

**THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY,**

**1ST DECEMBER, 2005, AT 10:30 A.M.:**

09:55:07 1  
2  
3  
4 CHAIRMAN: Good morning. We apologise for the delay in starting the public  
11:06:46 5 hearings today, due apparently, to some technical difficulty with computer  
6 equipment.

7  
8 It is proposed today to call two witnesses, who are in effect non-contentious  
9 witnesses. No party has indicated a desire to cross-examine either of the  
11:07:06 10 witnesses. So hopefully we will be able to deal with both witnesses today or  
11 certainly by early tomorrow morning.

12  
13 There will be no other witnesses called, besides these two before next Tuesday.  
14 All right?

11:07:21 15  
16 MS. DILLON: May it please you. Sir, could I make some amendments to the  
17 transcript from Tuesday.

18  
19 CHAIRMAN: All right.

11:07:28 20  
21 MS. DILLON: The 29th.

22 Page 102 line 24. Reads he also said he got a donation "from" the Local  
23 Election. It should be for the Local Election.

24  
11:07:38 25 CHAIRMAN: All right.

26  
27 MS. DILLON: Page 121 line 7 reads that if "you" were ever asked, should read  
28 if "he" were ever asked.

29  
11:07:49 30 Page 145 line 11, the existence of this "relation", should read this the

11:07:58 1 existence of this "relationship" was discovered.

2

3 Line 21 on the same page, he was elected as a councillor in July "1983."

4 Should read "1993."

11:08:08 5 Thank you, Sir. Ms. Foley will take the next witness.

6

7 CHAIRMAN: All right.

8

9 MS. DILLON: Thank you, Sir.

11:08:15 10

11 MS. FOLEY: Ms. Sinead Collins, please.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

11:08:19 1 **SINEAD COLLINS, HAVING BEEN SWORN, WAS EXAMINED AS**

2 **FOLLOWS BY MS. FOLEY:**

3

4 CHAIRMAN: Good morning, Ms. Collins.

11:08:52 5 Q. 1 MS. FOLEY: This morning I will be taking you through the statement that you  
6 furnished to the Tribunal, and asking you to confirm the content.

7 A. Yeah.

8 Q. 2 1. From June 1982 to December 1993, I was employed as administrative officer  
9 in the Planning Department of Dublin County Council. During the period 1987 to  
10 1993, I worked on the review of the 1983 Dublin County Development Plan. An  
11 outlined summary of the Development Plan review process and the format of the  
12 Development Plan are attached herewith at Appendix 1 which is page 819. Is  
13 that correct?

14 A. Yes.

11:09:29 15 Q. 3 2. Included among my duties in relation to the review of the Development Plan  
16 were the following.

17 A. To receive and record representations and circulate same to council staff  
18 and to the elected members of the council.

19 B. To receive motions which had been submitted by the councillors.

11:09:43 20 C. To prepare and circulate the agenda for each special meeting of the council  
21 to review the Development Plan.

22 D. To circulate the manager's reports to the councillors prior the meeting.

23 E. To record the attendances and voting records of councillors at such special  
24 meetings.

11:09:56 25 F. To prepare the minutes of each meeting; is that correct, Ms. Collins?

26 A. Yes, it is.

27 Q. 4 Motions tabled by councillors in relation to land zoning were dealt with by  
28 written reply in the form of the managers report. Such reports were usually  
29 circulated to the members some days before the relevant meeting. Motions  
11:10:11 30 tabled by councillors in relation to land zoning were dealt with by written

11:10:15 1 reply. Sorry -- as each motion came for decision, the report was presented  
2 and discussed. Presentation was usually accompanied by specifically prepared  
3 maps projected on the screen in the council chamber. Voting was conducted in  
4 accordance with the council standing orders. Frequently a role call vote was  
11:10:32 5 held and when this happened the minutes of the meeting recorded the votes of  
6 the individual councillors. Is that correct, Ms. Collins?  
7 A. Yes.  
8 Q. 5 Page 821, please.  
9 The 1983 Dublin County Development Plan, hereinafter referred to as the 1983  
11:10:44 10 Development Plan. The 1983 Development Plan was adopted on the 31st of March  
11 1983. The lands, the subject matter of the present inquiry by the Tribunal,  
12 comprising approximately 180 acres at Quarryvale, hereinafter referred to as  
13 the Quarryvale lands, were zoned as follows in the 1983 Development Plan.  
14  
11:11:04 15 "Objective E: To provide for industrial and related uses." That's the purple  
16 part of the map on screen.  
17 "Objective F: To preserve and provide for open space and recreational  
18 amenities." That's the green part of the map on screen.  
19 "Objective A1: The yellow part, to provide for new residential communities in  
11:11:26 20 accordance with the proved action area plans. Also in the 1983 Development  
21 Plan approximately 120 acres at Neilstown, variously referred to as the  
22 Neilstown lands and the Ronanstown lands were zoned objective D. To provide  
23 for major town centre activities for the Lucan/Clondalkin area." That's at  
24 the lot the lower part of the screen small blue area.  
11:11:49 25  
26 The 1983 Development Plan zonings of the Quarryvale and Neilstown lands are  
27 outlined in maps 12 and 13 of the 1983 Development Plan and drawing No. DP  
28 90/95 prepared in August 1990, is attached herewith at appendix two. Which is  
29 pages 821 to 828 and If I could have page 828, please.  
11:12:09 30

11:12:09 1 Also attached at this appendix is part of the 1983 Development Plan written  
2 statement regarding the land use zonings and copy of ordinance survey map on  
3 which I have highlighted the towns of Blanchardstown, Lucan, Clondalkin  
4 Tallaght, together with the lands at Quarryvale at Neilstown.

11:12:28 5 You can see those areas on the screen now, Ms. Collins?

6 A. Yes.

7 Q. 6 "4. Review of the 1983 Development Plan.

8 The 1990 draft Development Plan. A review of the 1983 Development Plan was  
9 initiated by Dublin County Council on the 16th of October 1987. A copy of the  
11:12:47 10 minutes of the special meeting of the council held 16th of October 1987, which  
11 also give a summary of the procedure of the review of the plan, are attached  
12 herewith at Appendix 3, which is pages 895 to 835. From October 1987 to  
13 January 1989, the elected members considered the working papers presented at  
14 special meetings of the council. The elected members then considered the  
11:13:08 15 Draft Development Plan maps and written statement and the motions relating the  
16 draft maps and draft written statement. On a number of occasions during the  
17 review process, the members were advised that according to standing orders any  
18 variations proposed to the draft written statement and maps, would require the  
19 submission of a written motion signed by and accompanied where necessary, by a  
11:13:26 20 location map for inclusion on the agenda of the relevant council meeting. See  
21 for example in appendix three, at page 835 minute reference C/875/89 of the  
22 minutes of special meeting of County Council, held on 20th of October 1989  
23 attached herewith.

11:13:42 25 Is that correct, Ms. Collins?

26 A. Yes.

27 Q. 7 5. Special meetings of the County Council held on 31st of March 1989 and 12th  
28 of May 1989. A copy of the minutes of the special meetings of the County  
29 Council held on these dates are attached herewith at appendix four, which is  
11:14:00 30 pages 836 to 843.

11:14:01 1 On the 31st of March 1989, at minute reference C/245/89 in this appendix, the  
2 introduction and policy sections of the draft written statement which had been  
3 circulated, were outlined by the manager and the Dublin planning officer. And  
4 following discussion it was agreed to continue consideration of draft written  
11:14:20 5 statement at the next special meeting dealing with the Development Plan review.  
6

7 On the 12th of May 1989, at minute reference C/471/89 the meeting continued  
8 consideration of the introduction and policy sections of the draft written  
9 statement and report by the manager was read. The report stated that amongst  
11:14:37 10 the matters raised by a number of councillors as being of concern in the draft  
11 presented, and which require clarification were the western towns and  
12 neighbourhood policy.  
13

14 Page 840, please.

11:14:48 15  
16 The report stated that the -- sorry. At Section 2.2.2 of the report, entitled  
17 Western towns. In view of the recent slowdown of the development of the  
18 Western towns, it is the council's policy to take positive steps to achieve  
19 completion of these towns by way of incentive or otherwise.

11:15:10 20 And on the following page. The council will endeavour to persuade the agencies  
21 responsible for the provision of public transport, bus and rail, third level  
22 education and hospitals to expedite the provision of these services in order to  
23 compliment the council's efforts. Some councillors have expressed  
24 reservations as to the adequacy of the above as a statement of policy. In this  
11:15:31 25 regard it is worth while to distinguish between the three western towns and to  
26 be aware of their differing stages of growth.  
27

28 The report then went on to distinguish between the three Western towns.  
29

11:15:43 30 At page 841 there we see that Tallaght in 1988, had a total of 18,087 houses.

11:15:51 1 Which was 77% out of a planned total of 23,584. The town centre at that time  
2 was under construction and the planning of the hospital and the RTC was  
3 advancing.  
4

11:16:00 5 In respect of Lucan/Clondalkin in 1988, they had a total of 13,794 houses 52%  
6 out of planned total of the 26,552. No development had at that time had taken  
7 place at the new town centre location, although it was understood that a  
8 planning application would shortly be made.  
9

11:16:23 10 The following page second paragraph, Blanchardstown excluding Castleknock in  
11 1988 had total of 10,207 houses, which was 38% out of plan totalled of 26,647.  
12 No development had yet taken place in the town centre lands or in the RTC site,  
13 although permission existed for substantial commercial and leisure centre.  
14

11:16:47 15 Following discussions to which councillor Cass, Lawlor, Ridge, McGrath, Laing,  
16 Murphy, McGuinness and Riney contributed. The manager and the Dublin Planning  
17 officer replied to queries raised by the members. The manager advised the  
18 members it was the function of the manager to prepare the draft of the plan but  
19 that he would take on board what the councillors have said and come back to the  
11:17:06 20 council with some revised paragraphs of the draft written statement. Is that  
21 correct, Ms. Collins?

22 A. Yes.

23 Q. 8 6. Planning application for a town centre on the Neilstown lands. On the  
24 22nd of December 1989, a planning application registered reference 89A/2344,  
11:17:25 25 this is at pages 844 to 856 of the brief. Was made by the Ambrose Kelly  
26 Partnership on behalf of Merrygrove Limited for a town centre development of  
27 24,678 square meters on the Neilstown lands. The documentation regarding this  
28 application is attached at appendix five.  
29

11:17:44 30 By a decision order number P/4399/90, dated 28th of September 1990, Dublin

11:17:51 1 County Council decided to grant planning permission for the proposed  
2 development subject to 34 conditions. On the 13th of November 1990,  
3 Merrygrove Limited appealed to an Bord Pleanala against the said decision.  
4

11:18:02 5 Page 5094, please of the brief.  
6

7 This is a letter dated 20th of May 1991 from Ambrose Kelly Partnership,  
8 withdrawing the planning application.  
9

11:18:15 10 On the 21st of May 1991, the planning application was withdrawn.  
11

12 On 28th of May 1991 An Bord Pleanala declared that as the said application has  
13 been withdrawn it is no longer before the board for determination and that  
14 there is therefore now no appeal in relation to the application before the  
15 board. Is that's correct, Ms. Collins?

16 A. Yes.

17 Q. 9 7. Special meeting of the County Council held on the 16th of February 1990.  
18 The Quarryvale area came up for discussion at the special meeting of the County  
19 Council on 16th of February 1990. The agenda and minutes for this meeting are  
20 attached herewith at appendix 6. Which is pages 858 to 860 of the brief.

11:18:49 21 Page 861, please.  
22

23 At minute reference C/156/90, the meeting considered the draft written  
24 statement for the scheduled towns of Lucan and Clondalkin and map number 16 at  
25 appendix 7, which is page 861 on your screen, included the Quarryvale lands.  
26

27 Mr. Murray, the Deputy Planning Officer outlined the general proposals for the  
28 development of the Lucan/Clondalkin area and following discussion it was agreed  
29 that a report on the general policy for this area would be submitted to the  
30 next special meeting of the council dealing with the Development Plan review.

11:19:24



11:19:28 1 Mr. Conway, a senior planner, then outlined the changes proposed on map 16 and  
2 17 from the County Development Plan 1993. The minutes record that following  
3 discussion to which councillors Carroll, Laing, Lawlor, Riney, Rabbitte, Ridge,  
4 McGrath and Flemming contributed.

11:19:45 5  
6 The draft written statement and map 16 and 17 were noted.

7  
8 Subject to a further report on certain proposals. The word "noted" is used to  
9 indicate that the councillors had discussed the matter, had generally agreed  
11:20:00 10 with and accepted the contents of the document and maps and passed on to other  
11 matters without a vote.

12  
13 The changes on map 16 that related to Quarryvale lands and noted by the council  
14 were as follows:

11:20:21 15  
16 Change No. 9. An area to the west previously zoned F, open space, to be zoned  
17 A1 for the development of a residential community. That's the yellow part of  
18 the map.

19 Could we have the map turned, please. It's part of the extreme left marked A  
11:20:48 20 there of the Quarryvale lands.

21  
22 Change No. 10, an area to the east previously zoned F open space, to be zoned  
23 E, industrial. That's at the extreme right of the lands on the screen.

24  
11:21:00 25 The substantive part of the site would remain zoned E, industry, as it was in  
26 the 1983 plan. These changes are outlined on the maps and documents attached  
27 to Appendix 7, pages 861 to 865, is that correct, Ms. Collins?

28 A. It is.

29 Q. 10 8. Special meeting of the County Council held on 8th of March 1990.

11:21:19 30

11:21:19 1 The next special meeting of the council was held on 8th of March 1990. The  
2 agenda and minutes of the meeting are attached herewith at appendix 8, pages  
3 866 to 875.  
4

11:21:29 5 A report on development options for Lucan/Clondalkin Ronanstown by the Dublin  
6 planning officer minute reference C178/90 was circulated and the meeting was  
7 adjourned for five minutes to enable members to consider its contents. The  
8 report outlined the planning policy up to that time for the proposed three  
9 Western towns, Blanchardstown, Clondalkin/Lucan and Tallaght. Each to develop  
11:21:55 10 a series of residential neighbourhood cells, supported by industrial areas and  
11 centers where commercial educational and other facilities would be provided.  
12 It was envisaged in both the 1972 County Development Plan and 1983 County  
13 Development Plan that each new town should ultimately be served by a major town  
14 centre, which would provide higher order shopping and a range of employment,  
11:22:13 15 civic, recreational and other uses.  
16  
17 And that would be convenient located at the hub of the transportation network,  
18 both public and private transport serving the new town area. A central  
19 position in the new development area was chosen for each of the town centre  
11:22:27 20 sites. In the case of Tallaght and Blanchardstown, the name of the existing  
21 villages was taken as the new town. Because the third new town was to be based  
22 on two existing villages, it was considered that a name associate with neither  
23 might be used.  
24

11:22:40 25 Ronanstown, a townland located in the centre of the development area, was the  
26 name selected at an early stage to describe the greater development area that  
27 included Lucan/Clondalkin and the area in between.  
28  
29 Page 870, please.  
11:22:54 30

11:22:54 1 The report outlined on this page, it outlined a number of negative factors  
2 associated with this area, including inadequate investment in main roads  
3 leading to poor accessibility, unfinished neighbourhoods due to the recession  
4 in the building industry, sparse landscaping, no higher order shopping centre,  
11:23:18 5 and lack of private sector interests as developments not commenced or  
6 abandoned.

7  
8 Positive factors were also outlined at page 871 of the brief, including  
9 considerable investment in piped services, water supply and in distributor  
11:23:30 10 roads, pressure for the construction of the Fonthill Road. Some revival in  
11 private house building, sale of local authority land to the private sector and  
12 commencement of new housing construction. 260 houses built, 660 in the  
13 pipeline. A new Action Plan proposed because of interest expressed by private  
14 landowners which would be more cost effective in roads terms. CIE  
11:23:51 15 investigating a commuter link to the city and an application lodged for  
16 development on town centre lands for 265,000 square foot retail and office use.

17  
18 The report set out two sets of options that could be considered for this area.  
19 And noted that Ronanstown, Lucan/Clondalkin was 55% complete at that date but  
11:24:12 20 in the case of Tallaght, the new town area was over 80% complete and tax  
21 incentives were in place before the development of the new town centre  
22 commenced.

23  
24 The two possible options for the area were:

- 11:24:21 25 1. Abandonment of the Ronanstown new town concept as expressed in the 1972 and  
26 1983 Development Plans and concentrating on Lucan and Clondalkin as lower order  
27 centers.  
28  
29 2. Leave the zoning of the area under consideration largely intact and either  
11:24:38 30 reinforcing the existing town centre concept in it's present position,

11:24:41 1 relocating it as a major town centre elsewhere or splitting it to associate  
2 part with Lucan and part with Clondalkin.  
3  
4 Page 875, please.

11:24:50 5 Having set out in detail the different options, the manager recommended that  
6 the council continue to implement and reinforce the 1972 and 1983 Development  
7 Policies. For the completion of the new town at Ronanstown and it should  
8 accept -- sorry adopt the following objectives in order to secure the  
9 achievement of these aims.

11:25:10 10  
11 1. Continue pressure for the construction of the Fonthill Road.  
12 2. Continue pressure for tax incentives in the town centre area.  
13 3. Continue positive marketing of local authority lands for private housing.  
14 4. Implement a landscaping programme for local authority lands adjoining the  
11:25:27 15 Fonthill Road.  
16 5. Rezone the area between the railway and the canal to residential use to  
17 support the town centre and railway proposals.  
18 6. Oppose major commercial development in Lucan and Clondalkin villages until  
19 the town centre is underway.

11:25:39 20 7. Resist additional zoning of areas west of Lucan as this would remove the  
21 impetus for development of housing and the town centre, the central area  
22 between Lucan and Clondalkin.  
23 8. Pursue the construction of the road link between the town centre lands and  
24 the motorway.

11:25:54 25  
26 The minutes of the meeting further record on this page as follows:  
27  
28 Following discussion to which councillors Laing, Rabbitte, Gannon, Fitzgerald,  
29 Elliott A, McGrath, Ridge, McMahon, Lynch M, Cass, Maher, Flood, Lawlor, Owen  
11:26:09 30 and McGuinness contributed.

11:26:12 1  
2 The manager and the Dublin planning officer applied to queries raised by the  
3 member. The following motion and the name of councillors Fitzgerald, Rabbitte,  
4 Cass, Lawlor, McGrath, Hand, Laing, Owen, McGuinness, Flood, Maher, McMahon and  
11:26:25 5 Ridge was put to the meeting and passed unanimously. That the manager's report  
6 of the 8th of March 1990 on the development of Lucan/Clondalkin be rejected and  
7 that new maps be prepared for the separate development of the greater Lucan and  
8 the greater Clondalkin area; is that correct, Ms. Collins?

9 A. Yes.

11:26:42 10 Q. 11 9. Special meeting of the County Council held on 7th of September 1990.  
11 The minutes of the meeting are attached at appendix 9. Pages 877 to 828 of  
12 the brief.  
13  
14 At page 884, please.

11:26:56 15 A minute reference C595/90, a report by the manager entitled report providing  
16 for the separate development of the greater Lucan and the greater Clondalkin  
17 area was presented to the council. This report summarised the report made to  
18 the special meeting on 8th of March 1990 and then discussed drawing No. DP  
19 90/97 on screen, which was prepared in response to the motion passed on 8th of  
11:27:26 20 March 1990. A copy of the drawings is on your screen now.  
21  
22 At A is the Lucan area. B is the Neilstown area. C is the Clondalkin area.  
23 The manager considered that the original concept of an integrated new town with  
24 its own higher order town centre, is the preferred model for the development of  
11:27:46 25 the area. However, if that is to be abandoned then a subdivision of the area  
26 into three districts in the manner outlined could be recommended as the best  
27 alternative arrangement. In other words, the town centre at Ronanstown was to  
28 be abandoned and the next alternative would be divide the area into three  
29 district, served by three separate district centres. Lucan village, Clondalkin  
11:28:05 30 village and a reduced centre on the former town centre site at Neilstown.

11:28:09 1 A second copy of the drawing number DP90/97 showing the three district centers  
2 is also located. And that's on screen.  
3  
4 The minutes of the meeting go on to record that following discussion to which  
11:28:22 5 councillors Gannon, Rabbitte, McGrath, Lawlor, Cass, Fitzgerald, Gilbride,  
6 Laing and M Lynch contributed. The manager replied to queries raised by the  
7 members and it was agreed to defer a decision on the report and on map 16, 17  
8 and 18 to the next special meeting of the council dealing with the Development  
9 Plan review. The decision to be made without further discussion, is that  
11:28:43 10 correct, Ms. Collins?

11 A. Yes.

12 Q. 12 10. Special meeting of the County Council held on 14th of September 1990.  
13  
14 The agenda and minutes of this meeting are attached herewith at Appendix 11,  
11:28:52 15 pages 886 to 888. The first item on the agenda for the meeting was  
16 finalisation of decision concerning maps numbers 16, 17 and 18 relating to the  
17 future development of the Lucan/Clondalkin area and the report submitted to the  
18 meeting at its meeting on the 7th of September 1990.  
19

11:29:08 20 At minute reference C/625/90 the minutes record as follows: The meeting  
21 resumed consideration of maps 16, 17 and 18 and the manager's report which had  
22 been presented to the meeting of the council, which took place on the 7th of  
23 September 1990. It was proposed by M Gannon, seconded by councillors B  
24 Flemming and P Rabbitte and agreed that maps 16, 17 and 18 as presented to the  
11:29:30 25 council in February 1990, be adopted.  
26  
27 Page 864, please.  
28 The effect of this decision was that the council having considered a range of  
29 options decided that maps 16, 17 and 18 as originally presented to the council  
11:29:49 30 in February 1990 would become part of the new draft Development Plan. These

11:29:53 1 maps show the site of the town centre designated in the original position at  
2 Neilstown with some additional residential zoning between the railway and canal  
3 and industrial zoning at Kilmahuddrick, in Corcagh.  
4

11:30:03 5 See drawing No. DP90/96 on screen. Draft zoning proposals February, March  
6 1990.  
7

8 At this time the planning application submitted by Merrygrove for a town centre  
9 development on the Neilstown lands was under consideration and resulted in a  
11:30:18 10 decision on the 28th of September 1990 to grant planning permission. That  
11 decision was appealed to An Board Pleanala and the application was withdrawn by  
12 Merrygrove by letter of the 21st of May I think that should read, as we  
13 discussed earlier page 857.  
14

11:30:34 15 Documentation regarding planning application is attached at appendix 5; is that  
16 correct, Ms. Collins?

