

1 THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY,

2 5TH DECEMBER 2002 AT 10.30 AM:

3

4 CONTINUATION OF DIRECT EXAMINATION OF MR. ENDA CONWAY

5 BY MR. QUINN:

6

7 CHAIRMAN: Good morning everyone.

8

9 Q 1 MR. QUINN: Now, Mr. Conway, I think we were dealing with page 12 of your

10 statement to the Tribunal; do you have a copy of, a hard copy of your statement

11 before you?

12 A Yes.

13 Q 2 And I think you say there that in the decade 1977 to 1987, the level of house

14 construction, nationally, declined from a peak in 1980/81, as did the level in

15 Dublin county and Dublin subregions; and you refer to figure number 1 of the

16 paper which illustrates the pattern, and that's to be found on page 123 of

17 the -- I don't propose to go into any detail in relation to the graphs as found

18 in the working paper, but could I just ask you in -- Mr. Cremmins gave evidence

19 and he has said that in 1987 the average annual house construction in the Dun

20 Laoghaire/Rathdown County was approximately 800 houses per annum?

21 A Yes.

22 Q 3 Would that accord --

23 A I would imagine that would be so, that's about right.

24 Q 4 And in the county generally, it would be, in 1987 approximately, would you say

25 a little over 3,000 houses per annum?

26 A Something of that order, yes.

27 Q 5 And what would the average number of houses, what would be the average number

28 of houses per hectare?

29 A Well, I think we'd have to differentiate between 1987 and 1997 because in the

30 interim we had the policy of high densities, the number of units one could get

00002

1 nowadays would be more than 1987.

2 Q 6 But in 1987 what was the average?

3 A In '87 we would have talked about ten houses per acre, that's 25 per hectare.

4 Q 7 25 per hectare.

5 A Yes.

6 Q 8 Now, I think your statement goes on to say that 25 percent of all residentially

7 zoned lands were developed to the ten year period 1977 to 1987; and that as of

8 1987, 30 percent still remained undeveloped and --

9 A Yes.

10 Q 9 We dealt with that figure and that paragraph yesterday, the graph. On the

11 basis of the probable rate of development, there's enough undeveloped

12 residential zoned land to last for many years to come.

13 A Yes.

14 Q 10 Is that to be found, I think, in that graph which we saw at Table 10 on page

15 126?

16 A Yes, and that follows immediately from the statement before that. The 25

17 percent were developed in 10 percent and a further 30 percent meant more than

18 10 years at the same rate.

19 Q 11 So without even disallowing the increased density per hectare --

20 A Oh, yes.

21 Q 12 In 1987 there was sufficient lands zoned throughout the county?

22 A Throughout the county for more than 10 years.

23 Q 13 Yes. And you say that -- you go on to say that full planning permission exists

24 for 757 hectares not yet developed.

25 A Yes, and that represents about 19,000 houses or equivalent of five year supply.

26 I think the point here I want to emphasise, the building industry could have

27 started there and then and built a further 19,000 houses in five years. It was

28 there in the pipeline ready to be activated effectively, so that was the

29 picture at the time in terms of the availability of lands for development,

30 zoned serviced lands with planning permission.

1 Q 14 Yes. So that there was zoned lands serviced with planning permission for

2 supply of at least five years?

3 A Exactly, yes.

4 Q 15 In 1987?

5 A Yes.

6 Q 16 Throughout the county?

7 A Yes.

8 Q 17 You say that of the 1,763 hectares of zoned lands as yet not committed, 1,450

9 hectares were serviced. This was considered to be a satisfactory situation?

10 A Yes, in other words, that would imply that a further 1,450 hectares, if

11 permission was applied for, it would be available. It was effectively ready

12 for development, or at least development in the next five years.

13 Q 18 You would add that 1,450 hectares to the existing 770 hectares?

14 A You would if you thought about what might happen in the next five years.

15 Q 19 Presumably the 757 hectares, if they had planning permission, they were already

16 serviced?

17 A Oh indeed, yes.

18 Q 20 So the 1,450 was independent of the 757?

19 A Indeed, yes.

20 Q 21 And you say in addition to the above, there were 396 hectares of low density

21 zoned lands, 175 hectares for development on septic tank drainage and 222

22 hectares on piped drainage, and those figures are to be found on page 128?

23 A They were additional. They were normally counted in the urban, there was quite

24 a lot of that in the Shankill area in the south suburbs, it was a transitional

25 period between the normal density residential down to the area. In some cases

26 there would be services availability, in other cases they would have to depend

27 on septic tank drainage.

28 Q 22 The Shankill area would be in the Dun Laoghaire/Rathdown county?

29 A It would be the southeast suburbs we were talking about earlier.

30 Q 23 In the analysis of the housing development period prior to 1977 shown in table

1 number 10 shows the percentage planned for the housing period 1977 to 1987?

2 A Again that table relates to the six planning areas we talked about, the last
3 one being the south, southeast suburbs, and the picture there was that in 1977,
4 you had 58 percent of the land was developed. In 1987, it was 81 percent. It
5 showed there was a growth there of about 20, 23 percent, which is again
6 equivalent to the figure above, the overall county one, of 25 percent. So it's
7 just running the same rate as all the other areas.

8 Q 24 So then on page 13 of your statement, you reach a number of conclusions. You
9 say that as can be seen from table 10, that 25 percent of residential zoned
10 land was developed in the 10 year period 1977 to 1987 and as of 1987, 30
11 percent still remained undeveloped. Having regard to the probable rate of
12 development in future years, there's an ample supply of zoned land for many
13 years to come, and we have looked at that page and the graph on that page on
14 previous occasions. You said that figure number 2 graphically indicates the
15 statistic and that's to be found on page 127.

16 A Yes, that's just a graphic representation of what was in the tables.

17 Q 25 Yes. And then you say the overall conclusions drawn from that paper therefore
18 was that:

19 A. There was an ample supply of serviced zoned land for many years to come.

20 B. There was sufficient planning permissions extant to meet the needs for the
21 next five years, and

22 C. There were lands available for development in all six districts?

23 A Yes, that was the conclusion.

24 Q 26 All of the lands referred to were shown on maps on the work paper, and you say
25 on the council meeting on the 15th April 1988 these maps were shown to the
26 council by overhead projection on the council chamber screen. The working
27 paper was noted and formed part of the review process we referred to earlier,
28 the review process?

29 A Yes, there were a number of maps, I think they are available there of the
30 various districts, and there's one example --

1 Q 27 If we could have page 1312 please, sorry, 131? Perhaps maps at pages 4 to 7

2 might actually be clearer.

3 A Yes, that's 104 now.

4 Q 28 That's a map for the area that we are dealing with, I think it might be map

5 number 7. Map number 7. Map page 7.

6 A Yes, this is the map.

7 Q 29 Yes.

8 A It's turned around a little bit. That's right. That's the north/south side

9 now --

10 Q 30 We are dealing with the area on the lower right hand corner of that map, is

11 that correct?

12 A This shows three types of situations. First the serviced lands the coloured

13 black lands and then the unserviced there, the striped ones, and then low

14 density is actually, it doesn't show up too well on that, but I think the lands

15 which would be relevant here, the striped lands, an extensive area of striped

16 lands at Ballyogan. These are lands which were zoned for development but did

17 not have services, and it was an objective of the council to service those

18 lands. Those lands were to be serviced by a sewer connection down to the

19 Shanganagh outfall.

20 Q 31 These are these lands now as we see them?

21 A These are the striped lands in the Ballyogan area. Some of that land was

22 private, some was owned by the local authority, and the sewer to take that, it

23 would come down through the Carrickmines Valley down in the southeast direction

24 out to Shankill where there's a sea outfall.

25 Q 32 If I move on to working paper number 12, you say prepared in January 1989,

26 working number 12 analysed population growth matters for Dublin County and the

27 Dublin subregion to include Dublin county and borough since 1971 and also

28 analysed age structure, household size and considered population projections;

29 and that's to be found at page 151 to 187, and unless you want to refer us to

30 anything in particular in that, I don't propose to go through it.

1 A No, this was an overall picture which in planning Dublin county, one would
2 always have regard to the situation in the surrounding, particularly the
3 situation in Dublin Corporation, and in this development period Dublin
4 Corporation and Dublin County Council worked very much together in the whole
5 question of services and such. For example, the two major drainage schemes,
6 the Dodder Valley scheme and Grand Canal scheme were two major drainage schemes
7 that drained western towns through Dublin City into the Ringsend disposal works
8 and that was done in cooperation between the two authorities, and obviously in
9 terms of population, the growth of Dublin was related to either because for
10 quite a long time the population of Dublin City, the borough, had been
11 declining rapidly when the county was growing up, so the two were related at
12 all times; and then of course you had Dun Loaghaire borough, a separate
13 authority whose population was fairly stable, so this was giving the picture
14 over the years as to what was happening between the two authorities.

15 Q 33 And I think in that paper you again reviewed the residential and industrial
16 land budget at page 181, isn't that right?

17 A Yes, it analysed the various -- it analysed the unemployment situation as well
18 and the land budget.

19 Q 34 You said, under residential lands, you remind the councillors of working paper
20 number 6 under the heading "urban housing." You said that working paper number
21 6, urban housing is analysed in detail. The situation relating to the
22 residential zoned lands in the county. The rate of development and the status
23 of the undeveloped lands.

24 A Yes.

25 Q 35 And you set out the main conclusions of that report, that's the 1987 report,
26 namely that 25 percent of the zoned lands were still undeveloped, that in the
27 ten years 1977 to 1987, 25 percent of the zoned lands, sorry, were developed.
28 You say that more than 80 percent of the undeveloped lands were serviced, 757
29 hectares were committed for development, that is planning permission was
30 granted, representing 19,000 dwellings. equivalent to five years supply at 1986

1 rates, and in addition to the above, there were 250 acres of undeveloped low
2 density lands?

3 A That's correct.

4 Q 36 Again, you set out the table we have seen a moment ago.

5 A Yes, just repeated it there for convenience, for the councillors. The capacity
6 of zoned land, there was an assessment done in June 1988 of the capacity, based
7 on normal densities and occupancy rates of undeveloped residential lands, given
8 the following population...

9 Q 37 I think there was a capacity for at least 39,000 households in the Rathdown
10 area?

11 A In the Rathdown area, 39,100 giving a total of 196,180; and by comparing those
12 figures with the population projections of the ERDO study, the Eastern Regional
13 Development Organisation, ERDO, as adjusted for County Dublin, it would appear
14 that there are sufficient lands zoned to accommodate increasing population
15 until after the year 2000.

16 Q 38 And 800 houses per annum. 39,000 houses would take a considerable period of
17 time to --

18 A Oh indeed, yes it would, yes. It was the most optimistic projection forecast,
19 a population increase of 93,000 in the decade '86 to '96, an increase of 140
20 thousand to 2001, that's just a prediction.

21 Q 39 Then I think you go on to deal with industrial lands at 5.4 on a page, and
22 again you highlighted what had been, what we dealt with yesterday, and what was
23 referred to in working paper number 4. We repeat what was stated in working
24 paper number 4 in relation to the take up of land at 12 hectares per annum. 57
25 percent of industrial lands had not yet developed and a third of the remaining
26 land had planning permission for development. Again, one tenth of all floor
27 space of industrial space was vacant in 1987 and there was adequate supply to
28 meet future requirements for many years to come.

29 You repeated the table. At page 184 you set out your summary in relation to
30 population trends etc. and I think if you just take the summary and --

1 A Summary then, the available population projections differ considerably, due
2 mainly to the difficulty of predicting future immigration patterns. The
3 projections vary from increase of 93,000 to a decrease of 37,000 in the decade
4 1986 to 1996 for the Dublin county. Beyond the decade the projections become
5 more diverse.

6

7 2. The undeveloped residential zoned lands are capable of accommodating a
8 population increase of over 190,000 people. That's as of 1988. And a
9 substantial proportion, 80 percent of these lands, are serviced.

10

11 3. The rate of development of industrial lands slowed down dramatically in
12 recent years, less than half the industrial zoned lands are developed, and
13 there is substantial reserve of serviced lands available for development.

14

15 4. The labour force will increase significantly over the next ten years, based
16 on the most likely of the optimistic population projections. In this situation
17 the increase would be of the order of 3,000 per annum.

18

19 And that was the conclusion of that. There were appendices of course which go
20 into detail with fertility rates, mortality rates and migration rates.

21 Q 40 It shows the level of detail which was available to you and to the councillors
22 in advising them in relation to their quasi-judicial functions?

23 A Yes, well I think having gone through those few papers so far, I would hope to
24 indicate that every effort was made to give the full detailed information,
25 everything available to the councillors at the time. Also, by assisting them
26 with maps and details and discussions, I have no doubt at all that the
27 councillors were in full information of all the information that was possibly
28 available to them when they made the decision, which is the proper situation to
29 be.

30 Q 41 Were you available to them and other officials within the council at the

1 various special meetings to answer any queries they might have or explain the
2 graphs or the papers as we have seen them?

3 A Yes, invariably when the report was tabled by a manager's report, there would
4 be a discussion afterwards and many questions raised by councillors, and we
5 would be asked to respond to that and explain the situation.

6 Q 42 Would you have explained the tables and figures as you have done here to the
7 Tribunal over the last two days?

8 A Oh indeed, in presenting the working papers, we put up those tables one by one
9 and gone slowly through them, explaining all the details, yes.

10 Q 43 I think on page 15 of your statement under the heading "Draft Development Plan
11 1991", you say that the Draft Development Plan 1991 written statement referred
12 to the 14 working papers in paragraphs 1.1.1 roman numeral two and you quote:
13 "The contents of the papers form a detailed input on which the policies and
14 objectives of the plan are based". This is something that would have been
15 published and available to the public?

16 A Yes, that's it, I have a copy of it, that is the copy which is published and
17 circulated.

18 Q 44 Is that available then to the members of the public?

19 A That was available during the public display of, three months display, in
20 detail and also during those displays there was stuff available to discuss it
21 with the members of the public or whoever wanted to be informed of it, and I
22 think you heard evidence earlier on about the fact that there was something
23 like 15 or something venues throughout the county where those displays took
24 place, and there was also a travelling show as well.

25 Q 45 I see. You say that the written statements reiterate the findings of the
26 working papers in relation to residential land and industrial development in
27 paragraphs 1.1.10 and 1.1.12 and you quote then from those paragraphs.

28 A Yes. Will I read some of it?

29 Q 46 Perhaps if you would just, page 15 of your statement, if you just referred to
30 --

1 A Paragraph 1.1.10.(1) "The considerable capital investment in infrastructural
2 services to facilitate development has resulted in an ample supply of serviced
3 residential zoned lands to meet the needs for many years to come. Emphasis of
4 this plan would be to fully utilise the development potential of these areas
5 and minimise the need for fully, for further, capital investment within the
6 period of the plan in areas which are not zoned for development.

7

8 Second point. There is generally a satisfactory distribution of locations
9 where serviced lands are available and plans with, in hand, to extend services
10 to the remaining zoned lands as demand materialises.

11

12 3. It has always been the policy of the council to give a reasonable choice of
13 location to intending builders, and this policy will continue, subject to
14 financial constraints."

15

16 1.1.12. "Information in manufacturing industry has declined in the Dublin area
17 since 1971. Since 1971, there has been 28,600 net job losses. Since 1982,
18 13,000 losses occurred. This is a substantial loss, especially in the context
19 of the growth of population and the labour force in the same period.

20

21 2. There has been a steady increase in service employment over the
22 corresponding periods.

23

24 3. Despite the best efforts of the council in association with the industrial
25 development authority, unemployment levels continue to increase. Immigration
26 has reached a high level, though no firm figures are available. Industrial
27 activity in terms of new development has declined and there is considerable
28 amount of vacant floor space in the county. The county in a stroll of
29 facilitating industrial development has zoned and serviced a considerable
30 amount of land available for development should demand occur.

1

2 In relation to population, the written statements summarises, 1.1.9. In recent
3 years, particularly since the early 1980s, there has been a decline in the rate
4 of growth of population. The average annual growth rate of the Dublin sub
5 region, again that's Dublin City, county and Dun Loaghaire, in the period 1981
6 to 1986 was 3,600 persons compared with 15,100 in the 1970s.

7

8 This decline has been influenced by a number of socio-economic factors,
9 including emmigration and falling birth rates.

10

11 2. Projection at future growth patterns was considerable" --

12 Q 47 Varied considerably I think you said?

13 A "Varied considerably due to the difficult of predicting future emmigration
14 trends. However the most likely projections suggest an increase in the range
15 of 19,000 to 48,000 in the decade 1986 to '96 for County Dublin."

16 Q 48 You go on at page 17 to deal with the consideration of the draft 1991 plan and
17 under the heading zonings passed by councillors you say: "Following the
18 presentation of the working papers to the meeting of the council, the Draft
19 Written Statement and zoning maps were considered. As each map was considered,
20 all changes from the '83 Development Plan were identified and explained". You
21 said that a series of wrap up meetings commencing on the 1st March 1991,
22 various motions put forward by councillors were discussed and decided and then
23 at a meeting of the 16th May 1991, a motion was passed rejecting the manager's
24 exhortation to proceed to the public display, and you refer to that motion.

25 A Yes. That is in the text, yes.

26 Q 49 A number of motions dealing with proposals for additional zonings were passed
27 against the advice of the manager.

28 A Yes.

29 Q 50 And you say dealing -- under the heading "dealings with motions" you say
30 "Motions tabled by councillors in relation to land zonings were dealt with by

1 written reply in the form of managers report." You say the report dealt with.

2 A the existing zone status,

3 B, planning history,

4 C, availability of drainage facilities, foul and surface water,

5 D, water,

6 E, access and traffic implications,

7 F, appraisal, and

8 G, recommendations.

9

10 You go on to say as each motion came for addition, a the report was presented

11 and discussed. The presentation was accompanied by specifically prepared maps

12 projected on to the council chamber screen. Voting was conducted in accordance

13 with council standing orders. On many occasions roll call votings was held.

14 In such cases minutes of the meeting recorded the votes of the individual

15 councillors.

16 A Yes.

17 Q 51 You say that under the heading supplementary report on industrial lands.

18 A This was 1991.

19 Q 52 You said in presenting the draft 1991 plan the supplementary report was

20 circulated to the council on the 31st January 1991, this report suggested

21 "Additions to the 1983 industrial zonings by way of rationalisation and up

22 dating the position of certain lands whose status had changed since 1983. The

23 1987 survey was updated in 1990. At that time also, the 5th December 1990, the

24 IDA indicated the need for large fully developed and marketable sites, 100 to

25 200 acres to meet their promotional programme and you refer to that report

26 yesterday.

27 A In working paper number 4.

28 Q 53 We have read that letter, I think you say the report concludes that the bank of

29 undeveloped industrial land would increase considerably by the current review

30 proposals. This would now be 13 hundred hectares zoned for development

1 compared with 960 hectares provided in the 1983 plan. You said that the
2 present analysis of the situation confirms that the conclusion of the working
3 paper number 4 in relation to the adequacy of lands zoned in the 1983 plan; in
4 other words, I think you are saying there that the findings and the analysis as
5 set out in the 1987 plan were not undermined in any way by the updated report,
6 isn't that right?

7 A No, these updates really confirmed the situation and confirmed the trends and
8 this report suggested yet a further addition to the zoning, industrial zoning
9 of the lands, and this was motivated by a number of reasons at the time. It
10 was the fall as we called it earlier, the great decline in the employment and
11 manufacturing industry, and the efforts of the IDA to promote more industry and
12 their exhortations to the council to get involved in joint venture and to
13 provide large sites that would be attractive to big companies coming in.

14 Q 54 I think large serviced sites?

15 A Yes, serviced sites, yes, ready for development.

16 Q 55 But I think at this time we are talking about a take up of about 12 hectares
17 per annum?

18 A That was the situation, yes.

19 Q 56 And if you had 960 hectares provided for in the 1983 plan, at 12 hectares per
20 annum and 10 years you had 120 hectares taken up --

21 A Yes, just go on for many many years, yes.

22 Q 57 You say the 13 hundred hectares of undeveloped land now proposed is ample to
23 meet requirements for the foreseeable future based on current predictions of
24 population and labour force?

