

THE TRIBUNAL RESUMED AS FOLLOWS ON TUESDAY, 7TH OCTOBER 2003

AT 10.30 AM:

CHAIRMAN: Morning.

MR. QUINN: Morning, Mr. Chairman. Mrs. Annie Hand please.

MR. FINLAY: Chairman, I wonder if I could mention a procedural matter, I understand from a conversation with Mr. Quinn this morning, that the anticipated running order may have been slightly altered, and I understand the present position to be that Mr. Rabbitt is not expected before two o'clock. If I may, I am going to proceed on that basis.

CHAIRMAN: That seems to be the case.

MR. QUINN: Mr. Rabbitt had some difficulties.

CHAIRMAN: Well not before 2 o'clock.

MR. FINLAY: Thank you very much, Mr. Chairman.

1 ANNIE HAND, HAVING BEEN SWORN WAS EXAMINED

2 AS FOLLOWS BY MR. QUINN:

3

4 Q.1 Good morning, Mrs. Hand.

5 A. Morning.

6 Q.2 Mrs. Hand, my name is Pat Quinn, I am here for the Tribunal and I am going to
7 ask you a few questions in relation to your late husband.

8 A. Yes.

9 Q.3 Is that okay, can you hear me okay?

10 A. I can, yes.

11 Q.4 Mrs. Hand, I think you are the widow of the late Tom Hand deceased?

12 A. I am, yes.

13 Q.5 You are the personal representative of his estate, isn't that correct?

14 A. Yes, that's right.

15 Q.6 Your husband, I think, died in 1996, isn't that right?

16 A. That's right.

17 Q.7 June '96?

18 A. 29th, yeah.

19 Q.8 Yes. Now, in his lifetime I think your husband was a member of the Dublin
20 County Council, isn't that right?

21 A. Right, yes.

22 Q.9 And was he for a time also a member of the Dun Laoghaire/Rathdown County
23 Council?

24 A. He was yeah.

25 Q.10 That was between 1994 and his death, is that correct?

26 A. Yeah.

27 Q.11 Can I just ask you, yourself and your husband, you have a number of children,
28 isn't that right?

29 A. We had seven.

30 Q.12 Seven children. I think most of your family would have been born in the '50s

1 would that be --

2 A. Yeah, from '47 on, yeah, in the '50s.

3 Q.13 Okay. And I think your husband, what -- what was your husband's occupation in
4 his lifetime?

5 A. CIE, he worked in CIE, a supervisor.

6 Q.14 Was that in Inchicore?

7 A. No, Donnybrook.

8 Q.15 In Donnybrook?

9 A. Yeah.

10 Q.16 When did he first get involved in politics, can you recall?

11 A. Oh God, Tom was about 17, that's the start of it like you know, he started
12 canvassing and that.

13 Q.17 He was a member I think, can you recall when he was first elected to Dublin
14 County Council?

15 A. 1974 I think.

16 Q.18 Yes, he would have been elected for the Fine Gael party, isn't that right?

17 A. Yes.

18 Q.19 He was a member of Fine Gael throughout his life?

19 A. Yeah.

20 Q.20 Now, in the year 2000, Mr. Dunlop gave evidence here to the Tribunal as it was
21 then, the Flood Tribunal?

22 A. Yeah.

23 Q.21 I don't know if you recall Mr. Dunlop's evidence at that time?

24 A. I do.

25 Q.22 Yes. If we could have page 62 of the Hand brief -- I am not going to read the
26 entire of Mr. Dunlop's evidence on that occasion but it would appear that when
27 Mr. Dunlop came to give evidence on Day 146, an article had previously appeared
28 in the Sunday Independent, I think, written by Mr. Sam Smith and Mr. Dunlop was
29 being asked about that article. If I could just put one or two of the
30 questions addressed to Mr. Dunlop and his replies to you, just for, if I may.

1
2 On Day 146, question 109, Mr. Hanratty, who was asking Mr. Dunlop some
3 questions at the time addressed:

4
5 "In those circumstances we might as well cut to the quick then and ask you, do
6 you say that Mr. Hand said to you that he wanted 250,000 pounds in connection
7 with his vote on Quarryvale.

8 Answer: Yes.

9 Question: Do you say that Mr. Hand provided with you a number of an offshore
10 account in which those monies should be lodged?

11 Answer: He provided me with the address, a letterhead of the bank, there is a
12 date on the letterhead and there is a number and handwriting on that account."

13
14 Now you recall that evidence and that publicity surrounding your husband at
15 that time, Mrs. Hand?

16 A. I do remember, yeah.

17 Q.23 Now, do you want to comment on that evidence or that publicity at this stage?

18 A. I didn't know that Tom had an account.

19 Q.24 In Australia?

20 A. No, but it wouldn't surprise me because he had grandchildren and Tom may have
21 put it into the bank for their education.

22 Q.25 Well, I will cut to the bank account in a moment.

23 A. Oh right.

24 Q.26 But Mr. Dunlop was there saying that your late husband had asked him for
25 250,000 pounds in connection with a vote in relation to a rezoning matter.

26 A. No, I can't comment on that, like, you know, I doubt if Tom would ask for that
27 amount.

28 Q.27 Yes. Now just in relation to the account in Australia, Mr. Dunlop did hand in
29 a document and if I could have page number 6 of the brief please, you see there
30 a document headed Commonwealth Bank, Commonwealth Bank of Australia, do you see

1 that, it's in the screen beside you?

2 A. Oh yeah.

3 Q.28 We can hand you a copy of it if you wish. First off, that has your husband Tom

4 Hand and that's your address, isn't that right?

5 A. That's right.

6 Q.29 Farravboley Park, Dundrum?

7 A. That's right.

8 Q.30 Dated July 1992, isn't that correct?

9 A. That's right.

10 Q.31 Now do you say that yourself and your husband have family in Karrinyup West in

11 Australia?

12 A. We had a son.

13 Q.32 This is your son, John?

14 A. That's right.

15 Q.33 Is that, does he reside in that district in Australia?

16 A. Yeah, Perth.

17 Q.34 And how long has he resided there?

18 A. He is 15 years.

19 Q.35 He is 15 years there?

20 A. Yeah.

21 Q.36 So that would be about 1988?

22 A. That's right, yeah.

23 Q.37 Now, did yourself and your husband ever visit him there?

24 A. Tom went out twice.

25 Q.38 Now you do know that the Tribunal, after that evidence was provided, after that

26 document was given to the Tribunal, wrote to the Commonwealth Bank asking them,

27 asking them about particulars of the account, isn't that right?

28 A. Yeah.

29 Q.39 And I think your solicitors at the time wrote separately to Mr. Matthews, isn't

30 that correct?

1 A. That's right.

2 Q.40 And unfortunately at that time the bank could find no details because it was
3 more than seven years, I think, since the account had been opened, isn't that
4 correct?

5 A. That's right.

6 Q.41 But latterly I think, the bank have advised you and the Tribunal or advised
7 your solicitors and the Tribunal that there was an account in your late
8 husband's name in the branch at that time?

9 A. Well as I say, I didn't know.

10 Q.42 Yes?

11 A. But I wouldn't be surprised.

12 Q.43 Yes. Now if we just look at perhaps page 34, if I take the letter to your
13 solicitors from the, it would appear to be headquarter building of the bank.
14 It's a letter of the 13th of February 2003.

15

16 "As requested, please find enclosed details below in response to your queries.

17

18 A: We confirm correspondence dated 16 July 1992 is on Commonwealth Bank
19 letterhead and was sent to Mr. Hand from our Karrinyup branch. However we are
20 unable to confirm the content of the letter." Do you recall receiving any bank
21 correspondence from this bank in Australia in 1992?

22 A. No.

23 Q.44 Had you received correspondence from the bank?

24 A. Never.

25 Q.45 Is it likely that your husband could have received correspondence and you
26 wouldn't have known about it?

27 A. I doubt it, no, no. I doubt it.

28 Q.46 It goes on to say:

29 "Unfortunately, we are unable to provide a copy of the statement from 16 July
30 1992. Bank records are only kept for a period of seven years and the letter

1 would have been destroyed in 1999.

2

3 We can confirm that Mr. Hand would have been on the bank mailing or circulation
4 list in 1992 as he had a current account with the Commonwealth Bank."

5

6 Now that does appear to suggest not alone were the bank corresponding with your
7 husband here in Ireland but he was the holder of a current account with the
8 branch.

9 A. I don't know anything about it.

10 Q.47 Yes. "We can confirm that account number -- this is the account number that we
11 are talking about, was an account held by Mr. Hand for the period 2nd January
12 1991 to the 23rd April 1993." You said earlier two visits of your husband to
13 Australia, when did they take place, can I ask?

14 A. John was out there about a year, so that's 14 years ago.

15 Q.48 That would be about 1989?

16 A. And then I think he went out about two years after, that was his last visit.

17 Q.49 So about 1989 and 1991 would have been his two visits?

18 A. Around that, yeah.

19 Q.50 If I could just continue on with the letter it says "Account number -- and
20 again recites the account -- was a valid account number in 1991.

21 It was a term deposit account held by Mr. Thomas Hand." It doesn't suggest it
22 was held by anybody else but your husband.

23 A. I don't know.

24 Q.51 "No, the bank is no longer in possession of any further correspondence to or
25 from Mr. Hand as all his account have been closed more than seven years.

26 Mr. Hand has also another account term deposit account being account number --
27 again recites a number -- this account was opened on the 2nd of January 1990 to
28 the 11th January 1991."

29

30 Now that would appear to have been opened before, after your husband's first

1 visit and before his second visit.

2 A. I don't know. Tom didn't say anything to me about it. As I say, I wouldn't be
3 surprised because we had grandchildren there and --

4 Q.52 If you had grandchildren there, perhaps your husband would have given them
5 money, is that what you say?

6 A. Well, put it into an account for them maybe.

7 Q.53 If he did put it into an account for them, he would nearly put it into an
8 accounts in their own names or their parents' names?

9 A. They were young, like, you know.

10 Q.54 What about their parents' name?

11 A. I'm not sure, I can't answer.

12 Q.55 But you would agree and accept that it does appear that your, that there were
13 two accounts held to your husband's order in Australia in 1990 and 1992?

14 A. I am not sure.

15 Q.56 But you accept that the correspondence which has been received would seem to
16 suggest that there were accounts there?

17 A. Probably.

18 Q.57 Yes. Now your husband, as a councillor, he would have been a very busy man?

19 A. Very busy man.

20 Q.58 When did he retire from CIE, can I ask?

21 A. Oh God -- retired from CIE -- he retired at 60.

22 Q.59 Aged 60?

23 A. Yeah.

24 Q.60 Well, was he retired long before he died?

25 A. He died in 1996. He was 60 -- Tom would have been 75 now, right so -- he was
26 68 when he died.

27 Q.61 So he was retired?

28 A. He was retired then, yeah.

29 Q.62 So he would have retired in the late '80s?

30 A. Late '80s, yes.

1 Q.63 His source of income throughout his life, Mrs. Hand, would it have been from
2 his occupation with CIE?

3 A. CIE, yeah.

4 Q.64 And presumably he was on, being on the County Council he would have been
5 entitled to expenses from the Council?

6 A. He would have of course.

7 Q.65 Other than the expenses from the Council and his income in CIE, was he in
8 receipt of any other monies to your knowledge throughout his career?

9 A. Not, no never.

10 Q.66 So the family fund had been made up of income, wages and pension from CIE?

11 A. That's right.

12 Q.67 The pension presumably after he retired?

13 A. Pardon?

14 Q.68 It have wouldn't his pension after he retired?

15 A. Pension, yeah.

16 Q.69 So from the late '80s, early '90s onwards, he was in receipt of a pension from
17 CIE?

18 A. That's right.

19 Q.70 And he was in receipt of some Council expenses?

20 A. Yeah.

21 Q.71 Now as a busy councillor, would it be fair to say that people would call to see
22 him at his home?

23 A. They would of course, yeah.

24 Q.72 Would it be fair to say that you have a fairly constant stream of people coming
25 to visit him at home?

26 A. Very much, yeah.

27 Q.73 Yes. Now did you know Mr. Dunlop, Mrs. Hand?

28 A. I never met the man.

29 Q.74 Okay. Well I will come to that in a moment. Did you ever hear of the man?

30 A. No. Not until this thing came up.

1 Q.75 But in his lifetime, did your husband ever tell you that he knew Mr. Dunlop?

2 A. No, never.

3 Q.76 Did you ever know that he was meeting Mr. Dunlop?

4 A. Never.

5 Q.77 Did your husband share with you his political life?

6 A. Not particularly, because I had to get on with seven children, like, you know.

7 I had a big family.

8 Q.78 Now, Mr. Dunlop has given to the Tribunal which seems to suggest that he had a

9 relatively close relationship with your husband, certainly --

10 A. He had.

11 Q.79 Certainly from the early '90s onward?

12 A. Well I never met Frank Dunlop.

13 Q.80 I will just read to you a portion of Mr. Dunlop's evidence to the Tribunal.

14 A. Right.

15 Q.81 I just ask you to comment on it, if I may. If I could have page two of the

16 brief please.

17

18 Question 270, Mr. Dunlop has been asked questions by Mr. Gallagher, these are

19 the questions and answers of Mr. Dunlop.

20

21 "Now I want you to talk about the meeting you had with Councillor Hand in his

22 home Friday evening, 1st of May 1992. Do you recall that meeting?

23 Answer: Yes, I do.

24 Question: Would you tell the Tribunal about it please?

25 Answer: I went to Councillor Hand's home in Farravboley, Dundrum, for the

26 specific purpose of gaining his support for Paisley Park Development and to

27 elicit whether or not he would be willing to sign the motion.

28 Question: All right. Can I ask you to pause there for a moment. You had gone

29 there by appointment?

30 Answer: Yes.

1 Question: Did you telephone Mr. Hand to make such an appointment?

2 Answer: Yes, I did.

3 Question: In the course of that telephone conversation, did you discuss why or
4 indicate to him why you wanted to meet him?

5 Answer: I would have told him in the telephone conversation I wanted to have a
6 chat about the Development Plan.

7 Question: Were you any more specific than that?

8 Answer: I don't think so, I don't think I was.

9 Question: All right, so I take it you wasn't to Mr. Hand's house in Fernleigh.

10 Answer. Yes, I did.

11 Question: Had you been there before?

12 Answer: Yes, I was.

13 Question: Who did you meet when you were there?

14 Answer: On this occasion I think I met Tom Hand on his own. Previously when I
15 had been there I met his wife briefly."

16 A. Well I never met the man. He was never in my home. I never let him in.

17 Q.82 Yes, well Mr. Dunlop is quite adamant that he was in your home at least two
18 occasions and introduced to you on at least one occasion by your husband?

19 A. Never.

20 Q.83 Could it be that your husband introduced you to Mr. Dunlop and you forget you
21 had a meeting?

22 A. If it was a thing that I opened the door to Frank Dunlop right, Tom would have
23 introduced me to him because I never knew the man.

24 Q.84 Yes. Well might he have introduced to you Mr. Dunlop and you forgot that you
25 had been introduced to Mr. Dunlop?

26 A. I wouldn't, no. I wouldn't, him coming to the house, do you mean?

27 Q.85 Yes.

28 A. No.

29 Q.86 Again, on Day 370, page 55 of the brief again, I will just read to you
30 Mr. Dunlop's evidence.

1 Question 198. "All right, I want to move onto the visit you said you had come
2 to the home of Mr. Late Tom Hand, my understanding is according to your
3 evidence you visited Mr. Hand's home on a number of occasions.

4 Answer: That's correct.

5 Question: I also understand that Mrs. Hand hasn't a recollection of you
6 attending, can you tell the Tribunal approximately how many times you visited
7 his home when Mrs. Hand was present?

8 Answer: I can recollect certainly on one occasion when Mrs. Hand open the door
9 and said --

10 question: Can you say when that was approximately?

11 Answer: No, I can't. But you asked me do I recollect so I recollect her
12 coming to the door, answering the door and saying Tom will be with you in a
13 moment and she conducted me to a sitting room.

14 Question: Did you introduce yourself to her?

15 Answer: Yes, I did. And on another occasion I recollect Mrs. Hand providing
16 her husband and myself with tea.

17 Question: I see. Do you say you met her on two occasions?

18 Answer: Yes.

19 Question: When you visited?

20 Answer: And Tom introduced her and said you have met Frank and he said this --
21 I don't intend to read through the rest of it but --

22 A. I never met him, Frank Dunlop.

23 Q.87 He is quite specific about meeting you?

24 A. Never.

25 Q.88 If I could just show you an extract from Mr. Dunlop's diary from the 1st of May
26 1992, if we could have page one of the brief please, Mr. Dunlop was in the
27 habit, it would appear, of entering up appointments in his diary. If you look
28 at the screen, you will see for the 1st of May 1992, an appointment with Tom
29 Hand/home, do you see that?

30 A. Pardon.

1 Q.89 Do you see the entry there in the screen?

2 A. Tom Hand/home, yeah.

3 Q.90 Yes. That would seem to corroborate Mr. Dunlop's recollection of attending at
4 your home to meet with your husband?

5 A. Yeah, but I never met him. I don't know. I never, certainly. And Tom would
6 have introduced him to me if he was in the home.

7 Q.91 Now, the -- Mr. Dunlop's diary has quite a number of entries from meetings with
8 your husband, I don't propose to go through all of them, if I were to suggest
9 there were quite a substantial amount of entries in Mr. Dunlop's diary for
10 meetings of him and your husband between 1991 and 1995/96, not necessarily in
11 the home?

12 A. I can't recall that at all.

13 Q.92 Sorry?

14 A. I don't know. I didn't know.

15 Q.93 You couldn't comment on that?

16 A. No.

17 Q.94 When did you first hear of Mr. Dunlop or know of Mr. Dunlop?

18 A. When this was, when this came up, about Tom asking for 250,000.

19 Q.95 This was in the year 2000?

20 A. Yeah.

21 Q.96 Prior to that you had never heard of Mr. Dunlop?

22 A. Never.

23 Q.97 Didn't know he existed?

24 A. No.

25 Q.98 Can I just give you, read to you what Mr. Dunlop says by way of the
26 relationship which he says he had with your, with your husband, if I could have
27 page five of the brief? On Day 254, he is just dealing with your husband, I am
28 not going to read it all again, just one or two of the question and answer
29 series.

30

1 "You gave me the impression that you were quite keen to see the back of Tom
2 Hand.

3 Answer: I am sorry if I gave you that impression. I did -- I was somewhat
4 frustrated by Tom who you asked me earlier on, was he a social acquaintance and
5 I said we did dine together. We did discuss elements of his life,
6 particularly what he had done in CIE and he talked about members of family from
7 time to time and he told me various things that may or may not be relevant.
8 But it is not that I wanted to see the back of him.

9 Question 503: You have placed yourself at the Hand home on a number of
10 occasions.

11 Answer: Yes, by invitation.

12 Question: In 1992 particularly, Mrs. Hand has no recollection of you ever
13 visiting the house.

14 Answer: Well, I can't account for that, I can just answer the question, and I
15 know Mr. Mrs. Hand's first name and I know for a fact on one occasion when I
16 arrived she answered the door and I know for a fact on another occasion she
17 told me to sit down because Tom would be with me in a minute."

18 Again it is put to him that:

19 "She has no recollection of you having being there or nor has her daughter that
20 lived at home continuously for January 1992.

21 Answer: Well, I don't know which daughter you are talking about, but a
22 daughter of Tom's I met her in my office at Tom's request to give her advice
23 about getting a job in PR.

24 Question: But she says she never let you in the house.

25 Answer: Fine.

26 Question: She was in the house from 1992 onwards.

27 Answer: I can't account for other peoples statements or recollections. I can
28 only give you the answer, also point to a number of entries in my diary in
29 relation to Tom and his house."

1 The daughter referred to, is that your daughter Ann?

2 A. That's right.

3 Q.99 Does she live at home with you?

4 A. She lives at home, yeah.

5 Q.100 Could Mr. Dunlop have met one of your daughters, maybe Ann, with your husband
6 to give advice about PR?

7 A. No.

8 Q.101 Did you check with your daughters to see if any of them had received advice
9 from Mr. Dunlop?

10 A. No, I did, yeah, none of them had anything to do with Frank Dunlop.

11 Q.102 What do you say to the suggestion that Mr. Dunlop makes that he was asked for a
12 sum of 10,000 pounds by your husband on the 1st of May 1992 to sign a motion to
13 rezone lands in Carrickmines?

14 A. I think that's lies.

15 Q.103 Is there any reason why Mr. Dunlop would tell lies about your late husband?

16 A. I don't know, he probably has. But certainly it's lies that he met me and in
17 the house.

18 Q.104 Yes. He also says that on the 4th of May 1992, he paid your husband a sum of
19 3,000 pounds to sign a motion?

20 A. Well I don't know anything about that.

21 Q.105 We know that your husband did sign a motion, isn't that correct?

22 A. I know.

23 Q.106 Yeah, well you can take it there is a motion signed by your husband in relation
24 to these lands.

25 A. Well, I don't know anything like you know.

26 Q.107 I don't intend to go through the diary entries unless requested to do so by the
27 Tribunal.

28

29 Thank you very much, Mrs. Hand

30 A. Okay.

1

2 CHAIRMAN: Mrs. Hand, just if you hold on a minute, is there anybody that
3 wishes to ask Mrs. Hand any questions?

4

5 MR. O' DULACHAIN: Chairman, Cormac O' Dulachain, I appear for Mrs. Hand,
6 one or two questions just to clarify one or two matters.

7

8 THE WITNESS WAS CROSS-EXAMINED AS FOLLOWS BY MR. O'DULACHAIN:

9

10 Q.108Mrs. Hand, you mentioned that following your husband's retirement that he was
11 on the County Council and would have received expenses from the County Council.
12 In addition to being on the County Council, was he also on the Health Board?

13 A. He was on the Health Board, yes.

14 Q.109And do you know whether he was receiving expenses from the Health Board?

15 A. He was, yes.

16 Q.110And was he also on the governing body of University College Dublin?

17 A. Yes, he was.

18 Q.111Do you know whether he received any expenses in relation to that function?

19 A. No.

20 Q.112And was he also involved on various committees of the Irish Management
21 Institute?

22 A. He was indeed, yeah.

23 Q.113And do you know whether he received any type of payment of any kind in relation
24 to that?

25 A. No.

26 Q.114No. In relation to the impression given by Mr. Dunlop in his evidence, he gave
27 the impression that your late husband was the type of man who was constantly
28 looking for money, do you think that's an impression, did he have any need for
29 large amounts of money?

30 A. Not really, no.

1 Q.115Did you and him go abroad or travel extensively or live a lavish lifestyle of
2 any kind?

3 A. Certainly not, because I haven't been on a plane.

4 Q.116Have you ever been abroad?

5 A. No.

6 Q.117In terms of where you live, have you moved house over the last years?

7 A. We moved in 1980.

8 Q.118To where you are at present?

9 A. Yeah.

10 Q.119And in relation to your life, was your life spent mostly at home in the home?

11 A. I am in the home all the time, yes.

12 Q.120And I think you were asked a question about Ann Hand, your daughter?

13 A. Mm-hmm.

14 Q.121And just to clarify, do you have any recollection of Ann meeting, going to a
15 meeting in Mr. Dunlop's office? I think that was Mr. Dunlop's evidence that he
16 had a meeting with Ann in Mr. Dunlop's office, not at home, do you have any
17 recollection?

18 A. I can't recall that, no.

19 Q.122No. Okay. Thank you.

20

21 CHAIRMAN: Mrs. Hand, I just wanted to ask you about one matter. You said
22 that you didn't know that your husband had an account in -- you didn't know
23 that your husband had an account in Australia.

24 A. No.

25

26 CHAIRMAN: But you said you wouldn't be surprised if he had.

27 A. For to educate the children.

28

29 CHAIRMAN: Well do you know was he helping, was he contributing in any way, to
30 your knowledge, to his grandchildren or his son in Australia?

1 A. Well, I would say he was worried in case -- going to a new country, like, you
2 know?

3
4 CHAIRMAN: And he, you say that he visited his son in Australia on two
5 occasions?

6 A. On two occasions, yeah.

7
8 CHAIRMAN: Probably in the late 1980s and early 1990s?

9 A. Mm-hmm.

10
11 CHAIRMAN: And we know from the Commonwealth Bank that he had two accounts
12 there in, from approximately 1990 up to 1993, would it surprise you that he
13 might have opened accounts and wouldn't have told you about them?

14 A. I wouldn't be surprised, for the family's sake.

15
16 CHAIRMAN: Yes. Would you have known much about his financial affairs and his
17 bank accounts and so on, at the time?

18 A. No, no.

19
20 CHAIRMAN: And in the period since then, did he ever mention to you, up to the
21 time he died, that he had had an account in Australia?

22 A. Never.

23
24 CHAIRMAN: Or anywhere else abroad?

25 A. No.

26
27 CHAIRMAN: And in more recent times, when the news broke as a result of
28 evidence here that he had had accounts in Australia, I presume you would have
29 wanted to know, first of all, if there was any truth in those stories?

30 A. That's true, yeah.

1

2 CHAIRMAN: And secondly, what had been in the accounts or what they had been
3 used for?

4 A. Mm-hmm.

5

6 CHAIRMAN: Did you make inquiries yourself?

7 A. No.

8

9 CHAIRMAN: Is your son John still in Australia?

10 A. John is still in Australia. Yeah.

11

12 CHAIRMAN: Do you have contact with him?

13 A. Oh I do, yes.

14

15 CHAIRMAN: And did you ever ask him about --

16 A. Well my family have been out there with him, like, you know? My family visit
17 him. For just to see him and -- I have never been there.

18

19 CHAIRMAN: But have you ever spoken to him or had any written communication
20 with him?

21 A. None whatsoever.

22

23 CHAIRMAN: As to what accounts his father might have had?

24 A. No.

25

26 CHAIRMAN: So you know nothing even to this day?

27 A. I really don't.

28

29 CHAIRMAN: As to what might have been in the accounts?

30 A. No.

1

2 JUDGE FAHERTY: Just one question, Mrs. Hand. You have told Mr. Quinn that you
3 have never met Mr. Dunlop in your home, is that correct?

4 A. I never met Mr. Dunlop at all, no.

5

6 JUDGE FAHERTY: Do you think he could have been in your home without you
7 knowing it, Mrs. Hand?

8 A. Well I doubt it, I was always there. And I would say if he was there, Tom
9 would have introduced me to him.

10

11 JUDGE FAHERTY: I see. I recall, just going on my own note, that when
12 Mr. Dunlop was answering questions put I think by your counsel, he gave a
13 description of your home as being a bungalow with cobblelock, I don't know
14 whether or not that is, if your home is such a structure?

15 A. It has cobblelock and it has been many many years.

16

17 JUDGE FAHERTY: Yes, he seemed to know the type of house and the type of
18 surrounding that your house had, Mrs. Hand.

