25 Q 646 And I think that you coordinated a submission which was to be put in, isn't  
26 that correct, you had been given instructions to do that?

27 A Yes.

28 Q 647 At 3339, you were written to on the 11th September 1991 by Mr. Lynn, is that  
29 right? And you were asked for a team to put in a submission to the Draft  
15:39:47 30 Development Plan and a submission to the officials.

- 15:39:49 1 A Yes.
- 2 Q 648 You were going to put in two submissions effectively, isn't that right?
- 3 A Yes.
- 4 Q 649 And in relation to the submission to the officials, and I think if we look at
- 15:40:03 5 3340, Mr. Lynn was advising that this submission would be a stronger document
- 6 and would include the following, and there were a series of documents set out
- 7 there. Can I ask you why a stronger document might go to the officials that
- 8 would go in to the plans so to speak?
- 9 A I think probably what's intended there is a more detailed document to the
- 15:40:26 10 planners which might show the actual location of roads, the form of housing,
- 11 more details as regards open space whereas the Development Plan would be simply
- 12 colours and notations.
- 13 Q 650 I think you did in fact have a meeting with Mr. Conroy on the 1st October at
- 14 3343 and you got some insights into the council's thinking on issues, isn't
- 15:40:53 15 that right?
- 16 A Yes, I was anxious to understand what was the effect of the draft plan zonings
- 17 or draft plan adoptions.
- 18 Q 651 In any event I think on the 26th November 1991, you compiled a report which was
- 19 included in a submission by Monarch on the 2nd December 1991 and if I just take
- 15:41:14 20 your letter, again I don't want to go in to details on your submission unless
- 21 you require me to do so but at 3384, we have your submission of the 26th
- 22 November 1991.
- 23 A Yes.
- 24 Q 652 And I think you were there suggesting a designation of AP be altered to A1PS?
- 15:41:32 25 A Yes.
- 26 Q 653 In other words pipe sewerage to action area piped sewerage, is that right?
- 27 A That's correct.
- 28 Q 654 I understood that AP at this time was piped sewerage at ten houses to the
- 29 hectare or four to the acre unless otherwise stated?
- 15:41:52 30 A I don't know.

- 15:41:53 1 Q 655 Okay. The zoning boundaries between AP lands to the east and the agricultural  
2 B zoned lands to the west to be altered in line with an attached map, is that  
3 correct?
- 4 A Yes.
- 15:42:04 5 Q 656 And that a new objective to protect, provide for and/or improve district centre  
6 facilities be included in the lands at a location as set out in the map, that  
7 would be zone C, isn't that right?
- 8 A That's correct.
- 9 Q 657 And the lands which were fully and visually related to Loughlinstown Stream  
10 with a link to Brides Glen, that's the amenity suggestion, isn't that correct?
- 11 A Yes.
- 12 Q 658 And there was a suggestion for a link road between the Bray Road on the eastern  
13 boundary of the lands and the south eastern motorway on the western boundary.  
14 Be indicated that it was a five year road proposal, isn't that right?
- 15:42:38 15 A Yes.
- 16 Q 659 That was to open up the lands for development?
- 17 A If I remember the link was a long-term link.
- 18 Q 660 I think in early 1991 you got an opportunity to speak to those proposal, isn't  
19 that right, in oral submission?
- 15:42:54 20 A Yes.
- 21 Q 661 Just before I move that oral submission is 3575 and I think took place on the  
22 5th March 1992. Now, I think at this stage, that is from November 1991 until  
23 May of 1992, Bill O'Herlihy had been retained by Monarch, is that right?
- 24 A Yes.
- 15:43:17 25 Q 662 Did you know that he had been retained?
- 26 A Yes because he organised a number of, I participated in two publicity events  
27 that he organised, one was an interview or a debate on East Coast Radio with  
28 Michael Smith who is one of the objectors and also I think they made the video  
29 and they were the only two involvements I had.
- 15:43:45 30 Q 663 Yes. I think we see a letter to you on the 20th January 1992 at 3533 where you