25 A That was the conclusion reached at that time.

26 Q 58 But I think the 960 hectares would have fulfilled exactly the same requirement,
27 isn't that right?

28 A Oh indeed, yes.

29 Q 59 Then I think you go on to say environmental services?

30 A I just made a reference to the fact that alongside the consideration of the

1 Development Plan at various stages that there were input from other
2 departments, environmental services, for example, at a meeting of the 8th June
3 and the 22nd June, there were special reports presented about various
4 variations. And then also there was a meeting on the 11th May when Pat
5 Kelaghan, the acting county engineer, made a presentation on the roads
6 programme, so that was a further input in the process.

7 Q 60 Then you come to the heading "Consideration of representations on draft plan".

8 You say that "The three months strategy public display of the draft plan in
9 September/December 1991, copies of all 24,000 representations were circulated
10 to all members. Oral hearings were arranged for the 487 requests for oral
11 hearings. Reports on each submission made at the oral hearings were also
12 circulated". You say that consideration of the representations began in April
13 1992, dates were fixed for submission of motions and these were dealt with in a
14 series of 50 meetings up until June 1993.

15 A That's correct, yes.

16 Q 61 You say the same procedure was adopted as outlined above in relation to the
17 consideration of the 1991 draft plan. At the first meeting at this session on
18 the 10th April 1992, a summary of contents of the 14 original working papers
19 were presented and you refer to them there and I don't intend to open them up
20 again unless you feel there is something that requires further highlighting.

21 A Yes.

22 Q 62 You say that this report updated some of the statistics based on the 1991
23 census figures and you say a graph was produced showing population growth from
24 1971 to 1991. You say the population in County Dublin grew by 28,000 in five
25 years from the period 1984 to 1991 and you say this confirmed the validity of
26 the 1989 predictions. In other words, notwithstanding the census in the
27 interim between your original working papers and the review of the working
28 papers, the projections as contained in the working papers appeared to be on
29 target?

30 A Yes; and I also say that there was a report issued to the council at the time

1 giving a synopsis of all the working papers. At that stage there had been

2 local authority elections. I think it was --

3 Q 63 June 1991?

4 A So there would have been some members who would have been new to the scene and

5 it was for their advantage that we went through the working papers again and --

6 Q 64 -- updated them?

7 A Before proceeding.

8 Q 65 You say during the consideration of representations, numerous motions were

9 passed, many in relation to land zonings and many contrary to the advice of the

10 council staff.

11 A Yes, that was the situation.

12 Q 66 You lead on to what you call the second statutory display. You say following

13 the completion of the process considering the representations of the draft

14 plan, the second statutory public display was held during the month of July

15 1993. This display contained details only of all changes made to the draft

16 plan exhibited in 1991 as provided for in legislation, and representations were

17 invited in relation to those changes only. You say that the following proposed

18 rezoning increases were put on public display:

19 Residential, 805 hectares,

20 Industrial, 549 hectares.

21 A Yes.

22 Q 67 Do I understand by that that there was an additional, or an additional

23 requirement that 805 hectares of residential zoned lands in addition to what

24 was already on the 1991 draft plan?

25 A That's right, yes.

26 Q 68 And 549 hectares of additional industrial zoning?

27 A That's right.

28 Q 69 You say in all almost 25,000 submissions were received and processed in the

29 established way. Copies of all representations and reports were collated for

30 consideration at a series of meetings starting in September '93 and culminating

1 in the formal adoption of the plan in December 1993. The following increase in
2 zonings were confirmed by the councillors following the second display,
3 residential 484 hectares, industrial, 495 hectares.

4 A Yes.

5 Q 70 And then you go on to give a summary of zoning changes, say that during the
6 process of the review from 1991 to 1993 zoning changes were made in respect of
7 2,697 hectares including changes made from non-development zonings
8 (agriculture, green belt, amenity) to development zonings, and from one zoning
9 category to another. You say the net result of all the zoning changes was an
10 increase in 516 hectares of residential lands, an increase of 564 hectares of
11 industrial lands.

12

13 You say of the 118 hectares of residential lands were changed to industrial.
14 The above changes including those changes recommended by the manager to reflect
15 what had happened since 1983 (that's certain planning permissions had been
16 granted on lands that were not zoned, and to remove certain anomalies) and you
17 gave yesterday, by way of example, the IDA site at Leopardstown which had been
18 granted planning permission, but on lands which hadn't industrial zoning.

19 A Indeed; and lands that had been developed in the interim.

20 Q 71 Yes.

21 A They were updated.

22 Q 72 Yes. Development indicators 1990 to '93. You say there was very little change
23 in the economic circumstances from the period of the presentation of the
24 working papers to the adoption of the Development Plan. Planning applications
25 you say are a good indicator of future change in development. The time lag
26 between planning applications and construction on-site means that an increase
27 of planning applications would act as an early warning, or indicator, of
28 impending growth in construction.

29

30 Using this as a barometer, the following figures produced by the Department of

1 the Environment in planning statistics is - is that within the Department of
2 Environment?

3 A Oh yes, there's a department there and they produce various statistics on a
4 quarterly and annual basis of house production country wide.

5 Q 73 You say give the overall national --

6 A I am really quoting their figures here.

7 Q 74 Total number of planning applications show a pattern for the period 1990 to
8 1993 and I think in 1990 they thought that there were 43,378 applications.

9 In 1991, there had been 41,996 applications.

10 In 1992, there had been 41,711 applications and in

11 1993, there had been 39,486 applications, a slight decrease between 1990 and
12 1993.

13 A Yes, it wasn't terribly significant, there was sort of standard and then

14 highlighted that, we dealt with house completions and in relation to County

15 Dublin, the following figures for house completions each year by year from '89

16 to '94 were tabulated. In the year '88 to '89, you had 2,753.

17 In the year 1989 to 1990: 2,904.

18 In the year '91 to '92: 2,035.

19 '91 to '92: 3,471 and

20 1992 to 1993: 3,426.

21 There was no indication for the need for additional residential zoning on the

22 evidence of the council's annual dwelling surveys.

23 Q 75 You go on to say a population of County Dublin, the following table gives the

24 population statistics for County Dublin and the Dublin region, that's county

25 city and borough from 1971 to 1996 and you set out a table in your statement, I

26 think, showing the growth rate, isn't that right?

27 A Yes, and the growth rate, for example, you know for '71 to '79 was of the order

28 of 18,900 per annum and from 1991 to 1996 it had reduced to 7 thousand per

29 annum. There was a general slow down in that period of the population growth.

30 And the same applied if you take the regional situation, again, that being

1 Dublin city, county and Dun Laoghaire, in the period '86 to '91 it had gone
2 very low to about 900 0 per annum and '91 to '96 it was 6,000. So the
3 population rate had slowed, not just in Dublin County but the entire Dublin
4 region at that period.

5 Q 76 You say the growth pattern, or slow down, was well within the range provided
6 for, the zoning proposals recommended to the council and the review process?

7 A Yes. And also there were various figures and graphs presented and shown to the
8 council at that time.

9 Q 77 And these were --

10 A And then there was a picture, figure number 2, which again showed that
11 graphically.

12 Q 78 If we look at --

13 A Dublin sub region, the slowing down in the rate growth, the decline
14 particularly in the population of Dublin City and the corresponding growth in
15 the Dublin County.

16 Q 79 Look at page 684 and 685, we see a representation of what you are speaking
17 about there.

18 A Yes, what's in graphic form and there was also a figure going with it. That's
19 the one. Yes, the top line there shows the overall Dublin sub region within
20 the period 1971 to, it goes on to about 1991, I think.

21 Q 80 So it declines rapidly in the early period?

22 A Yes. The growth was -- I think the figure was only 3.5 percent in the last
23 year and then you had in the centre there, Dublin City, whose population was
24 declining, and the jump in the centre is what we referred to yesterday as a
25 change over in population when there was a recession in the boundaries between
26 Dublin City and Dublin County. There was Dublin City population grew
27 immediately by a small increment and corresponding decrease.

28 Q 81 This is the almost arrow like --

29 A So in fact somewhere after 1986 the population of Dublin county exceeded that
30 of Dublin City.

1 Q 82 Yes. Now, you go on to deal with development plans since 1993 and we have
2 heard the evidence of Mr. Cremmins in relation to Dun Laoghaire/Rathdown so I
3 propose to just read through this and we may want to return to it, probably not
4 in this module.

5 A Yes.

6 Q 83 Under the heading Fingal County Development Plan 1999, you say "From the
7 creation of the Fingal County in 1994, the Dublin County Development Plan 1993
8 insofar as it related to the new county area became the Development Plan for
9 the county until such time it was made its own plan. The Fingal County
10 Development Plan was made in October 1999. In formulating the new plan, an
11 analysis of the strategic planning issues was carried out and presented to the
12 council in January 1994. A survey of residential lands identified a total of
13 865 hectares of undeveloped lands zoned for residential development in the
14 county. Of these lands 351 hectares was serviced and available for
15 development. The remaining 514 hectares were subject to service constraints
16 which were expected to be removed after the year 2000. Estimates of the
17 probable take up demand for housing indicates that subject to the servicing of
18 lands, it's expected the supply of zoned lands would meet the requirements
19 until the year 2008 at least.

20

21 There were 889 hectares of undeveloped industrial land in January 1998,
22 including 165 hectares rezoned in 1997. Of this land, 563 hectares were
23 serviced and available for development.

24

25 Servicing constraints affected the remaining 326 hectares until post 2000. It
26 was concluded that subject to the removing of servicing constraints, as
27 expected, there would be sufficient lands available for the anticipated demand
28 to 2008."

29 A Yes.

30 Q 84 South Dublin County --

1 A Sorry could I just explain at this point that I had personally no involvement
2 in Fingal County Council. I went to South Dublin County Council in 1994 so
3 what I have done here is extracted from the documentation of the various
4 authorities those relevant figures in relation to residential and industrial
5 lands.

6 Q 85 Yes. "South Dublin County Development Plan 1998.

7

8 You say similar circumstances existed as in Fingal in relation to the
9 Development Plan for South Dublin County. The Development Plan was adopted in
10 December 1998. Position papers prepared in May 1997 give details of the status
11 of the zoned industrial lands. In June 1997, planning permission existed for
12 3,845 dwelling units. That reserve of undeveloped -- that reserve of
13 undeveloped permissions represented three years supply at the then current rate
14 of development, the as yet uncommitted zoned lands had estimated capacity for
15 9,250 dwelling units. Over the entire county there was a capacity for an
16 estimated 13,100 dwelling units. The then current rate of development was of
17 the order of 1,850 dwelling units per annum. All of the lands were effectively
18 serviced. That ensured the availability of suitable lands for development and
19 the distribution of the lands throughout the county gave a wide choice of
20 location for potential house purchaser.

21

22 A 1995 survey of industrial lands showed there were 1,025 hectares of
23 industrial zoned lands in the county, 39 percent of which was developed. Over
24 all throughout the county there were 615 hectares of industrial zoned lands not
25 yet developed. Compared to the total of 396 hectares of industrial use, the
26 entire county, at that date the surplus of the zoned lands was considered
27 excessive. In any scenario of future development it was apparent that a huge
28 amount of these lands would not be developed for industrial use in the
29 foreseeable future.

30

1 Then under heading Dun Laoghaire/Rathdown County Development Plan 1998, prior
2 to the making of this plan the Rathdown area of the county was covered by the
3 Dublin County Development Plan 1993. The Dun Laoghaire area was governed by
4 the Dun Laoghaire Borough Development Plan 1991. You say position papers were
5 produced in 1996" -- now these, I won't refer to these because Mr. Cremmins
6 dealt in some detail with the position paper and he was the author who
7 spearheaded that report at that time.

8

9 These studies, industrial zonings; in April 1995 there were 690 hectares zoned
10 for residential use at standard densities of which approximately 420 would be
11 developed in the medium term. Addition there were 70 hectares zoned for
12 immediate density, sorry, intermediate density and 125 hectares zoned low
13 density development. The total medium term capacity was of the order of 11,650
14 housing units. The estimated housing demand for 1995 to 2006 period was 5,690
15 to 10,690.

16 Can I just ask you at density of 25 houses to the hectare, what quantity of
17 land, can you do that calculation? Are we talking about --

18 A There's a broad figure given there, 25 houses per hectare --

19 Q 86 It would be about 24 hectares?

20 A Yes.

21 Q 87 And if we were to double that, somewhere between 24 and 48 hectares, would that
22 be?

23 A I think in the Dun Laoghaire area and other areas, the density would have
24 varied considerably from one area to the other because the policy of; you have
25 high density where there are transportation loads, so if you had development
26 adjacent say to the Dart or to a quality bus plan then permission would be
27 granted for a higher density than in areas less accessible to public transport.

28 Q 88 Yes. But the estimated housing needs for the period 1995 to 2006 would have
29 been for less than 100 hectares of zoned residential land.

30 A Yes.

1 Q 89 The conclusion reached was there was more than adequate supply of zoned land
2 available for the period of the plan to cater for the projected population
3 increase. In relation to industrial zoned land, it was stated that of the 290
4 hectares of industrial zoned land in the county, 80 hectares were undeveloped,
5 21 of them were available for development and the remainder were subject to
6 development constraints. A further 25 hectares are zoned for a science and
7 technology park which is undeveloped.

8
9 It was suggested that a further land bank for industrial use should be
10 identified. And then you go on to deal with strategic planning guidelines for
11 the Greater Dublin area. You say this document published in 1999 was as a
12 result of a comprehensive study and consultation exercise undertaken on behalf
13 of the four Dublin local authorities. Counties Meath, Kildare and Wicklow and
14 the Department of the Local Government in conjunction with Dublin and Midwest
15 regional authorities. The guidelines set out the broad planning strategy to
16 the year 2011. You say that the guidelines represent the regional authorities
17 function as yet, as set out in the Local Government Dublin Act 1993 which
18 established that authority of coordinating the development plans of the
19 constituent local authorities. Was that the Act which created the three new
20 counties?

21 A Yes, that was the Act, yes, and it set up this regional authority.

22 Q 90 To ensure cooperation?

23 A Heretofore we have been talking about the Dublin region which is really this
24 subregion. The Dublin region and mid east region. Now this extends out to
25 include Kildare, Wicklow and Meath. So it's a larger area.

26 Q 91 You say "In the course of the study an analysis of the capacity of the area to
27 accommodate the area of future growth was undertaken. In relation to lands
28 zoned for residential development and employment uses the study estimated the
29 capacity of each local authority to accommodate growth.

30 The conclusions were for residential lands, currently zoned though not

1 necessarily serviced, residential land could accommodate about two thirds of
2 the anticipated growth in household numbers to 2011. Additional lands would be
3 required to be zoned, especially in the period after 2006 both to accommodate
4 the remainder of the growth and to allow for land that might not be released
5 for development. A portion of future growth will be accommodated as infill and
6 intensification of use in existing urban areas, and under the headings lands
7 for employment uses. It says that while considerable areas of land are zoned
8 for industrial and other employment uses, there would be a need for additional
9 lands for these activities at suitable locations throughout the Greater Dublin
10 area.

11

12 Review and update April 2000: You say a review of the strategic planning
13 guidelines was undertaken in the light of the national population and labour
14 force projections carried out by the CSO. The main points of relevance in the
15 review were the 1.6 million projected in the original study by 2011 could now
16 be reached by 2006.

17

18 There's enough land zoned to meet the demand to 2006 but there may be a need to
19 zone more in some locations to meet local shortages.

20 20,000 housing units per annum will be needed up to 2006 to cater for the
21 demand. This target is not being reached. And you say that it's important
22 that all zoned lands be serviced urgently.

23

24 Housing strategies: You go on to say that the Planning and Development Act
25 2000 required each local authority to draw up a housing strategy for its area
26 and to incorporate this into its Development Plan.

27

28 The preparation of the strategy required a detailed analysis of the housing
29 supply and demand requirements for its area over the subsequent years based on
30 the strategic planning guidelines for the Dublin area target population

1 distribution.

2

3 And then you deal with each of the three counties. Dealing with Fingal County
4 Council, you say that Fingal adopted a strategy in May 2000. Its analysis of
5 the supply and demand situation found that 17 and a half thousand additional
6 housing units would be provided during the period 2001-5. Areas were
7 identified where major residential developments are said to come on-stream
8 within the next few years. In all, a yield of 26,112 units were predicted over
9 the period to 2006.

10

11 South County Dublin: You say an analysis estimated that 14 and 94 units would
12 be required in the period 2001-5. The capacity of the zoned lands at 27,200
13 before 2006 was adequate to meet the target requirements.

14

15 You say the strategy analysis identified the demand for housing allocated to
16 its areas. In the strategic planning guidelines recommendations would require
17 a doubling of output of housing units to meet the demand from 800 to 1,750 per
18 annum, however the lands zoned can accommodate 14,600 units as against the
19 estimated requirement of 8,740.

20

21 The Department of the Environment of Local Government of housing, land
22 availability 2001, say the Department of Environment and Local Government
23 carried out a country wide survey of zoned and serviced land as of 30th June
24 2001. The returns from the four Dublin authorities indicated there was a total
25 of 2,173 hectares of zoned and serviced lands defined as having the necessary
26 water sewage and other transport services required to bring the lands into
27 development and sufficient planning permissions were granted and construction
28 to commence.

29

30 Available with an estimated capacity to produce 91,390 housing units. The

1 corresponding figure for the three Dublin counties were 2,025 hectares and
2 7,758 units and you give a commentary on all this".

3 A This is my analysis of that situation. Firstly, at all stages through the
4 period from 1972 to present date, the availability of sufficient zoned serviced
5 land for regional and industrial development to meet the current demand has
6 been continually monitored. At all times there has been a more than adequate
7 quantity of lands zoned for residential and industrial uses.

8

9 At all times there has been a surplus of extant planning permissions to meet
10 the anticipated need for several years ahead.

11

12 4. There has always been a broad range of locations where development was
13 taking place, thus offering a wide choice for potential home seekers. Some
14 locations at times had been the result of delays in the provision of drainage,
15 water supply or road infrastructure and

16 6. Zoning deficiencies had never been a factor in development constraints.

17 Q 92 I think you go on to deal with, entitled "staff reaction"?

18 A Yes. In this case my report here is an amalgamation of two reports, the first
19 of which I did in February 2000. I was still a county planning officer at the
20 time and that dealt exclusively with the process between 19 -- the review of
21 the 1983 plan up to the making of the 1993 plan, and I have expressed here in
22 my own words what the reaction of the staff was to that process.

23 Q 93 This is for the review of the 1983 plan?

24 A Yes.

25 Q 94 Would you just outline what you say.

26 A "The experience of the many county council meetings which dealt with the review
27 process between 1991 and 1993 was at times for me and my colleagues an
28 unpleasant and disappointing experience.

29

30 We saw the review process as a very important issue for Dublin County Council

1 and the population of Dublin Metropolitan Area. For this reason, considerable
2 expertise and manpower was assigned to the work. This is evidenced, for
3 example, in the extent of the detailed input into the 14 working papers, the
4 Draft Written Statement and the detailed reports furnished to the meetings in
5 respect of the numerous motions tabled for decision at successive stages in the
6 process.

7

8 On the mapping side, enormous resources were committed to the updating of the
9 maps. The production of draft plans, maps relating to individual motions,
10 photographic slides and overhead transparencies. In addition to preparing,
11 mounting and manning the two statutory public displays. A mobile display unit
12 was provided for the first display visiting many areas throughout the county,
13 this work involved considerable overtime. On the administrative side, the
14 servicing of the meeting involved a heavy workload, thousands of
15 representations, 21 thousand followed the 1991 public display and 29 thousand
16 after the second display were processed and circulated to all 78 members, as
17 were subsequent reports thereon. Oral hearings: 487 in all were arranged and
18 manned jointly by administrative and professional staff, reported on
19 individually and circulated to councillors.

20

21 Other departments, especially the environmental services department made
22 substantial contributions to the process reporting on specific proposals,
23 attending meetings and being available for consultation.

24

25 Despite all the efforts listed above, on numerous occasions when significant
26 rezoning proposals were being discussed. The detailed reports published by
27 staff were set aside and voted against.

