

1 THE TRIBUNAL RESUMED AS FOLLOWS ON TUESDAY,  
2 21ST JANUARY 2003 AT 10.30 AM:

3

4

5 CHAIRMAN: Good morning everyone.

6

7 Before we proceed to business, I want to make a - I wish to state the  
8 following: Arising from a letter received from Messrs. Egan Cosgrave  
9 Associates, dated 17th January, on behalf of Liam Cosgrave. The Tribunal  
10 acknowledges that other than in exceptional circumstances, counsel for any  
11 party with the right of representation should be entitled to exercise a right  
12 of reply to arguments or submissions made by counsel for the Tribunal.

13

14 The Tribunal having duly considered the matter acknowledges that counsel for  
15 Mr. Cosgrave was wrongly denied a right of reply to Mr. Gallagher's, Senior  
16 Counsel, on the occasion referred to in the letter by Messrs. Egan Cosgrave.

17

18 If counsel for Mr. Cosgrave wishes now to exercise his right in reply, he is  
19 invited to do so and the original submissions of the Tribunal's ruling will be  
20 reconsidered overnight together with the same reply, if deemed appropriate the  
21 Tribunal will vary its ruling.

22

23 MR. O'HIGGINS: Good morning, Mr. Chairman, fellow members of the Tribunal.

24 First of all, I am very grateful that the matter has been clarified and  
25 clarified with such clear terms. I confirm I do not at this stage wish to  
26 revisit the matter. The Tribunal, the evidence has moved on and we have all  
27 moved, but at least it does make the position clear for the future and that  
28 deals with the matter very satisfactorily so far as Mr. Cosgrave is concerned,  
29 and I am obliged to the Tribunal.

30

1 CHAIRMAN: Thank you very much. Very good, Mr. Gallagher?

2

3 MR. GALLAGHER: Mr. Dunlop please.

4

5 CONTINUATION OF EXAMINATION OF MR. FRANK DUNLOP

6 BY MR. GALLAGHER

7

8

9 Q 1 Good morning, Mr. Dunlop?

10 A Good morning.

11 Q 2 You recall or you are aware that you are still sworn, and I want to now take

12 you to that part of your statement in relation to Paisley Park which we dealt

13 with on the last occasion. That part which refers, in which you refer to

14 Councillors Olivia Mitchell and Therese Ridge.

15

16 You recall on the second page of that portion of your statement in relation to

17 Paisley Park you said, "One own occasion I was approached by Councillors

18 Mitchell and Ridge who indicated while they would like to support Paisley Park,

19 they wanted an assurance Mr. Lawlor was not involved with Paisley Park

20 Investments Ltd. I told them I was dealing with the solicitor to Paisley Park

21 Investments Ltd only and after our conversation they both voted for the

22 motion."

23

24 The Tribunal contacted Councillor Olivia Mitchell and Councillor Therese Ridge

25 following receipt of your statement, drew what you had said to their attention

26 and Councillor Olivia Mitchell said that you were incorrect in what you had

27 stated in that you were factually incorrect in that she never voted for Paisley

28 Park Investments Ltd either in the 1993 County Development Plan or the

29 subsequent Dun Laoghaire/Rathdown Development Plan where it reappeared as

30 Jackson Way Properties Limited, and the record seems to suggest that

1 Mrs. Mitchell is correct in that, in that she voted against the motion.

2

3 Can I have page 444, please, which is to be found in the minutes of Dublin

4 County Council at page 444?

5

6 That is a motion proposed by Councillor Lydon and seconded by Councillor Hand,

7 Which was defeated by 26 votes to 24 with one abstention. And you will see

8 that from the voting record on that page, which is on screen now, Miss Mitchell

9 voted against the motion. Do you accept that?

10 A Yes, I do.

11 Q 3 Do you accept that your statement insofar as Councillor Mitchell is incorrect?

12 A In relation to the vote, yes.

13 Q 4 In relation to the vote.

14 A Yes.

15 Q 5 Well, you accept that in relation to the Jackson Way proposal, page 844 please,

16 that although Councillor Mitchell was at the meeting of Dun Laoghaire/Rathdown

17 County Council at which the motion was discussed and voted upon, that she did

18 not vote on that occasion.

19 A That is correct, yes.

20 Q 6 So the Tribunal can take it that insofar as your statement relating to the

21 manner in which Councillor Mitchell voted is incorrect?

22 A Yes.

23 Q 7 Do you say that it is correct in that she enquired from you as to whether or

24 not Mr. Lawlor was involved in Paisley Park?

25 A Yes.

26 Q 8 Are you certain of that?

27 A I am positive.

28 Q 9 If she says she has no memory of Mr. Lawlor's name being associated with

29 Paisley Park or seeking Mr. Dunlop's assurance that he was not associated with

30 it, she had only a vague recollection that you were in fact a lobbyist for

1 Paisley Park, and her only real memory of the proposal was the concern about  
2 the possible impact on the motorway, and for that reason she did not vote for  
3 it. Can you recall where and in what circumstances she enquired as to whether  
4 or not Mr. Lawlor was involved in Paisley Park?

5 A They both enquired, I didn't meet them individually, Mr. Gallagher. They both  
6 approached me in the -- I beg your pardon -- the lobby of Dublin County Council  
7 prior to the vote. If my recollection is correct, and I would be subject to  
8 correction on this matter but looking at my statement, if my recollection is  
9 correct, the vote took place in the afternoon.

10 Q 10 Are you referring to the Paisley Park vote?

11 A Yes. Now I am subject to correction but I was approached by both of them, to  
12 my recollection, post lunch, after lunch.

13 Q 11 Bear with me and I'll just check the minutes to see if they -- it would appear  
14 that -- sorry -- it would appear that that meeting concluded at 1.20 pm on the  
15 12th June 1992. Can I have page 450, please? You see at the bottom of the  
16 page -- I cannot see anything in the excerpt from the minutes that I have that  
17 indicates what time the meeting commenced, but it does appear that the meeting  
18 concluded at 1.20 pm. You say that you believe that, subject to correction,  
19 they mentioned this to you at lunch time?

20 A Post lunch I said. My recollection of it, Mr. Gallagher, is that I met both  
21 Councillor Therese Ridge and Olivia Mitchell in the lobby of Dublin County  
22 Council prior to the vote and they -- their presentation of the question to me  
23 indicated that they had been discussing it among themselves and they asked me,  
24 as I have outlined in my statement, indicating that they would like to support  
25 Paisley Park but they wanted an assurance that Mr. Liam Lawlor was not involved  
26 and I told them what I have said in my statement, that the -- I dealt with the  
27 solicitor in relation to Paisley Park and the vote took place, Councillor  
28 Therese Ridge voted for -- Councillor Therese Ridge voted for it and Councillor  
29 Olivia Mitchell voted against. Until relatively recently I have to say to you  
30 that I would have taken it as definite that Councillor Olivia Mitchell had

1 voted for it and in any presentation or preparation of my statement, I did not  
2 refer to any voting that took place in relation to matters at Dublin County  
3 Council, but it was until relatively recently when an inquiry took place in  
4 relation to the matter via the media. But what you have said is correct, she  
5 did not vote for it.

6 Q 12 Councillor Therese Ridge did vote for the motion.

7 A Again, subject to you showing me the voting list now --

8 Q 13 Perhaps we can go back to 444 --

9 A -- I would say that she did.

10 Q 14 Can we go back to page 444? You see there Councillor Therese Ridge was one of  
11 the 24 who voted in favour of the motion?

12 A Correct.

13 Q 15 And Councillor Olivia Mitchell voted against it. If the meeting concluded at  
14 1.20 as shown, it would appear that the meeting that you had with the two  
15 councillors could not have taken place before lunch or at lunch rather, because  
16 the vote had taken place sometime during the course of the morning. Have you  
17 anything to say in relation to that?

18 A No, no, you asked me, Mr. Gallagher, and I have given you my recollection  
19 subject to correction. That is my recollection of it. I do vividly recollect  
20 being approached by the two councillors concerned and the discussion taking  
21 place as I have outlined, and as I have said to you up until relatively  
22 recently I would have definitively almost said that Councillor Olivia Mitchell  
23 had voted for it. I accept that what I said in my statement, that both  
24 councillors voted for it, I accept that that is wrong in the context of  
25 Councillor Olivia Mitchell.

26 Q 16 And lest there be any confusion in the matter, you are saying that the  
27 councillors approached you together?

28 A Together, yes.

29 Q 17 And you spoke to them together.

30 A Together, yes.

1 Q 18 Now I want to turn, if I may, to the statement which you furnished to the  
2 Tribunal which is headed "The line of the southeastern motorway".

3

4 I think that on the 18th July 2002, the Tribunal wrote to you arising from the  
5 statement which we have just been considering and drew your attention to that  
6 portion of the statement where you said "that an essential part of the rezoning  
7 of Paisley Park was the line of the motorway and ensuring that as much of the  
8 Paisley Park lands as possible were included on the development site of the  
9 motorway. The motion to rezone these lands was defeated in 1972." And you  
10 were asked to elaborate on that. And in response to that letter, you wrote,  
11 you furnished a further statement dated the 31st July 2002 through your  
12 solicitor and that is headed "The line of the southeastern motorway".

13 A Correct.

14 Q 19 Now perhaps for the record I might just read your statement into the record of  
15 the Tribunal and perhaps we can come back and cover some areas.

16

17 "The line of the southeastern motorway:

18 To the best of my belief I received a sum of £25,000 from Mr. James Kennedy on  
19 the understanding that the money would be used to ensure that councillors would  
20 support and vote for the rezoning of Paisley Park. If Paisley Park was  
21 rezoned, I had agreed with James Kennedy I would receive a success fee of  
22 100,000."

23

24 Of this sum I paid a sum of £2,000 to Tony Fox to ensure that he supported the  
25 rezoning of Paisley Park. Messrs. Hand and Lydon each received a sum of £3,000  
26 from me. They were both signatories to the motion to rezone Paisley Park. I  
27 also gave a sum of £1,000 to Messrs. Gilbride Larkin and Gallagher and a sum of  
28 £2,000 each to Messrs. McGrath and Cosgrave. Finally, part of the £5,000 which  
29 I paid to Mr. O'Halloran during the course of the Development Plan related to  
30 his support for Paisley Park. Those who did not sign the motion to rezone

1 Paisley Park received money from me to ensure that they continued to support  
2 Paisley Park.

3

4 From early 1991 at the latest, it was recognised that the line of the proposed  
5 southeast motorway, the proposed motorway through the Carrickmines Valley would  
6 be an important factor in determining the extent of the lands that might be  
7 rezoned in the Carrickmines Valley, including the Paisley Park lands. I  
8 believe that from in or about 1991, it was understood that the line of the  
9 proposed motorway would effectively form a boundary in terms of the lands that  
10 could be rezoned in the Carrickmines Valerie. Indeed, the draft County  
11 Development Plan 1991 suggested a line for the proposed motorway.

12

13 A motion submitted in May 1992 signed by Councillors Tom Hand and Donal Lydon  
14 to rezone the entire of the Paisley Park lands was moved in 1992 but narrowly  
15 defeated. Unfortunately I am unable to recall whether the appendix A motion  
16 was defeated before or after the motion signed by Tony Fox referred to below.  
17 The hope was that one of either the appendix A or B motions would be successful  
18 thereby fixing the line of the proposed motorway or alternatively if the  
19 appendix A motion was successful ensuring that compensation would be assessed  
20 on the basis of lands zoned for development if the proposed motorway ultimately  
21 traversed the lands.

22

23 I am aware that various other motions were tabled in 1992 directly or  
24 indirectly related to the fixing of the line of the proposed motorway. While  
25 the line was clearly an important factor in relation to the zoning and  
26 development of the lands I was involved in only one motion expressed in terms  
27 of fixing the line of the proposed motorway, that is the appendix B motion, the  
28 other motions so expressed are matters of public record.

29

30 In 1992, Mr. James Kennedy informed me that he had discussed a strategy

1 concerning the line of the proposed motorway with Mr. Liam Lawlor. As a result  
2 of discussions with Mr. James Kennedy in relation to the line of the proposed  
3 motorway, I had a number of discussions with Councillors Tony Fox and Tom Hand  
4 in relation to the line of the proposed motorway. Mr. Kennedy informed me that  
5 as a result, Mr. Liam Lawlor had been responsible for drafting a motion. I  
6 believe it was that motion which was ultimately tabled by Mr. Tony Fox bearing  
7 reference DLR.MOT1.02-278, i.e. appendix B motion. That was the only motion  
8 expressed in terms of fixing the line of the proposed motorway in which he had  
9 a direct involvement. Unfortunately I cannot recall whether I was given the  
10 wording of the motion by Mr. Kennedy for provision to Mr. Fox or whether the  
11 wording of the appendix B motion was otherwise provided to Mr. Fox.

12

13 Likewise, I am unable to recall whether if I was given the wording of the  
14 appendix B motion I had a role in transcribing that wording into the motion  
15 tabled by Mr. Fox. However, I have a clear recollection of being concerned  
16 that the word "similar" mentioned in the appendix B motion was incorrectly  
17 spelt.

18

19 Indeed, I believed the handwritten amendment which appears on the face of the  
20 appendix B motion may have been made by me. To the best of my recollection and  
21 belief the appendix B motion tabled by Mr. Fox was the only motion in which I  
22 had an involvement whether on behalf of Mr. Kennedy or any other party  
23 expressed in terms of fixing the line of the proposed motorway. The appendix B  
24 motion was proposed by Tony Fox and seconded by Mr. Tom Hand at a special  
25 meeting of Dublin County Council held on the 5th June 1992.

26

27 At that meeting the Dublin Deputy Planning Officer showed those present the  
28 various lines suggested for the proposed motorway and the then Senior  
29 Engineer, Roads Department, advised the meeting concerning the engineering  
30 matters to be considered before making a recommendation in relation to any

1 proposed line of the proposed motorway.

2

3 The manager recommended that the line of the proposed motorway as shown on the  
4 1991 Draft Development Plan be retained as a diagrammatical line with a note to  
5 say the finalisation of the line of the proposed motorway would be dependent  
6 upon the outcome of the Feasibility/Environmental Impact Study and that "the  
7 line on the maps is diagrammatic and indicates objective to construct a  
8 motorway in the general area".

9

10 Following discussion it was unanimously agreed that the manager's  
11 recommendation be approved. The manager advised those present that a number of  
12 motions fall as the matter had been disposed of. This was agreed."

13

14 Dated 31st July 2002, and it bears your name although it doesn't bear your  
15 signature. You were out of the country at the time that was furnished to the  
16 Tribunal by your solicitors; is that right?

17 A That's correct.

18 Q 20 Now, first of all, do you stand over the contents of that statement?

19 A Yes, I do.

20 Q 21 If I can rest just slightly before we get into this. I want to ask you one or  
21 two questions. Have you received from the Tribunal copies of the statements  
22 which are intended to be used in the course of this module? You have received  
23 statements, this is your statement and the statement of others?

24 A Oh yes, I have, yes.

25 Q 22 Have you disclosed the contents of any part of those statements to any member  
26 of the media?

27 A No.

28 Q 23 You have seen newspaper reports concerning material that appears in some of  
29 those statements or comments on material that appeared in those statements?

30 A Yes, I have.

1 Q 24 Were you the source of that information?

2 A No, I was not.

3 Q 25 Do you know who was the source of that?

4 A I have no idea.

5 Q 26 I see. And your evidence is that you did not --

6 A No.

7 Q 27 -- release anything. And you did not authorise any other person to release it

8 on your behalf?

9 A Absolutely not.

10 Q 28 All right. You say that to the best of your belief you received £25,000 in

11 cash from Mr. Kennedy on the understanding that the money would be used to

12 ensure the councillors would vote and support the rezoning of Paisley Park.

13 That's the evidence that you have already given?

14 A Correct.

15 Q 29 Do you have any doubt about the amount or do you have any doubt about the

16 reason that the money was handed over to you?

17 A None whatever.

18 Q 30 Can you explain then why you say to the best of your belief you received a sum

19 of £25,000 cash, that suggests a lack of certainty on your part.