17 A. Yes.

18 Q. 13 And 11. Submission of motions prior to the public display of the Dublin  
19 county draft Development Plan 1991, hereinafter referred to 1991 draft  
11:30:58 20 Development Plan.  
21

22 In January 1991, the members were circularised and afforded the opportunity to  
23 submit motions for insertion on wrap up agenda for consideration by the council  
24 before putting a draft plan on display. By letter dated the 18th January 1991,  
11:31:11 25 a copy of the which is attached herewith at Appendix 12, pages 889. The  
26 members of the council were advised by the principal officer, that motions had  
27 to be submitted not later than Friday 8th of February 1991. This deadline was  
28 later extended to 15th of February 1991. Motions received after this date  
29 were not included on the agenda.  
30

11:31:31

11:31:31 1 Approximately 160 motions were received and were placed on the agenda in area  
2 order, commencing in Balbriggan in the north of the county, moving south to  
3 Skerries, Donabate, Swords, Malahide, Sutton, Howth, the north suburbs,  
4 Blanchardstown and Lucan/Clondalkin and then in a southeasterly direction to  
11:31:47 5 the Wicklow border.

6  
7 A copy of the portion of this agenda is attached herewith at Appendix 13, pages  
8 890 to 914. The note in the margin of the agenda shows the date and manner in  
9 which each item was disposed of. Consideration of this agenda commenced on  
11:32:01 10 1st of March 1991 and continued on the 7th of March, 21st of March, 18th of  
11 April, 26th of April, 2nd May, 16th May, 24th May, 30th of May, 31st May and  
12 11th June. The first 37 items on the agenda related to the Fingal area and  
13 were dealt with at meetings between 1st March and 18th April 1991. Item 38 on  
14 the agenda was a motion regarding the Quarryvale lands. And was reached at  
11:32:25 15 the meeting on 26th of April 1991. The minutes of which are attached herewith  
16 at appendix 15.

17  
18 Could we have page 915, please.

19  
11:32:33 20 A motion signed by councillor McGrath and a map also signed by him were  
21 received by the council secretariat on the 15th of February 1991. Page 916,  
22 please, for the map.

23  
24 This motion at Appendix 14 pages 915 to 916, was later listed as item 38 on the  
11:33:03 25 agenda and was in the following terms.  
26 Dublin County Council hereby resolves the lands at Palmerstown/Quarryvale  
27 comprising of approximately 180 acres as outlined on the attached map, adjacent  
28 to the western parkway intersection with the Galway Road, be rezoned to D and E  
29 into the draft revision of the County Dublin Development Plan to provide a  
11:33:20 30 major town centre business and industrial park.



11:33:22 1  
2 Is that correct, Ms. Collins?

3 A. It is.

4 Q. 14 13. Special meetings of the County Council held on 26th of May 1991 and 2nd  
11:33:34 5 of May 1991. The minutes of the special meetings of the County Council held  
6 on 26th of April 1991 and 2nd of May 1991 are attached herewith at Appendix 15,  
7 pages 917 to 923 of the brief. Item 38 on the agenda was reached at the  
8 meeting on the 26th of April 1991 and it was agreed it defer this motion to the  
9 next special meeting dealing with the Development Plan review.

11:33:56 10  
11 At the next meeting on 2nd of May 1991, it was again agreed to defer the motion  
12 to the next special meeting which took place on 16th of May 1991. Is that  
13 correct, Ms. Collins?

14 A. Yes, it is.

11:34:08 15 Q. 15 14. The special meeting of the County Council held on 16th of May 1991. This  
16 is one of the key planning dates in the rezoning of Quarryvale. The minutes  
17 of the special meeting of the County Council held on 16th of May 1991 are  
18 attached herewith at Appendix 15, which is 924 to 932 of the brief.  
19

11:34:29 20 At minute reference C/374/91 which is at page 925, a report from the manager  
21 regarding the Development Plan review noted that the manager intended to  
22 proceed with the display of the draft plan as it was well overdue and intended  
23 that all amendments recommended to date by the Council would be incorporated in  
24 the public display and intended to treat outstanding motions as representations  
11:34:50 25 of the so they could to be reported on and discussed by the incoming council.  
26 The manager informed the members of his intention to exercise his executive  
27 function and arrange for the display of the draft Development Plan. He also  
28 indicated that he was prepared to have further meetings if the council so  
29 wished in order to give the council the opportunity to complete the agenda.

11:35:06 30 At the request of Councillor Laing, the meeting adjourned for five minutes.

11:35:09 1 When the meeting resumed a motion proposed by Councillor Shatter and seconded  
2 by Councillor Menzies, that the manager's report be now discussed was passed 27  
3 votes in favour and 22 against. The names of the persons voting are recorded  
4 at page 926, please.

11:35:25 5  
6 And 927 of the brief at appendix 16 as follows:

7  
8 For the motion: Councillors A Brady, F Buckley, S. Carroll, B Cass, A  
9 Devitt, A Elliott, M Elliott, J Faye, E Fitzgerald, B Flemming, M Gannon, T  
11:35:42 10 Hand, S Laing, M Lynch, E McDonald, L McMahon, J Maher, B Malone, D Marren, G  
11 Menzies, O Mitchell, M Muldoon, T Ridge, S Ryan, A shatter, M Taylor and D  
12 Tipping.

13  
14 Against the motion. 22 councillors.

11:36:03 15 S Ardagh, J Barry, T Boland, S Brock, B CoffeY, L Creaven, J Daly, P Dunne, J  
16 Gilbride, J Hannon, F Hanrahan, M Hanrahan, P Hickey, G Kieran, J Larkin, L  
17 Lawlor, S Lyons, M McGennis, C McGrath, J Murphy, S Riney and N Ryan.

18  
19 The following motion was then proposed by Councillor Shatter and seconded by  
11:36:29 20 Councillor Menzies as recorded at page 927 of the minutes and Appendix 16.

21  
22 The council rejects the report of the 16th of May 1991, submitted by the  
23 manager and asked that the draft Development Plan be not put on display until  
24 the motions presently before the council are dealt with and determined.

11:36:45 25  
26 Following discussion to which Councillors Shatter, Menzies, Buckley, Malone, M  
27 Lynch, Tipping, McDonald, Cass, Carroll, Gannon, A Elliott, Murphy and Lawlor  
28 contributed. The motion was put and passed by 47 votes to 1.

29  
11:37:00 30 The names of the persons voting are recorded at page 599, internally of the

11:37:07 1 minutes at appendix 16.  
2  
3 Which is page 927 of the brief.  
4

11:37:13 5 For the motion: J Barry, T Boland, A Brady, S broke, F Buckley, S Carroll, B  
6 Cass, B Coffey, L Creaven, A Devitt, J Dillon-Byrne, P Dunne, A Elliott, M  
7 Elliott, J Fahy, E Fitzgerald, M Gannon, O Hammond, T Hand, J. Hannon, F  
8 Hanrahan, M Hanrahan, P. Hickey, G. Kieran, S Laing, J Larkin, L Lawlor, M  
9 Lynch, S Lyons, E McDonald, M McGennis, C McGrath, L McMahan, J Maher, B  
11:37:47 10 Malone, D Marren, G Menzies, O Mitchell, M Muldoon, L Mulvihill, J Murphy, T  
11 Ridge, S Riney, N Ryan, A shatter, M Sheehan and D Tipping. Against the  
12 motion there was one vote and that was the vote of C Gallagher.  
13  
14 The Chairman then advised the meeting that he would arrange at least two more  
11:38:06 15 special meetings to deal with the outstanding business on the agenda. Page  
16 928, please.  
17  
18 This is minute reference C/375/91; lands at Quarryvale.  
19

11:38:18 20 The motion to rezone the Quarryvale lands, a copy of which is attached herewith  
21 at Appendix 14 of the brief, was proposed at the meeting of the 16th of May  
22 1991 by Councillors McGrath and seconded by Councillor T Hand. This is at  
23 pages 92 -- sorry. Page 915 and 196 as seen earlier. Dublin County Council  
24 hereby resolves that the lands at Palmerstown, Quarryvale comprising of  
11:38:46 25 approximately 180 acres as outlined on the attached map, adjacent to the  
26 Western parkway intersection with the Galway Road be rezoned to D and E in the  
27 draft revision of the County Dublin Development Plan to provide a major town  
28 centre, business and industrial park.  
29

11:38:59 30 A report from the manager regarding the motion was read. The report referred

11:39:03 1 to the decision of the council meeting 14th of September 1990. That the map  
2 as presented to the Council in February 1990 be adopted.

3

4

Page 864, please.

11:39:12 5 These maps show the town centre designation on centrally located sites near  
6 Neilstown as can be seen on drawing DP90/96. Draft zoning proposals February  
7 March 1990, which we have previously looked at, Appendix 7.

8

9

11:39:47 10 The report noted that a decision to grant permission to Merrygrove Limited for  
11 a town centre development of 24,678 square meters on the Neilstown lands which  
12 is made on 28th September 1990, was currently on appeal but it is understood  
13 that the developer may not now be proceeding with this proposal. That was  
14 correct, in fact the proposal was withdrawn later on 21st of May.

15

16

11:40:05 17 The report noted the site referred in this motion is located in the northeast  
18 corner of the development area of Lucan/Clondalkin and is presently zoned  
19 predominantly industrial with some residential and open space.

20

21

22

11:40:18 23 The report stated that the proposed D town centre zoning would indicate a major  
24 change in the Lucan/Clondalkin new town strategy. The proposals seeks to  
25 dislocate the existing town centre from its central location to a peripheral  
26 one. Thus disrupting the form, balance and nature of the entire area. The  
27 road network and land use is already established in the area, are located on  
28 the assumption that development will proceed on the basis set out in the  
29 existing County Development Plan. This envisages a town centre area,  
30 centrally located to serve 100,000 population until with Lucan and Clondalkin  
to the northwest and south east as subordinate centres .

31

32

Page 930, please.

33

11:40:44 34 The second paragraph here, the report emphasised that the Dublin planning

11:40:52 1 officer strongly of the view that the town centre designation should remain on  
2 the originally designated site. It would be illogical and contrary to proper  
3 planning to locate two major town centers so close to each other. In the  
4 context of the overall strategy for the Western towns, the planning officer was  
11:41:07 5 of the view that if the council was disposed to change the zoning of the  
6 Quarryvale site, from industrial to commercial, then the most appropriate  
7 assignation would be C with the objective to protect, provide for and/or  
8 town/district facilities which would give a more balanced spread of centres  
9 with larger town centers at Blanchardstown and Tallaght and district centre  
11:41:26 10 facilities at Clondalkin and Quarryvale and to a lesser extent, at Lucan.

11  
12 Finally, the report stated that it was considered that such a fundamental  
13 change of strategy as is proposed in the motion, will eventually give rise to  
14 concern and consequent representation from sources which have hitherto relied  
11:41:40 15 on Council's stated policy in formulating development schemes.

16  
17 At Appendix 17, page 933, please.

18  
19 An amendment signed by Councillors Colm McGrath, Tom Hand and Finbarr Hanrahan.  
11:41:54 20 The following amendment a copy of which is on screen, dated the 16th of May  
21 1991 and signed by Councillors Colm McGrath, Tom Hand and Finbarr Hanrahan was  
22 proposed by Councillor McGrath and seconded by Councillor Hand. That motion  
23 No. 38 be amended by the addition of the following words "that a statement be  
24 included in the Development Plan to indicate that the total area of commercial  
11:42:16 25 development in the area zoned D, shall not exceed the total area of the  
26 commercial development which would be appropriate to the Lucan/Clondalkin town  
27 centre site designated in the County Development Plan 1983".

28  
29 The manager pointed out if the motion as amended were passed it would become  
11:42:30 30 part of the new draft Development Plan which would go on public display. He

11:42:34 1 said that its effect would be to transfer the town centre designation for  
2 Lucan/Clondalkin from its central site at north Clondalkin to a peripheral site  
3 at Palmerstown and to confine the scale of development on the site to that  
4 which would be appropriate for town centre for Lucan/Clondalkin. It was  
11:42:48 5 pointed out that the proposals by Merrygrove for the Lucan/Clondalkin town  
6 centre site were for two initial phases of 250,000 square feet each, totalling  
7 500,000 square feet of commercial development.

8  
9 I think the effect of this would have been to limit the Quarryvale site to  
11:43:01 10 500,000 square feet. Is that correct, Ms. Collins?

11 A. That's correct.

12 Q. 16 The members were also advised that the owners of the land adjoining the  
13 original town centre site at Neilstown, objected to the proposed rezoning of  
14 Palmerstown on the basis that they PHI Investments Limited, had made an  
11:43:17 15 investment at the existing town centre site, over long period of time based on  
16 the provisions of the Development Plan. And that any rezoning would result in  
17 serious financial loss.

18  
19 Copy of this letter at pages 934 to 935 of the brief at Appendix 18. This  
11:43:29 20 letter is dated the 15th of May 1991 to Kevin O'Sullivan, Dublin assistant and  
21 County manager and stamped received by the planning department on the 15th of  
22 May 1991.

23  
24 The manager also advised that the wording of the amendment "passed" would be  
11:43:43 25 included in the draft written statement. At 5.29 p.m. it was proposed by the  
26 chairman and seconded by Councillor C McGrath and agreed that standing orders  
27 be suspended in order to permit the meeting to continue after 5:30 p.m. to  
28 enable consideration of this item to be completed. There being 39 members  
29 present in the chamber. I think is that a required minimum of 39 members,  
11:44:03 30 Ms. Collins?

11:44:03 1 A. There was a certain number required. I can't recall now what it was but a  
2 certain portion had to be there, yeah.

3 Q. 17 That would be I think 39 would behalf of the 78 councillors at the time?

4 A. I just can't remember at this stage. I'm out of the council for some years  
11:44:20 5 now.

6 Q. 18 Following further discussion, the amendment in the names of Councillors C  
7 McGrath, T Hand and F Hanrahan was put and was passed by 31 votes in favour to  
8 12 votes against. This is at page 932, please.  
9

11:44:34 10 And the Chairman declared the amendment passed. The names of the persons  
11 voting are recorded at page 932. Coming up on your screens. And were as  
12 follows:  
13

14 4. 31. J Barry, T Boland, S Brock, B Coffey, L Creaven, J Daly, P Dunne, A  
11:44:51 15 Elliott, J Fahy, T Fox, C Gallagher, J Gilbride, O Hammond, T Hand, J Hannon, F  
16 Hanrahan, M Hanrahan, P Hickey, J Kieran, J Larkin, L Lawlor, E McDonald, M  
17 McGennis, C McGrath, L McMahon, O Mitchell, L Mulvihill, A Ormonde, N Owen, S  
18 Riney and M Ryan.  
19

11:45:15 20 Against the motion 12 votes:  
21 A Brady, F Buckley, J Dillon-Byrne, E Fitzgerald, M Gannon, S Laing, M Lynch, B  
22 Malone, G Menzies, M Muldoon, S Ryan and A Shatter.  
23

24 The motion as amended was then put as a substantive motion and was passed by 29  
11:45:33 25 votes in favour and 13 against. And the Chairman declared the motion passed.  
26

27 The names of the persons voting are as follows:  
28 429. J Barry Boland, T Boland, S Brock, B Coffey, L Creaven, P Dunne, A  
29 Elliott, J Fahy, T Fox, C Gallagher, J Gilbride, O Hammond, T Hand, J Hannon, F  
11:45:55 30 Hanrahan, M Hanrahan, P Hickey, G Kieran, J Larkin, L Lawlor, E McDonald, M

11:46:08 1 McGennis, C McGrath, L McMahon, O Mitchell, L Mulvihill, J Murphy, A Ormonde  
2 and S Riney.  
3  
4 Against the motion 13 votes:  
11:46:14 5 A Brady, F Buckley, J Dillon-Byrne, E Fitzgerald, M Gannon, S Laing, M Lynch, B  
6 Malone, G Menzies, M Muldoon, N Owen, S Ryan and A Shatter.  
7  
8 The effect of the passing of the motion as amended was to move the existing  
9 town centres zoning from Neilstown to Quarryvale and this is what went on  
11:46:35 10 display in the 1991 draft Development Plan. At page 944, please.  
11  
12 This map at the centre of the screen, you see an area zoned D, town centre.  
13 This is in the centre of the Quarryvale lands. The bit slightly below and  
14 slightly to the west of that are both zoned E, which is industrial. You see  
11:47:10 15 in the bottom left-hand side corner is the Neilstown lands, which are now E,  
16 industrial.  
17  
18 Is that correct, Ms. Collins?  
19 A. It is, yes.  
11:47:20 20 Q. 19 15. Special meeting of the County Council on 11th of June 1991. A copy of  
21 the portion of the minutes of the special meeting of the county council on the  
22 11th of June 1991 are attached herewith at Appendix 19 pages 936 to 941. If I  
23 could have page 937, please.  
24  
11:47:38 25 A report by the manager was considered regarding motions that may be passed  
26 without objection or discussion. Page 942, please.  
27  
28 One of the motions considered to be of this category was Motion No.160, signed  
29 by Councillor M McGennis, date stamped the 14th of February 1991. Copy of  
11:48:04 30 which is here at Appendix 20. Page 942.



11:48:11 1  
2 This motion stated as follows.  
3 Dublin County Council hereby resolves to add to section 1.18 of the draft  
4 written statement to the following paragraph.

11:48:23 5  
6 In this regard it would be the policy of the council to support any proposals  
7 for tax or other financial incentives to promote the development of town  
8 centres in the new western towns. The manager's report at page 940, at  
9 Appendix 19 of the brief, noted this motion was acceptable subject to deletion  
11:48:41 10 of the word "any" and the substitution of paragraph 2.2.2 for paragraph 1.18.  
11 It was proposed by the Chairman, Councillor T Boland and seconded by L Lawlor  
12 that the manager's report be adopted and the Chairman declared motion 160  
13 passed along with a number of other motions.  
14

11:49:02 15 The effect of this was that the text of motion 160 as amended, appears as part  
16 of 2.2.2 in the 1991 draft written statement, copy of which is attached  
17 herewith at Appendix 20 which is pages 945 to 964. And if I could have page  
18 947, please.  
19

11:49:17 20 You see there on the screen 2.2.2.  
21 In June 1991 a new council was elected.  
22 17. Meeting of the County Council on the 16th of July 1991.  
23 A copy of the portion of the minutes of the meeting of the County Council dated  
24 16th of July 1991 are attached herewith at Appendix 21 at page 943. At minute  
11:49:47 25 reference C/722/91 the following resolution pursuant to Section 4 of the City  
26 and County Management (Amendment) Act 1955, submitted by Councillors J Burton,  
27 F Buckley, B Malone and S Ryan was not moved as the motion was ruled to be  
28 ultra vires the council.  
29

11:50:05 30 We the members of Dublin County Council pursuant to Section 4 of the City and

11:50:08 1 County Management (Amendment) Act 1955, hereby require and direct the Dublin  
2 city and manager or any assistant county manager having delegated powers, to  
3 remove from the maps of the draft Development Plan going on public display, the  
4 rezoning to D and E of approximately 180 acres adjacent to the Western parkway  
11:50:26 5 intersection with the Galway Road, to provide a major town centre, business and  
6 industrial park as referred to in minutes C/375/91 of the 16th of May 1991.

7 In effect this was a motion to restore the initial zoning of the Quarryvale  
8 lands; is that correct, Ms. Collins?

9 A. Yes, yes.

11:50:44 10 Q. 20 18. 1991 draft Development Plan which was on display from September 1991 to  
11 December 1991.

12  
13 The provisions of motion 38, Appendix 14, page 915 seen earlier. Signed by  
14 Councillor McGrath as amended and passed at the meeting of the 16th of May  
11:51:01 15 1991, page 930 as seen earlier, were incorporated into map 16 of the 1991 Draft  
16 Development Plan which went on public display for the statutory three months  
17 between the 2nd of September 1991 to the 3rd of December 1991. If I could  
18 have page 944, please.

19  
11:51:19 20 On your screen there mis the map that went on display.

21 The 1991 draft Development Plan map 16 which is on the screen, showed that part  
22 of the Quarryvale lands would be zoned D, to provide for major town centre  
23 activities and the smaller parts would be zoned E, to provide for industrial  
24 and related uses.

11:51:45 25  
26 Page 966, please.

27  
28 The draft written statement, an extract of which is attached at appendix 22,  
29 pages 945 to 963, also reflected the terms of the motion as per paragraph  
11:51:59 30 4.5.9.

11:52:02 1  
2 Page 961, please.  
3  
4 5.4.9. Town centre.  
11:52:14 5 It is proposed to relocate the town centre at Quarryvale. The zoning of the  
6 original town centre will change from D to E, industrial. 5.4.9.1.1. The  
7 council has resolved the total area of commercial development in the area zoned  
8 D, shall not exceed the total area of the commercial development which would be  
9 appropriate to the Lucan/Clondalkin town centre site designated in the County  
11:52:42 10 Development Plan, that's to keep the area the same size as the original  
11 Neilstown D zoned lands.  
12 Is that correct, Ms. Collins?  
13 A. It is.  
14 Q. 21 At 19.  
11:52:52 15 Objections and representations to the 1991 Draft Development Plan.  
16  
17 Page 965, please.  
18 During the period of public display from 2nd of December to 3rd of December '91  
19 23,866 objections and representations were received and 487 requests for oral  
11:53:12 20 hearings were facilitated. 16,826 objections and representation were received  
21 in relation to the Quarryvale proposals. Some 16,600 of these consisted of  
22 standard form submissions. 6,000 objecting and 10,600 supporting the Draft  
23 Development Plan provisions in respect of the Quarryvale site and 226 were  
24 individual submissions.  
11:53:34 25  
26 Attached herewith at Appendix 23, on page 965 on screen, is a document  
27 outlining the number of representations received for the 1991 draft Development  
28 Plan.  
29  
11:53:45 30 Among the representations received were the following.

11:53:47 1 Representation number 000314, which we will be looking at later by Garth May on  
2 behalf of Greene Property plc. That is at Appendix 24, which is pages 966 to  
3 991. The original submission was submitted by letter dated 27th of November  
4 1991 and a supplemental submission was made and a oral hearing held on the 19th  
11:54:07 5 of February 1992. Also representation No. 000530 by the Ambrose Kelly Group,  
6 we will be looking, again, at later, on behalf of O'Callaghan Properties  
7 Limited in relation to Quarryvale and it's at Appendix 25, pages 992 to page  
8 1029 of the brief.

11:54:22 10 The original submission was submitted by letter, dated and received by Dublin  
11 County Council on 3rd of December 1991, and the oral hearing submission  
12 submitted and an oral hearing held on 6th of March 1992.