28

29 Before and during meetings the entrance lobby of the council offices were
30 crowded with landowners, builders, agents, auctioneers and others lobbying and

1 seeking out councillors.

2

3 The frenzy of external pressure, the acrimonious atmosphere in chamber and the
4 marshalling of party whips was very alien to what would reasonably be perceived
5 as the appropriate atmosphere in which the democratic statutory obligation of
6 the making of a Development Plan ought to be conducted. Many of the decisions
7 were logical and totally unjustified. The size and shape of plots voted on
8 were indicated only by the boundaries of the sponsorer or owner.

9

10 I would express the core concern of the staff in the following scenario. A
11 landowner, developer or agent approaches a councillor seeking the zoning of an
12 agricultural zoning to a development zoning. The councillor sponsors a motion
13 which is discussed in the council chamber.

14

15 The manager's report on the motion recommends against the proposal. The report
16 includes the professional advice of planners, engineers, and manager. All
17 arguing against the proposal for specific reasons. On many occasions the
18 public proposed a proposal. Despite all this the councillors insist on
19 pressing the proposal, the result is a bad planning decision, invariably
20 incurring unnecessary community cost. The sole beneficiary is the landowner
21 whose land has been substantially increased in value.

22

23 The situation poses the question why should elected councillors go against all
24 professional advice, even oppose the people who elected them into power to
25 achieve a financial gain for a single interest?"

26 That concludes my personal reaction.

27 Q 95 Just in relation to that, Mr. Conway, the councillors might very well say that
28 you were disappointed that all your hard work wasn't being followed, but that
29 they were entitled, for their own reasons, to depart from your advices and the
30 advices which you and the other officials were giving them?

1 A Oh indeed, that was in their power to do so. I am only expressing what our
2 reaction was. It's not a personal disappointment as such, I am long enough in
3 the tooth to bear that. Our concern about what was happening to the planning
4 process and to the future of the development of Dublin. That was an important
5 issue.

6 Q 96 Some of the councillors might say there was a lack of leadership or direction
7 coming from the manager or his officials?

8 A I would have to strongly go against that. At all times there was a strong
9 recommendation and guidance given.

10 Q 97 But the review process took a long time, took from 1987 to 1993, perhaps when
11 you realised that your proposals weren't meeting favour with the councillors
12 you lost interest or lost --

13 A No indeed, and we continued to do our work right to the very end. Irrespective
14 of what was happening. That was our job and we did that and the time taken was
15 really the time taken by the councillors themselves at various meetings and
16 discussions. Fair enough, it was an important process and there were long and
17 detailed discussions taking place.

18 Q 98 We will be dealing with Carrickmines 1, with a series of motions in respect of
19 which Mr. Dunlop has made relatively serious allegations against the
20 councillors. Do you say that your criticisms of the councillors, as we see
21 them here, apply to those motions?

22 A No, what I said there is a very general, in turn to the whole county and I am
23 not relating that specifically to the Carrickmines area, or to any area.

24 Q 99 OK. It's my intention, Sir, to move on to the second part of Mr. Conway's
25 statement which deals, and which follows on to some extent, what he has just
26 said, but deals with the manager's proposals in October and November 1990; and
27 I don't know if you wish me to --

28

29 CHAIRMAN: It might be a good idea, as this is an actual watershed, to take a
30 short break.

1

2 Would that be acceptable to you? Very good, we'll break until, it's just
3 coming up to 18 minutes to 12, say 12 o'clock.

4

5 THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK

6 AND RESUMED AS FOLLOWS:

7

8 Q.100MR. QUINN: Mr. Conway, I think yesterday and this morning you have been
9 giving evidence and explaining why in 1987 and 1988 you, as planners, were
10 advising the members of the Dublin County Council that there should be no
11 additional zoning of either industrial land or residential land, and I think
12 have set out and gone through the various working papers which formed the basis
13 of your advices, isn't that right?

14 A. Yes.

15 Q.101And there is absolutely no doubt but that your advices were to the Councillors
16 at this time, that is 1987-88, based on this working papers and even allowing
17 on update to working paper, that there was no necessity or increased industrial
18 zoning or residential zoning in the county?

19 A. That was the global situation.

20 Q.102Your advices I think were that there was adequate supply of industrially zoned
21 land in the county and that it was evenly distribute throughout the county?

22 A. Exactly, yes.

23 Q.103Now you have been asked, Mr. Conway, to supply an additional statement dealing
24 with advices given then by the manager to the Council in October and
25 November 1990 in relation to lands at Carrickmines and what I propose to do,
26 ask first of all to take you through your statement and then I will come back
27 and ask you some questions on it; is that okay?

28 A. Fine.

29 Q.104I think in a letter to the Tribunal on 1st December, you referred to a letter
30 received by you from the Tribunal and you dealing with this issue you say as

1 follows under "Council Meetings, October 1990 to May 1991.
2 The Carrickmines Valley was first dealt with at council meeting 8th
3 October 1990. At that meeting a fairly comprehensive report on the area was
4 tabled. That report is quoted in the minutes of that meetings, reference
5 C/49/90. The conclusion of the report stated "It is recommended that the above
6 approach be adopted as illustrated on this map number DP/90/123. Detailed
7 plans at the normal scale of 1:5,000 will then be provided for the approval of
8 the Council.

9

10 Further consideration of the report and the map was deferred to the next
11 meeting. It was indicated by the manager that the planning officer would
12 prepare a supplementary report dealing with matters raised by the Councillors
13 during the course of the meeting.

14

15 At the Council meeting on 16th November 1990, further report reference C/813/90
16 was tabled dealing with the area. The report suggested and I quote "That the
17 overall approach suggested in the structural plan and shown on DP/90/123 be
18 adopted. Further consideration was deferred to the next meeting and a tour of
19 the area would be arranged for members.

20

21 The tour of the area took place on 29th November 1990. I was not involved in
22 that tour.

23

24 The council meeting on 6th December resumed consideration of the report on
25 DP/90/123. A motion in the name of E McDonald and B Coffey was passed by 21
26 votes to 8 with six abstentions. That the draft Development Plan for 1990 for
27 Carrickmines Valley area be prepared on basis of limited zoning development to
28 the eastern side of the southeastern proposed line and taking cognisance of the
29 development improved in the area since the adoption of the 1983 plan, and in
30 doing this significantly reduced the number of areas being proposed for

1 industrial zoning and indicate where public open parks would be provided for
2 and indicated the nature of residential zoning for proposed residential lands
3 zonings. An amendment to that motion was defeated on the Chairman's casting
4 vote to amend E McDonald's motion to broadly confine development zoning to the
5 east of the motorway and north of the Glenamuck Road.

6

7 You go on to say that the council meeting on 18th January 1991 considered maps
8 26 and 27 which included the Carrickmines Valley area. Details of the changes
9 from the 1983 plan were explained by myself. I also advised that the location
10 of junctions and interchanges on the motorway shown on the maps were tentative
11 only and likely to be changed when the detail and design of the scheme was
12 undertaken. The maps were noted by the Council.

13

14 At its meeting 24th May 1991, the manager recommended to the Council that one
15 of three options be decided on for display of the Draft Plan.

16

17 Namely, option 1: 1983 plan unchanged except for updating to take account of
18 developments to take to date an adjustment of objectives, drawing number DP
19 90A/129A.

20

21 Option 2: DP 90/123. The original proposal for the development of Carrickmines
22 Valley.

23

24 Option 3: Maps number 26 and 27 is considered and noted by the council at its
25 meeting 18th January 1991.

26

27 Option number one was declared adopted."

28

29 Then under the heading DP90/123 you say the following: "The report to the
30 council on 18th October 1990 listed eight key factors necessitating the

1 proposals contained in 90/123. Two further factors were also relevant. There
2 was serious concern that the slow rate of progress of the review and
3 implications of impending breakup of Dublin County. The council was regularly
4 applying to the minister for time extensions for completion of the plan. There
5 was realisation that the new County Council of Dun Laoghaire/Rathdown as an
6 entity would have considerably less potential for expansion than the other two
7 counties.

8

9 The Eastern Regional Development Organisation, ERDO, in its final report
10 entitled "Settlement Strategy 2001", published in May 1988 had identified the
11 general area as appropriate for development. It recommended an additional
12 population in the order of 27, 000 plus 200 hectares of industrial lands by
13 2011. 20,000 population by 2001.

14

15 The Carrickmines Valley had been identified for developments long before 1990
16 and there would have been various attempts at plans for the area. These would
17 have identified the approximate boundaries of the valley in the context of
18 possible development. The inevitability of the development of the area was
19 assured by the provision of the sewer going through the valley to drain the
20 zoned lands at Ballyogan/Murphystown area to the Shanganagh outfall. The
21 design of that sewer was well advanced at this stage.

22

23 The cost of the sewer, which was necessary to serve the zoned lands, was of the
24 order of 5 million pounds and the funding would be assisted by development
25 levies from development serviced by it.

26

27 Allied to the above was a concern that haphazard development might ensure --
28 might ensure if the development parameters for the area were not set down. The
29 difficulty was that the unresolved alignment of the motorway through the area.
30 It would have been clear in 1990 that the finalisation of the motorway

1 alignment and junction designs would take a considerable time to achieve. For
2 this reason, the report to Council made it clear that the full implementation
3 of the zonings would depend on construction of the motorway. If the approach
4 outlined in 90/123 were accepted, detailed plans of the Development Plan scale
5 of 1:5,000 would be prepared. 90/123 was at a scale of 1:20,000.

6

7 The report of the meeting of 16th November stated, and I quote, "The scale of
8 the development zoning suggested is intended to represent the ultimate
9 development potential of the Carrickmines Valley". It also stated and I quote,
10 "It is considered important from a strategic planning viewpoint to secure the
11 proposed industrial zones at this stage, even though only a portion of the
12 industrial lands could be allowed to develop in advance of the provision of the
13 motorway ." (78 hectares, that is 192 acres.)

14

15 You go on to say "As far as I recollect , 90/123 was prepared by reference to
16 earlier reference to strategy action plans of the area. The drawing would most
17 likely be produced by the Development Plan drawing steam under my direction and
18 consultation with deputy planning officer.

19

20 Although I do not have any particular recollection of the circumstances which
21 led to the decision to put it to the Council, I assume the decision to propose
22 the strategy to Council was based on the sound planning grounds that I have
23 referred to above.

24

25 The in-house procedures for dealing with Development Plan meetings included
26 meeting between the manager, the county manager and principal officer and the
27 Dublin planning officer and deputy planning officer to decide on the contents
28 of the agenda, the maps to be presented and the reports to accompany them. I
29 was not normally a party to these meetings.

30 Meetings would also take place with the Chairman and the Council prior to

1 meetings.

2

3 The preparation of the strategy plan and the preparation of the report would
4 have followed the normal procedures in place for such reports. Completed maps
5 and draft reports done by my or within my team would be passed up the line by
6 the manager via the deputy planning officer. Reports would at times be changed
7 in varying degrees before being circulated to Councillors. I have no
8 recollection of anything unusual in relation to the procedures followed in this
9 case.

10

11 The line of the motorway on 90/123 would be the up-to-date line obtained from
12 roads department. The junctions were located to accommodate the land uses
13 suggested in the strategy. I cannot remember if we have received any
14 unsolicited submissions relating to the lands in this area. The production of
15 90/123 predated the period of statutory submissions after the first display of
16 1991. Land ownership was not a concern in Development Plan preparation and I
17 would not be influenced by any such detail in doing a structural plan.

18

19 You say that in response to your specific questions, I state:

20 1. I do not remember who precisely issued instructions to prepare drawing
21 90/123.

22 2. I presume I was involved in the preparation of the initial draft report for
23 meeting 18th October 1990. My reports were passed to the deputy planning
24 officer. All finalised reports were approved by the principal officer and/or
25 the county manager before issue.

26

27 The proposed zonings and road layout were not, as far as I am concerned,
28 influenced by any proposal/submission/request submitted by or on behalf of any
29 landowner in the Carrickmines Valley."

30

1 Mr. Conway, if we look -- if I could ask you to look at the screen as we see
2 it, have you got a good view the screen? We are looking at a map which is a
3 Draft Development Plan 1990, Carrickmines Valley, Dublin County map, isn't that
4 right, and it is legend at DP 90/123.

5 A. That's correct.

6 Q.105This is map, I think, of the Carrickmines Valley, and this is the map which was
7 referred to in the manager's report in October and November 1990?

8 A. That's correct.

9 Q.106Now, I think that, if I correct, that the proposed line of the south eastern
10 motorway is represented on this map by the continuous blue line as we see it
11 going from left to right across the map?

12 A. Yes, that's right.

13 Q.107I think that the areas coloured yellow on the map are areas where it is
14 proposed that the Councillors would vote for a residential zoning, is that
15 correct?

16 A. Yellow is generally residential, yes.

17 Q.108The area coloured purple on the map is an area recommended for industrial
18 zoning; isn't that right?

19 A. Correct.

20 Q.109Then there is two areas coloured red -- three areas coloured red, which might
21 be district centre, one on bottom right-hand corner, one just slightly opposite
22 the junction on the left-hand side, and then there is an area on the top here
23 (indicating). What were those colourations meant to represent?

24 A. The two red were district centres; local shopping centres in other words.

25 Q.110Yes.

26 A. I think the colouring is a little faded. The colouring at the top there, those
27 ones are actually industrial.

28 Q.111These are also industrial?

29 A. Yes, basically. Purple, I think.

30 Q.112Were they the IDA lands in Leopardstown Road?

1 A. Yes, the IDA industrial park, yes.

2 Q.113 There is no doubt but if we look at map number one, which is a map which was

3 compiled to show the 1983 zonings for this district, it is obvious that there

4 was a considerable -- can you just look at the map now on screen?

5 A. Yes.

6 Q.114 Do you recognise this map? It is entitled Dublin County Draft Development Plan

7 1990, Carrickmines Valley 1983 Development Plan zoning, reference DP 90/129?

8 A. Yes.

9 Q.115 Do you recognise that map as perhaps a map that might have come into existence

10 in or about the same time as the earlier map?

11 A. Yes, it rings a bell with me, yes.

12 Q.116 I think it is intended to represent what the existing zonings were at that

13 time?

14 A. At that time, yes.

15 Q.117 If we look at that map, DP90/129, again I think, and if we could put it with

16 map 130. We seem to be having slight --

17 A. It is rather complicated technology, I think are you trying to put one map on

18 top of the other.

19 Q.118 We have succeeded. If we could contrast both maps, I think the bottom map is

20 the map which showed the existing zoning as of 1990; isn't that correct?

21 A. Yes, okay.

22 Q.119 I think it showed an area of green, which is the Carrickmines Golf Course,

23 which would be a an area of high amenity?

24 A. Yes.

25 Q.120 An area of white which would be agricultural?

26 A. The white would be agricultural unzoned lands, yes.

27 Q.121 The red area which you have referred to is on the top corner, is that the

28 Leopardstown estate, industrial estate?

29 A. Yeah, again the colour, I am not sure -- I think that should be purple perhaps.

30 Q.122 Then we have an area here just left of Glenamuck Road which is zoned

1 industrial, isn't that right? Are those the Grimes lands that we have heard

2 about the in past?

3 A. Yes, I believe so, yes. They are the ones in the lower map.

4 Q.123Now, just to look at the changes for a moment. The line of the motorway has

5 now moved from the 1983 proposed line to slightly southward?

6 A. That is correct, yes.

7 Q.124Thus releasing more lands, isn't that right, in a catchment in the north of

8 that line?

9 A. It was considerably changed from the original line, yes.

10 Q.125The 1983 line appears to have the Glenamuck Road junction at this point here;

11 isn't that correct?

12 A. Yes. It indicated there would be a junction at the Glenamuck Road, yes.

13 Q.126There is a further junction here to the right, south perhaps, of Wyattville?

14 A. Yes. The Wyattville Road was intended to be extended in to join this road.

15 Q.127Then I think there were two other minor junctions, one here and one to the

16 left?

17 A. Yes.

18 Q.128However the proposal now as contained in this strategy plan was that there

19 would be a junction -- first of all, a junction south of Wyattville at this

20 point, isn't that right?

21 A. Yes.

22 Q.129That there would be a further junction at this point here, Carrickmines, to the

23 right of the junction as represented in the --

24 A. Glenamuck Road, yes.

25 Q.130That there was to be further junction here to the left?

26 A. Yes.

27 Q.131Somewhere; Ballyogan and Stepside?

28 A. Yes.

29 Q.132And a junction here where it led out to the Leopardstown Road. I think as is

30 apparent now from the 130 map, the areas around both the junction here on

1 Stepside and the junction in Carrickmines are both proposed to be rezoned for
2 industrial purposes, isn't that right?

3 A. Yes.

4 Q.133And the area which had been zoned for industrial purpose at the junction as
5 proposed in 1983 plan, it was now proposed that that would be dezoned and zoned
6 residential?

7 A. It would be changed to residential zoning.

8 Q.134It would be changed to residential. There is no doubt but that you would agree
9 with me, Mr. Conway, that what was being proposed in October and November 1990
10 was in essence a substantial rezoning for both industrial and residential
11 purposes of lands in this valley?

12 A. Yes, it was, yes. It was.

13 Q.135Not alone that, but that the existing zoning for industrial lands would change
14 and would be altered?

15 A. Yes, it was, yes.

16 Q.136Now, what I would like to ask you, Mr. Conway, is having regard to what you
17 have said about your advices, or the planners advices to the Councillors,
18 namely that there was more than adequate supply of both residential and
19 industrial zoned lands as set out in the various position papers, how the
20 planners or Council officials came to advise the Councillors in
21 October/November 1990 that notwithstanding the advices which they had been
22 giving that there ought to be a substantial increase in the zoning of lands in
23 the Carrickmines Valley?

24 A. Well, the particular circumstances surrounding this were explained in detail to
25 the Council on both occasions and I think --

26 Q.137You are referring I think to the manager's report?

27 A. I am referring to manager's report submitted to council on 18th October.

28 Q.138Perhaps if we have a look at that report, I think that is to be at page 200 of
29 the brief, that is the report in October.

30 A. Yes. If I may read that report.

1 Q.139Yes?

2 A. I am reading from the minutes of the special meeting of the Council on 18th
3 October 1990, reference C/749990. It is headed Development Plan review. The
4 following report by the manager was read:

5

6 "The south eastern part of the county has been identified in the working
7 papers, appeared as part of the Development Plan review as containing a
8 substantial area of zoned land which is as yet only partially serviced and is
9 linked to the city by generally poor road structure.

10

11 The area contains privately and publicly owned land which has been zoned for
12 development for many years. The deficiencies in services have had the effect
13 of frustrating development on these lands and hindering the completion of
14 neighbourhood area facilities.

15

16 In addition this area is identified as having a serious shortage of serviced
17 industrial land. This problem is referred to in working paper number four".

18 Q.140Could I stop you there Mr. Conway, and could I ask you to show me where in
19 working paper number four you say that the serious shortage of serviced
20 industrial land is to be found in relation to the Carrickmines Valley?

21 A. I have to go back to the -- the whole synopsis of it will show there was less
22 in this area than elsewhere.

23 Q.141Do you have copy of working paper number four?

24 A. Somewhere, yes.

25 Q.142I think it is at page 79 of the brief we find working paper number four?

26 A. Without going through the whole lot again, I don't think there is a statement
27 which specifically says that in the report. I think the implications of that
28 allied to the exhortations of the IDA at the time.

29 Q.143Well leaving aside the IDA for the moment, do you agree with me that at nowhere
30 in that working paper is there a reference to there being a serious shortage of

1 serviced industrial lands in this area?

2 A. No, I don't think that statement appears in it, I agree.

3 Q.144If we look at page 224, do you see page 224?

4 A. Yes, it is up on the screen now.

5 Q.145I think that shows that there was, in 1983, 227 acres of zoned industrial lands

6 in this region, isn't that right?

7 A. 227.

8 Q.146That's correct.

9 A. Yes.

10 Q.147And of that 100 hectares -- and of that, 118 hectares were undeveloped?

11 A. Yes.

12 Q.148I think at this time you were saying that there was a approximately a take up

13 in the county, as a whole, 12 hectares per annum?