20 A No, well -- I don't accept that, Mr. Gallagher, but you know, I have already

21 given substantial evidence subject to questioning by you here over four days

22 prior to Christmas in relation to this matter and I have already made multi --

23 various statements to the Tribunal, both in writing and otherwise, in relation

24 to this matter and I have no reason whatsoever to resile in any way from any of

25 the things that I have said in relation to this matter.

26 Q 31 All right. The second paragraph deals with payments which you say you made to

27 various councillors, Councillors Fox, Hand and Lydon, Gilbride, Larkin,

28 Gallagher, McGrath, Cosgrave and O'Halloran and you have already given evidence

29 in relation to those payments.

30 A Yes.

1 Q 32 You then go on and say "from early 1991 at the latest it was recognised that  
2 the line of the proposed southeastern motorway through the Carrickmines Valley  
3 would be an important factor in determining the extent of lands that might have  
4 to be rezoned in the Carrickmines Valley, including the Paisley Park lands."

5

6 By whom was it recognised that the line of the motorway would be an important  
7 factor?

8 A Well, it would be a little facile for me to say, Mr. Gallagher, by everybody  
9 but in the context of what we are discussing in this module, it was recognised  
10 by Mr. Kennedy, by Mr. Lawlor and by a variety of the councillors involved in  
11 the local area, and you will note that I do say from early 1991, at the latest,  
12 I think in -- as I read it from evidence that has been provided here by others,  
13 particularly officials of Dun Laoghaire/Rathdown council, it was even earlier  
14 than 1991, if my reading of the media reports of that evidence is correct; that  
15 it was even earlier than 1991 that the line of the southeastern motorway was  
16 going to be a dominant factor in the consideration of what lands would or would  
17 not be zoned in that particular area.

18 Q 33 How do you know that it was recognised by Mr. Kennedy and by Mr. Lawlor and by  
19 a variety of councillors?

20 A Well in the case of Mr. Kennedy, it was a matter that was raised by him with  
21 me. In the context of Mr. Lawlor, it was a matter that was spoken to --  
22 mentioned to me by Mr. Kennedy. And in relation to other councillors, it is  
23 palpably obvious from the motions that are put forward at the council in  
24 relation to the southeastern motorway and its line that councillors, subject to  
25 advice or otherwise from planners or engineers, wanted to have an influence in  
26 the context of the line.

27 Q 34 All right. Would you tell the Tribunal about any -- about all discussions that  
28 you had with Mr. Kennedy in relation to the line of the motorway?

29 A Well, I wouldn't like to suggest to you, Mr. Gallagher, that the conversations  
30 in relation to the line of the motorway with Mr. Kennedy were substantive other

1 than the indication that the line of the motorway was going to be a dominant  
2 factor in whether or not certain lands were going to be zoned, whether the line  
3 of the motorway was going to be the perimeter in relation to what zoning took  
4 place and, therefore, please don't take the geographic compass references that  
5 I am going to make to be correct, but if the line of the motorway was going to  
6 be far north well then a little land would be zoned and if it was going to be  
7 brought further south then more land would be rezoned. I don't want you to  
8 accept that those are the proper compass designations, I am thinking from the  
9 point of view of --

10 Q 35 Do you see the map on the board behind you?

11 A The further up you went with the motorway.

12 Q 36 On the map --

13 A The less likelihood --

14 Q 37 In a northeasterly direction?

15 A The less likelihood there would be that the land south of that, if you are  
16 taking that designation, that compass designation, the less likelihood there  
17 was that the land below that line would be zoned.

18 Q 38 Yes. And do you say that Mr. Kennedy recognised this and spoke to you about  
19 this?

20 A Yes.

21 Q 39 Can you recall where or when?

22 A Oh, a number of the meetings that I had with him in his premises.

23 Q 40 And did he say anything to you about Mr. Lawlor's knowledge or Mr. Lawlor's  
24 involvement in attempting to have the line of the motorway fixed?

25 A Well he did, as I have said in my statement, say that he had had discussions  
26 with Mr. Lawlor.

27

28 Now, I hasten to add that these discussions with Mr. Kennedy did not -- were  
29 not solely concerned with what Mr. Lawlor had said, other people were referred  
30 to, including professionals.

1 Q 41 What other people were referred to?

2 A I mean --

3 Q 42 Do you think it's -- are you going to name somebody who hasn't been named in

4 your statement to date?

5 A Well, he hasn't been named here but he is present in this room. I am at a loss

6 to say what --

7 Q 43 Well, perhaps you'd write his name and we can take it from there?

8 A Yes. (Blank paper handed to witness, paper handed to Tribunal and then counsel

9 for Tribunal).

10 Q 44 Now without disclosing the name at this stage, would you tell the Tribunal what

11 Mr. Kennedy said to you in the context of that individual and the --

12 A Well, that particular individual's name came up on a number of occasions in

13 relation to conversations about the zoning of the land, and in fairness to the

14 person concerned the conversations always were always complimentary, if I may

15 put it that way, that he was highly complimentary of the work that this

16 particular individual was doing and that this individual had had contact with

17 the planners, officially, on behalf of Paisley Park and subsequently Jackson

18 Way in relation to matters -- I am trying to be very careful in what I say,

19 Mr. Gallagher, if I use a professional term that may well then indicate the

20 person, but I mean this person's name came up on a number of occasions and on

21 one occasion, Mr. Kennedy showed me a letter that this person had written to

22 Dun Laoghaire/Rathdown authorities and the reply that they had -- that had been

23 received and the reply had been a very valuable reply in the context of an

24 infrastructural connection.

25 Q 45 Can you say when that conversation took place, approximately? We are dealing,

26 remember, dealing with the Paisley Park situation.

27 A Yes. I would have to say that I think that that particular conversation took

28 place at a later stage in relation to the particular item I have just

29 mentioned.

30 Q 46 Yeah. When did the other conversations that you referred to --

1 A They would have taken place in around 1992.

2 Q 47 Are you certain of that?

3 A Well in relation to Paisley Park, Paisley Park was 1992 so any conversations  
4 that I had with Mr. Kennedy prior to Paisley Park would be obviously would be  
5 prior to May, June of 1992 and thereafter immediately subsequently.

6 Q 48 But we know that you referred to the motion proposed by Councillor Tony Fox  
7 which was submitted to Dublin County Council on the 4th May 1992?

8 A Yes.

9 Q 49 That's page 389. Was the conversation that you have referred to held before or  
10 after that date?

11 A Oh, I would say before.

12 Q 50 Can you recall --

13 A The conversation, I beg your pardon, Mr. Gallagher, the question you asked was  
14 in relation to the southeastern motorway.

15 Q 51 Yes, the southeastern motorway and the reference to the individual whose name  
16 you wrote down?

17 A Oh, I would say prior to the vote.

18 Q 52 Prior to the 4th May 1992, is that what you are saying?

19 A Yes. Yes. The reason I'm saying that to you, Mr. Gallagher, is that and I'm  
20 sorry I cannot be more specific, I would like to be more specific but the  
21 reason I'm saying that to you is that going back to the original question that  
22 you asked me in relation to -- it was recognised that the line of the proposed  
23 motorway would be an important factor and you asked me by whom, by whom was it  
24 recognised and I said I didn't want to be facetious or facile in saying it was  
25 recognised by everybody, that is the truth. It was recognised by the  
26 politicians, by the officials as is evidenced, as I read it from evidence that  
27 has been adduced here by officials of Dun Laoghaire/Rathdown Council, by  
28 Mr. Kennedy. And it would be even further facetious of me to suggest that  
29 anybody with a brain in their head or an IQ of less than one in one would know  
30 that the line of the motorway was going to be the determining factor in

1 relation to what land was going to be zoned.

2 Q 53 I want you to return, if you would please, to the conversation or conversations  
3 you had with Mr. Kennedy where he mentioned the individual whose name you have  
4 written down for us now, and tell the Tribunal what you remember Mr. Kennedy  
5 saying about his dealings with that individual and anything else you can recall  
6 that may be of assistance to the Tribunal?

7 A Well, the conversations with Mr. Kennedy in relation to the line of the  
8 motorway were as I think I have outlined, that the line of the motorway was an  
9 important factor; he had discussed the matter with Mr. Liam Lawlor and Mr. Liam  
10 Lawlor was devising or helping or organising a strategy in relation to that  
11 matter and that other people were dealing with what I will describe as the  
12 technical matters, they were being dealt with with the officials, with the  
13 officials of the council on behalf of the company, on behalf of Paisley Park.  
14 And it's in that context that I believed the name that I have written down  
15 arose and arose subsequently in relation to a specific item that I have  
16 mentioned to you in relation to a letter.

17 Q 54 Right. And you are saying on oath that that discussion with Mr. Kennedy or  
18 those discussions with Mr. Kennedy in relation to the line of the motorway and  
19 the role of the individual whose name you wrote down took place, you believe,  
20 prior to the 4th May 1992.

21 A Yes, I do believe so.

22 Q 55 Now, did you have any discussion with Mr. Lawlor in relation to the line of the  
23 proposed motorway or in relation to any of the matters that he was involving  
24 himself in or concerning himself about?

25 A I don't recall specifically having a discussion with Mr. Lawlor about the line  
26 of the motorway I have to say.

27 Q 56 Can you recall the circumstances in which the motion which is on screen, which  
28 is the motion signed by Councillor Tony Fox came to be prepared, drafted, typed  
29 and submitted?

30 A This is the appendix B motion?

1 Q 57 Sorry, this is the line -- the motion that you -- sorry, yes, this is the

2 appendix B motion, yes.

3 A No, the only circumstances, and again, Mr. Gallagher, I hope this is not going

4 to be a continuing matter in the sense that I cannot -- I'm sorry I cannot be

5 more specific with you. As I look at the motion and the typeface, it is

6 possible -- it is possible, but I'm not definitive about this, that that may

7 well have been typed in my office, but I do recall being concerned about the

8 spelling.

9

10 Now, you may well say to me well the word similar is spelt wrong and I believe

11 that that is the correction to the word similar, is the correction that was

12 made by me. You may then go on to say why did you not correct another word

13 that's spelt wrong in the motion and I have to say to you that I only spotted

14 it a second ago as I looked at the screen, and that's the word "uninterrupted"

15 but I didn't at the time. What I have said in my statement to you, I do

16 believe looking at the motion with Councillor Fox and actually correcting the

17 word "similar", I cannot -- I'm sorry I cannot be more specific in the

18 preparation of the motion, the typing of the motion, getting the signature of

19 the motion, whether that motion was prepared by somebody else or submitted to

20 Tony Fox for signature, whether it was given to Tony Fox to be prepared to be

21 signed by me. I think I have outlined it in my statement saying that I cannot

22 be more specific.

23 Q 58 Well, in your statement you said "that Mr. James Kennedy informed me that as a

24 result, Mr. Liam Lawlor had been responsible for drafting a motion".

25 A Yes.

26 Q 59 You go on to say "I believe that it was that motion that was ultimately tabled

27 by Mr. Tony Fox". That's the appendix B motion.

28 A Yes.

29 Q 60 Now, do you stand over that statement or do you qualify it in some way saying

30 the motion may very well have been typed in your office?

1 A I don't, no. I don't change my statement. I am not changing my statement. I  
2 am trying to be as helpful as I can in the circumstances. And without opening  
3 up other avenues of possibility I am telling you as you ask me what my  
4 particular involvement as I best recollected was in this particular motion.

5 Q 61 When you said that you had discussions with Councillors Tony Fox and Tom Hand  
6 in relation to the line of the proposed motorway and you had those as a result  
7 of your discussions with Jim Kennedy?

8 A Yes.

9 Q 62 Now, did that mean that Jim Kennedy sent you off, as it were, to speak to  
10 councillors about the line of the proposed motorway?

11 A No, not necessarily. I mean he would -- he and I would have had a discussion  
12 about the importance of the line of the motorway. I would have indicated to  
13 him that I recognised that whatever infrastructural requirements were necessary  
14 or were envisaged by the planners would in fact determine where zoning might or  
15 might not take place, and the discussions with Councillors Tony Fox and Tom  
16 Hand would be on the basis of what they knew about it, if they knew anything  
17 about it, and what could be done about it.

18 Q 63 And do you recall those conversations?

19 A Yes, I do. I specifically recall a conversation with Tony Fox who, to the best  
20 of my recollection, indicated that the matter had been discussed by a grouping,  
21 the Fianna Fail grouping in Dublin County Council and that -- my apologies -- a  
22 name has just escaped me, it will come to me in a second -- yes, sorry, that  
23 Councillor Betty Coffey had told the group that she had had discussions with  
24 officials in the council and that the council had said that the line of the  
25 motorway, again going back not taking the compass points now as accurate, but  
26 that whatever the line of the motorway decided, only those lands above the line  
27 of the motorway, to the northwest as you said --

28 Q 64 The northeast?

29 A The northeast, that those lands would be the lands encompassed for zoning, and  
30 if we may fast forward for a moment, that is exactly what occurred but not for

1 five years later when the line of the motorway was defined or accepted as being  
2 defined and lands in Carrickmines were zoned, some of them part of this module,  
3 some of them which I understand were part of another part of this module but  
4 only a minimum amount of the Paisley Park/Jackson Way lands were zoned because  
5 only a minimal part of those lands were on the north --

6 Q 65 North or northeast.

7 A Northeast of the line, whereas the totality of the other lands adjacent to it  
8 which would be --

9 Q 66 You are talking about the O'Halloran Darragh Kilcoyne lands?

10 A They were zoned in their totality because they fell along the line of the  
11 motorway.

12 Q 67 Yes. The north or to the east of the motorway.

13 A Correct.

14 Q 68 How did that motion that we have on screen, that's the appendix B motion, how  
15 did that come to be signed by Councillor Tony Fox and submitted to Dublin  
16 County Council?

17 A You mean you who got him to sign it?

18 Q 69 Yes.

19 A Well I don't -- I just don't have an answer to that, Mr. Gallagher.

20 Q 70 Right.

21 A I think the only person who can actually answer that question is Councillor Fox  
22 himself.

23 Q 71 But if you had that motion in draft form or in its typed form and unsigned form  
24 in your possession in circumstances where you made an amendment, you corrected  
25 the word similar, what happened the draft at that stage?

26 A Yeah, well I -- I did not say I had it in my possession in an unsigned form.

27 Q 72 I see.

28 A Sorry, I don't mean to be semantic but I did not say that. What I did say was  
29 that I recall having a discussion with Councillor Tony Fox about the line of  
30 the motorway, I recall correcting the misspelling in it and I recall

1 circumstances in which I discussed the line of the motorway with Councillor  
2 Fox, and I recall also him telling me about the discussion that had taken  
3 place.

4 Q 73 All right. Are you saying, therefore, that the change that you made, the  
5 correction that you made to the word "similar" could have been made either  
6 before it was signed by Councillor Tony Fox or after what was signed by  
7 Councillor Tony Fox?

8 A Correct.

9 Q 74 And that you cannot recall --

10 A I cannot recall.

11 Q 75 Now do you recall obtaining the wording of the motion from anybody? You  
12 suggest in your statement that Mr. Kennedy informed you that as a result of  
13 earlier discussions, Mr. Liam Lawlor had been responsible for drafting a  
14 motion?

15 A Yes, that is correct.

16 Q 76 Can you recall whether that was drafted -- well sorry --

17 A What I have said, Mr. Gallagher -- sorry, I don't mean to interrupt you but  
18 while this is in my mind, what I did say was Mr. Kennedy told me that he had a  
19 discussion with Mr. Lawlor about the line of the motorway. That Mr. Lawlor was  
20 organising a strategy or what strategy should be adopted in relation to it,  
21 that he had advised or had either advised about the contents or had drawn up a  
22 motion in relation to the line of the motorway. After that I have no specific  
23 recollection of ever discussing the line of the motorway with Mr. Lawlor or a  
24 motion in relation to the line of the motorway with Mr. Lawlor. I do have  
25 specific recollection of discussing the line of the motorway and its importance  
26 with Tony Fox.