- 15:43:50 1 are being advised by Monarch of his appointment, is that right?
- 2 A Yes.
- 3 Q 664 What, apart, what function did Mr. O'Herlihy have at this stage in relation to
- 4 the matter?
- 15:44:02 5 A I understood that his function was to extol the virtues of the Monarch
- 6 proposal.
- 7 Q 665 Yes. Now, I think you give further advice to your clients on the 22nd January
- 8 1992, if we could have 3538 please. Where you wondered whether there could be
- 9 some of advantage of Monarch writing to the leaders of the political parties?
- 15:44:22 10 A That's correct.
- 11 Q 666 Setting out the objectives.
- 12 A Largely because of the all party nature of the ERDO study which the political
- 13 parties had signed up and which seemed to me to be the basis of the entire
- 14 exercise.
- 15:44:44 15 Q 667 Just before I leave the matter, I think at that stage the Cherrywood Residents
- 16 Association, if we look at 3597 were suggesting that a zoning of four houses to
- 17 the acre and they enclosed their planners report. That's to be found at 3601.
- 18 I think they were in time to ask that there would be only one house to the
- 19 acre, isn't that right, but at this stage, it was felt that four to the acre
- 15:45:13 20 was acceptable.
- 21 A I have seen the correspondence, yes.
- 22 Q 668 And this correspondence and these submissions, presumably will be a matter of
- 23 discussion amongst the planning team within Monarch?
- 24 A Well I was aware of them, they were copied to me.
- 15:45:32 25 Q 669 Yes. Now, we know that Councillor Lydon and Hand had signed a motion which was
- 26 lodged with the council on the May 1992 at 7144 please. Did you have any input
- 27 into that motion being signed?
- 28 A No.
- 29 Q 670 Did you know that Councillor Lydon and Hand had signed such a motion?
- 15:46:00 30 A No.

- 15:46:01 1 Q 671 Was there ever a discussion at any of the strategy meetings you attended in  
2 relation to this matter as to who would table motions in relation to the  
3 proposals at the meetings?
- 4 A Never.
- 15:46:14 5 Q 672 But it would be understood and I take it you would have understood that nothing  
6 would have got on the agenda unless it was put forward by way of a motion or  
7 proposal by some councillor?
- 8 A I knew the procedures but I had no involvement whatsoever.
- 9 Q 673 Were you never curious to know which councillors were likely to support the  
10 proposals on behalf of Monarch?
- 11 A No.
- 12 Q 674 There was never any discussion of it?
- 13 A Not that I recollect.
- 14 Q 675 Was there ever any discussion of councillors who were supportive of the Monarch  
15 situation?
- 16 A I can't single out anybody.
- 17 Q 676 In any event I think the manager produced a proposal which was contained in map  
18 92/44 for the area, isn't that right? 7203 please and this was a suggestion I  
19 think that the existing pipe sewage would be extended to an action area plan  
20 piped sewerage and that an area which had previously been zoned agricultural  
21 would be included in that area, isn't that right?
- 15:47:29 22 A Again, we are going into an area that I had no involvement in.
- 23 Q 677 No but it's something that obviously would have been of concern to you and to  
24 Monarch whether or not the manager was supporting, the manager's views in  
25 relation to the matter was clearly of utmost important in relation to Monarch?
- 15:47:52 26 A I had literally no involvement with Monarch during the process of the making of  
27 the plans, my involvement generally came in when the plan had been made and the  
28 response was required to the draft plan. But the mechanics of the making of it  
29 were beyond me.
- 15:48:14 30 Q 678 But did you not know or were you not curious to know whether or not the manager