14 A. Per annum, yes.

15 Q.149In addition, I think there were substantially industrially zoned and serviced

16 sites where there had been construction which were vacant up to 10 percent, 7

17 percent in this region and 10 percent overall ?

18 A. Globally there was more than sufficient industrial lands.

19 Q.150Not alone globally, but I think you at paragraph 5.2.01 of your working paper

20 at page 270, you are dealing with zoning; you say "The primary statutory

21 responsibility of the Council as planning authority is to designate sufficient

22 lands for industrial use to cater for the demand. The extent to which this has

23 been achieved is clearly illustrated in the preceding chapter. Since the

24 making of the 1972 Development Plan there has always been an adequate supply of

25 lands zoned for industrial use and this supply has been strategically

26 distributed throughout the county."

27

28 So -- and I think have you agreed with me yesterday that your advices on the

29 working papers to the planners was that there was an adequate supply of

30 industrial zoned land and this is obvious from the statistics.

1 A. Yes.

2 Q.151But in addition, that it had been strategically distributed throughout the
3 county, that adequate supply?

4 A. Yes.

5 Q.152You agree with me that there is no explicit or implicit reference in working
6 paper number four to a problem with there being a shortage of serviced
7 industrial lands in Carrickmines?

8 A. Yes, that would be the situation, yes.

9 Q.153So would you agree with me that the report, as we see it there in relation to
10 that perceived problem, is inaccurate?

11 A. In relation to that sentence of it, I think it is probably inaccurate, but I
12 must take the entire report which was presented and discussed at the Council
13 meeting.

14 Q.154Can I ask you who would have prepared this report?

15 A. I explained in my letter how reports are dealt with, as such. There are
16 hundreds and hundreds of reports all of the time --

17 Q.155In relation to the working papers and various reports there, you had no
18 difficulty taking responsibility for having compiled those reports?

19 A. Indeed, yes.

20 Q.156You had perfect recollection of having compiled them?

21 A. Yes.

22 Q.157Can I take it that because you can't remember who compiled this report that you
23 didn't compile it?

24 A. No, not necessarily, no. I mean --

25 Q.158It is unlikely --

26 A. As a matter of course all our reports came up - and what I am saying, I don't
27 recall anything unusual about this report other than any report we did at the
28 time, or having got any unusual instructions in relation to it. Also let me
29 say that my draft report, or the draft report of my team went up the line.

30 Q.159It would be subject to amendments?

1 A. Various reasons, I suppose.

2 Q.160How many major structural reports, and I think this is referred to -- is it a
3 structural or strategical report, how many of those would have been put forward
4 by the planners during the review of the '83 plan which would have involved
5 such a major proposed restructuring of the area?

6 A. Not many. There was probably one other one that was done in relation north
7 county area.

8 Q.161So this is one of two reports, one of two major reports put forward at this
9 time?

10 A. In that context, yes, and in that specific origin and in that specific history
11 leading up to it.

12 Q.162The Tribunal has been furnished with a number of maps which may or may not have
13 led to the map 90/123 which we have on screen, I wonder could I ask you if you
14 have any recollection of these maps coming in existence? The first in time
15 appears to be map which is at page number 44, it is map number DP/90/140?

16 A. I have a copy of that.

17 Q.163That is brief page number 4165?

18 A. This particular one rings a bell with me as an earlier --

19 Q.164An earlier version of 19 --

20 A. It is reference number is 90/110 and it is before the 123 in sequence so it
21 would have been prepared probably before the 123.

22 Q.165I think that this map appears to propose an even greater amount of land for
23 industrial zoning than appears in 90/123; isn't that right?

24 A. It probably does, yes.

25 Q.166I think it also proposes, as appears from the map, that the zoning would be
26 around an interchange at this point whereas 90/123 has moved the interchange to
27 right into what is the Paisley Park/Jackson Way lands; isn't that right?

28 A. Yes. It had a different approach than the 123.

29 Q.167I am referring to the interchange between the Glenamuck Road and the proposed
30 line on the south eastern motorway at this point, isn't that right, near

1 Carrickmines bridge?

2 A. Yes.

3 Q.168And I think you have said that the line of the motorway was a line inserted by

4 the road engineers whereas the interchanges were suggested by the planners?

5 A. Yes, that would be the situation. At the look at this map now, I see a six-way

6 junction, it just wouldn't work, this one. This is just an earlier version of

7 the idea really.

8 Q.169But at this time I think you were rezoning lands at the interchange which would

9 have been industrially zoned at that time, in 1983 plan, namely the Grimes

10 lands, and you were proposing to industrially zone all the lands to the right

11 and certainly more extensive industrial zoning than as appears in 90/123?

12 A. Yes, I would have to look up the history of the Grimes lands, it was changed

13 over and back from residential industrial. Now, at that time, let me say, that

14 there was no great difference between the value of such land, and in fact at

15 one stage here industrial land would have been more valuable than residential.

16 And I think there was an agreement at some stage in the process that it didn't

17 really matter whether it was zoned residential or industrial. So I don't think

18 there is any issue about the Grimes land there. At least I don't think so.

19 Q.170But what I am dealing with is the movement of the junction from the position as

20 appears in the 1983 Draft Development Plan as appears in the first, if it is

21 the first, strategy plan, namely 90/110 to, to a position almost on top of the

22 Paisley Park Jackson Way lands by 90/123?

23 A. Yes.

24 Q.171Justified, as I understand your evidence, on the basis that the planners felt

25 that if this land were to be zoned industrial, then the junction should be

26 here; isn't that right?

27 A. Let me put it this way, if were presented with this plan, as I may have been, I

28 would say that is not on, it will not work.

29 Q.172You referring now to DP 90/110?

30 A. Yes.

1 Q.173Why would you have said that DP 90/110 could not work?

2 A. It wouldn't be the way to develop that land simply. There would be a whole lot
3 of things I would not be happy with about it.

4 Q.174Perhaps you would list them?

5 A. Well, I think you simply couldn't service that extent of industrial land in
6 that way, simply. I mean, that would be the number one consideration there at
7 the time.

8 Q.175In other words, that the level of industrially zoned lands as appears in that
9 map DP 90/110 couldn't possibly be serviced at that time or at any time?

10 A. It couldn't be serviced in this way. I mean if one were asked to service all
11 that industrial land, it would be done in another way, in my opinion.

12 Q.176When you talk about servicing, what services are you speaking about?

13 A. I am talking about access now, basically.

14 Q.177Well the access I think appears from, first of all, the representation of the
15 south eastern motorway line which is the sequence of boxes as we see coming
16 across the centre of the map; is that right?

17 A. The boxes, yes.

18 Q.178And I think the -- there then appears to be kind of lesser roads which surround
19 that box, isn't that right?

20 A. Yes, I mean if you look at the junction there, there is a Carrickmines Road
21 coming in into the junction and then there is motorway and beside there,
22 subsidiary roads which come in from the eastern side right into the same
23 complex.

24 Q.179There is no doubt but that the two roads which circle the south eastern
25 motorway in this area would open up or all of the lands both to the north and
26 the south of the proposed south eastern motorway?

27 A. Yes, the land on south side would service the land on the south side more, yes.

28 Q.180This was a major major departure from what you had been telling the Councillors
29 at this time, namely that all this additionally zoned land was required; isn't
30 that right?

1 A. Yes, and let me explain this. This map and other maps, in my recollection,
2 would not have been prepared by the relevant plan team. They would be prepared
3 by other people working in other projects in other contexts.

4 Q.181 Perhaps I can stop you there. Can you tell the Tribunal the circumstances
5 under which these maps would have been prepared, what team and what context?

6 A. It would help if the index to this map were available and whose name was on it.

7 Q.182 The map -- there is a document which is at page 4164 of the brief, it should
8 come up on your screen. Do you see -- can I just ask you, before I refer you
9 to this index, what other teams were in existence at this time?

10 A. Well, I mean what would be described as forward planning team dealing with the
11 forward planning in various areas. There would be development control team in
12 the area. The personalities in that varied from time to time. In fact from
13 time to time, some of them would be drafted in to assist on my work in
14 Development Plan and things like that.

15 Q.183 What was your team entitled?

16 A. The Development Plan team.

17 Q.184 That is one team?

18 A. Yes.

19 Q.185 Who is on that team with you then, you headed that team I take it?

20 A. I listed that in my report I was assisted full-time by two others, Joan Caffrey
21 and Tom Gibson, and I had draughtsman.

22 Q.186 Mr. Daly was heading up the draughtsman?

23 A. Who did all the various draftsmanship.

24 Q.187 What other team existed at this time?

25 A. I can't recollect the personnel at the time, there were different people.

26 Q.188 I think you referred to the forward planning team?

27 A. Yes.

28 Q.189 Who headed up that team, or what did that team deal with, can you recall?

29 A. I think, recall I think in some way the late Nevin Davin being involved in
30 this, perhaps John Bird, Robin Goodbody. I am just thinking of names now, I am

1 not too sure.

2 Q.190Who would have headed that team?

3 A. I think the senior planner at that time would have been John Bird in that area.

4 Again you are throwing the question at me.

5 Q.191Obviously I don't want to take you short. If we look at the index which you

6 have which, as I say, is at page 4164, about a third of the way down, you see

7 an EC/RM August 90, 1 to 10,000, 90/110 Carrickmines Valley structural map

8 coloured. Now, that appears to be the index for this map, does that give you

9 any indication or assist you in any way as to how this map into existence?

10 A. I presume ECA refers to myself. RM, I don't recall what that might be.

11 Q.192Okay. Does that mean that the map appears to have been prepared by RM, who is

12 draughtsman at your instruction, in or about August 1990 and was to be entitled

13 Carrickmines Valley Structure Map and was to be coloured?

14 A. Well, I think the way this register went was that the maps would have been

15 accredited to the various teams who prepared them.

16 Q.193Whilst you may not have asked for this map to be prepared, somebody within your

17 team may have done so?

18 A. Somebody, yes, okay, yes.

19 Q.194What would that person have given to the draughtsman for the purposes of

20 preparing this map?

21 A. Well, that person would have liaised with the draughtsman explaining what --

22 just what to put into the map, basically the draughtsman would have put it in.

23 Q.195Do you have any recollection that person liaising with you before or after

24 liaising with the draughtsman?

25 A. Not specifically, I can't remember.

26 Q.196There is no doubt that when the map came back to you, you would have said this

27 is an unworkable map, I am referring to map DP 90/110?

28 A. Which may have been the reason it wasn't used.

29 Q.197Do you recall any discussion or review of the map at that stage? I know I am

30 going back 12 years.

1 A. Not really. I really can't. Can I just tell you this, having seen some of
2 those first thing this morning and going back 10 or 12 years, I can also recall
3 now that we did at the time have a model prepared of this area.

4 Q.198 Yes. Was this physical structure prepared?

5 A. Yes, of the county. Because it was a particularly complex area. I mean, in
6 planning terms it was very complex area. And it was -- we had a model prepared
7 which gave us the contour because, as I said, it was a very complex area. And
8 also at the time we were aware that the line of the motorway was going to be
9 changed so we had to take a particular line of the motorway and certain
10 planning would have been based on that line. If I was given a line elsewhere,
11 I would have produced a different map. The motorway was crucial to how it
12 might fit in.

13 Q.199 The line of the motorway was crucial if you were going to open up the area to
14 the north and south of the motorway line?

15 A. Yes.

16 Q.200 With a service road and if I think the motorway had to enter the valley, so to
17 speak, at the Carrickmines bridge, for the want of a better description the
18 interchange with Carrickmines Road?

19 A. Yes.

20 Q.201 And had to exit the valley in or about Bride's Glen. Why was the line of the
21 motorway was so important as to where it lay within the valley, within those
22 two points?

23 A. I mean a motorway is a huge development in an area and it has a huge impact on
24 it. Can I just explain, the legislation and the procedures dealing with the
25 construction of motorway are quite separate to planning ones. There is a
26 motorway legislation as against a planning legislation. Now, those two come
27 together at a stage down the road, it is at the stage when the Environmental
28 Impact Statement is prepared.

29 Q.202 Yes?

30 A. And that is where the two are married, shall we say, and finalised. At this

1 point in time it was way down the line and yet it was considered quite
2 obviously that there was a need to do something about this area because there
3 was a risk of haphazard development, there was a risk that if that haphazard
4 development took place, that lands which the IDA felt were necessary for
5 development and which was obviously considered in general by the Council
6 necessary in this area for local reasons, that a plan should have to be
7 prepared then which would identify those and try to put a hold on things.

8 Q.203 Could I stop you there. Mr. Cremmins who has given evidence -- first of all,
9 the plan wasn't adopted?

10 A. It wasn't adopted, no, no.

11 Q.204 Mr. Cremmins, who has given evidence, has said the fear you referred to as
12 haphazard development didn't materialise?

13 A. It didn't.

14 Q.205 And secondly, in relation to development by and large but obviously subject to
15 appeal, the planners and the planning department would be in control of the
16 development in the area; isn't that right?

17 A. No, I would suggest that the haphazard development didn't take place because we
18 had came up front with this and identified to the Council what we wanted,
19 therefore it would have very difficult for them to come in with haphazard
20 zonings at the time. There is strategy there of presentation as well.

21 Q.206 If, for example, and I can understand what you say that the -- it is chicken
22 and egg, but if as I understand what you are suggesting is that the roadway
23 should go in first and then you would put in your zonings; isn't that right?

24 A. No. They are related to each other actually. That is why we can't prepare an
25 environmental impact of the situation. First of all, let me say the ideal
26 situation would be to have a motorway at outer limits, the fringe of the
27 development.

28 Q.207 In other words, the motorway would girdle a development to the north?

29 A. That's right. That's right, yes.

30 Q.208 But leaving aside that for the moment, what I am suggesting to you is that one

1 could understand a zoning following on either maybe not post the construction
2 of the motorway but certainly post the fixing of the line of the motorway and
3 the acquisition of the lands by the Council or the State, isn't that right?

4 A. Yes. But as I said, we were quite aware at the time that this was going to be
5 something way, way down the line. Also, you couldn't ignore the fact that that
6 was the current line of the motorway and that it was right through the middle
7 of the area which really ought to be developed, which is recognised as
8 potential for development at some time in the future. In fact this map did not
9 say we develop it now, it says specifically we would have to wait until the
10 motorway alignment was fixed.

11 Q.209I am not sure that it says that. If we look at page 204, it says it is
12 recommended that the above approach be adopted as illustrated on map DP 90/123
13 details plans at normal scale of 1:5,000 would then be provided for approval by
14 the Council. This arose in the context a review at a special meeting of the
15 Councillors of the 1983 plan. It involved what might go forward as the Draft
16 Development Plan and it was to go forward and it was being proposed that it
17 would go forward on the basis that it would accommodate a population of around
18 30,000?

19 A. Yes.

20 Q.210This wasn't a discussion document is what I am putting to you, Mr. Conway.
21 This was a recommendations by the planners to the members, elected members of
22 the Council as to what might form the basis of a Draft Development Plan for
23 this area?

24 A. Yes, it was an approach adopted and it specified that the scale of the
25 development zoning suggested is intended to represent the ultimate development
26 potential of the Carrickmines Valley.

27 Q.211Yes. This was being put forward prior to the fixing of the line of the
28 motorway and prior to the acquisition of any lands which might be used for the
29 construction of the motorway?

30 A. That's correct, yes.

1 Q.212I think it is a given, Mr. Conway, that the value of lands would vary greatly
2 between their being zoned agricultural as opposed to industrial, isn't that
3 right, or residential?

4 A. It would, yes. That was down the road and can I also say that this map
5 prepared and presented, you know, minimised -- first of all, it minimised the
6 amount of land lost to the motorway and it also facilitated the development and
7 benefited the land.

8 Q.213The motorway -- had this map been adopted, it had the facility of allowing or
9 providing for the motorway to run along land which would at the Council's
10 suggestion be zoned either for residential or industrial zoning as opposed to
11 agricultural zoning?

12 A. Yes, but that was inevitable.

13 Q.214Why do you say it was inevitable? Had there been no change in the 1983
14 Development Plan zoning which had been recommended by you up to this, the road
15 would have been running along a land which had a agricultural zoning?

16 A. Practically and realistically with the formation of the new Dun
17 Laoghaire/Rathdown County Council and its situation vis-a-vis its room or
18 expansion, it was quite obvious that the expansion -- that this was one of the
19 few areas expansion could take place and that was going to happen in not too
20 distant future and being practical and realistic about it this Carrickmines
21 Valley which had identified and studied was the obvious place for further
22 development. Can I also say now, this is why I wanted to read through the
23 entire --

24 Q.215I will come back to the report.

25 A. Okay. There was also the implication the lands which we showed earlier in the
26 Ballyogan area which were zoned and not serviced. The service sewer for that
27 had to come right up the valley, it had no other way to go. Once you had sewer
28 going through the valley, it is inevitable that development will take place
29 there. In fact, you couldn't prevent it. I have in mind the Dublin County
30 Council versus Nora Short case in earlier years. That presented a particular

1 problem and a challenge. It had to be made there and then not 10-20 years'
2 time.

3 Q.216 You were first of all involved in a process which was reviewing the '83 plan
4 which would have a life expectancy of five years, isn't that right?

5 A. Yes.

6 Q.217 Secondly, there was no difficulty with at any stage the Councillors proposing a
7 variation of an existing plan and indeed the plan which did come into
8 existence, the 1993 plan, was itself varied in 1995; isn't that right?

9 A. Yes. I can accept the point you are coming to that this was perhaps a
10 premature.

11 Q.218 This was not lost opportunity or once off opportunity, isn't that right?

12 A. Who knows? It may have been. I think the thinking at the time was on balance
13 an interest of the developer of the area and that it was better to come up with
14 the development of this area now rather than ten years' time.

15 Q.219 That would have had the effect, had it been adapted, of allowing or providing
16 for the acquisition of motorway reservation on substantially increased valued
17 lands, 'isn't that right?

18 A. Okay, that probably, as I said, would be inevitable.

19 Q.220 But it wasn't inevitable because had the zoning remained as had been suggested
20 in the 1983 Development Plan, it would have been what would have been involved
21 is the acquisition of agriculturally zoned lands?

22 A. Well, there is a bit of speculation there. But I would suggest and that if and
23 when we got down to the stage of finalising the line of the motorway, there
24 would be very strong input from the planning department to say that the
25 Carrickmines area has been identified and way back from our own studies and
26 that that should be developed and you must have regard to that in the
27 formalisation of the line of the motorway and the junctions there on it.

28 Q.221 There would have been no difficulty if the junctions had been provided for in a
29 confirmed line and thereafter lands adjoining those junctions had been rezoned
30 either by way of a variation or a review of the existing plan?

1 A. Yeah, things like that could happen, yes of course they could, but I think this
2 was just a -- I think this represents, you know, a good advance planning, shall
3 I say. We have often been accused of, you know, not going forward plans or not
4 planning ahead so I think this is an example of where the County Council,
5 planning department for whatever reason, was going ahead with its advance
6 planning.

7 Q.222Can we move forward to another map which is map page reference 4166 which is
8 also referred to in that schedule? That is 4168. This appears to be a map
9 90/123 which was prepared in September 1990, so a month later than the one we
10 have been looking at. It is on a scale of 1:10,000. It seems to have been
11 requested by EC. Again it seems to have been prepared by P.M, I think. It is
12 Carrickmines Valley structure map scheme with the word "phrase" crossed out.
13 It is on the screen, do you recall seeing this map?

14 A. This looks very like just the map that --

15 Q.223The map which is also called 90/123?

16 A. In advance of the one we have just been discussing and leading up to the 123.

17 Q.224Now this map, I think, first of all has a number of different features.

18 Firstly, it shows the line of the motorway as a continuous line for the first
19 time, isn't that right? Whereas in the earlier map it was a chain of boxes.

20 Do you see the blue line?

21 A. It was the same line represented in a different way.

22 Q.225Secondly, it shows a series of junctions or interchanges?

23 A. Yes.

24 Q.226There is an interchange here on the left, near Ballyogan, there is an
25 interchange to the left of the Carrickmines/Glenamuck --

26 A. Yes.

27 Q.227-- Road. There is an interchange for the first time here to the road, isn't
28 that right?

29 A. Yes.

30 Q.228On the Jackson Way or close to the Jackson Way lands and further interchange

1 south of the Wyattville Junction?