27 Q 77 This motion on its face is one which is likely to facilitate the development of  
28 156 acres as a golf course.

29 A Mmm.

30 Q 78 And those lands were the Galvin lands, not in the ownership of Paisley Park or

1 O'Halloran Darragh Kilcoyne. Do you say that this was part of a strategy, the  
2 delivery or filing of this motion was part of a strategy to try to fix the line  
3 of the motorway?

4 A Yes, I do.

5 Q 79 And do you say that the intention at that motion was to ensure that the line of  
6 the motorway was moved as far west or southwest as was possible in order to  
7 zone the maximum amount of land?

8 A Yes.

9 Q 80 And do you see it as the purpose of that motion, whilst it refers to the Galvin  
10 lands and the proposed golf course, was in reality designed also to secure the  
11 maximum, the rezoning of the maximum amount of the Paisley Park lands and --  
12 well the Paisley Park lands?

13 A Yes.

14 Q 81 And do you say that that was part of the strategy that was devised by Liam  
15 Lawlor and was approved, if you like, or obtained by James Kennedy?

16 A Yes.

17 Q 82 Did you talk to Mr. John Caldwell at any stage about the rezoning of the  
18 Paisley Park lands at that time?

19 A Very little. I don't recollect having any specific discussions about  
20 strategies or zoning in particular in relation to what strategy would be  
21 adopted in relation to particular councillors or whatever with Mr. Caldwell, I  
22 had discussions -- I had meetings with Mr. Caldwell from time to time as my  
23 diary indicates, but I have no recollection of ever having a discussion of any  
24 depth with Mr. Caldwell in relation to the zoning strategy.

25 Q 83 Now that motion proposed by Councillor Fox was debated or at least was on the  
26 agenda of Dublin County Council for its meeting on the 5th June 1992. Perhaps  
27 we can have page 436. Sorry, can we go to 438?

28

29 The first matter that was debated at that meeting on page 437 were the lands of  
30 Mr. Galvin, representation number 466, and that was a motion that was proposed

1 by Councillor Larry Butler and seconded by Councillor Betty Coffey. And it  
2 proposed that the lands shown on the map attached to the motion be zoned as a  
3 public golf course and that was passed unanimously.

4

5 And then there was a further motion proposed by Councillor Niamh Breathnach and  
6 seconded by Councillor Eithne Fitzgerald that the golf course proposed for the  
7 Galvin lands be provided -- sorry, that in order that the golf course provided  
8 can be provided that the motorway route stated in the 1983 Development Plan be  
9 adhered to." That was an easterly route, if I may so describe it.

10 A Yes.

11 Q 84 Which would not have permitted the rezoning of the O'Halloran Darragh Kilcoyne  
12 lands or at least the Paisley Park lands if passed; is that correct?

13 A Correct.

14 Q 85 And there was a further motion proposed by Councillor Butler and seconded by  
15 Councillor Coffey, "Dublin County Council hereby resolves that the line of the  
16 south east motorway be the line shown in the 1983 Development Plan map with a  
17 major junction at Wyattville Road and an upgrading of the N11 roundabout at the  
18 Shankill by-pass or an alternative underpass to exist at the roundabout. This  
19 proposal will be more cost effective and environmentally acceptable and will  
20 facilitate the public golf course proposed in the Galvin land. It will reduce  
21 the environmental impact on the Bride's Glen."

22

23 And then the further motion was that next motion in the terms of the motion  
24 submitted on the 4th May of 1992, it was signed by Councillor Fox, that's the  
25 appendix B motion, that was seconded by Councillor Hand. "Mr. Willie Murray,  
26 Deputy Dublin Planning Officer showed with the aid of a slide the various lines  
27 suggested for the southeastern motorway. Mr. J Henry, Senior Engineer, Roads  
28 Department then advised the meeting about the engineering matters to be  
29 considered in relation to the preparation of the motorway. The manager then  
30 replied to queries raised by the members and he recommended that the line shown

1 on the 1991 Draft Development Plan be retained as a diagrammatical line with a  
2 note to state that the finalisation of the line of the southeastern motorway  
3 will be dependent on the outcome of the Feasibility/Environmental Impact Study,  
4 and that the line of the maps is diagrammatic and indicates an objective to  
5 construct a motorway in the general area.

6

7 There was a discussion to which a number of councillors contributed;  
8 Breathnach, Fitzgerald, Butler, Coffey, Fox, Hand, Barrett, O'Callaghan, Lydon,  
9 Reeves, Smith, Cass, Gilmore, Lohan and Ridge contributed. It was proposed by  
10 Councillor Coffey, seconded by Councillor McGuinness and agreed unanimously  
11 that the Manager's recommendation be adopted and approved.

12

13 Then he advised the councillors that the other motions relating to the line of  
14 the motorway fell as a result and this was agreed.

15

16 Is that right?

17 A That's right.

18 Q 86 Are they the motions that you are referring to in your statement that related  
19 to the line of the motorway.

20 A Yes.

21 Q 87 I now want to turn to that portion of your statement dealing with Jackson Way,  
22 if I may. In your statement in relation to Jackson Way you say as follows, and  
23 I quote: "The proposal to zone the Paisley Park lands in 1992 was  
24 unsuccessful, Paisley Park was either reformed or renamed and became Jackson  
25 Way. A larger council broke up. In 1997 I entered a new arrangement with  
26 Mr. Kennedy, I was to receive no more money immediately, but if Jackson Way was  
27 successful I was to receive a success fee of £250,000. Subsequently an  
28 arrangement was made between myself and Mr. Kennedy that would translate into  
29 the value of one commercial acre. After the line of the motorway had been  
30 decided and the decision had been taken zoning was going to occur on the north

1 side of the motorway a motion was put in relation to Jackson Way organised by  
2 me, signed by Mr. Cosgrave and Mr. Fox.

3

4 I paid Mr. Cosgrave and Mr. Fox a sum of £5,000 each.

5

6 I would have given this money in circumstances specifically referable to their  
7 support for particular zoning in this particular Development Plan.

8

9 The money would have been asked for. It was my understanding that Mr. Lawlor  
10 retained an interest in Jackson Way."

11

12 Now, following the failure to secure the rezoning of the Paisley Park lands in  
13 the context of the view of the 1993 -- sorry, the review of the 1983 County  
14 Development Plan, did you continue to have contacts or meetings with  
15 Mr. Kennedy and/or Mr. Caldwell? Perhaps you'll deal with Mr. Kennedy first.

16 A Yes.

17 Q 88 Can you tell the Tribunal about any meetings that you might have had between  
18 the date of the defeat of the motion in 1992 and the commencement of the review  
19 of the 1993 Plan by Dun Loaghaire/Rathdown County Council.

20 A Well, my diary will refer to meetings that I had with --

21 Q 89 I'll come to your diary, I'd like you to tell the Tribunal what you can recall?

22 A Without giving the specific details.

23 Q 90 Unless I have something specific to put to you.

24 A Subsequent to the Development Plan being made by the greater Dublin County  
25 Council, the county council was broken up into three separate entities.

26 Q 91 Yes. That took effect from the 1st January 1994?

27 A Correct. And each of the councils, as I understand it, but specifically in the  
28 context of the module we are talking about, each of the councils undertook a  
29 Development Plan in their own right. In other words, any Development Plan that  
30 had taken place in the greater Dublin County Council, notwithstanding what had

1 been zoned or refusal for zoning, each of the new entities began a process of a  
2 Development Plan. So, therefore, any lands that had been put forward for  
3 zoning in the context of the greater Dublin County Council and had been for the  
4 purposes of this module defeated, as is the case with Paisley Park, an  
5 opportunity arose to have those same lands put forward yet again for zoning,  
6 albeit in these circumstances in the context of a new council.

7

8 Now, we know, you know and I know, Mr. Gallagher, that it wasn't a new council,  
9 it was the greater Dublin County Council, was controlled by Dun  
10 Laoghaire/Rathdown, Fingal and the southwest in the greater entity that existed  
11 but now Dun Laoghaire/Rathdown was on its own and it was an entity in its own  
12 right and was making its own Development Plan. And in that context  
13 opportunities for rezoning of land arose and that is why, that is how I came to  
14 have discussions with Mr. Kennedy in relation to a new proposal for an attempt  
15 to rezone the lands now known as Jackson Way.

16 Q 92 All right. Well, can you tell the Tribunal what contacts you had, meetings you  
17 had with Mr. Kennedy subsequent to the 1st January 1994.

18 A Well again, subject to the meetings outlined in my diary, I don't have those in  
19 front of me, but I have given my diaries to the Tribunal, it's evident from my  
20 diaries that I had meetings with Mr. Kennedy and in those meetings, they were  
21 solely related to the proposal to -- the new proposal to have the lands now  
22 known as Jackson Way, an attempt made to have them zoned in the context of the  
23 new Dun Laoghaire/Rathdown council and the proposal to have a Development Plan  
24 for that council in its own right.

25

26 That was the subject matter of the discussion --

27 Q 93 Can you tell the Tribunal where and in whose presence you met Mr. Kennedy and  
28 what was discussed, what strategy if any was decided upon.

29 A Well in relation to the location, I only ever met Mr. Kennedy in his premises  
30 or in the Temple Bar Hotel. They are the only occasions that I ever recollect

1 meeting Mr. Kennedy.

2 Q 94 All right. So the Tribunal can take it, therefore, all meetings you had with  
3 Mr. Kennedy in connection with the Jackson Way proposal which was the post  
4 January 1994 proposal took place in either Mr. Kennedy's premises in  
5 Westmoreland Street or the Temple Bar Hotel?

6 A Correct.

7 Q 95 Now will you tell the Tribunal what your recollection of the first contacts  
8 that you had with Mr. Kennedy after the 1st January 1994.

9 A Well, after the 1st January 1994, subject to reference, to collusions in my  
10 diary, and I say this without reference to that now because I don't have them  
11 with me, but subject to -- following the defeat, there wouldn't have been a  
12 great deal of contact with Mr. Kennedy. I think the contact with Mr. Kennedy  
13 in relation to the Jackson Way proposal began sometime in 1997. Again, subject  
14 to correction and reference to diary entries. But the contacts with  
15 Mr. Kennedy were made specifically in the context of the proposal for a  
16 Development Plan in Dun Laoghaire/Rathdown. Now, Dun Laoghaire, Rathdown did  
17 not, as I recollect, announce on day 1, from the 1st January 1994 that they  
18 were going to make their own Development Plan. I think it was sometime after  
19 the formation of the Dun Laoghaire/Rathdown Council. As a separate entity they  
20 decided they would have a Development Plan and that was the reason for the  
21 contact with Mr. Kennedy; he had heard this and wished me to become involved  
22 again.

23 Q 96 Can you elaborate on that meeting or the discussions you had with Mr. Kennedy  
24 at that time?

25 A Well, I don't want to give you the impression that I am allieding [sic]  
26 everything into one meeting, there were various meetings and there were various  
27 discussions. I have already said, I made a reference to a named individual  
28 that I have written down here. One of the issues that arose in the context of  
29 the new Dun Laoghaire/Rathdown Council was not only the line of the motorway,  
30 which to all intents and purposes had now been defined but related to other

1     infrastructural connections.

2 Q 97 You are talking about sewage connections?

3 A   Sewage connections and it's in this context and specifically in this context  
4     that I recall one meeting with Mr. Kennedy in his premises in Westmoreland in  
5     the basement of him being particularly happy with a letter that he had received  
6     which palpably, clearly stated that there was a connection to the sewer running  
7     through lands now known as Jackson Way; in other words, an agent of the company  
8     had put it to an official in Dun Laoghaire/Rathdown Council and the official  
9     had responded in the affirmative that there was a connection, a sewer  
10    connection, a manhole, a pipe -- whatever you want to refer to it as which was  
11    particularly valuable in the context of the particular meeting that I'm talking  
12    about with Mr. Kennedy.

13

14    Now, subsequently, I'm sorry if I am putting a lot of things together in one  
15    minute and then I'm fast forwarding. Subsequently, as we will discover, the  
16    planners, when the motion was put forward in Dun Laoghaire/Rathdown Council in  
17    relation to Jackson Way, specifically said in a report to the members, in other  
18    words to the councillors, that there was no connection, that this motion for  
19    the rezoning of the Jackson Way lands was premature, which was a word that was  
20    used by the planners to indicate quite a significant number of things. In  
21    other words, that premature could mean that it was completely off the wall or  
22    it could mean that only some of the infrastructural connections were available  
23    or that none of them were available.

24 Q 98 Sorry, Mr. Dunlop, I beg your pardon.

25 A   And so you asked me -- I'm trying to focus in relation to the question about  
26    reminding -- you asking me to tell the Tribunal what the nature of the  
27    discussions were with Mr. Kennedy. I have told you the nature of the  
28    discussions, in this particular instance he was very happy, very complimentary  
29    to the named individual and he went so far as to say it was the best man in  
30    town to deal with matters like this. So, that was the nature of the

1 discussions with Mr. Kennedy. The discussions were on the basis that a new  
2 opportunity had arisen in relation to Dun Laoghaire/Rathdown, a motion could be  
3 put forward but on this occasion, not only could a motion be put forward but it  
4 could be put forward in knowledge that we now had in our possession a document  
5 from Dun Laoghaire/Rathdown Council stating that we had a sewage connection.

6 Q 99 Or a right to a sewage connection?

7 A Or a right to a sewage connection. I mean I am subject -- not having the  
8 letter in front of me but I remember Mr. Kennedy showing me the letter and him  
9 being particularly happy about it. There still remained of course issues in  
10 relation to access and as we will -- as no doubt we will discuss, the nature of  
11 the relationship between the various parties putting forward motions for  
12 zoning, by that I mean the relationship between Mr. Kennedy and Mr. O'Halloran,  
13 Mr. Kilcoyne and Mr. Darragh for joint rezoning because an official in Dun  
14 Laoghaire/Rathdown County Council whom Mr. O'Halloran had approached had told  
15 him they weren't concerned about dealing with small bits of lands, why didn't  
16 the landowners get together and make a joint submission.

17

18 So, all of these conversations took place with Mr. Kennedy with lots of  
19 people's names being mentioned, including neighbouring lands owners, including  
20 advisers and strategists and including councillors and including, obviously,  
21 the odds, if I may put it that way, on success.

22 Q 100I want to show you two letters which were written by officials of Dun

23 Laoghaire/Rathdown County Council for -- to the councillors for Jackson Way on  
24 the 24th January 1996 and the 1st February 1996 respectively, and see can you  
25 identify either of those letters as the letter to which you have referred.

26

27 CHAIRMAN: Mr. Gallagher, would it be a convenient moment to take at that  
28 break?

29

30 MR. GALLAGHER: Certainly, yes.

1

2 CHAIRMAN: Say break until five past 12. Quarter of an hour.

3

4 MR. GALLAGHER: Perhaps Mr. Dunlop can look at the letters in the meantime.

5

6 CHAIRMAN: Yes.

7

8 THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK

9 AND RESUMED AS FOLLOWS:

10

11 MR. GALLAGHER: Sir, before Mr. Dunlop resumes his evidence, I would like to

12 clarify something that has arisen from the evidence already given. As the

13 Tribunal will be aware, Mr. Dunlop gave evidence in relation to the line of the

14 southeastern motorway and he indicated in the course of his evidence that

15 Mr. Kennedy and Mr. Lawlor were people who had an interest in this, and he

16 indicated that other people were referred to, including professionals. And in

17 that context, I asked him to write down the name of the person he was referring

18 to. He wrote down the name of Mr. Stephen Miley who in fact is a partner in

19 the firm of Miley & Miley, the solicitors who act for and have acted for

20 Jackson Way Properties Ltd.

21

22 I asked that the name be written down because it is the practice in the

23 Tribunal that where a person has not been informed that they are going to be

24 named in the Tribunal, the Tribunal does their utmost to ensure that their name

25 is not made public before they have been so informed. I have communicated to

26 Mr. Miley that his name was the name written down Mr. Dunlop and he has

27 indicated that he is anxious, if not willing, willing if not anxious his name

28 should be in fact made public.

29

30 CHAIRMAN: In the professional sense, he was operating in a professional sense

1 as I understand it.