- 15:48:20 1 was supporting the proposals or submissions that you had put in and had spoken  
2 to in late December 1991 and early 1992?
- 3 A I was generally aware that the principle of the development of the lands for  
4 new residential communities was approved by the technical officials beyond  
15:48:41 5 that, I didn't.
- 6 Q 679 And didn't Monarch brief you in relation to the merits of what were being  
7 proposed by them. For example on the 21st May 1992, if we look at 3695, you  
8 were sent a series of bullet points in connection with the Cherrywood village,  
9 is that right?
- 15:48:59 10 A Yes.
- 11 Q 680 Why did you receive that correspondence?
- 12 A I presume this was in relation to Monarch's ongoing campaign, they had designed  
13 and prepared a model of the form of development that might have been provided  
14 ultimately on the Cherrywood lands. And I think, what was the word, I think  
15:49:26 15 they were selling that.
- 16 Q 681 Isn't that a briefing document effectively?
- 17 A I don't know.
- 18 Q 682 3696 please.
- 19 A Yes, they are generally plus points.
- 15:49:43 20 Q 683 Exactly. And you didn't have to be convinced because your employers were  
21 already relying on your advice, so presumably they were giving you briefing  
22 points so that you could brief people in relation to it, isn't that right?
- 23 A Yes, but I didn't brief anybody.
- 24 Q 684 You are saying you didn't brief anybody?
- 15:49:59 25 A No.
- 26 Q 685 Could you be mistaken in that, Mr?
- 27 A I don't think so, I just said one particular councillor was a friend, I  
28 mentioned the merits of the scheme as far as I remember, the vote was, the  
29 person's vote was negative. Otherwise, I had no contact with any councillors  
15:50:19 30 in relation to this scheme.

- 15:50:23 1 Q 686 This letter was forwarded to you on the 21st May, isn't that right?
- 2 A Yes.
- 3 Q 687 And I think the upcoming vote was on the 26th May. 27th May. Can I ask you,  
4 do you recall a motion in relation to moving the line of the motorway, which  
15:50:37 5 was proposed by Councillor Fox?
- 6 A No.
- 7 Q 688 Do you have recall any debate or discussion in relation to a strategy that the  
8 motorway line be moved.
- 9 A Well obviously in the general plans we had been preparing for the area which  
15:50:59 10 saw the motorway as being the ultimate south western line of the development  
11 area.
- 12 Q 689 Well it wouldn't be unreasonable in the context of that situation to have a  
13 motion which would consider moving the line of the motorway west wards, there  
14 by increasing the take east of it and therefore increasing the possible  
15:51:20 15 residential zoning area?
- 16 A It wouldn't be unreasonable.
- 17 Q 690 Did you put forward a strategy that a motion which the be considered,  
18 suggesting that the line of the motorway be moved?
- 19 A My basic strategy at all times was the motorway should be the extreme limit of  
15:51:38 20 the development land on the southwest.
- 21 Q 691 Did you know for example that the manager had been written to by Monarch, if I  
22 could have 3714 in the context of a motion being proposed by Councillor Fox  
23 suggesting that the line of the motorway be moved so as to accommodated a golf  
24 course?
- 15:52:07 25 A I see that.
- 26 Q 692 Do you recall the circumstances under which that letter came to be written?
- 27 A No.
- 28 Q 693 That would have been the first letter I suggest to you, to the planning  
29 department that you hadn't been involved with?
- 15:52:28 30 A I don't recollect the letter.