2 A. Yes.

3 Q.229 Do you recall putting in those interchanges into the map?

4 A. Not specifically. Perhaps I did.

5 Q.230 There is a considerable reduction then, I think, of the area of industrially

6 zoned lands on this interchange, namely what I would call the

7 Carrickmines/Jackson Way interchange?

8 A. There is, yes, yes.

9 Q.231 Can you recall how that reduction in industrially zoned lands came into

10 existence?

11 A. Not specifically. I think what was involved here, I just refer back again to

12 the ERDO study, it was a guiding study, the ERDO study was not formally adopted

13 in terms of its overall policy but nevertheless the planners in Dublin County

14 were involved in it, I wasn't involved in it myself, but it did identify -- it

15 stated there should be 200 hectares of industrial land in this area, in

16 addition a population of 20,000. I think that was the parameters under

17 consideration here.

18 Q.232 I think at this time the area was accommodating an additional, would it have

19 been 800 houses per annum by way of construction? Certainly by 1997, which is

20 seven years later, the annual construction -- sorry, 800 houses per annum?

21 A. Yes.

22 Q.233 There was no massive demand for either additional residentially zoned land or

23 indeed industrially zoned lands at this time, you have accepted that?

24 A. No, not an immediate demand I agree, yes.

25 Q.234 Yet the proposal was to apply for massive increase in industrially zoned and

26 residential zoned lands in this area, is that right?

27 A. Yes.

28 Q.235 Would you agree with me that the road which is now an extension of the

29 Ballyogan Road, which is a freshly constructed road, which again encircles the

30 motorway, crossing either over or above, at two specific locations; one the

1 Jackson Way and one south of Wyattville?

2 A. Yes.

3 Q.236Would you agree the road, rather than on the previous map, represented by the

4 chain of circles, it is now a continuous line?

5 A. That is in line with the practice of road design in relation to motorways,

6 because motorways are specifically designed, not necessarily to cater for that

7 particular area. You need a subsidiary, what we would call a district

8 distributor road. What happens here is a road shown which is effectively is

9 parallel to the motorway south of it.

10 Q.237Would you agree with me that it is a very specifically constructed line out of

11 the motorway, in that it appears to follow specific contours, it is not just a

12 sketch line?

13 A. It is generally drawn through the centre of that area of the land zoned on the

14 motorway.

15 Q.238Do you see the contour, the way the line's belly, so to speak, at this point?

16 A. Yes.

17 Q.239And it is in a completely different line to the line of the earlier service

18 road as appears in map DP 90/110.

19 A. It is, yes.

20 Q.240It is drawn with more precision, I suggest, than the earlier map?

21 A. In the maps earlier, this one doesn't have it, the contours are shown, there is

22 quite a steep contour there, in fact that line would probably run along the

23 same contour, it is the obvious way to put it.

24 Q.241It is more sophisticated improvement on map DP 90/110 which had been prepared

25 the previous month?

26 A. It is a considerable improvement.

27 Q.242You said earlier that you referred to a model being prepared for this valley?

28 A. Yeah.

29 Q.243Would it be fair to say that within the Council at this time there was

30 considerable consideration being given to the development of this valley at

1 this time?

2 A. There was, yes.

3 Q.244 There were at least two maps drawn which we have seen?

4 A. Yes.

5 Q.245 There was a model produced and yet this was at a time when your working papers,

6 and your advice to the Councillors, was that there was no necessity for

7 additional, either residential or industrially zoned land?

8 A. Yes.

9 Q.246 And you were preparing a plan which would have a five year review period and

10 the prospect of intermediate variation, if necessary?

11 A. I don't think that was specified. It was said this was an approach and there

12 would be a question of phased development. It made it quite clear that a lot

13 of this development simply could not happen until the motorway was constructed.

14 Q.247 But why not do all -- even if there were a necessity for all of this zoning,

15 why not do it after the motorway had been confirmed, and the line of the

16 motorway had been confirmed?

17 A. That might be possible, however, as I said earlier, at that time it wasn't

18 clear at all when this motorway might occur, and in fact as we see today it

19 still hasn't occurred.

20 Q.248 Yes, but all the more reason -- because this development depended on the

21 motorway, so all the more reason to wait off until the motorway line was

22 confirmed; isn't that right? There was no necessity, from a residential zoning

23 point of view, or an industrial zoning point of view, to do this work at this

24 time?

25 A. Okay, but there was a risk.

26 Q.249 What was the risk?

27 A. There was a risk that the, because the sewer in the next two years or so, the

28 going right up to the valley, the planning application for development could

29 not be revised, and they would be haphazard developments.

30 Q.250 You are referring, first of all, to Carrickmines Valley sewer?

1 A. Yes.

2 Q.251In 1990, work hadn't even commenced, isn't that right, it was at design stage?

3 A. It was well advanced, I think that is what the report said there.

4 Q.252It was built in 1997; isn't that right?

5 A. I don't recall, but the line of it was well advanced then.

6 Q.253But you were going to control, as the planners, any development in this area,

7 isn't that right?

8 A. Well, the planning authority would control it, yes.

9 Q.254Who was pushing for this development and this forward planning at this time?

10 Were you pushing for it?

11 A. I do not recall any external force pushing me or anybody else.

12 Q.255No, no, I am talking now --

13 A. If there was an in-house decision, that may well have, to say we are now at

14 this stage, we now go forward, this overall futuristic plan of the county.

15 That was taking -- I don't recall any inaccurate or wrong reason, but it may

16 well be that somebody came along to me and said "we are going with this, will

17 you work this over and give it a go?"

18 Q.256If somebody had come to you and said that, who is most likely?

19 A. It would come through the planning officer or the deputy planning officer, yes.

20 Q.257I think you want to refer back to the report, Mr. Conway, and in fairness to

21 you --

22 A. To get a better picture of what we are talking about.

23 Q.258I think I stopped you reading on page 200. I notice, Chairman, it is five

24 past.

25

26 CHAIRMAN: I don't want to interrupt your train of thought. A few minutes is

27 not going to make any difference.

28

29 MR. QUINN: I think it would be more satisfactory if we came back --

30

1 CHAIRMAN: I didn't want to interrupt your train of thought. It is now nearly
2 ten past one, shall we say sit again at quarter past two?

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4 THE TRIBUNAL THEN ADJOURNED FOR LUNCH.

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1 THE TRIBUNAL RESUMED AS FOLLOWS AFTER LUNCH:

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3 Q.259MR. QUINN: Now, Mr. Conway, I think before lunch we had been dealing with the
4 report of the manager to the special meeting of the Council on the 18th October
5 1990, that's to be found at page 200 of the brief.

6 A. Yes.

7 Q.260I think you were just taking us through that report and dealing with the
8 various items that arise therein?

9 A. Yes. I think we had got to the line referring to working paper number 4.

10 Q.261It goes on to say, "This contrasts with the western towns where the
11 installation of the Dodder Valley sewer and Grand Canal drainage scheme
12 released the bulk of the lands for development in accordance with zoning
13 objectives for the area. The construction of Western Parkway motorway and
14 major radials such as Lucan, Palmerstown, Chapelizod bypass and Navan
15 Road/Tallaght are improving and continue to improve the attractiveness, the
16 addition of other major infrastructural elements including regional parks, town
17 centre, regional hospital, town centre in Blanchardstown and Lucan/Clondalkin
18 will also, if completed, achieve similar results."

19 Do you recall writing that?

20 A. I don't recall how much input I had into that, generally speaking I would have
21 done the bulk of most of those reports.

22 Q.262Sorry?

23 A. Generally speaking, I would have done most of the reports, the draft of the
24 reports.

25 Q.263Yes. Can I just ask you what you would have used as base material for
26 compiling those reports?

27 A. I beg your pardon?

28 Q.264What would you have used by way of source material for the reports?

29 A. Oh, a whole lot of things. Knowledge from all sources, and --

30 Q.265Would you have relied on the working papers, for example?

1 A. Yes, the working papers obviously set the scene basically.

2 Q.266 Yes. What else?

3 A. Knowledge from other sources such as, that's just a general statement

4 acknowledging the situation in the county at the time, I would be aware of the
5 facts.

6 Q.267 Any other written material available to you?

7 A. They would have been quite a lot of material available through the ERDO
8 studies.

9 Q.268 Yes. You refer to ERDO in your own statement.

10 A. Yes.

11 Q.269 What was ERDO?

12 A. It was an organisation set up which included representatives, both elected
13 representatives and officials of the Dublin authorities to carry out a study on
14 the, to direct the future development of the Dublin area.

15 I was not a member of that and wasn't directly involved in it. But it carried
16 out a study during the #80s

17 Q.270 Who set up the body?

18 A. It was set up by government.

19 Q.271 Yeah. Non-statutory body?

20 A. I suppose, yeah. Non-statutory body, an advisory body.

21 Q.272 Who was on that or how was --

22 A. They were elected representatives from all the local authorities which would
23 have been nominated by individual councils. Then, generally speaking, you had
24 the county managers would have been on it, the county engineers, the County
25 Planning Officer.

26 Q.273 Sorry, Mr. Conway we appear to have further technical difficulties.

27

28 I think it produced one or two reports; is that right?

29 A. Yes. That authority set up a working group and under Len O'Reilly then the
30 Deputy Dublin city and County Planning Officer and he put together a team and

1 they worked on this and a report eventually emanated through the organisation
2 which I referred to in the context simply of this area where they did recommend
3 the strategy had recommended for this area, that there would be a 27,000
4 population by 2011 and they also specifically mentioned in their opinion that
5 the need for 200 hectares of industrial land in the area.

6

7 So that input would have been very much available to us because the Council
8 planning staff would be directly involved in all of that work, preliminary work
9 Q.274Can I ask you how could ERDO get the planning projections so wrong, having
10 regard to your working papers, particularly your working papers 4 and 6 in
11 relation to the existing level of zoning both residential and industrial land
12 in the county?

13 A. I suppose their terms of reference were somewhat different. They were talking
14 about the distribution of population and industry within the Dublin area as
15 such.

16 Q.275Was there --

17 A. We were talking about Dublin County specifically.

18 Q.276Yes. But I mean, Rathdown and Dun Laoghaire/Rathdown came within the, your
19 projections, isn't that right, it fell within your working papers?

20 A. Yes.

21 Q.277And the figures and the back-up papers which you have identified both yesterday
22 and today would have been available to ERDO as well, isn't that right?

23 A. Oh, yes they would have. And the ERDO report which is, if I recall, a very
24 extensive one, had all the justification produced in their own papers and such.

25 Q.278So you are saying the ERDO report disagreed with your findings and your working
26 papers?

27 A. Not really. I don't think they did really, you would have to look at the whole
28 report as such. They identified areas where development could take place.
29 They were just recommending a strategy, which I might say incidentally was not
30 adopted eventually, I am not quite sure what the status was, but it never

1 became official, shall we say, government policy.

2 Q.279 Yes, or Council policy?

3 A. I think it wasn't, yeah. It was considered at one stage the report by the
4 County Council, but I am not quite sure, I don't think it was -- it was noted
5 probably.

6 Q.280 Yes. Do I understand that the ERDO report suggested that Carrickmines had the
7 capacity to accommodate 20,000 people rather than, it was an area where 20,000
8 people ought to be put, and the significance that --

9 A. The two things go together. They obviously wouldn't recommend a development
10 area if they felt it wasn't possible. They would have obviously had a look and
11 said yes, it could, yes.

12 Q.281 No, but are you suggesting that they said Carrickmines Valley has the capacity
13 to take 20,000 people and it is an area where 20,000 people ought to be put?

14 A. More or less, yes. Whether they said -- I am not sure how they worded it,
15 ought to be put, but that was the recommended strategy, so I presume they did
16 suggest that the population should go there.

17 Q.282 Notwithstanding the fact that you were saying at the same time or the Council
18 were saying at the same time that there was an adequate supply of both
19 industrial and residential zoned lands in the valley?

20 A. Sorry, the time scale was slightly different. I mean -- the ERDO studies were
21 going on the early to mid '80s as I recall the ERDO final report, it was
22 sometime later on was published in 1988 there was a five or six-year time gap
23 between the two events.

24 Q.283 Can I ask you who was the Dublin County Council, I presume it was represented
25 on ERDO?

26 A. I'd have to look at the document. The document actually listed those people, I
27 wasn't directly involved with any of that. But there were a number of
28 councillors nominated by the Council to represent the Council.

29 Q.284 And planners?

30 A. And they would be listed in the document which I don't have.

1 Q.285 Yes. Okay. Now, if we could just return to the manager's report, I think he
2 goes on to say that steps had been taken to overcome the identified
3 deficiencies in the south eastern area, can I just ask you what identified
4 deficiencies had been, what deficiencies had been identified in the south
5 eastern area?

6 A. Well I presume that's related to the working paper number 4.

7 Q.286 But we have agreed working paper number 4 --

8 A. Yes, we have, yes.

9 Q.287 So that's not strictly correct, isn't that right?

10 A. That's true, yes.

11 Q.288 "A large treatment works and sea outfall had been commissioned at Shanganagh
12 which can relieve the foul sewage drainage system in the area heavily reliant
13 on pumping and releasing the zoned lands for development. The design for
14 Carrickmines Valley sewer is well advanced. Work on the design of the
15 improvement to the water supply system is also in hand."

16

17 Now firstly, in relation to the Carrickmines Valley sewer, I think that at that
18 stage it had to be designed, then funding had to be obtained and then once
19 funding was obtained, it would have gone to tender, then there would be the
20 question of acquiring the wayleaves over which the sewer would pass and finally
21 you would have the question of the construction of the sewer.

22 A. Yes, that would be generally the process, yes.

23 Q.289 So what was being referred to here was the very first of those stages, isn't
24 that right, the design stage?

25 A. Yes. Well, one of the first items in a design stage would be to identify the
26 line.

27 Q.290 Yes?

28 A. The options of where the line might go.

29 Q.291 But it might be several years from identifying the line before the actual sewer
30 would be in place, isn't that right?

1 A. It might be. But as I say, the report would have come from the environmental
2 services department.

3 Q.292Yes. I accept that. We know, in fact, that whilst this report was written in
4 1990 that the Carrickmines Valley sewer I think went in in 1997/ 98; isn't that
5 right?

6 A. It perhaps did, after my time, yes.

7 Q.293But it certainly, it would be unusual for such a large sewer to be designed
8 land acquired, funding obtained and constructed within five years?

9 A. Yes but apparently, I mean information on environmental services were they were
10 pressing ahead on this and that was quite a positive -- I am having, bearing in
11 mind the fact that it would have been the responsibility of the local authority
12 to service the lands which were zoned in '83 and had not yet been serviced?

13 Q.294But these lands hadn't been zoned.

14 A. Sorry, the lands I pointed out earlier on up in Ballyogan, were zoned for
15 development but which did not have services.

16 Q.295Yes, these were Council lands, is it?

17 A. Some were Council lands, yes.

18 Q.296Now I think you say work on the design of the improvement to the water supply
19 system is also in hand. What were you referring to there?

20 A. Again, that was information supplied by that department, the environment at
21 services department.

22 Q.297Was --

23 A. I had no details on that.

24 Q.298Do you know which water supply system was being referred to there?

25 A. I may well have known at that time but I don't recall what precisely scheme or
26 schemes were in mind there.

27 Q.299Could it be the Sandyford high level water supply scheme?

28 A. Yes, it may well be, yes.

29 Q.300Mr. Cremmins in his evidence referred to a letter of the 21st of October 1997
30 to Mr. Hodgins, who was the Senior Administrative Officer Planning Department,

1 from Mr. Terry Rice and Mr. Michael Philips, which dealt with a number of
2 submissions which had been received in respect of lands which fell within the
3 catchment area of that supply scheme. It's referred to at page 732 of the
4 brief, if I could just refer to that for a moment?

5

6 Now at the bottom of page 732, we are talking about a period in October of
7 1987, or 1997 I should say. It says, "Water supplies for these lands will be
8 provided from the Sandyford high level water supply scheme. The preliminary
9 design for this scheme has been submitted to the Department of the Environment
10 but as yet approval has not been forthcoming."

11

12 Now this is in 1997 and your report was written in 1990 so seven years later,
13 the approval for the scheme, assuming this is the scheme being referred to in
14 the report, hadn't come through; isn't that right?

15 A. Yes, that can often be the case. That can often be the case.

16 Q.301 In fact, it went on to say, "It is estimated that commissioning of the scheme
17 will take approximately five to six years from the date of approval" not five
18 to six years from October of '98 but from the date of approval?

19 A. Yes. I mean in 1990 the statement there would obviously come from the relevant
20 department of the County Council to deal with the water supply system.

21 Q.302 But it was at least 13 years off the supply scheme, and the supply scheme, as I
22 understand it, namely the Sandyford high level water supply scheme would have
23 only supplied portion of the valley, it wouldn't have supplied, according to
24 the manager's report, supplied the Jackson Way or O'Halloran Darragh Kilcoyne
25 lands?

26 A. An issue here would be the fact that if and when development took place in the
27 Carrickmines Valley, then there would be a contribution from that development
28 towards its cost of providing the infrastructure which included the sewers, so
29 one would have an effect on the other there.

30 Q.303 Are you saying there were two designs for this scheme. One much more intensive

1 design way back in 1990 which would have catered for the entire valley and a
2 subsequent one which was gone through in 1997 which was to a lesser extent
3 and --

4 A. I don't know, I don't know.

5 Q.304 You go on to say in your report that the motorway scheme for the Southern Cross
6 route is well advanced and it is expected to be constructed in the period 1992
7 to 1995. Associated with it are improvements to other roads in the area
8 including the Leopardstown Road, Brewery Road and Ballinteer Road. Now the
9 Southern Cross route, is that the same as the South Eastern Motorway?

10 A. No.

11 Q.305 It links in?

12 A. It's the section that predates that.

13 Q.306 So we weren't even at a stage where work had been commenced on the South
14 Eastern Motorway?

15 A. That's correct, yes.

16 Q.307 It hadn't been designed?

17 A. Hadn't been designed.

18 Q.308 The line hadn't been fixed?

19 A. Lines had been fixed from time to time.

20 Q.309 In fact it was a long term proposal even at this stage?

21 A. It was, yes.

22 Q.310 And you go on to say, "In spite of the difficulties relating to infrastructure,
23 it is clear that the Shanganagh/Carrickmines area is subject to pressure for
24 development and that if advanced land use planning is not put in place, the
25 Council land will become committed to uses on the basis of haphazard planning
26 submissions.

27

28 Now, this will have the consequence to the benefit of a comprehensive report in
29 the terms of achieving additional industrial zoning in appropriate locations
30 preserving the visual amenity of the area and securing blocks of residential

1 lands of sufficient size to support adequate communities and adequate
2 circulation system will be lost."

3

4 Now we know that your proposals or the Council's manager's proposals planners
5 proposals in 1990 were not adopted; isn't that right?

6 A. That's correct.

7 Q.311 Yet it is the case that insofar as development has taken place in the vicinity
8 in the Carrickmines Valley, it hasn't been in a haphazard manner; isn't that
9 right?

10 A. As I say, I have no information, I haven't got interest in what happened after
11 1994, that area.

12 Q.312 Yeah but the fears as expressed here to the councillors didn't materialise
13 isn't that right?

14 A. Yes but, could I just mention an issue here perhaps?

15 I think it was in the '92 Planning Development Act that changed the voting
16 conditions relating to the section four motions, section 4 of the Management
17 Act 1955. And the material contravention which, of course, had changed the
18 scenario, it made it much more difficult for Council's elected members to get
19 development by way of section 4 or material contravention. So that would have
20 been an added fear that existed then about ordinary development. It doesn't
21 exist today. But it existed then.

22 Q.313 That seems to imply, forgive me if I am wrong, Mr. Conway, that there was a
23 fear amongst the planners that the councillors might interfere with the
24 development of the valley?