2

3 MR. GALLAGHER: That's my understanding, yes.

4

5 Mr. Dunlop please.

6

7 CONTINUATION OF EXAMINATION OF MR. DUNLOP

8 BY MR. GALLAGHER:

9

10 Q 101 Mr. Dunlop, before the break, I showed you two letters which were letters

11 written by an official of Dun Laoghaire/Rathdown County Council concerning

12 proposed wayleaves in relation to the Jackson Way lands; is that correct?

13 A That is correct, yes.

14 Q 102 And I asked if you could identify either of those letters as the letter or copy

15 of the letter which you were shown by Mr. Kennedy?

16 A Yes, you did.

17 Q 103 What's your answer?

18 A Well, both letters were written within a week of one another, one is the 24th

19 January and the other is the 1st February 1996, and they both refer to the same

20 matter; Carrickmines Shanganagh main drainage. I cannot be certain which of

21 these letters was the one that Mr. Kennedy was actually referring to or showed

22 me, but the context of both letters related to the Shanganagh Carrickmines

23 sewer and the -- particularly in the 1st February 1996, quoting again, "I wish

24 to confirm that the design and level at which the sewer would be laid would

25 have the potential to drain most if not all your client's lands within the

26 natural catchment area of the sewer. I wish to confirm as set out in my letter

27 dated 14th September 1985 the council is prepared to provide a connection to

28 one of the proposed sewer manholes which will allow a drain to be physically

29 connect to the sewer, any connection of course is subject to a grant of

30 planning permission." And that is the particular context that I was referring

1 to the involvement of, as I can now name, Mr. Miley in the context of my  
2 discussions with Mr. Kennedy.

3 Q 104I see. Can you, for the record, please give the numbers of the two letters you  
4 have in front of you? The page numbers are to be found on the top right hand  
5 corner.

6 A Page 19 for the letter of the 24th January 1996 and number 27 it appears to me  
7 of the letter of the 1st February 1996.

8 Q 105I wonder is that correct.

9 A It looks like the 27th, but it could be 22.

10 Q 106I think the numbers might be 1985 and 1992 respectively.

11

12 JUDGE FAHERTY: Yes, 1992. Is it the reference number for the brief you are  
13 looking for? The 1st February letter is 1992.

14

15 MR. GALLAGHER: And the earlier one I think is 1985.

16 A 1985 is correct, yes.

17 Q 107So to summarise you think it was one or two of those letters you were shown by  
18 Mr. Kennedy at the time. Did you have any discussion with Mr. Miley at that  
19 time or any other time about this, the sewer or any connection?

20 A No.

21 Q 108Or did you have any discussion with him about the roadway or the line of the  
22 motorway or anything of that nature.

23 A No.

24 Q 109I see.

25 A In that context, Mr. Gallagher, I think it is important that I should say that  
26 on one occasion Mr. Kennedy did say to me that Mr. Miley was not aware that he,  
27 Mr. Kennedy, would be the owner of the lands.

28 Q 110I see. When was that said?

29 A At one of the -- some of the meetings, one or other of the meetings I had with  
30 Mr. Kennedy but in fairness to Mr. Miley I think it is important that now I

1 have written down his name and his name has been put into the public domain,  
2 that's a comment that Mr. Kennedy made in relation to Mr. Miley.

3 Q 111I see. I want to ask you about the steps that were taken after you saw the  
4 letter from Dun Laoghaire/Rathdown County Council concerning the wayleave and  
5 connection to the Carrickmines sewer. What steps did you take at Mr. Kennedy's  
6 behest at that time?

7 A Well, I went about matters in relation to a motion for the Development Plan as  
8 I would have done in the context of the larger Dublin County Council. In the  
9 context of having a motion prepared and signed and put forward. As I indicated  
10 in reply to another question earlier this morning, Mr. Gallagher, and without  
11 attempting to confuse matters, the lands in question - sorry, I'll rephrase  
12 that. It is obvious to me now but it was not obvious to me then, but it is  
13 obvious to me now that there was significant contact between landowners in the  
14 context of the Development Plan in Dun Laoghaire/Rathdown council from  
15 1996-1997 onwards, and I think that is particularly evident in the context of  
16 some of the statements that have been made by Mr. O'Halloran in relation to  
17 contact with Mr. Kennedy which I was not fully aware of. I knew that at some  
18 stage there had been contact because on foot of a meeting between Mr.  
19 O'Halloran and an official or officials of Dun Laoghaire/Rathdown, it was  
20 suggested to Mr. O'Halloran, Mr. Kilcoyne and Dr. Darragh that they should  
21 either -- should talk to adjoining landowners with a view to having a joint  
22 submission on joint attempts in relation to the rezoning of the land. Now,  
23 this is contingent on a decision already made to all intents and purposes about  
24 the line of the motorway. So, notwithstanding any motions that were put  
25 forward for the rezoning of Jackson Way lands, there was no diminution in the  
26 attempt to have the lands rezoned, either by way of motion or by way of  
27 councillors, even though the knowledge existed that anything south of the line  
28 would more than likely be refused. And as matters turned out, as I said  
29 earlier, any of the lands above the line were rezoned.

30

1 But in the context of the action taken for rezoning, as I have said in my  
2 statement, a motion was put forward in relation to Jackson Way, organised by  
3 me, signed by Messrs. Cosgrave and Fox. And I think that motion is in evidence  
4 or the Tribunal has a copy of that motion.

5

6 And as matters proceeded, we are not talking about one motion, a variety of  
7 motions were prepared and submitted in relation to what usage the land would be  
8 put to were it to be rezoned. So, in other words, you will find in the file  
9 for Dun Laoghaire/Rathdown Council for the particular area motions relating to  
10 the usage of the land for industrial purposes and also for residential purposes  
11 and these were fail safe motions. In other words, people were putting -- these  
12 motions were put forward on the basis if industrial was going to be refused, a  
13 measure of housing might be allowed or if housing was refused, a measure of  
14 industrial might be -- it was completing the circle.

15 Q 112Right. Can you be more specific in relation to the steps that you took to have  
16 motions presented and lodged with Dun Laoghaire/Rathdown County Council and  
17 considered by the council at one of its meetings?

18 A Yes. Well, specifically I organised the motion, had it signed by the relevant  
19 councillors and for submission to the council and for debate.

20 Q 113Now, can I have please page 2238. There are a number of motions, four in all,  
21 which were submitted to Dun Laoghaire/Rathdown County Council on the 28th  
22 October 1998. They referred to representation number 292A and they seek the  
23 rezoning of various parcels of land. You see one of those motions on the  
24 screen, that's the motion which proposes the rezoning of 36.85 acres as A1  
25 residential in order to provide for a high quality residential development in  
26 the area, and the map referred to in that motion is just the succeeding page.  
27 First of all, did you secure the signing of that motion?

28 A The signature of Liam Cosgrave, yes.

29 Q 114Can you outline the circumstances in which that was done or where it was done?

30 A I believe that that was done in my office, that Mr. Cosgrave came to my office

1 and signed that and a variety of motions. That motion, Mr. Gallagher, refers  
2 to a specific body of land, 36.85 acres. I need your guidance --

3 Q 115It was one of four motions.

4 A I know that, but I'm speaking from memory. Did that particular body of land  
5 refers to the O'Halloran lands?

6 Q 116It refers, as I understand it, to the O'Halloran Darragh Kilcoyne lands in part  
7 and part of the Jackson Way lands.

8 A Correct, and part of the Jackson Way but the reason I sought clarification on  
9 that matter is that I did not elicit or get the signature of Betty Coffey.

10 Q 117All right.

11 A I think that was obtained by other means.

12 Q 118All right. Can I have the next page, please? Sorry, that's the same one.

13 That is the next motion, 2239, that refers to a proposal that approximately  
14 47.1 acres be zoned A1 residential in the Development Plan in order to provide  
15 for a high quality residential development in the area. On the bottom it's  
16 referred to as motion number 1. And then can we go on to the next page,  
17 please?

18 A I just make a point, Mr. Gallagher, the writing on the bottom of that motion is  
19 in Mr. O'Halloran's writing.

20 Q 119The words --

21 A Motion number 1.

22 Q 120That's Mr. O'Halloran's writing?

23 A Yes.

24 Q 121Now, can I go on please to 2241? That's described as motion number 2, is that  
25 also Mr. O'Halloran's writing?

26 A Yes, it is.

27 Q 122That proposes the rezoning of 36.85 A1 residential in order to provide for a  
28 high quality residential development for the area. And on 2242 we see that the  
29 lands have been outlined and that the map has been signed by Councillor Liam  
30 Cosgrave and Betty Coffey; is that correct?

1 A That's correct.

2 Q 123 That again is the reference we see 292A on the bottom left-hand corner and the  
3 lands which are described as the subject lands have been outlined in black and  
4 perhaps in red on the original, but certainly appear outlined in black and they  
5 are immediately to the east or northeast of the reservation for the  
6 southeastern motorway.

7 A Correct.

8 Q 124 Now if we can look at page 2243, please? This proposes that 47.1 acres be  
9 zoned E industrial in the Development Plan in order to provide for a high  
10 quality development which would have the beneficial effect of creating many new  
11 jobs in the Dun Laoghaire/Rathdown area. That's motion number 3 and that  
12 handwriting I take it is Mr. O'Halloran's handwriting?

13 A Yes.

14 Q 125 And can I go on to the next page, 2244? The map is in the wrong sequence but  
15 we'll come back to that. In any event, there were four motions, two of which  
16 proposed that the lands which at that time were zoned for agricultural use  
17 would be changed to residential, 36.85 acres in respect -- as suggested in one  
18 motion, 47.1 as suggested in the second motion, and then the third motion was  
19 proposing that 36.85 be zoned E industrial and the fourth motion proposed that  
20 approximately 47.1 acres zoned E industrial?

21 A Yes.

22 Q 126 Now, do I understand it that you obtained the signature of Mr. Cosgrave and  
23 that he signed those four motions at your request?

24 A Yes. Those motions and those maps, Mr. Gallagher, were prepared by Mr.  
25 O'Halloran. That typeface and the map references and the maps were prepared by  
26 Mr. O'Halloran and provided to me and I obtained the signature of Mr. Cosgrave.  
27 Subsequently the maps were returned with the motions to Mr. O'Halloran and it  
28 is my understanding that he obtained the signature of Betty Coffey.

29 Q 127 Well, would you tell the Tribunal the circumstances in which the motions and  
30 maps came to be signed by Mr. Cosgrave?

1 A Yes. I contacted Mr. Cosgrave and as I have already said to you, he came to my  
2 office. As I recollect, to the best of my recollection, he came to my office  
3 and he signed the motions and there was a discussion with him about a number of  
4 matters including the possibility of success and who would vote or not vote and  
5 also the question of money.

6 Q 128 Before we come to deal with those issues, will you explain, tell the Tribunal  
7 what was discussed on the telephone when you made contact with Mr. Cosgrave at  
8 that stage?

9 A Without being able to tell you the exact words that were used on the telephone,  
10 I mean I made contact with Mr. Cosgrave, told him what I had in mind, what was  
11 being proposed. He gave every indication of being helpful or supportive and we  
12 arranged to meet.

13 Q 129 Did you invite him to come along to your office?

14 A Well, to the best of my recollection, I have met Mr. Cosgrave in a variety of  
15 locations, including my office and the Davenport Hotel. And those two  
16 locations I mention specifically because subsequent to the breakup of Dublin,  
17 the larger Dublin County Council, I would have had no reason to be meeting Liam  
18 Cosgrave in the environs of the old Dublin County Council because he no longer  
19 went there. Whereas in previous times, any meetings with councillors would  
20 take place in the environs of the then Dublin County Council, which was in  
21 O'Connell Street.

22 Q 130 Can I have page number 2233, please? Mr. Dunlop, on the screen you will see a  
23 photocopy of an extract from your diary for 1997. And on Tuesday, 21st October  
24 1997, there's an entry in your diary for what appears to me to be 3.30 and it  
25 seems to read "Liam Cosgrave at FDA"; is that correct?

26 A That's correct.

27 Q 131 That FDA is Frank Dunlop & Associates. Does that diary entry indicate you had  
28 an appointment to meet Mr. Cosgrave at your offices at 3.30 on the 21st  
29 September of 1997?

30 A Yes, it does indicate.

1 Q 132 Can I have number 2238, please? This is one of the motions which proposed the  
2 rezoning of 36.85 acres of the lands in question at Carrickmines Great to be  
3 rezoned A1 residential. Can you say whose writing is at the bottom of that?

4 A No, I can't.

5 Q 133 It appears to have been handed in to Dun Laoghaire/Rathdown County Council on  
6 the 28th October 1997.

7 A Yes, that's correct?

8 Q 134 That's just a week after you had met Mr. Cosgrave in your office?

9 A Yes, and I think you will find, Mr. Gallagher, I don't have available to me now  
10 but you will find that unless I'm badly mistaken the -- the envelope that those  
11 motions -- in which those motions were placed has a handwritten note on it in  
12 my handwriting saying "submitted to Dun Laoghaire/Rathdown Council" on such and  
13 such a date at a particular time. I believe that -- I believe that you have  
14 that information. I don't have it at my disposal here now.

15 Q 135 Perhaps I can come back to that. I just don't have that particular motion or  
16 the envelope to hand.

17 A I believe, Mr. Gallagher, that the handwriting on the bottom of that page is an  
18 official in Dun Laoghaire/Rathdown Council who would have noted the receipt of  
19 the motion and timed it.

20 Q 136 I'll come back to that envelope again, if I may, but I want you to tell the  
21 Tribunal about the meeting you had in your office with Senator Cosgrave and in  
22 particular the various items that were discussed and agreed upon between you.

23 A Sorry, what date was that meeting again, Mr. Gallagher?

24 Q 137 The 21st --

25 A The 21st October, yes, yes, fine. And as my diary will indicate, there are  
26 meetings and telephone calls with other people and other councillors in or  
27 around that same time.

28 Q 138 Well -- a meeting with Betty Coffey on the 22nd --

29 A At one o'clock, yes.

30 Q 139 And you appear to have met Jim Kennedy at 4.45.

1 A Correct.

2 Q 140 On the 22nd.

3 A And then there is a call to Betty Coffey on the morning of the 23rd and there  
4 are two references on Friday, the 24th, to Don Lydon and Pat Hand. Pat Hand, a  
5 question mark after each one. Then there is a reference to --

6 Q 141 If we can stay on the 23rd, I don't know if you have a full copy of that, you  
7 were to call Tony Fox before ten on the same date?

8 A Yes, I beg your pardon, call Tony Fox before 10 o'clock.

9 Q 142 And then on the --

10 A Em --

11 Q 143 On the 24th.

12 A Then On the 21st, Liam Cosgrave, FDA 3.30. On the 22nd, Betty Coffey at one  
13 o'clock and Jim Kennedy at 4.40. Then on the 23rd, there's a note on top of  
14 the day, there's no timing on it, just says "ring Betty Coffey" and there's a  
15 correction, there's a mark, obviously the call was made, I interpret that that  
16 a call was made to Betty Coffey there was an insertion, "call Tony Fox before  
17 ten o'clock". And on the 24th, Friday 24th, in the am, the first appointment  
18 is for 9.30 but before that, there are two names, Don Lydon, question mark, and  
19 Pat Hand, question mark. And then at 12.30, there's a reference to  
20 Therese/Olivia at Patrick Guilbaud's, that refers to Therese Ridge and Olivia  
21 Mitchell who had lunch with me on Patrick Guilbaud's on the afternoon, it says  
22 3.30 o'clock, Betty C, which is Betty Coffey and 4.30, Tony Fox. And those  
23 references continue into the following week, I don't want to --

24

25 So the point I am making and the reason I raise this issue with you is there  
26 was significant activity in or around that particular week or fortnight with  
27 the councillors, primarily in relation to -- -- because of the motions that  
28 were being prepared and signed and also, I suspect, and I can only say that I  
29 suspect, that there was a time line or a deadline in relation to the  
30 submissions to Dun Laoghaire/Rathdown Council, in other words you had to have

1 your motion in by a specific time on a specific date.