14 Representation No. 00527 Were the Ambrose Kelly Group on behalf of O'Callaghan  
11:54:39 15 Properties Limited in relation to a proposal for national soccer stadium at  
16 Neilstown was dated and received by Dublin County Council on 3rd of December  
17 1991. A copy of which is attached herewith at Appendix 26, pages 1030 to  
18 1031.

11:54:55 20 Also representation No. 759 by PHI Investments Limited, dated the 28th of  
21 November 1991, regarding the Quarryvale and Neilstown lands. An oral hearing  
22 was held in respect of this on the 20th of February 1992. That's at appendix  
23 27, pages 1032 to 1041 of the brief.

11:55:14 25 The circulation of objections and representations. Copies of all objections  
26 and representations were circulated to the members for their consideration at a  
27 series of special meetings which commenced in April 1992. The council  
28 considered representations on an area basis commencing from the southern most  
29 part of the county to the north, working from map 28 back to map 1.

11:55:33 30

11:55:33 1 The Lucan/Clondalkin area was dealt with under items 10.1 to 10.41 of the  
2 agenda. A copy of portion of this agenda entitled consideration of draft  
3 Dublin County Council Development Plan 1991, maps 16, 17 and 18  
4 Lucan/Clondalkin, Palmerstown and objections and representations relating  
11:55:54 5 thereto and report on the objections and representations already circulated, is  
6 attached herewith at Appendix 28, pages 1042 to 1047.

7  
8 The Quarryvale lands had the reference No. 10.1A and the Neilstown had the  
9 reference number 10.1B and they were dealt with at the special meeting of  
11:56:11 10 Dublin County Council held on 17th of December 1992. At Appendix 31, which is  
11 pages 1094 to 1124 the of the brief.

12 Is that correct, Ms. Collins?

13 A. Yes.

14 Q. 22 20. Specific meeting of the Dublin County Council on 10th of April 1992.

11:56:35 15 The agenda and minutes of special meeting of the County Council held on 10th of  
16 April 1992 are attached herewith at appendix 29, pages 1048 to 1052.

17

18 At minute reference C/327/92 page 1050, please.

19 A report entitled, report on proposed programme and procedures for

11:56:55 20 consideration of objections and presentations received in relation to the Draft  
21 Development Plan was read.

22

23 Following a discussion to which Councillors O' Callaghan, Barrett, Wright,  
24 Mitchell, Breathnach N, Hand, Cosgrave L, Burton, Gilmore, Mohan, McGrath,  
11:57:12 25 Healy, Cass, Gilbride, Owen, Dockrell and Billane, contributed the report was  
26 noted.

27

28 The meeting then went on to consider the report summarising and updating  
29 working papers 1 to 14 which had been circulated. The contents of the report  
11:57:27 30 were outlined by Mr E Conway with the aid of slides and following discussions,

11:57:30 1 to which a number of councillors contributed it was agreed to continue  
2 consideration of the report at the next special meeting dealing with  
3 Development Plan review. Is that correct, Ms. Collins?

4 A. Yes, it is.

11:57:40 5 Q. 23 21. Planning applications.

6 First of these is at Appendix 30. Pages 1053 to 1080 of your brief.

7 Register reference 92A/1663. Planning application by Merrygrove Limited for a

8 stadium on the Neilstown lands. On 19th of October 1992, Dublin County

9 Council received an application from the Ambrose Kelly Group on behalf of

11:58:05 10 Merrygrove Limited, register reference 92A/1663, for planning permission for a

11 stadium or arena on 13.3 hectares, which is 32.8 acres at Neilstown. On the

12 18th of December 1992, Dublin County Council requested further information from

13 the Ambrose Kelly Group and this information provided on 24th of June 1993.

14

11:58:26 15 On 23rd of August 1993, a decision was made to grant permission for a new

16 stadium at Neilstown subject to 38 conditions. On 7th of October 1993

17 permission was granted for the proposed development subject to 38 conditions.

18

19 Register reference 92A/1669 Application by MS Limited PHI Investments Limited

11:58:46 20 for outline permission for a major town centre Cappagh, Neilstown. That is at

21 Appendix 30B, pages 1081 to 1093 of the brief.

22

23 On the 21st of October 1992, Dublin County Council received an application from

24 Fergal McCabe on behalf of MS Limited and PHI Investments Limited, register

11:59:04 25 reference 92A/1669, for outline permission for a major town centre development

26 of circa 21,000 square meters at Cappagh/Neilstown. On the 18th of December

27 1992, Dublin County Council requested further information from Fergal McCabe

28 and this information was provided on the 26th of March 1993.

29

11:59:23 30 On 5th of August 1993, the notification of decision to grant outline permission

11:59:28 1 was made pursuant to decision order P/2834/93, for a major town centre  
2 development at Cappagh/Neilstown subject to 15 conditions.

3  
4 In response to an appeal by Merrygrove limited care of Ambrose Kelly Group, An  
11:59:44 5 Bord Pleanala decision dated 20th December 1993, reference (PL06S.091973)  
6 granted outline permission for register reference 92A/1669 with 15 conditions  
7 attached. Is that correct, Ms. Collins?

8 A. It is.

9 Q. 24 22. Special meeting of the County Council held on 17th of December 1992.  
12:00:07 10 This is another one of the key dates in the rezoning of the Quarryvale lands.  
11 A copy of the minutes of special meeting in the County Council held on 17th of  
12 December 1992 are attached herewith at Appendix 31. Which is at pages 1094 to  
13 1124 of the brief.

14  
12:00:23 15 At minute reference C/1035/92, it appears that the purpose of the meeting was,  
16 page 1095, consideration of draft Dublin County Development Plan 1991. Map  
17 16, 17 and 18, Lucan/Clondalkin, Palmerstown and objections and representations  
18 relating thereto and report on the objections and representations (already  
19 circulated).

12:00:47 20 Note this was the title of the agenda, a portion of which is attached herewith  
21 at page 1042.

22  
23 A lengthy report from the planning officer circulated by the manager was  
24 considered. The report outlined the zoning history of the town centre lands  
12:01:00 25 at Neilstown, together with the other lands in the Clondalkin/Lucan area.

26  
27 Planning officer's report.

28 This report began by summarising the reports to the special meetings of the 8th  
29 of March 1990 and the 7th of the September 1990, and the outcome of the special  
12:01:14 30 meeting of the 16th of May 1991, when the motion was passed which had the

12:01:18 1 effect of moving the existing town centre zoning from the Neilstown to the  
2 Quarryvale lands and that this then went on display in the 1991 Draft  
3 Development Plan. Page 1098, please.  
4

12:01:29 5 The report then considered the planning strategy for Lucan/Clondalkin and said  
6 that the town centre designated land without adequate road access and is  
7 relatively remote, except to the northeast and east from existing development.  
8 The completion of the Fonthill Road would give access only to the east of the  
9 town centre lands and its development potential in the short-term in the  
12:01:54 10 absence of major growth and infrastructural provision in the area, has been  
11 called into question. The proposed relocation of the town centre to  
12 Quarryvale, where it is proposed to be bounded to the north and east by major  
13 through roads and with access through two proposed industrial business park  
14 areas. It is excess of 600 meters from the Fonthill Road, would leave it  
12:02:11 15 remote for most of the population of Lucan/Clondalkin. It would be unlikely  
16 to function in any way as a central place, a transportation hub and a focus for  
17 civic, commercial, social and recreational life for the people of  
18 Lucan/Clondalkin. It could also, if a certain size adversely affect shopping  
19 provision in the Blanchardstown and the city centre. The next page 1099,  
12:02:32 20 please.  
21

22 The report stated that it would appear however, that the site is viable in the  
23 short-term for commercial development and such development could be  
24 advantageous in that time scale for the area. The long-term planning view is  
12:02:48 25 to continue to adhere to the policy set out in the Development Plans of 1972  
26 and 1983. This policy would tend to support in principle, the proposed  
27 stadium and town centre at the Neilstown site, for which permission and outline  
28 permission have been sought respectively. These two recent major investment  
29 proposals in themselves are an indication of support in the commercial world  
12:03:08 30 for the original concept. Other positive factors were they expected release



12:03:12 1 of funds for the construction of the Fonthill Road, which would improve  
2 accessibility. The slow but steady spread of private housing southeast of  
3 Lucan on former local authority lands is an indication of private sector ease  
4 with current planning concept, which is reinforced by recent commitment to 650  
12:03:27 5 private houses west of Ballyowen Park.

6  
7 These development indicate some progress along the lines of the 1983 County  
8 Development Plan. Further industrial development could be encouraged by  
9 confirming the industrial zoning on 180 acres at Quarryvale, and rezoning 164  
12:03:43 10 acres at Ballyowen, owned by the IDA from residential to industry.

11  
12 Page 1100, please. The report stated that the full achievement of a sizeable  
13 town centre on the Neilstown lands could take many years. Nevertheless, for  
14 reasons of consistency and continuity, because of the signs of a resurgence of  
12:04:03 15 development referred to above and because of possible compensation  
16 implications, it is recommended that the policy contained in 1983 plan be  
17 continued for a further period.

18  
19 References made to two reports which had become available.  
12:04:17 20 The first of these was the report of the North Clondalkin Task Force. This  
21 recommended the provision of industrial premises and incentives and indicated  
22 widespread support for the proposal to develop a town centre in the area.  
23 Which would contribute to employment and enhance the desirability of the area.

24  
12:04:34 25 The second report. The report of the inter departmental group on urban crime  
26 and disorder, dated the 1st November 1992, concluded that the provision of the  
27 town centre in Ronanstown would give an enormous lift to the area and that  
28 advancement of the project would of course depend on private sector investment  
29 decisions.

12:04:51 30

12:04:51 1 The following page 1101, please.  
2  
3 The strategic planning decision to be made by the council was then set out.  
4 Continue with the 1972 and 1983 strategy as discussed above, and is recommended  
12:05:03 5 or to modify this, so as to envisage three distinct communities instead of one.  
6 The report then states if it is considered by the Council that the process of  
7 achieving the integration of Lucan and Clondalkin into a new urban entity would  
8 be spread over an unacceptably long time frame in social and community terms,  
9 then a modified approach could be suggested for consideration by the council on  
12:05:23 10 the following lines. In summary the 7 points that followed were.  
11  
12 1. The council would acknowledge that due to time scale involved the original  
13 concept of unified Lucan/Clondalkin new town unit should be modified.  
14  
12:05:37 15 2. The modification would take the form of the development of three districts.  
16 The communities within which would focus for social and commercial activity on  
17 the villages of Lucan, Clondalkin and with new facilities at Neilstown/Rowlagh.  
18 In other words Quarryvale.  
19  
12:05:51 20 3. The quantum of shopping in district centers should not be such to threaten  
21 existing and planned town centres. For higher order goods and services the  
22 population would rely on the city centre or Tallaght and perhaps  
23 Blanchardstown.  
24  
12:06:03 25 4. In order to increase flexibility and remove any barriers real or perceived  
26 to employment creating opportunities, the entire Quarryvale area, 180 acres  
27 approximately, should be jointly zoned both C to protect, provide and/or  
28 improve town districts centre facilities and E provide for industrial and  
29 related uses.  
12:06:23 30

12:06:23 1 The detailed planning of the area could then respond quickly to job creating  
2 initiatives which emerge. The area should also be subject of specific  
3 objective as follows.  
4 it is an objective of the council to foster the creation of employment  
12:06:39 5 opportunities in this area and to facilitate the provision of a district centre  
6 to serve the larger community. This objective and zoning would allow for  
7 recreational and leisure activities together with office, commercial,  
8 industrial or other such uses.  
9

12:06:48 10 5. To further encourage employment creation in the Neilstown/Rowlagh area.  
11 IDA lands, 160 acres at Ballyowen, west of the Fonthill Road for industry.  
12 The existing town centre lands at Neilstown should retain the D zoning  
13 objective but should be the subject of specific objectives as follows.  
14

12:07:05 15 It is an objective of the council to encourage the development of specialised  
16 commercial, recreational, industrial and residential uses in this area.  
17

18 7. No substantive additional zoning in west Lucan was recommended, as the land  
19 zoned for development is more than adequate to cater for anticipated demand for  
12:07:20 20 the foreseeable future.  
21

22 The report went on to say on the next page 1102, please.  
23

24 That these initiatives would involve a radical departure from the County  
12:07:32 25 Development Plan policies of 1972 and 1983 but could contribute to easing the  
26 serious social and economic problems in the areas in the shorter term.  
27

28 This would be achieved if there was an early development of a district centre  
29 at Quarryvale in the context of a strongly supported planning framework for  
12:07:45 30 jobs creation. The creation of new jobs on the IDA lands at Ballyowen and the

12:07:49 1 encouragement specialised recreational and other specialised commercial  
2 facilities at Neilstown. Provided the size of the district centre at  
3 Quarryvale is not excessive within the broad scenario of three such centers to  
4 serve the Lucan/Clondalkin, Quarryvale area, its impact on major centers  
12:08:03 5 further afield should not be significant. The modification proposed to the  
6 original concept would of course be reflected in the revised written statement.  
7  
8 In conclusion therefore it is recommended the long-term plan be adhered to with  
9 some modifications. If the council consider however, that the time scale  
12:08:18 10 involved is unacceptably long, a modified approach is suggested which could  
11 address the problems of the area in the shorter term.  
12  
13 The next section of the report, objections and representations is at pages 1103  
14 to 1112 of the brief. And deals with the objections and representations made  
12:08:34 15 in connection with the two proposals for town centers.  
16  
17 1 A. Site of Quarryvale and 1 B. Site at Neilstown.  
18  
19 The report gives a synopsis of representation number 000314 Greene Property plc  
12:08:48 20 at Appendix 24 and representation No. 530 O'Callaghan Properties, Appendix 25.  
21  
22 Representation number 000314 from Greene Property plc is at Appendix, 966 to  
23 911. Appendix 24 sorry.  
24  
12:09:05 25 This representation objected to the proposed rezoning of the Quarryvale site to  
26 provide for major town centre activities. Zoning objective D. And to the  
27 rezoning of the Neilstown site from the town centre to industrial use, zoning  
28 objective E. As set out in paragraph 5.4.91 of the draft written statement  
29 and shown on sheet 16 of the 1991 Draft Development Plan, Appendix 22. The  
12:09:28 30 objections are summarised in the report under five headings.

12:09:32 1  
2 1. Development strategy and integrity of the planning process. The  
3 development of Quarryvale would be a contravention of the Western town strategy  
4 which was in place since 1972. The Quarryvale zoning proposal impinges on the  
12:09:43 5 integrity of the planning process and removes confidence in the Development  
6 Plan process as a basis for investment.  
7  
8 2. Impact of Quarryvale proposal on other centers. Suggestions that the  
9 development at Quarryvale would be capped or limited or considered meaningless.  
12:09:58 10 Detrimental effects on the Tallaght town centre would emerge in time, when tax  
11 benefits no longer apply and the short journey time to Quarryvale will attract  
12 the Tallaght catchment. Potential traders have signified that Blanchardstown  
13 town centre cannot compete with the shopping potential of the motorway location  
14 at Quarryvale. Quarryvale will also affect smaller centers.  
12:10:17 15  
16 3. Public transport. Lucan/Clondalkin is the only new town with an existing  
17 rail line in a central location and also forming the boundary of the Ronanstown  
18 town centre site. Quarryvale is remote from such services.  
19  
12:10:29 20 4. Traffic. A traffic study commissioned by Greene Property plc submitted  
21 to substantiate the view that the proposed zoning at Quarryvale will cause  
22 severe congestion on N4/M50 interchange and on other adjoining roads and will  
23 affect the primary purpose of the national roads to provide for the  
24 uninterrupted flow of traffic.  
12:10:48 25  
26 5. Conflict with Development Plan policies. It is the policy of the 1983  
27 plan that the three town centers of Tallaght, Lucan/Clondalkin and  
28 Blanchardstown, should contain significant durable goods shopping as an anchor  
29 or magnet for a range of other specialist shops and services. The proposal to  
12:11:05 30 rezone Quarryvale is the reason for loss of interest in Blanchardstown by the

12:11:06 1 major store users. And without them the attraction for other elements which  
2 form a town centre is also lost.  
3  
4 Representation No. 00530 for O'Callaghan Properties which can be found at  
12:11:20 5 Appendix 25 pages 992 to 1029 of the brief. This representation supported the  
6 proposal 1991 Draft Development Plan to rezone the Quarryvale site for major  
7 town centre activities, zoning objective D. The substantive points raised are  
8 summarised in the report under 8 headings.  
9  
10:11:36 10 1. Development Strategy. In the 20 years of the Dublin County Council plan  
11 to locate the town centre for Lucan/Clondalkin and the Ronanstown site, no  
12 development has materialised. O'Callaghan Properties Limited contracted to  
13 purchase Ronanstown site three years ago and subsequently obtained planning  
14 permission for 250,000 square foot of retail space, to rise to 514,000 square  
12:11:59 15 feet in phase two. But three years of marketing have failed to produce a  
16 major retailer to occupy it. The site was discovered to be commercially  
17 unviable for retail development. The site profile is poor. Lands to the  
18 south are zoned open space in the 1983 plan. The railway line and the canal  
19 separated from the residential hinterland to the south and to the north  
12:12:19 20 residential development has not taken place. In this context, Quarryvale  
21 presented itself as a viable alternative because of its industrial zoning and  
22 as a location good enough to attract some national retailers, hoteliers and a  
23 range of other users.  
24 It seemed logical to request a transfer of the retail permission on the  
12:12:34 25 Ronanstown site to part of the Quarryvale lands, thus enabling the provision of  
26 a more sophisticated town centre development than that approved at the  
27 Ronanstown site. The proposal therefore, is simply to relocate the  
28 Lucan/Clondalkin town centre a short distance to part of the Quarryvale lands,  
29 thus enabling a properly integrated town centre and industrial development to  
12:12:52 30 proceed.

12:12:54 1

2 2. The nature of the proposal. The proposal for Quarryvale is to provide a  
3 comprehensive town centre development with a range of uses including a business  
4 park, an industrial estate, a public park, leisure centre library, cineplex,  
12:13:08 5 hotel and 500,000 square foot of space. It would be much more than a retail  
6 centre and provide full range of community facilities, services and employment  
7 opportunities that has been lacking in the Lucan/Clondalkin area for 20 years.  
8

9 3. The scale of the development. The proposed development would contain a  
12:13:24 10 maximum net retail floor space of 500,000 square feet. There is no objection  
11 to this limit being formalised in the Development Plan or being imposed as a  
12 condition of any planning permission granted. From a practical point of view  
13 with the limited amount of retailers in the country, it is impossible to  
14 achieve a retail development in excess of 500,000 square feet. This scale of  
12:13:44 15 development is not a proposal of its promoters. The town centers for  
16 Lucan/Clondalkin and indeed for its sister towns, have long been officially  
17 envisaged as being of the order of 500,000 square feet, as evidenced in working  
18 papers produced preparatory to both the 1983 Development Plan and 1991 draft  
19 plan. Furthermore, the town centre zoning at Quarryvale is smaller in area  
12:14:04 20 than the sites at Blanchardstown, Tallaght or Ronanstown.  
21

22 The amount of retail floor space proposed for Quarryvale can also be justified  
23 in terms of the demand for retail space in the Lucan/Clondalkin area.  
24 Detailed calculations using appropriate expenditure and floor space demand  
12:14:20 25 figures to support this claim were submitted to the planning authority.  
26

27 4. The location of Quarryvale. The Ronanstown site has clearly failed.  
28 The main objective to Quarryvale is that it is in the northeast corner of the  
29 new town i.e. peripheral location in physical terms and contrast to the central  
12:14:37 30 location of Ronanstown. However, because Lucan/Clondalkin is an artificial

12:14:41 1 bringing together of two discrete villages which have not yet merged,  
2 Ronanstown is in reality, not a central location but rather one suffering from  
3 dual peripherality i.e. it is neither at the centre of Lucan nor Clondalkin but  
4 on the edge of both.

12:14:55 5  
6 The town centers are envisaged in the Dublin county development as higher order  
7 centers, not district or neighbourhood retail centers. By definition  
8 therefore, a significant portion of their catchments will be beyond the half  
9 mile walking distance for convenience shopping. In this context, centrality is  
12:15:12 10 a function of accessibility by vehicular transport rather than physical  
11 centrality to pedestrians and in this context the one mile distance between  
12 Ronanstown and Quarryvale is irrelevant. Quarryvale is significantly more  
13 accessible to vehicular transport than Ronanstown. Accessibility by road  
14 automatically means a high degree of accessibility by public transport which  
12:15:31 15 will use the same carriage ways.

16  
17 As regards Quarryvale attracting custom from outside its catchment because of  
18 it's location on the motorway network, Tallaght town centre and the  
19 Blanchardstown town site are equally well placed to attract such traffic.  
12:15:45 20 Quarryvale is more equal in distance from Lucan and Clondalkin village centres  
21 than Ronanstown and it adjoins the residential neighbourhood of north  
22 Clondalkin.

23  
24 5. Public transport. Existing bus services would be extended to serve the  
12:15:59 25 development and a local nipper service would link it to the nearby by areas of  
26 Neilstown, Ronanstown and north Clondalkin. A rail link from Quarryvale to  
27 the main line rail services at Clondalkin is shown to be feasible in  
28 preliminary studies.

29  
12:16:12 30 6. Traffic. A traffic study commissioned by O'Callaghan Properties Limited



12:16:15 1 and submitted to the Planning Authority, shows that peak traffic flows could be  
2 catered for without adversely affecting the highway network once new road links  
3 to the Coldcut and Fonthill Road are provided to cater for cardboard shoppers  
4 from Lucan and Clondalkin areas and create a grade separated interchange on the  
12:16:32 5 Galway Road, incorporating direct access into the site from the Lucan Road.  
6

7 7. Employment.

8 The Quarryvale development in all its aspects will both during construction and  
9 in operation, offer major new employment opportunities. The Quarryvale centre  
12:16:46 10 could be a cornerstone of a strategic programme to tackle the economic and  
11 social problems of north Clondalkin.  
12

13 8. Proposal for Ronanstown site. O'Callaghan Properties Limited retains an  
14 interest in the Ronanstown site. Following negotiations with the Football  
12:17:03 15 Association of Ireland, Government departments as well as other interested  
16 parties, it is now proposed to seek planning permission for a national football  
17 stadium on this land. 40,000 all seater stadium with ancillary facilities.