- 15:52:30 1 Q 694 You don't recollect that letter?
- 2 A No, I don't.
- 3 Q 695 And you don't recollect any discussion in relation to tabling a motion that the  
4 line of the motorway be moved?
- 15:52:42 5 A Not the tabling a motion.
- 6 Q 696 Yes. Now, I think there was, on the occasion, you have heard evidence from  
7 councillor or Mr. Barrett in relation to the success of his motion that the  
8 zoning on the lands would be of one house per acre, isn't that right, at that  
9 meeting or that vote on the 27th May 1992?
- 15:53:09 10 A Well I was here but I really lost thread of the various motions which were  
11 proposed and the consequences of the motions.
- 12 Q 697 The 1991 draft plan has been published, submissions have been received, the  
13 manager has put forward a proposal, I've put it on the screen, councillors  
14 Lydon and McGrath have proposed that manager's proposals be adopted. That has  
15 been unsuccessful and there were a series of motions and the last of those  
16 motions is by Councillor Barrett that the lands remain at one house -- or be  
17 zoned at the density of one house per acre?
- 18 A Yes.
- 19 Q 698 Do you recall any discussion following on that motion within Monarch?
- 15:53:49 20 A No.
- 21 Q 699 The Councillor Gilmore motion in relation to the centre, the C zoning, that has  
22 been successful, do you recall any discussion following on the success of that  
23 motion?
- 24 A No.
- 15:54:02 25 Q 700 Do you recall being at any meetings where there were post mortems held on the  
26 outcome or what had transpired at the meeting on the 27th May 1992?
- 27 A No, in general political matters weren't discussed in my presence.
- 28 Q 701 Is that correct now in that you will recall earlier this afternoon I showed a  
29 series of meetings at which you were present, where political matters were  
15:54:23 30 discussed?

- 15:54:23 1 A In the sense of making representations to ministers regarding the bringing  
2 forward of infrastructure.
- 3 Q 702 There is no doubt but that Monarch understood that the support of councillors  
4 was essential, isn't that right? And in a letter of the 2nd October 1992 at  
15:54:48 5 3837 to GRE, if we look at 3838 on the second page, it says "In order to  
6 achieve these results, it was and is necessary to continue contact with those  
7 representatives favourable to our side. Unfortunately there still is a strong  
8 core of members opposed to any development and will take every opportunity to  
9 limit development of the lands. We must continue to hold our support and  
10 recent discussions with other parties suggest that additional support has been  
11 attracted to our side."
- 12 A Yes.
- 13 Q 703 Do you recall any discussions by way of strategy or otherwise within Monarch  
14 where it was agreed that an increased councillor support was required for the  
15:55:41 15 development?
- 16 A No, the only discussions I remember related to the publicity campaign to, as I  
17 said, extol the virtues of the proposal generally.
- 18 Q 704 Now, there are three letters all dated the 30th July 1993 which appear to be  
19 amount to submissions in relation to that published plan, if I could have 4321,  
15:56:14 20 and whilst the council doesn't appear at this stage to be able to furnish to  
21 the Tribunal with the actual letter received, I am just wondering if you can  
22 recall making a submission at that stage in relation to the plan. You see that  
23 letter 4321 is addressed to the principal officer, Dublin County Council?
- 24 A I was looking at that in my file and I gather it came into my office, there's a  
15:56:43 25 note at the top which says 'not sent'.
- 26 Q 705 That's one of the three, that's at 8556, the one you are looking at is 4321  
27 and there's a further one at 7221, do you recall making a submission in July  
28 1993 on behalf of your clients in relation to the published plan?
- 29 A I am pretty certain I did.
- 15:57:04 30 Q 706 And in order to do that and to make that submission, you would have to be aware