2

3 Now, I don't know if the date that appeared on the motion is the actual  
4 deadline date or whether it is a date subsequent to that but this is the reason  
5 for the level of activity with councillors at that time.

6 Q 144 May I have page 2247, please? This is a motion which refers to -- sorry, yes,

7 it refers to 88 acres of Jackson Way Properties, representation number 94. I

8 can tell you, Mr. Dunlop, that on the 15th August, 1997, a representation which

9 was given the number 94 by Dun Laoghaire/Rathdown County Council was submitted

10 by D McCarthy & Company on behalf of Jackson Way Properties Limited seeking

11 residential A1 zoning on approximately 35 hectares of the Jackson Way lands.

12 That's on page 689, if I may just have that. I'm just setting it in context if

13 I may.

14

15 You see that that was a proposed variation, it's written in the context of a

16 proposed variation of the Development Plan and you can take it that the balance

17 of that submission sought the rezoning of 35 hectares to A1 and that was given

18 representation number 94 as you can see on the top right hand corner.

19 A Yes.

20 Q 145 Now, we then turn to page 2247 and you see that this refers to representation

21 number 94 and it is a motion signed by Councillor Liam T Cosgrave and

22 Councillor Tony Fox and is in the following terms: "That Dun

23 Laoghaire/Rathdown County Council hereby resolves that the lands in

24 Carrickmines Great coloured red on attached map comprising about 88 acres which

25 have been signed for identification purpose by the proposer and seconder of

26 this motion is zoned E industrial in the Development Plan to provide for a high

27 quality job creation centre for Dun Laoghaire/Rathdown." And on the bottom

28 right hand corner the following words, "submitted to general purposes section

29 by Councillor Tony Fox, Tuesday, 28/10/97, 4 pm". Do you know who wrote that

30 entry on the bottom right hand corner?

1 A Yes, I do. That is my handwriting, Mr. Gallagher.

2 Q 146 Can you, can we have the next page please? This is page 2248. This is a map  
3 which accompanied that motion. This is the map which accompanied that -- you  
4 can see I think the lands are coloured, they are black. I think that's perhaps  
5 not the best copy available but it's signed by councillors Liam T Cosgrave and  
6 Tony Fox?

7 A On the original, Mr. Gallagher, if my recollection is correct, that would have  
8 been coloured in red.

9 Q 147 I see. Now there was also, there was a further motion, perhaps we can go on to  
10 the next pages ... on page 2249 a motion in the following terms: "That Dun  
11 Laoghaire/Rathdown County Council hereby resolves that the land in Carrickmines  
12 Great coloured red on the attached map comprised 88 acres which have been  
13 signed for identification purposes by the proposer and seconder of this motion  
14 be zoned A1 residential in the Development Plan to provide for high quality  
15 residential community."

16

17 Can you identify the writing on the bottom right hand corner of that?

18 A Yes, that is my handwriting?

19 Q 148 What did you see it say?

20 A "Submitted to general purposes section by Councillor Tony Fox, Tuesday,  
21 28/10/97, at 4 pm."

22 Q 149 And the map that accompanied that I think is to be found on the next page.

23 That shows the lands which are outlined, which are highlighted in red I take it  
24 on the original.

25 A Yes.

26 Q 150 And that --

27 A That's the total of the lands. You see the designation of the lands south of  
28 the motorway and north of the motorway.

29 Q 151 I do indeed. Yes. That map again has been signed by Mr. Cosgrave and Mr. Fox;  
30 is that correct?

1 A Yes.

2 Q 152 And both those motions sought the rezoning of all of the Jackson Way lands save  
3 the lands that were being acquired by the County Council for the construction  
4 of the southeastern motorway?

5 A Correct.

6 Q 153 And both motions proposed the rezoning of lands both to the east and west of  
7 the motorway line?

8 A Correct.

9 Q 154 And if these motions had succeeded in their entirety, the lands would have been  
10 zoned in their entirety for industrial purposes and for residential purposes?

11 A One or other. Because --

12 Q 155 Wait, we have two proposals?

13 A Correct.

14 Q 156 One is that the lands be zoned industrial in their entirety and the other is  
15 that they be rezoned residential in their entirety?

16 A Correct.

17 Q 157 And if both had succeeded, you would have had dual zoning on the lands?

18 A Correct.

19 Q 158 This was a proposal that was, two proposals that were coming from Councillors  
20 Cosgrave and Fox, isn't that right?

21 A Correct.

22 Q 159 Do you see any incongruity in that?

23 A Well, yes, I do. There is an incongruity in it, Mr. Gallagher, but you will  
24 recall that I said to you earlier that people were closing the circle. In  
25 other words, notwithstanding the fact that the line of the motorway had to all  
26 intents and purposes been decided upon by virtue of the fact that various works  
27 were being carried out and various environmental impact studies were carried  
28 out and as the manager said in the report to the council, in the greater Dublin  
29 County Council in 1992, I think he referred to it as a determinant line, the  
30 line would be determined, we'll take it as notional, maybe he used the word

1 notional, I can't remember but this was a very specific strategy by everybody  
2 concerned with the compliance of the councillors who would be the people who  
3 would have to, first of all, sign these motions and, secondly, speak to the  
4 motions when such motions were accepted and put on the agenda. This was a very  
5 specific strategy to take every opportunity to see could the lands be rezoned.  
6 For whatever purpose, as you quite rightly say, in one motion it's industrial  
7 and in the second motion it's residential. And that was quite specific and  
8 deliberate and the councillors concerned, however incongruous it may appear,  
9 the councillors concerned, the owners and I fully complied with the strategy  
10 that was that if one thing didn't work, then another might.

11 Q 160 All right. From what we have seen on screen and what you have told us, am I  
12 correct in summarising the matter as follows, just to be clear how we stand.  
13 That on the 28th October of 1997, four motions which have been signed by  
14 Councillors Liam Cosgrave and Betty Coffey, were submitted to Dun  
15 Laoghaire/Rathdown County Council seeking the rezoning of either 36.85 acres or  
16 47.1 acres of land, the majority of which or a significant portion of which was  
17 opened by Messrs. O'Halloran Darragh and Kilcoyne and the balance of which was  
18 owned by Jackson Way Properties.

19 A Correct.

20 Q 161 And on the same day, two motions signed by Councillor Liam Cosgrave and  
21 Councillor Tony Fox were submitted at your behest or by arrangement with you,  
22 having been organised by you, to Dublin County Council, submitted on the 28th  
23 October 1997 and both those motions related to the entire of the Jackson Way  
24 lands, save the lands that were being acquired for the motorway, and the  
25 motions respectively proposed that the entire of the Jackson Way lands, east  
26 and west of the motorway line would be rezoned either agricultural, sorry,  
27 either residential or industrial.

28 A Correct.

29 Q 162 Now, did you discuss the signing of the Jackson Way motion with Councillor  
30 Cosgrave and/or Councillor Fox before they were submitted?

1 A Oh yes I did.

2 Q 163 Can you say where and when you discussed the signing of the motion and the  
3 submission of the motion with Councillor Cosgrave in the first instance?

4 A Well, I think as I indicated earlier, Mr. Gallagher, to the best of my  
5 recollection, that discussion took place in my office and those signatures were  
6 acquired in my office.

7 Q 164 I see.

8 A Yes.

9 Q 165 Are you saying, therefore, because I had -- perhaps it's my fault, that you,  
10 that Councillor Cosgrave signed the Jackson Way motions for the 88 acres, both  
11 motions and also signed the four motions which related to the O'Halloran,  
12 Darragh Kilcoyne and Jackson Way lands, in your office on the one day?

13 A Yes.

14 Q 166 All right.

15

16 CHAIRMAN: Would that be a convenient time to break for lunch?

17

18 MR. GALLAGHER: Thank you.

19

20 CHAIRMAN: Sit again at say ten past two.

21

22 THE TRIBUNAL THEN ADJOURNED FOR LUNCH.

23

24

25

26

27

28

29

30

1 THE TRIBUNAL RESUMED AS FOLLOWS AFTER LUNCH:

2

3 Q.167MR. GALLAGHER: Mr. Dunlop, before lunch we had -- you had been giving

4 evidence about the signing of the motions relating to the 88 acres of Jackson

5 Way lands and the other four motions which were signed by Councillors Coffey

6 and Cosgrave. You have said in your statement and you told the Tribunal that

7 you organised the signing of these motions by Mr. Cosgrave and Mr. Fox,

8 although you didn't organise the signing of the motions by Councillor Coffey.

9 You said that you paid Messrs. Cosgrave and Fox a sum of £5,000 each. I wonder

10 would you please deal with those payments, dealing in the first instance with

11 the payment to Mr. Cosgrave. You might start with the first discussion you had

12 with Mr. Cosgrave about payments in the context of those motions that you --

13 A. In reference to the meeting on the 21st October at 3.30 with Liam Cosgrave at

14 Frank Dunlop & Associates, I believe to the best of my recollection that that

15 is the meeting at which we, as I indicated to you prior to lunch, we indicated

16 a number of matters, including money.

17 Q.168Can you recall what was said at that meeting and who introduced the question of

18 money in the first instance?

19 A. To the -- the question of money was introduced by Liam Cosgrave, and it was

20 agreed between us that I would give him 5,000.

21 Q.169Will you elaborate a little on that, please? When you said that the question

22 of money was introduced by Liam Cosgrave, in what manner did he introduce it?

23 How did the issue or question arise?

24 A. Well the question of money in relation to putting forward motions for rezoning

25 at council level invariably arose, not always, I hasten to add, invariably

26 the -- you are asking a councillor to sign a motion which is a public document

27 in which he or she will have to address in public forum, and given what I have

28 already stated to you on a number of occasions prior to the break before

29 Christmas, that there was a system, as I have referred to, in place whereby

30 certain councillors asked for monies in relation to putting forward motions and

1 this was one such incident -- sorry, instance, the money was given to him  
2 specifically in reference to his support, signature and support for the motion.

3 It is not a matter, Mr. Gallagher, that there was a great deal of discussion  
4 about. It is not a matter that there was a great deal of negotiation about.

5 It was a matter that was dealt with by agreement between the two parties in --  
6 namely, Mr. Cosgrave and myself relatively quickly

7 Q.170 You understand Mr. Cosgrave emphatically denies receiving any such payment from  
8 you?

9 A. I hasten to add, Mr. Gallagher -- I apologise for interrupting you but I did  
10 not make it clear, no money changed hands on that date. Sorry.

11 Q.171 As Councillor Cosgrave denies that any such payment took place, you will  
12 understand why it is necessary for the Tribunal to hear as much evidence as it  
13 can in relation to the conversation that you may -- any conversation you may  
14 have had with Councillor Cosgrave on that occasion, and in particular in  
15 relation to the manner in which money came into the conversation, or came to be  
16 discussed, and how and in what manner was agreement reached in relation to  
17 £5,000, as you say. So, would you please try and focus on that and talk  
18 specifically about that meeting insofar as you can recall the agreement that  
19 was reached?

20 A. Insofar as I recall it, the meeting took place specifically for the purpose of  
21 discussing the motions in relation to the Dun Laoghaire/Rathdown plan, for  
22 signature to be appended, and for money to be discussed, and money was  
23 discussed and it was agreed between Liam Cosgrave and myself that I would give  
24 him £5,000 in relation to his signature and support for the motion.

25 Q.172 Did you --

26 A. Motions.

27 Q.173 Motions. All right, well you did mention earlier, just a short time ago, that  
28 money was to be paid in return for his signing a motion singular?

29 A. Yes. Sorry, I am correcting myself. I say motion because various motions were  
30 signed.

1 Q.174We know that there were --

2 A. Four.

3 Q.175Six motions signed at that time. Four in relation to --

4 A. Sorry, yes.

5 Q.176Four in relation to O'Halloran Darragh Kilcoyne lands and two in relation to

6 Jackson Way lands?

7 A. Correct.

8 Q.177They were all lodged on the same date, on the 28th October?

9 A. Correct, yes.

10 Q.178What I want to know is who raised the issue of money at that meeting.

11 A. He did.

12 Q.179What did he say?

13 A. I cannot specifically use the words that he used to me, but I was asked and I

14 agreed to 5 -- I was asked for and I agreed to £5,000.

15 Q.180You were asked for and agreed £5,000?

16 A. Yes.

17 Q.181Not any more or less?

18 A. Yes.

19 Q.182And you agreed to pay that?

20 A. Yes, I did.

21 Q.183Is it your evidence that you were asked for £5,000 by Councillor Cosgrave in

22 return for his signing the six motions you have identified and supporting those

23 motions?

24 A. Yes, it is.

25 Q.184What agreement was reached in relation to when, where and in what manner the

26 money would be handed over to Councillor Cosgrave?

27 A. Again, to the best of my recollection -- well, not to the best of my

28 recollection, no money changed hands on that occasion. To the best of my

29 recollection I agreed with him that I would meet him as soon as I could, or

30 within a short period of time, and that I would give him part of the money or

1 all of it as the case might be and as events transpired I did meet him at a  
2 subsequent date.

3

4 How far do you wish me to --

5 Q.185I just want to be clear on what you agreed. You say you had a figure of  
6 £5,000?

7 A. Correct.

8 Q.186I don't understand when you say you agreed to meet him in a short time and give  
9 him part of the money or all of the money as the case may be?

10 A. What I am saying to you, Mr. Gallagher, is I agreed to give him £5,000 and that  
11 I would give it to him as soon as possible, I would meet him and make contact  
12 with him and give it all to him or part of it, whatever was available to me at  
13 the time.

14 Q.187I see.

15 A. I am not suggesting to you that I agreed to give him £5,000 and I gave him  
16 £5,000 the following day, I did not.

17 Q.188I understand. You are saying that your agreement was you would pay him £5,000  
18 and you would pay it either in one sum, a lump sum or alternatively in more  
19 than one payment.

20 A. Correct.

21 Q.189All right. And you say he agreed to that?

22 A. Yes.

23 Q.190You say that he signed the motions in your office on that occasion at that  
24 meeting which is recorded in your diary on the 21st October 1997?

25 A. To the best of my recollection, yes.

26 Q.191When did you next meet Councillor Cosgrave?

27 A. There is a reference in my diary, Mr. Gallagher, for Thursday, 30th October  
28 1997.

29 Q.192Thursday?

30 A. The 30th October.

1 Q.193Yes?

2 A. 1997.

3 Q.194That is page 3527, please. Perhaps we can scroll it down to the 30th.

4 A. There is an entry in the diary between 9 a.m. and 11.

5 Q.195Yes?

6 A. And it says "LC two and a half."

7 Q.196Yes. What does that mean?

8 A. That means Liam Cosgrave, two and a half thousand.

9 Q.197Does that mean that you paid him two and a half thousand pounds?

10 A. Correct.

11 Q.198On that date?

12 A. Correct.

13 Q.199Where did you pay him the two and a half thousand pounds?

14 A. I believe that meeting took place in the Davenport hotel.

15 Q.200Can you tell the Tribunal how that payment was made? Was it by cheque, draft,

16 cash?

17 A. Cash.

18 Q.201I see. Was there anybody else present?

19 A. No.

20 Q.202Did you meet Mr. Cosgrave by appointment?

21 A. Yes.

22 Q.203Do you say that the payment that you paid on 30th October 1997 was a payment to

23 him of half the sum that you had agreed to pay him for the signing of the six

24 motions?

25 A. Correct.

26 Q.204Did he -- did you ask for or did he offer any receipt or acknowledgement?

27 A. I didn't ask and he didn't offer.

28 Q.205Why not?

29 A. Never did.

30 Q.206Why not in relation to this, for example?

1 A. Well, I never asked for a receipt from councillors in relation to payment of  
2 money and I have yet to receive a receipt from any councillor in relation to  
3 monies given.

4 Q.207Do you say that this was a payment that was solicited by him and paid by you in  
5 return for his support for these motions?