18 The site is ideal for such a development being adjacent to major roads and a  
19 railway line, while being remote from existing residential developments. The  
12:17:19 20 stadium would be a great boost to the Lucan/Clondalkin area.  
21

22 The reference No.s of other relevant objections and representations were then  
23 given in the report. It was considered that the issues raised in all of the  
24 representations were generally covered in the synopsis of the submissions from  
12:17:34 25 Greene Property and O'Callaghan Properties with the exception of one point.

26 An Taisce at representation number 359, the Dublin City Centre Business  
27 Association, representation number 218, and Irish Life Assurance plc,  
28 representation number 220, all submitted that the proposed development at  
29 Quarryvale would have a detrimental impact on the city centre as the primary  
12:17:53 30 retail centre in the Dublin region.

12:17:57 1  
2 Site history. The site history of each site is outlined in the report as  
3 follows at page 1112, please.  
4

12:18:04 5 1. Planning applications.  
6 In relation to the Quarryvale site, permission was granted in 1984 following a  
7 material contravention procedure for 297 houses. This register reference  
8 YA/190. A subsequent permission for change of house type and part of this  
9 proposal was granted in 1986, register reference 86A/661. In relation to the  
12:18:29 10 Ronanstown site, in 1990 decided to grant permission for a town centre  
11 development 265,634 square feet, register reference 89A/2344.  
12  
13 During the course of an appeal by the applicant to An Bord Pleanala the  
14 application was withdrawn. Appendix 5 in the brief. There were then two  
12:18:51 15 planning applications under consideration for the Ronanstown site.  
16 Application register reference 92A/1699, appendix 30 B, referred to earlier by  
17 MS Limited and PHI Investments limited for outline permission for a town centre  
18 development of approximately 21, 000 square meters retail shopping and  
19 ancillary facilities.

12:19:09 20  
21 Application reference 92A/1663 by Merrygrove Limited for permission for  
22 permission for a stadium arena with seating for 40,000 to 52,000 persons.  
23  
24 2. The development plan.  
12:19:20 25 In the 1983 County Development Plan the Quarryvale site is zoned E, for  
26 industrial. And the Ronanstown site is zoned D, for major town centre  
27 activities. See the maps attached herewith at appendix 2, which we looked at  
28 earlier.  
29

12:19:33 30 Recommendation. Pages 1112 to 1113, please. Page 1113, please. Appendix

12:19:41 1 31 of the brief.  
2  
3 The manager recommended that the long-term plan be adhered to with some  
4 modifications. However, if the council considered that the timescale  
12:19:52 5 unacceptably long, a modified approach is suggested which could address the  
6 problems of the area in the shorter term. In this event, it is recommended  
7 that the area of Quarryvale shown coloured red on the map displayed at the  
8 meeting approximately 108 acres in area should be jointly zoned C and E to  
9 protect, provide for and/or improve town district centre facilities and provide  
10 for industrial and related uses and should be the subject of a specific  
11 objective creation of employment opportunities in this area and to facilitate  
12 the provision of a district centre to serve the larger community. It is also  
13 recommended that the lands at Neilstown zoned for town centre uses in the 1983  
14 Development Plan should be zoned D, to provide for major town centre activities  
12:20:34 15 with the specific objective. It is an objective of the council to encourage  
16 the development of specialised commercial, recreational, industrial and  
17 residential uses in this area.  
18  
19 Mr. Murray, Deputy Planning Officer, gave a detailed explanation and a  
12:20:48 20 presentation with the aid of slides of the issues covered in the Manager's  
21 report. And the Manager replied to questions put by Councillors Owen, Burton,  
22 Gilbride, Gordon, Tipping, Higgins, Barrett, Ryan S, Cass, McGennis, Laing,  
23 Hanrahan, O'Halloran, Mullarney, Devitt, Muldoon, Fitzgerald, Ridge, Maher,  
24 Keane, Coffey, Terry and Tyndall.  
12:21:17 25  
26 At this point in the meeting the Chairman informed the meeting that she was  
27 varying the business of order to deal with item 10.6, that is a representation  
28 from Dublin Corporation to seek a rezoning of lands at Ballyowen from A1,  
29 residential, to E, industry. This was recommended to the Council by the  
12:21:28 30 Manager and this recommendation was adopted.

12:21:32 1  
2 Motions.  
3 These are at appendix 31 of the brief -- sorry, pages 1094 to 1124.  
4  
12:21:46 5 Could I have page 1114, please.  
6  
7 The meeting adjourned at 5:15 p.m. and resumed at 6:30 p.m.. A total of 12  
8 motions relating to the sites at Quarryvale and Neilstown were received and  
9 appeared on the agenda at appendix 28.  
12:22:13 10  
11 Page 1042 of the brief.  
12  
13 Under the reference 10.1.1 to 10.1.12. The Dublin Deputy Planning Officer  
14 replied to questions which had been raised by the members. The motions were  
12:22:27 15 then proposed and seconded as follows. Page 1125, please.  
16  
17 Motion in the names of Councillors John O'Halloran and Colm McGrath, Therese  
18 Ridge and Colm Tyndall stamped by the council secretarial on 9th of December  
19 1992. It was proposed by Councillor O'Halloran and seconded by Councillor  
12:22:51 20 McGrath, that Dublin County Council hereby resolves that the manager's report  
21 reference item No. 1, regarding Lucan/Clondalkin overall planning strategy be  
22 adopted by the council, taking into account the manager's recognition of the  
23 recent north Clondalkin task force and the inter departmental group reports on  
24 urban crime and disorder.  
12:23:10 25  
26 In proposing the adoption of the Manager's report we recognise:  
27 A. The commitment of the IDA to job creation for north Clondalkin and propose  
28 the E zoning of the 164 acres transferred from Dublin Corporation to the IDA as  
29 recommended on page 4, paragraph 3 of the manager's report.  
12:23:25 30

12:23:25 1 B. To approve the C and E zoning on the Quarryvale lands as recommended by the  
2 manager to ensure the provision of suitable centre to meet the overall needs of  
3 the area.

4  
12:23:35 5 Next motion on page 1126, please.

6  
7 This is a motion in the names of Councillors Joan Burton, Sean Ryan and Eamonn  
8 Walsh dated the 8th, 9th and 10th of December, 1992.

9  
12:23:48 10 A copy of this motion at page 1126 on the screen, at Appendix 33 of the brief.  
11 It was proposed by Councillor Burton and seconded by Councillor Ryan.

12  
13 The map of that is at page 1128, please.

14  
12:24:04 15 Dublin County Council hereby resolves to revise the zoning proposed for the  
16 lands at Quarryvale, shown in blue in the attached map to objective E industry  
17 as per 1983 Development Plan.

18  
19 A motion in the name of Councillor Finbarr Hanrahan dated the 9th of December  
12:24:24 20 1992, copy of which is attached at Appendix 34, which is page 1131. It was  
21 proposed by Councillor Hanrahan and seconded by Councillor Burton.

22  
23 Dublin County Council hereby resolves the lands circa 180 acres at Quarryvale,  
24 Palmerstown, outlined in red on the attached map and signed by the proposer for  
12:24:42 25 identification purposes, be zoned E to provide for industrial and related uses  
26 in the Development Plan now being adopted. This was a similar or identical  
27 motion to the previous motion. The motion, the names of Councillors Joe  
28 Higgins and Gus O'Connell, which is at page 1133 of the brief, is undated. It  
29 was proposed by Councillor Higgins and seconded by Councillor S Ryan. That  
12:25:02 30 Dublin County Council, noting that the siting of the town centers for the three

12:25:05 1 western towns of Tallaght, Clondalkin and Blanchardstown was to allow for a  
2 proper balance between, and the commercial survival of all three and further  
3 noting the current applications to a planning permission for a national all  
4 purpose stadium and town centre at Neilstown resolves the long term plan for  
12:25:20 5 this area as expressed in the draft Development Plans of 1972 and 1983 and  
6 accordingly resolves the lands at Quarryvale, comprising approximately 180  
7 acres outlined in red in the attached map and signed for identification  
8 purposes by the proposers of this motion, be zoned E.  
9

12:25:36 10 Again, this is a motion to return the entirety of the lands to E industrial and  
11 related uses zoning.  
12

13 The next motion is at page 1135 of the brief and in the names of Betty Reeves  
14 and David Healy. This is also on an undated motion. It was proposed by  
12:25:54 15 Councillor Reeves and seconded by Councillor Sargent. Dublin County Council  
16 hereby resolves that the Quarryvale site outlined in red in the attached map,  
17 be zoned at the 1983 zoning of E for industry.  
18

19 The next motions at 1130 of the brief. It's in the names of Councillors Joan  
12:26:08 20 Burton, Sean Ryan and Eamonn Walsh, dated the 8th, 9th and 10th of December  
21 1992. It was proposed by Councillor Burton and seconded by Councillor S Ryan.  
22 That Dublin County Council hereby resolves to restore the zoning of lands at  
23 Ronanstown and Neilstown, coloured red on the attached map, signed for  
24 identification purposes by the proposers to objective D, to provide for major  
12:26:38 25 town centre activities.  
26

27 Page 1138, please.  
28

29 Motion begins page 1137. This motion is in the name of Councillor Finbarr  
12:26:53 30 Hanrahan. It is dated the 9th of December 1992. And it was proposed by

12:26:56 1 Councillor Hanrahan and seconded by Councillor Burton. Dublin County Council  
2 hereby resolves that the land at Neilstown/Ronanstown, outlined in red in the  
3 accompanying map, be zoned D to provide for major town centre activities as in  
4 1983 Development Plan. In effect this is a motion to return the initial D  
12:27:13 5 town centre zoning to the Neilstown lands as per 1983 plan.

6  
7 A further similar motion, which is at page 1139 of the brief, which was in the  
8 names of Councillors Joe Higgins and Gus O'Connell also undated. This motion  
9 was proposed by Councillor Higgins and seconded by Councillor S Ryan. That  
12:27:31 10 Dublin County Council hereby resolves that the lands at Ronanstown, outlined in  
11 red on the attached map, which has been signed for identification purposes by  
12 the proposers of this motion be zoned D to provide for major town centre  
13 activities. That is similar to the previous motion.

14  
12:27:46 15 Page 1141, there is a motion submitted by Councillors Sheila Terry and Tom  
16 Morrissey, dated the 9th of December 1992. A copy of which is at page 1141.  
17 This was proposed by Councillor Terry and seconded by Councillor Morrissey.  
18 That Dublin County Council in its consideration of the review of the  
19 Development Plan for the county and in particular the planning officer's  
12:28:05 20 report, and matters arising there from in the consideration of maps numbers 16,  
21 17 and 18 and item No. 1 of the planning officer's report and his  
22 recommendation in that regard.

23  
24 1. Arising from the planning officer's report and pursuant to the  
12:28:18 25 recommendation made therein, it is hereby resolved that A. the lands of  
26 Quarryvale, Palmerstown amounting to circa 180 acres and bounded to the north  
27 by the Dublin Galway primary road and to the east by the Western parkway  
28 motorway and more specifically designated on the attached map, coloured red, be  
29 designated to zoning objective E, i.e. to provide for industrial and related  
12:28:39 30 uses.

12:28:41 1  
2 1142, please.  
3  
4 Sorry 1143. B. That the lands at Ronanstown and Neilstown circa 150 acres  
12:29:03 5 and bounded to the south to the railway line and to the east by the proposed  
6 extension of the Fonthill Road and more specifically designated on the attached  
7 map coloured blue, be designated to zoning objective D i.e. to provide for  
8 major town centre activities. C and that the written statement be amended  
9 accordingly at paragraphs 5.4.9 on page 96 and whatever other paragraphs which  
12:29:23 10 are not in accordance with the foregoing. This again is a motion to restore  
11 the initial zonings to the lands.  
12  
13 At page 1130, there's a motion in the names of Councillors Joan Burton, Sean  
14 Ryan and Eamonn Walsh, dated 8th, 9th and 10th of December 1992. It was  
12:29:39 15 proposed by Councillor Burton and seconded by Councillor Ryan, that Dublin  
16 County Council hereby resolves to add to the written statement the following.  
17 The allocation of EC funds to develop a commuter rail link to service the  
18 Ronanstown site is welcomed. It is objective of the council to secure early  
19 release of funds to complete the Fonthill Road and other essential  
12:30:00 20 infrastructure required to attract -- attract industry and services to the north  
21 Clondalkin area.  
22  
23 Motion No. 11 page 1146 to 1149. This motion is in the names of Councillors  
24 Joe Higgins and Gus O'Connell. It is undated and the copy is at 1146, please.  
12:30:16 25  
26 It was proposed by Councillor Higgins and seconded by Councillor Ryan. Dublin  
27 County Council hereby resolves to delete paragraphs 5.4.91 and 5.4.92 of the  
28 written statement and to substitute the following.  
29 5.4.91. It is proposed to locate town centre at original designated site at  
12:30:49 30 Ronanstown.



12:30:49 1 5.4.92. The council notes with regret that little progress has been made in  
2 the provision of the town centre at Ronanstown and notes the acute lack of  
3 adequate community, recreational and shopping facilities in the area of north  
4 Clondalkin in particular. It is the policy of the council to work to secure  
12:31:06 5 the immediate development as a town centre at Ronanstown.  
6

7 Next page, please.

8 5.4.93. The council will as a matter of priority, seek to bring together  
9 those parties with immediate interest in the town centre site at Ronanstown,  
12:31:20 10 such as Dublin Corporation, developers who own or have a lease on land with the  
11 site boundaries and the Department of the Environment for joint discussions  
12 with the council in order to expedite the construction of the town centre.  
13

14 5.4.94. It will be the policy of the council to become involved, if feasible,  
12:31:36 15 with any or all of the above the parties or any other party to expedite the  
16 construction of the town centre.  
17

18 5.4.95. It is the policy of the council to consult with the residents or  
19 organisations in the Lucan/Clondalkin area on the development of the town  
12:31:57 20 centre.  
21

22 5.4.96. In order to expedite the construction of the town centre at  
23 Ronanstown, the council will as a matter of priority, seek funding for the  
24 necessary infrastructure, particularly access routes. In this regard, a  
12:32:02 25 report to the Dublin Belgard District Committee on the 28th of the 1st 1992,  
26 contained the following.  
27 In order to develop the lands zoned D, town center at Balgaddy for town centre  
28 purposes, it is essential that the missing section of the Fonthill Road between  
29 New Nangor Road and Ronanstown Garda Station be completed. This will require  
12:32:20 30 bridges over the canal and over the railway. It will be desirable also

12:32:24 1 that the Nangor/Fox and Geese Road be completed between 9th Lock Road and the  
2 Western Industrial Estate. The section between the Western Industrial Estate  
3 and the Long Mile Road is at present under construction. Before there was  
4 complete development of the lands, it would also be desirable that the link  
12:32:38 5 road along the Naas Motorway line, to a junction on the Western Parkway and  
6 the Slot Road, between Boot Road and the Newland's Cross were available.

7  
8 Page 1144, please.  
9 The 12th motion was a motion in the names of Councillors Sheila Terry and  
12:32:59 10 Councillor Tom Morrissey, its at 1144 and 1145 of the brief.

11  
12 It was proposed by Councillor Sheila Terry and seconded by Councillor Tom  
13 Morrissey. That in order to meet the needs of the IDA for industrial land so  
14 as to create much needed employment opportunities in the area that the lands  
12:33:18 15 consisting of 180 acres approximately, at Quarryvale/Palmerstown and more  
16 specifically designated on the attached map, coloured red, be zoned E to  
17 provide for industrial and related uses and that the lands at Neilstown Rowlagh  
18 consisting of an area of 160 acres and more specifically designated on the  
19 attached map, coloured green, be zone the A1. Page 1145, please.

12:33:39 20 To provide for new residential communities. So as to encourage the  
21 residential aspect of that part of the Clondalkin/Lucan area and so as to  
22 strengthen the catchment area of its new town and that the lands at  
23 Neilstown/Ronanstown and more specifically designation on the attached map,  
24 coloured blue, retain the D zoning to provide for a major town centre.

12:34:01 25  
26 Could I have page 1119, please.  
27 Motions 10.12 and 10.15. Lost. Following debate to which Councillors  
28 O'Halloran, McGrath, Ridge, Tyndall, McGennis, Burton, Rabbitte, Sargent,  
29 Gilbride, Morrissey, Terry, Higgins, Owen, Walsh, Laing, Devitt and Maher  
12:34:26 30 contributed. The Chairman proposed and it was agreed that motions number

12:34:29 1 10.12 and 10.15 be taken together and dealt with first. Both motions proposed  
2 that the Quarryvale lands be zoned E industry, as in 1983 plan.  
3  
4 Motion 10.12 was then proposed by Councillor Burton and seconded by Councillor.  
12:34:44 5 S Ryan. And motion 10.15 proposed by Councillor Reeves and seconded by  
6 Councillor Sargent.  
7  
8 Motion 10.12 and motion 10.15 were then put and lost by 32 votes in favour and  
9 37 votes against.  
12:34:57 10  
11 This is at page 1120, please. The names of the councillors voting for and  
12 against are recorded in the minutes. In favour 32 councillors. N  
13 Breathnach, C Breathnach, F Buckley, J Burton, K Farrell, E Fitzgerald, E  
14 Gilmore, L Gordon, F Hanrahan, J Higgins, C Keane, T Kelleher, H Keogh, S  
12:35:16 15 Laing, M McGennis, P Madigan, J Maher, B Malone, T Morrissey, M Muldoon, M  
16 Mullarney, D O'Callaghan, N Owen, P Rabbitte, B Reeves, N Ryan, S Ryan, T  
17 Sargent, N Taylor, S Terry, D Tipping, E Walsh.  
18  
19 37 against: S Ardagh, S Barrett, M Billane, P Brady, S Brock, L Butler, B  
12:35:37 20 Cass, B Coffey, R Conroy, LT Cosgrave, MJ Cosgrave, L Creaven, A Devitt, JH  
21 Dockrell, M Elliott, M Farrell, T Fox, C Gallagher, S Gilbride, R Greene, T  
22 Hand, J Hannon, M Keating, M Kennedy, J Larkin, L Lohan, D Lydon, C McGrath, D  
23 Marren, T Matthews, O Mitchell, J O'Halloran, A Ormonde, C Quinn, T Ridge, C  
24 Tyndall and GV Wright. The Chairman then declared the motions lost.  
12:36:09 25  
26 Motions 10.13 and 10.14 fell. These two motions also proposed an E industrial  
27 zoning in the Quarryvale lands but the manager advised the members as a result  
28 of the previous motions being defeated, these motions 10.13 and 10.14 also  
29 fell. Copies of motions 10.13 and 10.14 we have already looked at, at  
12:36:32 30 appendix 34 pages 1131 and 1133. Amendments proposed to motion 10.11.

12:36:38 1  
2 The meeting then moved on to a proposed amendment to motion 10.11. This motion  
3 signed by Councillors J O'Halloran and C McGrath, Therese Ridge and Colm  
4 Tyndall at page 1125, please.

12:36:50 5  
6 Proposed in part to approve C neighbourhood local centre facilities and E  
7 industrial zoning on the Quarryvale site.  
8

9 The amendment to propose to motion 10.11 to have C1 zoning with cap of 100,000  
12:37:07 10 square feet was defeated. It was proposed by Councillor Maher and seconded by  
11 Councillor Laing. That motion No. 10.11 be amended by the addition of the  
12 following words "to propose C1 zoning with a cap of 100,000 square feet on the  
13 Quarryvale site".  
14 Objective C1 was a lower order designation to protect, provide for and/or  
12:37:22 15 improve local neighbourhood centre facility. The amendment was put and was  
16 defeated by 32 votes in favour to 37 votes against. The names of the  
17 councillors voting for and against are recorded in the minutes of pages 1038  
18 and 1039 -- 1120 and 1121 as follows.  
19

12:37:41 20 For: 32. If I could have page 1120, please.  
21 Those voting for were: N Breathnach, C Breathnach, F Buckley, J Burton, K  
22 Farrell, E Fitzgerald, E Gilmore, L Gordon, F Hanrahan, J Higgins, C Keane, T  
23 Kelleher, H Keogh, S Laing, M McGennis, P Madigan, J Maher, B Malone, T  
24 Morrissey, M Muldoon, M Mullarney, D O'Callaghan, N Owen, P Rabbitte, B Reeves,  
12:38:16 25 B Ryan, S Ryan, T Sargent, M Taylor, S Terry, D Tipping, E Walsh.  
26

27 Those voting against: 37 in numbers. S Ardagh, S Barrett, M Billane, P  
28 Brady, S Brock, L Butler, B Cass, B Coffey, R Conroy, LT Cosgrave, MJ Cosgrave,  
29 L Creaven, A Devitt, JH Dockrell, M Elliott, M Farrell, T Fox, C Gallagher, S  
12:38:41 30 Gilbride, R Greene, T Hand, J Hannon, M Keating, M Kennedy, J Larkin, L Lohan,

12:38:49 1 D Lydon, C McGrath, D Marren, T Matthews, O Mitchell, J O'Halloran, A Ormonde,  
2 C Quinn, T Ridge, C Tyndall and GV Wright. The Chairman then declared the  
3 amendment lost.

4  
12:39:02 5 Could we have page 1121, please. This is an amendment proposed to the same  
6 motion to restrict retail shopping to 250,000 square feet and this motion was  
7 successful.

8  
9 The following amendment in names of Councillors Devitt, McGrath, Tyndall and  
12:39:16 10 O'Halloran was proposed by Councillor Devitt and seconded by Councillor  
11 McGrath. To amend the motion by addition of the words "and to restrict the  
12 retail shopping to 250,000 square feet". This amendment was put and passed by  
13 39 votes in favour to 28 votes against, with two abstentions. The names of  
14 the councillors for and against are recorded in the minutes at page 1121.

12:39:38 15 Which is the page that's on the screen.

16  
17 For: 39. S Ardagh, S Barrett, M Billane, P Brady, S Brock, L Butler, B  
18 Cass, B Coffey, R Conroy, LT Cosgrave, MJ Cosgrave, L Creaven, A Devitt, JH  
19 Dockrell, M Elliott, M. Farrell, E Fitzgerald, T Fox, C Gallagher, S Gilbride,  
12:40:02 20 L Gordon, R Greene, T Hand, J Hannon, M Keating, M Kennedy, J Larkin, L Lohan,  
21 D Lydon, C McGrath, D Marren, T Matthews, O Mitchell, J O'Halloran, A Ormonde,  
22 C Quinn, T Ridge, C Tyndall and GV Wright.