- 15:57:11 1 of the outcome of the meeting on the 27th May obviously?
- 2 A Well the submission is made to the published amendments.
- 3 Q 707 Yes, and the published amendments are C zoning town centre and also A
- 4 residential density of one to the acre?
- 15:57:30 5 A Yes.
- 6 Q 708 Can you recall what your submissions, if any, were at that stage on behalf of
- 7 your clients?
- 8 A Well they would be in the text of the proposal.
- 9 Q 709 You see the difficulty we have, Mr. McCabe, and I don't know if you can resolve
- 15:57:45 10 it for us, is that we have three different texts, in other words three
- 11 different letters all saying -- they are all signed by you but they all seek
- 12 different objectives on behalf of Monarch.
- 13 A Do the council not have receipt of it?
- 14 Q 710 So far the council have been unable to provide us with the copy of the letter
- 15:58:17 15 received.
- 16 A I see. I don't know how to answer that.
- 17 Q 711 First of all, can you give any explanation as to why there would be three
- 18 different submissions made on behalf of your clients. Three different
- 19 submissions, all signed.
- 15:58:42 20 A Unless they were three drafts.
- 21 Q 712 Three drafts.
- 22 A Which were unsent.
- 23 Q 713 I will circumvent it in this way, can you tell the Tribunal what you were
- 24 submitting to the council at this stage ought to be, ought to contain, ought to
- 15:59:03 25 be contained on the lands vis-a-vis --
- 26 A I am sure the submission I wished to make was that ordinary densities should
- 27 prevail.
- 28 Q 714 When you refer to ordinary densities, are we talking about 20 houses to the
- 29 hectare?
- 15:59:30 30 A Again without seeing a letter I would have regarded upwards, up to 20 to the

- 15:59:35 1 hectare, that is eight to the acre would have been an appropriate density. But  
2 without actually seeing the letter, I can't tell you exactly what I would have  
3 said.
- 4 Q 715 Now I think somebody at this time had come up a strategy that perhaps a science  
15:59:55 5 and technology park might be put up on the site? Can you recall who came up  
6 with that strategy?
- 7 A No, I must say I was out of the loop on that but I do remember that it seems to  
8 have been resolved by Monarch as a separate issue. I was involved making  
9 submissions, advocating it but I am not terribly sure where the idea came from.
- 16:00:20 10 Q 716 Is it unusual you wouldn't have been eventually involved in an issue like that?
- 11 A Not really.
- 12 Q 717 Is it a type of thing you would have suggested to your clients as perhaps  
13 providing a planning game to the incoming council?
- 14 A Science and technology parks were a relatively new development at that time, it  
16:00:38 15 seemed to be an appropriate one.
- 16 Q 718 Yes, but it wasn't your proposal?
- 17 A It wasn't my proposal, no.
- 18 Q 719 You don't know where it came from?
- 19 A No.
- 16:00:48 20 Q 720 You know who devised the strategy?
- 21 A No.
- 22 Q 721 I think on the, in that context I think there was a visit to Montpelier in  
23 September or prior to September 1993, is that correct?
- 24 A I don't know, I wasn't on it.
- 16:01:04 25 Q 722 You weren't on that trip?
- 26 A No.
- 27 Q 723 You did know, however, that there was an upcoming council meeting which would  
28 confirm or reject the May 1992 zoning on the lands, isn't that right?
- 29 A Again, I can't say that I was aware there was a council meeting coming up  
16:01:27 30 because I generally didn't make it my business to find out when council

- 16:01:39 1 meetings were I didn't take any particular interest in the process of making  
2 the plan.
- 3 Q 724 You had been very involved up to the submission in November 1989, isn't that  
4 right?
- 16:01:46 5 A Yes.
- 6 Q 725 You had been very much involved in putting in the submission in 1991.  
7 A Yes.
- 8 Q 726 You had put in the oral submission in 1992. You had been sent the bullet  
9 points prior to the council meeting in May 1992.
- 16:02:02 10 A Yes.
- 11 Q 727 You may or may not have put in a submission in July '93 but you certainly  
12 prepared three possible submissions?
- 13 A Yes.
- 14 Q 728 But saying that apart from that, you took no real involvement in relation to  
16:02:16 15 what was, after all, the largest development in south County Dublin or proposed  
16 largest development in south County Dublin at this time?
- 17 A No, what I am saying is that I took no particular interest in the internal  
18 process of the council in coming to its decisions, in fact it seemed very  
19 bewildering to me. I -- my duty was to respond to the outcome of those  
16:02:46 20 decisions when they were published as a draft plan.
- 21 Q 729 No, I am talking now about the involvement you might have had with your  
22 clients, Monarch, by way of discussions and strategy leading up to those  
23 meetings and the persons employed by them in the lead up to those meetings.  
24 For example in the lead up to the May 1992 meeting, you had been written to and  
16:03:08 25 advised of Mr. O'Herlihy's involvement and I think you have given evidence to  
26 the Tribunal of your involvement with him in relation to the matter at that  
27 time.
- 28 A Yes.
- 29 Q 730 You were written to shortly prior to May 1992 vote and given the bullet points  
16:03:25 30 in relation to the advantages of this site, isn't that right?

