

APPENDIX 2

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**Seamus F. Maye
Culleenamore House
Culleenamore
Strandhill
Co. Sligo**

**Mr. Nicky Keeling Chairperson
Faythe Harriers Hurling and Camogie Club
1 St. Aidan's Crescent
Wexford**

**Mr. William Murphy Secretary
Faythe Harriers Hurling and Camogie Club
2 Richmond Close
Newline Road
Wexford**

March 25th 2014

By Registered Post

Re: Planning Application W 2014009

Dear Mr. Keeling and Mr. Murphy,

We refer to the above planning application and write to inform you that we have lodged an objection to same on several grounds (copy enclosed). Most of the grounds specified in our objection can be adequately dealt with in any subsequent application. However, the issue of land ownership at Park / Carcur has been a matter of some contention for many years.

You will probably be aware of the history of these lands to a greater or lesser extent. Suffice it to say, we have been engaged by the Somers family to examine the issue of land ownership / historical transactions in the Park / Carcur area. A very considerable file has now been compiled that highlights serious anomalies with regard to certain transactions / purported transactions going back to 1976 / 1977 involving folios 9170, 21911, 13209 and certain unregistered "CIE lands".

We have raised these issues in correspondence with CRH Plc and with both Mr. John Doyle and Mr. Brian Cleary (all of whom appear to have been involved in land dealings with the Somers family back in the late seventies) with a view to finally resolving all of the issues to all parties' satisfaction. The Somers family is both anxious and determined to have all of the issues in regard to their lands finally resolved.

The family does not wish to disrupt the activities of the various GAA clubs currently occupying said lands. However, it is imperative that meaningful engagement towards resolution now takes place between all relevant parties, to include Faythe Harriers Hurling and Camogie Club, together with the other Clubs in situ at Park / Carcur and Cumann Luthchleas Gael.

The co-operation of Mr. Doyle, Mr. Cleary and CRH Plc will clearly be key to reaching any resolution of the current anomalies. We have stressed to all parties that there may indeed be very simple explanations to the series of anomalies that have come to light. Indeed, some of the parties may well have further information / documentation that may prove relevant in solving the anomalies and bringing this matter to a satisfactory conclusion for all concerned.

We should however point out, that from documentation that has now been procured, it would seem that there is a legitimate basis to the concerns raised by the Somers family. These concerns are causing ongoing angst for the family, not least 80 year old Mrs. Josephine Somers. In the interest of all concerned, these matters should be brought to a speedy conclusion.

In the meantime, given the contentious ownership issues that we have now highlighted, could we suggest that it might be appropriate to withdraw Planning Application No. W2014009 pending finding a resolution to these issues.

Sincerely,

Seamus F. Maye

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**Seamus F. Maye
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Strandhill
Co. Sligo
Ireland**

**Mr. Liam O'Neill, President
Gaelic Athletic Association
Croke Park Stadium
Dublin 3**

April 24th 2014

Re: GAA / Somers / CRH Plc Lands at Park / Carcur, Wexford

Dear Mr. O'Neill,

We have been engaged by the Somers family to examine and regularise longstanding anomalies regarding ownership of the above lands, currently occupied by a number of GAA Clubs¹. Ownership of these lands has been shrouded in controversy since the late nineteen seventies. More recently, further documentation has come to light which reinforces the concerns of the Somers family and which clearly questions the veracity of claims that the GAA / Pairc Charman are legal owners of said lands.

Purpose of this letter:

The purpose of this letter is to provide a general synopsis to GAA HQ of the circumstances surrounding historical land transactions / purported transactions in and around Park / Carcur and to request that GAA HQ immediately initiate a review of the relevant files relating to these lands.

Having completed our examination of these files, it is clear that there is a very credible basis for the Somers family concerns. Any impartial observer that would take the time to examine the available files would surely believe that a serious wrong doing has occurred at the expense of the Somers family. From our extensive interaction with many different parties in and around Wexford over the past several months, it is fair to say that there is a widespread acceptance that the land ownership situation is not kosher.

Allied to this, the Somers family have painstakingly pieced the jigsaw of transactions together and now seek closure.

Background and Position of the Somers Family:

Over the years, several parties have been involved in the complex exchanges that have taken place around the Somers lands. This in turn has given rise to a very considerable file of correspondence

¹ Those Somers lands that were not sold to CRH Plc in 1976 and are currently occupied by four GAA Clubs, Faythe Harriers Hurling and Camogie Club, St. John's Volunteers GAA Club, St. Mary's GAA Club and Sarsfields GAA Club.

involving Land Registry, CRH Plc, Wexford Co. Co, GAA, An Garda Siochana, a number of named individuals and several firms of solicitors.