25 A. I wouldn't think it was a fear of the planners, it was a fear of the Council
26 staff as a whole, probably.

27 Q.314 Yes, that's -- when I say planners, I am referring to the Council's.

28 A. Yes, yes.

29 Q.315 You then go on to say that, "In summary then, as a response to the pressure,
30 development is required for the following reasons: Existing zoned lands cannot

1 be developed without Carrickmines Valley sewer. Additional water supply
2 arrangements needs to be put in land to service these lands. The road
3 infrastructure in the area needs to be improved. These infrastructural
4 elements will be facilitated by zoning of additional lands for development."

5

6 Can I just stop there and ask you why would those three areas of infrastructure
7 be facilitated by the zoning of the lands?

8 A. They would have been contribution from the developers towards the cost of the
9 infrastructure.

10 Q.316That's when they would be developed presumably. It wasn't necessary to zone
11 the lands in order for this infrastructure to be put in place; isn't that
12 right?

13 A. No, but shall I say in granting a planning permission, the planning authority
14 would impose financial contribution.

15 Q.317But that could have happened in any event?

16 A. Oh it would, but had it been developed at this point in time those monies would
17 be available then.

18 Q.318Yes, but that was something that could happen in any event?

19 A. Yes, it would happen subsequently too, yes of course.

20 Q.319But the impression being conveyed here was that it was necessary to get the
21 zoning in place in order for this to happen, that's not strictly correct; isn't
22 that right?

23 A. Well, it is and it isn't. I mean, the money has to be found to construct that
24 sewer. Approval has to be obtained from the Department of the Environment for
25 it, and obviously it would, if there were funding available sooner rather than
26 later, it would assist the approval of that.

27 Q.320Well, are you saying that at this time that the funding for the Carrickmines
28 Valley sewer depended on the zoning of the valley?

29 A. I am not sure really, but I mean, there would be obviously some implications
30 there, I wouldn't have dealt with that end of things.

1 Q.321 Who would have dealt with that end of things?

2 A. Well, that would be between the manager and the environmental services
3 department who would have designed the scheme and put a costing on it.

4 Q.322 In any event, even if it were an impediment at the time, it appears to have
5 been removed because the sewer did go in, notwithstanding this proposal being
6 rejected?

7 A. Well, it obviously happened subsequently, yes.

8 Q.323 Yes. You go on to say that there is a need for a major addition to industrial
9 zoned land in the south east area. Now you have agreed with me that that's not
10 true?

11 A. Okay, yes.

12 Q.324 As not all of the area is suitable for industrial development it is necessary
13 to secure reasonable level tracts of land for industrial development in advance
14 of its commitment to other uses. There is a need to ensure that the future
15 development of this catchment is planned in an ordinary fashion so as to
16 ensure properly out of housing neighbourhood areas, industrial lands and open
17 spaces and satisfactory road network.

18

19 And you have agreed with me that insofar as there has been development of the
20 valley to date, this has happened, that there has been an orderly development
21 of the valley?

22 A. Well again, I don't want to enter into something, but I think a plan which
23 showed a long linear strip of industrial zoning along a motorway and that
24 didn't seem to me to be terribly --

25 Q.325 This is the Grimes lands?

26 A. No, no, in this general area.

27 Q.326 I think you originally said that the, if we could have the map 90/123 again
28 please? That the, whilst the motorway line was inserted by the engineers, that
29 the interchanges would have been put in at the behest of the planners, because
30 it was decided or was good planning practice to have industrial zoning at

1 interchanges on a motorway, isn't that right?

2 A. Yes. It would be the best solution.

3 Q.327Yes?

4 A. To that particular situation. That scenario.

5 Q.328Good planning practice. And for that, to that end, I think it was suggested or

6 was being suggested that the industrial development insofar as the lands at

7 Carrickmines were concerned, the Jackson Way/Paisley

8 Park/O'Halloran/Darragh/Kilcoyne lands were concerned, that the junction would

9 be inserted on the motorway at this point and that the industrial development

10 would take place around that junction?

11 A. Yes, and clearly that industrial development was totally tied to the

12 construction of that motorway.

13 Q.329Yes, it could never take place until the motorway was in place?

14 A. That's correct.

15 Q.330And yet the motorway wasn't even -- the line of the motorway wasn't even

16 decided on when this was being suggested?

17 A. Correct. Correct.

18 Q.331And if we look at map DP 90/110 which is the August map, which is at page 4165?

19 A. Yes.

20 Q.332We again see the suggestion that the industrial development be at the motorway

21 junction in that we see the Ballyogan proposed industrial development at that

22 junction and the line, the lands which we are concerned with being at that

23 junction; isn't that right?

24 A. That's what appears.

25 Q.333I am referring now to the junction at what we might call the

26 Glenamuck/Carrickmines Bridge?

27 A. Yes.

28 Q.334Yet, there was already a zoning in the 1983 plan for industrial development on

29 the Grimes lands at the same junction?

30 A. Yes.

1 Q.335 Can I ask you, why did you drop the Grimes zoning in preference to the
2 additional zoning on the Jackson Way lands or the lands to the right of that
3 junction, at that time?

4 A. I don't really remember. But let me say, I wouldn't attempt to defend that
5 plan.

6 Q.336 Yes. And what -- why did it come into existence at all then, can I ask you, if
7 you didn't attempt to defend it?

8 A. It's the nature of things that people do doodles and, approaches as to how it
9 may well happen, that's the way design happens, with housing with everything.

10 Q.337 This is slightly more than a doodles in fairness. It has colouring, it has
11 shape, it's got -- more, it's more than a doodle, I suggest to you. Somebody
12 went to the draughtsman and went to the trouble of having him prepare a
13 coloured map, a detailed coloured map showing the bus, proposed bus route, the
14 motorway, the new line of the motorway, the existing zoning on the Carrickmines
15 Golf Course lands and proposed zonings, both industrial and residential, on the
16 remaining lands.

17 A. Again, I don't imagine -- I don't think at the time this particular map was
18 ever cleared for presentation outside, shall we say, the Planning Department.

19 Q.338 Okay. Can we take it from that, that the other map, namely the map 90/123 was
20 cleared outside, for outside publication by the Planning Department?

21 A. I must say that everything that proceeded into the Council chamber went up the
22 line from me to the deputy planner officer and planning officer and on to
23 management, as were all the reports we done.

24 Q.339 So map 90/123 would have been approved by at least three senior managers or the
25 three most senior managers within the county, three most senior planners I
26 should say?

27 A. Yes, that would be the same, yes.

28 Q.340 There is no doubt, but looking at that map now, this is the August map, for the
29 transcript, I will refer to it as the August map, a considerable area of land
30 is proposed to attract industrial zoning; isn't that right?

1 A. Oh, yes, yes.

2 Q.341 On both sides of the proposed motorway?

3 A. That's right, yes.

4 Q.342 Would you agree that more land is proposed in this map, that more land be zoned

5 industrial than in the one that did get the approval of the planners, namely

6 90/123?

7 A. There would be more in that map than the 123 map, yes.

8 Q.343 Can I ask you what additional justification was there for the proposal that

9 there would be additional industrial land in the August map, as opposed to the

10 September map, or the October map?

11 A. I don't know really. I mean this could be one of any amount of maps, different

12 things. It just simply -- with respect, it has no status.

13 Q.344 Could I ask you to recap again and give your reasons for knocking this map?

14 A. Sorry, I am knocking looking at it now.

15 Q.345 Yes, but --

16 A. At the time --

17 Q.346 You would have knocked it at the time and --

18 A. I would think so.

19 Q.347 Can I just ask you for your reasons to knock this map straight off?

20 A. I think that would not be the way to service that, those industrial lands, the

21 Carrickmines end, that would not be the way to service it.

22 Q.348 In other words, when you are talking about service, road servicing?

23 A. Road servicing, yes.

24 Q.349 But the --

25 A. Local roads coming up into a very complicated six-way junction.

26 Q.350 Presumably that would be a matter for future design by the road planners?

27 A. Yes, and of course again the position would have been here, if we were

28 contemplating producing that to the Council, it would have to have been passed

29 to the Roads Department to look at the junction and all that, I presume this

30 probably, well it probably didn't happen in this case.

1 Q.351 But it is not beyond the wit of the roads engineers to design a junction which

2 would cater for the confluence of roads as we see them here?

3 A. It would be a terrible challenge I can tell you.

4 Q.352 For example, the motorway as currently being constructed, I think, has a

5 junction somewhere in this region?

6 A. Yes, it has a very complex junction indeed.

7 Q.353 Yes. Together with a feeder road, if the Action Plan is correct, proposed to

8 come across the lands in that fashion?

9 A. Yes, I haven't -- I have seen it but haven't studied in detail but it is a very

10 complex junction with subsidiary junctions and roads at the moment.

11 Q.354 Yes. But it, is your criticism of that map as a planner based on the roads

12 design of the junction at that point?

13 A. Basically that would be it, obviously the question as to quantum of lands zoned

14 for both residential and industrial, that would have to be looked at too.

15 Q.355 Would the Roads Department have had any input into the design of that map,

16 that's the August map?

17 A. I don't know.

18 Q.356 Would it be normal, assuming that that map had been accepted and been put

19 forward, would it be normal for the manager to put forward a map on behalf of

20 the admin, which did not have the approval of the Roads Department?

21 A. No --

22 Q.357 The other experts?

23 A. It would be highly unusual for that to happen.

24 Q.358 Yes. Are you suggesting that the reason then that map 90/123 has a junction

25 to the right is because of the difficulty with that junction as we see it

26 there?

27 A. No, I am simply saying that this has been produced as some sort of proposal at

28 some time prior to all this, I don't know what status of it was, but the fact

29 of the matter is this map didn't proceed any further than that.

30 Q.359 Yes.

1 A. As far as I can see anyhow.

2 Q.360 This is the August '90 map. It's map number 90/110, it's written up in the
3 index as having been prepared, I think, in August 1990. And I have been
4 referring to it August 1990 map?

5 A. Okay. Yeah.

6 Q.361 Whereas the 90/123 was the map prepared the following month; isn't that right?

7 A. Yes.

8 Q.362 This is September 1990. Now whilst the map that went to the and was presented,
9 just to complicate matters, the map that was presented in October 1990 and is
10 referred to as map 90/123 and the map which is on screen, that is not, that's
11 not the map that was prepared in September 1990, in other words this map which
12 is at page 4166 and which has the reference DP 90/123 in the index is not
13 exactly the same as the map which was presented to the Council on the 18th of
14 October, if I -- if we could get both maps up I will identify for you a number
15 of --

16 A. Yes.

17 Q.363 -- of differences?

18 A. Yes, it is certainly getting nearer to it.

19 Q.364 I agree, but it is not the same map.

20 A. Okay.

21 Q.365 Just to highlight some of the differences. There is this junction here doesn't
22 completely correspond with that junction, this is the junction now south of
23 Wyattville. In the first map it was intended, although there are crosses
24 placed on it, that traffic would come off the eastern side of the service road?

25 A. Yes. That's really a matter for the actual type of junction and that, those
26 would just be indicative of what perhaps would be intended.

27 Q.366 Who would have made that decision to amend or modify the September 1990 map?

28 A. It may well have been after some discussion with the Roads Department.

29 Q.367 It would be a roads decision rather than planning decision?

30 A. Can I just explain that the Wyattville Road, which is the one coming down from

1 the northeast there, at this time that was identified as a very significant
2 road in terms of port access.

3 Q.368 Yes?

4 A. Access Dun Laoghaire and it was the route which facilitated ready access from
5 the port to the motorway system, so that was the great function of that.

6

7 Now it also forms a triangle there between the existing Bray Road which is down
8 in the right-hand corner, and the junction of the proposed motorway.

9 Q.369 So we are talking about that triangle there, is it? (indicating on map)

10 A. Yes, yes. Now we are talking about traffic circulation and which way they go.

11 In other words, if one was coming along from Dun Laoghaire along the Wyattville
12 Road, would the traffic which is going south, would that take a left turn on
13 the old Bray Road and go onto the Bray bypass or would it go on to this
14 junction and turn left at this junction?

15 Q.370 It couldn't turn left --

16 A. That's a question of traffic management and design.

17 Q.371 Certainly in the, whilst it was possible and feasible in the design of the
18 September '90 map, 90/123, it wasn't possible in the one that was presented to
19 the Council?

20 A. I would assume it would probably indicate by the Roads Department that was not
21 necessary in that forum, but it is just a design detail which was never
22 finalised and would never be --

23 Q.372 Secondly, I think there is a junction to the left of the, in Glenamuck
24 interchange in Carrickmines in this design, which it's just left now to the, of
25 what's on the screen -- it's on map 4166, that interchange, that's missing from
26 the 90/123; isn't that right? In other words, I think there was originally a
27 junction there as we see it here but it has been erased from 90/123?

28 A. Yes. One map suggests there would be a direct connection between that road and
29 the motorway and the other suggests it would fly over it.

30 Q.373 There is no doubt even a planner, Mr. Conway, you appreciate the construction

1 of interchanges on the motorway I significantly add to the cost of the

2 construction of the motorway?

3 A. I am well aware of that.

4 Q.374I don't mean any disrespect in saying that.

5 A. No, I have designed and built roads in my earlier days.

6 Q.375I see. Thank you. There are a whole series of interchanges on this proposed,

7 either the September 90/123 or indeed the October 90/123 in a relatively short

8 space of motorway; isn't that right?

9 A. Yes.

10 Q.376From your experience, do you think it would be feasible to get funding for that

11 level of interchanges on such short a span of motorway?

12 A. I think I have made the point that at this stage we were nowhere, nobody was

13 close to designing the details of those junctions, and it was just, these were

14 really to indicate that junctions may or may not occur in these stages and it

15 was very, made very clear in all the submissions, in all the written

16 documentation, that these just were just indicative and would have to be

17 designed at some future date in detail.

18 Q.377Well if you took out, if, for example, it came to pass that there were to be no

19 junctions on this motorway, then would it be, would it also follow that there

20 would be no industrial zoning at these points along the motorway?

21 A. No, it wouldn't follow, as such.

22 Q.378I thought that the justification for the junction was the desire to put in or

23 have available industrial zoning at these points, that in other words having

24 agreed on the line of the motorway, that the industrial zoning was to be

25 located on interchanges and that that was the necessity for the interchanges,

26 namely a necessity to have industrially zoned land along the line of the

27 motorway?

28 A. I suppose I better explain this way the best I can.

29 Given that the Planning Department were trying to achieve a good quality

30 development of this valley, which would include industrial development and

1 because of the fact that the motorway reservation went smack through the middle
2 of it, from the planning point of view the best place to put this industrial
3 end was in and around the junctions, it is not a hundred per cent ideal
4 situation but the best place, because that meant that simply traffic coming and
5 going from the industrial estate did not go through the residential areas and
6 vice versa

7 Q.379 But I understood that you took responsibility for having put in the industrial
8 zonings and the junctions?

9 A. As I say, I may well have indicated that the junction, that there should be a
10 junction there and also the extent of the lands that -- I don't recollect
11 specifically doing it or not doing it, but it was within my ambit to do that.

12

13 But the point I am explaining fully is that, I am discussing and I suppose
14 defending perhaps the planning rationale for doing a map like this.

15

16 Now, as I made it quite clear I have no recollection whatever of anybody coming
17 along and saying you have to do this or we must do this and all that, really --

18 Q.380 I appreciate that?

19 A. I have no recollection of that.

20 Q.381 I appreciate that. Had the proposal been adopted, namely the 90/123 October

21 '90 proposal, it would have had the effect of a large part of Messrs O'Halloran

22 Darragh Kilcoyne and Paisley Park lands being zoned residential or being zoned

23 industrial, isn't that right? It would also have resulted in a large part of

24 their lands being acquired for the motorway junction?

25 A. Yes, probably yes. It was just, I mean the suggestion was as indicated that it

26 should be this approach be adopted, so obviously there would be more detailed

27 maps. I take what you are saying, probably resulted in these lands being zoned

28 but would have built in time scale.

29 Q.382 Okay, but let's look at it this way, additional amounts of their lands would be

30 acquired for the motorway reservation, isn't that right? There would be an

1 additional amount of land acquired in this region for motorway reservation?

2 A. When it is at a junction you have to acquire more land, yes.

3 Q.383And it would be land which would be acquired, which at the date of service of

4 the notice to treat would have been zoned industrial?

5 A. Yes.

6 Q.384And such of the lands as remained they would have fairly relatively easy access

7 onto the motorway and onto the ring roads?

8 A. Oh, yes, it would greatly benefit the lands, yes.

9 Q.385Okay. Can I, just return to the statement? I think we were at paragraph 8

10 A. 8, yes.

11 Q.386A continuing element of choice in the location of new housing is required so

12 that there is accommodation for locally generated demand for the future.

13 Accordingly, the approach outlined as follows is proposed. This is the manager

14 now making a fairly strong proposal.

15

16 The area under consideration is contained between the Leopardstown Road,

17 Enniskerry Road, Ballycorus Road, Bride's Glen, Bray Road, through

18 Loughlinstown and Brennanstown Road. Noteworthy features in the area include

19 Stepside Village, Leopardstown Race Course, Golf Course, Bride's Glen and

20 Druid's Glen.

21

22 The area is an attractive stretch of county ride, particularly the portion east

23 of Glenamuck Road where the terrain is pleasantly undulating. West of

24 Glenamuck the land is flatter and readily suitable for development. The whole

25 area is flanked on the south and west by the foothills of the Dublin Mountains.

26 In considering the possible development of the area it is suggested that there

27 are a number of key factors to be taken into account.

28

29 A. Amenity lands: There are several local area of high amenity and areas of

30 scenic interest which should be retained. Two golf courses, in the area

1 Stepside and Carrickmines, Together with Leopardstown Race Course are
2 retained and excluded from development zoning. There are also four national
3 monuments in the area, including Tully Church and Lehaunstown, cairns and
4 crosses. It is proposed to incorporate these features into an area of public
5 open space.

6

7 Industrial land: There is a recognised need for industrial lands in this part
8 of the county. The proposal provides for additional 150 hectares approximately
9 of industrial zoning.

10

11 Now, we agreed yesterday that take up in the county was 12 hectares per annum;
12 isn't that correct?

13 A. That's right, yes.

14 Q.387And I think we have agreed that there was a substantial area of undeveloped
15 industrially zoned land in that area at that time?

16 A. Yes.

17 Q.388I think in the region of 118 hectares?

18 A. Yes.

19 Q.389It goes on, "The lands have been located -- these lands have been located
20 having regard to the fact that not all of the lands in the area are physically
21 suitable for industrial development. In addition, the need to provide adequate
22 access to the industrial lands restricts the choice."

23

24 Now, I think in the 1983 Plan, if we look at DP 90/123 again we find that the
25 industrially zoned lands at that time in this area were located just west of
26 the bridge at Lehaunstown or at Carrickmines Glenamuck, namely this area here

27 A. Yes, I think so, yes.

28 Q.390Now, I have to suggest to you that insofar as they had a difficulty with
29 access, and I don't suggest or don't deny that they had, they had no worse
30 access than what was being proposed; namely, the land here or indeed the lands

1 to the left here?

2 A. Well, there is a loop road shown there which would facilitate the development
3 of those lands. It connects the Carrickmines/Glenamuck Road with the Ballyogan
4 Road.

5 Q.391 But the construction of an interchange at this point here would have
6 facilitated access to these industrially zoned lands?

7 A. They may have, but -- I don't know if it would be very --

8 Q.392 I am referring to the Grimes Lands?

9 A. That's a detail.

10 Q.393 No, but you are criticising here in your report the fact that the -- these
11 lands had a difficulty or weren't physically suitable for industrial
12 development because of their location. In other words, I presume you are
13 referring to what had been zoned industrial at this time in the '83 Plan,
14 namely the Grimes Lands, at this point?

15 A. Yes, probably, yes.

16 Q.394 And what I am suggesting to you is they were no worse off than the proposal for
17 these lands or these lands, because equally they too were dependant on the
18 construction of an interchange?

19 A. Yes, on the construction -- yes.

20 Q.395 And as I understand it, you can correct me if I am wrong, Mr. Conway, but
21 the -- at the moment on the line of the existing South Eastern Motorway it is
22 intended to construct an interchange at this point here, Carrickmines
23 interchange in this area here?