- 16:03:27 1 A Yes.
- 2 Q 731 And we have put up the three submissions which you made in July 1993, isn't  
3 that right?
- 4 A Yes.
- 16:03:33 5 Q 732 So you were involved within the strategy being devised within Monarch, isn't  
6 that right?
- 7 A Yes I suppose I was.
- 8 Q 733 Because you had been involved in the strategy since May or June 1989, is that  
9 right?
- 16:03:52 10 A Yes.
- 11 Q 734 You were still part of the strategy team as was presumably Mr. O'Herlihy up to  
12 May 1992 as were Muir & Associates, Dr. Meehan, all the other experts, is that  
13 right, Mat Lichfield, you had met Delia Lichfield and we had seen that?
- 14 A Yes.
- 16:04:09 15 Q 735 I am just wondering can you tell the Tribunal what the strategy was being  
16 devised at this stage, this is a key stage now, we are moving up to September  
17 and on through to December 1993?
- 18 A I suppose the general hope was that the council would adopt a plan which would  
19 in general provide for ordinary residential density on the great area of the  
16:04:34 20 land, provide for shopping, associate ancillary shopping and preserve amenities  
21 and within the context of a well made plan.
- 22 Q 736 But for the council to do anything, the councillors had to do it, isn't that  
23 right?
- 24 A Yes.
- 16:04:51 25 Q 737 Who was looking after the councillors at this stage, Mr. McCabe?
- 26 A Well presumably from the documentation you sent me, Mr. Lynn.
- 27 Q 738 Leaving aside the documentation I sent, you were sent to by the Tribunal, from  
28 your recollection now, can you tell the Tribunal who was looking after the  
29 councillors at this stage?
- 16:05:09 30 A I was aware that Mr. Lynn was the person who liaised with the councillors.

- 16:05:13 1 Q 739 Did you know for example that Monarch had been generous in the support of  
2 councillors in the 1991 local elections?  
3 A No.
- 4 Q 740 You yourself as part of a strategy had in fact invited or suggested that the  
16:05:28 5 party leaders would be written to, isn't that right?  
6 A Yes.
- 7 Q 741 And we have seen evidence of where you earlier suggested a visit might be made  
8 to the minister on another issue, is that right?  
9 A Yes.
- 16:05:38 10 Q 742 Well did you have any contribution as to how the councillors might be dealt  
11 with at this stage?  
12 A No.
- 13 Q 743 Did you know for example that Monarch had been generous to various candidates  
14 in the 1992 general election?  
16:05:50 15 A No.
- 16 Q 744 Was there any discussion of the councillor intentions as known by Monarch in  
17 the lead up to the 1993 vote?  
18 A No, not that I remember.
- 19 Q 745 Did you know that Mr. Dunlop for example had been brought on board?  
16:06:09 20 A No, I didn't know that until I got documents from this Tribunal.
- 21 Q 746 Is there any reason why Mr. Dunlop's involvement would have been made known to  
22 you?  
23 A I can't think of any.
- 24 Q 747 Did you know Mr. Dunlop?  
16:06:21 25 A As I said to the Tribunal, I met the man 15 years ago for ten minutes.
- 26 Q 748 You had never come across Mr. Dunlop in your career as a planner prior to this?  
27 A I was aware of his involvement with the Quarryvale rezoning.
- 28 Q 749 Leaving that aside for the moment, Mr. Dunlop was known to you as a lobbyist I  
29 take it?  
16:06:47 30 A Yes. I mean not known to me, known I mean generally.