In the late seventies when the controversial transactions took place, Mrs. Somers was, by any applicable criteria, an extremely vulnerable client, having been recently widowed with eleven small children to care for in very poor circumstances. She was approached by and sold part of her land holding, i.e. part of folios 9170 and 21911, to CRH Plc, with payment staggered over eight years. The lands in question lie to the North of the Dublin / Wexford railway line at Park / Carcur.

The Somers family believe that all of the remaining lands in these folios (9170 & 21911), plus the entire of folio 13209 and other unregistered "CIE lands" have been illicitly obtained from them. Based on the extensive documentation unearthed, the Somers family believe that a third party, CRH Plc, through its subsidiary Roadstone Ltd, registered the said remaining lands in folios 9170, 21911 and the entire of 13209, in its name on July 25th 1978 and that the purported "GAA deal" is unsupported and was bogus and deceitful in its aims and objectives.

Moreover, there are a plethora of anomalies with regard to the GAA's occupancy of all of these remaining lands (including the unregistered CIE lands), inter alia incorrect maps, purported internal transfers, land swaps with Wexford County Council, drawdown of grants from Sports Capital Funding and more. We provide below some detail in relation to the background and history of transactions surrounding the aforementioned lands.

Purported GAA Land Purchase:

A number of transaction streams appear to exist, one of which purports to be carried out by trustees of the GAA for the GAA. However, this purported transaction is grounded upon a forged contract of sale², dated March 23rd 1978. In addition, GAA protocol calls for the signing of a Declaration of Trust³ where land is purchased in trust. No such declaration was signed by the purported trustees in this instance.

By letter⁴ dated May 6th 1992, M.J. O'Connor Solicitors for Pairc Charman state: - ***"I have never seen any formal Trust document however and am informed by the Solicitor who acted at the time of purchase that she has no record of any such Trust document ever being entered into. I would be obliged if you could check your own records to see if there is evidence of a Trust document and if so you might let me have a copy of same"***.

By further letter⁵ dated May 2nd 1995, M.J. O'Connor state: - "As you are aware the standard form of Trust Document normally requested by your goodselves was never executed when the original

² Both An Garda Siochana and independent expert, former Garda Technical Bureau expert, James Nash have examined the contract.

³ GAA Declaration of Trust: ***"Premises, land or other property acquired by a G.A.A. Club is referred to legally as Real Property. As such it must be legally transferred from the previous owner to Trustees. To ensure effective control, the transfer document must be accompanied by a Declaration of Trust drawn up by a Solicitor and signed by Trustees"***.

⁴ Letter M.J. O'Connor Solicitors for Pairc Charman to Mr. Frank Tierney, Cumann Luthchleas Gael, May 6th 1992.

⁵ Letter, M.J. O'Connor, Solicitors for Pairc Charman to Mr. Proinsias O'Tighearnaigh, Cumann Luthchleas Gael, Pairc an Chrocaigh, May 2nd 1995.

Trustees were nominated. I have discussed the desirability of having this done with Mr. Crowley but again no action has been taken by the Committee in this respect”.

Notwithstanding the 1978 forged contract, the documentary evidence in our possession does not support the proposition that the GAA purchased these lands. In any case, from the records in our possession, it appears that neither folio 13209 nor the unregistered lands could have been sold at that time or indeed subsequently.

Political Perspective on Historical Ownership:

A letter written by Wexford Councillor Padge Reck⁶ supports the proposition that Roadstone Ltd controlled 9170, 21911 and 13209. The letter states: - ***“these lands were transferred from the ownership of Roadstone to a consortium of people under the leadership of the former County Manager, Mr. Noel Dillon. As the said Mr Dillon arrived in Wexford in 1977, the transaction would have been carried out in the late nineteen seventies to early nineteen eighties.”***

In further support for this proposition, Wexford Councillor Fergie Kehoe states⁷: - ***“it is my understanding from his response (Wexford Co. Manager, Mr. Adrian Doyle’s response) that the land in question was owned by Roadstone.”*** In addition, Wexford Co. Co. in its Section 183 Notice⁸, is seeking ***“to regularise the situation which has arisen through complexities in establishing ownership of lands in the area”***.