6 A. Yes, I do.

7 Q.208Do you have any recollection of having paid any more monies in relation to  
8 those motions?

9 A. Yes, I do.

10 Q.209Will you tell the Tribunal about those further payments?

11 A. I refer you, Mr. Gallagher, to an entry in my diary on Monday, 22nd December at  
12 12 noon of 1997.

13 Q.210The 22nd December?

14 A. Yes. That entry reads "12 noon L Cos."

15 Q.211I am looking for the original page number on that. Page 2233 -- sorry, it's --

16 can I have 353 - sorry, 3535. Can I refer you to 3534 for the moment, which  
17 has just bp on screen? That shows an entry for 15th December and it looks like  
18 question mark Liam C.

19 A. Yes.

20 Q.212Then you have an entry which may not have been circulated, which is in your

21 diary for the 22nd December, it is 12 o'clock L Cos" with a line and an arrow

22 opposite the entry. Perhaps I can show you the original diary?

23 A. I have a copy here, Mr. Gallagher.

24 Q.213Perhaps we can show it to the Tribunal.

25 A. Sure.

26 Q.214Because unfortunately it doesn't appear to have been included in the documents

27 that have been circulated. I am arranging to have it photocopied, Sir, and we

28 will have it in a moment.

29 Now, in relation to that entry on the 22nd December, perhaps you would tell the

30 Tribunal what the significance of that entry is and what --

1 A. Yes. The entry is for Monday, 22nd December 1997 at 12 noon, but there is an  
2 arrow to the following day, Tuesday, 23rd. I met Liam Cosgrave in Buswells  
3 hotel on that date; the 23rd.

4 Q.215 Yes.

5 A. On that occasion I gave him the remainder of the money.

6 Q.216 Are you saying you gave him two and a half thousand pounds on Buswells hotel on  
7 23rd December 1997?

8 A. Yes.

9 Q.217 And that that was the second moiety of the payment of £5,000 you had agreed  
10 prior to the submission of the six motions?

11 A. Correct.

12 Q.218 In October of 1997?

13 A. Yes.

14 Q.219 Did you pay that two and a half thousand pounds in cash?

15 A. Yes, I did.

16 Q.220 Did you make any reference at that meeting to the fact that this was the second  
17 payment or a second moiety of the £5,000?

18 A. Well the meeting was by arrangement, Mr. Gallagher, for the specific purpose of  
19 giving the second installment or the second moiety and that is what occurred.

20 Q.221 I see. Can you say where you got the cash to him on that occasion or on the  
21 earlier occasion when you gave him two and a half thousand pounds at the  
22 Davenport hotel?

23 A. Well, the cash -- I would have -- I cannot specifically say to you where I  
24 withdrew the cash or got the cash on those particular days, but it would have  
25 been from the monies that I had available to me in relation to payments to  
26 councillors.

27 Q.222 Do you have any recollection of withdrawing monies or cashing cheques or drafts  
28 or anything like that in order to make those payments to Councillor Cosgrave?

29 A. No, I don't.

30 Q.223 Before leaving your entries --

1 A. Can I add something, Mr. Gallagher?

2 Q.224 Yes, certainly, subject to what the Tribunal may say.

3 A. I am somewhat reluctant to do this I hasten to add and perhaps some guidance is

4 necessary on this but Mr. Cosgrave was not alone.

5 Q.225 On which occasion?

6 A. On Tuesday, 23rd December.

7 Q.226 If you say he was accompanied by somebody, perhaps you might --

8 A. Sorry, I think we would want to be very careful of our language. I didn't say

9 he was accompanied -- he was not accompanied by an adult.

10

11 CHAIRMAN: I think the witness might write down whatever, whoever or whatever

12 was with Mr. Cosgrave on the date in question. (Blank paper handed to

13 witness.)

14

15 MR. GALLAGHER: if you would write down please -- I wonder, Sir, I haven't

16 seen the document yet, is there any reason why Mr. O'Higgins shouldn't see it?

17

18 CHAIRMAN: I don't think there is any reason why Mr. O'Higgins shouldn't see

19 it. There is no reason why.

20

21 MR. GALLAGHER: I wonder can I -- I wonder, Mr. Dunlop, can you be a little

22 more specific?

23 A. Yes.

24 Q.227 If you would please, if you would perhaps just elaborate on that if you would

25 please?

26 A. In writing?

27 Q.228 Yes.

28 A. I don't have names.

29 Q.229 Insofar as you can. Insofar as you can, numbers, names anything you can

30 provide. Anything that might be of assistance to the Tribunal?

1 A. I am at a loss that anything I might say would be of assistance to the  
2 Tribunal.

3 Q.230 Words you have written are capable of identifying --

4 A. Yes, I appreciate that.

5 Q.231 A number of individuals, two, perhaps more. I wonder could you identify how  
6 many individuals you are referring to?

7 A.

8

9 MR. BURKE: Dave Burke, junior counsel, for Mr. Cosgrave. I wonder if I  
10 might be able to get a copy of this or take a note of it.

11

12 CHAIRMAN: I see no reason why not.

13

14 MR. BURKE: Thank you, indeed Chairman.

15

16 CHAIRMAN: It is to remain confidential to your solicitor, yourself and your  
17 solicitor.

18

19 MR. BURKE: Of course, that goes without saying.

20

21 CHAIRMAN: Not for publication in any sense of the word.

22

23 MR. BURKE: That goes without saying. Greatly obliged.

24

25 CHAIRMAN: That's all right.

26

27 MR. GALLAGHER: Can I refer you back to the entry in your diary for 15th  
28 December, that is the page we had on screen; 3534? Can you assist the Tribunal  
29 in indicating who that Liam C is and what that relates to?

30 A. I have some difficulty, Mr. Gallagher, in relation to this particular entry,

1 not least of which there is a question mark beside the entry, in front of the  
2 entry. I have to say that I do not recollect, notwithstanding the fact that  
3 the phrase "Liam C" has been attributed to Liam Cosgrave, but I have no  
4 recollection of meeting Liam Cosgrave on that occasion. The only response that  
5 I can give to you in relation to that is that it is possibly it was a meeting  
6 that was to take place and did not take place, or was a meeting that might take  
7 place and thereby the question mark. I draw your attention to the fact that  
8 you know in various references in my diary to other people, there are question  
9 marks and the only explanation that I can give is that it was put into the  
10 diary on the basis of the possibility of a meeting, but I do not have a  
11 recollection, I have to say, in relation to a meeting with Liam Cosgrave on  
12 that day. Now, there is a possibility that that refers to somebody else, but I  
13 don't believe so.

14 Q.232I see. I want to hand you your original diary for 1997, if I may, and ask you  
15 a general question about it. First of all, would you identify that as your  
16 personal diary? (Diary handed to witness.)

17 A. Yes. This is my diary, yes.

18 Q.233That is your diary?

19 A. Yes.

20 Q.234Are all the entries in that diary your own handwriting, without going through  
21 it page by page?

22 A. Well, at the two pages that I am looking at from 15th December to the 21st  
23 December, all the handwriting is in my own hand.

24 Q.235Would you perhaps flick through the diary and confirm to me whether you believe  
25 all the entries are in your handwriting?

26 A. I am now at the 20th October and so far all, albeit in different pen, by pen I  
27 mean some is biro, some is ink, but all of the handwriting is mine. I will go  
28 through the whole diary if you so wish me to but so far --

29 Q.236To the best of your knowledge and belief, are all the entries in that diary,  
30 without going through it page by page --

1 A. Yes absolutely. I can conceive of no occasion when my diary would have been  
2 written into by anybody else other than myself.

3 Q.237 There are entries as I indicated in black pen biro, blue pen biro, red pen I  
4 think perhaps you even had pencil. Can you explain to the Tribunal how these  
5 various entries became to be made or whether there is any significance in the  
6 use of different pens or inks?

7 A. There is no significance whatsoever. It is whatever is available on the  
8 occasion or the day, whatever happened to be in my pocket or on my desk as the  
9 case may be.

10 Q.238 That is one of the number of diaries you furnished to the Tribunal in response  
11 to a question?

12 A. Yes, I think I furnished ten years' diaries to the Tribunal.

13 Q.239 Did you alter or add to that diary in any way after the dates shown on the  
14 diary? In other words, were there any entries made ex post facto?

15 A. No.

16 Q.240 So can the Tribunal take it that insofar as the entries that you have referred  
17 to are concerned, indeed all other entries that you are aware of, that they  
18 were made on or before the date on which they appear in your diary?

19 A. Correct, and can I say, Mr. Gallagher, that in your initial request to me for  
20 reference to my diaries, we supplied the reference in the diaries without  
21 supplying the whole diary. If you recall, you subsequently -- I beg your  
22 pardon, the Tribunal subsequently asked us to supply the documents themselves,  
23 in other words the diary, which we did. In other words, there were two  
24 occasions in which the Tribunal had access to my diary; one was in relation to  
25 specific references and secondly in relation to the documents themselves, in  
26 other words the diaries, which we supplied.

27 Q.241 Your evidence to this Tribunal is that those entries were made contemporaneous  
28 with the events which they describe or the meetings which they relate to and  
29 were not made on a subsequent occasion?

30 A. Yes.

1 Q.242Perhaps you would give the diary back please. (Diary handed to counsel.)

2 I wanted to turn to the payment to Mr. Tony Fox which you have alleged.

3 A. Yes.

4 Q.243Would you tell the Tribunal where you made arrangements, where you agreed to

5 pay this money and what arrangements were made and what discussions you had

6 with Mr. Fox prior to the agreement to pay him £5,000?

7 A. Yes. Well, I had many discussions with Mr. Fox up to and including a meeting

8 with him in the Davenport hotel on the -- I have lost my place now in the

9 diary, Mr. Gallagher, I am sorry. One moment.

10 Q.244The 28th October --

11 A. Yes, up to the 28th October up to and including the 28th October which is the

12 date on which the submission was made and --

13 Q.2453527?

14 A. You will recall, Mr. Gallagher, in furtherance of a document you produced this

15 morning in relation to the signatures of the motion and the submission of those

16 motions in my handwriting was written submitted on such and such a date at such

17 a time by Tony Fox.

18 Q.246Yes?

19 A. I met Tony Fox at 12.30 on Tuesday 28th October 1997 at the Davenport hotel,

20 that is written into my diary. In brackets after that is written "(one and a

21 quarter - 5X - 10/15 finish)". You have asked me for the circumstances in

22 which I discussed this payment with Mr. Fox, that is the occasion in which I

23 discussed it with him. It was agreed that I would give him one and a quarter.

24 The X, to the best of my recollection, refers to Christmas, Xmas, and the 10/15

25 relates to finish, by that meaning in my -- to my best recollection, success.

26 And I discussed -- that was the same day on which Councillor Fox took the

27 motions and submitted them to Dun Laoghaire/Rathdown council, 28th October 1997

28 at 4 p.m. in my handwriting on the bottom of the motions.

29 Q.247That is 2247, please. That is the motion for the 88 acres of Jackson Way

30 lands?

1 A. Correct.

2 Q.248 There are two motions but you just have one on screen?

3 A. Correct.

4 Q.249 And you say bears a note in your handwriting "Submitted to general purpose  
5 section by Councillor Tony Fox, Tuesday 28th October 1997, 4 p.m."?

6 A. Yes.

7 Q.250 All right. So it is your evidence, as I understand it, that at 12.30 p.m. that

8 day you met Tony Fox at the Davenport hotel, you agreed to pay him monies,

9 £1,250 and then there is a reference to 5 Xm - 10/15 finish?

10 A. Yes.

11 Q.251 I am not quite sure what that means. Does it mean one and a quarter, one

12 thousand two hundred and fifty pounds in the first instance followed by five or

13 as part of five followed by ten to fifteen in the event of a successful

14 conclusion?

15 A. Correct.

16 Q.252 Does that mean you were paying him or agreeing to pay him one and a quarter

17 plus five plus ten to fifteen?

18 A. Correct.

19 Q.253 So you were agreeing to pay him a total of 16,250 in the event of a successful

20 conclusion, between 16,250 and 22,250 in the event of a successful conclusion?

21 A. Yes.

22 Q.254 But in any event he was to get 1 250 in the first instance followed by 5,000 at

23 Christmas?

24 A. Correct.

25 Q.255 Did you pay him £1,250?

26 A. Not on that day, no.

27 Q.256 Did you pay him £1,250 at any stage?

28 A. Yes, if I draw your attention to an entry in my diary of Thursday the 30th

29 October 1997.

30 Q.257 3527, please. Yes.

1 A. You will see in the afternoon it is not timed. It is circled. And it says TF

2 one quarter.

3 Q.258 That appears to be on the same day on which you paid two and a half thousand

4 pounds to Liam Cosgrave?

5 A. It is the same day.

6 Q.259 Both those entries are in blue biro, I think, whereas the rest of the entries

7 that day are in black. Does that have any significance?

8 A. Not to me it doesn't have any significance.

9 Q.260 Where did you make the payment of £1,250?

10 A. I believe in the Davenport hotel also, where I met -- had met Councillor Fox

11 earlier in the week and I had met him on subsequent occasions as well.

12 Q.261 Did you pay that money in cash or by cheque?

13 A. Yes, I did, by cash.

14 Q.262 Can you identify the source of that cash?

15 A. Again, it would be from monies that I had available to me and I cannot say to

16 you whether I withdrew money on that day, I hadn't cross-checked that matter,

17 but certainly this would be monies that I would be paying to Councillor Fox for

18 his signature and support for motions in relation to Carrickmines.

19 Q.263 That payment and the other payments refer to -- in your entry for 28th October

20 I take it were in return for his signing the two motions relating to the

21 Jackson Way lands and his support for those motions?

22 A. Correct.

23 Q.264 When they would appear on the agenda, is that correct?

24 A. That is correct.

25 Q.265 You say that you paid him £5,000?

26 A. No, I didn't say, sorry.

27 Q.266 Pardon?

28 A. I say I promised.

29 Q.267 In your statement you said you agreed to pay him £5,000?

30 A. Correct, yes.

1 Q.268 Well in fact you say that you paid Messrs. Cosgrave and Fox a sum of £5,000  
2 each?

3 A. Correct.

4 Q.269 You told us of £1,250 you paid to Councillor Fox, how about the balance?

5 A. The balance I subsequently paid to Councillor Fox. I do not believe there was  
6 an entry diary in relation to this payment, subject to correction.

7 Q.270 Can you recall when or where the payment was made?

8 A. The payment would have been made as the meetings that have already alluded  
9 would have taken place in the Davenport hotel. Any meeting with Tony Fox in  
10 relation to the 1997 Development Plan in Dun Laoghaire Rathdown took place in  
11 the Davenport hotel.

12 Q.271 Can you recall whether you made the additional payment of £3,750 as a single  
13 payment or as in a number of payments?

14 A. For the avoidance of confusion, Mr. Gallagher, I want to be absolutely clear  
15 about this, if you -- if I can refer you to my statement in relation to this  
16 matter, in relation to Jackson Way, and you will note that I say on top of  
17 the -- when it refers to Jackson Way I say "two payments". This is in relation  
18 to Councillor Fox. "Two payments totalling £5,000 -- "

19 Q.272 Sorry, if you bear with me for just one second, please. Yes.

20 A. Beside the reference to Jackson Way, it says "Two payments totalling £5,000,  
21 £1,000 and £4,000". Now I have referred you to my diary and to the agreement  
22 with Tony Fox on the 28th October 1997 in the Davenport Hotel in which I say  
23 one and a quarter, five and 10/15 on finish. And then I have a reference to my  
24 diary on the 30th October 1997 in the afternoon to which I have reference to TF  
25 one and a quarter, that was the payment made. I believe that was the method in  
26 which the payment was made. So, in other words, one and a quarter was paid to  
27 him on 30th October 1997 and the balance was paid thereafter. Unfortunately I  
28 do not have a reference to that, the location other than my telling you that I  
29 never met him -- well I shouldn't say I never met him, the meetings taking  
30 place in relation to these matters took place in a specific part in the

1 Davenport hotel, in the bar in the Davenport hotel, and the balance was paid  
2 there also.

3 Q.273 Can you put an approximate date on the balance -- on the payment of the  
4 balance?

5 A. Yes. There is absolutely no doubt in my mind that the balance of the payment  
6 was paid before Christmas.

7 Q.274 That seems to give rise to an inconsistency in what you have said to the  
8 Tribunal. On the one hand you say that you paid a total of £5,000 in two  
9 payments, one of £1,000 and one of £4,000. That is in your original statement?