19 A. Well I never met him.

20

21 JUDGE FAHERTY: You never met?

22 A. No, never, never met Frank Dunlop.

23

24 JUDGE FAHERTY: Right. Thanks very much.

25

26 JUDGE KEYS: Mrs. Hand, if I could, just one question, your daughter Ann, does
27 she reside at home with you all the time now?

28 A. She does, yes.

29

30 JUDGE KEYS: What does she do for a living?

1 A. She is on sick leave.

2

3 JUDGE KEYS: I see. Did she ever express an interest in PR work at any stage
4 to you?

5 A. Not really, no.

6

7 JUDGE KEYS: What sort of work was she interested in? Did she express any
8 views on what work she would like to do and like to be?

9 A. She was in the financial business.

10

11 JUDGE KEYS: I see. And you have no recollection at all that she may have gone
12 to Mr. Dunlop's office for some advice as to what line of work she might be
13 able to do in the PR business or even in the financial business?

14 A. No, none whatsoever.

15

16 JUDGE KEYS: Did she become involved in the finance business?

17 A. She worked in the financial business.

18

19 JUDGE KEYS: Where, can you tell us where?

20 A. God, I can't think of the name of the place now.

21

22 JUDGE KEYS: Was it in a bank or?

23 A. It was a bank.

24

25 JUDGE KEYS: And she no longer works in a bank? Does she still work now?

26 A. No, she doesn't.

27

28 JUDGE KEYS: When did she cease to work in a bank?

29 A. She had a breakdown.

30

1 JUDGE KEYS: I see. Can you tell us, I am sorry to have to ask the questions,
2 but can you tell me when that occurred?

3 A. About 11 year ago.

4
5 JUDGE KEYS: 11 years ago. And she hasn't worked since then?

6 A. No.

7
8 JUDGE KEYS: I see. Thank you very much.

9
10 MR. QUINN: Thank you very much.

11
12 CHAIRMAN: Thank you very much.

13
14 MR. QUINN: Mrs. Hand's solicitors understand that the financial aspect of
15 Mr. Hand's life would be a matter for a later stage for the inquiries of the
16 Tribunal and Mrs. Hand may be required again at that stage.

17
18 Now Betty Coffey please.

19
20 THE WITNESS THEN WITHDREW

21
22 MR. FEARON: Chairman, members of the Tribunal, before Ms. Coffey takes the
23 stand, I would like to make an application for representation.

24
25 CHAIRMAN: For Mrs. Coffey?

26
27 MR. FEARON: Yes.

28
29 CHAIRMAN: That's fine.

30

1 MR. FEARON: Grand. I am much obliged, Chairman.

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1 MRS. BETTY COFFEY, HAVING BEEN SWORN, WAS EXAMINED

2 AS FOLLOWS BY MR. QUINN:

3

4 CHAIRMAN: Who is your solicitor?

5

6 MR. FEARON: Chairman, my name is Brian Fearon and I am instructed by Land
7 Well, solicitors. For the record, I should point out between November '98 and
8 November 2002, Mrs. Coffey was represented by Frank Ward & Company, solicitors,
9 who had instructed one senior and junior counsel.

10

11 CHAIRMAN: Very good, thank you.

12

13 MR. FEARON: Thank you.

14

15 Q.123MR. QUINN: Good morning, Mrs. Coffey.

16 A. Morning, Mr. Quinn.

17 Q.124Mrs. Coffey, I propose to read some of your correspondence in relation to what
18 we call Carrickmines 1 to the Tribunal and to ask you to confirm that it is
19 your evidence in relation to those matters, and having read the correspondence
20 and statements I propose to ask you one or two questions arising out of it, is
21 that okay?

22 A. Perfectly, thank you.

23 Q.125You were written to on the 26th of June 2001. You were written a letter which
24 accompanied a copy motion reference numbers 292 A in respect of lands located
25 in Carrickmines. If we could have page 12 of the brief, please? And a letter
26 said:

27 "The Sole Member now directed that you refer to the Tribunal, setting out a
28 narrative statement form:

29 (a) The exact circumstances in which you signed these motions.

30 (b) The reasons for signing the said motions, and

1 (c) Whether or not you had been approached by any developer and/or
2 intermediary in respect of this matter."

3 And the accompanying motions are at pages 13 through to 18. And I think you
4 are relatively familiar with the motions that I am referring to there, motions
5 signed by you and by Mr. Cosgrave?

6 A. Yes.

7 Q.126 And then on the 20th of July your solicitor at that time, that's Mr. Ward,
8 wrote to the -- that's page 402 of the brief -- wrote to the Tribunal as
9 follows:

10 "Lands at Carrickmines Valley Christmas gifts Re: Betty Coffey.

11
12 I acknowledge receipt of your letter of the 6th inst. My client has also
13 provided me with a copy of your letter of the 26th of June. Please note that I
14 have now been instructed to reply to both letters",
15 One letter related to Christmas gifts, Mr. O'Halloran indicated to the Tribunal
16 that he had given to a number of councillors including yourself and you
17 addressed both issues in this letter. I will just read the letter.

18 A. Yes.

19 Q.127 "To deal with the letter 26 June 2001. The following is a narrative of
20 Councillor Coffey in relation to same.

21 (a) My client signed the motion as a result of a request to do so from
22 Mr. Brian O'Halloran who is the owner of part of the land that was the subject
23 of the motions.

24
25 Mr. O'Halloran is an architect and my client and her family have known
26 Mr. O'Halloran for over 20 years and they regard him as a family friend.

27
28 The land which was the subject of the motions comprised two separate sections,
29 one in the ownership of Mr. O'Halloran, Gerald Kilcoyne and Austin Darragh, the
30 second in the ownership of Jackson Way Properties Limited.

1
2 Mr. O'Halloran told my client that during the period of leading up to the
3 rezoning submission which was made in August 1997 he had many discussions with
4 senior members of the Councils Planning Department who suggested to him that he
5 and his two colleagues should try to link up with neighbouring landowners who
6 also intended to make rezoning submissions in order to assemble the largest
7 possible tract of land which then would be the subject of a single large scale
8 submission.

9
10 Following contact being made with the adjoining landowners Mr. O'Halloran told
11 my client that the only positive response was from Jackson Way Properties
12 Limited -- we continue on page 20 of the brief -- the land owned by that
13 company to the north of the South Eastern Motorway was therefore joined with
14 the lands owned by Mr. O'Halloran, Gerald Kilcoyne and Austin Darragh in a
15 single submission.

16
17 The total area which was the subject of the rezoning submission was 47.1 acres.
18 The zoning submission was in respect of industrial E or residential A1.

19
20 Soon after the submission was made Mr. O'Halloran and his two colleagues were
21 informed by the Council that part of their land would be required for a flood
22 plain for the South Eastern Motorway. Taking out the flood plain area the land
23 for rezoning would be reduced from 47.1 to 36.85 acres.

24
25 My client signed four motions as follows:

26 Motion 1: Residential A1 for 47.1 acres.

27 Motion 2: Residential A1 for 36.85 acres.

28 Motion 3: Industrial E for 47.1 acres, and

29 motion 4: Industrial E for 36.85.

1 A motion can be put down for one usage only. In the lead up to December 1997
2 council meeting and following my client's earlier consultation with the
3 planners only motion number 4 was put down for debate.

4
5 My clients main reason for signing the motions can be explained by the fact
6 that my client was and continues to be in the favour of the development of
7 these lands on account of their location close to the proposed Carrickmines
8 interchange entrance to the Carrickmines/Cherrywood Valley, this area is now
9 the subject of a major Action Plan.

10
11 Before my client decided to support the motions she discussed the merits and
12 otherwise of the development of these lands with the Council's planners who
13 were generally in favour of the development of this area subject to conditions.

14
15 The minutes of various meetings held at the time by the Council to consider the
16 many rezoning submissions will confirm that the manager's report was
17 unanimously accepted by the Council. That report laid down the conditions
18 under which the lands in this area, including lands which were the subject of
19 the O'Halloran, Kilcoyne and Darragh, Jackson Way Property Limited submission
20 would be developed. The only representation made to my client was by
21 Mr. O'Halloran.

22
23 Dealing with your letter of the 6th July concerning Mr. O'Halloran and in
24 particular the small Christmas gift received from Mr. O'Halloran my client
25 replies as follows, she did in fact receive a small gift from Mr. O'Halloran in
26 or around December 1997. This was a Christmas gift."

27 Then you answer no, no to questions two and three and identify the wine as the
28 gift in question.

29
30 "My client did not to the best of her recollection formally acknowledge the

1 gift but has no doubt in a social setting would have thanked Mr. O'Halloran.

2
3 Finally, my client has asked me to point out that she feels the heading of your
4 letter is an unfair reference to her.

5
6 I trust the foregoing is satisfactory and if my client can assist the Tribunal
7 in any other way please let me know".

8
9 Then there was other correspondence between you and the Tribunal. And I think
10 the next major item of correspondence from you is a letter where you have given
11 a statement or a more detailed statement in relation to the, what we refer to
12 as the Carrickmines 1 issues. That was given to the Tribunal on the -- signed
13 by you on the 24th of October 2002 and is at page 395 of the brief. Again I
14 propose to read that statement if I may, Mrs. Coffey.

15
16 "I make this statement at the request of the Tribunal as set forth in their
17 letter to my solicitors of the 2nd of October outlining my involvement in the
18 circumstances surrounding the rezoning of a property known as Carrickmines 1
19 lands, by Dun Laoghaire/Rathdown County Council and its predecessor, Dublin
20 County Council. I was involved in relation to such rezoning whilst a member of
21 Dublin County Council in respect of the Development Plan of 1991 and as a
22 member of Dun Laoghaire/Rathdown County Council in respect of the later
23 Development Plan of 1997.

24
25 In 1990 the manager and planners of Dublin County Council brought various
26 councillors on a tour of the area and at that time proposed the rezoning of the
27 large tracts of lands on both sides of the proposed South Eastern Motorway. I
28 voted against such a proposal because I did not believe that the level of
29 industrial rezoning proposed was necessary given the level of economic activity
30 in the country at that time. This proposal was brought by Paisley Development

1 Company."

2

3 Can I just stop there and ask you, what do you mean by that phrase there,
4 Mrs. Coffey, just --

5 A. I think there is, that would need to be clarified. There was a further
6 proposal brought after the planners had proposed in 1990, the major
7 development, there was a similar proposal brought by Paisley Park at that time,
8 which I voted against.

9 Q.128That was in 1992 I think?

10 A. That was in 1992.

11 Q.129That was a motion?

12 A. That was a motion.

13 Q.130Yes.

14 A. It was -- I'm sorry, Mr. Quinn, there is a mix-up. It is a bit confusing. So,
15 in particular with that land, in 1990 the planners and manager proposed it and
16 in 1992 there was a motion put forward.

17 Q.131For some of the lands?

18 A. For some of the lands.

19 Q.132That was Paisley Park?

20 A. Quite a large tract of land.

21 Q.133About a hundred acres I think.

22 A. That's it.

23 Q.134"In 1991 Mr. Brain O'Halloran a family friend sought my support for the
24 rezoning of his land in Carrickmines that formed part of the Carrickmines 1
25 land. I advised there was no opportunity for him to accomplish this under the
26 1991 Development Plan. Between 1990 and 1997 the situation changed as the
27 economy improved significantly and new developments such as Cherrywood and
28 Citywest had succeeded very well in attracting investments and jobs with a
29 consequent need for housing.

30

1 In mid 1997 Mr. O'Halloran wrote to me requesting a meeting to discuss again
2 the issue of his lands. Such meeting was held and we went into detail of his
3 submission. I suggested that he should meet with the planners to discuss the
4 proposal and seek their opinion on the merits of such a rezoning, I advised
5 that unless I got a positive feedback from the planners I would not be prepared
6 to sign a motion for such rezoning. I understand that Mr. O'Halloran had a
7 number of meetings and discussion with planners. I recollect speaking with
8 officials in the Planning Department and inquiring of them as to the attitude
9 regarding any such proposal. They told me if the lands were situated to the
10 north of the proposed motorway they would be happy with the same in principle.
11 During the month coming up to the Development Plan meeting I met Mr. O'Halloran
12 on a few more occasions. I signed two motions in relation to the rezoning.
13 (One for residential and one for industrial). It seemed to me that he had not
14 got a clear indication from the planners as to whether they favoured
15 residential or industrial rezoning, but that they would allow one or the other.
16 At some stage Mr. O'Halloran advised me that there was a problem in that the
17 planning official required between 10 acres of the land for flood attenuation.
18 He said he was happy to remove such ten acres from his submission and asked me
19 to sign the amended motions which excluded the ten acres. This explains why
20 four motions came to be signed. He had been speaking to the planners again in
21 such regard.

22
23 Mr. O'Halloran advised me that the planners had told him that he should seek
24 out adjoining landowners and see whether such lands would be joined in his
25 application as his landholding was quite small and they would prefer to deal
26 with proposals affecting larger tracts of lands.

27
28 I believe that this was the reason why Mr. O'Halloran consulted his neighbours
29 including Jackson Way Properties Limited. I know that he consulted one other
30 neighbour at least who was not supportive. At that time the name Jackson Way

1 meant nothing to me and ordinarily the identity of a landowner would be of no
2 concern to me in making a decision as to whether or not I should support a
3 rezoning. I have always judged each submission on its individual merits.

4
5 This would have been an exceptionally busy time for all councillors as many
6 meetings were held during the Development Plan Review. I remember at some
7 stage before the vote on the Carrickmines 1 lands was taken receiving a phone
8 call from Mr. Frank Dunlop."

9
10 Now, there were two votes on the Carrickmines 1 plans, one in December '97 and
11 the other in January '98.

12 A. That's right.

13 Q.135 Which vote are you referring to there, can I ask you?

14 A. I probably referring to both, Mr. Quinn.

15 Q.136 No, it's sometime before the vote. So, was it between the two votes or before
16 the first vote, was it before December '97 or between '97 and January '98?

17 A. Before '97.

18 Q.137 Okay.

19
20 "I would have met him over the years at various Fianna Fail functions and
21 subsequently at some council meetings. I was aware that he acted on behalf of
22 a number of companies as a PR consultant. He telephoned me and asked could he
23 call to me regarding the Dun Laoghaire/Rathdown County Development Plan. We
24 made an appointment to meet in my constituency office which was attached to my
25 house. I remember speaking at some length with him about our respective
26 families, his son's illness and my husband who was recovering from heart
27 surgery. He produced a submission for land rezoning at such meeting and I
28 remember that such land was to the south of the proposed South Eastern
29 Motorway. I think that we discussed the merits of such proposal briefly and he
30 may have left with me some form of written submission, but I cannot remember

1 the same.

2
3 I have located amongst my papers a document (undated) prepared by D McCarthy &
4 Associates, consulting engineers, and this may have been the document he
5 produced to me. I remember pointing out to Mr. Dunlop that he would not get a
6 positive hearing from the planners in respect of any land to the south of the
7 motorway. I believe he did not ask me to sign any motion on behalf of his
8 client. It did not register with me at that stage or indeed any stage prior to
9 the making of the motion that his clients lands bounded those of Mr. O'Halloran
10 and his associates as referred to above.

11
12 When the four motions tabled by me on behalf of Brian O'Halloran came for
13 discussion before the Council, they received a broad support of the planners in
14 that the report stated that the lands were suitable for development in the
15 medium to long term, however the planners advised that no development should
16 take place until the following had been implemented.

17 (a) The South Eastern Motorway to be in place.

18 (b) Adequate access to be provided to the lands from an upgraded local road
19 network.

20 (c) Public water supply to be provided.

21 The motion was passed and subsequent motion proposed by Councillor Fitzgerald
22 to include the manager's report was agreed unanimously.

23
24 Sometime subsequently possibly on the same evening the Jackson Way motion
25 proposed by Councillor Liam Cosgrave came before the Council and there was a
26 general debate. I had intended voting against such motion but at the meeting
27 was swayed by the arguments made viz that there was no logical basis to develop
28 just one side of the proposed South Eastern Motorway and that the completed
29 development could mirror the hugely successful Citywest development and bring
30 investment to the area. The majority of councillors were against the motion

1 but I voted in favour of the same. The motion was defeated.

2
3 During 1998 media reports emerged regarding the ownership of Jackson Way lands
4 as they now became known. Such reports speculated that a consortium comprising
5 Liam Lawlor, another individual and Mr. Kennedy, in fact owned the lands. I
6 was shocked by any such suggestion, because I believe that if Mr. Liam Lawlor
7 did hold any interest in the lands that this fact should have been made public
8 before any vote on rezoning took place, because of his being a TD.

9
10 At no time prior to this was I aware of the ownership of such company. Normally
11 I would not be aware of the ownership of the lands subject of the possible
12 rezoning.

13
14 I remember telephoning Frank Dunlop and asked if this could be true and if so
15 how he could have sought my support in respect of any such rezoning without
16 informing me of the ownership of the company. He assured me there was no basis
17 whatsoever for the story and told me to the best of his knowledge the lands
18 were owned by a company in Birmingham in the UK. He named the person
19 associated with the company but I cannot now recollect the same. He told me
20 that he would make a telephone call and come back to me. He did this some days
21 later and told me that this was in fact the case.

22
23 Local elections were held in June 1999 and I was elected with an increased
24 vote. Some short time afterwards I received a personal letter from Frank
25 Dunlop congratulating me on my election success and expressing regret for any
26 worry he may have caused. I have made a copy of such letter available in the
27 discovery documentation furnished by me to the Tribunal. Insofar as I can
28 ascertain no contribution, donation or payment whether for election expenses or
29 otherwise was ever made by Frank Dunlop to me." Dated 24th October, 2002.

1 Now, can I ask you, Mrs. Coffey, is that your evidence to the Tribunal or do
2 you want to change any aspect of what's stated in the statements I have read in
3 relation to what's referred to as Carrickmines 1?

4 A. Mr. Quinn, generally I would say all of that is correct, taking into account
5 here and there that just an odd word that we could have corrected but generally
6 that is the whole history.

7 Q.138 If you would like to correct any aspect of that now, please do so?

8 A. Where you were confused in the top part, if we go to the first paragraph where
9 the, before the vote came up, do you remember that question?

10 Q.139 Yes. Sorry, this is at page 396?

11 A. It confused me listening to it to be honest, but I don't want to confuse the
12 Tribunal anyway, during the month coming up to Development Plan meeting -- it's
13 to do with the 1990 proposal from the planners.

14 Q.140 This is the query that I raised earlier, that is the second paragraph on page
15 395?

16 A. Yes, and I have to admit it doesn't read very clearly.

17 Q.141 Yes, well, don't worry about that. I think you clarified that what you were
18 referring to from this in the first instance was the manager's proposal in
19 October and November 1990 and in the second instance was the Paisley Park
20 motion which was tabled by, in, I think June, 12 of June 1992?

21 A. Yes. So, you are clear with that. I am happy to leave it as it is, thank you.

22 Q.142 Now, in the course of his evidence Mr. Dunlop referred to a number of lists and
23 one of those lists referred to people whom he said Mr. Fox told him he had
24 lobbied in relation to their support and you were supplied with a copy of that
25 list. And you were asked if you wanted to challenge that evidence and your
26 solicitor wrote on the 27th of February 2003, that's page 53, just for
27 completeness sake, I should read that letter also:

28 "We refer to your letter of 23rd January 2003 and apologise for the delay in
29 replying. The correspondence relates to the evidence given by Mr. Frank Dunlop
30 of the 23rd January 2003.

1
2 We confirm that we'll not be seeking to cross-examine Mr. Dunlop in respect of
3 this evidence.

4
5 In regard to Mrs. Coffey's response to the evidence of Mr. Dunlop, she has a
6 number of brief objections to make:

7 1. It would have been known prior to the 16th December 1997 that she was one
8 of the proposers of the motion for the rezoning of the O'Halloran, Darragh and
9 Kilcoyne lands and part of the Jackson Way Properties lands. For this reason
10 her voting intention was very much an open book.

11
12 2. Mrs. Coffey's decision to vote for the rezoning was based on the merits of
13 the proposal. She did not vote on the basis that she was supporting any
14 proposal made by Mr. Dunlop or because of any lobbying by Councillor Fox (if
15 this is what Mr. Dunlop's evidence is suggesting).

16 Mrs. Coffey would also state that it is not the practice of councillors to
17 lobby other councillors.

18
19 For the record she did not receive any form of remuneration in respect of this
20 vote or any other vote from any source."

21 I think it is important that we have that read into the record also.

22 A. Thank you very much.

23 Q.143 Now, Mrs. Coffey, if I could just, arising out of that, just ask you very brief
24 questions. Firstly, you are a councillor, were a councillor?

25 A. Yes, Mr. Quinn.

26 Q.144 You were with Dun Laoghaire/Rathdown County Council. I think you were the
27 first Cathaoirleach in 1994 when it was established?

28 A. Yes.

29 Q.145 And prior to that I think you were a councillor with Dublin County Council, is
30 that correct?

1 A. That's correct.

2 Q.146When were you first elected to Dublin County Council?

3 A. I was first elected in 1985. I have a brief resume here, but it is just very
4 roughly written out if you want me to go through it briefly.

5 Q.147If you wish.

6 A. I will get it typed up and sent to the Tribunal.

7 Q.148If you just give it as your evidence for the moment, Mrs. Coffey, if I ask --
8 you can use that to correct you on dates if you wish.

9 A. It is a long list anyway, Mr. Quinn so it surprised me, the number of
10 committees I have been involved with. So you can continue and I will answer if
11 you like.

12 Q.149Just if you want to read.

13 A. In 1985 to '94 I was elected to Dun Laoghaire Borough Council and Dublin County
14 Council.

15 Then from '94 to date I am a member of Dun Laoghaire/Rathdown.

16 In 1985 to 1991 I was a member of the Dun Laoghaire VEC.

17 I was Cathaoirleach in '89 and '90 and '92 and 2000. And I was Cathaoirleach
18 in 2001 to 2002. So I was Cathaoirleach on three occasions.

19 I was a member of the Eastern Health Board from '91 to '99.

20 And I was appointed in 1992 to 2001 to the Committee of the Regions in
21 Brussels, which was a new body put in place for, whereby elected members from
22 councils were a member of it. I spent most of my time approximately attending
23 meetings in Brussels and other parts of Europe and I have gone through the
24 forms and assessed that I was there 32 to 34 occasions in and out in any given
25 year.

26 I was also Vice Chairman of the Commission in Brussels on Transport and
27 Telecommunications in 1998 to 2000 and then president of that commission from
28 2000 until I resigned coming now to the end of 2001. And that's briefly --

29 Q.150So, from 1985 onwards you have had a fairly considerable involvement in
30 politics both nationally, locally and in a European context?

1 A. I forgot to say, mention that I ran for the Dail on two occasions during that
2 period of time, of course, three elections, so all in all I was involved in
3 three elections.

4 Q.151 Three national elections?

5 A. Two national and three local.

6 Q.152 That was 1992?

7 A. 1992.

8 Q.153 And again in 1997?

9 A. 1989.

10 Q.154 Sorry, '89 and '92. Now, as a member of Dublin County Council in the early 90s
11 you may recall, and we referred to it earlier, that the planners put forward
12 proposals in October and November 1990 for the development of lands in
13 Carrickmines. Do you recall those proposals coming before the Council?

14 A. Is it all right if I refer to notes, because --

15 Q.155 I would prefer if you didn't, it might be quicker.

16 A. It's only dates because --

17 Q.156 If dates become important certainly.

18 A. That's fine.

19 Q.157 But for the moment you can take it that in October and November 1990 the
20 planners put forward proposals, which I think are best represented in that, DP
21 90/123. Could I have document 205 of the Carrickmines brief, please. Do you
22 recall those proposals for the Carrickmines Valley?

23 A. I do.

24 Q.158 Do you recall those meetings at which the planners put forward their proposals?

25 A. I do.

26 Q.159 A comprehensive proposal according to Mr. O'Sullivan who was very much involved
27 with the proposals at that time for the whole Carrickmines area, isn't that
28 right?

29 A. I do.

30 Q.160 And I think that following those meetings there was a tour of the valley, which

1 you have referred to in your statement, isn't that right?

2 A. That's right.

3 Q.161And do you know where the O'Halloran lands are in relation to the Carrickmines
4 Valley and where they are in relation to the Jackson Way or Paisley Park lands?

5 A. Yes, I would.

6 Q.162Yes. Now, I think on the 6th of December 1990 you had put down a motion to
7 curb the level of development in relation to this proposal, isn't that right?

8 A. That's right.

9 Q.163And I think on the day you put forward a further motion and you withdrew the
10 ones that you intended to proceed with, isn't that correct?

11 A. That's correct.

12 Q.164You got support for your motion and it was successful.

13 A. It was.

14 Q.165In broad terms your motion was to limit the development to the line of the
15 South Eastern Motorway, isn't that right?

16 A. It was, the motion, if I recollect, was to refer -- put on display the 1983
17 Development Plan, taking into account developments that had occurred.

18 Q.166No, you are jumping ahead I think. If we could have document number 68 of the
19 Betty Coffey brief, please.

20

21 Your motion, and I will just read it to you, it was actually proposed by
22 Councillor McDonald and seconded by you. It was that the Draft Development
23 Plan for 1990 for the Carrickmines Valley area be prepared on the basis of
24 limited zoning development to the eastern side of the South Eastern Motorway
25 proposed line and take account of the developments approved in the area since
26 the adoption of the 1983 plan and in doing this significantly reduced the
27 number of areas being proposed for industrial zoning and indicate where public
28 open spaces and carparks would be provided for and indicate the residential
29 zoning for the proposed residential lands.

30 A. That was Councillor McDonald's proposal that I seconded.

1 Q.167You voted in favour?

2 A. I did.

3 Q.168And it was successful?

4 A. It was.

5 Q.169Mr. Sullivan's evidence was it was a clear indication to him and to the
6 planners that the members of the Council wished to limit the development to the
7 eastern side of the line of the proposed motorway, isn't that correct?

8 A. That's correct.

9 Q.170And that was again debated in early January '92, isn't that correct?

10 A. That's correct.

11 Q.171And then I think what you were about to lead on to then was a special meeting
12 of the Council on the 24th May 1991, which is to be found in the Carrickmines
13 brief at 1264, where the manager put forward three proposals any one of which
14 might constitute a Draft Development Plan, isn't that right, for the 1991 Draft
15 Development Plan?

16 A. That's correct.

17 Q.172Again the proposals were proposed by councillor, by the Chairman who was
18 Councillor Boland and seconded by you, isn't that right?

19 A. That's correct.

20 Q.173And the three options put forward were the 1983 plan unchanged except for
21 updating to take account of development to date and adjustment of objectives
22 drawing DP 90/129 A, paragraph 2 was D90/123, that's the one we have seen and,
23 paragraph 3 was maps 26 and 27 considered and noted by the meeting by the
24 Council at its meeting on the 18th January 1991. Those maps were prepared I
25 think following on a motion of the 6th of December that we have discussed a
26 moment ago; isn't that right?