24 A. Yes. As we discussed here, at the time that was the intention, at that stage,
25 yes.

26 Q.396 Which presumably will cater for these industrially zoned lands at some stage?

27 A. I presume it could be worked into in some way, that's probably one of the
28 reasons why instead of connecting directly to the motorway it had to be taken
29 across the motorway into the Ballyogan Road and perhaps come into the junction
30 in another more diverted way, nevertheless it could be developed, yes.

1 Q.397The absence of a section to the motorway here and here with the use of either
2 this interchange or these feeder roads, these lands here were completely land
3 locked, and in particular the Jackson Way/Paisley Park lands, their only
4 access, as I understand it, was through the Golf Lane which was a sub standard
5 road?

6 A. Oh, yes. They were effectively land locked, they had no direct access that
7 could be used for development.

8 Q.398So comparing like with like, in 1990 the Grimes lands which had since 1983 an
9 industrial zoning were no worse off than the lands which you were proposing or
10 which the Council were proposing to be zoned industrial?

11 A. Probably not, yes.

12 Q.399Now, I think transportation you say, "Significant feature of the area is
13 proposed reservation for the South Eastern Motorway, this goes through the
14 centre of the area and forms a significant physical barrier.

15

16 Harcourt Street railway line: It is the policy of the Council to preserve the
17 reservation of the Harcourt Street railway. This reservation traverses the
18 area."

19

20 Just on that point again, Mr. Conway, I think that in 1983 and earlier, and
21 earlier plans of the South Eastern Motorway all had a proposal for an
22 interchange at this point here

23 A. I think there was always a proposal of an interchange between the motorway and
24 the Glenamuck Road.

25 Q.400Yes. But this was the first time I think, namely the September 1990/October
26 '91, DP 90/123, that it was proposed there would be an interchange off that
27 point?

28 A. Yes, I think this would be the first time that appeared, yes.

29 Q.401Yes. There is -- I wonder could I have 4167? There was a draft structure map
30 prepared for the Carrickmines Valley reference 89/150, which is one of the maps

1 that's before you, Mr. Conway. I Just want you to look at it. It was prepared
2 in November '89, which would have been a year prior to the preparation of the
3 map we are talking about?

4 A. Yes, this is one in black and white.

5 Q.402Yes. This appears to have been prepared by Mr. N Davin and drawn by somebody
6 with reference PG November 1989, 1:10,000, 89/150, Carrickmines Valley Draft
7 Structure Plan.

8

9 That shows, unfortunately it is in black and white, but it does show the line
10 of the South Eastern Motorway as of 1989.

11 A. Yes, it shows -- it appears to show two lines of the motorway, one line which
12 takes the motorway right down to the junction the existing junction of the
13 Wyattville --

14 Q.403This was I think to see if the motorway line could come out and meet up at
15 Wyattville with the Bray dual carriageway?

16 A. Yes. The roundabout shown there at the existing junction of the Wyattville
17 Road with the --

18 Q.404But it does show another line coming through Bride's Glen?

19 A. It appears to be another line that goes sort of straight through between
20 junctions or something.

21 Q.405The '83 line I think went through Bride's Glen and your lines went through
22 Bride's Glen; isn't that right?

23 A. Yes. They both coincide at the junction with the Glenamuck Road and meet again
24 after, out near Shankhill.

25 Q.406But the point I wish to make, Mr. Conway, is that even at this stage it was
26 proposed that the interchange would be at this point, this is a year prior to
27 your maps, it is Carrickmines interchange not on the Jackson Way O'Halloran
28 Darragh and Kilcoyne lands?

29 A. Yes, that's right.

30 Q.407Now, if I could return to the report of the manager under the heading The Plan

1 he goes on to say: "It is planned that the industrial development is grouped
2 around motorway junctions to have easy access to the motorway. The circulation
3 between residential development and local facilities is provided independent of
4 the motorway and without having to mix with industrial traffic. An extended
5 distributor road roughly parallel to the motorway is proposed by extending the
6 Ballyogan Road already scheduled for improvement along the line of the Harcourt
7 Street line from Glenamuck to Cherrywood where it joins the proposed link
8 distributor road extending from Wyattville to the motorway. The reservation
9 along the railway alignment can be designed to accommodate a public transport
10 facility. This should encourage public transport system in the area which
11 would serve the local district centre at Cherrywood.

12

13 Residential development: The lands zoned for residential development,
14 approximately 430 hectare on DP 90/123, would accommodate a population of
15 around 30,000 discounting the land already zoned. The plan represents an
16 additional population of 18 to 20,000 over and above that provided for in the
17 current plan."

18

19 Now, when you referred to the existing 18 to 20,000 provided for, do I take it
20 that the amount of residentially zoned land in this region would have provided
21 for a population of 18 to 20,000

22 A. Yes, and that would accord with, as I referred to earlier the suggestions from
23 the ERDO report.

24 Q.408 Yes. No, we are at cross purposes, Mr. Conway, as I -- as I read this, I
25 understand it to mean that the existing zonings before you add any additional
26 residential zonings would allow for a population of 18 to 20,000, but with the
27 additional zonings you would increase that by a further 30,000?

28 A. The plan represented an additional population of 18 to 20,000 over and above
29 that provided for --

30 Q.409 So there was an existing 12,000, I should say, and it was intended an

1 additional 18 to 20,000 --

2 A. Yes, that 30,000, I take it, would include the development of those lands that
3 were zoned but not serviced which I referred to earlier in Ballyogan.

4 Q.410 Yes. We are talking about a house construction in this area of approximately
5 1,800 per annum, 800 I should say?

6 A. 800, yes.

7 Q.411 At about 10 houses per acre or one hundred per hectare?

8 A. About 10 per acre, yes.

9 Q.412 And we are talking about a five year plan.

10

11 Shopping and community facilities: Two district centres are indicated. The
12 centre in Ballyogan for which planning permission has been granted will serve
13 most of the western sector whilst the new centre at Cherrywood is strategically
14 located to serve the eastern section of the plan." This is the centre I think
15 in --

16 A. That's right.

17 Q.413 And this is the other centre?

18 A. Yes.

19 Q.414 "Other community facilities such as local shops, neighbourhood centre, schools,
20 public open space provision will be determined at Action Plan stage following
21 adoption of the strategy plan.

22

23 Infrastructure: There are no major constraints on the provision of water
24 supply for the area"

25

26 If I just ask you about that? Subsequently, planning applications by -- or
27 rezoning motions for these lands were turned down on the basis that there was
28 no adequate water supply for them, yet this report seems to suggest that there
29 was no difficulty with provision of water supplies or no major constraints

30 A. I think what this report is saying is that if this plan were proceeded with

1 that water supply could be made available.

2 Q.415 Yes?

3 A. For the development.

4 Q.416 At a cost?

5 A. Of course, yes.

6 Q.417 Yes. "Services can be provided in phase with orderly development of the area

7 over the next three to five years subject to a availability of finance."

8

9 Now, I have to suggest to you that there was no prospect of any development

10 taking place irrespective of the zoning of these lands within a three to five

11 year period?

12 A. Perhaps, but the point being here that if planning permission were granted then

13 the provision of the water supply in an ordinary fashion would have to be borne

14 by the development.

15 Q.418 Okay, but leaving aside the water supply. In order for a development to take

16 place in this area, a substantial number of infrastructure had to be put in

17 place, firstly the Carrickmines scheme, foul sewerage scheme had to be put in

18 place, that hadn't been got funding.

19 A. Yes.

20 Q.419 At this stage. Secondly, a high level, high water scheme had to be put in

21 place?

22 A. That's right, yes.

23 Q.420 There was no design even at this stage for that?

24 A. Yes.

25 Q.421 Thirdly, all of the development of this area depended on the construction of

26 the South Eastern Motorway and the line for that hadn't been even been fixed on

27 at this stage?

28 A. Not all of it, not all of it.

29 Q.422 Not all of the --

30 A. Not all of the development depended on the motorway per se.

1 Q.423Okay. What portion of the development did not depend on the motorway?

2 A. Most of it depended on the motorway. I am just referring to some minutes there
3 referred to, that only 72 or something could be developed at this point in
4 time, perhaps that's the next meeting.

5 Q.424Okay. But as a matter of high probability, hardly any of this area could be
6 developed in a three to five year period?

7 A. I didn't.

8 Q.425Okay.

9

10 "The development of Cabinteely House Lands at Ballyogan has already committed
11 the Council to the construction of the Carrickmines Valley sewer. This sewer
12 will run from the existing outfall at Shanganagh to the pumping station at
13 Ballyogan via the Loughlinstown Valley and Druid's Glen, a branch will connect
14 the Brennanstown pumping station.

15

16 Levies on development: All roads in the area require to be upgraded and
17 improved and roads built to serve new development areas. The CPO for the
18 improvement of the Ballyogan Road is now being implemented and notice to treat
19 has been served. Levies from land reserved for development will help finance
20 the provision of needed infrastructure.

21

22 It is recommended that the above approach be adopted as illustrated on this map
23 DP 90/123. Detailed plans at a normal scale of 1:5,000 will then be provided
24 for approval of the Council."

25

26 Just for completeness I will read what the note says happened at the meeting.

27

28 "Following discussion to which Councillors Brady Carroll, Hand, Coffey,
29 Shatter, Lawlor, Owen, Dunne, Gilmore, McGennis, Murphy, Dillon-Byrne, Lynch
30 Hardy, Cass and Fitzgerald contributed. It was decided to defer further

1 consideration of the manager's report and map DM 90/123 to the next special
2 meeting of the Council dealing with the Development Plan review. It was
3 indicated by the manager that the planning officer would prepare a
4 supplementary report dealing with matters raised by councillors during the
5 course of the meeting"

6 A. Yes.

7 Q.426 And I think the matter came up for further consideration at a meeting on the
8 16th of November 1990?

9 A. That's correct.

10 Q.427 And I think the planning officer delivered a paper at that meeting to deal with
11 concerns of the councillors as voiced at the earlier meeting?

12 A. Effectively that was it, yeah. It was just following on, as it were, of the
13 whole thing, there is a report to the manager, if you wish I will read some of
14 it.

15 Q.428 Just before we get -- was the report which you are now going to read, was that
16 prepared at the time, at the same time as the first report or was it prepared
17 as a result of the reaction of the councillors to the first report?

18 A. It would have been prepared after the first report and it would have had regard
19 to the points raised by the councillors at that first meeting.

20 Q.429 Okay. I will let you read from it?

21 A. Okay, yes. The reference here is from the special meeting of the County
22 Council on 16th November 1990, the reference is C/813/90, headed "Development
23 Plan Review Carrickmines Valley. " The following report of the manager was
24 read:

25

26 "The report presented to the meeting of the Council dealing with the
27 Development Plan review on the 18th October 1990 outlined the reasons why
28 additional zoning of land is suggested in a part of the south County area.
29 These were, in summary, that infrastructure (roads and services) would shortly
30 be provided to open up existing zoned lands, that this would open up the

1 development of other land through which the sewers and roads would pass, that
2 pressure for development was already evidenced in the area and that it was
3 advisable to adopt a planned approach to channel development into preferred
4 locations. A strategic need was also foreseen to secure reasonable level land
5 for development for industry and to provide for locally generated residential
6 demand in the Rathdown area.

7

8 During the discussions, points were raised which needed to be addressed
9 further. These included the context of the proposed structure plan, whether
10 consideration of it is premature, whether it conflicted with the objectives to
11 complete development in the western towns, whether an area of high amenity
12 would be prejudiced, whether the zoning was required in order to facilitate the
13 motorway, whether there is a need for further industrial zoning and whether the
14 scale of the proposal was justified.

15

16 The locational context for the structure plan is that it is situated
17 immediately south of the existing built-up area of Carrickmines and Cabinteely
18 and west Loughlinstown. Separated from the area by Carrickmines Hill to the
19 south lies Ballycorus Road which follows a line of the Rathmichael stream, from
20 Kilterman to the Bride's Glen. Physically there are two valleys separated by
21 Carrickmines Hill and much of the land south of Rathmichael Valley is zoned
22 high amenity. To the east, further south, lies Shankhill with associated low
23 density zonings and the green belt separating Shankhill and Bray. The present
24 proposed structure plan is confined to the Carrickmines Valley and no
25 significant additional zoning is proposed outside this area.

26

27 It is considered necessary to provide for the ordinary development of the
28 Carrickmines Valley at this stage. This area can absorb all development
29 pressures in the area for many years to come so that there is no argument for
30 additional increments of zoning in the Rathmichael/Ballycorus area during the

1 review."

2 Q.430 Can I stop you there for a moment, is it fair to say having regard to what's
3 contained here, that the points that I have been making to you in relation to
4 the, a large number of the points I have been making to you in relation to the
5 structure plan were made by individual councillors at the meeting, namely was
6 it not all premature?

7 A. Yes, I presume that must have been raised by some of the councillors, there
8 would have been notes taken of that meeting if one were to investigate further.

9 Q.431 It does appear from the --

10 A. Yes, obviously it lists there the issues which they raised and which had been
11 addressed in this report.

12 Q.432 Can I also just ask you, it's referred to here as a structure plan, is there a
13 generic term within planning which gives a particular meaning to the reference
14 phrase structure plan?

15 A. Yes, a structure plan would be just a plan that outlines a general approach,
16 structured approach to it, less detail than a Development Plan map would be
17 effectively.

18 Q.433 How would it compare to an Action Area Plan?

19 A. It's a large scale Action Area Plan covers a much larger area.

20 Q.434 Yes?

21 A. This was a large area because you notice that the scale of the map 123 is
22 1:20,000 which is four times smaller than the Development Plan map?

23 Q.435 Yes, that's the scale size.

24 A. That's the scale size, yes.

25 Q.436 I called earlier and I just call again for page number 4167, this is the black
26 and white map which we had earlier, it refers to the Carrickmines Draft
27 Structure Plan and it's for this area, can you see that?

28 A. Yes, I have it here.

29 Q.437 This map appears it has a reference DP 89/150?

30 A. Yes.

1 Q.438I think it was prepared, we said earlier, in November 1989, so would it be fair
2 to say that as far back as November 1989, there was consideration being given
3 to this structure plan?

4 A. Oh, yes, yes. And perhaps even further back.

5 Q.439Perhaps even further back. How far back do you think?

6 A. I don't know really, I mean, I would imagine that the people dealing with the
7 ERDO study in the mid '80s would have had a, not a -- just a look at this area
8 and see yes, it is -- they would have put their judgement to bear on it and
9 said yes, this could be --

10 Q.440I think there were in fact two ERDO reports; is that correct?

11 A. Yes.

12 Q.441One took account of the census which --

13 A. The first one had a stormy reception, I think we'll say, and then there was the
14 subsequent report that looked at that again and that resulted in the final
15 report of the 1988.

16 Q.442And just in relation to the Carrickmines Valley Draft Structure Plan which this
17 is, the '89 plan?

18 A. Yes.

19 Q.443Reference DP 89/150, I understand it has the reference DP, does that mean it is
20 a Planning Department map?

21 A. Oh, yes it is a Planning Department map, yes.

22 Q.444There is a reference to proposed zonings for some of these lands?

23 A. Beg your pardon?

24 Q.445There is a reference to proposed zonings for some of the lands in question.

25 They are not coloured in but --

26 A. Various letters normally represent --

27 Q.446Yes. Do you see for example, just taking an area to the right of this junction
28 here, there is a reference to, do you see E? I am referring now to the
29 Carrickmines junction.

30 A. Yes, yes.

1 Q.447I think at this time that the, on the 1983 Development Plan that land there

2 would have been zoned B, agriculture?

3 A. That would be agriculture, yes, this suggests the E suggested industrial

4 development.

5 Q.448Now these are the Jackson Way lands?

6 A. They would be in that area, yes.

7 Q.449I think there are lands to the right which is a proposed zoning A?

8 A. The A1 would be residential.

9 Q.450A1, sorry, residential with Action Area Plan in place?

10 A. That's right, yes.

11 Q.451And I think to the right, F, would that be open spaces?

12 A. That would be recreational open space and that would be representing a golf

13 course proposal there.

14 Q.452Yes, and if then we go to the left or the west of the junction where if we look

15 at the Grimes lands, I think that even at this stage it was being proposed that

16 they would be zoned A although they had been zoned E in the 1983 plan; isn't

17 that right.

18 A. That's right, yes, yes.

19 Q.453So that there had been someone within the Planning Department had been engaged

20 in producing a fairly detailed map revising the zonings on this area as of

21 November 1989?

22 A. Yes, this particular map does refer to some changes.

23 Q.454And this is referred to as a structure map, it's referred to I think in the

24 index as a Carrickmines Valley Draft Structure Map?

25 A. Okay, fine. It would be in the nature of a structure map, yes.

26 Q.455Would you have seen this map?

27 A. I imagine I would have, yes. I mean I would have seen all the maps coming and

28 going at the time.

29 Q.456Unlike the other two maps, the later maps to which we have referred, this map

30 doesn't appear to have prepared by you, it appears to have been prepared by N

1 Davin, was he part of your team?

2 A. No, he wasn't part of the Development Plan team.

3 Q.457He wasn't part of the Development Plan team so what team, can you recall, might

4 he have been attached to in November 1989?

5 A. He would have been as I referred to, the forward planning team or end of things

6 you could say.

7 Q.458Okay. But you weren't involved in the forward planning team in 1989?

8 A. No.

9 Q.459No.

10 A. But there would have been discussion between us.

11 Q.460I appreciate that. But it would appear therefore if Mr. Davin had the map

12 prepared in 1989, that the forward planning team had asked that the map be

13 prepared in 1989?

14 A. Yes. As I say, the other planners would have been dealing with this along

15 before it suddenly surfaced as an input into the Development Plan, yes.

16 Q.461The ERDO region, eastern regional settlement strategy 2001 was that, is that

17 the ERDO, one of the ERDO reports to which you have referred?

18 A. Yes, as I say, as I recall the last, the final report was 1988.

19 Q.462Yeah, that's May 1988 it appears to be --

20 A. That's probably it.

21 Q.463Appears to be signed by the chief officer CT Gorman and chairman of the board,

22 LA Lawlor?

23 A. Yes, that would be the final report, yes.

24 Q.464So it would be fair to assume, I presume, that if this structure plan was in

25 some way based on the ERDO report, it would have to have been commenced

26 sometime after May '88 and before '89?

27 A. Oh, yes. I would think that the basic work on the maps would have happened

28 back in '83/'84 type of time.

29 Q.465Yes, but your position papers, I think, were being debated in '88 and '87 and

30 '88?

1 A. Yes, yes.

2 Q.466So therefore what was being proposed at this time seemed to be in total
3 conflict with your position papers on both residential --

4 A. I think I said earlier, those plans are people playing around with different
5 plans and different things, you know, this happens in many occasions and in
6 different areas.

7 Q.467I think I interrupted you reading the second report of Mr. Murray please -- we
8 were at page 210.

9 A. "The following set of circumstances apply at present in the Carrickmines Valley
10 area:

11

12 There is considerable area of land already zoned for development in the County
13 Development Plan 1983, comprising approximately 60 per cent of the total now
14 proposed for inclusion in the development zone. There is a need to service
15 this land. It is anticipated that the Carrickmines Valley sewerage scheme will
16 be constructed over the next few years. This will add to existing pressure for
17 development in its immediate catchment, which will be difficult to resist.

18 This pressure has already been made evident by planning applications,
19 representations in relation to the Development Plan review and other
20 submissions."

21 Q.468Can I just stop you there now, Mr. Conway, at this time the draft plan had not
22 been published?

23 A. Correct.

24 Q.469And I think that the normal procedure was that after publication of the draft
25 plan, there would be a period, a three-month period in the first instance when
26 affected parties would make representations in relation to what was contained
27 in the draft plan?

28 A. That's right, yes. Yes.

29 Q.470This statement here appears to give the impression that there had been
30 representations in relation to the Development Plan review?

1 A. Yes, that is so. In the knowledge that the Development Plan was underway and
2 being prepared, we would have received many representations, unsolicited
3 representations.

4 Q.471 Yeah --

5 A. It would have come through the Planning Department.

6 Q.472 Would those have been returned or would they have been retained? The reason I
7 ask you is similar representations in relation to the review of the '93 plan
8 which were received in 1996, September '96 by the Dun Laoghaire/Rathdown County
9 Council were returned as being premature in that they ought to have come in
10 during the review process or publication process?