10 A. Yes.

11 Q.275 And you now say that you paid him as you say is indicated in your diary £1,250  
12 pounds and £3,750. Now both statements cannot be correct.

13 A. That is why I drew it to your attention, Mr. Gallagher, because I am fully  
14 aware of what was in my statement of the 9th October in the year of 2000 and  
15 with what I am saying to you now with the benefit of diary evidence.

16 Q.276 Have you any record or have you any recollection of the bank account or the  
17 source of the monies that you gave to Mr. Fox, either the 1,250 or the 3,750  
18 pounds?

19 A. Not as I sit here today, no.

20 Q.277 I intend to deal with the adjoining lands, the O'Halloran Darragh Kilcoyne  
21 lands in due course, but I draw your attention to the fact that in that portion  
22 of your statement in relation to the O'Halloran lands, you say you paid  
23 Mr. Cosgrave a sum of £2,000 in respect of his support for this development?

24 A. Yes.

25 Q.278 Will you tell the Tribunal when and in what circumstances that £2,000 was paid?

26 A. Yes.

27 Q.279 First of all, was it in addition to the £5,000 that you have described?

28 A. Yes.

29 Q.280 All right.

30 A. And you did ask me a specific question in relation to the payment of the

1 remainder of the £5,000 to Mr. Cosgrave and I gave you the answer in relation  
2 to Buswells hotel.

3 Q.281 On 23rd December?

4 A. On the same day I gave Mr. Cosgrave the £2,000 in relation to the O'Halloran  
5 lands.

6 Q.282 So you are saying, are you, that on that occasion you gave him £4,500?

7 A. Correct.

8 Q.283 And did you have any discussion about the breakdown of the £4,500 or what it or  
9 part of it related to?

10 A. The only discussion I had with Mr. Cosgrave was to tell him this is what had  
11 been agreed and this is what I owed him and that was all. I don't mean to be  
12 dismissive of this issue but I mean these conversations did not -- they weren't  
13 lengthy conversations. Money was handed over and money was pocketed, or  
14 whatever. And that was the end of the matter. Promises had been made and  
15 promises were fulfilled.

16 Q.284 Were in the hotel did you meet Mr. Cosgrave?

17 A. In the Buswells hotel.

18 Q.285 Why?

19 A. In the bar.

20 Q.286 I see. How long did the meeting last?

21 A. Given the circumstances at which I have written in what I have written down in  
22 my statement, I would say the meeting lasted no more than 20 minutes.

23 Q.287 Did you hand over cash on that occasion?

24 A. Yes.

25 Q.288 And how was the cash made up? Was it large denominations or can you remember?

26 A. No, I can't specifically remember, but I don't have any recollection of ever  
27 having monies in larger denominations than £20 notes.

28 Q.289 Was the money in a bag? Was it in an envelope? Or, how was it -- I presume it  
29 wasn't counted out on the counter or anything of that nature?

30 A. It was just handed over in -- I cannot tell you what type of bag, and I am not

1 going to get into a description of what bags, Mr. Gallagher, but I mean it was  
2 handed over. It wasn't handed over, you know, that it was obviously money.

3 Q.290Yes?

4 A. It could well have been a Christmas present.

5 Q.291I see. You say that that £2,000 or that the £2,000 which formed part of the  
6 £4,500 which was handed over on that occasion was over and above the payments  
7 you already described in evidence?

8 A. Correct.

9 Q.292The payments to Mr. Cosgrave you already described earlier?

10 A. Correct.

11 Q.293I want to stay with Jackson Way matter for a few moments. Do I take it that as  
12 the motions in relation to the Jackson Way lands were not successful, that no  
13 further monies were paid to Mr. Fox in relation to those motions?

14 A. Correct.

15 Q.294You said in your statement that you had an agreement with Mr. Kennedy in  
16 relation to your remuneration and how you would be paid and that appears to  
17 have changed on at least one occasion. Will you explain to the Tribunal what  
18 your discussions -- what discussions you had with Mr. Kennedy in relation to  
19 your remuneration and what was asked for and what was agreed?

20 A. Before I answer that question, Mr. Gallagher, could I go to the bathroom?

21 Q.295Certainly.

22

23 CHAIRMAN: We will rise for ten minutes.

24

25 AFTER A SHORT ADJOURNMENT THE TRIBUNAL RESUMED

26 AS FOLLOWS:

27

28 Q.296MR. GALLAGHER: Mr. Dunlop, I had intended to ask you about your dealings  
29 with Mr. Kennedy and I will do so in just a moment, before I do so and in order  
30 to clarify any possible confusion there may be in relation to the total amount

1 you say you paid to Councillor Tony Fox, can I refer you back please to your  
2 diary for 28th October 1997. In the entry for that date you refer to  
3 essentially two payments, three payments, one and a quarter, five it looks like  
4 Xm - 10 to 15 finish.

5 A. This is Councillor Fox, yes.

6 Q.297As I understand your evidence, you say on the 30th of October pursuant to that  
7 agreement you paid him £1,250?

8 A. Yes.

9 Q.298And that was paid in the Davenport hotel. Now, did you pay him further monies  
10 between -- did you pay him further monies pursuant to that agreement?

11 A. Yes, I did.

12 Q.299How much did you pay?

13 A. Well, the agreement between us on the 28th October was for one and a quarter  
14 which I paid him on the 30th for five and I have already interpreted the X,  
15 what looks like Xm.

16 Q.300Yes?

17 A. Xmas.

18 Q.301Yes?

19 A. I believe I paid him in the Davenport hotel a sum between the vote, between the  
20 vote and Christmas.

21 Q.302How much?

22 A. I do not believe, Mr. Gallagher, that I gave him five. I believe I gave him a  
23 sum approximating to the balance of five, in other words 3,750. I do not  
24 believe I gave him five. I am subject to any correction that Councillor Fox  
25 might make but I do not believe that I actually gave him five and given  
26 circumstances in relation to the vote and what happened, obviously he got  
27 nothing else.

28 Q.303When you say he got nothing else, you mean he didn't get either the ten or  
29 fifteen as had been anticipated in the event of success?

30 A. Correct.

1 Q.304 That indicates that you -- although you had agreed to pay at least 6,250 you  
2 didn't in fact pay that?

3 A. No.

4 Q.305 You paid only £5,000?

5 A. Yeah.

6 Q.306 Can you tell the Tribunal what Mr. Fox's reaction was to your failure to live  
7 up to your promise?

8 A. Well, I don't think he looked upon it in that light, if may say so,

9 Mr. Gallagher. He didn't look at it in the light of failure to live up to the  
10 promise. I think he was happy and pleased to get a significant amount of  
11 money. And I don't recollect any disagreement between us in relation to that  
12 payment or indeed any other payment.

13 Q.307 And you say that the payment which you say was £3,750 was made between the 30th  
14 October and the 25th December of 1997?

15 A. Yes, I believe so.

16 Q.308 Now, to return to my question in relation to Mr. Kennedy, would you tell the  
17 Tribunal what your agreement with Mr. Kennedy was?

18 A. From?

19 Q.309 Well in the context of --

20 A. Jackson Way 1997.

21 Q.310 Yes. Well 1996, whenever.

22 A. 1996 - 1997. My agreement was that there would be -- there was no provision of  
23 any cash to me or money to me by Mr. Kennedy in relation to the 1996/1997  
24 motions for consideration by Dun Laoghaire/Rathdown, but there was an agreement  
25 between us, verbal, that in the event of the Jackson Way lands being zoned for  
26 whatever purpose, being zoned being a general term, being zoned other than what  
27 they were, I would receive a fee of £250,000. Subsequent to that at a meeting  
28 in the Temple Bar hotel, I renegotiated that verbally with Mr. Kennedy for the  
29 value of one commercial acre. It is not stated in my statement, but the  
30 negotiation was based on the value of one commercial zoned acre. Whether the

1 zoning that might take place was residential or industrial, a mixture of both  
2 or other than agriculture, once the zoning had taken place that the value of a  
3 commercially zoned acre was the agreement.

4 Q.311 How was that going to be established if the lands had been zoned for  
5 residential development?

6 A. Well, that was not discussed, Mr. Gallagher, but can I say to you that neither  
7 of us would have been behind the door in making an evaluation in what any one  
8 zoned acre was. There was no discussion about who would arrive at this  
9 evaluation. It was an agreement between us.

10 Q.312 Was that agreement acknowledged or formalised in writing in any way?

11 A. Never.

12 Q.313 Can you give us an approximate date when that agreement was reached?

13 A. Well, certainly it was prior to any vote that took place in Dun  
14 Laoghaire/Rathdown council in December 1997. It was, as I have said to you, at  
15 a meeting with Mr. Kennedy in the Temple Bar hotel, and while I have not made  
16 any references in relation to the specific question which you have now asked  
17 me, I am not -- I don't know if there is a reference in my diary to a meeting  
18 with Jim Kennedy in the Temple Bar hotel.

19 Q.314 Perhaps we can go through your diary for 1996 and 1997.

20 A. Yeah.

21 Q.315 May I have page 3395? You see there is a reference there to a meeting with JK,  
22 Westmoreland, Friday 26th April 1996. That appears to be the first meeting in  
23 your diary between 1992 and 1996, the first meeting with Mr. Kennedy?

24 A. Yes.

25 Q.316 Does that entry help you in any way to recall what was discussed?

26 A. Yes, it helps in the sense that yes, there were meetings with Mr. Kennedy and  
27 Westmoreland refers to his premises in Westmoreland Street which we have  
28 already identified. For the purpose of assistance, Mr. Gallagher, I think the  
29 agreement between myself and Mr. Kennedy obviously was entered into in relation  
30 to the 1997 -- 1996/1997 Development Plan in Dun Laoghaire/Rathdown in relation

1 to lands at Jackson Way, so, therefore, the initial agreement in relation to  
2 the payment of 250,000 as a success fee would have taken place early on in the  
3 discussions with Mr. Kennedy either in his premises in Westmoreland Street or  
4 in the Temple Bar hotel and then subsequently the renegotiated agreement would  
5 have taken place while I have not -- again subject to checking the diary, I  
6 don't believe there is a specific reference to the agreements in the diary but  
7 my belief is that that agreement would have been arrived at a later stage but  
8 still prior to the vote.

9 Q.317 All right. The next entry in your diary appears to be an entry on the 2nd May,  
10 3.30, page 2003, please? There is no indication in that entry as to where the  
11 meeting took place.

12 A. No.

13 Q.318 The next meeting then appears to be on Tuesday 17th September 1996. May I have  
14 page 2049, please? Can you recall that meeting?

15 A. Not specifically, Mr. Gallagher, and if it is not referred -- if it doesn't  
16 say -- I said this to you previously, prior to Christmas, there are a number of  
17 references in the diary to locations, I think you will find that there is a  
18 reference on one occasion there is a reference to a Jim K/Bunker which was a  
19 jocular reference to the fact his office was in the basement. There is  
20 reference to his office in Westmoreland Street, which is obviously his  
21 premises. And again, subject to correction, unless I am badly mistaken there  
22 are references -- at least one -- to the Temple Bar hotel. If there are not, I  
23 am badly mistaken, but I did meet him in the Temple Bar hotel.

24 Q.319 The next entry appears to be entry on the 21st October 1996 --

25 A. Sorry, I didn't hear you.

26 Q.320 21st October 1996, that is the next entry relating to Mr. Kennedy?

27 A. Yeah.

28 Q.321 That is -- sorry, may I have 2058, please? You also appear to have met

29 Mr. Kennedy on Monday 18th November 1996. May I have page 2059, please?

30 Can you recall any of those meetings or anything you discussed at that time,

1 anything specific that you discussed at those meetings?

2 A. Well the purpose of those meetings, there was only one sole purpose to those

3 meetings, Mr. Gallagher, and that was in relation to motions vis-a-vis the

4 Development Plan in relation to Jackson Way. They were either reports in

5 progress or discussions with Mr. Kennedy on the basis of further information or

6 documentation. I do recall on one occasion Mr. Kennedy either providing me

7 with or showing me a document in relation to a submission to Dun

8 Laoghaire/Rathdown county council in relation to a proposal to rezone the land.

9 Now, I do not have that document in my possession, but I do recall a

10 discussion -- the issue being raised with him, him raising the issue, I should

11 say, that a submission would have been made to Dun Laoghaire/Rathdown county

12 council vis-a-vis the proposal for alternative usage for the land. Now, you

13 have referred me to a document earlier this morning from --

14 Q.322Dean McCarthy?

15 A. Dean McCarthy & Company. I cannot say to you that that is the document, but I

16 do recollect, as I recollected earlier in relation to other discussions and

17 other matters being discussed, including names, that he did in fact on one of

18 those occasions speak about a submission. Now, I had nothing to do with the

19 submission and I did not make any submission.

20 Q.323You say that other matters that he discussed including names, what did you

21 mean?

22 A. In relation to the professional services that we discussed this morning, other

23 names. And there would have been names of councillors. He would have been

24 asking me who, if any, councillors were supporting or would support, as the

25 case may be, given the context of a meeting and date of a meeting, who would or

26 would not support proposal for the rezoning of the lands.

27 Q.324You appear to have -- sorry, just before I leave that last entry on page 2059,

28 you appear to have a meeting at 2.30 with LL, can you identify who LL was?

29 A. Yes, Liam Lawlor.

30 Q.325Does that entry refresh your mind in any way as to what was discussed at either

1 or both of those meetings?

2 A. That entry, Mr. Gallagher, does not accord with the entry in my diary. There  
3 is another word attached.

4 Q.326 Yes, I am aware of that.

5 A. Yeah.

6 Q.327 That is after LL?

7 A. Yes.

8 Q.328 Does that suggest that that was a different --

9 A. Completely different.

10 Q.329 I see.

11 A. In fact I believe that that was a meeting with a representative of that entity  
12 in that person's office at the discussion of Mr. Lawlor.

13 Q.330 I see. The next entry in your diary which refers to Mr. Kennedy is to be found  
14 on the 29th September. May I have page 2003?

15 A. 29th September?

16 Q.331 Do you see that entry?

17 A. Is this 1996?

18 Q.332 It is an entry for 29th September 1997?

19 A. 1997. We had been dealing I think with 1996.

20 Q.333 We had.

21 A. Yeah, sorry. Yes.

22 Q.334 Do you have any specific recollection of that meeting?

23 A. Not specifically but other than to put it into the context of other meetings

24 that I had with him and the context being that the plan was coming forward

25 and --

26 Q.335 You had a meeting again on the 9th October of 1997. May I have page 2205,  
27 please? Again a reference to Jim K?

28 A. Yes.

29 Q.336 Do you have any specific recollection of that meeting?

30 A. No.

1 Q.337 There was one meeting I overlooked in 1996 which I should have referred you to.

2 May I have page 2059, please? It is a meeting at 4.30 on, I believe, the 22nd

3 November of 1996.

4 A. 22nd of?

5 Q.338 November of 1996.

6 A. Yes.

7 Q.339 You have no specific recollection of that?

8 A. No.

9 Q.340 Now, we have looked at your diary, your diaries in fact and apart from an entry

10 on 25th July 1996, we have been unable to find any reference to Temple Bar

11 hotel. May I have page -- it may not have been circulated. Mr. Dunlop, can I

12 refer you to your diary for the 25th July 1996? That is an entry that has been

13 crossed out, I will show you the original if you think it may be of assistance.

14 It refers to a lunch in the Temple Bar hotel. Perhaps I can show you the

15 original, it may be more legible. (Diary handed to witness.)?

16 A. No, sorry, Mr. Gallagher, yeah that refers to a client, a state client. I will

17 give you the reference if you wish.

18 Q.341 I take it it has nothing to do with anything we have been discussing in your

19 evidence?

20 A. No, no.

21 Q.342 All right. Can you give me any explanation as to why you didn't make a note in

22 your diary of the various agreements you had with Mr. Kennedy and with others

23 in relation to the payment of monies to you?