27 A. That's right.

28 Q.174I would have thought that you would have seconded a motion which would have
29 supported the third of those proposals since it was the one seconded by you in
30 December 1990?

1 A. Well now, you have to go back and tell me which motion you are talking about, I
2 can't see it here, this is -- this is the report on Carrickmines Valley?

3 Q.175No, you see that the -- it is suggested there the manager recommends that one
4 of three options be put forward, you see options one, two and three?

5 A. Yes.

6 Q.176And you seconded that proposal, isn't that right?

7 A. Yes.

8 Q.177Option three would appear to have been the option that you would have seconded
9 previously, in the previous December, not a lot turns on this, I am just
10 asking.

11 A. Well, I don't remember to be honest with you.

12 Q.178But there is absolutely no doubt certainly by May 1991 you were very much
13 opposed to any development in the scale proposed by the manager the previous
14 October and November?

15 A. Absolutely, at that time.

16 Q.179And certainly very much opposed to any development south of the proposed line
17 of the motorway?

18 A. Absolutely.

19 Q.180And very much opposed to any industrial development in this area?

20 A. Yes.

21 Q.181Now, I think the following May, the manager produced his own plan based on the
22 representations which had been received to the draft plan, isn't that right?

23 A. That's right.

24 Q.182And I think on the 27th of May 1992, if we have document 3651, the manager
25 produced a map, 44/92 which effectively set out his proposals for development,
26 isn't that right? And they were voted upon and were, those proposals were
27 voted down, isn't that correct?

28 A. That's correct.

29 Q.183And they would have provided I think that at least some of the O'Halloran,
30 Darragh lands would have been upgraded from agriculture to residential, isn't

1 that right?

2 A. That's right.

3 Q.184And you voted against those proposals, isn't that right?

4 A. I did.

5 Q.185And then Mr. O'Halloran, I think had a motion put forward on his behalf, and
6 when I say Mr. O'Halloran I am including Mr. Darragh and Mr. Kilcoyne, had a
7 motion put forward on his behalf by Councillor O'Connor which came on for
8 debate and hearing on the 5th of June '92.

9 A. That's correct.

10 Q.186And that's a motion which was signed by Councillor O'Connor, isn't that
11 correct?

12 A. That's correct.

13 Q.187If we could have page 88 of the Carrickmines brief please, sorry, of the Betty
14 Coffey brief, please. That was a motion in the following terms:

15 "I hereby propose that Dublin County Council favourably consider the above
16 submission and designate the lands outlined in red on the attached map for A1
17 residential zoning."

18 Well, Mr. O'Halloran has given evidence to the Tribunal in relation to that
19 motion and how it came to be put forward. And his evidence is that he and his
20 colleagues retained the assistance of Mr. Dunlop in relation to lobbying
21 councillors in respect of the motion and he has given evidence, and I think it
22 is a fact, that the motion was signed by Councillor O'Connor.
23 He has also given evidence that he asked you to assist him with that motion and
24 he asked you to sign that motion.

25

26 Now, do you recall Mr. O'Halloran asking to you sign that motion?

27 A. No.

28 Q.188At that time?

29 A. I don't, I don't remember that.

30 Q.189You don't remember that?

1 A. No.

2 Q.190 In your statement I think you do remember it and you say that you didn't sign
3 it because you advised him that there was no method for changing the
4 Development Plan at that time, do you recall that?

5 A. Yes, I recall what happened. He --

6 Q.191 I will just read to you what you said:

7 "In 1991 Mr. O'Halloran who had been a family friend sought my support for the
8 rezoning of the land at Carrickmines that formed part of the Carrickmines 1
9 lands, I advised him there was no opportunity to accomplish this other than the
10 1991 Development Plan."

11 Do you recall him coming to you in 1991?

12 A. I recall him coming to me at some stage in 1991 when it was too late to put
13 down motions.

14 Q.192 Yes.

15 A. And that was my response to him. He duly came to too late. I wasn't aware by
16 the way that there was any motions being put down by Charlie O'Connor.

17 Q.193 Well, Mr. O'Connor's motion -- I think you might be slightly confused,
18 Mrs. Coffey, or I may be confused. Just to give you some dates, just to put
19 the matter in context, the manager's proposal DP 90/123 was discussed in
20 October/November 1990, then that motion that was seconded by you, it seems to
21 have altered that proposal, was discussed and debated in December 1990. Then
22 the Draft Development Plan was voted on in May 1991 and then the Draft
23 Development Plan went on display between September and December 1991, during
24 which period applications or submissions were received by the Council and then
25 it was in early 1992 that motions began to go forward to amend the Draft
26 Development Plan.

27

28 Now, when did Mr. O'Halloran first contact you in relation to the matter, was
29 it in relation to the, what might be contained in the Draft Development Plan
30 1991 or was it the amendments as discussed in early May and June 1992?

1 A. No, I want to be as helpful as I can, but we are talking 11 years back. And I
2 can remember various things about it. If he asked me to sign a motion at that
3 stage I would --

4 Q.194At which stage, sorry, which stage?

5 A. At the stage you have mentioned; 1992.

6 Q.195Yes.

7 A. If he came to me to put down a motion I would not have signed a motion at that
8 stage for that Development Plan, because it was my opinion then that we did not
9 need development in that area of the county. We had very little economic
10 viability going to show that you needed land there, and we had Dun Laoghaire
11 where I live with no activity and not even attracting any investment
12 whatsoever. So I felt that why expand out in that time, there was -- the
13 economy at that stage was on its knees, so I wouldn't have signed a motion.
14 That was my decision then, that we should be concentrating on Dun Laoghaire.
15 We should be trying to develop the, any industrial land we had zoned then,
16 because there was just a slowdown in the economy. So, I wouldn't have just
17 signed a motion for him.

18 Q.196Mr. O'Halloran says that you refused to sign a motion. He asked you and you
19 refused to sign a motion. Do you recall him asking you?

20 A. I don't remember.

21 Q.197He says you refused to sign a motion because you said things were too rushed,
22 you didn't have an opportunity to read the matter.

23 A. That could have happened.

24 Q.198Page 318, please, of the brief. I will just put it to you what Mr. O'Halloran
25 says.

26 Question 37:

27 "Okay, you can't recall exactly or precisely when you approached Councillor
28 Coffey and you are not sure when you did approach her if you had the motion
29 with you at that time?

30 Answer: I would have approached her and told her we had a difficulty in

1 finding a person or persons to sign and second our motion and would she be kind
2 enough to perform that task.

3 Question: What was her reply?

4 Answer: Her reply was bluntly, you are coming to me far too late. I don't
5 know anything about what you are doing, I would need time to study what you are
6 doing and quite frankly I am not going to do it because it is all too rushed."

7
8 Now, you didn't refuse him because you felt that it was an inappropriate
9 development or inappropriate motion, he seems to suggest you refused him
10 because you felt that he was coming too late to you with a motion.

11 A. I felt he was being a pest because I was very busy and I had made up my mind
12 about my support or not for that area and he, I think he came into the lobby of
13 the County Council, he didn't formally meet me anywhere and I -- I said that to
14 him all right --

15 Q.199Yes, so you --

16 A. -- in those terms.

17 Q.200Can we now take it you recall a meeting at which you refused to sign his
18 motion?

19 A. I wouldn't call it a meeting, Mr. Quinn.

20 Q.201Do you recall an occasion he asked you to sign?

21 A. Yes. He must have come to me with something at some stage or stopped me.

22 Q.202I am getting the impression from the evidence you have just given that you
23 recall a specific instance where he came to the lobby with a motion and asked
24 you to sign it and you felt he was a pest and you refused to sign it?

25 A. No, he never came to me at that stage, he never had a motion signed. He seemed
26 very confused about the procedure of putting forward a motion and --

27 Q.203Can you identify when that was?

28 A. It must have been during the period that the draft plan was going, coming to
29 the Council.

30 Q.204Yes, so that would have been April or May 1992?

1 A. About that time.

2 Q.205And he came to you, he was confused, asked to know would you propose or sign a
3 motion for him?

4 A. I can't recall that he asked me that.

5 Q.206Do you remember refusing him?

6 A. I do remember that he came into the lobby saying, I would like to talk to you
7 about this, and we were at the stage where we were very busy and probably I
8 knew I wasn't going to support it and said to him, look, I haven't had time --
9 Mr. Quinn, this is the point, you see, I would, I don't sign a motion very
10 easy. I have to do a lot of groundwork and I want to know everything around
11 it. So that's probably why I thought he was being a nuisance in coming to me
12 at that time.

13 Q.207You would have received, as I think all the other 78 councillors had received,
14 copies of the submissions made to the Council during the display period?

15 A. Yes.

16 Q.208And included with those submissions would have been submissions received on
17 behalf of Mr. O'Halloran, prepared by Dr. Meehan and submitted the previous
18 December?

19 A. Yes.

20 Q.209Then there would have been an oral hearing and a note in relation to that oral
21 hearing, isn't that right?

22 A. There are hundreds of submissions.

23 Q.210And there would have been I think the manager's proposals on those
24 recommendations on those submissions?

25 A. When they came to the Council meeting.

26 Q.211Yes. So you would have had all that information available to you, if you
27 didn't you could have asked Mr. O'Halloran to provide additional information to
28 you.

29 A. If I wanted to. If I was going to support zoning in that area then or if he
30 had approached me I would have had an open mind to it, but I wasn't going to

1 support motions in 1992 in the Carrickmines 1.

2 Q.212And Mr. O'Halloran -- I think it's common case from yourself and
3 Mr. O'Halloran's point of view, you were friends, isn't that right?

4 A. We are friends. I met him in 1978, I know him as an architect. I would meet
5 him at public functions and that. He is a Fianna Fail supporter. He lives in
6 the constituency. I have never had dinner with him, it depends what you call
7 friends, but we are friendly.

8 Q.213Well, he knew you well enough to approach you to sign a motion for him, isn't
9 that right?

10 A. An awful lot of people know me well enough to come and ask me to sign motions,
11 Mr. Quinn.

12 Q.214You don't necessarily disagree with Mr. O'Halloran's recollection, namely, you
13 didn't agree because it was all too rushed?

14 A. No, I don't disagree that.

15 Q.215Did you give him additional advice? Did you tell him somebody else might sign
16 his motion for him?

17 A. Absolutely not.

18 Q.216Why not?

19 A. I don't direct people to people to sign motions, I work totally on my own.

20 Q.217Did Mr. O'Halloran tell you at that meeting that he had retained the service of
21 Mr. Dunlop to lobby on his behalf?

22 A. No.

23 Q.218Did he tell you anything else about his motion or his predicament?

24 A. Never mentioned to me he, I was very abrupt with him so he thought, keep out of
25 my way.

26 Q.219Did you know that Mr. O'Halloran had lands in Carrickmines at that time?

27 A. I didn't, I didn't know.

28 Q.220Did it come as a surprise to you that Mr. O'Halloran was in partnership in
29 lands in Carrickmines at that time?

30 A. No.

1 Q.221Was this the first time you learned that Mr. O'Halloran had lands in
2 Carrickmines at the time?

3 A. Yes.

4 Q.222Did you ask him where were the lands?

5 A. No.

6 Q.223Did you ask him the acreage of the lands?

7 A. No.

8 Q.224Or his --

9 A. Are we talking about 1992, Mr. Quinn?

10 Q.225Yes, yes.

11 A. No, I asked him nothing. I wasn't interested in it.

12 Q.226Did you discuss Mr. O'Halloran's approach to you with any of your fellow
13 councillors?

14 A. No.

15 Q.227Well, we do know that Mr. O'Halloran managed to get Councillor O'Connor to sign
16 a motion on the 28th of April 1992, isn't that right? And you would, as a
17 member of the Council, have received that motion as part of the agenda for
18 up-coming meetings, isn't that right?

19 A. I would have received the agenda.

20 Q.228Yes. You knew that there was now a proposal on behalf of Mr. O'Halloran's
21 lands that they be rezoned for A1 residential zoning?

22 A. I remember that going to the meeting and realising there was a motion down. I
23 actually didn't take note that that motion was O'Halloran's lands, that Charlie
24 O'Connor had put that motion down until I went into the meeting.

25 Q.229Okay, if we have perhaps the motion again. Page 88 of the Betty Coffey brief.
26 This could have come to your attention shortly after Mr. O'Halloran had asked
27 you in relation to the lands, isn't that right? Do you see the heading on the
28 motion "O'Halloran/Kilcoyne/Darragh", did that not give you an indication that
29 this was Mr. O'Halloran's lands?

30 A. No, because I either missed it through all the documentation I would have, but

1 I didn't see that motion until the meeting.

2 Q.230 Well, you would have been very much opposed, you say, to any development,
3 residential or industrial in this area at this time?

4 A. Yes.

5 Q.231 So, therefore, any motions proposing either residential or industrial rezoning
6 of the area at the time would be a matter of particular interest to you, isn't
7 that right?

8 A. Yes.

9 Q.232 So you would have looked at them very carefully and studied them very
10 carefully?

11 A. Yes.

12 Q.233 And presumably when you received this, from the Council you would have studied
13 this one very carefully, because it was proposing a rezoning in an area you
14 were very much, you say, opposed to rezoning.

15 A. Mr. Quinn, I can recollect that I got the agenda for the meeting and probably
16 going, when I got into the meeting I saw the motion down by Charlie O'Connor.

17 Q.234 But you would have known going to the meeting in advance that you would have
18 had a copy of the motion which had identified it as an O'Halloran, Kilcoyne
19 Darragh motion. It was for an area that you would, were very familiar with,
20 and it was an area where you had a keen interest, that there should be no
21 rezoning you say?

22 A. Well, I should have known, but conversely I didn't look at the agenda or
23 obviously I was somewhere else and I missed it.

24 Q.235 Now, evidence has been given by other councillors and I just, if I could ask
25 you about this, of a procedure or practice which had developed whereby
26 different political parties would discuss in advance of the Council meeting
27 what was coming up at the Council meetings and generally -- this is 1992 --
28 these discussions took place in Conway's Public House in Parnell Street.

29 A. We had group meetings before every council meeting in Conway's which was our
30 meeting place, we had a room in Conway's.

1 Q.236Do you recall this motion being debated at that group meeting in advance of the
2 Council meeting?

3 A. No, and it's important to clarify about those meetings. They were very poorly
4 attended. They were held at 1 o'clock, which was lunchtime, to try and give
5 councillors an opportunity to attend, because these councillors, you know, this
6 was a part-time job, some of them have very onerous business commitments and
7 couldn't be there. In this case perhaps we didn't have a group meeting or
8 perhaps I wasn't at it, but no.

9 Q.237Well, it is more probable than not that you would have been at it since it
10 concerned your area and an area you had very strong views on, isn't that right?

11 A. If there was a council, a group meeting, and if I'd attended it and that had
12 come up, I would have had very strong words to say about it.

13 Q.238Did you know Councillor O'Connor?

14 A. Did I what?

15 Q.239Did you know Councillor O'Connor?

16 A. Oh, yes.

17 Q.240Did you have strong words with Councillor O'Connor when you met him?

18 A. I had strong words with him during the Council meeting.

19 Q.241Yes. What did you say to him?

20 A. I said what are you doing putting down a motion in my area?

21 Q.242Did he give you a response?

22 A. I don't remember his response.

23 Q.243Did he withdraw the motion?

24 A. He withdrew the motion.

25 Q.244Is that because you had challenged him for putting down a motion in your area?

26 A. Well, the motion came to the floor and Larry Butler sits beside me and I saw
27 the motion then --

28 Q.245So, you are saying the first time you saw the motion was in the course of the
29 debate on the 5th of June 1992?

30 A. Not the debate, when we came to the agenda and we opened it properly, I don't

1 know what stage, what place it was on the agenda. And then when it came up on
2 the screen I realised that Charlie O'Connor had signed this motion. And --

3 Q.246 You knew it was a motion in relation to the O'Halloran lands?

4 A. Yes.

5 Q.247 You knew it was the motion in relation to lands in the ownership of someone who
6 had approached you to promote a motion, isn't that right?

7 A. But that's not unusual.

8 Q.248 Yes. Are you saying that you had a conversation with Mr. O'Connor where you
9 asked him what he was doing putting down a motion for your area?

10 A. If I remember during the meeting, again I have to remind you it is 11 years
11 ago, the motion was probably put, I think it was proposed by Charlie O'Connor
12 and seconded by, was it Tom Hand?

13 Q.249 Tom Hand.

14 A. Tom Hand. And at that point in time I, I don't think there was much debate on
15 it.

16 Q.250 Was Mr. O'Connor's evidence that it wasn't going anywhere, wasn't being
17 promoted by anybody?

18 A. Well, I didn't know that and I didn't --

19 Q.251 You were at the meeting?

20 A. I was. At that stage I didn't know that. So, I was very concerned, I said to
21 Larry Butler what is happening here. And I said I propose to amend the motion
22 to try and retrieve something. And I amended it to read one to the acre,
23 because at least we knew that was going to keep development low. And I
24 probably said to Charlie O'Connor maybe told him off or something, I don't
25 know, that's my nature, and he realised that this motion was not going to get
26 support because I was going to vote, going to speak against it and he withdrew
27 the motion.

28 Q.252 Did you speak against the motion?

29 A. Well, I probably did if I amended it I probably stood up and said, I don't
30 agree with this motion and if any motion is to be considered I think the motion

1 should be amended. It was to retrieve the situation and to stop development.

2 Q.253 You see Mr. O'Connor got the impression that you were actually promoting the
3 motion on behalf of Mr. O'Halloran and Kilcoyne?

4 A. He couldn't have got that impression by me because I never discussed the motion
5 with Charlie O'Connor.

6 Q.254 Just in relation to the meeting itself, did you speak to Mr. O'Halloran at the
7 meeting?

8 A. I remember he was standing in the lobby which, I think it has been described to
9 the Tribunal the way the lobby was in Dublin County Council then, about 50
10 people in a very narrow space, all waiting to see what's happening. And I went
11 out of the Council chamber into the Fianna Fail room to see where the other
12 members there to come in, because the meeting could fall if there is not a
13 quorum. And I was curious to be quite honest with you. And I said on my way
14 into the meeting, I said to Brian O'Halloran, I am amending that motion one to
15 the acre. I was really now quite annoyed and checked that people were in for
16 the meeting, into the Council chamber, and came back in and Charlie O'Connor
17 then withdrew the motion.

18 Q.255 Why did you amend the motion?

19 A. Because thinking on my feet, Mr. Quinn, I tell you why. To amend the motion
20 meant, I didn't know what support was going on, Charlie O'Connor didn't tell me
21 he put down the motion, I missed it. I admit I missed it, I didn't know if
22 there was support, cross party support and I didn't know what Mr. O'Halloran
23 was up to.

24 Q.256 Did you ask Mr. O'Connor what support there was for the motion?

25 A. No, because he wouldn't have time to do that.

26 Q.257 Did you ask him to adjourn the motion?

27 A. Did I ask him to?

28 Q.258 Have the motion adjourned in the first instance to give you an opportunity to
29 consider it and discuss it with him?

30 A. No.

1 Q.259Did you say discuss the motion with Councillor Butler?

2 A. I discussed it with Councillor Butler in the sense that here we had a motion
3 which was high density and we knew that we didn't want that, and as Councillor
4 Butler had been elected after me and I am better at procedure in the Council
5 chamber I stood up and said this, I don't support this motion, but if we are
6 going to consider anything it should be one to the acre.

7 Q.260This was a motion in relation to someone whom you had known since the late 70s,
8 isn't that right?

9 A. Mm-hmm.

10 Q.261In relation to his lands, that would have been a valuable motion to have been
11 passed in relation to those lands, isn't this right, increased their value?

12 A. That's right.

13 Q.262I suggest to you that what you were doing is you were promoting the motion on
14 behalf of Mr. O'Halloran. There was no support for the motion as proposed by
15 Councillor O'Connor, you amended it to try and have it passed?

16 A. Mr. Quinn, I don't operate that way.

17 Q.263Okay, well I put to you then, Mrs. Coffey, the evidence in relation to the
18 motion, if I could have page 328 please, this is Mr. O'Halloran's evidence on
19 day 361.

20

21 He is asked:

22 "Question: Did you have any meeting or discussion with Councillor Hand?

23 Answer: No, I didn't think we saw him on that day.

24 Question: What was the next thing that happened on that day, you were in the
25 lobby, the motion being dealt with, what is your next recollection?

26 Answer: Our confusion persisted when Councillor Coffey came charging out of
27 the chamber.

28 Question: Yes.

29 Answer: And she said, I'm afraid there doesn't seem to be any support for your
30 motions, it is looking bad, we are trying to salvage something. If you were to

1 agree to the amendment of the residential context to one house to the acre
2 perhaps there might be support for it. And if you agree to that I can see if
3 we can put forward an amendment which might make your motion more acceptable to
4 the councillors and as we had about ten seconds to agree to that we readily
5 agreed because this was the straw we were clutching at.

6 Question: Were you surprised that Councillor Coffey had refused to have
7 anything to do with your motion prior to this was now recommending that she
8 could try and salvage the motion for you.

9 Answer: Maybe she had softened.

10 Question: Did she give you any explanation as to why she was now prepared to
11 try and salvage your motion?

12 Answer: Because she said unquestionable your motion is going to fall and this
13 might be a way of softening the motion a bit and making it more acceptable to
14 the councillors.

15 Question: But there is no doubt but that at this stage Councillor Coffey had
16 taken charge of the motion, not Councillor Hand or indeed Councillor O'Connor,
17 it is Councillor Coffey that is seeking to salvage the motion for you, isn't
18 that right?

19 Answer: Correct."
20

21 Now, you agree with me the impression created for the Tribunal as a result of
22 that sworn testimony given by Mr. O'Halloran, your friend, is that you were
23 promoting and trying to salvage this motion for him not trying to kill the
24 motion as you suggest.

25 A. I have read Mr. O'Halloran's evidence and I have read the full transcript of
26 it and I can categorically tell you that that did not happen.

27 Q.264 Okay, so you take issue with Mr. O'Halloran in relation to this issue?

28 A. Oh, I do.

29 Q.265 Well, perhaps, if we look at what Councillor O'Connor says in relation to the
30 motion at page, if I could have page 272, please. Perhaps take it from page

1 271. Sorry, it's 272, sorry it goes on.

2 "Answer: I don't think there was anybody else, I think if you look at the way
3 it developed it just probably would be unfair, to use a phrase, it fell apart
4 but it didn't as a proposal go anywhere.

5 Question: Was there anyone in favour other than Councillor Hand and yourself?

6 Answer: There didn't seem to be much push about it and the point I withdrew it
7 was on the basis it was going nowhere.

8 Question. I think in fact it wasn't withdrawn until a proposed amendment was
9 put forward, is that right, do you recall that?

10 Answer. Yes.

11 Question: When, what was the circumstances?

12 Answer: I think as the discussion went on, now, I mean my experience of that
13 period that often happened in that regard, where a motion was put up there was
14 discussion, opposition, it was a question of seeing how the opposition
15 developed. As I recall in that particular case that file was going nowhere.
16 It was a question of withdrawing it, I did that.

17 Question: Were you privy to the discussion which lead to the proposal that the
18 motion be amended to replace the A1 residential zoning with wording at the
19 density of one house per acre.

20 Answer. No, I don't think it was.

21 Question: Yet it was your motion, isn't that right?

22 Answer: Yes, but I am again repeating, I am very sorry for doing this, I was
23 merely asked by a colleague not of my party would I facilitate a discussion by
24 signing a motion, I did that. To some extent I had no real part, I certainly
25 didn't lead or drive it.

26 Question. Were you surprised that Councillor Hand, who I think was a member of
27 the Fine Gael party, you were a member of the Fianna Fail.

28 Answer: Mm-hmm.

29 Question: He had not approached a member of Fine Gael to propose the motion.

30 Answer: I accept I am repeating again, I am trying to remember back 12 years.

1 A lot of political stuff has happened in my life since, so you are trying to
2 focus on these times. As I recall it was not a surprise to me in the sense
3 that I had understood I had been elected as a councillor of Tallaght/Rathcoole,
4 but I was a member of the whole of the County Council and there was a process
5 by which councillors from outside areas would and did sign motions. I saw my
6 role simply in that regard. I was asked would I facilitate a discussion and I
7 said yes.

8 Question: Do you recall having a discussion before or after the amendment and
9 before it was withdrawn with Councillor Coffey and Mr. O'Halloran?

10 Answer. No."

11
12 Then he is reminded of Mr. Dunlop's evidence. He refers to having seen
13 Mr. O'Halloran, yourself and Mr. O'Connor in the chamber discussing or outside
14 the chamber discussing it. Then he goes on.

15 "Answer: Because I had signed it, it required me to say it was withdrawn and
16 that's my only involvement.

17 Question: What local councillors did you see promoting the motion.?

18 Answer: Bearing in mind what happened to the motion I am not so sure anybody
19 really drove it. The only councillors that I understood were involved in any
20 discussion at the time, and certainly this is a matter of record as well as
21 Councillors Coffey and Butler, because as I understood it this was their area.

22 Question: It was their?

23 Answer: Area.

24 Question: What about Councillor Hand."

25
26 Now, you see Councillor O'Connor gives the impression there that you were
27 driving the motion. Mr. O'Halloran has given evidence that you were driving
28 the motion and you dispute Mr. O'Halloran's evidence. And I think it is
29 Mr. Kilcoyne who has given evidence that you introduced him to councillor, that
30 he met Councillor O'Connor in your presence and was introduced to Councillor

1 Connor in your presence. Councillor O'Connor was introduced to him as the man
2 who was going to support his motion.

3
4 If we could have page 351, please. Sorry about having to read all these pieces
5 of transcript to you, Mrs. Coffey, but I think it is important to put to you
6 what these various witnesses have said in relation to the matter. There is
7 Mr. Kilcoyne's evidence he is asking:

8 "Question: When did that happen?

9 Answer: That was a meeting of the Council on that particular morning and I
10 think it was the day of the motion.

11 Question: That is June. I am now talking about April of '92.

12 Answer: I have a recollection of meeting him in the presence of, I would
13 differ from Mr. O'Halloran on this one. I remember vaguely meeting him in the
14 presence of Mr. Councillor Coffey and Councillor Butler and he was sort of
15 introduced to us as the man who was going to support us in the motion.

16 Question: This is the morning of the motion?

17 Answer: Yes, I was surprised to find out he didn't come from the local area
18 and he came from Tallaght and in those days Dublin Council consisted of
19 something like 72 members and hadn't been subdivided as it subsequently was."

20
21 There he is giving evidence, he was introduced to Councillor O'Connor in your
22 presence, as the man who was going to support the motion.

23 A. He vaguely remembers a meeting. Mr. Kilcoyne, now I don't know Mr. Kilcoyne
24 very well at all. I don't think I had a discussion with Mr. Kilcoyne in any
25 stage, but I have read the transcripts and I have read Mr. O'Halloran's
26 transcript with interest. And if people have their minds focused on something
27 that is very very direct to them, they have their own image of what happens at
28 meetings or otherwise.