Wexford Co. Co. Perspective on Ownership:

By way of background, Wexford Co. Co. and CRH Plc began negotiations in regard to developing its lands at Park / Carcur as far back as 2002⁹. Throughout these prolonged negotiations, there is no consultation whatsoever with, or input from the GAA, despite the “GAA / Somers lands” being an integral part of the Park Action Area Development Plan. By letter¹⁰ former Wexford County Manager states that: - ***“Wexford Co. Co. and CRH Commissioned Murray O’Laoire & Co. to draw up a development plan for lands at Carcur in the ownership of CRH, Wexford Co. Co. and Wexford Borough Council”***. The accompanying maps incorporate all of the “GAA / Somers lands” into the parcel of lands owned by CRH /Roadstone and coloured in yellow.

To further confuse the situation, as far back as January 15th 2004, CRH wrote to Mr. Eddie Breen, then Wexford Co. Manager¹¹ seeking to have ***“ownership of land over which new alignment of roads traverse, addressed”*** at Park.

⁶ Councillor Padge Reck to Ms. Jacinta Somers, March 23rd 2009.

⁷ Councillor Kehoe’s letter to Ms. Jacinta Somers, following a meeting between Mr. Kehoe and Wexford County Manager Mr. Adrian Doyle in relation to ownership issues surrounding the “GAA lands”(undated but circa April 2012).

⁸ Wexford County Council’s Notice under Section 183 of the Local Government Act 2001 dated September 9th 2003, signed by County Secretary, Jim Pierce.

⁹ Minutes of Meeting between Wexford Co. Co. and CRH Plc / Roadstone representatives, dated May 22nd 2002.

¹⁰ Mr. Adrian Doyle, Wexford Co. Manager to Cllr Padge Reck, December 7th 2011.

¹¹ Derry O’Sullivan, Roadstone Provinces Regional Director to Mr. Eddie Breen, Wexford Co. Manager

Faythe Harriers Hurling and Camogie Club Planning Application:

Faythe Harriers recently applied for Planning Permission to develop and extend the premises that it occupies at Park / Carcur. We submitted an objection / observation on a number of grounds including that fact that no consent was obtained from the legal owners of the property. We attach / enclose a copy of same. We are currently preparing an Appeal to An Bord Pleanala.

Efforts to Resolve Land Ownership Anomalies:

In the past, the Somers family has attempted to resolve these issues with various relevant parties. In July 2012, Mr. Derek Kent wrote to Mr. Diarmuid Devereux, Wexford County Board Chairman (copy enclosed/attached) setting out various purported findings in relation to historical land transactions. Mr. Kent did not consult with the Somers family or seek to inspect the files then assembled by the family. Mr. Kent's conclusions simply do not match the facts as emerge from the documentation file. A perusal of the file clearly highlights the inadequacy of Mr. Kent's work.

Since our engagement by the Somers family, we have written inter alia to Mr. John Doyle, Oulartard, Monageer, Enniscorthy, Co. Wexford and Mr. Brian Cleary, 16 Lower Georges Street, Wexford, the two parties to the original purported purchase of the "GAA Lands" (March 14th 2014). We have also written to Cllr. Anthony Dempsey, one time trustee of "Pairc Chairman Lands" and Chairman of Wexford County Board (March 10th 2014), Mr. Nicky Keeling, Chairman and Mr. William Murphy, Secretary, Faythe Harriers Hurling and Camogie Club (March 25th 2014).

In this correspondence, we have outlined the concerns arising from the various anomalies and have asked that the various parties cooperate in resolving the issues. We have emphasised to all the parties that there may indeed be simple explanations and /or further documentation that may be relevant to resolving these issues.

Worrying Developments:

Despite our efforts to engage with the above, we have received no response whatsoever to our correspondence. We did contact Cllr. Dempsey by phone but he refused to meet or discuss the matter.

As a courtesy, we telephoned both M/s Murphy and Keeling to explain our position and reasons for objecting to the Faythe Harriers planning application. Mr. Murphy did not take or return any of our calls. We did get to speak with Mr. Keeling and explain the situation to him. We again telephoned Mr. Keeling on Tuesday evening last (15th inst) with a view to arranging a meeting in which we would explain and demonstrate the concerns of the Somers family. However, Mr. Keeling repeatedly declined to agree to a meeting before eventually stating that he had been told not to speak to us.