24 A. Given the nature of what I was involved in, I did not make any such references

25 in my diary or otherwise. There are -- there is documentation in relation to

26 some clients, in relation to the payments of fees for advices given and action

27 taken in relation to the Development Plan in its original form, in the larger

28 Dublin county council, and what more specifically subsequently in relation to

29 lands in Carrickmines, and I think I have already indicated to the Tribunal by

30 way of notation as to whether or not a particular client who paid me fees was

1 aware of any disbursements or not by way of asterisks I think we have done that  
2 in our document. But I have never made any -- I don't recollect ever --  
3 certainly never with Mr. Kennedy did I either enter into any written agreement  
4 with him or make notes as a result of a conversation with him or any  
5 discussions I had with him in relation to monies. Mr. Kennedy never to my  
6 knowledge puts anything on paper. Anything that is on paper in relation to  
7 anything that he is involved in is done by others.

8 Q.343Mr. Dunlop, on 7th November last, your solicitors wrote to the Tribunal  
9 following the circulation of books of documents to you and witnesses'  
10 statements to you. There was a reference to Mr. Dermot Drumgoole. Do you  
11 recall that?

12 A. Yes.

13 Q.344Do you have that letter?

14 A. I don't have it with me, no.

15 Q.345You say that you hadn't received a copy of any statement that Mr. Drumgoole  
16 might have made to the Tribunal. You say that you --  
17 You say that you met Mr. Drumgoole in the context of the Jackson Way rezoning,  
18 that you have not remembered that meeting until you received documentation from  
19 the Tribunal which indicated that Mr. Drumgoole had been an official with Dun  
20 Laoghaire county council at the time and that you had, you recall some  
21 discussion when you saw his name. I think you saw his name as somebody being  
22 an official who was involved, is that correct?

23 A. Correct.

24 Q.346Can you recall meeting with Mr. Drumgoole and tell the Tribunal how that  
25 meeting came about, who was with you when you met him?

26 A. The meeting took place in what I believe were the temporary offices of Dun  
27 Laoghaire/Rathdown county council. I cannot be absolutely certain about this  
28 but I do recollect meeting somebody else in these temporary offices and I  
29 believe they were in Glenageary. I cannot be absolutely certain about that,  
30 but I do know I met a individual from Dun Laoghaire/Rathdown county council in

1 temporary offices from Glenageary while the offices of Dun Laoghaire/Rathdown  
2 county council were being refurbished in the middle of Dun Laoghaire there,  
3 just below the church, on the sea front.

4 Q.347The planning office may have been temporarily locate behind the Eagle House in  
5 Glenageary for some time; is that correct?

6 A. Correct.

7 Q.348Are they the offices you are referring to?

8 A. To the best of my recollection, yes. Now this meeting --

9 Q.349You met Mr. Drumgoole in the company of Mr. Lawlor, will you tell us how that  
10 came about?

11 A. Well as I said to you, to the Tribunal in the letter of 7th November 2002, this  
12 meeting arose following queries by Mr. Lawlor as to how matters were  
13 progressing in relation to the Jackson Way lands.

14 Q.350Queries addressed to you?

15 A. Addressed to me by Mr. Lawlor. Physically, this is not a question of writing  
16 to me or telephoning me, ringing me, this is Mr. Lawlor talking to me and  
17 saying "How are matters progressing with the Jackson Way lands?" I believe  
18 that that in the circumstances of Mr. Lawlor's queries, either Mr. Lawlor or I  
19 at Mr. Lawlor's suggestion, arranged a meeting with Mr. Drumgoole. Now, I have  
20 to say to you, Mr. Gallagher, that I have no recollection of making any  
21 telephone call or making any arrangement to meet Mr. Drumgoole, but I do know I  
22 met him with Mr. Lawlor. I have never met Mr. Drumgoole prior to that time. I  
23 have to say that I would probably have been aware of the man's existence given  
24 that he was an official of Dublin County Council prior to being transferred as  
25 an official of Dun Laoghaire/Rathdown county council and it is possible that  
26 his name arose previously. I have no recollection of ever meeting him,  
27 discussing anything with him, or writing to him in any regard in relation to  
28 any development.

29

30 As I have said, to the best of my recollection and belief, the meeting in

1 question was arranged very shortly after it had been mentioned or suggested to  
2 me by Mr. Lawlor, and I have also said that I recall that the meeting occurred  
3 in the then offices of Dun Laoghaire/Rathdown county council, which I believe  
4 were temporary offices at the time which may assist in dating the meeting.

5 Q.351 Do you believe that this meeting took place prior to the submission of the  
6 motions in October or 1997?

7 A. Yes.

8 Q.352 And do you believe that given that you have no recollection of making contact  
9 with Mr. Drumgoole, and given that he wasn't a person who is not personally  
10 known to you, you say, is it more likely than not that the meeting was arranged  
11 by Mr. Lawlor?

12 A. Yes, I believe so.

13 Q.353 Mr. Drumgoole was a man who was very well known in the planning department, he  
14 was a very senior official in the planning department, are you telling the  
15 Tribunal that you didn't meet him in the course of your many visits to the  
16 County Council meetings in O'Connell Street during the review of the 1983  
17 County Development Plan?

18 A. No. I know which officials I met, Mr. Gallagher. I did not, I have no  
19 recollection of ever meeting Mr. Drumgoole. I met Mr -- well, I am not going  
20 to mention names now, sorry. I met various people in the planning department  
21 of Dublin County and other departments, for example in the environmental  
22 section or whatever, but I certainly and I can name those people, but I have  
23 absolutely no recollection or do I see any reason why I would ever have met  
24 Mr. Drumgoole.

25 Q.354 You say then that as a matter of probability, as I understand it, that  
26 Mr. Lawlor arranged a meeting with Mr. Drumgoole to see how things were  
27 progressing in relation to the Jackson Way lands?

28 A. Correct.

29 Q.355 Would you tell the Tribunal what happened at the meeting, who was present, what  
30 was discussed and what the result was?

1 A. Well, there were only three people present, Mr. Drumgoole, Mr. Lawlor and  
2 myself. The purpose of the meeting was quite simple and straightforward, it  
3 was to ascertain on the basis of an information-gathering exercise, to  
4 ascertain the attitude of Dun Laoghaire/Rathdown council to the Jackson Way  
5 lands vis-a-vis zoning. In other words, what possibilities there existed or  
6 didn't exist and what chances or otherwise those lands might have in the  
7 context of the Development Plan in Dun Laoghaire/Rathdown county council.

8

9 Again, as I have said to the Tribunal in the letter of the 7th November 2002,  
10 that Mr. Lawlor introduced me to Mr. Drumgoole and I stress the word  
11 'introduced' because I -- as I have said to you, I have no recollection of ever  
12 meeting Mr. Drumgoole prior to that time as representing the owners of the  
13 lands in the Carrickmines

14 Q.356 Can you recall what else was said at that meeting apart from the introductions?

15 A. I recollect that -- I recollect that, if we can fast forward to the end of the  
16 meeting, I recollect we did not come out of the meeting with any information  
17 that we did not have prior to the meeting, but I do remember Mr. Drumgoole  
18 saying that obviously the line of the motorway was the determining factor in  
19 relation to what would or would not be allowed in relation to zoning.

20 Q.357 Did you discuss anything about the adjoining lands of Messrs. O'Halloran  
21 Darragh Kilcoyne or anything of that nature?

22 A. Not to my recollection, no.

23 Q.358 What else was said at that meeting that you can recall?

24 A. Well, I do recollect that there was a question or a discussion about access to  
25 the lands.

26 Q.359 What was discussed about that?

27 A. Well, that there was an ongoing issue in relation to access to the lands. The  
28 lands were agricultural, were being used for agricultural purposes. There was  
29 as I understand it -- understood it then and do now, there was a narrow  
30 agricultural farm access to the lands which was being put forward was being an

1 existing access and therefore that there wasn't a problem with access and the  
2 lands beside the Jackson Way lands were being used for a combination of  
3 agriculture and leisure purpose, horse grazing as I understand it. But in  
4 relation to the specific question, I do recall the issue of access being raised  
5 and Mr. Drumgoole saying that that was a matter that would be looked at by the  
6 relevant department in the context of any proposal that was made for zoning in  
7 relation to the lands.

8 Q.360 What explanation did Mr. Lawlor give for his presence at that meeting? What  
9 justification did he have for it? What interest did he have for it? Given  
10 that it was a meeting that related to lands which were outside his constituency  
11 and well outside his constituency?

12 A. He didn't give any explanation. Mr. Lawlor was not prone to giving  
13 explanations about his involvement in any particular item. He obviously knew  
14 that I was involved. I have already given evidence sometime ago in relation to  
15 how I believed Mr. Lawlor was responsible for my becoming involved in some  
16 fashion or other. I have already given evidence to the effect that Mr. Kennedy  
17 told me that Mr. Lawlor had an ongoing interest, beneficial interest in the  
18 lands. And at his discussion as I believe the case is, as I outlined in my  
19 letter, or the letter from my solicitors, that it was at his suggestion that we  
20 met Drumgoole for the specific purpose of finding out what was going -- what  
21 was the thinking of the officials in Dun Laoghaire/Rathdown in relation to the  
22 possibilities of having these particular lands zoned.  
23 I am anxious to make this point to you, Mr. Gallagher, because you have asked  
24 me a very specific question in relation to knowing or not knowing Mr. Drumgoole  
25 Q.361 Yeah.

26 A. I cannot envisage any scenario in which I would have made a call to  
27 Mr. Drumgoole to set up a meeting about Jackson Way in circumstances that I had  
28 never discussed Jackson Way with any other official. My only contact in  
29 relation to Dun Laoghaire/Rathdown county council vis-a-vis Jackson Way was  
30 with councillors. I was not introducing a client to the planning department of

1 Dun Laoghaire/Rathdown council. I was not accompanied by a client. I have  
2 been accompanied by clients in previous manifestations to various departments  
3 to Dun Laoghaire -- in Dublin County Council in its old format in relation to  
4 specific items. But I cannot envisage a scenario where I would ring  
5 Mr. Drumgoole and make an appointment with somebody I had not ever met before  
6 or had not ever discussed this issue before with the purpose of eliciting  
7 information as to what the attitude of Dun Laoghaire/Rathdown county council  
8 was going to be in circumstances where I could find that out otherwise, namely  
9 through elected representatives.

10 Q.362Mr. Drumgoole has told the Tribunal that he has no recollection of meeting you,  
11 that that meeting did not take place to the best of his recollection, that he  
12 would endeavour to check records to see if there was any note or memorandum or  
13 diary entry in relation to it, but that his recollection is that he never met  
14 you with Mr. Lawlor. Given what Mr. Drumgoole said, I would like you to  
15 respond, if you would please, to the Tribunal given his belief that no such  
16 meeting took place?

17 A. Well, I have already said to you, Mr. Gallagher, that the meeting took place in  
18 what I believe to be the then temporary head quarters or offices of Dun  
19 Laoghaire/Rathdown County Council. I vividly recollect Mr. Lawlor accompanying  
20 me. I only met one other official of Dun Laoghaire Rathdown County Council in  
21 those offices whose name I shall supply to you if I wish and it is not  
22 something that is of interest to me in fabricating. As I said in my letter,  
23 when the circulation took place in relation to documentation of names and  
24 evidence to be taken in this module took place, when I spotted the name I rang  
25 my solicitor and told him and we made this statement that you have passed to me  
26 here, on 7th November 2002.

27

28 The only other person I can suggest to you that could confirm or deny that the  
29 meeting took place is Mr. Lawlor. However, however, I am somewhat taken aback  
30 by the fact that Mr. Drumgoole says that the meeting did not take place or that

1 there is no specific reference to it. I have a diary which is in your  
2 possession, my understanding is that senior officials in local authorities keep  
3 diaries. I don't necessarily put everything into my diary and I have given you  
4 the circumstances in which I have recollect this meeting, and I can't -- I am  
5 sorry if I can't say any more to you. I can't go into any more detail about it  
6 other than to tell you what I have told you. It is of no benefit to me to tell  
7 you I had a meeting with this gentlemen if such a meeting didn't take place. I  
8 told you the circumstances.

9 Q.363 Can you remember whether the meeting took place in morning or afternoon?

10 A. In the morning. Early morning I might add, not the latter part of the morning.

11 I believe that the meeting took place at a relatively early hour.

12 Q.364 Do you know whether you have any entry in your diary in relation to that?

13 A. No. I have checked my diary and I do not. I believe this meeting took place  
14 at very short notice.

15 Q.365 Did Mr. Lawlor give you any explanation as to why he was anxious to establish

16 what progress was being made in relation to the Jackson Way lands?

17 A. No, but can I say to you, Mr. Gallagher, in fairness to Mr. Lawlor, I mean he  
18 is not a fool and I don't think I am either, I wasn't seeking an explanation  
19 from him, I knew of the circumstances from Kennedy himself that Mr. Lawlor,  
20 according to Mr. Kennedy, had a beneficial interest in these lands. Mr. Lawlor  
21 never alluded to, never confirmed, and I never asked. But if Mr. Lawlor  
22 suggested that it would be a good idea to have a meeting with Mr. Dermot  
23 Drumgoole or Dermot, as he was want to refer to, for the benefit of eliciting  
24 information in relation to what might or might not happen in the Development  
25 Plan in relation to these lands, it served me no purpose to disagree or say no,  
26 I am not going to such a meeting.

27

28 CHAIRMAN: Would that be a --

29

30 MR. GALLAGHER: Just one or two questions if I might, Sir.

1

2 CHAIRMAN: Okay.

3

4 MR. GALLAGHER: Was it your belief when you attended the meeting with Mr.  
5 Drumgoole that you have referred to that Mr. Lawlor at that time had a  
6 beneficial interest in the lands in question?

7 A. I had no evidence to contradict what had already been said to me by  
8 Mr. Kennedy. I have believed from the moment that Mr. Kennedy told me, excuse  
9 me, that Mr. Lawlor had an interest and that it was registered elsewhere and I  
10 have given evidence in relation to this matter. I have never -- I never  
11 discussed it with Mr. Lawlor other than in the context of a document that  
12 Mr. Lawlor provided to me on headed note paper which is in the possession of  
13 the Tribunal in relation to banking facility elsewhere. But I never discussed  
14 it with Mr. Lawlor. He never raised it with me. I am not aware of any  
15 occasion which Mr. Lawlor gave any indication to me that he had any beneficial  
16 interest in these lands.

17 Q.366The question I asked you and I think perhaps you answered it --

18 A. Sorry.

19 Q.367You answered it at such length I am not quite certain you have answered it, so  
20 I will ask it again. Was it your belief when you attended the meeting with  
21 Mr. Drumgoole with Mr. Lawlor, that he had at that time had a beneficial  
22 interest in the lands in question?

23 A. Yes, it was.

24 Q.368And have you heard or learned anything since that meeting to suggest that  
25 Mr. Lawlor no longer has a beneficial interest in the lands?

26 A. Well it depends, Mr. Gallagher, what do you mean have I heard?

27 Q.369Heard from Mr. Kennedy?

28 A. No.

29 Q.370Or somebody who might know that he doesn't have --

30 A. No, other than the statement by Mr. Kennedy that Mr. Lawlor had a piece or

1 beneficial interest in the lands in question, the identity of which never  
2 changed regardless of what name you put on it, Paisley Park or Jackson Way,  
3 other than that statement Mr. Kennedy has never ever contradicted that or told  
4 me differently.

5 Q.371I see. Sorry, one final question. Did you disclose to any person or any  
6 journalist the fact that you had communicated with the Tribunal, written to the  
7 Tribunal in connection with this meeting which you alleged took place at the  
8 offices of Dun Laoghaire/Rathdown county council?

9 A. No. I did not communicate that information to anybody.

10 Q.372Thank you.

11

12 CHAIRMAN: 10.30?

13

14 MR. GALLAGHER: Thank you.

15

16 CHAIRMAN: 10.30 tomorrow morning.

17

18 THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,  
19 WEDNESDAY, 22ND JANUARY 2003, AT 10.30A.M.

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