29
30 I can assure you I know what's happened in this instance. Charlie O'Connor, I

1 never was, never introduced to Mr. Kilcoyne, by Larry Butler and myself. I
2 have admitted to you that my eye was off the ball on that occasion, at that
3 meeting and I was totally surprised to see the motion put down by Charlie
4 O'Connor.

5 Q.266The motion that wasn't being driven, he said there was no support to it, the
6 only people interested were the two local councillors, yourself and Councillor
7 Butler and that it was amended by you to read one house per acre?

8 A. Mr. Quinn, if the motion was, if a motion was ever being driven by Betty Coffey
9 it would be driven properly, it would be worded, it would be put down, and it
10 would be open. It would not be done in that way. And these people all had a
11 vested interest.

12
13 If my so called friend, Mr. O'Halloran, wanted to retrieve this, this is not
14 the way he would have gone, this is just his way of thinking of what happened.
15 It didn't happen like that.

16
17 I was furious with Charlie O'Connor putting down a motion. I don't approve of
18 councillors putting down motions in other people's area without having first
19 approached the people and having done their work. I don't do those things.

20 Q.267What do you say was the vested interest of the people you referred to?

21 A. Well, Mr. -- this land is valuable to Mr. Kilcoyne and Dr. Austin Darragh and
22 Mr. O'Halloran, they are -- knowing me, intensely trying to convince me to put
23 down a motion that I am not prepared to do.

24 Q.268One meeting you referred to I think, Mrs. Coffey, that you didn't recall
25 initially and you recalled giving evidence, you say that there were several
26 meetings where they asked you to support a motion to rezone these lands.

27 A. The only time they asked me, ever approached me about a motion for those lands
28 for was, in 1992 when it appeared to me they didn't know what they were doing
29 or didn't know the system or didn't know the process. The next time --

30 Q.269You said they were annoying you with approaches?

1 A. Then we come to 1997.

2 Q.270I will come later to 1997.

3 A. Well, Mr. Quinn, they didn't annoy me that much in 1992, they only annoyed me
4 by the fact that I told them to get lost, they went to somebody else, I come
5 into a meeting and there is a motion for those lands, that's as I remember it,
6 that's as I see it. I am trying to assist you in every way, I am a witness
7 today, that's how I witnessed it.

8

9 JUDGE FAHERTY: Mrs. Coffey, can I ask you why did you bother at all seeking to
10 amend the motion on the 5th of June 1992?

11 A. Because --

12

13 JUDGE FAHERTY: What was your purpose in doing that?

14 A. I will tell you why, because something had happened that I wasn't aware of,
15 there is a motion on the floor for high residential. Larry Butler has just
16 been elected and its his electoral ward area and we had been in close contact
17 with residents and what they wanted, also all of this surrounding area was only
18 developed one to the acre, so if you were trying to retrieve a situation and
19 you, I, missed the motion.

20

21 JUDGE FAHERTY: That's what I am really asking you, I have heard your evidence,
22 who were you retrieving it for?

23 A. The residents and the situation in the Development Plan at that stage. I
24 wasn't retrieving it for Brian O'Halloran.

25

26 JUDGE FAHERTY: The reason I am asking you is that I understood the situation to
27 be, I may be wrong, I am sure Mr. Quinn will correct me; nine days previously
28 around the 27th of May 1992, the manager had brought his map, 92/44 as I
29 understand it, to the floor of the Council chamber and in that, one of his
30 recommendations was to put one of the proposals, was to rezone some lands

1 agricultural to residential; as I understand it part of the map referring to
2 the left hand corner of the O'Halloran/Darragh/Kilcoyne lands and had that been
3 passed they would have been zoned residential. Now as I understand it, you
4 actually voted against that nine days prior to you attempting to amend
5 Mr. O'Halloran's motion?

6 A. Well --

7
8 JUDGE FAHERTY: My question is if you were assisting the residents you could
9 have done it, if you like, on foot of the proposal put by the manager nine days
10 prior to that?

11 A. Yes. But I didn't know there was a motion going to come to the Council for
12 residential, signed by Charlie O'Connor.

13
14 JUDGE FAHERTY: I would have thought, that's my question really, what you had on
15 the 27th of May, if my understanding is correct, is a proposal by the manager
16 on the -- it was I think 44/92 map, that part of those lands would be zoned
17 residential?

18 A. I know. But I didn't support any development on that land at that time, then I
19 come to a meeting in, where there is a proposal for high density and I don't
20 know what's going on.

21
22 JUDGE FAHERTY: But surely on the, on the earlier vote, the manager's proposal,
23 what I, as I understand it, indeed part of his proposals for O'Halloran lands
24 was high density residential, per se, you could have supported that by putting
25 that A1?

26 A. I voted against it though.

27
28 JUDGE FAHERTY: Yes, I know you did, my question is I am puzzled then why nine
29 days later you would actually attempt to retrieve the
30 O'Halloran/Darragh/Kilcoyne motion by suggesting one house to the acre?

1 A. Again --

2

3 JUDGE FAHERTY: You could have put one house to the acre back nine days
4 previously on the manager's report.

5 A. It gave me an opportunity to put something into debate that would show that
6 there was no support from the local councillors, including Larry Butler and
7 myself, to Charlie O'Connor's motion. It, then -- you speak against it and I
8 did speak against it. Very strongly against it. And I spoke against even one
9 to the acre, in putting the amendment. I said I don't support any proposal on
10 this land and if there was to be a motion put, it should read one to the acre
11 to take into account the surrounding development.

12

13 Now at that point there is other people talking in the debate, that's the
14 unfortunate thing about minutes, they never show the true picture; the debate
15 goes on for three quarters of an hour, you have two paragraphs in a minute.

16

17 At that stage then I said to Charlie O'Connor "where are you going with this
18 motion? Where did this come from", I admit I missed it. So he withdrew the
19 motion and I was very happy.

20 Q.271 Can I put to you, Mrs. Coffey, something else Mr. O'Halloran had to say in
21 relation to your involvement with the motion at that time? If I could have
22 pages 329, 330 please?

23

24 It has been suggested:

25 "Question: Were you not surprised that the people charged with the task of
26 promoting the motion hadn't sought to salvage the motion, but it was someone
27 entirely different?

28 Answer: Perhaps so, but here is somebody who I knew very well who was hoping
29 to salvage something from the flames."

30 I think he is referring to you.

1 "Question: But she was salvaging something she wasn't prepared weeks before to
2 support.

3 Answer: That is absolutely correct.

4 Question: Did that surprise you?

5 Answer: I was pleased, not so much surprised.

6 Question: But she had come up with a possible solution that might solve the --

7 Answer: Dilemma.

8 Question: Your motion had sought to have the lands outlined in red and the
9 attached maps zoned A1 residential zoning; isn't that right? And she was
10 suggesting that you might amend that to read one at a density of one house per
11 acre.

12 Answer: That's correct.

13 Question: That was a very poor movement on your existing zoning.

14 Answer: It got us away from the daffodils, buttercups and daisies on the
15 property, at least it was a step forward, a small but important one.

16 Question: Would it be fair to say that you would have hoped in time to improve
17 on that zoning again before you developed your lands?

18 Answer: Yes.

19 Question: This would have got you away from agricultural zoning.

20 Answer: Yes.

21 Question: Was that Councillor Butler's advice to you to try and move away from
22 agricultural and see if this --

23 Answer: Councillor Butler.

24 Question: Sorry, Councillor Coffey, that perhaps while it wasn't helpful
25 nonetheless it got you away from agricultural zoning.

26 Answer: Yes."

27
28 Mr. O'Halloran is giving evidence there that your advice to him was that he
29 should accept the lesser zoning proposed by you because (A) it would salvage
30 his property, or the motion, and (B) it would get him away from an agricultural

1 zoning, you say he is wrong in that also?

2 A. Mr. Quinn, in his evidence there, he also says "where she charges out of the
3 Council chamber" and in passing says, this -- all this to him while I am
4 charging out into the Fianna Fail party room your see our members there. So
5 that was quite a long conversation if I was charging around the place, which I
6 have to admit I usually do, I am always doing a hundred things, and there isn't
7 enough time. So I am charging out, so I have time now to stop in my charging
8 out to have this conversation with Mr. O'Halloran, if this is where he is
9 saying all this happened, and have a meeting with Mr. Kilcoyne, who I don't
10 ever remember speaking to.

11 Q.272 Can I just read on if I may, Mrs. Coffey? Page 330 please?

12 "Question: Would Councillor Coffey have known that you had previously
13 approached Councillor Butler and would that have been a reason why she would
14 have approached him to seek his support?

15 Answer: I don't know.

16 Question: In any event, I think there was a further discussion, were you privy
17 to the further discussion on the motion?

18 Answer: No.

19 Question: You were still outside the door?

20 Answer: Outside the door with everybody else.

21 Question: What is your next recollection of what transpired?

22 Answer: I think it must have been Councillor Coffey came and said there was
23 still no support for the amendment and therefore the motion was withdrawn,
24 because there was no point in letting it go forward.

25 Question: It could have gone forward and you could have tested the support for
26 it?

27 Answer: That wasn't my decision.

28 Question: It could have been put forward, defeated and at least you would have
29 known what councillors were prepared to support it.

30 Answer: Well, that was one option.

1 Question: Did you leave all of this to Councillor Coffey, the decision as to
2 whether or not the motion would go forward or not?

3 Answer: Yes.

4 Question: The amended motion?

5 Answer: Yes, I took the view, Mr. Quinn, that even with the planning
6 application it is the practice, is my practice, that if it seems inevitable
7 that planning application is going to fail we usually withdraw it so there
8 isn't a black mark on the site.

9 Question: I understand. Would it be fair to say that it was agreed between
10 yourself and Councillor Coffey that if there wasn't support for the amended
11 motion, that rather than testing it it wouldn't be proceeded with.

12
13 Sorry, I don't have on my brief the answer to that question, but I think it is
14 "yes," but what do you say to that Councillor Coffey? Here is Mr. O'Halloran
15 saying he relied entirely on you in relation to the amendment and what
16 amendment, and whether or not the motion would be forced on the amendment,
17 particularly in circumstances where there may or may not have been support for
18 it?

19 A. Mr. Quinn, my response to that would have been if I was trying to salvage
20 something for Mr. O'Halloran and I amended the motion to read one to the acre,
21 the motion would have been put. The motion was never put because I was having
22 a bit of a tantrum with Charlie O'Connor; and to give Charlie Conor his due he
23 wasn't going to put his motion. If I wanted to retrieve, and I am really, I am
24 sort of listening to Mr. O'Halloran and I know the way he speaks with his
25 flowery language and that, it is very hard, I want to convince the Tribunal and
26 to assure them that what I am saying is the truth, and you might wonder why
27 would you remember that when you can't remember dates and you know, numbers and
28 everything? But I remember that because that was my involvement and I am
29 always very, very, careful when I am going to either propose something or take
30 an action that I know what I am doing. If I wanted to retrieve that motion

1 that amendment would have been put, one to the acre. It would have been put
2 and it would have been put to the floor. There was no -- why would I convince
3 Charlie O'Connor to withdraw the whole motion?

4 Q.273But you didn't. You sought to amend it and then he withdrew the motion because
5 there was no support for it, that's Mr. O'Connor evidence, he doesn't say he
6 withdrew it on a request from you?

7 A. Its like reading the fairytales of Ireland, and I don't mean to be flippant
8 about it. That's not how it happened. I know how it happened because they
9 were my actions.

10 Q.274Are you saying the motion was withdrawn because you asked Mr. O'Connor to
11 withdraw the motion?

12 A. I said to him "withdraw the motion."

13 Q.275Why didn't you say to him to withdraw the motion before you sought to amend the
14 motion?

15 A. I didn't get time, I have already explained to you I went into the meeting.
16 The motion was on the floor, I was thinking on my feet, I think I did fairly
17 well, from my own point of view.

18 Q.276Did you speak to Mr. Hand about the motion?

19 A. No.

20 Q.277When you asked Mr. O'Connor why he was proposing the motion what answer did he
21 give you?

22 A. Just said he was asked to.

23 Q.278Did he tell you who asked him?

24 A. No.

25 Q.279Did you ask him who asked him?

26 A. No.

27 Q.280Why not?

28 A. I probably assumed Brian O'Halloran had, anyway it didn't matter to me, just
29 the motion fell, I was happy.

30 Q.281Now, I think following on that motion you continued to have contact with

1 Mr. O'Halloran; isn't that right?

2 A. On and off.

3 Q.282Contact with Mr. O'Halloran in relation to these lands, I suggest to you?

4 A. Not until 1997, isn't it.

5 Q.283Well I wonder is it, Mrs. Coffey? And you can tell me otherwise, there was a
6 variation of the Development Plan proposed for Carrickmines, I think which was
7 debated in 1995?

8 A. That's right.

9 Q.284Do you recall that?

10 A. I was Cathaoirleach then.

11 Q.285Yes; and Mr. O'Halloran had made a submission in relation to that Development
12 Plan, isn't that right, that variation?

13 A. Yes. He made a submission to the Council Planners.

14 Q.286Yes. And Mr -- that's correct. As part of the review period, and
15 Mr. O'Halloran's evidence to the Tribunal was that you asked him to withdraw
16 that submission?

17 A. No. No, it wasn't part of the review period, Mr. Quinn. It was a variation
18 that was being brought to the Council at that time by the manager, and it was a
19 variation to change the zoning in Cherrywood to accommodate a Science and
20 Technology Park which the Council were involved in a public private partnership
21 and which was a great opportunity for us to develop a major development in the
22 county then.

23 Q.287I put my question again to you Councillor Coffey, I think the answer is yes.

24 Did you ask Mr. O'Halloran not to proceed with his proposals in 1995 to have
25 his lands rezoned at that time, or is he incorrect in that? He says he
26 received a phone call from an irate Betty Coffey, as he describes you, asking
27 him to not to proceed with the rezoning?

28 A. I don't remember it, but it is possible that I did.

29 Q.288Yes. Page 331 please? Question 282.

30 "Question: You were advised not to proceed with it and you decided not to

1 proceed with it.

2 Answer: No, I got a phone call from an irate Councillor Coffey who asked me
3 what on earth are we doing, it was not an opportunity to make that submission
4 and we should withdraw it because it had no prospect whatsoever of success.

5 Question: It would appear now that Councillor Coffey had stepped into the role
6 of almost a guardian angel from the proposed amendment way back in June '92 and
7 your motions.

8 Answer: She was keeping an eye on me."

9 Is he correct in that?

10 A. He was being opportunistic. We were involved in something very important to
11 the County council and I was Cathaoirleach, it would be unusual for me to phone
12 him, I would say he phoned me and I told him to probably to go away. You don't
13 vary the Development Plan easily, you only support a variation if it is
14 important to the county. Why he should think he could come in with a variation
15 at that time because we, the Council and the manager, were carrying out a
16 variation quite near his area, I know, but it was a completely different thing
17 and I thought he was being opportunistic, and told him to get lost.

18 Q.289He described --

19 A. I wouldn't describe myself as being his guardian angel.

20 Q.290But in relation to the motion, but in any event, he described your intervention
21 and that of Mr. Murray, the planner, as amounting to rocking the boat with the
22 Monarch submission. A note of a meeting that he had with Mr. Collins, if we
23 could have page 95 of the brief please? This is, he is taking a note of what
24 he told Mr. Collins of the Dun Laoghaire/Rathdown County Council Road Section
25 on the 7th of October 1996, you see numbers one to six; and next paragraph.

26 "I also emphasised that in March '95 we made a similar submission to the Local
27 Authority to coincide with a submission at the time made by Monarch Properties
28 Limited. We were then urged by Betty Coffey and Willie Murray to withdraw that
29 submission because they had informed us it was premature, untimely and would
30 rock the boat with the Monarch submission".

1 Is he incorrect in that?

2 A. I don't remember using that phraseology, rock the boat.

3 Q.291 Could you have implied rock the boat?

4 A. I didn't imply, no, I didn't agree with him putting in a submission to vary the
5 Development Plan because it is a very important issue, it shouldn't be done
6 lightly.

7 Q.292 Now, I think he sought your advice again in 1996, isn't that right?

8 A. Yes.

9 Q.293 Do you recall that, I think you said it was 1997 but in fact it was 1996, isn't
10 that correct?

11 A. Well, I don't remember whether it was '96, I thought it was '97.

12 Q.294 In 1996 I think the, May of '96 I think the position paper was published by Dun
13 Laoghaire/Rathdown County Council which the review of the 1993 Development
14 Plan, isn't that right?

15 A. That's correct.

16 Q.295 And didn't he speak to you at that time in relation to it?

17 A. He could have.

18 Q.296 Yes. Now he also attended, I think, one of your fundraising events, isn't that
19 right?

20 A. Not my fund raising event, a Fianna Fail constituency fundraising event.

21 Q.297 If we could have page 100, he wrote to you on the 19th of March of 1996.

22 "Enclosed is a cheque which I promised you would get at the Killiney Castle,
23 back 18th of March, which replaces the one I had with me and which you bluntly
24 told me was not worth bringing."

25 Do you recall that conversation with Mr. O'Halloran?

26 A. I know exactly what happened. Do you want me to inform the Tribunal?

27 Q.298 I think it is probably best, you do accept first of all, he did give you a
28 cheque for a thousand pounds on the day after attending your fundraising event
29 for Fianna Fail in Killiney Castle?

30 A. He -- I am part of the Fianna Fail fundraising committee for the constituency

1 as indeed would all the high profile people in the constituency. We, as the
2 elected representatives, or the councillors, the TDs, David Andrews, Mary
3 Hanafin, we would be asked to go out and sell tickets for the fundraising event
4 which is usually held on St. Patrick's Day and it is a very, very, successful
5 event. Brian O'Halloran has attended other Fianna Fail fundraisers and I asked
6 him would he sell ten tickets at 100 pounds ahead which is for a lunch which
7 includes wine and drinks and is a very, very, successful event in the
8 constituency, he agreed.

9
10 So we come to the day, people are being, looking for tables. I am helping
11 sorting the tables. One of the members of, the people taking the tickets, I
12 don't know who came up and said "I have a cheque from Brian O'Halloran for 250,
13 is he not aware that the table is a thousand". So I have to go and break the
14 news to Brian, Brian it is not 250 pounds a table, it is a thousand pounds a
15 table. You wouldn't get a lunch for 250 pounds for ten people, so he then sent
16 me back a corrected cheque. And that cheque I neither benefited from in
17 anyway, and that cheque was for a Fianna Fail fundraising constituency.

18 Q.299 Now, this is a man whose motion you say you managed to have withdrawn in 1992
19 and he is giving Fianna Fail, through you, a cheque for a thousand pounds in
20 1996, isn't that right?

21 A. He is giving a cheque to the Fianna Fail event that I am sure he enjoyed.

22 Q.300 And did you in or around this time also advise him that he should make a
23 written submission to the Council because the Council were reviewing the
24 Development Plan?

25 A. No.

26 Q.301 If I could have page 250 please? Mr. O'Halloran, in a letter of the 17th of
27 May 1996 to Brian Meehan, who was his planning consultant writes the following.

28
29 "Some months ago" -- the letter was written in May 96 the cheque was given to
30 you in March '96 -- "I was advised by Betty Coffey, Chairperson of the Dun

1 Laoghaire and Rathdown County Council, that I should make a written submission
2 to the Council putting forward the grounds why the lands owned by me, Gerard
3 Kilcoyne and Austin Darragh should be rezoned. Betty suggested as the Council
4 is now drawing up proposal for revision of the Development Plan, an appropriate
5 submission might influence decisions being taken about the areas for rezoning."

6 That seems to contradict your evidence in that regard, doesn't it?

7 A. No, I don't think it does. I was Chairperson of the County Council. This is
8 probably, this was still around the time that he wanted the variation and I --

9 Q.302The variation had taken place in March '95, so this is 1996?

10 A. '96 you know, this is following on May 1996. He has been told in March 1995 to
11 go away, we are not going to vary his land because there is no necessity to,
12 and he knows and he is well aware that there is the Draft Development Plan is
13 going to proceed the next year. Mr. Quinn, Mr. O'Halloran's eye is not off the
14 ball about his piece of land. He is watching this very, very, carefully. And
15 in telling him that, I thought a variation was wrong, I could have advised him
16 and said we are coming into the Development Plan, that's the time to do it.

17 Q.303So he is writing in May 1996 the variation had been confirmed I think the
18 previous year, April 1995?

19 A. Mm-hmm.

20 Q.304In 1996 he is telling his planning consultant, whom he has instructed to
21 prepare the submission, he is telling the planning consultant that some months
22 ago which would be in or around the time he was giving you the cheque for a
23 thousand pounds for Fianna Fail, that you had advised him that he should make a
24 written submission, putting forward the grounds why his lands should be rezoned
25 because the Council were drawing up proposals for the revision of the
26 Development Plan?

27 A. Mr. Quinn, I probably told him to do that. But let me tell you it had nothing
28 to do with a thousand pounds he gave to Fianna Fail fundraiser in Dun
29 Laoghaire, nothing. The land wasn't suitable for developing. I wouldn't sign
30 a motion.

1 Q.305Its coming up to one o'clock.

2

3 CHAIRMAN: All right. Two o'clock.

4 A. Thank you very much.

5

6 THE TRIBUNAL THEN ADJOURNED FOR LUNCH

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1 THE TRIBUNAL RESUMES AS FOLLOWS AFTER LUNCH:

2
3 MRS. BETTY COFFEY RETURNS TO THE WITNESS BOX AND CONTINUES
4 TO BE EXAMINED AS FOLLOWS BY MR. QUINN:

5
6 Q.306 Thank you. Mrs. Coffey, before lunch I think we were dealing with a, your
7 advice to Mr. O'Halloran in early 1996 that he ought to make a submission in
8 relation to his lands to the planners. And as I understand your evidence you
9 accept that you probably gave that advice to him at that time?

10 A. I probably did.

11 Q.307 Yes. Now, I think later in 1996 he wrote to you seeking further assistance in
12 relation to the lands, isn't that right. If we could have page 251, please.
13 This is a letter of the 25th of September 1996 and he advises you that he is
14 returning to you for advices and:
15 "As you are aware the planners are finalising their proposal for rezoning and
16 will make a presentation to the members of the Council in November or
17 thereabouts."

18
19 Now, he is telling you about this, he goes on to advise you that the recent
20 meeting he had with:

21 "Mr. Murray on August 27 he was very helpful and suggested it was now opportune
22 for us to make a representation to the Council that our lands be rezoned."
23 And he advises you that he in fact had made a submission on the 13 of
24 September, is that right, do you recall receiving that letter from
25 Mr. O'Halloran?

26 A. I don't recall receiving it but obviously I did. That's 1996, that's seven
27 years ago, Mr. Quinn, but I am sure I got it.

28 Q.308 The sequence then I think is by May the planners themselves had produced a
29 report, isn't that right, a draft report?

30 A. That's right.

1 Q.309The display period wasn't until the following, I think it was July or August of
2 1997, isn't that right?

3 A. Yes.

4 Q.310And that would have been the period when submissions ought to have been
5 received in relation to that land, isn't that right?

6 A. Yes.

7 Q.311Yet Mr. O'Halloran had on your advice, and I think that we have on suggestion
8 of Mr. Murray, already made a submission by the time he wrote to you in
9 September 1996.

10 A. Yes.

11 Q.312Did you meet Mr. O'Halloran following on receipt of this letter?

12 A. I met Mr. O'Halloran several times coming up to the Development Plan.

13 Q.313Yes, is that several times coming up to May 1996 when he was kicked off or
14 several times coming up to the display period or several times coming up to the
15 motion?

16 A. I thought it was from say September up from September '97.

17 Q.314September '97, we are still in 1996 now at this stage. He is writing to you
18 for your, seeking your assistance you see. Did you, do you recall meeting him
19 several times between September '96 and September '97 for example?

20 A. Well I could have.

21 Q.315Yes. What advice did you give him in September '96?

22 A. Well, my memory of Mr. O'Halloran's submission and his very keen interest to
23 have his land rezoned was that really the manager had produced a report, if I
24 am right, you have to forgive me about dates, I am very bad on dates. But
25 generally running up to the Draft Development Plan the initial report was that
26 the manager was supportive of lands, the development of lands north of the
27 motorway and that this was the area for development.

28

29 Now, this was coming into 1997. We had gone through the Science and Technology
30 Park and Cherrywood was up and the whole economic climate had changed for the

1 good. Dun Laoghaire was booming, we had the pavilion site, the new ferry
2 terminal and the town was coming into its own economically and there was a huge
3 economic thrust in the whole county.

4 Q.316But in September 1996 Mr. O'Halloran had made his submission, he had met with
5 Mr. Murray and he was seeking your advices?

6 A. Mm-hmm.

7 Q.317Now what advices did you give him, in September '96?

8 A. Well, I told him that if he was, if he was to make a submission --

9 Q.318He had made a submission, sorry.

10 A. He?

11 Q.319He had made a submission, he tells you in this letter that he made a submission
12 on, already made a submission dated September 13th. In fact that submission
13 was returned.

14 A. There probably was many submissions that he had made, but my position clearly
15 in my mind is as follows, I said now you have made a submission you want to --
16 he said to me, I want to get your support for the rezoning of the lands. I
17 said to him, well things have changed, but in order for me to put down a motion
18 I want, I am advising you to go to the planners, seek out their opinion on your
19 submission, let me know what they are saying and come back to me.

20 Q.320When did you give him that advice?

21 A. I haven't a clue, between '96 and '97 and up to the '98 -- it would be over
22 that period of time. It would be one of several meetings I had with him where
23 he would come to my constituency office.

24 Q.321Yes. This was in your home, isn't that right?

25 A. Which is in my home, where we would have a cup of coffee.

26 Q.322Did he ever call to your home other than to speak about the lands at
27 Carrickmines?

28 A. Not that I met him, he did call one Christmas and he left two bottles of wine
29 for me.

30 Q.323Was that in December '96, the rezoning motion had gone through.

1

2 JUDGE FAHERTY: '97 I think --

3 Q.324Sorry, December '97?

4 A. It might be December '97. Anyway, do you want me to continue telling my
5 witnessing of all these events, was that he goes to the planners, he came back
6 to me very excited, you know, planners are very supportive of it and I went to
7 see Willie Murray myself.

8 Q.325When did you go to see Mr. Murray?

9 A. I haven't a clue.

10 Q.326Would it have been in '96 or '97?

11 A. Could have been either. I saw the planners regularly, I would have other
12 queries I deal with. I didn't make a formal appointment just to discuss
13 Mr. O'Halloran's lands, generally would be discussions with the planners on the
14 Development Plan.

15 Q.327Yes.

16 A. So I had spoke to Willie Murray and I said, I asked him, I said Brian
17 O'Halloran's land, he is, he asked me to support it, what do you think and
18 Willie Murray has said that he felt it was suitable for development. It had
19 already been written in the initial report but that was a very small parcel of
20 land and he felt what they should do, the map is there, they should approach
21 other landowners and come in with a larger parcel. So that's, that confirmed
22 to me that Mr. O'Halloran -- he was reading the planners right.