23  
24 The 28 against were. N Breathnach, C Breathnach, J Burton, K Farrell, E  
12:40:23 25 Gilmore, J Higgins, C Keane, T Kelleher, H Keogh, S Laing, M McGennis, J Maher,  
26 B Malone, T Morrissey, M Muldoon, M Mullarney, D O'Callaghan, N Owen, P  
27 Rabbitte, B Reeves, N Ryan, S Ryan, T Sargent, M Taylor, S Terry D Tipping and  
28 D Walsh.

29  
12:40:40 30 The two abstaining were F Hanrahan and P Madigan.

12:40:45 1 The Chairman then declared the amendment passed."

2

3

The next page, page 1122.

4

12:40:57 5 "Amendment proposed to motion 1011, to approve Neilstown, zoned D with specific  
6 objective passed. A further amendment to the names of councillors O'Halloran,  
7 McGrath, Ridge and Tyndall was proposed by councillor O'Halloran and seconded  
8 by councillor McGrath. Proposing that the motion be amended by the addition of  
9 the following paragraph. To approve the manager's recommendation of the lands  
10 at Neilstown, zoned for town centre use in the 1983 Development Plan, should be  
11 zoned D, to provide for major town centre activities, with the specific  
12 objective. It is an objective of the council to encourage the development of  
13 specialised commercial, recreational industrial and residential uses in this  
14 area.

12:41:29 15 This amendment was put and passed by 39 votes in favour and 28 votes against  
16 with two abstentions. The names of the councillors voting for and against are  
17 as follows:

18

19

12:41:45 20 For, 39. S. Ardagh, S. Barrett, M. Billane, P. Brady, S. Brock, L. Butler, B.  
21 Cass, B. Coffey, R. Conroy, LT. Cosgrave, MJ. Cosgrave, L. Creaven, A. Devitt,  
22 JH. Dockrell, M. Elliott, M. Farrell, E. Fitzgerald, T. Fox, C. Gallagher, S.  
23 Gilbride, L. Gordon, R. Greene, T. Hand, J. Hannon, M. Keating, M. Kennedy, J.  
24 Larkin, L. Lohan, D. Lydon, C. McGrath, D. Marren, T. Matthews, O. Mitchell, J.  
O'Halloran, A. Ormonde, C. Quinn, T. Ridge, C. Tyndall and GV. Wright.

12:42:11 25

26

Those 28 against were M. Breathnach, C. Breathnach, F. Buckley, J. Burton, K.

27

Farrell, E. Gilmore, J. Higgins, C. Keane, T. Kelleher, H. Keogh, S. Laing, M.

28

McGennis, J. Maher, B. Malone, T. Morrissey, M. Muldoon, M. Mullarney, D.

29

O'Callaghan, N. Owen, P. Rabbitte, B. Reeves, N. Ryan, S. Ryan, T. Sargent, M.

12:42:32 30

Taylor, S. Terry, D. Tipping and E. Walsh.

12:42:33 1

2 The two abstaining were councillors Hanrahan F. and Madigan P.

3

4 The Chairman then declared the amendment passed."

12:42:41 5

6 Page 1123, please.

7 "The following substantive motion number 10(1)(i) was then put and passed

8 unanimately. Dublin County Council hereby resolves the manager's report,

9 reference item number 1, regarding Lucan/Clondalkin overall planning strategy,

12:42:58 10 be adopted by the council taking into account the manager's recognition of the

11 recent north Clondalkin task force and the inter-departmental group reports on

12 urban crime and disorder.

13

14 In proposing the adoption of the manager's report we recognise.

12:43:13 15 A. The commitment of the IDA to job creation for north Clondalkin and propose

16 the E zoning of 164 acres transferred from Dublin Corporation to the IDA as

17 recommended on page 4, paragraph 3, of the manager's report.

18 B. To approve the C and E zoning on the Quarryvale site as recommended by the

19 manager to ensure the provision of a suitable centre to meet the overall needs

12:43:30 20 of the area and restrict the retail shopping on this site to 250,000 square

21 feet.

22 C. To approve the manager's recommendation that the lands at Neilstown, zoned

23 for town centre use in the 1983 Development Plan, should be zoned D to provide

24 for major town centre activities, with the specific objective, it is an

12:43:48 25 objective of the Council to encourage the development of specialised

26 commercial, recreational, industrial and residential uses in this area."

27

28 Page 944, please.

29 "The decision of the Council to pass the substantive motion 10(1)(i) had the

12:44:09 30 effect of amending the proposed zoning of the Quarryvale lands from D town

12:44:12 1 centre and E industry, as displayed in the '91 Draft Development Plan, to C and  
2 E over the entire of the lands. Town/district centre and industry subject to  
3 cap of 250,000 square feet, which is 23,500 square meters, on it's retail  
4 shopping and amending the proposed zoning of the Neilstown lands from E  
12:44:31 5 industry" -- that's the lands on the bottom left-hand corner there -- "on the  
6 1991 Draft Development Plan to D town centre but with the additional specific  
7 objective to encourage the development of specialised commercial, recreational  
8 industrial and residential uses in this area."  
9

12:44:45 10 Page 1123, please.

11 "Motions 10(1)(vi), 10(1)(vii)and 10(1)(viii) fell. The manager advised the  
12 members that these motions, copies of which are at appendices 33, 37, and 38  
13 already considered. All proposed that the Neilstown lands should be zoned D  
14 to provide for major town centre activities.

12:45:10 15  
16 Motion 10(1)(ix) and motion 10(1)(xii) were not put. These motions in the  
17 names of councillors Terry and Morrissey were not put." As you can see here  
18 on the page on screen 1123.  
19

12:45:25 20 "Motion 10(1)(ix) proposed that the Quarryvale lands be zoned E industrial and  
21 the Neilstown lands be zoned D to provide for major town centre activities.  
22 Motion 10(1)(xii) proposed that the Quarryvale lands be zoned E industrial and  
23 the Neilstown lands retain the zoning objective of D, major town centre  
24 activities, and that other lands, 160 acres at Neilstown/Rowlagh would be zoned  
12:45:46 25 A1 residential.

26  
27 Motion 10(1)(x)" -- which is at pages 1123 to 1124 of the brief -- "Motion  
28 10(1)(x), copy of which is attached at appendix 33" -- page 1126 of the brief.  
29 "Proposed by councillor Burton and seconded by councillor Ryan, proposing an  
12:46:11 30 addition to the written statement to include an objective to secure early



12:46:15 1 release of funds to complete essential infrastructure, was then put and passed  
2 unanimously. Motion 10(1)(xii) was withdrawn. This motion proposed by  
3 councillor Higgins and seconded by councillor Ryan to delete paragraphs 5.4.9  
4 (i) and (ii) of the written statement and substitute text supporting the  
12:46:33 5 proposed retention of the town centre at Ronanstown. Following discussion  
6 councillor Higgins advised the meeting that he wished to withdraw motion  
7 10(1)(xi) and this was agreed at page 1124. It was also agreed that a  
8 suitable insertion would be made in the written statement." Is that correct,  
9 Ms. Collins?

12:46:49 10 A. It is.

11 Q. 25 "23. A special meeting of the County Council on 18th of December 1992.  
12  
13 A copy of the portion of the minutes of this meeting" at 1150 to 1153 of the  
14 brief "or appendix 41. At minute reference C/1045/92 a report by the manager  
12:47:08 15 regarding item 10(7) of the agenda, representation No. 00527 by O'Callaghan  
16 Properties Limited" is at 1047 "and representation No. 000673 regarding the  
17 lands at National Soccer Stadium at Neilstown was noted. The report gave a  
18 synopsis of the representation that O'Callaghan Properties proposed to build a  
19 national soccer stadium on the site of the old Lucan/Clondalkin town centre and  
12:47:42 20 the proposal is supported by the Clondalkin Labour Party area representative.  
21 The report also noted that the planning application" -- which is at appendix  
22 30A, starting at page 1053 -- "for an all purpose national stadium lodged with  
23 the Council, be dealt with in due course by the planning authority.  
24

12:47:46 25 Motions regarding the written statement May to June 1993 -- "1155 to 1156.  
26 "On 14th of May 1993, an agenda regarding the draft written statement was  
27 forwarded to each member of the council." Page 1157, please.  
28

29 "Item 21(83) on the agenda was a motion, a copy of which" -- is at page 1157 on  
12:48:12 30 screen -- "and is dated the 27th of April 1993, signed by councillors

12:48:20 1 O'Halloran, Ridge, and Tyndall proposing to change paragraph 5.4.9 of the draft  
2 written statement regarding Quarryvale. The motion was in the following  
3 terms.

12:48:30 5 "Dublin County Council hereby resolves to delete paragraph 5.4.9 of the draft  
6 written statement and to substitute the following. It is an objective of the  
7 council to foster the creation of employment opportunities in the Quarryvale  
8 area and to facilitate the provision of a district town centre to service the  
9 larger community. It is proposed to designate a district town centre site at  
12:48:50 10 Quarryvale. The district town centre shall be in the order of 250,000 square  
11 feet of retail floor space. The original town centre site retains it's D, to  
12 provide for major town centre activities, zoning with the following objective.  
13 To encourage the development of specialised commercial, recreational,  
14 industrial and residential uses in the area.

12:49:10 15  
16 Special meeting of the County Council on 1st of June 1993." This is at page  
17 1159. "Minute reference C/533/93, the manager's report on proposed amendments  
18 and revisions to written statement. Item no. 21(1) which had been circulated  
19 was considered and approved subject to the passing of subsequent motions."  
12:49:27 20 This is at 1162 of the brief. "The report outlined the proposal to add anew  
21 subparagraph to Section 5.4.8.iii regarding the allocation of EC funds to  
22 develop a rail link for Ronanstown and section 5.4.9 of the written statement  
23 regarding Quarryvale which involved the text of motions passed at the 17th of  
24 December 1992 meeting."

12:49:47 25  
26 Page 1165, please.  
27 "Special meeting of the County Council on 3rd of June '93." Which is at pages  
28 1164 to 1167 of the brief. "Item 21(83) was proposed by councillor O'Halloran  
29 and seconded by councillor McGrath and a report by the manager which had been  
12:50:06 30 circulated was then considered. He recommended no change and said that the

12:50:10 1 proposal was in conflict with the motion previously passed in relation to the  
2 limitation on the retail floor space. Following discussion to which  
3 councillors O'Halloran, Terry, Laing, Tipping, Healy, Kelleher, Higgins,  
4 O'Connell, O'Donovan, Cass, Gordon, Tyndall and Quinn contributed, the manager  
12:50:24 5 replied to queries raised by the members.

6  
7 It was proposed by councillor Terry and seconded by councillor Quinn that the  
8 motion be amended by:

- 9 1. Deleting the words "this district town centre shall be in the order of  
12:50:38 10 250,000 square feet retail floor space" and substituting the words "this  
11 district centre shall not exceed 250,000 square feet of retail shopping."  
12 2. Deleting the word "town" in lines 6 and 8 of the motion.

13  
14 it was proposed by councillor Tyndall and seconded by councillor Gilbride that  
12:50:52 15 the motion be amended by adding the words "but not exceeding" after the words  
16 "in the order of". During the course of discussions the time allowed for the  
17 meeting lapsed and neither motion was voted upon.

18  
19 Special meeting of the County Council on 4th of June 1993." Pages 1168 to  
12:51:08 20 1172 and if I could have page 1170, please?

21  
22 "The meeting resumed consideration of the above referred to motions and  
23 amendments moved at the meeting on the 3rd June 1993.

24  
12:51:26 25 Following discussion to which councillors Cass, Quinn, Terry, O'Donovan,  
26 Higgins and Morrissey contributed, the manager replied to queries raise by the  
27 members. Councillors Terry and Tyndall advised the meeting that they wished to  
28 withdraw the amendments moved at the meeting of the 3rd of June and this was  
29 agreed. It was proposed by councillor Bride and seconded by councillor  
12:51:43 30 Tyrell -- Tyndall that the motion be amended by:

12:51:46 1 1. Deleting the words "district town" in lines 6, 7 and 8 and substituting  
2 the words "district/town."  
3 2. Deleting the words "retail floor space" in line 9 and substituting the  
4 words "of retail shopping."  
12:51:59 5 3. Adding the words "but not exceeding" after the words "in the order of" in  
6 line 9.  
7 the amendment was put and passed unanimously. The substantive motion was then  
8 put and was also passed unanimously.  
9  
12:52:14 10 Dublin County Council hereby resolves to delete paragraph 5.4.9 of the draft  
11 written statement and to substitute the following:  
12 It is an objective of the Council to foster the creation of employment  
13 opportunities in the Quarryvale area and to facilitate the provision of a  
14 district town centre to service the larger community. It is proposed to  
12:52:29 15 designate a district town centre site at Quarryvale. This district/town centre  
16 shall be in the order of but not exceeding 250,000 square foot of retail  
17 shopping. The original town centre site retains it's D, to provide for major  
18 town centre activities, zoning with the following objective. To encourage the  
19 development of specialised commercial, recreational, industrial and residential  
12:52:52 20 uses in the area.  
21  
22 Page 944, please.  
23 "Public display from 1st of July to 4th of August 1993 of the Dublin County  
24 Draft Development Plan, amendments to the 1991 Draft Development Plan.  
12:53:19 25  
26 As already stated the 1991 Draft Development Plan" on your screens" showed part  
27 of the Quarryvale lands zoned D town centres" -- the centre part of the lands  
28 -- "and the two portions of the lands" -- below and to the left -- "zoned E  
29 industry and the Neilstown lands" -- at the bottom left-hand corner of the  
12:53:36 30 screen -- "zoned E industry."

12:53:38 1  
2 The decision of the Council to pass substantive motion 10(1)(i) at the meeting  
3 on 17th of December 1992, had the effect of amending the proposed zoning to C  
4 and E over the entire Quarryvale lands."

12:53:51 5  
6 Could I have page 1173, please.

7 "The motion had the effect of subjecting the lands to a cap of a 250,000 square  
8 foot retail shopping. The passing of the amendment had the effect that the  
9 original town centre site on the Neilstown lands would remain zoned D to  
10 provide for major town centre activities but with the additional specific

11 objective to encourage the development of specialised commercial, recreational,  
12 industrial and residential uses in this area. Amendments were also made to  
13 part of the written statement relating to the area, in particular paragraphs  
14 5.4.9 and 5.4.8.iii. These zoning changes" -- on display on the screen now --

12:54:55 15 "were put on public display for the statutory period of one month from the 1st  
16 of July to the 4th of August 1993 as the 1993 amendments to the 1991 Draft  
17 Development Plan.

18  
19 A copy of map 16 of the 1993 amendments to the 1991 Draft Development Plan and  
12:55:15 20 a document outlining the 1993 amendments to map 16" -- are on your screen there  
21 at 1173 -- "and show the following changes regarding the Quarryvale and  
22 Neilstown lands.

23  
24 Change 7A. Change of zoning of the Quarryvale lands from E to C and E." So  
12:55:34 25 that's changing from industrial to district town and industrial.

26 Change 7B. Change of zoning of lands at Quarryvale from D to C and E.

27 Change 7C. Change of zoning of lands at Quarryvale from E to C and E.

28 Change 7. To restrict the retail shopping to 23,500 square meters" -- which is  
29 approximately 250,000 square feet and --

12:55:58 30 "Change 41. To ensure the provision of a suitable centre to meet the overall

12:56:02 1 needs of the area.  
2 Note that change 7 covers an area of 69 hectares."  
3 The bottom left-hand corner of the screen are the changes regarding the  
4 Neilstown lands.

12:56:14 5  
6 "Change of zoning of lands at Neilstown from E to D. Note that this change  
7 covers an area of 55 hectares and  
8 Change 38. To encourage the development of specialised commercial,  
9 recreational, industrial and residential uses in the area."

12:56:29 10  
11 Could I have page 1179, please.  
12 "Paragraph 5.4.9 of the written statement was also amended." A copy of which  
13 is on the screen.  
14

12:56:41 15 "Changed from 5.4.9 town centre.  
16 5.4.9.i. It is proposed to relocate the town centre at Quarryvale. The zoning  
17 of the original town centre would change from D to E industrial.  
18 5.4.9.ii. The Council has resolved that the total area of commercial  
19 development, in the area zoned D, shall not exceed the total area of commercial  
12:56:59 20 development which would be appropriate to the Lucan/Clondalkin town centre site  
21 designated in the County Development Plan.  
22  
23 Changed to:  
24 5.4.9 town centre.

12:57:10 25 It is an objective of the council to foster the creation of employment  
26 opportunities in the Quarryvale area and to facilitate the provision of a  
27 district/town centre to service the larger community. It is proposed to  
28 designate a district/town centre site at Quarryvale. This district/town  
29 centre shall be in the order of, but not exceeding, 250,000 square feet of  
12:57:29 30 retail shopping. The original town centre site retains it's D, to provide for

12:57:36 1 major town centre activities, zoning along with the following objective. To  
2 encourage the development of specialised commercial, recreational, industrial  
3 and residential uses in the area.  
4 Note also paragraph 5.4.8 was amended by the following subparagraph which is  
12:57:47 5 change 37 resulting from motion No. 10(1)(x), passed at the special meeting of  
6 the County Council held on the 17th of December 1992." Is at page 1117.  
7 "This motion was proposed by councillor Burton and seconded by councillor Ryan.  
8  
9 The amendment now reads 5.4.8.iii. The allocation of EC funds to develop a  
12:58:17 10 commuter rail link to service the Ronanstown site is welcome. It is an  
11 objective of the Council to secure early release of funds to complete the  
12 Fonthill Road and other essential infrastructure required to attract industry  
13 and services to the north Clondalkin area.  
14  
12:58:24 15 A special meeting of the County Council on the 19th of October 1993. The  
16 proposed amendments to the 1991 Draft Development Plan as outlined above, were  
17 considered. A copy of the portion of the minutes of this meeting are at pages"  
18 -- 1187 to 1203 -- "The changes relating to the Quarryvale lands were items  
19 19(6)" -- at 1182 -- "the changes relating to the Neilstown lands were item  
12:58:44 20 19(17)" -- page 1185 -- "and the change regarding the commuter rail link to  
21 Ronanstown was item 19(26)" -- at page 1186 -- "on the agenda." The agenda  
22 stretches from pages 1180 to 1186.  
23  
24 "At minute reference C/1045/93, a report from the manager on development  
12:59:01 25 strategy for the Lucan/Clondalkin area, which had been circulated, was  
26 considered. And this report is outlined in the minutes at pages" -- 1190 to  
27 1193 -- "or appendix 49" of the brief.  
28  
29 "The report began by giving a brief summary of the rezoning of the Quarryvale  
12:59:13 30 and Neilstown lands. The report then went on to recommend that the overall

12:59:18 1 strategy of the 1993 draft plan be confirmed and in the context of the strategy  
2 the following were recommended:"

3

4 Could I have page 1173 again, please.

12:59:26 5 "1. The retention of the Quarryvale zoning with the retail shopping element  
6 was restricted to 250,000 square feet.

7 2. The retention of the D, to provide for major town centre activities, zoning  
8 on the original town centre lands with the objective to encourage the  
9 development of specialised commercial and residential uses in this area.

12:59:58 10 3. That the proposed zoning amendments of land south of Lucan for residential  
11 development in the 1993 draft plan be deleted.

12 4. That the proposed amendment to zone lands at Clonburris Little between the  
13 railway and the canal as F, which is to preserve and provide for open space and  
14 recreational amenities, be deleted and that the lands revert to residential A1.

13:00:17 15  
16 Mr. E. Conway, County Planning Officer, made a detailed presentation in regard  
17 to the areas covered by maps 16, 17 and 18. Following discussions to which  
18 councillors Owen, McGrath, Gordon, Ridge, Tyndall, Hanrahan, Higgins,  
19 O'Connell, O'Halloran, Tipping, O'Donovan, Healy and Cass contributed. The  
13:00:33 20 manager replied to queries raised by members."

21

22 At page 1194 "Minutes reference C/1052/93, the meeting reached the proposed  
23 changes to the lands at Quarryvale and the manager recommended the changes 7A,  
24 7B, 7C and 41 be confirmed as outlined in the following report by the manager."

13:00:50 25

26 Could I have page 1193, please. This report is at page -- appendix 49 of the  
27 statement.

28 "Change 7A."

29

13:01:00 30 CHAIRMAN: Sorry, I think it's one o'clock. I think you have 10 or 15



13:01:12 1 minutes?  
2  
3 MS. FOLEY: About another 10 minutes to go. I'm not sure if Ms. Collins is  
4 available this afternoon --

13:01:20 5  
6 CHAIRMAN: Are you available at two o'clock?  
7 A. I'm sorry, I'm not.  
8  
9 CHAIRMAN: That's fine. We can sit through.

13:01:24 10  
11 MS. FOLEY: The proposed changes were as follows.  
12 "Change 7A. Dated the 17th of December 1992. 1983 plan, the zoning was E.  
13 1991 draft plan, the zoning was E and 1993 amendment, zoning C and E.  
14 11 representations were received and the recommendations of the change be  
15 confirmed.

13:01:46 16 Change 7B. Dated 17th of December 1992. The 1983 plan, zoning E. The 1991  
17 draft plan, zoning D and 1993 amendment plan, zoning C and E.  
18 11 representations received. Recommendation of the change be confirmed.

13:02:09 19 Change 7C. Dated 17th of December 1992, at minutes C/1058/92. 1983 plan,  
20 zoning E and F. The 1991 draft zoning is E and the 1993 amendment zoning C and  
21 E.  
22 11 representations received. Recommendation that the change be confirmed.

13:02:28 23 Change 41. Dated the 17th of December 1992. Objective to ensure the  
24 provision of suitable centre to meet the overall needs of the area.  
25 Recommendation. Confirm amendment.  
26  
27 It is proposed by councillor Brady and seconded by councillor McGrath and  
28 resolved that the manager's report in relations to 7A, B, C and 41, map 16, be  
29 adopted. This is noted at page 1197. A number of motions were not moved or  
13:02:45 30 were ruled out of order.

13:02:47 1  
2 The proposed amendments, changes No. 7A, B, C and 41, on map number 16 were  
3 then declared confirmed. The Quarryvale lands were therefore zoned C to  
4 protect, provide for and/or improve town/district centre facilities and E to  
13:03:00 5 provide for industrial and related uses.

6  
7 The following motions were the motions on the agenda related to those changes  
8 that were not moved or ruled out of order prior to the above motion being  
9 resolved and confirming the changes in relation to the Quarryvale lands. These  
13:03:10 10 motions are at 1195 to 1197 of the brief.