11 A. I am not quite sure what would have happened. Obviously the administration
12 department would have dealt with that, either accepted or rejected.

13 Q.473 But they would hardly have filed them away, would they have distributed them to
14 the various areas dealing with the review of the plan?

15 A. I don't really -- I don't know the situation, so many different representations
16 would have been made. I think some plans would have reached us somehow or
17 other different ways.

18 Q.474 Was there a procedure in place at this stage for the receipt of representations
19 in relation to the Development Plan review?

20 A. There may well have been, the administrative side might have decided. I'm not
21 sure what that was.

22 Q.475 And it refers to "and other submissions" do you know what that refers to?

23 A. Not really, not.

24 Q.476 Yeah. Sorry, I interrupted you?

25 A. Okay, sorry.

26 Q.477 You go on I think to read with road improvements necessitated -- to provide for
27 the --

28 A. Yes. "Provide for the zoned lands will also facilitate the unzoned land and
29 increase pressure for its development. Apart from this valley, there are few
30 options for the provision of additional industrial land in South County Dublin.

1 The Rathdown area is poorly provided with industrial land, at half the rate of
2 other district committee areas and it is important to ensure the allocation of
3 suitable land for future industrial provision so that it will not be developed
4 for some other use. Further, in the context of an area about to be serviced,
5 it is essential that an overall plan be in place to prevent haphazard
6 development, to ensure a rational disposition of land uses, to protect amenity
7 areas and to provide an integrated transportation network.

8

9 In relation to the western towns, as has been pointed out in the report to the
10 meeting on the 18th October 1990, great advances have been and are being made
11 in the provision of infrastructure, roads services and other facilities such as
12 major shopping centres. It was suggested in working paper number 11 the
13 western towns, that consideration should be given to a possible scheme of
14 incentives to revive private sector interest in development in the western
15 towns. It is evident that there is already revival of interest related to the
16 improved accessibility of these areas as a result of major public investment in
17 roads. In any case it would be of no assistance to the western towns to ignore
18 the imminent planning problems in the Carrickmines Valley. It could be
19 suggested, however, in order to minimise the impact of the opening up of
20 Carrickmines Valley on the development market generally, that an order of
21 priority for development could be indicated in the Development Plan which would
22 ensure that a balanced approach could be taken to the location of new
23 development in the Carrickmines Valley, whilst retaining the land use structure
24 plan approach proposed.

25

26 In this regard it is suggested that no substantial development be permitted
27 south of the motorway or any industrial development in the vicinity of the
28 Lehaunstown interchange in advance of the provision of the motorway itself."

29 Q.478But you have agreed with me by and large it would be impossible to provide for
30 any development in the absence of the provision of the motorway itself; isn't

1 that right?

2 A. Yes, effectively, yes.

3 "Every effort has been made to retain areas of high amenity in the structure
4 plan. No existing zoned amenity areas are currently proposed for development.
5 Development zones are proposed in areas previously zoned for agricultural use.
6 The extent of the conversion from agriculture to zoned land is approximately
7 235 hectares (680 acres).

8

9 The South East Motorway is part of the Euro route from Rosslare to Belfast, it
10 is scheduled long term at present but its plan is likely to be reexamined and
11 probably brought forward following construction of the Southern Cross route and
12 the completion of the Northern Cross route and Western Parkway motorway around
13 the city. Its advancement will also be influenced by the extent of development
14 which arises in the Carrickmines Valley."

15 Q.479 Can I just stop you there, Mr. Conway, what does that mean, "its advancement
16 will also be influenced by the extent of development which arises in the
17 Carrickmines Valley"? How would the extent of development in the Carrickmines
18 Valley advance the --

19 A. Chicken and egg situation here whereby the development of the valley would
20 create more pressure for transportation network to be advanced into this area.

21 Q.480 As I understand it, there may have been an agreement in principal even at this
22 time that there would be a South Eastern Motorway?

23 A. Well it was planned yes, yes.

24 Q.481 So the actual long term provision of that route had nothing to do with the
25 development of the valley, in fairness?

26 A. Well no except that if development took place, then it put a little more
27 pressure to perhaps bring forward the phasing of that end of things.

28 Q.482 That would just create more congestion, there couldn't be development, the
29 earlier part of the report makes that point you have agreed with me, there
30 couldn't be any development until the motorway was put in place?

1 A. Yes, except for very small areas, yes.

2 Q.483So therefore that sentence really doesn't apply, would you agree?

3 A. Well, perhaps it's slightly exaggerates the situation.

4 Q.484Is there any reason why the planner, I keep referring to planner, I mean the --

5 they would, the Council would exaggerate the situation to the elected

6 councillors?

7 A. I think, you know, at this stage we were entering the stage where the original

8 Dublin County was supposed to break up, we are talking now in a more parochial

9 context of the perceived pressures and needs in the newly forming Dun

10 Laoghaire/Rathdown area. So there would be obvious fears that that part of the

11 motorway might be delayed and how can we advance it and, you know, it is a sort

12 of progressive promotion of things.

13 Q.485I think you go on to say that the reservation for the motorway line had been

14 changed from that shown in the 1983 County Development Plan. The securing of

15 this reservation is not dependent on the structure plan.

16 A. That's right, yes.

17 Q.486That's just to make the point that we have made a moment ago. Full

18 implementation of the proposed zoning will however be dependent on the

19 construction of the motorway in due course?

20 A. "The need for industrial zoning has already been touched on. A stage will

21 shortly be reached when there will no longer be available reasonable level land

22 in the south county suitable for industry. In the future this would lead to

23 even more unbalanced allocation of industrial land than exists at present with

24 all new industry being allocated to land west and north of the city. It is

25 considered important that a strategic planning viewpoint to secure the proposed

26 industrial zones at this stage, even though only a portion of the industrial

27 lands could be allowed to develop in advance of the provision of the motorway

28 (78 hectares, 192 acres)."

29 Q.487Is that the amount of land that should be zoned for industry or is it the

30 amount of land that would be required for the motorway?

1 A. I suspect it's the latter. Zoned for industry, yeah, the land zoned for
2 industry. In other words some industrial development, it would be possible to
3 proceed with some industrial development, independent of the provision of the
4 motorway.

5 Q.488At six hectares a year development, that would be nearly 30 years?

6 A. That, yeah, substantial development, yes. "There will always be a need to
7 accommodate locally generated housing demand in reasonable proximity to the
8 area involved. Rathdown contained 27 per cent of the population of the county,
9 126,000, and has relative little undeveloped residential zoned land."

10 Q.489Can I stop you there, that's not strictly correct.

11 A. No, but this is the, shall I say, the genuine parochial type of approach that
12 was being --

13 Q.490But it hadn't relatively little residentially zoned land, it had sufficient
14 residentially zoned land and indeed I think it had been your recommendation
15 that it had, in your working papers, sufficiently residentially zoned land?

16 A. Certainly for the next five years, that was, yes.

17 Q.491You agree that that's an overstatement?

18 A. Well it's misstated in the context that it is only less than one third of the
19 population of the county.

20 Q.492No, but in relation to its need?

21 A. In relation to its immediate neat needs, yes.

22 Q.493Could I just refer you to page 116 of the transcript of the brief, sorry just
23 for a moment, I think at paragraph 8 you say "On the basis of the probable rate
24 of development, there is enough undeveloped residential zoned land to last for
25 many years to come", that's what you told the Councillors and told us?

26 A. That's right, yes.

27 Q.494And they knew, they knew that?

28 A. Yes.

29 Q.495So what I am suggesting to you is that this isn't strictly correct here, that
30 there had been relatively little undeveloped residentially zoned land?

1 A. Not in that context, of the overall situation. There was certainly a
2 perception, always been a perception.

3 Q.496But it wasn't true, per se, if one has regard to -

4 A. The figures probably, yes. "The proposed zoning will cater for this demand in
5 addition to providing a planning location towards which to channel residential
6 demand already evident in the south county area. A total additional
7 residential zoning now proposed will cater for 18 to 20,000 people.

8

9 The scale of the development zoning suggested is intended to represent the
10 ultimate development potential of the Carrickmines Valley. It would take place
11 over many years but in accordance with an overall plan, a phased arrangement
12 put in place arising out of an order of priority for development which would be
13 written into the Development Plan. It is suggested that the overall approach
14 suggested in the structure plan and shown on DP 90/123 be adopted following
15 which detailed plans at the normal Development Plan scale will be prepared for
16 display." That's the end of the manager's report.

17 Q.497Yes, then I think it goes on to say the chairman at this, he indicated he had
18 to leave the meeting to attend other business, the vice-chairman took the chair
19 and then the proposals shown on map DP 90/123 were further explained by Mr. W
20 Murray and overhead slides illustrated the zoning of the area in the 1983
21 Development Plan, the area already developed and proposed zoning were shown.

22

23 Following discussions to which councillors Carroll, Murphy, Cass, Lawlor,
24 Laing, Fitzgerald, Coffey, Brady, Hand, Dillon-Byrne, McDonald, Elliott,
25 Harvey, Gilmore and Culleton contributed, it was agreed that not all members
26 wishing to contributed had done so, to defer the matter to the next special
27 meeting of the Council dealing with the Development Plan review and in the
28 meantime a tour of the area for members would be arranged and maps illustrating
29 the 1983 Development Plan zoning would be circulated." That possibly was the
30 map DP 90/129.

1 A. Yes, probably, yes.

2 Q.498And I -- can I just ask you was the, the Roads Department -- who in the Roads

3 Department approved the design of the road as we see it in DP 90/123, do you

4 know, or was it approved by the Roads Department?

5 A. Well, by reference to the minutes, the same minutes, the officials present,

6 they are recorded as P Hennigan, deputy chief engineer, that's environmental

7 services representative at the time. And C Rabbitte, senior executive

8 engineer, and also John Henry, senior engineer, they were the roads

9 representatives, they were present at the meeting, to assist in answering

10 questions.

11 Q.499So they might have, one or other or both of those men might have approved it

12 before it went to meeting?

13 A. Well it would -- I never, I don't think any road proposals or reports which

14 involved the roads and environmental services were put through without them

15 being informed of it.

16 Q.500Okay. They would have been present when it was being discussed and --

17 A. Yes --

18 Q.501The Roads Department would have been represented when it was discussed?

19 A. They are recorded as being present at the meeting.

20 Q.502But of course this map would have been circulated in advance of the meeting,

21 would it?

22 A. Yes, it would have been, yes.

23 Q.503Would the manager's report have been circulated in advance of the meeting?

24 A. Sorry, the map --

25 Q.504The manager's report?

26 A. The map -- it would have been circulated internally, I don't know that it would

27 have been -- I am not quite sure whether it was circulated to the councillors

28 as such, but there was a procedure in relation to the circulation of reports

29 before meetings.

30 Q.505Of course presumably the Roads Department would have signed off on it, as would

1 the Planning Department, before it was circulated to?

2 A. Yes, yes.

3 Q.506Mr. Conway, just one final point, I think you made the point in your statement

4 that you weren't on the bus tour that visited the valley at this time?

5 A. No, I wasn't on the tour, no.

6 Q.507Presumably that was because you may not have been centrally involved at this

7 time in relation to the --

8 A. Facetiously, I probably had something better to do at the time, I would have

9 been quite familiar with the area anyhow.

10 Q.508Yes, but you weren't there to explain the area to the councillors?

11 A. No, I wasn't, I had nothing to do with it.

12 Q.509Would that be unusual as senior planner you weren't on the --

13 A. Not particularly, certainly there had been another tour of the Liffey Valley

14 which I was on.

15 Q.510Okay. You will recall that earlier today, Mr. Conway, you were critical of the

16 councillors because they, by and large, hadn't followed the advice of the

17 planners.

18 A. That's right, yes.

19 Q.511This structure plan had been debated and had been put forward by the -- when I

20 say the planners, I am referring to the Council, but not the elected members --

21 had been put forward by the admin at two meetings; isn't that right?

22 A. Yes.

23 Q.512And I think in December 1990, a motion had been passed which had effectively

24 watered down the effect of the proposal, of the structure plan?

25 A. Oh yes, as I recall I think the minutes of the meeting of the 6th December

26 there was a motion passed effectively rejecting this particular approach.

27 Q.513I take it you are not criticising the councillors who voted down this plan at

28 that meeting?

29 A. Not particularly, no because it wasn't a very, shall we say, detrimental

30 decision or didn't adversely affect things really, you know.

1 Q.514But it was, after all, proposal being strongly urged upon them by the admin of
2 the Council?

3 A. It was a proposal put to them and they simply said no, we are not having it.

4 Q.515And then there are a number of motions which came forward and one in particular
5 in 1992 when the consideration, when there was a consideration of the Draft
6 Development Plan, which would be the subject of more scrutiny by this Tribunal,
7 this is a proposal Paisley Park motion at a special meeting on the 12th June
8 1992?

9 A. Yes.

10 Q.516Proposed by Mr. Lydon, seconded by Mr. Hand, "That Dublin county Council hereby
11 resolves that the land at Carrickmines outlined in red on the attached map
12 comprising approximately 108 acres, which has been signed for identification
13 purposes by the proposer and seconder of this motion, be zoned E in the
14 Development Plan to provide a high quality job creation base for South County
15 Dublin."

16

17 Now that motion would seem to be supported in large measure by what was being
18 proposed by the manager and the officials in October and November of 1990.

19 A. It really wasn't because it was a disjointed --

20 Q.517Okay, I wonder could you just deal with that now?

21 A. Yes, okay, yes.

22 Q.518You don't agree that this proposal, which on the face of it appears to be
23 suggesting that these lands, or a portion of these lands which you or the
24 manager had been proposing should be zoned industrial, wasn't really an effort
25 to support the manager's proposals or wasn't justified in some way by the
26 manager's proposals in October and November '90?

27 A. I say, what we have been discussing for the last while shows the complexity of
28 the whole system and the difficulty of getting infrastructure and all that, and
29 the need to approach things in a planned and orderly manner.

30 Q.519Okay.

1 A. And an isolated zoning like that would represent haphazard development in the
2 context of overall structural approach being rejected?

3 Q.520 Yes. So are you suggesting that the fears which were being expressed by the
4 Council in October and November, that there might be a haphazard development,
5 whether an ordered and structured approach to the development of the valley,
6 that this was evidenced by this type of motion or this motion.

7 A. To some extent it was, I don't recall what was the report on that. But
8 obviously the question how you would access that development would have arisen.

9 Q.521 Yes?

10 A. And how it might be serviced.

11 Q.522 Yes?

12 A. I am sure the reports would have dealt with that.

13 Q.523 Yes, it was against the advices of the manager at that time that the motion
14 was, the manager didn't support the motion in 1992?

15 A. No, presumably for reasons which were stated in the report.

16 Q.524 Yes. Would the councillors be forgiven for thinking that they were
17 implementing the manager's policy in supporting this motion?

18 A. Well, I have no doubt that would have been explained to them.

19 Q.525 Can I just go back to the DP 90/123, Mr. Conway, just for a moment? If we
20 could get it back up on the screen? When we were dealing with the August map,
21 the roadway was shown, I think, by a chain of boxes, that's the South Eastern
22 Motorway?

23 A. Yes.

24 Q.526 Whereas the link roads and service roads was represented by a chain of circles?

25 A. Yes.

26 Q.527 Now in this map, the roadway is shown as a continuous blue line and the link
27 roads are in, I think, brown, do you see that?

28 A. Yes, yes.

29 Q.528 Can I ask you, is there anything significant about the change in design between
30 the August map and the DP 90/123?

1 A. There is nothing in that in the way it is represented, the boxes in fact were
2 the way it it had been represented in the '83 plan as such, this is just a
3 diagrammatic representation.

4 Q.529But there seems to have been a move from the representation, diagrammatical
5 representation of boxes to a continuous blue line as we see it here?

6 A. Well, I think, yes, because that probably would have been an easier map to read
7 than the previous one.

8 Q.530The previous map -- I think even by October/November 1990, the line of the
9 motorway hadn't been fixed; isn't that right?

10 A. No, but there was a line at the time, the up-to-date line, shall we say.

11 Q.531Yes. But it had been represented by a series, up to now, up to August
12 certainly 1990, a series of chain boxes, whereas at this stage it is detailed
13 design to the extent that it is a continuous line and it is coloured in?

14 A. There is really no significance in that other than to say in terms of
15 presentation it probably would be easier to follow the line, this as presented
16 now to the Council.

17 Q.532Also if one looks at the interchanges as they appear on the map in August 1990,
18 they just interchange, the circle chain interconnects with the box chain
19 whereas on this map there seems to be some sort of a sophistication about the
20 representation of the junctions?

21 A. Yes, the '83 plan simply show a larger box to indicate there was some nature,
22 some kind of junction here.

23 Q.533Yes. If we could just get up for the moment perhaps the map, the August map,
24 that's 4165. Page 4165. Now this is DP 90/110.

25 A. Yes.

26 Q.534If we could just highlight this area, I think you can see it if you have a hard
27 copy of the map?

28 A. Yes.

29 Q.535Mr. Conway, you see that there is no sophistication about the junctions as
30 appears in that map. The, as I say, the chain of circles just interchanges

1 with the chain of squares?

2 A. Yes.

3 Q.536Whereas the later, the map, the September map which is the next map, page 4166?

4 A. Yes.

5 Q.537Now this for the first time I think, shows a continuous line and detail on

6 interchange; isn't that right?

7 A. Yes.

8 Q.538And this is here I am taking the first interchange in the, I think this would

9 be the Stepside/Ballyogan area, isn't that right, this is the one on the left?

10 A. Yes, yes.

11 Q.539And then I think there is another one here before one comes to Carrickmines

12 Bridge?

13 A. Yes.

14 Q.540And the detail at Carrickmines Bridge is not as great, but again on the lands

15 to the right of Carrickmines Bridge there is fairly detailed --

16 A. Yes, yes.

17 Q.541And then again south of Wyattville, there is further detail?

18 A. Yes, that's right.

19 Q.542And these are followed up in the October 1990/123 map where there is even

20 greater detail put in on the interchanges, almost diamond interchanges?

21 A. Yes, it would be more detail, yes.

22 Q.543Would that design have come from the Planning Department or from the Roads

23 Department?

24 A. It certainly would have been discussed with the Roads Department, may just

25 simply indicate that there would be a junction of kinds there. I think whether

26 it just indicates there would be a four-way junction and there was a -- a full

27 junction to deal with the, to interconnect the two roads that cross rather than

28 have one running over the other.

29 Q.544Yes, but there is more than just roads running over, it is a fairly detailed

30 diamond shape or cloverleaf design for the roadway interchange at these points;

1 isn't that right?

2 A. Well, yes, they are all more or less the same really.

3 Q.545 Do you recall talking to anyone about the design of those junctions at that
4 time?

5 A. No, I have no particular recollection of that as such, but certainly the
6 Planning Department would have discussed this at various stages with the Roads
7 Department and the Roads Department would be told generally what we had
8 intended to do and would be consulted on it.

9 Q.546 Yes, and the Planning Department would have prepared the map, but would have
10 got some input from the Roads Department?

11 A. Oh, yes, it would have been prepared in the Planning Department, yes.

12 Q.547 It's almost four o'clock, Chairman.

13

14 CHAIRMAN: Well if that's a convenient point, unless you want to go on for ten
15 minutes or quarter of an hour?

16 Q.548 I suspect some of my colleagues might have questions for Mr. Conway and whilst
17 I'd obviously like to see him finish his evidence today --

18

19 CHAIRMAN: Very good. Are you finished to start with?

20

21 MR. QUINN: Not completely no. But I was going to suggest that I could resume
22 perhaps shortly in the morning with any additional --

23

24 CHAIRMAN: Very good. I don't mind, whatever is more convenient to you and
25 your colleagues, I will try and facilitate you. Tomorrow morning then --

26

27 MR. QUINN: Half past ten?

28

29 CHAIRMAN: Half past ten.

30

1 MR. QUINN: Thank you, Chairman.

2

3 CHAIRMAN: Very good.

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5 THE TRIBUNAL THEN ADJOURNED TO TUESDAY,

6 THE 10TH DECEMBER, 2002 AT 10.30 AM.

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