23 Q.328So, are you saying that Mr. O'Halloran joined up with other landowners because
24 of something that Mr. Murray said to you?

25 A. No, because Mr. Murray also said it to him.

26 Q.329Do you know that Mr. O'Halloran has accepted that the concept of joining with
27 Jackson Way lands, and I think that's what you are referring to, came from him
28 through his consultant Dr. Meehan?

29 A. No, I didn't know that.

30 Q.330Well, if I could just put to you Mr. O'Halloran's evidence in relation to that,

1 if I may, that I have to suggest to you came as early as 1995, not 1996 or
2 indeed 1997. What do you say about that?

3 A. Sorry, would you mind repeating that?

4 Q.331In other words the suggestion that Mr. O'Halloran would join up with the
5 Jackson Way lands was a suggestion of Dr. Meehan's and not Mr. Murray and that
6 it had come as early as 1995?

7 A. Well, I wasn't aware of that. '95 was the period of the variation, isn't that
8 right, when --

9 Q.332Yes. In March 1995 there was a submission.

10 A. When they made a submission for a variation.

11 Q.333Yes, and that first submission, that 1995 submission was a joint submission for
12 lands north of the proposal line of the motorway at that time, put in by
13 Mr. O'Halloran and Jackson Way, put in on their behalf by Dr. Meehan?

14 A. I didn't take any notice of it, because I wasn't going to support it at that
15 time.

16 Q.334And the submission which he had made in 1997 was again a submission, a joint
17 submission between Mr. O'Halloran and Jackson Way.

18 A. Mm-hmm. Was that following his discussion with the planners?

19 Q.335No, it was following an earlier submission, which he had made in 1995 and
20 following a joint agreement which he appears to have then had with Jackson Way.
21 I am just temporarily mislaid, the reference in the transcript to that, I will
22 come back to it.

23

24 Would you accept that to be the case, that Mr. O'Halloran himself accepted that
25 the submission was put in by him, or on the advice of the joint submission, was
26 put in by him on the advice of Mr. Meehan and after reaching agreement with
27 Mr. Kennedy who was the owner of the adjoining lands?

28 A. Well, I wasn't aware of that and initially I wasn't even aware of -- first, I
29 don't know Mr. Kennedy. I don't know any of the people who own the adjoining
30 lands. I didn't link even Jackson Way as being a previous Paisley Park land.

1 Q.336Did you know the previous Paisley Park lands?

2 A. No.

3 Q.337You had never heard of them?

4 A. Of course I did, I voted against them.

5 Q.338Did you hear of the Paisley Park motion in 1992?

6 A. I did, and I voted against it.

7 Q.339Yes, what did you know of Paisley Park at that time?

8 A. Nothing.

9 Q.340Nothing. Are you sure that there was concerns in the media about the ownership
10 of those lands being linked to Mr. Kennedy or indeed Mr. Lawlor?

11 A. In '92?

12 Q.341Yes.

13 A. No.

14 Q.342Mr. Butler says that he was concerned or had heard rumours in '92 that these
15 lands were being linked to Mr. Kennedy and Mr. Lawlor?

16 A. I was surprised when I read that to be honest with you. But Mr. Butler would
17 probably know landowners around that area and farmers around that area better
18 than I would. I think he has said that.

19 Q.343You were surprised Mr. Butler had heard those rumours in 1992?

20 A. I was surprised when I heard his transcript that Mr. Butler said in his
21 evidence that he had heard that there was a connection with Liam Lawlor, is
22 that right?

23 Q.344Yes.

24 A. I was surprised at that.

25 Q.345And Mr. Kennedy?

26 A. And Mr. Kennedy. Well, I don't know who Mr. Kennedy is.

27 Q.346Had you ever heard any controversy about the ownership of Paisley Park in or
28 around the time of the motion in 1992?

29 A. No.

30 Q.347I suggest to you that there was an article in The Business Post in or around

1 1992 which spoke about the ownership of Paisley Park.

2 A. Well, now, Mr. Quinn, if I had my notes in front of me about what I was doing
3 in 1992 I may be able to say to you that I was probably a member of Dublin
4 County Council, Dun Laoghaire Borough Council, probably could be Chairman of
5 the VEC if I remember, plus being housewife and a mother and running a home.
6 So, I don't have time to listen to gossip and I probably didn't read the
7 business section of the Sunday Business Post at that time, but I can assure you
8 I was not aware of any rumours and I was not going to support any motion in
9 that area, in 1992.

10 Q.348 I suggest to you that this was drawing controversy and attention in 1992 this
11 Paisley Park motion. I wonder could we have page 399 of the brief, please?
12 This is an article written by Ted Harding under a heading "Residents lobbied to
13 support rezoning" of, this is now a rezoning in your area, an area that you are
14 concerned about.

15
16 I am not going to read the entire article to you, but if we look just to the
17 last two paragraphs on the left-hand side:

18 "A spokesman for Paisley Park declined to name the directors of the company or
19 any developers associated with it. However he stated that a number of Dublin
20 solicitors were involved in the company.

21
22 The land for the proposed business park was acquired from the former owner Bob
23 Tracey by well known developer Jim Kennedy in late 1990 for about 850,000
24 pounds. According to the spokesman for Paisley Park, Kennedy sold the land to
25 the company and he has no connection with Paisley Park."

26
27 Do you see that?

28 A. Yes.

29 Q.349 Now, I suggest to you that was in the public domain at the time, a company that
30 was seeking a substantial rezoning of over a hundred acres of land in an area

1 where you say you were adamantly opposed, vehemently opposed to any
2 development?

3 A. Yes.

4 Q.350I suggest to you that's the type of thing that as a local public representative
5 would have caught your eye and you would have thought about.

6 A. It didn't. I just explained to you why it wouldn't.

7 Q.351Do you recall Mr. Lydon expressing the addressing the pre-council meeting of
8 the Fianna Fail group before the Paisley Park motion on the 12th of June?

9 A. I don't.

10 Q.352Do you recall, or did you ever receive from Mr. Lydon or Mr. Dunlop or anyone
11 on behalf of Paisley Park a flier setting out the ownership structure of the
12 company, etcetera?

13 A. If it was sent to me in the post I don't remember it.

14 Q.353Could we have page 398 of the brief, please? I am just going to show you --

15 A. I was never lobbied by the way from Paisley Park by either Mr. Lydon or
16 Mr. Dunlop. Nobody ever lobbied me to support that motion.

17 Q.354Do you see that document on the screen headed "Paisley Park", you would have
18 got a copy of this:

19 "Paisley Park Investment Limited is a consortium of UK and Irish investors.
20 The directors of the company, which is registered in the Isle of Man are Rod
21 Parker, Martin Bullock. The project manager for the proposed development viz a
22 high quality business park is James Burgess who has extensive experience in
23 property management in both the UK and Ireland. Contrary to a recent newspaper
24 story this company is not in liquidation, it has undergone an internal business
25 organisation only. The ownership of the company has not changed."

26 Do you recall reading that?

27 A. I probably glanced at it if I got it and tore it up, but I note in it "contrary
28 to a recent newspaper story", so, therefore, it wasn't in one newspaper, so it
29 wasn't flying all over the place.

30 Q.355Would it be fair to say the rezoning of over a hundred acres of land in this

1 area would have been something of concern to you in 1992?

2 A. I would have known my position --

3 Q.356Yes.

4 A. -- regarding rezoning and I have already explained to you and to the Tribunal,
5 I hope I am making myself quite clear on it. 1992, remember that in 1991 and
6 if its '91 or '92 or '90 please forgive me, but my original motion, if you go
7 back to the manager's proposal for the rezoning of this land, I was one of the
8 proposers of a motion to object to his proposals and put the 1983 Development
9 Plan out in public display. Now, that was my position then. And I was going
10 to stick to my position. So, therefore --

11 Q.357I am not criticising your position.

12 A. No, but in 1992 it hadn't changed.

13 Q.358I am not saying your position had changed, but I am suggesting any proposal by
14 any landowner in particular a land owner which, the company was registered
15 outside the State was something that would have been known to you and would
16 have been something of concern to you and concern to locals and was the matter
17 of some comment and publicity at that time.

18 A. Well, it was -- well, beyond -- I would read more the Residents Association
19 submissions to me and I think a few of the members of the committee that were
20 constantly in touch with me, so I pay more attention to that, Mr. Quinn, than I
21 would to submissions and newspaper reports. I would be listening to: (I)
22 What was in the area, and (ii) I would read more about the residents and they
23 would phone me anyway. That's why my concern would be focused.

24 Q.359You would have received, I suggest to you, in early 1992 the submissions which
25 had been put in on behalf of the various landowners in the area seeking the
26 rezoning, and amongst those submissions you would have received two submissions
27 in relation to Paisley Park, isn't that right?

28 A. Yes.

29 Q.360One which was received in December 1991 and another at a oral hearing in March
30 1992.

1 A. Mm-hmm.

2 Q.361And this was a substantial proposal for the rezoning, for a business park at
3 one stage, isn't that right?

4 One of those submissions, it spoke about a group of businessmen having the
5 necessary finance, I think 50 million was mentioned, for the development of
6 these lands at Carrickmines, isn't that right?

7 A. That's right.

8 Q.362You have seen that. Isn't that something that would have caught your eye and
9 you would have been concerned about the ownership of that company, isn't that
10 right, to see who was behind it and how serious they were about the proposals?

11 A. If somebody sends a written submission and they say you have to, we have 50
12 million pounds investment, unless I would see things that have happened in Dun
13 Laoghaire, say the pavilion site or a major development like that, if an
14 investor is serious he will produce a far more comprehensive report than a
15 submission which shows nothing only we are going to invest 50 million. Who
16 knows that they have 50 million.

17
18 So if you get a submission of that depth well you will pay attention to it and
19 consider it, say you have that they will produce major plans that they would
20 have somebody, the planners ready to bring to the Council, they would have
21 architects in all this, but a written submission on that kind of piece, I would
22 not focus my mind on that. I would not take that as seriously as a piece in
23 the paper or written submission, that costs them nothing.

24 Q.363So you are saying the proposals in relation to the Paisley Park in 1992
25 didn't -- as to who was behind that company, was not a matter of any concern to
26 you or indeed a matter of any debate or concern to anybody at that time?

27 A. Well, I wasn't informed of any controversy and I didn't pick it up and I wasn't
28 going to support it. If people had looked and knew my proposals earlier on
29 they would know that I wouldn't be interested in that kind of proposal.

30 Q.364Now, you say that you had meetings with the planners, isn't that right, and you

1 say that it was the planners who encouraged you to support the rezoning of
2 Mr. O'Halloran's lands, isn't that right?

3 A. We are now in 1997.

4 Q.365That's right.

5 A. '96 or '97 -- yes. They didn't --

6 Q.366No, Mr. Drumgoole who has given evidence says you never discussed the motion
7 with him and had you discussed it with him he would have known that he was
8 against it because it was premature.

9 A. The only discussion I had with Mr. Drumgoole was that Mr. O'Halloran was
10 concerned that Mr. Drumgoole wanted him to take ten acres out of his submission
11 for flood attenuation and he was very unhappy about that. Mr. O'Halloran --
12 that was a big chunk of his land to come out of his submission.

13 Q.367Mr. Murray says that he was surprised that the motion was carried. He says,
14 given that evidence here.

15 A. I am surprised that the report on the motion was as written when it came to the
16 meeting because my, my recollection of the whole thing, two brief meetings with
17 Mr. Murray, with, where I said to him this land is north of the motorway. Mind
18 you we should go back to remember that in the written statement coming up to
19 the Development plan the manager had stated that lands north of the motorway
20 should be considered suitable for development. Mr. Murray had indicated that,
21 yes, this was to me anyway, that he would not have a problem with it.

22 Mr. O'Halloran had more detailed meetings. I went on to do all my own work and
23 then there was the property with the ten acres for pond attenuation that I said
24 to Mr. O'Halloran, you have to take that out because I won't support it, it
25 might be required by the County Council. He did. And that's why the second
26 set of motions came in with reduced acreage.

27 Q.368I will come to the motions and their signing in a moment, but would you agree
28 with me that the manager's report on the motions recommended that there be no
29 change?

30 A. Mm-hmm.

1 Q.369Sorry, the manager's report in relation to the submissions and representations
2 which had been received recommended that there be no change.

3 A. The manager's report on the motion read that this land --

4 Q.370I will deal with the manager's report on the motion in a moment. I am now
5 dealing with the manager's report on the submissions which had been received in
6 relation to these lands and I am talking about the lands north of the line of
7 the motorway, the O'Halloran and Jackson Way lands F. Could we have page 187
8 of the brief, that might simplify the report:

9 "Consideration of zoning for development of these lands is premature as the
10 lands are affected by the South Eastern motorway order and lie outside the area
11 to be served by the Sandyford high level water scheme. Recommendation: No
12 change." That's the first thing you would have received from the planners,
13 isn't that right?

14 A. Mm-hmm.

15 Q.371And your motions would have gone in and then manager's report on the motion
16 would have been read to the meeting, isn't that right?

17 A. That's right.

18 Q.372And we get that manager's report in relation to the motions at page 188. And
19 again the conclusion of his report, I will read it all to you if you wish, is
20 that it is considered that this proposed zoning is premature until the South
21 Eastern waterway is in place. Adequate access to be provided on a public water
22 supply can be provided, isn't that right, he gives the reasons for that?

23 A. That's right.

24 Q.373Despite both the manager's report on the submissions and the manager's report
25 on the motions, despite both of those reports suggesting that the motions were,
26 or the submissions and motion were premature and recommended no change, you
27 nonetheless proceeded to have your motion put before the Council, isn't that
28 right?

29 A. That's correct.

30 Q.374Now, before I get to the actual motion and before the Council. Can I get back

1 to a moment to the actual signing of the motions -- in fact four motions were
2 signed, isn't that right?

3 A. That's right.

4 Q.375 There seems to be confusion in that one could get the impression from your
5 statement that, in fact, six motions were signed, in other words, that there
6 had been two motions signed before the land attenuation reservation came into
7 existence and then there may have, they could have been replaced by four
8 subsequent motions?

9 A. Yes, I agree it sounds confusing.

10 Q.376 Can we take it in all there were only four motions ever signed?

11 A. That's the four motions.

12 Q.377 They are the four motions that you were written to and were submitted to you,
13 isn't that right?

14 A. The -- in my meeting with Mr. Murray, and I couldn't get a clear indication if
15 he supported residential or industrial for it. Now, in hindsight, and you are
16 always clearer in hindsight, you could have put one motion with
17 residential/industrial.

18

19 May I say, Mr. Quinn, the simple fact that I was prepared to put the motions
20 down as they were down, shows publicly quite clearly what my intentions were
21 and they were open and transparent. If I had anything to hide I wouldn't be
22 signing motions in the public domain. I want to make that clear to the
23 Tribunal. I am following advice, I am following advice that I am getting from
24 the planners.

25 Q.378 So you say that the planners mislead you into signing these motions, because
26 you do agree that when the planners came to report on the submissions and the
27 motions they recommended that there be no change. In other words they were
28 recommending to your colleagues that they not support the motions; isn't that
29 right?

30 A. Well people change their minds: I changed my mind. I don't know what they

1 were thinking.

2 Q.379You placed some store presumably by what the planners were advising, isn't that
3 right?

4 A. Well, yes.

5 Q.380Now, they were advising you they changed their minds and were advising there
6 would be no change. Why didn't you withdraw your motions in those
7 circumstances?

8 A. Because I didn't agree with them and in another report which, I know you didn't
9 want to jump but, but I feel as I am your witness that I am entitled to do it,
10 the manager says this land is suitable for development in the medium to long
11 term. Now, if you want your road done medium means five years.

12 Q.381There were already lands zoned industrial close to these lands, isn't that
13 right, Grimes lands?

14 A. This is the Science and Technology Park.

15 Q.382No, the Grimes lands?

16 A. Grimes land, yes.

17 Q.383No plan application lodged in relation to those lands, nor could one be lodged
18 because there was no infrastructure, isn't that right?

19 A. Maybe there would be no planning application ever issued for it.

20 Q.384But the zoning of these lands wasn't going to hasten in anyway the road or any
21 of the development of the lands, isn't that right?

22 A. In 1997 we have no real major investment going on in that area to produce any
23 high tech jobs. Mr. O'Halloran is, has a company well known architects, and I
24 am leading two submissions from planning consultants, which is telling me what
25 these lands can produce. One report states that a thousand jobs can be created
26 in the, if the land is zoned industrial. The indications -- let me finish,
27 Mr. Quinn.

28 Q.385I don't want to interrupt you at all, Mrs. Coffey.

29 A. The indicators to me from the planners and manager's report is that this land
30 in this area is suitable for development. Even at the last report from the

1 manager he says in his report that this land is suitable for development in the
2 medium to long term. The same team, that very same team, in 1990 proposed to
3 Dublin County Council that all of this area be developed.

4 Q.386 Mrs. Coffey, none of these lands were developed within the five year period,
5 isn't that right?

6 A. No, and they may not be developed in the next five year period.

7 Q.387 Yes, and you were proposing they be rezoned so that they might be developed and
8 so the infrastructure would be put in place for their development, isn't that
9 right?

10 A. That's right.

11 Q.388 And yet there was no question of them being developed within the five years?

12 A. Well, I have read the transcript.

13 Q.389 Would you accept that, would you accept that there was no question of them
14 being developed within five years from December of '97?

15 A. Mr. Quinn, I don't accept that.

16 Q.390 Well, why were they not developed within five years after being rezoned?

17 A. I don't accept that. Even if I am to accept the 1990 map, some planners are
18 conservative and some planners are very forward thinking. And you are
19 putting -- you are painting, in effect, a picture on a map for the future
20 economic planning and development of your area in your county. Dun
21 Laoghaire/Rathdown has the least commercial stake than any other county so you
22 have to paint a picture that, so you will know where you are going with
23 infrastructure. Here is a piece of land that I have planners advising me is
24 suitable for development. I have the manager in his written report telling me
25 it's suitable for development. I have the manager saying in the medium to long
26 term it is suitable for development. And I have planners in 1990 telling me
27 develop this plus a huge tract.

28

29 So I am saying to you that it's my county, I want investment in it, I want the
30 map painted and I did it and I stand by it and I would do if today. The same

1 piece of land, Mr. Quinn, the same piece of land in the current Development
2 Plan of which is out on public display is now zoned by the current manager and
3 planners as an area of special development.

4 Q.391Mrs. Coffey.

5 A. Now, you tell me who I am to listen to.

6 Q.392Mrs. Coffey, you were careful to tell the Tribunal that you were going only
7 going to support the rezoning of these lands provided the planners were in
8 favour of it, isn't that right?

9 A. Yes.

10 Q.393When you came to produce your motions irrespective of what might have been said
11 to you before by the planners when you came to propose the motion in December
12 '97 you knew the planners were opposed, they were recommending it not be
13 rezoned, isn't that right?

14 A. I proposed my motion and I put it on the floor for debate. So that the whole
15 issue of what's written in that little report of yours could be debated and the
16 argument could be put forward.

17 Q.394It is not my report, Mrs. Coffey, it is the report of the planners, isn't that
18 right?

19 A. That's correct.

20 Q.395And it was the considered report of the planner and the manager to the
21 Councillors, isn't that correct?

22 A. It's their considered report having changed their minds, Mr. Quinn. They
23 changed, not only changed their minds once, they have changed their minds
24 twice.

25 Q.396Even if they changed their minds a thousand times when it came to proposing
26 that motion you knew that the planners were asking the Councillors not to
27 support the motion, isn't that right?

28 A. Mr. Quinn, are you suggesting to me that I am to ad nauseum accept the opinions
29 and report of planners that I am not to question them and that whatever they
30 say is right? Because the, if that was the case then I can tell you the whole

1 area would be zoned against what I would wish for it and that's not, I want to
2 tell you I am not blaming planners on that, that's people's opinion. Planning
3 consultants were experts in the field have one opinion and planners have
4 another and I have another.

5 Q.397Mrs. Coffey --

6 A. I work on the coalface, I can only be guided by my instinct and by my knowledge
7 as a councillor.

8 Q.398Mrs. Coffey, the planners, not alone did they recommend there be no change but
9 they set forward the reasons why there should be no change, isn't that right,
10 do you accept their reasons, namely, that there was no South Eastern Motorway
11 in place?

12 A. Well, if that was the reasons then, why didn't --

13 Q.399That there was no adequate access to the lands?

14 A. If that was the reason then, Mr. Quinn, in 1997 why did the same team propose
15 in 1990 that it be zoned, so --

16 Q.400They dealt with that and said in 1990 the manager Mr. O'Sullivan said this was
17 a broad proposal to develop the entire of the region, which was voted down by
18 the planners or voted down by the Councillors in a motion that you seconded,
19 isn't that right?

20 A. That's correct.

21 Q.401Are you saying that within five years had you rezoned these lands and they were
22 rezoned that within five years this motorway would be in place, that the lands
23 would have an adequate access and there would be a public water supply to the
24 lands within that period?

25 A. No, I am saying to you that even now, even now with the lands rezoned and many
26 tracts of lands rezoned that's proposed in that Development Plan and in the
27 current Development Plan infrastructure would follow on and the lands will be
28 zoned and zoned as for development.

29 Q.402You knew you were committing the Council to put in and spending money on these
30 lands at a time when they couldn't possibly be developed, isn't that right?

1 A. Absolutely no.

2 Q.403In December '97?

3 A. Absolutely no, Mr. Quinn.

4 Q.404You knew the Council had yet to acquire the land for the motorway which were
5 adjoining these lands?

6 A. Mr. Quinn, first let me tell you, there isn't one acre, one tiny scrap of land
7 that was required for the motorway in that motion or --

8 Q.405These were adjoining lands and we have had evidence from the experts from the
9 Council who say that the zoning of adjoining lands would have affected the cost
10 of the motorway?

11 A. That's not true, that's not true. As a matter of fact I read in the Irish
12 Times, and I took the piece out to remember where in the arbitration one of the
13 Council officials said that the fact that the motorway was there enhanced the
14 value of the lands so, therefore, the compensation would be reduced.

15
16 That question was also asked in the Council chamber of Mr. O'Sullivan, will the
17 zoning of this land effect the cost of the motorway and his reply back was this
18 was an arbitration matter. So --

19 Q.406Who asked that question?

20 A. Mr. O'Sullivan did.

21 Q.407No, who asked the question of Mr. O'Sullivan?

22 A. I think Councillor O'Callaghan did.

23 Q.408That's someone that was concerned if the lands were rezoned they might increase
24 the cost of the Local Authority, isn't that right, or to the State?

25 A. I would always ask that question myself. That's why the ten acres were pond
26 attenuation I insisted be taken out of the motion, because I would never ever,
27 ever take any action that would cause the County Council, the taxpayer money.
28 This is my decision rightly or wrongly in the Tribunal's view, that I wanted my
29 area to be developed and to get --

30 Q.409Are you seriously telling the Tribunal, Mrs. Coffey, that you understood that

1 this area would be developed within five years from December '97 when the
2 motorway line hadn't been confirmed?

3 A. The motorway line had been decided on --

4 Q.410 Yes or no, Mrs. Coffey.

5 A. The motorway had been decided on by the Council it was with the Minister for
6 signing.

7 Q.411 The line had not been confirmed, there was a public inquiry due to take place
8 the following, early 1998 in relation to the line, isn't that correct, it
9 wasn't confirmed until I think September '98. My question to you and a simple
10 yes or no will answer it, did you honestly believe in September '97 these lands
11 would be zoned and developed within five years?

12 A. I don't think it's an issue. I am sorry, I can't answer that yes or no,
13 because I don't think it's an issue. I think that -- Mr. Quinn, I don't know
14 why you can't take from me what I absolutely believed in. I mean, in that
15 Development Plan on the wind up of it the planners brought to us a huge area of
16 land in Stepaside that was rezoned residential and there was no infrastructure
17 for that and there still isn't yet, and now we have in the current Draft
18 Development Plan, huge areas in Rathmichael, because we have a shortage of
19 residential land and that land will not be developed within five years, so I
20 really don't think that I can take on that responsibility.

21 Q.412 Why did you not ask the planners to provide an area of land that might be
22 suitably, suitable for rezoning, why did you -- what was so valuable about this
23 particular site owned by Mr. O'Halloran and Jackson Way that required it to be
24 rezoned?

25 A. I have to make one point clear, I wasn't aware of the Jackson Way piece, I must
26 say that. But Mr. O'Halloran's land, I asked the question on the night of this
27 land is suitable for zoning, which would be the most suitable zoning on it. It
28 was the planners who directed me that industrial would be the most suitable.

29 Q.413 So you are saying it was the planners who advised you industrial would be most
30 suitable?

1 A. On the night the question was asked in the motions.

2 Q.414Now, when you, when Mr. O'Halloran asked you to sign the motions can you give
3 the Tribunal any indication of when that was?

4 A. No.

5 Q.415Did you know --

6 A. It must have been coming up to September/October or '97 would it have been or
7 '96?

8 Q.416Did I understand you to say you didn't realise that there were Jackson Way
9 lands adjoining or included in the motion?

10 A. Initially, but then when they came back, no, I am sorry, Mr. Quinn, I am
11 getting confused I didn't know it on the other piece. I am getting confused
12 with the two bits. As they say strike that one out, sorry, I made a mistake
13 there.

14 Q.417Mrs. Coffey, when you signed the motion, any one of the four motions that we
15 have, did you know that you were seeking rezoning of Jackson Way lands?

16 A. I signed the motion with a map.

17 Q.418A simple yes or no would answer the question, Mrs. Coffey. Did you know when
18 you signed the motion that you were asking that Jackson Way lands to be signed?

19 A. It didn't matter to me, Jackson Way was -- yes.

20 Q.419You did --

21 A. It didn't matter to me.

22 Q.420Did you know that the proportions were one to three, in other words there was
23 more Jackson Way lands than O'Halloran lands being rezoned?

24 A. But that was, Mr. Murray had indicated that we should have you a bigger piece
25 of land.

26 Q.421No.

27 A. Yes.

28 Q.422Mrs. Coffey, Mr. O'Halloran in evidence accepted that on Mr -- Dr. Meehan's
29 advice he had put forward the proposal to Mr. Kennedy that they join, that
30 Jackson Way join with him in going forward, putting forward those lands.

1 A. Well, Mr. Quinn, I remember a meeting in Mr. Murray's office where we were
2 looking at the map and looked at Brian O'Halloran's, was it 223 acres maybe you
3 can tell me that, I can't remember, and he said, look, it would be far better
4 having a larger parcel of land. Mr. Murray said that to me.

5 Q.423Mr. O'Halloran put in a submission in '95, he had put in a submission in '96
6 and put in a submission in '97 through Dr. Meehan which included the Jackson
7 Way lands?

8 A. I didn't pay any attention to it, what he did he did, what I did was another.
9 I am telling you as a witness, what I witnessed and what I did and would do
10 again.