11  
12 Motion in the name of councillor G O'Connell, not moved. In the interest of  
13 proper and balanced planning and to reflect the needs and wishes of the  
14 communities, Dublin County Council hereby resolve that the lands, the subject  
13:03:27 15 of the proposed amendments, 7A to map 16 of the 1991 Draft Development Plan be  
16 zoned E.

17  
18 Motion in the name of councillor O'Connell ruled out of order. In the  
19 interest of proper and balanced planning and to reflect the needs and wishes of  
13:03:40 20 the communities, Dublin County Council hereby resolves the lands, the subject  
21 of the proposed amendment 7B, to map 16, of the 1991 plan, be zoned C and E and  
22 as per attached map outlined in red and signed by proposer, with a restriction  
23 on retail shopping to 7,500 square meters, which is less than 100,000 square  
24 feet.

13:04:00 25  
26 Motion in the name of councillor G O'Connell not moved.  
27 In the interest of proper and balanced planning and to reflect the needs and  
28 wishes of the communities, Dublin County Council hereby resolves, the lands,  
29 the subject of the proposed amendment 7C to map 16 of the '91 Draft Development  
13:04:11 30 Plan, be zoned E.

13:04:14 1  
2 Motions in the names of councillors Tipping, Breathnach, D. O'Callaghan, E.  
3 Gilmore and M. Billane not moved.  
4 This council resolves that the lands referred to at map 16, change 7A in the  
13:04:26 5 public display of proposed amendments to County Dublin Draft Development 1991,  
6 revert to its former proposed zoning as shown in draft maps displayed in  
7 September to December of 1991.  
8  
9 Motion in the names of councillors Tipping, Breathnach, O'Callaghan, Gilmore,  
13:04:41 10 and M. Billane not moved.  
11 The council resolves the lands referred to at map 16, change No. 7B in the  
12 public display of proposed amendments to the County Dublin Draft Development  
13 1991, revert to its former proposed zoning as shown in draft maps displayed  
14 from September to December of 1991.  
13:04:56 15  
16 Motion in the names of councillors D. Tipping, C. Breathnach, D. O'Callaghan,  
17 E. Gilmore and M. Billane not moved.  
18 This council resolves that the lands referred to at map 16, change number 7C in  
19 the public display of proposed amendments to the 1991 Draft Development Plan  
13:05:11 20 revert to its former proposed zoning as shown in draft maps displayed during  
21 September to December of 1991.  
22  
23 The Neilstown lands.  
24 At 1198 minute reference C/1063/93. The changes in relation to the Neilstown  
13:05:26 25 lands were reached and the following report by the manager, which had been  
26 circulated, was adopted.  
27 This dated 17th of December 1992, minutes C/1035/92. 1983 plan zoning D, 1991  
28 draft zoning E, 1993 amendment zoning D, with specific objective to encourage  
29 the development of specialised commercial, recreational, industrial and  
13:05:48 30 residential users in this area.

13:05:50 1 6 representations were received and five of those were in favour of the  
2 proposed change. Recommendation that the change be confirmed.  
3  
4 The proposed amendments, change numbers 18 and 38 on map 16 and change number  
13:06:02 5 16, map number 17 were then declared confirmed. The Neilstown lands were  
6 therefore zoned D, major town centre activities with a specific objective to  
7 encourage the development of specialised commercial, recreational, industrial  
8 and residential uses in this area.  
9  
13:06:18 10 North Clondalkin objectives." Page 1201. "Note also that at minute  
11 reference C/1068/93, the meeting reached change 37 regarding the allocation of  
12 EC funds to develop a commuter rail link to service the Ronanstown site. The  
13 following report by the manager, which had been circulated, was adopted.  
14  
13:06:36 15 Minutes C/1035/92 dated 17th of December '92. 2 representations received.  
16 Recommendation of the change be confirmed. The proposed amendment, change  
17 number 37 to map 16, was then declared confirmed.  
18  
19 The amendments confirmed on the Quarryvale and Neilstown lands were then  
13:06:52 20 carried forward into the Dublin County Development Plan 1993 which was made by  
21 the Council at special meeting of the 10th of December 1993."  
22  
23 Page 1205, please?  
24 "Special meeting of the County Council on 16th of November 1993. A copy of  
13:07:06 25 portion of the minutes are attached at pages" -- 1204 to 1207.  
26  
27 "The following report which was circulated and which recommended the amendment  
28 be confirmed was adopted. The subject was town centre Quarryvale, minutes  
29 C/1054/93 dated 4th of June '93, map 16, change 7A, B, C and 18.  
13:07:33 30

13:07:33 1 Paragraphs 5.4.9.1 of the written statement was amended from it is proposed to  
2 relocate the town centre at Quarryvale. The zoning of the original town  
3 centre would change from D to E industrial and the Council has resolved that  
4 the total area of commercial development in the area zoned D shall not exceed  
13:07:56 5 the total area of commercial development which would be appropriate to the  
6 Lucan/Clondalkin town centre site designated in the County Development Plan.  
7 This amended to, it is an objective of the Council to foster the creation of  
8 employment opportunities in the Quarryvale area and to facilitate the provision  
9 of a district/town centre to service the larger community. It is proposed to  
13:08:16 10 designate a district/town centre site at Quarryvale. This district/town centre  
11 site shall be in the order of, but not exceeding, 250,000 square feet of retail  
12 shopping.

13  
14 The original town centre site retains its D zoning with the following  
13:08:27 15 objective: To encourage the development of specialised commercial,  
16 recreational, industrial and residential uses in the area. Recommendation is  
17 to confirm the amendment. The proposed amendment was then confirmed."

18  
19 Page 1218, please.

13:08:42 20 This is the final map of the Dublin County Development Plan 1993 for the area.

21  
22 "In summary, the amendments in respect of the Quarryvale and Neilstown lands  
23 were confirmed at the meeting of the Council on the 19th of October 1993. The  
24 Council decided to rezone the Quarryvale lands C and E, so the entirety of the  
13:08:59 25 lands were zoned C and E, that's town/district centre and industry.

26  
27 And the Neilstown lands were zoned D, major town centre activities. The  
28 Dublin County Development Plan 1993 was adopted by the council at a special  
29 meeting on the 10th of December 1993. The minutes of this meeting are at 1208  
13:09:17 30 to 1217." A copy of map 16 of the County Development Plan is on your screens

13:09:22 1 now -- "and extract from the written statement is attached also here at  
2 appendix 52" -- starting page 1219.

3 Is that your statement, Ms. Collins?

4 A. It is, yes.

13:09:33 5 Q. 26 Thank you very much, Ms. Collins.

6  
7 CHAIRMAN: Thank you very much. We will sit again at five past two.

8  
9 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

**THE TRIBUNAL RESUMED AS FOLLOWS AT 2:05 P.M.**

13:10:02 1  
2  
3 MS. DILLON: Good afternoon sir. Before Mr. Doyle takes the next witness can  
4 I do the final amendments to Tuesday's transcript and then yesterday's  
14:11:57 5 transcript?  
6  
7 On day 603. At line 6, page 32, the "No. 6" should be deleted.  
8 On page 41, line 1, it should have read "motion would have" and delete the word  
9 "with".  
14:12:19 10 And on page 45, line 3, the word is "incorrectly" but it should be "directly".  
11 And finally, on page 51, initially line 12, "this will be dealt with in more  
12 detail" the word "detail" is missing and on line 15, instead of "August" it  
13 should be "April".  
14  
14:12:44 15 There are a number of amendments in relation to yesterday's transcripts. They  
16 relate to spelling errors really and it's important as the transcript may be an  
17 exhibit that it's correct. Green Properties is G R E E N.  
18 Deloitte D E L O I T T E.  
19 Fleming is F L E M I N G.  
14:13:09 20 Ganley is G A N L E Y.  
21 Stagg, that is Mr. Emmet Stagg is S T A G G.  
22 Ms. Marian McGennis is M C G E N N I S and her name is spelt incorrectly.  
23 And then there are, very quickly, a few other amendments that have to be made.  
24 On page 9, line 21, the date should be the "20th of April."  
14:13:30 25 Page 27, line 1, instead of "flop" it should be "flock" F L O C K.  
26 On page 30, line 6, the "No. 2" should be deleted and the words T O inserted.  
27 Page 46, line 15, it's "industrial park" P A R K not "part."  
28 On page 51, line 9, the word is "donated." What should be there is "denoted."  
29 On page 62 -- this is record of the councillors voting and there were two  
14:14:15 30 Hanrahans and only one is recorded and both should be recorded, so the name

14:14:21 1 Hanrahan should appear twice. The name "McGennis" must be changed and the name  
2 "Kieran" K I E R A N should be inserted also at line 22.  
3 Now, and again Ms. Joan Burton is referred to throughout the transcript as  
4 Bruton and that change must be made although Mr. John Bruton was himself  
14:14:43 5 referred to. Councillor Burton not Bruton.  
6 Yes, and on page 80. "Breathnach" should appear twice on line 17. There  
7 were two Breathnachs.  
8 Yes, finally on page 90, line 11, the line should read as follows. "The  
9 changes to paragraph 5.4.9(1) and 5.4.9(2)", instead of its present  
14:15:25 10 composition.  
11 And then finally at line 13, the word that's on the transcript is "unincluded"  
12 and delete the "un" before included.  
13 Thank you.  
14  
14:15:34 15 CHAIRMAN: All right. Thank you. Now, Mr. Doyle.  
16  
17 MR. DOYLE: Good afternoon, Chairman. I intend to take Mr. Kieran Kennedy,  
18 former Director of Planning, Dublin South County Council, in relation to the  
19 planning history of Quarryvale 1993 onwards, and specifically in relation to  
14:15:54 20 the removal of the cap. If I could have Mr. Kieran Kennedy.  
21  
22 **KIERAN KENNEDY, HAVING BEEN SWORN, WAS EXAMINED AS FOLLOWS**  
23 **BY MR. FERGAL DOYLE:**  
24  
14:16:09 25 CHAIRMAN: Good afternoon.  
26  
27 MR. DOYLE: Mr. Kennedy, as I have said, I believe you are a former Director  
28 of Planning in South Dublin County Council.  
29 A. Yes.  
14:16:25 30 Q. 27 And I think you have given a statement to the Tribunal which I am going to take



14:16:30 1 you through and confirm that it is correct.

2 A. Yes.

3 Q. 28 I think that the statement is divided into two parts. The first part relating

4 to parent planning permission granted by South Dublin County Council in April

14:16:42 5 '94 and confirmed subject to certain conditions by An Bord Pleanala in

6 September 1994.

7 A. That's correct.

8 Q. 29 And the second part of your statement relates to the removal of the cap on

9 retail floor space in the course of the preparation of the South Dublin County

14:16:54 10 Development Plan 1998.

11 A. Yes.

12 Q. 30 There are a number of appendices attached to your statement. I will be

13 bringing the Tribunal through a few of those but not very many. And just

14 finally in relation to the second part of your statement, there is reference

14:17:10 15 throughout to "the manager." And I think in the interests of clarity, I think

16 it would be correct to suggest that this is a loosely used term and that the

17 term "manager" would reference anybody who was a sitting cathaoirleach at any

18 particular meeting and that, more particularly, in relation to the second part

19 of the statement that when you referred to "the manager" you are in fact

14:17:32 20 referring to the Deputy Manager, Mr. Tom Doherty.

21 A. That's correct.

22 Q. 31 The first part then of your statement is the parent planning application

23 register reference 93A/1161 by Barkhill Limited to South Dublin County Council.

24 The decision in relation thereto and the subsequent appeal to An Bord Pleanala.

14:17:54 25

26 The original or what's referred to as the parent application registration

27 reference 93A/1161 in respect of the lands at Quarryvale was received by the

28 former Dublin County Council on the 4th of August 1993. And that's at page

29 14935 -- 6, if we could have that the screen, please.

14:18:11 30

14:18:11 1 "This application submitted by Ambrose Kelly Group, Fleming Court, Fleming  
2 Lane, Dublin 4, as agents on behalf of Barkhill Limited, C/O O'Callaghan  
3 Properties, 21 to 24, Lavitts Quay, Cork, and was accompanied by the following  
4 documentation:

14:18:23 5 A. A letter dated 4th August 1993, outlining details of the application.

6 B. A letter from Dublin Corporation stating that Dublin Corporation had no  
7 objections to the inclusion of its lands for the purposes of the subject  
8 planning application.

9 C. Letter from Dublin County Council, dated 3rd of August 1993, stating that  
10 the Council had no objection to the inclusion of its lands at Cursis Stream,  
11 Palmerstown, in the subject of planning application.

12 D. Cheque for 10,000 pounds in respect of the planning application fee, for  
13 which receipt No. 11860, dated 4th August 1993, was issued." Is that correct?

14 A. That's correct.

14:18:56 15 Q. 32 I think the details --

16 2. The details of the proposed development as set out in the newspaper notice  
17 attached to the planning application." That's at page 14935. I think it's  
18 135. Yes the first page and that says as follows.

19 "The district town centre development, comprising of a 157 bed hotel with  
14:19:16 20 conference and leisure facilities, public house and betting office, drive  
21 through take away restaurant, petrol filling station, motor sales outlet,  
22 computer centre, leisure centre including 12 lane bowling alley, novelty  
23 swimming pool, recreational hall, 6 civic office buildings, 10 screen  
24 multiplex cinema, retail shopping, ancillary space, maintenance and boiler  
14:19:33 25 house, 34 industrial/warehouse/office units, ancillary water features, open  
26 space, landscaping, carpark, provision of new roundabout at junction of  
27 Fonthill Road and N4 Lucan Road, access from the existing roundabout on  
28 Fonthill Road and proposed new roundabout off the old Coldcut Road, the  
29 demolition of two habitable houses on this site.

14:19:54 30

14:19:54 1 The application was for permission for large scale commercial development on  
2 the 177 acre L shaped site located at the junction of the Western Parkway  
3 motorway, M50, and the Galway Road N4; that's correct I think.

4 A. Yes.

14:20:11 5 Q. 33 "By letter dated 5th of August 1993, the Ambrose Kelly Group pointed out a  
6 typographical error in the newspaper advertisement regarding the total area of  
7 the civic buildings. The newspaper advertisement had accompanied the original  
8 planning application," and can be found at 14935. "This letter was  
9 accompanied also by three additional sets of drawings which it was stated had  
10 been requested by the Council. By letter dated 5th of August 1993, the  
11 application as set out above was acknowledged to the Ambrose Kelly Group by  
12 Dublin County Council." And that's at page 14943.

13 "The Environmental Impact Statement.

14 I believe a request for Environmental Impact Statement was made following  
15 manager's order P/3348/93 dated 6th September 1993. And this order directed  
16 that, in accordance with the Local Government Planning and Development  
17 Regulations 1990 and Environmental Impact Statement was mandatory for all urban  
18 development projects greater than two hectares in extent and further directed  
19 that the applicant Barkhill Limited be advised that an Environmental Impact  
20 Statement was required before the planning application could be considered by  
21 the planning authority." And that's at page 14944.

22  
23 Following that -- "By letter dated 7th of September 1993. The Council informed  
24 the applicant's agent, the Ambrose Kelly Group, of the above decision. This  
14:21:27 25 letter also informed the Ambrose Kelly Group that due to the nature and extent  
26 of the proposals. The European Community Environmental Impact Regulations  
27 required Environmental Impact Statement be submitted and that in accordance  
28 with the Local Government Planning and Development Regulations 1990, the  
29 application would not be considered by the planning authority until Article  
14:21:46 30 4(1) had been complied with by the Applicant." That's at 14946.

- 14:22:02 1  
2 This led to the "Submission of the environmental impact study.  
3 By letter dated the 3rd of November 1993, the Ambrose Kelly Group on behalf of  
4 the applicant, Barkhill Limited, submitted the following documents.
- 14:22:05 5  
6 A. An Environmental Impact Statement in respect of the proposed development at  
7 Quarryvale.  
8 B. The Retail Impact Study." Is that correct?  
9 A. Yes, that's correct.
- 14:22:14 10 Q. 34 "By letter dated 17th of November 1993, the council informed the Ambrose Kelly  
11 Group, on behalf of the applicant, Barkhill Limited, that it would be necessary  
12 for them to submit a new newspaper advertisement clearly stating that an EIS  
13 had been submitted to the planning authority and outlining the development to  
14 which it related.
- 14:22:31 15  
16 On the 19th of November 1993, the Ambrose Kelly Group, on behalf of the  
17 applicant, submitted the full advertisement for the Irish Press dated Thursday  
18 November 18th 1993, outlining proposed development and indicating that EIS  
19 report was included." That is at page 14948.
- 14:22:50 20 In so doing they are satisfying the proper planning application criteria; is  
21 that correct?  
22 A. That's correct.
- 23 Q. 35 I think following from this there were a number of objections.  
24 "Dublin County Council received a number of such objections to the development  
14:23:02 25 proposed at Quarryvale by Barkhill Limited." Set out, I will go through and  
26 summarise the objections received by the council in respect of this planning  
27 application, register reference, 93A/1161.  
28 Now, I believe and you will correct me on this. There was an objection  
29 received by PHI&MS Limited.
- 14:23:20 30 A. That's correct.

- 14:23:20 1 Q. 36 "Mr. Fergal McCabe, Architect and Town Planner, acting on behalf of his client  
2 PHI&MS Limited, objected to the proposed development by letter dated 8th  
3 November 1993. He enclosed with that letter a copy of An Bord Pleanala  
4 decision to refuse permission for a shopping centre at Letterkenny which  
14:23:36 5 contained the reference number PL66/5/60976." That's at page 14951.  
6  
7 "Further objections were submitted to Dublin County Council on the 9th of  
8 December 1993 and the 16th of December 1993 by the said Mr. Fergal McCabe on  
9 behalf of PHI&MS Limited. These objections, in summary, refer to the following  
14:23:59 10 matters:  
11  
12 Shopping hierarchy, scale development, retail impact, traffic issues, national  
13 monument, infrastructure facilities, off street car parking, visual amenity,  
14 residentially amenity.  
14:24:13 15  
16 The letters of the 9th of December 1993 and 16th of December 1993 are at page  
17 14954.  
18  
19 Next there was an objection by the Lucan Planning Council. An objection was  
14:24:25 20 received by Dublin County Council on 31st of August 1993 from Lucan Planning  
21 Council." At page 14962. "In summary the objection to proposed development  
22 at Quarryvale was based on the following grounds and in summary:  
23 Site at Ronanstown was already granted town centre status, the geographical  
24 location and Development Plan zoning." Is that correct?  
14:24:47 25 A. That's correct.  
26 Q. 37 "On the 8th of February 1994, further objection to the proposed development of  
27 Quarryvale was submitted by the Lucan Planning Council," that's at page 14964.  
28 "This objection referred to, among other matters, retail impact, national  
29 monument, preliminary site works and traffic." That's also correct?  
14:25:03 30 A. Yes, that's correct.

14:25:04 1 Q. 38 "Finally, there was an objection by Green Property Plc and on the 10th of  
2 December 1993, Messrs. Garth May and Hawthorn, Ticknock, Sandyford, Co. Dublin,  
3 on behalf of Green Property Plc, submitted an objection to the proposed  
4 development at Quarryvale to Dublin County Council" and that's at page 14966.

14:25:22 5  
6 "In summary, it referred to the following matters. The extent of the  
7 application, the Area Action Plan and confusion regarding floor space figures."

8  
9 Now, I believe that there was a "Discussion on planning application  
10 registration reference 93A/1161 at planning committee meetings.

11 The planning application, register reference 93A/1161, was discussed by those  
12 members of Dublin County Council who were members of the South Dublin Planning  
13 Committee at a planning committee meeting held on 14th of December 1993."

14 A. That's correct.

14:25:55 15 Q. 39 "The following members of the Council who were members of the committee  
16 recommended that permission be granted. They are councillors O'Halloran,  
17 Laing, McGrath, Ridge and Quinn.

18  
19 The note of the meeting recorded the comments of councillors, without recording  
14:26:09 20 who was the author of the comments as follows and I quote" the first document  
21 at page 14969.

22  
23 "Hopes for speedy grant of permission, quality development." Planning  
24 application, register reference 93A/1161, was again discussed at a planning  
14:26:29 25 committee meeting on 16th of February 1994. The following councillors are  
26 recorded as recommending that permission be granted. They are Ridge, McGrath  
27 and O'Halloran.

28  
29 The note of the meeting recorded that comments of councillors, again without  
14:26:44 30 recording who was the author of the comments as follows and I quote" at page

14:26:44 1 14970. "This development is good for the area. Needed here in accordance  
2 with the Development Plan. Council must assist this development."  
3 Thereafter there were requests for additional information.

4 A. Yes, that's correct.

14:27:02 5 Q. 40 "By decision order No. P/4926/93, dated 22nd of December 1993, it was directed  
6 that additional information be requested from Barkhill Limited in respect of  
7 planning application 93A/1161 on the following matters.  
8  
9 In short, revision to scale of retail floor space, design of the N4  
10 interchange, land ownership, road design details, phasing of development and  
11 environmental services detail.  
12  
13 The record of the manager's order is P/4926/93 and it is at page 14971.  
14

14:27:40 15 This then was communicated "By letter dated 22nd of December 1993" at page  
16 14976 "in which Dublin County Council sought the additional information as set  
17 out in the said order.  
18  
19 Submissions of additional information.

14:27:55 20 By letter dated 14th of February 1994, the Ambrose Kelly Group on behalf of  
21 Barkhill Limited, the applicant, responded to the Council's request for  
22 additional information as sought by the Council in it's letter of 22nd of  
23 December 1993. The letter from the Ambrose Kelly Group was accompanied by the  
24 following enclosures.

14:28:12 25 A. Schedule of revised areas.  
26 B. Schedule of drawings.  
27 C. Letter from Messrs. A&L Goodbody, solicitors, re St. Patrick's Hospital  
28 lands." The above documents are at page 14978.  
29

14:28:23 30 "Now, assessment of planning application 93A/1161 was undertaken by the local

14:28:31 1 authorities.

2 In accordance with normal practice, I believe, various departments of the

3 County Council were circulated with the planning application and a report was

4 sought"; that's correct?

14:28:40 5 A. That's correct.

6 Q. 41 "The reports were provided by the following, the Environmental Services

7 Department, Roads and Traffic Department, Parks Department and the Planning

8 Department. And in addition there was Environmental Health Office of the

9 Eastern Health Board, furnished a report as well."

14:28:55 10 A. That's correct.

11 Q. 42 Briefly dealing with those reports.

12 "The Environmental Services Department of Dublin County Council reported on the

13 planning application 93A/1161 on the 22nd of December 1993." That's at page

14 14983.