- 16:06:48 1 Q 750 Not specifically but generally would have been known as a lobbyist?
- 2 A Yes.
- 3 Q 751 Did it ever occur to you to suggest to Monarch that perhaps Mr. Dunlop's
- 4 services might be taken on board?
- 16:07:03 5 A No.
- 6 Q 752 Why not?
- 7 A My view was I was a professional planner and my job was to make the best
- 8 planning case and hope that that would succeed.
- 9 Q 753 You had given other, if I could describe it, political advice to your
- 16:07:22 10 principles?
- 11 A I think a suggestion seeing the minister regarding bringing forward
- 12 infrastructure or writing to the party leaders on a matter which they had
- 13 already taken a view I wouldn't have thought constitutes political advice.
- 14 Q 754 But did you advise your clients or did you understand them to know that the
- 16:07:42 15 voting intentions of the councillors was crucial?
- 16 A No.
- 17 Q 755 Was there ever any discussion of how the Monarch proposals would find its way
- 18 on to the agenda of the council?
- 19 A No.
- 16:07:54 20 Q 756 And you say you never knew that Mr. Dunlop had been employed?
- 21 A Certainly not.
- 22 Q 757 You had been crucially involved, isn't that right, throughout the period?
- 23 A Yes.
- 24 Q 758 In writing to their partners or their joint venture partners on the 2nd
- 16:08:16 25 September 1993 at 4344, Monarch set out the likely costs for the September to
- 26 December 1993 period, if I can have 4349 please. And if we just concentrate on
- 27 the first three items there, that is Mr. Dunlop, yourself and Mr. Meehan. You
- 28 see that Mr. Dunlop was receiving or was likely to receive 4,000 per month
- 29 whereas in fact you were I think 1,000 a month.
- 16:09:01 30 A Yes.



- 16:09:01 1 Q 759 And yet you were the expert, isn't that right?
- 2 A Yes.
- 3 Q 760 And you had been providing all the advice as far as back as May 1989?
- 4 A Yes.
- 16:09:11 5 Q 761 Does it surprise you that Mr. Dunlop's remuneration would be greater than yours
- 6 at this time?
- 7 A It does seem a significant amount of money.
- 8 Q 762 Were you on a success fee as a matter of interest?
- 9 A No.
- 16:09:33 10
- 11 CHAIRMAN: Mr. Quinn it's nearly quarter past four.
- 12
- 13 MR. QUINN: Unfortunately Mr. McCabe has obliged the Tribunal by being here
- 14 today, I understand he has some difficulties tomorrow and I am not sure if the
- 16:09:44 15 Tribunal were to sit early, if it would. I would envisage that I would be no
- 16 more than a half and hour or three quarters of an hour and if the Tribunal were
- 17 to sit at ten perhaps.
- 18
- 19 CHAIRMAN: Would that suit you Mr. McCabe tomorrow or some day?
- 16:09:59 20 A It's not possible to go on?
- 21
- 22 CHAIRMAN: Not this afternoon because we have other commitments.
- 23 A Well I am not hands of the Tribunal.
- 24
- 16:10:05 25 CHAIRMAN: Well I mean we can offer you tomorrow at 10 o'clock and possibly
- 26 finish shortly after half ten or alternatively some other time you could talk
- 27 to --
- 28 A No, ten o'clock tomorrow.
- 29
- 16:10:21 30 CHAIRMAN: All right.

16:10:21 1  
2 MR. SANFEY: Chairman I should say I will have some short questions I hope no  
3 more than 10 or 15 minutes  
4

16:10:31 5 CHAIRMAN: All right. We might be talking about three quarters of an hour  
6 tomorrow.

7 A Okay.

8  
9 CHAIRMAN: Ten o'clock tomorrow.

16:10:41 10 A Thank you.

11

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

13 **FRIDAY, 9TH JUNE, 2006 AT 10.00 A.M.**

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