11 Q.424Did you know that Mr. Dunlop had been retained by Jackson Way?

12 A. No.

13 Q.425And did you know that Mr. Dunlop stood to gain from Jackson Way and --

14 A. Is that correct?

15 Q.426Did you know Mr. Dunlop had received money from Mr. Kennedy to pay councillors
16 in relation to the rezoning of these lands?

17 A. No.

18 Q.427Did you know, for example, in October of 1996 Mr. Dunlop's bank manager had
19 noted at a meeting with Mr. Dunlop that a rezoning in, of those lands was
20 likely to yield him a return of 250,000 pounds?

21 A. To give Mr. Dunlop 250,000 --

22 Q.428Yes.

23 A. No, of course, I didn't.

24 Q.429Did you know that Mr. Dunlop was lobbying on behalf of Jackson Way in relation
25 to these lands?

26 A. Yes.

27 Q.430You did. Did you know that Mr. Dunlop was retained by Mr. O'Halloran in
28 relation to these lands?

29 A. No.

30 Q.431You are saying that Mr. O'Halloran, despite asking to you sign a motion, never

1 advised you that he had retained the services of Mr. Dunlop?

2 A. No, he never did.

3 Q.432Or that he had retained the services of Mr. Dunlop way back in 1992?

4 A. No, he -- I never knew that.

5 Q.433When do you say you learned for the first time that Mr. Dunlop was involved
6 with Mr. O'Halloran?

7 A. I think I either read it in the papers or read it in the transcript. I never
8 knew that.

9 Q.434You say when this Tribunal began to inquire into Carrickmines 1 you had never
10 known of Mr. Dunlop's involvement with Mr. O'Halloran in relation to his lands?

11 A. Absolutely no.

12 Q.435Or that Mr. Halloran had paid Mr. Dunlop 30,000 pounds as a result of your
13 motion being successful in late '97 or early '98?

14 A. Well he was a silly man, but I didn't know that.

15 Q.436Now, when Mr. O'Halloran asked you to sign the motion was it Mr. O'Halloran
16 that asked you to sign them or was it somebody else?

17 A. Mr. O'Halloran.

18 Q.437Did he produce the motions to you?

19 A. He did.

20 Q.438Where did he get the wording of the motions from?

21 A. I assumed he had got them from the planner. I was grateful that he was doing
22 the homework for me that I didn't have to write out the motion. That was 1997,
23 isn't that right, 1997?

24 Q.439That's correct?

25 A. 1997, Mr. Quinn, I was in Brussels 34 times. 1997 my husband had a triple
26 bypass, I would ask you please like, you know, to remember that there is an
27 awful lot of other things going on around in your life when these things are
28 happening.

29 Q.440Mrs. Coffey, you had meeting with Mr. Dunlop in 1997, isn't that right?

30 A. That's correct.

1 Q.441And you knew Mr. Dunlop was retained in relation to Jackson Way in 1997?

2 A. Yes.

3 Q.442You knew that the lands that were proposed for rezoning by you included Jackson
4 Way lands?

5 A. That's what I want to get to.

6 Q.443No, you told me a moment ago --

7 A. No, I didn't know that Mr. Dunlop, when Mr. Dunlop came to see me, with his
8 submission it didn't -- I barely looked at it, I have to say that. It didn't
9 click in my mind that his land traversed over the motorway to take in the bit
10 of Jackson Way that was in with Brian O'Halloran's, I actually didn't know
11 that, but it was a very brief meeting and a very brief discussion on the
12 Jackson Way lands.

13 Q.444I will come to that in a moment, but it is the case that when you came to speak
14 with Mr. Dunlop you were proposing a motion in relation to a portion of the
15 Jackson Way lands, isn't that right?

16 A. I don't think I had signed the motion at that stage.

17 Q.445When do you say Mr. Dunlop came to see you?

18 A. Was it September, October, November.

19 Q.446If we take Mr. Dunlop's diary, if I could have page 157 of the brief please,
20 there appears to have been a lot of activity between yourself and Mr. Dunlop in
21 October of 1997.

22 A. Right.

23 Q.447Do you see the diary? There is an entry for the 22nd of October, then there is
24 a note "Ring Betty Coffey on the 23rd" and then an entry "Betty C on the 24th
25 of October", does that assist you in any way in recalling Mr. Dunlop's visit to
26 your home?

27 A. Mr. Dunlop visited my home it could have been -- is there any one for 20th --
28 Thursday, the 23rd is that me? No. I'm afraid my age is catching up. 65 last
29 week.

30 Q.448"Ring Betty Coffey on the 23rd", a phone call you had with Mr. Dunlop on the

1 23rd?

2 A. Would have phoned, yeah, would have phoned and asked could he call to see me.

3 Q.449When he visited had you signed the motions at that stage?

4 A. I don't think so.

5 Q.450When do you think you signed the motions?

6 A. I don't know.

7 Q.451When did you discover that the motions were going to be signed or countersigned
8 or seconded by Mr. Cosgrave?

9 A. I think when they came on the agenda.

10 Q.452So you say when you signed these motions between the time you signed them mid
11 October '97 until December 1997 you didn't know who was seconding the motions?

12 A. No, no.

13 Q.453You were not curious as to who was going to second the motion that you were
14 proposing?

15 A. No, it didn't matter to me who seconded the motion. I was happy to support and
16 --

17 Q.454Did you not discuss with Mr. O'Halloran who might second the motion?

18 A. Let me finish. No, I definitely did not.

19 Q.455Mr. O'Halloran says that and he says initially you undertook to get

20 Mr. Cosgrave to second it and then he says that you undertook to get cross
21 party support for it.

22 A. Now, that's totally untrue.

23 Q.456Do you take issue with Mr. Cosgrave, Mr. O'Halloran on that?

24 A. I am sorry but his memory is wrong there. I am quite sure that he probably is
25 mistaken in it, just it wouldn't happen, Mr. Quinn.

26 First and foremost, it is a policy of mine, I sign a motion, I said to

27 Mr. O'Halloran you have to go now and get support on this yourself and -- I
28 would remember -- let me finish.

29

30 First of all, I would never go to another party member of another, member of

1 another party and ask them to second a motion of mine and, secondly, I would be
2 prepared to put my name to a motion and I would not lobby, I will put the case
3 on the night and open it up to debate.

4 Q.457 I put to you exactly what Mr. O'Halloran said on the issue, if I may,
5 Mrs. Coffey, if I could have page 333 and 334.

6 A. He is wrong. Didn't Mr. Cosgrave himself confirm in his evidence that I did
7 not approach him to sign this.

8 Q.458 What I am putting to you, two things, Mrs. Coffey, first of all, I am putting
9 to you what Mr. O'Halloran initially told the Tribunal, namely, that you
10 offered to get Councillor Cosgrave to countersign the motion, but secondly
11 Mr. O'Halloran gave evidence that you offered to get somebody from a party
12 other than Fianna Fail to sign the motion.

13 A. That I said I would?

14 Q.459 Yes. I am going to read the evidence of Mr. O'Halloran to you on that issue.

15 "Question 521: Yes, if I could, if we look at paragraph 54 you say the
16 following" This is O'Halloran's statement:

17 'We set about finding two councillors to sign motions to ensure our rezoning
18 submission would be brought to the Council for debate and for voting by the
19 Councillors. I had no hesitation in asking Councillor Betty Coffey if she
20 would sign the motion, she did so because she told me she supported the concept
21 of the future development of Carrickmines/Cherrywood Valley. The work was
22 already underway at the Cherrywood end. She offered to contact a councillor
23 from a party other than Fianna Fail that also supported the development of
24 Carrickmines/Cherrywood Valley to sign the motion.

25 Councillor Liam Cosgrave proposed the motion and Councillor Coffey was the
26 seconder.'

27 Answer. Okay. Now, in relation to that I felt that Councillor Coffey was
28 going to ask Liam Cosgrave to sign the motion and that was where the matter lay
29 with me, but I got a telephone call a few months ago, soon after I had
30 completed this narrative from a very irate Councillor Coffey who pointed out to

1 me that she certainly didn't ask Liam Cosgrave to either propose or sign
2 motion. She was very, very adamant about that.

3 Question: Yes.

4 Answer: I would like to tell you I remember that conversation very, very
5 clearly not only because of what she said but she was so annoyed in the way in
6 which she said it. So the issue is who asked Liam Cosgrave to sign the motion

7 Question: Before we come to Mr. Cosgrave, firstly, is it fair to say that at
8 some stage you had a conversation with Betty Coffey in relation to the motion?

9 Answer: Yes.

10 Question: And that during the course of the conversation she agreed to sign
11 the motion?

12 Answer: Yes.

13 Question: In the course of that conversation she suggested that Mr. Cosgrave
14 was to sign the motion?

15 Answer: I would have to be extremely careful in replying to that question,
16 because I cannot remember if she actually said Mr. Cosgrave would be the person
17 she had in mind, but she offered on our behalf to have a seconder and to find
18 somebody from a party other than Fianna Fail."

19 A. What do you want me to say? I have just said --

20 Q.460Mr. O'Halloran's recollection of his meeting with you was, are you saying then
21 you had no discussion with Mr. O'Halloran as to who might sign or second your
22 motion?

23 A. No.

24 Q.461None whatsoever?

25 A. No. But I did, he -- I did say to him he had to go and get support from other
26 councillors. I certainly would have thought that he would get another Fianna
27 Fail colleague to second it, and I could have probably done that myself. But
28 you see I supported it, I was committed to signing the motion. I had done
29 everything I can or could to investigate the pros and cons of the motion and it
30 is my policy and I reiterate it again. Never have I ever asked anyone to

1 countersign a motion from another political party and never have I ever signed
2 a motion outside my own constituency area.

3 Q.462Ms. Coffey, did I understand you earlier to say it was on the evening of the
4 vote that one of the planners advised you that you should proceed with the
5 industrial zoning?

6 A. That's correct.

7 Q.463Mr. O'Halloran says that you rang him before, on the eve of the motion advising
8 that you were going to proceed with the industrial zoning?

9 A. Well that -- he is mistaken.

10 Q.464Perhaps I will just put to you for --

11 A. We are talking '97, six years ago. But I remember the debate because it's my
12 motion and I have to stand over it and I do stand over it.

13 Q.465Mrs. Coffey, are you telling the Tribunal, please now, I will stop you for a
14 moment.

15 Are you telling the Tribunal that the planners who were opposing a change in
16 the zoning status of these lands recommended to you on the night, that you
17 should proceed with industrial zoning?

18 A. No, that's not how it happened. What happened in a debate that takes an hour,
19 Mr. Quinn, and during the debate I said I would, should this motion succeed
20 tonight --

21 Q.466You already had selected a motion at that stage, Mrs. Coffey.

22 A. What?

23 Q.467You had already selected a motion for the debate, isn't that right, during the
24 debate you had already decided on the motion you were debating at that stage?

25 A. No, it doesn't happen like that. It didn't happen like that. No, that doesn't
26 happen.

27 Q.468Three of the four motions were withdrawn.

28 A. Yes, at the end of the debate, at the end of the debate the motions were
29 withdrawn. It doesn't happen that way. You stand up, you have your name on a
30 motion.

1 Q.469 So you are saying you stood up promoting two motions including two motions for
2 land which were required for flood attenuation?

3 A. No, Mr. Quinn.

4 Q.470 Are you saying you stood up to promote four motions --

5 A. Mr. Quinn --

6

7 CHAIRMAN: Mr. Quinn, perhaps if Mrs. Coffey said what she recalls happening
8 on the night. Do you?

9

10 MR. FEARON: I hesitate to interpret my friend in free flow and the witness in
11 free flow but really Mrs. Coffey ought to be given a chance to answer the
12 question.

13

14 CHAIRMAN: Well, I think, Mrs. Coffey, if you give your recollection of what
15 happened at the meeting on the floor.

16 A. Thank you, Judge. The agenda is in front of you and you are going to propose a
17 motion before you propose a motion on the Development Plan, you stand up and
18 you give your reasons why you think this area should be zoned or not zoned or
19 whatever you are talking about. You open up the debate. And in the debate,
20 which took quite long time various members of the Council spoke, some against,
21 some for, and in winding up the debate the proposer winds up the debate, or the
22 seconder, both of them are allowed do that. In winding up the debate I said to
23 the manager and planners, I believe that we should go ahead with this rezoning
24 of this land and clearly set out all, I won't repeat myself again. The
25 manager's report, that it was medium to long term suitable, etcetera etcetera.
26 But that in proposing this was the manager, could he direct me as to whether
27 the land would be more suitable for industrial or residential. And I remember
28 quite clearly, Mr. Quinn, and the Tribunal, that I was directed that industrial
29 would be more suitable and, therefore, the other motions then, so I withdrew
30 the motions and say right, I am putting forward the motion for industrial.

1 Q.471 Can I just read to you what Mr. O'Halloran said on day 361 on page 338 of the
2 brief, please.

3 "Answer: There was no question of proceeding with a 47.1 acres for the reasons
4 I have already outlined and definitely the decision was taken by Councillor
5 Coffey, it was her recommendation that we should go for the industrial E
6 zoning.

7 Question: Had that been agreed in advance of the meeting on the night?

8 Answer: It might have been the day before that she telephoned me. The reason
9 is that she felt her support of the motion centred on jobs in the area. For
10 that reason the industrial E zoning fitted that.

11 Question: So, she was in favour, it was at her suggestion that it was the
12 industrial proposal that would go forward?

13 Answer: Yes.

14 Question: Did she advise you that she'd discuss the matter with Councillor
15 Cosgrave and that he was of similar view after all he was intimately
16 involved --

17 Answer: No, I remember her discussion with me distinctly.

18 Question: Were you anxious to advise her that yes, you were agreeable to that
19 or you would have to check it with your colleagues or had she spoken to
20 Mr. Dunlop or that she might wish to speak to Mr. Kennedy to see which of the
21 four motions should go forward.

22 Answer: I thought it sensible her suggestion and constructive.

23 Question: Did you ask her had she discussed it anybody?

24 Answer: No, that was her instinct.

25 Question: But did something happen at some stage that changed her instinct
26 from a residential to an industrial proposed zoning for the land?

27 Answer: She always said, I will support that motion because of the benefits
28 it's going to bring to the area and an enormous amount of the industry which is
29 going to west Dublin should be located in Dun Laoghaire/Rathdown area and we
30 are losing a lot of jobs, so this would be seen to be an opportunity to correct

1 that.

2 Question: In fairness, she had signed two motions for residential zoning.

3 Answer: It had come down to one.

4 Question: She could have refused to sign the residential motions and only
5 signed either of the two.

6 Answer: But she didn't.

7 Question: Industrial zones?

8 Answer: She didn't.

9 Question: It was not until the eve of the vote that she opted for the
10 industrial zoning.

11 Answer: It was news to me, because I didn't know until then that you could put
12 down one motion.

13 Question: Are you saying that you understood that maybe there might have been
14 a vote on all four motions?

15 Answer: To the best of my knowledge I was unclear.

16 Question: Yes, but she seems to have decided unilaterally that it would be the
17 industrial zoning and it would be the industrial zoning for the lesser acreage.

18 Answer: Another thing I recognised about her was that she probably would have
19 the feeling or reaction or response, feeling about what her
20 colleague/councillors would support. I think at the time there was -- jobs in
21 the area were certainly being discussed and were a prime objective."
22

23 Now, that's what Mr. O'Halloran has to say, you take issue with that.

24 A. Well, you know, I don't remember that it happened that way at all. But he
25 would instinctively know that I would probably prefer industrial zoning from
26 the sense that if I, if somebody came and wanted to build another Science and
27 Technology Park or such a Central Park or anything like that, but I don't have
28 to muddy the waters, Mr. Quinn, I am only telling you what happened on the
29 night.
30

1 I wanted to be directed by the planner and the manager as to what, which zoning
2 they preferred. I personally think the industrial zoning was the right one,
3 but I wanted to get that clarified and that's what happened on the night. And
4 I wish it was in the minutes for you, but it's not. It's exactly what
5 happened.

6 Q.472 Can I just put to you what Mr. Murray the engineer said about the zoning
7 question. Could I have page 349, please? Sorry perhaps take it at page 348:
8 "Question: Did anybody canvass you in relation to those motions?

9 Answer: No.

10 Question: Were you approached by any councillor or any lobbyist?

11 Answer: No.

12 Question: Were you satisfied with the position adopted by the manager in
13 relation to the proposals or the motions and the submissions?

14 Answer: Yes, I was very happy with the report.

15 Question: Could anyone have got the impression that you as part of the
16 planning grouping were generally in favour of development of the area subject
17 to conditions?

18 Answer: They would have known that in the broad sense I favoured development
19 in the area, but I think they will also have known, because I made it quite
20 clear to everybody, I discussed it with that it was premature at that stage.

21 Question: I understand that Councillor Coffey would say that before she
22 supported these motions she discussed the merits or otherwise of development of
23 these lands with the Councillor planners who were generally in favour of the
24 development of this area subject to the conditions. I put it to Mr. Murray and
25 he has dealt with it and I must put it to you, what do you say to that
26 discussion by Councillor Coffey?"

27 Sorry, I am dealing with the evidence of Mr. Drumgoole.

28 "Answer: It depends on what you mean by 'generally in favour', we were in
29 principle, as I said previously in favour.

30 Question: First of all, did she discuss the merits or otherwise of the

1 development of these lands with you?

2 Answer: No.

3 Question: Did any councillor discuss the merits?

4 Answer: No, no.

5 Question: Had she discussed the merits of these lands with you would she have
6 been left with the impression that you were generally in favour of the
7 development of subject to conditions?

8 Answer: If she had discussed it at any length with me she would have been told
9 exactly how I felt about it and how I felt about it was reflected in the
10 report?

11 Question: Namely that you were against it?

12 Answer: We were against it then as being premature."

13

14

15 A. That's Mr. Drumgoole.

16 Q.473 That's Mr. Drumgoole. I'll read Mr. Murray's evidence to you if you wish, if
17 you just bear with me, if I could have page 389, please.

18

19 Sorry, he is being asked about the Stepside residential zonings which we
20 referred to a moment ago:

21 "You see what I am suggesting to you is as the planner you were the expert.
22 You were the person who could advise the Council on the appropriate area to
23 designate for industrial development, isn't that right?

24 Answer: Yes.

25 Question: And as a planner you would have the expertise available to you to
26 select an area?

27 Answer: Yes.

28 Question: Did the Councillors ever ask you as planners to put forward areas
29 that might be suitable for industrial zoning?

30 Answer: I don't think they asked us specifically for a report on that, no.

1 Question: Had they asked you would you have been in a position to put forward
2 areas for industrial zoning?

3 Answer: Yes.

4 Question: Would you agree with me that might be the more appropriate way about
5 producing lands for industrial development, namely, by asking the experts; the
6 planners?

7 Answer: Yes."

8
9 What do you say to that, Mrs. Coffey?

10 A. Well, Mr. Quinn. I was first elected to the County Council in 1985, it is my
11 statutory duty obligation to decide planning matters in my area. You may not
12 consider that I am an expert in planning, which I am not, but I read reports.
13 They vary, planners vary. Planners vary in their opinion. Planning
14 consultants issue reports, which I read and I am also very very actively
15 involved in my constituents and in the constituency I live in, and I have lived
16 there for 40 years nearly. And its my decision and my obligation to put down a
17 motion or to support planning and development in the area.

18 Q.474Mr. Murray's evidence at, if I could have page 390 please? Question 155:

19 "Question: Were you present at the debate in October or December in 1997 when
20 the lands were rezoned?

21 Answer: Yes.

22 Question: Were you surprised that the lands were rezoned?

23 Answer: Yeah, I think I was. I felt that there was enough good reasons put up
24 why they shouldn't be rezoned to win the day."

25 That's Mr. Murray's evidence.

26
27 If I could give you Mr. O'Sullivan's the manager's evidence, page 362, please,
28 question 395:

29 "Question: You appear to have been critical I think of the Council not
30 accepting the officials, or the Councillors not accepting the officials

1 recommendation from time to time and certainly in relation to the December 1998
2 motion. It surprised you that your views were not accepted at that time.

3 Answer: I wouldn't be critical, I mean I would accept the right of the Council
4 to make its own decision. I was surprised in that particular case that that
5 was passed, but, you know, as I say, there were a few others I was surprised at
6 as well."

7
8 So, there is Mr. O'Sullivan, Mr. Murray both surprised that your motion was
9 passed and yet the recommendation of the planners wasn't accepted. The
10 evidence of Mr. Drumgoole

11 A. I didn't have any meeting with Mr. Drumgoole, Mr. Quinn. I had meetings with
12 Mr. Murray and --

13 Q.475 You described your meets in your statement as being with senior planners, isn't
14 that right?

15 A. I had a meeting with Mr. Drumgoole about the ten acre pond attenuation which he
16 requested Mr. O'Halloran to take out, I had a very brief meeting and said to
17 him -- I think Mr. O'Halloran actually was disputing the fact that he had to
18 take out the ten acres. I asked Mr. Drumgoole was this ten acres required and
19 he said it was better to take it out just in case. So, I went back to
20 Mr. O'Halloran, said take it out or there will be no motion. May I say to you,
21 you are quoting the planners to me now.

22 Q.476 I am quoting sworn testimony given to this Tribunal given by planners.

23 A. You are quoting the planners transcript here. You are quoting planners as to
24 why I did not take their report ad infinitum, as if they have the God given
25 right to be right. The same planners proposed in 1990 that this land be
26 rezoned not only that but vast tracts of it. So you know --

27 Q.477 They made a comprehensive proposal in 1990 which was not accepted by the
28 Councillors. This was a proposal in relation to one specific item of property
29 owned by four individuals Jackson Way, an Isle of Man company, and three Irish
30 individuals. What was so peculiar or important about that piece of land that

1 it be zoned in 1997, December 1997 when there was no access to it, the motorway
2 wasn't constructed or even confirmed and there was no water supply.

3 A. And in 1990 the same land had the same conditions and was proposed by the
4 planners and you just mentioned names there, people who owned this land. I
5 don't know these people. The first thing I heard about Mr. Kennedy I think was
6 in the papers and of course the famous TV thing about when they went to the
7 Isle of Man to see him, then the controversy, I don't know these lands. I
8 would rather not know the ownership of the lands.

9
10 And I am not -- I happened to know, I happened to know him very well,
11 Mr. O'Halloran who had some land and wanted my support and -- the same lands
12 today, the same land today, Mr. Quinn, that same piece of land now, including
13 vast tracts of other land, is proposed by the current planners as an area for
14 special development. I would like to revisit this in five years time and ask
15 you and you might look at it and see is it developed in five years time.

16
17 The same Development Plan, that 1998 Development Plan, had in it proposals
18 brought to the Council by the manager for huge acres in Stepside for
19 development. We are now on that land, hasn't been developed. So what is good
20 for them is good, just as good for me. It isn't an exact science. The current
21 name of the committee on planning is called the Economic Development and
22 Planning Committee. It is the economic development of the county where I live,
23 where people come to live and work and where we want good transport, good
24 education, good health.

25
26 Sorry, if I get carried away, but I passionately believe in what I did. It so
27 happens on this piece of land I happen to know the owner or one owner by the
28 way, I didn't know Dr. Austin Darragh and I don't know Mr. Kilcoyne, and I
29 don't know who on earth Jackson Way are, some day the Tribunal might find out,
30 and some day the Exchequer might get a lot of money from them, up to this I

1 don't. That's it. It shouldn't concern me.

2 Q.478 Yes, but you were very concerned about who the owners of Jackson Way were at
3 one stage, weren't you?

4 A. Absolutely when I read the paper.

5 Q.479 Was it when you read the paper or was it in 1997 when you were signing the
6 motions?

7 A. No.

8 Q.480 The evidence of Mr. Butler is that you were concerned in 1997.

9 A. No.

10 Q.481 Is Mr. Butler incorrect in his recollection then in relation to that?

11 A. Did he say that in 1997.

12 Q.482 He says when Mr. Dunlop asked him in the Tara Towers to sign the motion he
13 raised with Mr. Dunlop your concerns about the ownership of Jackson Way?

14 A. Well, I don't know where he got that from. I didn't even click in my mind that
15 Jackson Way, who they were. That didn't happen until either the end of 1998 or
16 say February/March, 1999. We are coming up to a local election and there is --
17 only just one newspaper by the way, Mr. Quinn, it's on television, it's in
18 every newspaper, that this land Jackson Way is owned by Mr. Liam Lawlor. This
19 is a 1999 I think, early '99 or late '98, I am not good at remembering dates, I
20 have a hard time remembering my kids birthdays, but ...

21 Q.483 If I could have page 355, please. This is Mr. Butler's evidence I want to read
22 to you.

23

24 "Question: It is now called Jackson Way.

25 Answer: Jackson Way now has moved on again to Jackson Way. So I said to him
26 well, first of all, I said Mr. Dunlop who owns the land and he said to me, I
27 don't know. He said, I am dealing with an agent in Birmingham. I said, well,
28 he said, he then asked me to know would I support it and I said no. He goes on
29 then to ask me to sign a motion and I refuse.

30 Question: Can I just take that in stages if I may.

1 Answer: Then the meeting went on to talk about Mrs -- Councillor Coffey and
2 that is my recollection.

3
4 Now, his words said that Councillor Coffey certainly was very worried about who
5 owns the land and she's, you know, not happy about it. So, of course, he used
6 the words hunting with the hare and hunting with the hounds. Now, he said I
7 used them words, I didn't, so I want to put that on record."
8 If you bear with me I will just read on, it is Mr. Butler's evidence,
9 Mrs. Coffey.

10
11 "Question: Okay.

12 Answer: We then went on. We never discussed Brian O'Halloran's lands.

13 Question: Okay.

14 Answer: Good, bad or indifferent. He was mainly, his main thrust of the
15 meeting was the Jackson Way Development and what a development it would be and
16 so forth. And I said look, Frank, I said, we are only wasting time so the
17 meeting concluded pretty sharply.

18 Question: How long do you think the meeting lasted?

19 Answer: I don't know 15/20 minutes.

20 Question: This was the second time now that Mr. Dunlop had sought to lobby you
21 in respect of the same lands, isn't that right?

22 Answer: That's right.

23 Question: He sought to lobby you back in 1992 on at least one occasion?

24 Answer: Yes.

25 Question: And now for the second time by prior appointment he had arranged to
26 meet with you in The Tara Towers and he sought to lobby you again.

27 Answer: Yes.

28 Question: And the first question to him this time around was, who owns the
29 lands?

30 Answer: Because again there is all sorts of rumours going around. I think it

1 was Liam Lawlor [it was somebody else] all sorts of rumours going around.

2 Question: As I understood your evidence earlier this morning there were
3 rumours circulated in 1992.

4 Answer: Yes.

5 Question: And they would have been circulating when you met with him in 1992.
6 Yet in 1992 you didn't ask him who owned the lands?

7 Answer: No, well, we took it for granted that the people who owned the land at
8 that time was mentioned.

9 Question: That's Mr. Kennedy and Mr. Lawlor.

10 Answer, yes.

11 Question: What had changed between 1992 and 1997 which gave to you understand
12 that maybe Mr. Kennedy or Mr. Lawlor owned the land?