14:29:10 15

16 "The Roads and Traffic Department of South Dublin County Council reported on

17 the said planning application on the 12th of April 1994." That's at page

18 14986. "The Parks Department reported on the said planning application on the

19 6th of April 1994." That's at 14987. "The Environmental Health Officer, of

14:29:32 20 the Eastern Health Board, a Mr. John O'Reilly, Principal Environmental Health

21 Officer of the Eastern Health Board, reported on the said planning application

22 on the 31st of August 1993." And that's at 14992.

23

24 Finally, "the Planning Department and the County Planning Officer of South

14:29:48 25 Dublin County Council reported on the said planning application on 12th of

26 April 1994"; is that correct?

27 A. That's correct.

28 Q. 43 I think that is at page 14994. If we could have that up, please. 14994.

29 You might just briefly take a look at that.

14:30:04 30



14:30:04 1 The said report, there is reference at page 14996, at the bottom of that page,  
2 internal pagination 3 of 20.  
3 "This site was the subject of considerable discussion during the review of the  
4 1983 Development Plan. In the 1983 Development Plan, the zoning is C and E.  
14:30:21 5 To protect, provide for and/or improve town district centre facilities and "to  
6 provide for industrial and related uses". The zoning carries with it a  
7 specific objective to restrict the retail shopping to 23,500 square meters."  
8  
9 Page 14997. "The Council's development strategy for the schedule of towns of  
14:30:42 10 Lucan and Clondalkin as set out in paragraph 5.4.9 of the 1993 Dublin County  
11 Development Plan written statement, provides as follows.  
12 The development strategy in terms of commercial and shopping provision has been  
13 modified in light of the development of the area to date and anticipated future  
14 needs of the community."  
14:31:02 15  
16 It goes on to say that "The three district centers are identified at Lucan,  
17 Clondalkin and Quarryvale. In the case of Quarryvale the lands were zoned C  
18 and E. That is district town centre and industrial.  
19  
14:31:13 20 It is an objective of the Council to foster the creation of employment  
21 opportunities in the Quarryvale area and to facilitate the provision of a  
22 district centre to serve the large community. It is proposed to designate a  
23 district/town centre at Quarryvale. The district town centre shall be in  
24 order of, but not exceeding, 250,000 square foot of retail shopping."  
14:31:42 25  
26 That 250,000 square foot is the imperial measurement as would be -- would have  
27 been prevalent at the time. "The County Planning Officer, Mr. Enda Conway,  
28 recommended that a decision to grant permission for a development at Quarryvale  
29 register reference 93A/1161, be made under the Local Government Planning and  
14:31:56 30 Development Acts 1963-1993 subject to 45 conditions."

14:32:01 1 And I think that is at page 15000. That is correct I believe.

2 A. That's correct.

3 Q. 44 Now, ultimately, a "Decision granting planning permission was made by the

4 planning authority. A decision was made by South Dublin County Council to

14:32:19 5 grant planning permission in respect of proposed development of Quarryvale

6 under register reference, 93A/1161, subject to the said 45 conditions. This

7 decision was made on the 13th of April 1994 by order P/0473/94. And the

8 record of this order is at page 15013."

9 If we could have that up on the screen, please. 15013, internal pagination of

14:32:42 10 the record is page 20.

11

12 "The 45 conditions attached to the grant of permission are also set out." And

13 that's at internal pagination page 8, and in the brief page 15001. Indeed as

14 you can see from the documentation there the order made 13th of April 1994.

14:33:04 15

16 "Now, in accordance with article 23(2) of the Local Government Planning and

17 Development Regulations 1990, an advertisement was placed by South Dublin

18 County Council in the Irish Independent on 19th of April 1994, giving public

19 notice of the above planning decision." And that's at 15014.

14:33:24 20

21 "The order" -- I believe -- "was then the subject of a number of appeals to An

22 Bord Pleanala"; is that correct?

23 A. That's correct.

24 Q. 45 The appeals then to An Bord Pleanala. "Thus by letters dated 13th of May 1994.

14:33:37 25 An Bord Pleanala notified South Dublin County Council that appeals had been

26 lodged with the board against the decision of South Dublin County Council to

27 grant planning permission in respect of application register reference

28 93A/1161, being the proposed development by Barkhill Limited at Quarryvale.

29

14:33:52 30 The reference assigned to these appeals by An Bord Pleanala was PL 06S.093483."

14:34:00 1 And that's at page 15015. "South Dublin County Council was informed by An  
2 Bord Pleanala on the 13th of May 1994 that appeals had been lodged by the  
3 following persons or entities.  
4 1. Barkhill Limited, the applicant.  
14:34:13 5 2. PHI&MS Limited.  
6 3. An Taisce.  
7 4. Mr. Luke Moriarty.  
8 The appeals lodged by the foregoing persons/entities are to be found at pages"  
9 -- 15024 to 15052.  
14:34:28 10  
11 "The appeal by Barkhill Limited, the applicant.  
12 By letter dated 12th of May 1994, Ms. Auveen Byrne and Associates, Consultant  
13 Town Planners" -- page 15024 -- "appealed on behalf of their client, Barkhill  
14 Limited, certain conditions of South Dublin County Council's decision to grant  
14:34:44 15 planning permission under register reference 93A/1161. The conditions  
16 appealed by Barkhill Limited were 3(a),(b) (c), (h), 4 (a), 13, 16, 17, 18, 20,  
17 21, 26, 27, 29, 31, 32, 33, 34, 35, 36 and 37. The grounds of appeal for  
18 certain of those conditions were to be dealt with by McCarthy and Partners,  
19 Consultant Engineers on behalf of Barkhill Limited. The letter of the 12th of  
14:35:15 20 May 1994 is at" -- 15024.  
21  
22 "By letter dated 11th May 1994, Messrs. McCarthy and Partners, Consulting  
23 Engineers, on behalf of Barkhill Limited made submissions in support of the  
24 appeal and referred specifically to conditions 3(a), (b), (c), (h), 4(a), 17,  
14:35:33 25 18, 20, 21, 34, 36, and 37. The letter of the 11th of May 1994 from Messrs.  
26 McCarthy and Partners, Consulting Engineers, is at" -- 15030.  
27  
28 "The appeal PHI&MS Limited. By letter dated 10th of May 1994, Mr. Fergal  
29 McCabe, Architect and Town Planners, PHI&MS Limited of 1 Stokes Place, Dublin 2  
14:35:54 30 appealed the decision of South Dublin County Council to grant planning

14:35:57 1 permission to Barkhill Limited in respect of planning application, register  
2 reference 93A/1161, subject to the 45 conditions aforesaid.

3  
4 The issues raised in the appeal, in summary, were legal and procedural matters,  
14:36:08 5 the additional information decision, the Environmental Impact Statement, the  
6 nature and extent of the planning application, ministerial directive, shopping  
7 hierarchy, traffic and access, visual/historical, residential amenity,  
8 Development Plan and local planning issues.

9 The appeal is at page" -- 15032 to 15045.

14:36:31 10  
11 I believe then there was also an "Appeal by An Taisce stated. By letter dated  
12 12th of May 1994, An Taisce, Tailor's Hall, Back Lane, Dublin 8, notified An  
13 Bord Pleanala that it wished to appeal the decision of South Dublin County  
14 Council to grant the planning permission to Barkhill Limited in respect of the  
14:36:47 15 said register reference. The issues raised in the appeal were: Traffic  
16 impact, impact on the Liffey Valley amenity area, planning policy matters,  
17 retail impact.

18 This letter 12th of May can be found at" -- 15046.

19  
14:37:06 20 Finally then "Appeal by Mr. Luke Moriarty.  
21 Contained by way of "A letter on the 11th of May 1994, from Messrs. Ashlin  
22 Coleman Heelan, Architects, on behalf of their client Mr. Luke Moriarty of Unit  
23 14, Palmerstown Shopping Centre, Dublin 20. In which they notified An Bord  
24 Pleanala that they wished to appeal the decision of South Dublin County Council  
14:37:21 25 to grant permission to Barkhill Limited in respect of the said register  
26 reference.

27 Issues raised in the appeal were retail impact, zoning matters, traffic, policy  
28 issues.

29 The letter of the 11th of May 1994 is at" -- 15048; is that correct?

14:37:37 30 A. That's correct.

14:37:38 1 Q. 46 And I think this led to a response from South Dublin County Council to the  
2 issues raised in the appeal.

3 A. Yes, that's correct.

4 Q. 47 And "On the 9th of June 1994, the Planning Officer, South Dublin County Council  
14:37:50 5 responded to each of the matters raised in the appeals submitted to An Bord  
6 Pleanala. The response of the Planning Officer is at" -- 15053 to 15068.  
7 "There followed response by Barkhill Limited, the Applicant. This is by way  
8 of letter dated 17th of June 1994. An Bord Pleanala notified South Dublin  
9 County Council that a response had been received from the Ambrose Kelly Group  
14:38:11 10 on behalf of Barkhill Limited, in respect of the appeals lodged by PHI&MS  
11 Limited, An Taisce and Luke Moriarty. This letter is at" -- 15069. "The  
12 response of the Ambrose Kelly Group, dated 13th of July 1994, which addresses  
13 the issues raised in the appeals is at" -- 15070.  
14

14:38:29 15 Now, the report of the Planning Officer, South Dublin County Council. In its  
16 letter of the 17th of June 1994 at" -- 15069 -- "An Bord Pleanala invited South  
17 Dublin County Council to make submissions or observations to the board in  
18 respect of the above responses, i.e. the responses of Barkhill Limited, within  
19 21 days.

14:38:49 20

21 The County Planning Officer of South Dublin County Council, Mr. Enda Conway, by  
22 letter dated 4th of July 1994, reported that his earlier submission to An Bord  
23 Pleanala covered all relevant aspects of the appeal from the point of view of  
24 the planning authority. Being South Dublin County Council.

14:39:04 25 He did add two further observations which set out in the said letter. 4th of  
26 July 1994 at" -- 15102-3.  
27

28 Following from that "By letter dated the 19th of July 1994 and addressed to the  
29 Ambrose Kelly Group on behalf of the applicant, Barkhill Limited, and which was  
14:39:20 30 copied to South Dublin County Council, An Bord Pleanala informed the Ambrose

14:39:25 1 Kelly Group, of the requirement to issue a revised public notice to be  
2 published in respect of the appeal to An Bord Pleanala. An Bord Pleanala  
3 enclosed a sample notice to the Ambrose Kelly Group and that's contained at" --  
4 15104. That's correct?

14:39:38 5 A. That's correct, yes.

6 Q. 48 "The decision of An Bord Pleanala in connection with the appeals against the  
7 decision of South Dublin County Council to grant permission to Barkhill Limited  
8 under register reference 93A/1161. By letter dated 29th of September 1994. An  
9 Bord Pleanala notified South Dublin County Council that an order had been made  
10 by An Bord determining the subject appeal under the Local Government Planning  
11 and Development Acts 1963 to 1993. A copy of the order from An Bord Pleanala  
12 was enclosed at" -- 15107 to 15115 -- I think this is an important date in  
13 relation to the planning history of Quarryvale.

14  
15 "The decision of An Bord Pleanala was that permission was to be granted for the  
16 said development as set out in the first schedule subject to the conditions set  
17 out in the second schedule." So therefore permission had been granted on the  
18 29th of September 1994 to Barkhill Limited, subject to conditions. And I  
19 think that the first schedule is at page 15109. 15109.

14:40:38 20  
21 The first schedule of the order of An Bord Pleanala cited that "The proposed  
22 development comprised a comprehensive integrated development of lands  
23 designated as a district/town centre for mixed commercial/retail and industrial  
24 uses in the Dublin County Development Plan 1993, in an area for which it is a  
14:40:54 25 specific objective to "foster the creation of employment opportunities in the  
26 Quarryvale area and to facilitate the provision of a district centre to serve  
27 the large community". The proposed development fulfills the policies and  
28 objectives of the development plan which are considered to be reasonable. It  
29 is considered that, subject to compliance with conditions set out in the second  
14:41:13 30 schedule, the proposed development would be consistent with the hierarchy of

14:41:16 1 shopping facilities, indicated in the plan, would not hinder the amenities of  
2 property in the vicinity and would otherwise be in accordance with the proper  
3 planning and development of the area.  
4

14:41:25 5 The second schedule. At 15109. Condition No. 1 in particular, to look at  
6 that please, 15109. I think that's up on the screen indeed.  
7 "Condition number 1 states as follows. The proposed development shall be  
8 carried out in accordance with the plans and particulars submitted to the  
9 planning authority as amended by additional information submitted on the 14th  
14:41:45 10 day of February 1994, except as may be required by the conditions attached  
11 hereunder. The reason given "in the interests of clarity to define the nature  
12 and extent of the permission granted".  
13

14 An Bord Pleanála included a further 19 conditions in their order which set out  
14:42:06 15 how the development was to be carried out on the Quarryvale site. The  
16 condition also required the payment of development contributions in respect of  
17 the provision of public infrastructure which would facilitate the proposed  
18 development.  
19

14:42:14 20 The conditions also required the lodgement of security to secure the  
21 satisfactory completion of the roads, water mains, drains, carparks and open  
22 space and other services required in connection with the development. The  
23 development was also required to facilitate the Planning Authority and the  
24 Commissioners of Public Works in archeological appraisal of the site."  
25

14:42:33 26 And that, I take it, concluded the parent planning application register  
27 reference 93A/1161 in respect of the lands of Quarryvale on behalf of Barkhill  
28 Limited?  
29

29 A. That's correct, yes.

14:42:48 30 Q. 49 And moving to the second part of your statement, Mr. Kennedy. This is the

14:42:53 1 history relating to the removal of the cap of 23,500 square meters of retail  
2 floor space at Quarryvale/Liffey Valley retail centre in the course of the 1998  
3 South Dublin County Council review of the Dublin County Development Plan 1993.  
4

14:43:08 5 "The 1993 Development Plan zoning on the Quarryvale lands. Now, I believe in  
6 the Dublin County Development Plan 1993, the lands at Quarryvale were subject  
7 to two zoning objectives.

8 Objective C. To protect, provide for and/or improve town district centre  
9 facilities.

14:43:26 10 Objective E. To provide for industrial and related uses.

11 A. That's correct.

12 Q. 50 "Both of these zoning objectives were indicated to apply jointly to the entire  
13 of the Quarryvale lands and together these zonings constituted what's known as  
14 a dual zoning. Designation which was illustrated on map No. 16 by means of  
15 alternating stripes of colour, each corresponding to the relevant zoning

14:43:46 16 objective." And that's at 15118, that map, map 16. 15118. We would have  
17 seen that earlier today indeed when Ms. Foley was giving the statement of  
18 Ms. Collins.  
19

14:44:02 20 Now, a copy of map number -- as I've said, is now exhibited and you can see the  
21 striping on the said map blue and purple, which is what's referred to as dual  
22 zoning C and E; is that correct? Can you see that map there?

23 A. Yes, I can. Yes, that's correct.

24 Q. 51 "Both of these zoning objectives were indicated to apply jointly to the entire  
14:44:22 25 of the Quarryvale lands, and together these zonings constituted, as I have said  
26 already, dual zoning. This is the zoning that pertained at the conclusion of  
27 the review of the 1983 Dublin County Development Plan which concluded in  
28 December 1993, with the adoption of the Dublin County Development Plan 1993."

29 A. Yes, that's correct.

14:44:39 30 Q. 52 "As can be seen from the said map, the No. 6 and 7 appear on the zoning on the



14:44:43 1 map."

2 A. Yes, that's correct.

3 Q. 53 "These numbers relate to specific local objectives number 6 and 7 which are

4 contained in the written statement of the Dublin Development Plan 1993 and

14:44:54 5 which relate to the Quarryvale lands.

6

7 I think that at paragraph 4.9.16 of the written statement of the 1993 Dublin

8 County Development Plan related to the lands on map 16. That is the

9 Lucan/Clondalkin/Palmerstown area. The written statement records specific

14:45:10 10 local objectives 6 and 7 as follows:

11 4.9.16.6. "To ensure the provision of a suitable centre to meet the overall

12 needs of the area."

13 4.9.16.7. "To restrict the retail shopping to 23,500 square meters."

14 That's correct I believe.

14:45:30 15 A. That's correct, yes.

16 Q. 54 "The extract from the written statement of Dublin County Development Plan 1993

17 which states these specific objectives is at" -- 15120 to 15121. "So it can be

18 seen therefore that the zoning that applied to the entire of the Quarryvale

19 lands after the making of the 1993 Dublin County Development Plan was combined

14:45:49 20 C and E zoning, with a specific local objective that the permitted retail use

21 on the lands was capped at 23,500 square meters."

22 A. That's correct.

23 Q. 55 "So this then was altered by the review of the 1993 Dublin County Development

24 Plan undertaken by South Dublin County Council in 1998."

14:46:06 25 A. Yes.

26 Q. 56 And we will go on to deal with that now.

27

28 "The zoning changed from C and E, to D, C and E on the Quarryvale lands. When

29 the Dublin County Development Plan 1993 came to be considered for review by the

14:46:22 30 officials of South Dublin County Council, in so far as the 1993 plan related to

14:46:27 1 lands within its functional area. The view of senior management and the County  
2 Planning Officer was that then existing "dual or combined zoning" designation  
3 of C and E could present difficulties in controlling development on the  
4 Quarryvale lands."

14:46:38 5 A. That's correct.

6 Q. 57 "These perceived difficulties could arise from differences in the  
7 permissibility of particular uses under zoning objectives C and E. And you  
8 give for example, a residential development is permitted in principle in areas  
9 zoned objective C but is not permitted in areas zoned objective E."

14:47:05 10 A. That's correct.

11 Q. 58 "It was therefore considered appropriate to simplify this zoning arrangement by  
12 dividing the lands and designating one zoning objective only, in each portion  
13 of the lands in order to remove such ambiguities."

14 A. That's correct.

14:47:05 15 Q. 59 "Therefore in the draft County Development Plan 1998, as prepared by the  
16 officials of South Dublin County Council and which was placed in public display  
17 in February 1998, revised zonings were indicated on map No. 1. Map No. 1  
18 includes the Quarryvale lands. In map No. 1 the lands are divided and the  
19 northern portion of the lands were indicated to be zoned objective D, C "to  
20 protect, provide for, and/or improve district centre facilities." If we could  
21 have map 15122.

22  
23 Yes, you can see that the map again, it's pink and purple. The northern  
24 portion of the land is purple -- northern is pink, excuse me, and the southern  
14:47:57 25 is a purple colour designation.

26  
27 "The southern portion of the lands were indicated to be zoned objective E "to  
28 provide for industrial related uses" a copy of the map is at" 15122.

29  
14:48:10 30 And this was the map that was placed in public display in February 1998.

14:48:15 1 "The decision as to where the boundary was drawn, I believe, as between the  
2 district centre zoned lands and the industrial zoned lands reflected generally  
3 the terms of the permission granted for the development of Quarryvale lands  
4 under register reference 93A/1161." That being the Barkhill Limited planning  
14:48:31 5 application.

6 A. That's correct.

7 Q. 60 And this related primarily to the northern portion of the lands, that is the  
8 pink northern quarter of the lands on the map.  
9

14:48:44 10 "The removal of the cap on retail floor space at Quarryvale. The cap and  
11 retail development on the Quarryvale lands at 23,500 square metres was  
12 contained in specific local objective No. 7 at paragraph 4.9.16 of the 1993  
13 Dublin County Development Plan written statement. The cap was removed as part  
14 of the process of the review of the 1993 Dublin County Development Plan by  
14:49:04 15 South Dublin County Council. This process led to the making of the South  
16 Dublin County Council Development Plan 1998. The Draft Development Plan of  
17 South Dublin County Council was placed on public display on the 9th of February  
18 1998 for the statutory three month period ending on the 11th of May 1998."

19 A. That's correct.

14:49:20 20 Q. 61 "The cap on retail space at Quarryvale was omitted from the draft plan as  
21 placed on public display. The omission of the cap on future shopping  
22 development on the Quarryvale lands from the draft plan reflected the view of  
23 senior management of South Dublin County Council and the County Planning  
24 Officer that such restriction was inappropriate."

14:49:40 25 A. That's correct.

26 Q. 62 "I understand that the 1993 cap had been imposed in order to assist the  
27 development of Blanchardstown Shopping Centre and was no longer considered  
28 necessary. Liffey Valley, Quarryvale, was the only major centre in the Dublin  
29 region with such a restriction and scale of the development at the centre could  
14:49:58 30 more appropriately be controlled by the local authority through the nominal

14:50:01 1 planning application and appeal process."

2 A. That's correct.

3 Q. 63 "Liffey Valley centre was considered deficient in retail facilities in that it

4 had no major supermarket and additional floor space was felt to be necessary."

14:50:12 5 A. That's correct.

6 Q. 64 "It was the view of the planners of South Dublin County Council that the

7 application of the cap contained in the Dublin County Development Plan 1993,

8 would provide -- prove problematic to operate. It failed to differentiate

9 between net and gross floor space, storage space, circulation space or trading

14:50:29 10 space. As such it represented a crude and blunt instrument for normal

11 development control decision making."

12 A. Yes, that's correct.

13 Q. 65 "Now, we move to the various debates, reports and motions which resulted in the

14 removal of the cap, and they were outlined below, in chronological order, in

14:50:47 15 the context of the review by South Dublin County Council of the Dublin County

16 Development Plan 1993.

17

18 Now, on the 2nd of December 1996, a meeting of South Dublin County Council, in

19 committee, the manager" -- and if I could just pause again. This is what I

14:51:04 20 referred to at the outset. The loose term referred to whoever was assisting

21 the cathaoirleach at the time and in relation to this matter would have

22 referred to the Deputy Manager more correctly.

23 A. That's correct.

24 Q. 66 And throughout the following documents we'll be referring to. I think the

14:51:19 25 Deputy Manager would be the more appropriate or correct term to use.