13 Answer: Well, the company for one thing changed, isn't that right?

14 Question: That's Paisley Park had changed to Jackson Way?

15 Answer: Yes.

16 Question: Well, is it the case that you were satisfied in 1992 that
17 Mr. Dunlop, sorry, that Mr. Lawlor and --

18 Answer: It didn't concern me that much who owned the land quite frankly.

19 Question: But it was your first question to him in 1997.

20 Answer: It was because questions were being asked at that time and I asked him
21 for it. So, he told me that it was an agent in Birmingham who he was dealing
22 with and that's as much as he knew."

23
24 Then at page 357, I want to skip briefly, I don't want to spend the afternoon
25 reading transcripts to you:

26 "Question: But it was your first question to him, is that right?

27 Answer: No, we were talking for a few minutes it wasn't the first question. He
28 was asking me how the Draft Development Planning was going to Dun Laoghaire and
29 I said it's difficult. Kind of, you know, if you like, talking around the
30 subject rather than approaching it and then he said to me to know, I asked him

1 then who owned the land obviously and because it came in the discussion that
2 Councillor Coffey was kind of concerned as well, and then he used the words
3 'running with the hare and hunting with the hounds'.

4 Question: What was Councillor Coffey's concern?

5 Answer: Well, Councillor Coffey's concern was that she was concerned about
6 owned the land to me.

7 Question: Had you discussed with Councillor Coffey the prospect of these lands
8 being rezoned?

9 Answer: Oh, no, I mean I was never to vote for them anyhow. As far as I know
10 Councillor Coffey certainly wasn't going to vote for them.

11 Question: But you had discussed with Councillor Coffey the prospect of a vote
12 being taken on these lands?

13 Answer: Yes.

14 Question: But there was no motion in place at this time.

15 Answer: No.

16 Question: Would you anticipate there would be a motion yourself and Councillor
17 Coffey in your discussions anticipate there might be a motion in relation to
18 the lands?

19 Answer: Well, knowing Mr. Dunlop he was obviously going to try and get
20 somebody to sign a motion if possible I'm sure, and we didn't pre-empt it to be
21 honest with you.

22 Question: You must have said had some discussion at some stage prior to which
23 there was no motion, that is yourself and Councillor Coffey in relation to the
24 prospect of a motion and your approach to such a motion?

25 Answer: Well, my discussion really came with Councillor Coffey after my
26 meeting with Mr. Dunlop in - I was then concerned that there would be a motion.

27 Question: I understood from your evidence that you had relayed to Mr. Dunlop
28 Councillor Coffey's concerns in relation to ownership.

29 Answer: Yes.

30 question. Therefore you must have had a discussion with Councillor Coffey in

1 relation to the lands prior to the --

2 Answer: Yes. We would have discussed it generally.

3 Question: And your discussions must have centred around the question of
4 ownership of the lands, is that right?

5 Answer: Yes, yes it would be.

6 Question: And what were Councillor Coffey's concerns in relation to the
7 ownership of the lands?

8 Answer: Well, she was concerned obviously if Mr. Lawlor was involved then --

9 Question: What concerns would she have had if Mr. Lawlor was involved?

10 Answer: The fact that he was a politician I suppose and --"

11

12 And it goes on to deal with further rumours I don't want to go through them all
13 about Mr. Lawlor's involvement.

14

15 Now, would you have, did you at some stage, leaving aside the question of
16 timing for the moment, did you at some stage have concerns about Mr. Lawlor's
17 involvement with Jackson Way?

18 A. Well, I did but not until 1999.

19 Q.484 I said leave aside the question of timing for a moment. You did have concerns
20 about Mr. Lawlor's involvement with Jackson Way?

21 A. Mr. Quinn, I can't answer that yes or no, you are giving me a transcript here
22 from a date that Mr. Butler met with Mr. Dunlop and if I am correct --

23 Q.485 Mr. Butler met Mr. Dunlop on the 13th of September in 1997 in Tara Towers where
24 he was asked to sign a motion?

25 A. I think Mr. Butler is mistaken. I am not saying he is not telling the truth.
26 But what he would have been aware of when he was giving evidence is that in,
27 after the vote had been taken on the land I was really upset when the
28 newspapers broke out that this land was corrupt actually, and there was
29 television programmes and radio and it was all over the place, and this, I
30 think Mr. Butler is mixing up in his evidence. At that time my concern then

1 and how annoyed I was with Frank Dunlop, that he would come to us, and I mean
2 us, I mean Fianna Fail councillors with a submission if he knew that a public
3 representative had an interest in any land. And I am, I am most emphatic in
4 saying this, ethics even before they came into law, if you have an interest in
5 anything that comes before the Council, by which you or your family is going to
6 benefit from, and you are a public rep, must announce that publicly and say I
7 have a conflict here or say I have an interest.

8
9 So, I think that Larry Butler is mistaken in the dates there. It wasn't until
10 it all broke out in the press, in say February/March '99, after the whole thing
11 was gone through the Council and everything, way after any motion had been
12 signed.

13 Q.486 Mr. Butler is talking about a time before there was even a motion signed.

14 A. I know.

15 Q.487 He is not talking about his meeting with Mr. Dunlop. He is talking about
16 before any motion was signed where you had concerns about Jackson Way, isn't
17 that right?

18 A. I didn't have any concerns then, because --

19 Q.488 So you take issue with Mr. Butler on this?

20 A. I am not taking issue.

21 Q.489 That's his evidence to the Tribunal, are you saying it's wrong, Mrs. Coffey?

22 A. I am saying I can understand how he would be mistaken, I think he is mixing up
23 the dates.

24 Q.490 Are you saying Mr. Butler gave incorrect evidence to the Tribunal on this
25 issue?

26 A. Absolutely not.

27 Q.491 Do you accept his evidence?

28 A. No.

29 Q.492 Either you are wrong, Mrs. Coffey --

30 A. Maybe I am, I am getting a bit old now and I am getting older by the minute,

1 excuse me saying that but I am.

2 Q.493You were concerned to the extent Mr. Dunlop wrote to you, isn't that right,
3 after you were re-elected and you referred to that document earlier, isn't that
4 right?

5 A. No, you are jumping ahead. I rang Mr. Dunlop after it broke in the papers and
6 I, in my own fashion very irately told him what I thought of him and was this
7 true and who owned the land and he said, I will check it out and I will get
8 back to you. And he rang me back that very same evening. I remember to say to
9 me that he could absolutely confirm that Liam Lawlor had no interest whatsoever
10 in the land and that, in fact, the land was owned by a solicitor in Birmingham.
11 He did give me a name, but I have forgotten the name.

12 Q.494If we could have document page 252, please. It's a letter, handwritten note to
13 you by Mr. Dunlop on the 14th of June 1999, isn't that right?

14 A. That's after I was elected in '99, very proud of the fact I got the highest
15 vote in Dun Laoghaire.

16 Q.495You said in the course of that note:

17 "I know one of my clients caused you some unnecessary worry and angst at one
18 stage", isn't that right, is that what he was referring to there?

19 A. Obviously.

20 Q.496I suggest to you that according to Mr. Butler, that Mr. Butler says that that
21 angst was expressed by you in 1997 and not as you say in 1998 or 1999?

22 A. I don't remember. I remember it as I have said it.

23 Q.497Now, you did support the Paisley Park motion, isn't that right?

24 A. No, I didn't support the Paisley Park --

25 Q.498Did you not vote in favour of it in 1998?

26 A. That wasn't Paisley Park.

27 Q.499Sorry, Jackson Way motion?

28 A. Yeah.

29 Q.500You know what I am referring to.

30 A. Mm-hmm.

1 Q.501You know what I am referring to?

2 A. I know what you are --

3 Q.502If we could have page 150, please --

4

5 CHAIRMAN: Sorry, Mr. Quinn, could we have the second page of that Frank
6 Dunlop letter --

7 Q.503Sorry, 253. I should continue on for the record and read it to you, in
8 fairness:

9 "But as far as I am concerned they can look after themselves and they know that
10 nothing will be allowed to interfere with your good name and professional
11 approach."

12 Then he goes on to hope that Ted, who I presume is your husband, was feeling
13 okay and he you asked to take it easy and relax and stop worrying, isn't that
14 right?

15 A. That's right, Mr. Quinn.

16 Q.504How well did you know Mr. Dunlop by 1999?

17 A. Very well.

18 Q.505When did you first meet Mr. Dunlop?

19 A. I would have met him at Fianna Fail functions I suppose. I can't remember but
20 he was well known in Fianna Fail and then he was around the County Council
21 chamber a lot in and out and doing public relations.

22 Q.506What function did you think he was performing at the County Council chambers?

23 A. I looked on him as a consultant I suppose and I didn't have much conversation
24 with him. He was a fantastic personality. You know, he would rush in and,
25 hello Betty, and very friendly and cracking jokes and everything. I didn't
26 have much involvement with him, but ...

27 Q.507What planning experience did you understand him to have?

28 A. I didn't ask --

29 Q.508What sort of consultancy work did you think he was performing?

30 A. I didn't think about it, Mr. Quinn, to be honest with you, he didn't lobby me

1 on anything.

2 Q.509He never lobbied you on any proposal?

3 A. He only lobbied me on the Jackson Way proposal, that I can remember. Might
4 have, I don't know if he even ever said to me support this or that, I don't
5 think he did. He --

6 Q.510Did he ever give you any money?

7 A. Absolutely not.

8 Q.511Did he ever contribute to any constituency fund?

9 A. Not that I was involved in, but I did say in evidence to the Tribunal say that
10 at one of the Patrick's Day dos at a table I thought I saw his name for 250
11 pounds and I felt I should say that.

12 Q.512What year do you think that was?

13 A. I haven't a clue.

14 Q.513I think you are trying to obtain those records for the Tribunal, isn't that
15 right?

16 A. I am. I am doing everything I can.

17 Q.514But you can't say what year?

18 A. No, it is just that -- I wanted to be very clear in my mind that --

19 Q.515Was it in early 90s or late 90s?

20 A. Well, I don't know when we had the first St. Patrick's Day do. Early 90s
21 maybe.

22 Q.516The early 90s?

23 A. It must have been early 90s.

24 Q.517And are you saying that's the extent of his contribution to any fund with which
25 you were associated?

26 A. He never contributed to my election campaigns.

27 Q.518He never gave you any money and never contributed to any of your election
28 campaigns and the only contribution that he might have made to anything
29 associated with your campaigns might be a St. Patrick's day fund and it would
30 be for 250 pounds?

1 A. Well, that wouldn't be associated with my campaign, that would have been a
2 Fianna Fail fundraising thing.

3 Q.519 It doesn't seem --

4 A. Nothing to do with me personally, even the 250 pound.

5 Q.520 I see. I am just going to put to you the motion, the Jackson Way motion,
6 that's at page 206 and the map is at page 207. You do accept that you voted in
7 favour of this proposal even though you had proposed that some of these lands
8 be zoned in a previous motion, isn't that right?

9 A. Mm-hmm.

10 Q.521 Can you tell the Tribunal how you came to support these proposals?

11 A. Well, this was a very negative response from the manager in a sense that he had
12 dictated the line that we should have development on. I was going to support
13 that line. And on the night of the motion, the motion was put, it was over an
14 hour long debate on the motion. And there were very strong representations put
15 in the sense that this could be a prime site for an industrial development
16 similar to City West, Sandyford, the Science and Technology Park going up, and
17 the debate went on for quite a while and it came to the vote and, in effect, I
18 voted to go out on public display. I had -- I hadn't clearly read all the
19 submissions on it, because it was a one thing that I put aside and in this case
20 I wasn't voting. My vote wasn't going to be a finite vote, it had to come back
21 to the Council. So I voted to support it following the debate. I was one in
22 ten.

23

24 I think the vote was ten in favour to go out on public display, that's a
25 different thing to voting finitely at the end of the Development Plan,
26 Mr. Quinn. I don't know, give us an opportunity then to go back and look at
27 the submission and look at the proposal and see had it got real clout, was
28 there somebody out there really ready to develop such a park in the county.

29 Q.522 You had been lobbied by Mr. Dunlop on behalf of the owners of these land, isn't
30 that right?

1 A. Yes.

2 Q.523Did you inquire of Mr. Dunlop who the owners were?

3 A. No.

4 Q.524Why not?

5 A. Because it didn't interest me. It shouldn't interest me.

6 Q.525Did you say to Mr. Dunlop that you, in fact, had already signed a motion for
7 some of these lands?

8 A. No, because I think the motion was signed after my meeting with Mr. Dunlop. I
9 think the motion, the O'Halloran lands then which tagged on to a bit of that
10 land was signed after I had met Frank Dunlop.

11 Q.526Did you advise Mr. O'Halloran that Mr. Dunlop had lobbied you in relation to
12 other lands of Jackson Way?

13 A. No, I never mentioned Mr. Dunlop to Mr. O'Halloran.

14 Q.527Why not?

15 A. Why would I?

16 Q.528They are adjoining lands, in fact they overlap, isn't that right?

17 A. No, it's -- it is not Mr. Dunlop's -- Mr. O'Halloran's concern who else was
18 developing in the area or not, that's -- I think in principle you shouldn't,
19 one should not discuss other developments with other developers, I wouldn't
20 think would be correct.

21 Q.529Would you not say to Mr. O'Halloran, look, I have been, I notice that some of
22 the lands that are included in your motion are Jackson Way lands. Mr. Dunlop
23 has been on to me seeking my support, lobbying me to support motions in
24 relation to Jackson Way?

25 A. No, I didn't do it. I didn't do that.

26 Q.530The Jackson Way lands were south of the line of the motorway, isn't that right?

27 A. Mm-hmm.

28 Q.531Your proposal back in December of 1990, which you seconded which appears to
29 have altered the proposals and the manager was that there be no development
30 south of the proposed line of the motorway, it still hadn't been fixed, isn't

1 that right?

2 A. That's correct.

3 Q.532What was it that caused to you change your mind and to now suddenly vote in
4 favour of a proposal that would be developed south of the line of the motorway?

5 A. Just the debate took place and the arguments were put and this was not a final
6 rezoning motion. This was the motion to go out on public display and roll call
7 vote comes up, Coffey is in the front and I was undecided, but I knew that I
8 would have another opportunity to study it and I voted in favour to go out on
9 public display.

10 Q.533Did you tell Mr. Dunlop when he lobbied you to vote in favour of this proposal
11 that you would vote in favour it have?

12 A. No, I didn't, I told him I wasn't interested in it.

13 Q.534Were you surprised that Mr. Dunlop had been retained to lobby on behalf of this
14 property, in circumstances where you didn't know who the owners of the property
15 were?

16 A. No.

17 Q.535Did you ask Mr. Dunlop who the owners of the property were?

18 A. I did after it was probing out in the newspapers.

19 Q.536No, when he lobbied you.

20 A. When he lobbied me, no.

21 Q.537Did you not say, who owns the lands, Frank?

22 A. No.

23 Q.538Why not?

24 A. Because it's irrelevant. You shouldn't -- it's far better, why do you want to
25 know that?

26 Q.539You might want to know --

27 A. It is either good or bad development.

28 Q.540You might want to know were they capable of following through on rezoning of
29 this nature, had they the worth an financial backing and wherewithal to develop
30 the lands?

1 A. When Mr. Dunlop came to see me, to be honest we discussed the submission for
2 maybe five minutes we had a cup of tea and discussed, his son was ill, my
3 husband was very, very ill and we spoke about families and I didn't even
4 discuss anything with him.

5 Q.541Are you telling the Tribunal that was the only time you were lobbied by
6 Mr. Dunlop on behalf of the landowner?

7 A. As far as I can remember that is the only time that Mr. Dunlop formally lobbied
8 me. I may have got submissions in the past, I don't remember.

9 Q.542When you say formally lobbied you --

10 A. That I met him and that I had a discussion with him, that's the only occasion.

11 Q.543Was Mr. O'Halloran surprised at that you were now prepared to sign a motion in
12 1997 when you previously were not prepared to sign it back in 1992?

13 A. No, because as I have explained to you -- I sent Mr. Halloran off, go off and
14 find out what the planners are doing, I asked the planners, the general report
15 was that land north of the motorway is suitable for development. So I don't
16 think he was surprised, at one stage, even to this day if we hadn't done it,
17 then the current manager is proposing Mr. Halloran's lands now for a special
18 area for development, it will be interesting to see what that development will
19 be.

20 Q.544I think it was you who rang Mr. O'Halloran following on the vote on the 16th of
21 December and advised him of the outcome of the vote, isn't that right?

22 A. Probably did.

23 Q.545I think there were two votes taken on the day, isn't that right?

24 A. Yes, well --

25 Q.546And there was a difference in voting pattern between the roll call vote and the
26 show of hands vote, isn't that right?

27 A. Yes.

28 Q.547Did you talk to Mr. O'Halloran about that?

29 A. No, I didn't pay any attention to it.

30 Q.548Mrs. Coffey, can I ask you about an article which appeared on Sunday's Business

1 Post by Barry O'Kelly, concerning the evidence which you were to give to the
2 Tribunal?

3 A. Yes.

4 Q.549In the course of that article Mr. O'Kelly says that you were going to tell the
5 Tribunal that you had been in Germany when meetings were supposed to have taken
6 place with Mr. Dunlop, isn't that right, are you familiar with the article?

7 A. I read the article.

8 Q.550Yes, first of all I want you to take this in stages. Firstly, you agree, the
9 Tribunal hadn't been told by you that you were going to give evidence that you
10 were in Germany when Mr. Dunlop's diary intended to show that you had met with
11 him, isn't that right?

12 A. That's not true because I wasn't in Germany.

13 Q.551You weren't in Germany?

14 A. No.

15 Q.552Do you have any idea where Mr. O'Kelly would have got this information from?

16 A. I would like him to state quite categorically that I had nothing whatsoever to
17 do with that article. I actually, the Tribunal may be aware, flew home from
18 Spain on Sunday, to be here today. I don't know who the sources are, I
19 definitely do not want my name in headlines in any of the newspapers. And
20 therefore, I would be most grateful if the Tribunal would find out the source
21 of that article.

22 Q.553Whatever the source of the article it can't be the Tribunal, do you accept that
23 Mrs. Coffey?

24 A. Oh I do, absolutely.

25 Q.554And I think you have indicated to the Tribunal that you are complying, you are
26 putting together discovery for the Tribunal and there are other issues
27 outstanding and you are hoping to get those to the Tribunal as quickly as
28 possible, isn't that right?

29 A. I will assist the Tribunal in every way possible, Mr. Quinn.

30 Q.555Thank you, Mrs. Coffey.

1

2 CHAIRMAN: Does anybody wish to ask questions Mr. Fearon do you wish to ask
3 questions?

4

5 MR. FEARON: Yes Chairman. I Just wonder Mrs. Coffey has been in the witness
6 box for some time now whether she would like a moments break?

7 A. I am happy to proceed immediately.

8

9 CHAIRMAN: Well hopefully we might finish with you shortly so if you would
10 like to keep going. If you want a break please say so.

11 A. Judge, I will continue on. Thank you for being so considerate.

12

13 MR. FEARON: You are welcome Mrs. Coffey. If I may just before I ask questions
14 Chairman, make an observation and I hope I will be forgiven for making it. The
15 nature of the questioning I would suggest has been extremely aggressive to
16 Mrs. Coffey. Were Mrs. Coffey, for instance, of the nature of the witness who
17 preceded her I would have had to interject on a number of occasions in light of
18 the way in which she was responding, I chose not to interject. I think the
19 Tribunal will be able to assess the evidence she has given in that context.

20

21 There was also an underlying suggestion I think or inference certainly in the
22 way in which she was questioned that there was some issue of improper behaviour
23 before the Tribunal relating to Ms. Coffey. As far as I am aware there has
24 been no suggestion on anybody's part of any improper behaviour of any sort on
25 her part.

26

27 There were certain challenges in effect to Mrs. Coffey's credibility almost in
28 the way in which the questions were posed and again I don't see there is any
29 basis for that at all. I think with those preliminary remarks I would like to
30 ask a number of questions I think if I may start in reverse order. In terms of

1 the subject matter addressed by Mr. Quinn.

2
3 I think it was also fair to say, just to make the point clear, that the
4 questioning switched about a bit between two pieces of land, one which was the
5 if I may call it the O'Halloran lands, which were north of the motorway,
6 proposed line of the motorway which included ultimately a part of the Jackson
7 Way Property, but I think it is fair to say, from Mrs. Coffey's perspective she
8 was dealing with it as the O'Halloran lands as such, then there is a second
9 parcel of lands which were to the southern side of the designated line of the
10 motorway which are the lands which have been referred to as the Jackson Way
11 lands as such. I think it is important to keep that distinction in focus and
12 some of the questions bounced around between meetings concerning or
13 conversations concerning one parcel of land and then the other parcel of lands.
14 It was extremely confusing in some context to follow, if one isn't familiar
15 with that particular distinction one might be completely at sea as to what was
16 going on.

17
18 MRS. COFFEY WAS RE-EXAMINED AS FOLLOWS BY MR. FEARON

19
20 Q.556 Having said that, can I ask you, Mrs. Coffey, in relation to the, as I say
21 going in reverse order, in relation to the parcel of lands that were to the
22 south of the motorway, and that have been referred to as the Jackson Way lands,
23 I think in your statement, which Mr. Quinn opened to the Tribunal, you refer to
24 one conversation with Mr. Dunlop when he approached you in relation to these
25 lands, isn't that correct?

26 A. That's correct.

27 Q.557 And that was the only conversation you had about those lands?

28 A. That's the only conversation and only meeting, formal meeting, that I had with
29 Mr. Dunlop.

30 Q.558 And at that meeting you say in your statement just to confirm that you said,

1 you pointed out to him that he would not get a positive hearing from the
2 planners in respect of any lands to the south of the motorway?

3 A. That's correct.

4 Q.559And as far as you were concerned that was the end of the matter until the
5 motion came before the Council in January of 1998?

6 A. That's correct.

7 Q.560And I think you have comprehensively outlined what happened during the hearing
8 of that motion as a result of which you ultimately ended up voting in favour?

9 A. Correct.

10 Q.561And just to point out again, isn't it the case that what you were voting in
11 favour of was not the rezoning of the land, but the putting out for public
12 display the land with that designation on it, that rezone designation on it, as
13 it were?

14 A. That's correct.

15 Q.562And that ultimately that would come back to you and the Council at a later date
16 for rezoning of that particular, if that were possibly proposed?

17 A. Yes, that's correct.

18 Q.563And in the context of the ownership of that land you have again in your
19 statement said that during 1998 media reports emerged regarding the ownership
20 of those lands?

21 A. Yes.

22 Q.564Which suggested that Mr. Lawlor might be an owner of those lands?

23 A. That's correct.

24 Q.565And am I correct in saying that was the first occasion on which the ownership
25 of the lands became an issue for you?

26 A. Absolutely. I was never aware of any rumours regarding Mr. Lawlor having any
27 interest in that land until after the motions had been passed and that's what
28 concerned me greatly.

29 Q.566Thank you.

30

1 Now turning to the if I may call it the O'Halloran lands, which in December of
2 1997 were the subject of these four motions?

3 A. Yes.

4 Q.567 Now I think you have explained that the background to why there were four
5 motions, two of the motions I think had the full area of land to include the
6 ten acres that were to be taken out for flood attenuation?

7 A. Yes.

8 Q.568 Is that correct?

9 A. Yes.

10 Q.569 And then the other two motions had ten acres removed from the total figure?

11 A. That's correct.

12 Q.570 And then you had, as it were, alternative one for residential and one for
13 industrial?

14 A. That's correct.

15 Q.571 So is it correct to say that at the end of the day only one of those motions
16 was ever going to be moved?

17 A. That's correct.

18 Q.572 And because of the flood attenuation problems either it was going to be one of
19 the motions for the smaller amount of the land?

20 A. That's correct.

21 Q.573 And I think your evidence of that was that it was at the hearing before the
22 Council that the decision to put up the motion concerning industrial lands
23 made?

24 A. That's correct.

25 Q.574 Now, Mr. Quinn has made some play or attempted to make some play of the reports
26 of the planners in relation to the desirability of the zoning or rezoning that
27 lands at that time. Is it your evidence that in your discussion with
28 Mr. Murray on this that you were given the impression shall we say, that
29 rezoning was something that the planners were going to consider?

30 A. That it would be acceptable.

1 Q.575 Yes. And the planners had specifically made provision for the ten acres of the
2 flood attenuation?

3 A. That's correct.

4 Q.576 And is it your evidence that as far as you were concerned the planners had
5 suggested that getting a larger package of land, larger tract of land to
6 consider rezoning would be a better way to approach it?

7 A. That's correct.

8 Q.577 Is it fair to say when you attended the meeting in December of 1997 that the
9 Council meeting which had this one of these motions would ultimately be
10 proposed that that was the, as it were, background to your arriving there?

11 A. Yes.

12 Q.578 Now, at that meeting I think Mr. Quinn read into the record the suggestion that
13 the rezoning was premature that it was, it would be appropriate for medium to
14 long term rezoning, but it was premature in light of, what should I call them,
15 the conditions?

16 A. Yes.

17 Q.579 The access to the motorway, etcetera. What was your view of those conditions?

18 A. Well if those conditions had not been included in the motion, which they
19 eventually were, they still would have pertained to the development of the
20 land. The land could not be developed unless those conditions had been
21 addressed. And the final thing that Mr. Quinn didn't address was that when it
22 came back to the final vote the, in 1998, there was a proposal by Councillor
23 Fitzgerald to accept the zoning but to include in it the manager's conditions,
24 which were those three conditions and that, that motion was seconded by Frank
25 Smith though I tried to second it, it didn't matter, and that was unanimously
26 accepted by the Council.

27 Q.580 I think you are referring to a motion of the 16th of June of 1998?

28 A. That's right.

29 Q.581 Which was proposed by Eithne Fitzgerald, I think?

30 A. That's right.

1 Q.582And in that motion, correct me if I am wrong, in that motion the rezoning to
2 industrial?

3 A. That's right.

4 Q.583But including, as it were, incorporating these three conditions that the
5 manager had identified, was unanimously adopted by the Council?

6 A. That's right, it was absolutely accepted by the full council.

7 Q.584And am I correct in saying that what you just explained to the Tribunal was
8 that even without those conditions being formally adopted, as it were, as part
9 of the rezoning, if that's the right way to describe it, as a matter of
10 practicality, those conditions would have to be met in order for the rezoning
11 to be effective?

12 A. Yes, that's correct.

13 Q.585And I think just to sort of as a matter of principle in this context, is it
14 your view that, as it were, rezoning predates the provision of services and not
15 vice versa?

16 A. Absolutely.

17 Q.586And just to support that answer, in your first statement which wasn't opened to
18 the Tribunal this morning, Mrs. Coffey made an earlier statement than the one
19 that was most directly relevant to the Carrickmines 1 modules statement number
20 2 that was opened extensively by Mr. Quinn, there is an earlier statement a
21 more general statement but one sentence included in that statement the first
22 paragraph on page 2:

23 "Generally land would have to be rezoned prior to any consideration for the
24 provision of services."