26

27 "The Deputy Manager reported on the forthcoming review of the 1993 County

28 Development Plan, minute number C/480/96 refers. The manager reported to the

29 members on the timing, programme and proposed approach to the review. It was

14:51:37 30 agreed to present position papers to the next meeting of the council to

14:51:41 1 consider their review of the Dublin plan. That meeting is at page" -- 15116.  
2  
3 "The review by the Planning Department of South Dublin County Council of the  
4 specific objectives in the context of the review of the Dublin County  
14:51:56 5 Development Plan 1993.  
6  
7 In January 1997, as part of the review of the Dublin County Development Plan  
8 1993, a report entitled "Review of the specific objectives" was prepared by the  
9 Planning Department of South Dublin County Council. The specific objectives  
14:52:11 10 referred to in the title of the report relate to Section 4 of the written  
11 statement of the Dublin County Development Plan 1993, which, as already stated  
12 set out a series of specific local objectives.  
13  
14 Included in the specific local objectives, as contained in Section 4 of the  
14:52:26 15 written statement of the Dublin County Development Plan 1993, were those which  
16 related to map No. 16" -- we've already seen on the screen -- "the  
17 Lucan/Clondalkin/Palmerstown area. The areas in which the Quarryvale lands are  
18 situate. Section 4 contained two Specific Local Objectives which related to  
19 the Quarryvale lands, as already stated, are recorded at paragraph 4.9.16.6 and  
14:52:44 20 4.9.16.7 of the written statement.  
21  
22 Paragraph 4.9.16.6 records as follows" and as I have already referred to it "to  
23 ensure the provision of a suitable centre to meet the overall needs of the  
24 area".  
14:53:04 25 Paragraph 4.9.16.7 records "to restrict the retail shopping to 23,500 square  
26 meters."  
27  
28 The report by the Planning Department of South Dublin County Council in January  
29 1997, noted in relation to these specific objectives that planning permission  
14:53:17 30 had been granted for major multi purpose development at the location, i.e.

14:53:23 1 Quarryvale, and that the restriction on the retail shopping to 23,500 square  
2 metres had been conditioned in the planning permission." That is at page  
3 15124.

14:53:31 5 "Now, in May 1997 a number of position papers were prepared I believe.  
6 As had been agreed by the meeting of the South Dublin County Council on the 2nd  
7 of December 1996 and as part of the review of the Dublin County Development  
8 Plan 1993, a report entitled "Position Papers" covering a wide range of topics  
9 was prepared in May 1997 by the Planning Department of South Dublin County  
14:53:51 10 Council. Paragraph 10 of this report dealt with shopping and commercial  
11 development, references made to Quarryvale at the following portions of the  
12 report." The report is at page 15129.

13 "A. Subsection 10.5, page 50, of the internal pagination under the heading  
14 "shopping hierarchy" references made to Quarryvale as a district centre, and it  
14:54:10 15 is further noted that town/district centre ranges from 3,000 to 20,000 square  
16 metres in size and serve a district catchment up to two to three mile radius.

17  
18 B. Subsection 10.9, page 52 of the internal pagination. Under the heading  
19 "shopping provision" reference is made to the Quarryvale district centre  
14:54:28 20 proposal which includes 23,500 square metres of shopping. There is no  
21 recommendation in the position papers for or against the cap." That's correct?

22 A. That's correct.

23 Q. 67 "All relevant extracts from the position papers are at page" -- 15131 and  
24 15129.

14:54:45 25  
26 "I believe the matter was dealt with thereafter at a number of special meetings  
27 of South Dublin County Council."

28 A. That's correct.

29 Q. 68 "There was one such meeting on the 1st of September 1997. At a special  
14:55:00 30 meeting of South Dublin County Council, minute number C/330/97 refers. The

14:55:07 1 manager" -- again loose term -- "presented to the elected members a concept  
2 book of position papers which had been prepared by officials of South Dublin  
3 County Council in the course of the Development Plan Review Process. These  
4 position papers were noted by the council. The minutes of the meeting on the  
14:55:21 5 1st of September 1997 are at" -- 15134.

6  
7 "The next meeting then was on the 1st of December 1997. Again, a special  
8 meeting of South Dublin County Council, minute number C/497/97. A report on  
9 the Draft Development Plan by the manager was circulated to the elected  
14:55:40 10 members. There is no reference in this report to the Quarryvale lands. A  
11 copy of the minute is appended at page" -- 15135.

12  
13 "The minute contains the manager's report. No decision was made at this  
14 meeting although there had been discussions and it was agreed to defer any  
14:55:57 15 further contributions on the manager's report to the next meeting on the 2nd of  
16 December 1997. Minutes of that meeting are at" -- 15135.

17  
18 "The next meeting was on 2nd of December, 1997. Again a special meeting of  
19 South Dublin County Council. At which a presentation was made by council  
14:56:16 20 officials to the elected members on the Draft Development Plan. Minute number  
21 C/498/97. Further contributions were made by some elected members and the  
22 council officials outlined the unsolicited representations made by members of  
23 the public. A list of agreed amendments to be incorporated into the written  
24 statement and the maps of the final draft plan for display, was outlined by the  
14:56:52 25 Deputy Manager. None of the items listed refer to the Quarryvale lands."

26 A. That's correct.

27 Q. 69 "It was proposed by councillor Walsh and seconded by councillor Laing that the  
28 1998 Draft Development Plan, including the amendments to be made by the manager  
29 relating to the matters listed, would go on public display. This motion was  
14:56:57 30 passed at minute C/501/97 refers. A copy of the minutes of this meeting is

14:57:02 1 appended herewith at" -- 15144.  
2  
3 "We move on then to the public display of the draft plan.  
4 The Draft Development Plan was placed on public display on the 19th of February  
14:57:14 5 1998 for the statutory three month period ending 11th of May 1998. The draft  
6 plan did not contain any specific objectives restricting quantum or amount of  
7 retail shopping permissible on the lands at Quarryvale as had previously  
8 applied under the Dublin County Development Plan 1993 as already outlined."  
9 A. That's correct.  
14:57:33 10 Q. 70 "This was for the reasons already stated."  
11 A. Yes.  
12 Q. 71 "The absence of any such restriction on retail space as had been contained in  
13 the 1993 Development Plan for County Dublin, meant that if the 1998 draft plan  
14 was ultimately adopted by South Dublin County Council without change, the cap  
14:57:50 15 in Quarryvale would be permanently removed."  
16 A. Yes, that's correct.  
17 Q. 72 "Now, indeed there are a number of representations on the Draft Development  
18 Plan of South Dublin County Council 1998. Following the oral hearings copies  
19 of all representations and minutes of oral hearings were given to the elected  
14:58:05 20 members of South Dublin County Council. The county manager's reports and  
21 recommendations of the representations were given to the elected members on the  
22 13th of August 1998. Representations objecting to the removal of the cap at  
23 Quarryvale were made by Leixlip Town Commissioners, Retail Grocery Dairy and  
24 Allied Trades Association and The Square Management Committee through  
14:58:24 25 Mr. Fergal McCabe, Nicola Corrigan, Paul O'Connell & Associates and finally by  
26 the Mid East Regional Authority.  
27 These objections were numbered 01531, 01532, 01544, 01552 and 01895.  
28  
29 Report number R003 was a comprehensive report by the officials of the South  
14:58:46 30 Dublin County Council on the objections to the removal of the cap. This report



14:58:49 1 outlined in summary form the objections to the lifting of the cap at Quarryvale  
2 and the zoning history of the Quarryvale lands to date. The report  
3 recommended that the removal of the restriction on retail floor space be  
4 confirmed." Which is a technical way of saying that the cap should be removed.

14:59:05 5 A. Yes, that's correct.

6 Q. 73 "And this report is at 15149." If we could have that on screen, 15149.  
7 And I think you can see at the bottom of that, the very last line on that, the  
8 words "in other words recommending the removal of the cap, the report  
9 recommended that the removal of the restriction on retail floor space be  
10 confirmed."

11  
12 "Now, the written statement to South Dublin Draft County Development Plan 1998  
13 insofar as it relates to the zoning objectives to be placed on the Quarryvale  
14 and Balgaddy town/district centre lands.

14:59:45 15 Paragraph 5.2.14 of the draft written statement to the South Dublin Draft  
16 County Development Plan 1998 is headed "district centres" and beneath that  
17 "Quarryvale and Balgaddy town/district centres"  
18 Paragraph 5.2.14.1 states as follows." That's at page 15166. If we could  
19 have that up, please.

15:00:07 20  
21 "The paragraph reads as follows. The Council recognises that the function and  
22 catchment areas of these centres will exceed that normally associated with  
23 "district centre" level zoning designation. The development proposals in these  
24 centres will therefore be judged in accordance with the use, classes and  
15:00:26 25 categories as set out in table 3.7 (i.e. town centre level zoning) Section 3,  
26 development control.

27  
28 However, it is not considered appropriate to designate the centres as "town  
29 centres" given that the level of civic and community facilities usually  
15:00:45 30 associated with the town centre e.g. hospital, regional, technical colleges,

- 15:00:48 1 public parks, theatre, etc. are unlikely to be developed thereon."
- 2 A. Correct.
- 3 Q. 74 "This proposed that the development proposals in connection with Quarryvale and
- 4 Balgaddy lands will be judged in accordance with the uses and categories set
- 15:01:02 5 out in table 3.7, that is town centre zoning or TC. Table 3.7 zoning objective
- 6 TC as set out in the 1998 Draft Development Plan written statement, defines
- 7 zoning objective TC as; to protect, provide for and/or improve town centre
- 8 facilities. And thereafter sets out the use or classes relating to this
- 9 zoning objective. It identifies the developments that are permitted in
- 15:01:26 10 principle and those that are open for consideration and those that are not
- 11 permitted." And that's at 15168.
- 12
- 13 "Therefore, in the 1998 Draft Development Plan for South Dublin as put on
- 14 public display, Section 4 dealt with specific objectives. Specific local
- 15:01:47 15 objective number 43 dealt with Quarryvale and Balgaddy lands and recorded as
- 16 follows "Within the lands at Quarryvale and Balgaddy, designated zoning DC
- 17 under Development Plan No. 1, the use, classes and categories as set out in the
- 18 table 3.7 (section 3 development control) will apply when assessing the
- 19 accessibility or otherwise of development proposals.
- 15:02:06 20
- 21 The effect then of the foregoing was that the 1998 draft plan as put on public
- 22 display, proposed that while the lands at Quarryvale and Balgaddy would be
- 23 designated DC, that's district centre, on the Draft Development Plan 1, the
- 24 actual uses to which the lands could be put would be in accordance with those
- 15:02:22 25 applicable to town centre facilities." Is that correct?
- 26 A. That's correct, yes.
- 27 Q. 75 "Now, Mr. Owen O'Callaghan on behalf of Barkhill Limited, by letter dated 8th
- 28 of May 1998, made a submission supporting this policy for Quarryvale. It was
- 29 Barkhill's representation that the policy relating to Quarryvale contained in
- 15:02:40 30 paragraph 5.2.14.1 of the written statement to the draft plan, should be

15:02:45 1 retained and strengthened in the adopted Development Plan so as to reflect the  
2 role that Quarryvale would be likely to play in a social and leisure activities  
3 in it's catchment area" -- and that's at page 15151.  
4 Now, not everybody was in favour of the proposed changes.

15:03:03 5 A. That's correct.

6 Q. 76 "I think that motion by councillors O'Connell, Muldoon to reverse the removal  
7 of the cap from the 1998 Draft Development Plan for South Dublin County Council  
8 issued.

15:03:14 10 On the 1st of September 1998, South Dublin County Council recorded receipt of a  
11 handwritten motion signed by councillor Gus O'Connell and dated by him as of  
12 31st of August 1998.

13  
14 In essence, this motion sought to reverse the changes proposed in respect of  
15 the Quarryvale and Balgaddy town district centres and sought that the original  
16 written statements to the Dublin County Development Plan 1993, in connection  
17 with these lands, be carried forward into the Draft Written Statement of the  
18 1998 Draft County Development Plan for South Dublin.

15:03:42 20 The motion proposed the 1998 Draft Development Plan Written Statement be  
21 amended by the deletion of Section 5.2.14.1 and its replacement in the Draft  
22 Written Statement by the wording in Section 5.4.91 and 5.4.92 of the  
23 Development Plan 1993."

24 In other words they wanted to row back to the 1993 position.

15:04:07 25 A. That's correct.

26 Q. 77 "The motion in its original form is at" -- 15163 "and also contained in typed  
27 format in the minutes of the meeting of South Dublin County Council on the 24th  
28 of September 1998" -- and that's at page 15158.

15:04:24 30 "Now, on the 24th of September 1998, again at a special meeting of South Dublin

15:04:28 1 County Council, the Council came to consider the motion from councillor  
2 O'Connell and the manager's report in response. The motion was proposed by  
3 councillor O'Connell and seconded by councillor Muldoon. The motion was  
4 ultimately unsuccessful."

15:04:42 5 A. That's right.

6 Q. 78 "The report of the manager, which had been circulated, recorded that the  
7 imposition of a special restriction on the size of the retail shopping element  
8 of the Quarryvale/Liffey Valley centre was unique in County Dublin as a result  
9 of the specific motion passed by the council. He further recorded that in the  
15:05:00 10 context of present day development in retail shopping and the controls  
11 exercised on such development, it was considered appropriate to remove the  
12 restriction." That is remove the cap.

13 A. Yes.

14 Q. 79 "The manager recommended for the various reasons set out in his report, that  
15:05:14 15 the removal of the restriction on retail floor space at Quarryvale/Liffey  
16 Valley be confirmed by the Council and that the Draft Written Statement be not  
17 amended on foot of the motion."

18 A. Yes.

19 Q. 80 And that can be found at page 15156 to 15160. And again, to labour the point  
15:05:31 20 but the word manager again, is in effect the Deputy Manager.

21 A. That's correct.

22 Q. 81 The more correct.

23

24 "So as already outlined, the combined effect of these new sections, section  
15:05:42 25 5.2.14.1 of the 1998 Draft Written Statement at page 15166, and the definition  
26 of the zoning objective TC at table 3.7 of the 1998 Draft Written Statement,  
27 page 15168, and specific local objective No. 43 at section 4.9 of the 1998  
28 Draft Written Statement, at page 15170, meant that or was that the Council were  
29 proposing in the 1998 Draft Plan that the Quarryvale and Balgaddy sites, whilst  
15:06:14 30 retaining district centre designation or zoning, would be permitted town centre

15:06:18 1 status."

2 A. That's it.

3 Q. 82 "Or town centre uses," excuse me.

4 "This was then the zoning designation originally sought for the Quarryvale

15:06:36 5 lands in 1991, in the course of the then review of the 1983 Development Plan

6 for County Dublin."

7 A. Yes.

8 Q. 83 That would be correct.

9 "Section 5.2.14.1 of the South Dublin Draft County Development Plan 1998

15:06:40 10 derives from the view taken by council management that while a scale of

11 development on Quarryvale lands would be considered "town centre" in relation

12 to the quantum of retail floor space, an actual town centre or TC zoning

13 designation was not appropriate. Given the nature of permitted development in

14 terms of land use and built form.

15:06:59 15 It could not be considered to constitute a town centre in terms of the

16 traditional model of a town centre incorporating streets, squares, public

17 spaces, etc."

18 A. That's correct.

19 Q. 84 "It was therefore felt that a district centre or DC zoning designation, was

15:07:12 20 more appropriate but that in terms of classes of use set out in the draft plan,

21 town centre use could be acceptable."

22 A. That's correct.

23 Q. 85 "The effect of deleting Section 5.2.14.1 from the Draft Plan, the O'Connell

24 Muldoon motions plan 1998 and replacing it with the text of section 5.4.91 and

15:07:34 25 5.4.92 of the Dublin County Development Plan 1993, would have been to retain

26 the cap on shopping development on the Quarryvale lands. The development

27 strategy proposed for the Lucan/Clondalkin and Quarryvale lands as contained in

28 the 1993 Dublin County Development Plan." That's at page 15172.

29

15:07:52 30 "We then move to the vote in regards to said motion to reverse the removal of

15:07:58 1 the cap from the 1998 Draft Development Plan.  
2 Again, a special meeting held on the 24th of September 1998, the managers  
3 report or Deputy Manager more correctly, reports on the above motion,  
4 recommended that the Draft Written Statement not be amended as proposed.

15:08:12 5  
6 Following discussions on the O'Connell, Muldoon motion it was defeated. This  
7 had the effect of confirming that the cap would not be reimposed during the  
8 process of making the new plan for South Dublin County and confirmed that  
9 whilst the Quarryvale lands had the zoning designation DC, district centre, it  
10 would have permitted town centre uses.

15:08:28 11 The following councillors voted for the motion to reverse the removal of the  
12 cap on retail space at Quarryvale."

13 That is voted to reimpose the cap.

14 A. That's correct.

15:08:42 15 Q. 86 That's what they are looking for, and those voting for that were Muldoon,  
16 Mullarney, O'Connell and Tipping.

17  
18 The following councillors voted against the motion to reverse the removal of  
19 the cap on retail space at Quarryvale." In effect they were voting for the,  
15:08:55 20 for getting rid of the cap -- "they were councillors Billane, Brady, Farrell,  
21 Gibbons, Hannon, Hanrahan, Hennessy, Keane, Laing, McGrath, Neville, O'Connor,  
22 O'Halloran, Ormonde, Quinn, Ridge, Tyndall and Walsh.

23  
24 And that can be seen -- the minutes of that meeting at page 15160." If we  
15:09:15 25 could have that on screen, please. 15160.

26  
27 "And the minutes of the meeting of the 24th of September 1998 are at 15156."

28  
29 I think you can see the voting in relation to the said motion is on your screen  
15:09:37 30 there at the top of the screen "Again, 4 for the motion, 18 against the motion

15:09:47 1 and no abstentions."  
2  
3 Moving on to the second and final public display.  
4 "The public display of the amendments to the 1998 Draft Development Plan for  
15:09:55 5 South Dublin County Plan in October 1998.  
6  
7 Again a special meeting was held of South Dublin County Council on the 1st of  
8 October 1998. It was resolved that material amendments to the 1998 Draft South  
9 Dublin County Development Plan, as agreed in the course of special meetings of  
15:10:09 10 the Council held on the 15th, 17th, 23rd and 24th of September and 1st of  
11 October 1998, be placed on one month statutory public display." Is that  
12 correct?  
13 A. That's correct, yes.  
14 Q. 87 "The amendments were displayed from the 9th of October to the 9th of November  
15:10:25 15 1998. No material amendments were made to the written statement as placed on  
16 public display on the 9th of February 1998. The agreed amendments therefore  
17 only related to the Draft County Development Plan maps. There were no  
18 material amendments relating to the Quarryvale lands included in the amendments  
19 placed on public display. A copy of map number 1, A3 size, as placed on  
15:10:44 20 public display in the period 9th of October to 9th of November 1998 is  
21 appended at 15173." If we could have 15173, please on the screen.  
22  
23 And again you can see the various designations in relation to the Quarryvale  
24 lands, southern part and the northern part. With the specific objectives  
15:11:14 25 numbered on the map there.  
26  
27 "Now, following on from that there was a meeting of the South Dublin County  
28 Council on the 14th of December 1998. At which the Development Plan review  
29 process was outlined. The minute No. C/703/98. The manager's -- Deputy  
15:11:35 30 Manager's report indeed, which recounted the review process by South Dublin

15:11:39 1 County Council was read and noted. No matters relevant to the Quarryvale  
2 lands were discussed, although other matters were;" is that correct?  
3 A. That's correct.  
4 Q. 88 "A copy of the minutes is appended herewith" -- 15174. "Another meeting was  
15:11:51 5 held on the 15th of December 1998. This again was a special meeting of South  
6 Dublin County Council. The Draft Development Plan for South Dublin County  
7 Council was adopted and that was at minute C/753/98 refers. And that's at  
8 page" -- 15222.  
9  
10 And it was at -- this is an important date again. In that this was the  
11 meeting at which the amendments and the draft plan were adopted.  
12 A. Yes.  
13 Q. 89 So to conclude. "In final version of the South Dublin County Development Plan  
14 1998.  
15:12:23 15  
16 In the final published version of the South Dublin County Development Plan  
17 Written Statement and maps prepared following the adoption of the Development  
18 Plan by South Dublin County Council. Specific local objective number 43 as  
19 contained in the Draft South Dublin County Development Plan 1998." Again, you  
15:12:40 20 can see that on the screens. The northern portion pink in the map there,  
21 there's a No. 43 on the map. "This was renumbered a specific local objective  
22 No. 8."  
23  
24 And if we could have page 15170.  
15:12:57 25 And that was the old -- that was the designation as was on the draft plan.  
26 And at 15228, 15228. The new number 8 specific local objective at 15228.  
27  
28 "And that stated that within the lands at Quarryvale and Balgaddy designated as  
29 zoning objective DC on the Development Plan No. 1, the use, classes and  
15:13:32 30 categories as set out in table 3.7, Section 3 Development Control, will apply



15:13:37 1 when assessing the acceptability or otherwise of development proposals."  
2 And that there is at 8.  
3  
4 And finally then at map No. 1, at page 15229. If we could have 15229 "of the  
15:13:54 5 South Dublin County Development Plan 1998, shows specific local objective No. 8  
6 as pertaining to the northern portion of the Quarryvale lands."  
7  
8 Again, as you can see from the map there, the top right of the map, the new  
9 specific local objective is written as No. 8.  
15:14:14 10  
11 "This portion i.e. the northern portion of the Quarryvale lands were zoned DC,  
12 district centre, and to these lands attached the benefit of specific local  
13 objective No. 8 as quoted above. As already stated the effect of this was that  
14 while the Quarryvale and Balgaddy lands retained DC, district centre zoning,  
15:14:27 15 the permission to uses on the lands would extend to, include, the use and  
16 classes relating to town centre facilities."  
17 A. That's correct, yes.  
18 Q. 90 That concludes your statement, Mr. Kennedy. Thank you for your assistance.  
19 That's my evidence.  
15:14:44 20  
21 CHAIRMAN: All right.  
22  
23 JUDGE FAHERTY: Just one clarification Mr. Kennedy, I take it, just for the  
24 record, that the southern part of the Quarryvale lands were zoned E.  
15:14:53 25 A. Yes, that's correct.  
26  
27 JUDGE FAHERTY: Just for the record, perhaps, it should be put out.  
28 A. MR. DOYLE: Yes, I should have advised the Tribunal of that, yes. The  
29 northern portion was DC and the southern portion was E industrial related uses;  
15:15:09 30 isn't that correct?

15:15:09 1 A. That's correct, yes.

2

3 JUDGE FAHERTY: Thank you very much.

4

15:15:13 5 CHAIRMAN: Thank you very much Mr. Kennedy. That concludes the business for

6 today. There will be no sitting tomorrow. There will be -- we will sit

7 again on Thursday --

8

9 MS. DILLON: On Tuesday. Mr. Dunlop is listed.

15:15:26 10

11 CHAIRMAN: Sorry on Tuesday at 10:30 for Mr. Dunlop.

12

13 MS. DILLON: May it please you.

14

15:15:31 15 **THE TRIBUNAL THEN ADJOURNED UNTIL TUESDAY, 6TH DECEMBER 2005,**

16 **AT 10:30 A.M.**

17

18

19

20

21

22

23

24

25

26

27

28

29

30