25 That's consistent with what Mrs. Coffey has just said now.

26

27 Now, when were asked by Mr. O'Halloran, I am sort of going backwards in time if
28 you like in the sequence in which I am approaching this, to sign the motions
29 that were, one of which was ultimately voted on in December of 1997 and which,
30 if you like, was finalised in June of 1998 as you have just described. I think

1 your evidence was that Mr. O'Halloran himself asked you to sign a motion.

2 A. He did.

3 Q.587There were no other signatures on the motion at that time?

4 A. No what?

5 Q.588No other signatures on the motion?

6 A. No, no.

7 Q.589You were the proposer of that motion?

8 A. Yes.

9 Q.590And Mr. O'Halloran then went off on your advice on instructions to seek the
10 other signatory, the seconder of the motion?

11 A. To seek generally support from all of the Council Members.

12 Q.591All of them?

13 A. Yes, I think Mr --

14 Q.592Although there was some confusion about who got whom to sign it, I think
15 Mr. Cosgrave accepted that he certainly wasn't asked by you to sign the motion.

16 A. I definitely did not ask anyone to countersign the motion.

17 Q.593Very good.

18

19 Now obviously at this point in time, which was around I think October, this is
20 October '97, when the motion, or thereabouts, when the motion was being signed.
21 At this point in time you were taking a different view, shall we say, in terms
22 of the zoning requirements for the area than you had taken at earlier stages in
23 this process.

24 A. Yes, yes.

25 Q.594And am I correct in saying that your view at this point was that zoning north
26 of the line of the motorway was something that should be pursued?

27 A. Well, I was following also on the manager's initial statement on the
28 Development Plan. And also following on the economic drive in the county at
29 that time, things had vastly changed I know it's only five years, but things
30 had vastly changed from '92 to '97.

1 Q.595And obviously when Mr. O'Halloran came to you, based on what you have said for
2 the reasons you have stated, you were supporting his motion?

3 A. Yes.

4 Q.596No doubt Mr. O'Halloran was very happy with that approach.

5 A. Yes.

6 Q.597Between that occasion in 1997 and now to put it in this way, Mr. O'Halloran and
7 you have had a very good relationship?

8 A. Yes, yes, still do.

9 Q.598Now, going back in time to the earlier motions in 1992 when Mr. O'Halloran
10 approached you in relation to rezoning the lands which were coming up for the
11 review I think in May or June of 1992, in his words, you told him that it was
12 too late and you knew nothing about it as the reason for which you were not
13 going to consider his proposal, is that right?

14 A. That's right. He -- I think we were way into the start of the Development Plan
15 and I wouldn't had had time to look at the submission or talk to planners or
16 talk to anyone, so I just said to him, look, you are too late and he inferred
17 that he just didn't know the procedure.

18 Q.599And what was your view generally of the development or the desirability of
19 development of the area at that point?

20 A. I felt at that point there was no need to develop that area because of the lack
21 of development in Dun Laoghaire and I felt we had to give that a chance to grow
22 and progress.

23 Q.600And then it seems on Mr. O'Halloran's evidence and your evidence, you had no
24 further discussions of any sort from Mr. Halloran about that process?

25 A. In 1992?

26 Q.601Yes.

27 A. No, I hadn't. Until the motion appeared.

28 Q.602So, it is your evidence and Mr. O'Halloran's evidence, as I understand it, that
29 the next communication Mr. O'Halloran received from you relating to that
30 property was when, to use his words, you came charging out of the hearing.

1 A. I did. And I know his evidence differs and, you know, as I said, people are
2 trying to think back and it's hard to think back, '92, here we are ten years
3 later on. It is very difficult to be precise, he has his view and his memory,
4 I have mine and I can only give the Tribunal the benefit of what I remember.

5 Q.603 But you agree with him that his evidence is that effectively, as I understand
6 his evidence, we can read the transcript I don't think Mr. Quinn said anything
7 to the contrary, the next occasion on which you and he communicated about this
8 proposal to rezone was when you came charging out of the meeting?

9 A. Yes.

10 Q.604 And obviously as you say, Mr. O'Halloran has interpreted, if I may put it that
11 way, I know Mr. Quinn has sought to colour it in a different fashion. I think
12 what you are saying, correct me if I am wrong, Mr. O'Halloran has interpreted
13 what happened on that occasion in a certain way and you have interpreted what
14 happened on that occasion in a totally different way.

15 A. Yes. He interprets it as being a plus for him in the sense that I was, I'd
16 mended the motion from the floor to see what was going to evolve from the
17 debate and it's the debates that really make the decision at the end of the
18 day.

19
20 Judge Faherty was right in drawing my attention to the fact that the manager
21 had proposed zoning on it nine days previously and I voted against that. But
22 in this case I wasn't putting down a motion or amending a motion at one to the
23 acre to assist development or to assist Mr. O'Halloran, but he might view it
24 that way. All I was doing was stopping a motion for high density to continue
25 on for debate, to give an opportunity to find out what had happened. And I
26 have to confess that in that occasion I hadn't read the agenda and God knows
27 what I was doing, but I was obviously very busy and I wasn't alerted to it.

28 Q.605 Indeed, it was arising out of Judge Faherty's confusion she posed, I thought
29 there was some confusion on the point, as I understand correct me if I am
30 wrong, you were surprised to see the motion?

1 A. Absolutely.

2 Q.606At the Council meeting.

3 A. Mm-hmm.

4 Q.607You had voted against any rezoning nine days earlier I think it was.

5 A. That's true.

6 Q.608And your objective was to object to any, and oppose any rezoning?

7 A. Yes.

8 Q.609At that time?

9 A. Mm-hmm.

10 Q.610And without knowing what sort of support there was for this motion rather than
11 let it stand as the proposed rezoning by Mr. O'Connor, his motion in an attempt
12 to make sure if anything went through it was only going to be the least
13 possible if you like. It was in that context that you proposed the amendment
14 to the density of one house per acre?

15 A. Yes, I had no idea what support or why a motion should appear on the agenda.
16 Now, I admit I should have known but I didn't know, I was busy obviously, but
17 so when the motion comes up I am there and I just can't assess what's going on.
18 I hadn't spoken to anyone about the motion so that's when I decided to save the
19 day for the area and for the residents not for Mr. O'Halloran.

20 Q.611Just to the record, Mrs. Coffey, obviously had evidence concerning the
21 contribution to Fianna Fail by Mr. O'Halloran in relation to the St. Patrick's
22 Day lunch, I think in 1996, am I correct in saying that as far as you were
23 concerned you never received any donation, or contribution, from
24 Mr. O'Halloran?

25 A. I want to be very clear to the Tribunal about this matter. I have never in my
26 19 years in political life received any money, or any donation that would have
27 any conflict with any of the decisions. I received no donations or
28 contributions to my election campaigns from Mr. Dunlop, or Mr. O'Halloran. And
29 the cheque for a thousand pounds, which I really get upset when its introduced
30 as being something, a great thing, it was ten people attending a lunch. Many

1 of us sell tickets for hundreds of things, and it was just Mr. O'Halloran
2 supporting a Fianna Fail function at that time. And I really get upset about
3 that.

4 Q.612 And finally Mrs. Coffey, in relation to the subject matter of this inquiry,
5 this Tribunal, are you happy that you have never done anything which might be
6 in anyway described as improper?

7 A. I have tried in every way possible to be honest, and assist the Tribunal, the
8 only thing that worries me is I am not good on the years and I get confused on
9 the various years going back and forth. There is nothing I can do about that.
10 1985 which I was 48; 2003 I am 65 and I find it difficult to remember that far
11 back. I can't imagine what it was like to be 48, it must have been great. All
12 I can say is I apologise if I am not on the ball, on the years, there is
13 nothing I can do about that.

14 Q.613 Thank you Mrs. Coffey.

15
16 CHAIRMAN: Mrs. Coffey you were asked by Mr. Fearon did you ever receive money
17 or get money from Mr. O'Halloran? You said that you had never received any
18 money or donation which conflicted with any decision that you made, or words to
19 that effect; Did you in fact, just to conclude that particular question, is it
20 your evidence that you never have received money from Mr. O'Halloran other than
21 the contribution of 1,000 pounds made to Fianna Fail?

22 A. You see I don't consider that was given to me. That was given to Fianna Fail.

23
24 CHAIRMAN: All right. Besides that?

25 A. And it would bear nothing on any of my decisions it wouldn't influence me, it
26 wouldn't concern me. I have done my best in public life to be honest, to the
27 Nth degree and I can stand over my years in public life.

28
29 CHAIRMAN: But is it your evidence that other than that sum, which wasn't a
30 payment to you, it was a payment to Fianna Fail?

1 A. That's right, Judge.

2

3 CHAIRMAN: Is it your evidence that you have never received any other payment
4 or contribution from Mr. O'Halloran?

5 A. Absolutely not.

6

7 CHAIRMAN: All right. The only other thing I wanted to ask you was you
8 referred to a meeting with Mr. Dunlop as being your only formal meeting with
9 him in relation to lobbying?

10 A. Yes. In relation to lobbying. I can't recall having meetings per se with
11 Mr. Dunlop, only that one, and that only occasion coming to my house and
12 lobbying me, that's the only, that's what I mean by a formal meeting. You can
13 meet him here, meet him there, that's the only meeting that I recall.

14

15 CHAIRMAN: It was the only meeting set up by appointment, as it were?

16 A. Oh, yes, he phoned me.

17

18 CHAIRMAN: But you would have frequent meetings with him as you would pass by
19 each other in buildings and so on, shorter meetings?

20 A. Yes. You would when council meetings were on, he would be in the Council
21 chamber even, in the public gallery and he would be there and say hello and say
22 how are you doing and have a brief conversation and then -- but, he has placed
23 me at meetings that I don't recall as meetings.

24

25 CHAIRMAN: But are you saying that he never lobbied you other than on that one
26 occasion?

27 A. That one occasion was the only occasion he lobbied me.

28

29 CHAIRMAN: And he never mentioned supporting motions or supporting proposals
30 other than on that occasion?

1 A. No, he didn't quite honestly, he didn't.

2

3 CHAIRMAN: All right thank you.

4

5 JUDGE FAHERTY: I just have one or two things Mrs. Coffey.

6

7 Just want to clarify one thing for my own mind. In your response to your
8 Counsel's first question, about the motions in September 1997, that was the
9 joint motion Jackson Way and O'Halloran/Darragh and Kilcoyne, you were aware
10 obviously at that point when you signed that motion that it was a joint
11 endeavour with Jackson Way. I understood that to be your direct evidence but
12 I --

13 A. I was aware that Brian O'Halloran had felt that he had to have a bigger piece
14 of land.

15

16 JUDGE FAHERTY: Yes.

17 A. I didn't know that and I didn't notice that he had made a submission including
18 that, previously from Brian Meehan. I hadn't copped on to that, I just thought
19 that this motion here with that extra bit of land included Jackson Way, which
20 does remind me, I think the first map Mr. Halloran brought to me to show me
21 only included his bit of land and then after the meeting with the planners and
22 that he came back with another map that included Jackson Way, which I think it
23 was --

24

25 JUDGE FAHERTY: I understood, the motion end; when you see the motion on the
26 night or indeed part of that, if refers to representation, isn't that right,
27 292?

28 A. Yes.

29

30 JUDGE FAHERTY: And you would understand that to be a representation made

1 earlier in relation to a joint submission, as I understand it?

2 A. Yes.

3

4 JUDGE FAHERTY: You knew that the motion was in relation to two parcels of land?

5 A. I did.

6

7 JUDGE FAHERTY: Who were two parties, if you like?

8 A. Two parties, yes.

9

10 JUDGE FAHERTY: So it is correct, so you did know that it wasn't just

11 Mr. O'Halloran/Mr. Kilcoyne and Mr. Darragh making the --

12 A. Oh, yes Judge, I was aware that there was another piece, or neighbouring land

13 attached to it.

14

15 JUDGE FAHERTY: Just on that, in January then of 1998 when you saw the other

16 motion which was the pure Jackson Way motion for 88 acres?

17 A. Yes.

18

19 JUDGE FAHERTY: You didn't, as I understand it, appear to cop that in fact a
20 portion of the lands sought to be zoned in January were already zoned by virtue
21 of your motion of December 1997, why was that?

22 A. Well, you see the 88 acres - I included the other piece of land and I assumed,
23 wrongly, that the 88 acres was less that had been zoned. I didn't pay much
24 attention to it, Judge, to be honest with you.

25

26 JUDGE FAHERTY: I see. My other question is in relation to, you said to your
27 Counsel that in 1997 when you decided to propose the motion and sign the motion
28 for the Jackson Way and O'Halloran/Kilcoyne/Darragh lands, you did so, you were
29 taking a different view from 1990 and you mentioned economic changes that were
30 occurring.

1 A. Yes.

2

3 JUDGE FAHERTY: You also said earlier that it was your way, that you would do
4 your homework so to speak about the, whatever needs were needed within the
5 community, is that correct?

6 A. Yes, that's correct.

7

8 JUDGE FAHERTY: Were you aware that Mr. Cremmins gave evidence here last
9 December, to the Tribunal?

10 A. Yes. I knew he gave evidence.

11

12 JUDGE FAHERTY: I understood him to be a Senior Planner for Dun
13 Laoghaire/Rathdown?

14 A. That's correct.

15

16 JUDGE FAHERTY: From 1994 onwards, isn't that correct?

17 A. That's correct.

18

19 JUDGE FAHERTY: Yes. I recall his evidence saying that by 1996 there was a
20 substantial land bank existing for industrial, already industrial rezoned land,
21 and that in fact there was no shortage of any industrial land?

22 A. Well, that was his opinion.

23

24 JUDGE FAHERTY: What I am really asking you is, he appeared to be the senior
25 planner, that compiled a position paper in 1996 for the lead up to the review of
26 the Development Plan, did you read that?

27 A. Yes, I did. But that paper also included a submission in that there was enough
28 residential zoned land coming up to that Development Plan, on the Draft
29 Development Plan. This was his opinion now, and then coming back to the final
30 on the plan, then the planners decided no there was not enough, the forecast

1 for residential land was not to be finite, that they needed a lot more
2 residential land; and that's why the Stepside zoning came in. They were quite
3 correct in that.

4
5 JUDGE FAHERTY: Yes. I understand that. But in relation to 1997 what you
6 ultimately proposed, and I think the one you favoured as I understand it, the
7 joint motion, was an industrial zoning?

8 A. Yes. But yet in the manager's report he says this land is suitable in the
9 medium to long term; and then when I asked him, I did ask the question, which
10 was the most suitable zoning, he said industrial.

11
12 JUDGE FAHERTY: Yes, I understand that, that was on the day you were putting it
13 up to the manager, on the night; but I was really asking you, Councillor
14 Coffey, to what extent were you informed in your decision in the first place to
15 support the joint motion by the statistics that were given by Mr. Cremmins,
16 which you would have had, obviously prior to 1997?

17 A. Well, I disagreed with him on it.

18
19 JUDGE FAHERTY: I see. Thank you very much.

20
21 CHAIRMAN: Thank you. That concludes your evidence, Mrs. Coffey. Thank you
22 very much. Do you wish to say anything?

23
24 MR. QUINN: I don't have a question for Mrs. Coffey, although I had a number of
25 diary entries in the brief for meetings between Mrs. Coffey and Mr. Dunlop,
26 just arising out of the question you had, Sir, where she said this was the only
27 time she had a formal meeting with Mr. Dunlop; in fairness to Mrs. Coffey, I
28 wonder is it necessary for me to call up various entries where there is a
29 reference to her and ask her to comment on them?

1 CHAIRMAN: Well, she can answer that question in general.

2 You know about the --

3

4 MR. QUINN: You have received, I think Mrs. Coffey, the brief in this case from
5 time to time, isn't that right, your solicitors would have received copies of
6 the documentation in relation --

7 A. Oh, yes. You are talking about Mr. Dunlop's diary?

8 Q.614 You would have seen reference in the diaries to a meeting with you, isn't that
9 right?

10 A. Yes.

11 Q.615 Are you saying those meetings never took place?

12 A. Some of them could not have.

13 Q.616 I see.

14 A. One of them I was in Brussels.

15 Q.617 Yes. But others, I mean, you have accounted for one of the meetings. What
16 about the other meetings?

17 A. There was -- can I go, can I look at them?

18 Q.618 If we go 3063 on the Carrickmines 1 brief, there is a meeting on the 29th of
19 August, 1990?

20 A. I looked at the diary entries. First of all Mr. Quinn, is the Tribunal
21 positive that every "BC" is Betty Coffey?

22 Q.619 It could be there are other councillors with the same initials as you
23 Mrs. Coffey. There is a Mr. Creaven, isn't there?

24 A. Who? I don't know. I got a copy of the diaries from the Tribunal and every
25 "BC" I thought they were asking was that the meeting I had with Frank Dunlop.
26 And I did a bit of investigating, as much as I could, but there is certainly
27 three dates that he has down to me. One was a lunch on a Friday in -- can you
28 see lunch there on Friday, I have a copy here. Can I take it out of my notes?

29 Q.620 Are you saying that you can account for three of the many dates?

30 A. Three dates that I couldn't possibly have met him.

1 Q.621Did you ever go to lunch with Mr. Dunlop?

2 A. No.

3 Q.622Okay, are you saying that apart from the one meeting, its unlikely that you
4 would have had another formal meeting with Mr. Dunlop where he could have a
5 diary entry for a meeting with you?

6 A. It depends if those entries, if he is saying these were actual formal meetings,
7 and I don't know.

8 Q.623When I say formal meeting I mean meeting by appointment. In other words, a
9 meeting arranged in advance to the extent he had entered it into his diary?

10 A. There were so many meetings I definitely could not have met him on all those
11 occasions. I can only recall the one in my house that was a formal lobbying,
12 there is other meetings there in, what is the name of the hotel off Grafton
13 Street he says, what's that hotel?

14 Q.624The Westbury?

15 A. Yes. The only thing I can recall ever being in the Westbury was, I must have
16 gone for a presentation, I remember going, coming out of the Westbury on one
17 occasion only, that's the only time I was in that hotel, believe it or not. I
18 vaguely remember it was a presentation, maybe he was presenting something, I
19 don't know. And the other meeting he has me down for, is the Friday lunch for
20 instance, that is an occasion my husband and I went to Blackrock Clinic, an
21 appointment with his cardiologist and he was taken in and they carried out his
22 bypass on the Monday. Now, I don't think that I have been at lunch when my
23 husband was going to Blackrock Clinic.

24

25 CHAIRMAN: Well, your evidence earlier and in response to a question I asked
26 was that on that one occasion where you say you had a formal meeting with
27 Mr. Dunlop, you are satisfied that you had no other meeting other than passing
28 each other outside the Council chamber, or --

29 A. That's the only --

30

1 CHAIRMAN: So can we take it then that your evidence is that insofar as
2 Mr. Dunlop indicated that he had prearranged meetings with you on other
3 occasions, that you don't accept that evidence?

4 A. I can't confirm or deny either that I had a number of meetings he has down as
5 BC. I looked through the -- I don't keep a diary see, I keep a Filofax. I do
6 it year to year and throw it out after a month, so I don't have diaries. But
7 in order to endeavour to assist the Tribunal I tried to do some investigation
8 and that was the meeting that I had in Brussels, that somebody went to the
9 press about at the weekend, but that's public knowledge you see, that's in the
10 public arena, the Committee of the Regions meetings are all listed there,
11 everyone would know that I would be in Brussels about 34 times a year during
12 that period. The other meetings I can't, I cannot recall having any formal
13 meetings with Mr. Dunlop.

14
15 CHAIRMAN: Is it then, because this is most important from the Tribunal's
16 point of view, is it your evidence that you think there was only one formal
17 meeting, but there may have been others that you have forgotten about?

18 A. Yes. But nothing to the extent that if BC refers to me, if every entry in the
19 diary is BC -- I don't know why Mr. Quinn doesn't let me look up the notes,
20 because I have a copy of that.

21
22 CHAIRMAN: All right. But just in relation to the issue whether or not you
23 had more than one formal meeting. Is it your evidence that you may have had
24 other formal meetings but you don't recall any others, or is it still your
25 evidence that you definitely only had one formal meeting? By formal, you have
26 defined formal as being a meeting where you would, it would be arranged
27 beforehand?

28 A. That's the only one that I can remember, is the meeting where Frank Dunlop
29 phoned me, asked for an appointment and came out to my constituency office,
30 that's the only one I can remember.

1

2 CHAIRMAN: All right. You say you have some notes relating to meetings?

3 A. I just have written, I have the list the Tribunal sent me here in my --

4

5 CHAIRMAN: You can refer to those.

6 A. Can I refer to it? Let's see, now there is a meeting on the 29th of August at

7 8 am.

8

9 MR. QUINN: This is 29th of August 1990.

10 A. 1990.

11

12 MR. QUINN: It is 3063 of the Carrick 1 brief.

13

14 CHAIRMAN: What do you say about that?

15 A. No. I would never have a meeting at 8 am Judge, with anyone, unless it was

16 with my husband, I wouldn't have a meeting at 8 am in the morning. Ever.

17

18 CHAIRMAN: All right. Now, if you go on to the next one.

19 A. And I don't know. Then the 14th -- is that me, Gresham Hotel? And that's the

20 14th of October, 1992. I have no recollection of it. But is that me?

21

22 MR. QUINN: There is one on the 7th of March 1991, that's 1237.

23 A. I don't have that here.

24 Q.625Betty C/Gresham. On the screen.

25 A. Betty with what, who is the other one? Gresham. Oh, the Gresham. I don't

26 know.

27

28 CHAIRMAN: Sorry? You don't know.

29 A. I don't remember meeting -- I mean, is Mr. Dunlop saying like, I asked Betty to

30 come over to the Gresham for five minutes or not? I don't remember ever meeting

1 him in the Gresham Hotel ever, I don't remember that and I am -- I would
2 remember.

3 Q.626 There is one for the 14th of May 1993, 1709.

4 A. 2 pm, BC at AL, what's AL?

5 Q.627 That's an 8 o'clock meeting.

6 I don't think Mr. Dunlop has given evidence in relation to each of these
7 various meetings. Perhaps a solution to the matter might be that a statement
8 could be obtained from Mr. Dunlop in relation to the diary entries which
9 specifically relates to BC, and Mrs. Coffey might provide a statement in
10 relation to those dates.

11 A. However Judge, may I say I would have no problem with any meetings with
12 Mr. Dunlop at all. I have no problems with him. I want to reiterate that. I
13 have no problems with the diaries except that I don't have confirmation of
14 them. There is just the one that if it is me is a wrong entry because I was in
15 Brussels.

16

17 JUDGE FAHERTY: What date do you say that meeting is, that you say you were in
18 Brussels?

19 A. Well, I was in Brussels on April, on the meeting, on the entry on the 22nd of
20 April of 1996.

21

22 MR. QUINN: 3395 please?

23 A. Well, I was in Brussels on that day.

24

25 MR. QUINN: 22nd of April, 12.30. Did you say that you also had some evidence
26 to suggest that you were elsewhere on two other occasions.

27 A. Well, the only other occasion is the 6th of November, 1997.

28 Q.628 That's 3530?

29 A. And the reason I am nearly positive about that one was because my husband was
30 doing his accounts for the VHI and he came across the bill for that appointment

1 and that was the day, then we checked it back -- like it is very difficult to
2 think back diaries if you haven't got them.

3
4 CHAIRMAN: Yes. But --

5
6 MR. QUINN: Mr. Dunlop said in relation to that meeting that it was a lunch
7 meeting where Bertie Ahern attended, in Dun Laoghaire. Do you recall a lunch,
8 a Fianna Fail lunch in Dun Laoghaire that you might have invited Mr. Dunlop to,
9 but that you may yourself not have attended?

10 A. I wouldn't have invited him. The only lunch that I can remember and I don't
11 know the date I will check it up and come back to the Tribunal, yes, Bertie
12 Ahern attended a Women's Committee Lunch. 97 - I have to check that one out.
13 Oh, I think I remember that - that was the - I think I was at that lunch, I
14 think my husband was in Blackrock Clinic that day and I remember now thinking
15 back that Mr. Ahern was very sympathetic about Ted.

16
17 MR. QUINN: So that would seem to confirm the diary entry for that day?

18 A. It could if Frank Dunlop was there, but I don't remember seeing him there.

19
20 MR. QUINN: He would appear to be there, and noted the event vis-a-vis you,
21 isn't that right? B Coffey lunch/DL.

22 A. That could have been that lunch, I am only surmising.

23
24 MR. QUINN: Do you recall inviting Mr. Dunlop to lunch, or that lunch?

25 A. I may not have invited him, the Women's Committee who run the lunch would
26 probably have invited him.

27
28 JUDGE FAHERTY: Would you accept, Mrs. Coffey, that in the later extracts we
29 have, certainly for the periods '97/'98 you raise concerns about the initials
30 BC, quite rightly. You don't know whether or not unless you recall the

1 meeting, they refer to you, but it would appear in the '96/'97 entries your
2 name is listed in full or "Betty C2 or "B Coffey" by Mr. Dunlop, as opposed to
3 BC.

4 A. Well 1997 was the time, was one of those dates that I had that he called to the
5 house and that was that, what I call the formal meeting, and I think the other
6 one is a phone call.

7
8 CHAIRMAN: All right. I think it might be appropriate if, as Mr. Quinn
9 suggests we get more detail and you have an opportunity to follow up, I know
10 there is, it can be difficult to deal with things on -- so that better be done.

11
12 MR. QUINN: Finally, could I say in relation to Mr. Fearon's comments on the
13 treatment of Mrs. Coffey, if I just say to Mrs. Coffey, as counsel to the
14 Tribunal it was my job to probe Mrs. Coffey in relation to her evidence. It
15 was not intended, and I hope I did not in anyway -- I hope I wasn't in anyway
16 aggressive to you Mrs. Coffey. You contradicted the evidence of a fair number
17 of witnesses, isn't that right, in your testimony?

18 A. I contradicted the evidence of others?

19
20 MR. QUINN: Yes, other witnesses.

21 A. Yes, like you know, I might have contradicted the evidence but contradict --
22 that was their memory and my memory was different. I am not saying that they
23 were lying, just saying I remembered it in a different way, and I don't mind.
24 This has been an experience Mr. Quinn, and I -- I am quite happy that -- if it
25 is over, I will be delighted.

26
27 MR. QUINN: Thanks Mrs. Coffey.

28
29 It was intended to call Mr. Rabbitt, but unfortunately it is now 25 past four.
30 So half ten tomorrow?

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CHAIRMAN: Thank you very much for attending, Mrs. Coffey, and we'll sit
tomorrow at half ten.

THE TRIBUNAL THEN ADJOURNED TO THE FOLLOWING DAY, WEDNESDAY,
8TH OCTOBER 2003 AT 10.30 AM