During the conversation, Mr. Keeling repeatedly stated that his only interest is in the development of the GAA and in providing facilities for young people, the clear corollary being that we / Somers family are in some way seeking to obstruct the welfare of young GAA players. We view this as a particularly sinister development.

Clearly, there is a profoundly damaging campaign being orchestrated by those who refuse to engage, in an attempt to turn grass roots GAA people like Mr. Keeling against the Somers family. Mr. Keeling was, understandably, unwilling to identify the person or persons who instructed him not to speak with us. This wall of silence is unfortunate and markedly misplaced. It merely exacerbates an already challenging situation for all concerned.

Urgent Requirement for GAA HQ to Conduct a Review of Land Ownership Issues at Park / Carcur:

Having regard to the background and emerging pattern of behaviour, it would appear that Wexford GAA hierarchy is intent on misusing the power that emanates from a national organisation as phenomenally successful and respected as the GAA. To allow matters to continue in this vein would merely amount to a victimisation of the Somers family. Furthermore, to expect Wexford GAA to meaningfully investigate the particular circumstances, the subject matter of this letter, is akin to asking "the Gardaí to investigate the Gardaí"¹².

In all of the circumstances and having regard to appropriate corporate governance norms, the logical and appropriate step is for GAA HQ to commit to reviewing the relevant files with us¹³. We estimate that an initial review will take between two and three hours, depending on the level of detail / clarifications initially sought.

Finally, from our perspective, having trawled through the various files, we reiterate our belief that there is significant justification to the concerns of the Somers family. Clearly, there are a lot of questions arising for several parties associated with historical land dealings at Park / Carcur. The Somers family are well known and highly respected in Wexford. Mrs. Somers is now eighty years of age. As you can imagine, these matters are causing ongoing anxiety for her and her extended family. In view of the escalating situation and potential damages arising, we look forward to your earliest response.

Please be assured of our fullest cooperation.

Sincerely,

Seamus F. Maye

cc Mr. Paraic Duffy, Director General, GAA.

Enc:

- (i) Copy Objection: Seamus F. Maye to Faythe Harriers Hurling and Camogie Club Planning Application March 24th 2014
- (ii) Copy letter Derek Kent to Diarmuid Devereux, Wexford Co. Board Chairman July 10th 2012

¹² Note re An Gardaí Siochana:- There has already been a highly contentious probe by An Gardaí Siochana into these matters. This is entirely another issue which we are preparing to bring to the attention of an appropriate forum.

¹³ The documentation referred to in this communication represents a small sample of the extensive documentation file assembled by the Somers family.

**Seamus F. Maye
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Ireland**

**Mr. James A. Murphy, Principle
Huggard, Brennan and Murphy, Solicitors
No. 2 Row Street
Wexford**

January 23rd 2015

By E-Mail & Registered Post

Re: Lands at Park, Wexford / Somers Family / CRH Plc / GAA

Dear Mr. Murphy,

We refer to our telephone call to your office yesterday (unreturned). We now write to you in your capacity as solicitor to and member of Faythe Harriers Hurling and Camogie Club (FHHCC). You are presumably aware of the considerable concerns raised by the Somers family in relation to historical land transactions / purported land transactions at Park, Wexford. These concerns call into question the validity of title as claimed to these lands by various parties, including FHHCC.

For your assistance, we attach copies of our letters to:

- Mr. Tom Healy, CRH Plc, dated December 13th 2013.
- Mr. Nicky Keeling and Mr. William Murphy of Faythe Harriers Hurling and Camogie Club, dated March 25th 2014.
- Mr. Liam O'Neill, President Gaelic Athletic Association, dated April 24th 2014.

Mrs. Josephine Somers remains central to the complex pattern of transactions relating to Park that began in 1976. Back then, Mrs. Somers was a particularly vulnerable individual, having been recently widowed with eleven small children to rear in extremely difficult financial circumstances. She had no experience or knowledge whatsoever in matters such as land ownership, land transfers or land valuation. Indeed, Mrs. Somers had only received a basic education and such was her financial and domestic plight that she would not have had the ability to make informed decisions.

In recent years, following approaches from various CRH Plc personnel to the Somers family, it became clear that title to these lands was, at best *deficient*. The continuing conduct of CRH Plc led the Somers family to undertake a painstaking review of the background to and fall out from these purported land transactions (see enclosed correspondence). As you will note, documentation thus far procured by the family raises very serious issues including suggestions of forgery, fraud and deception.

It is our understanding that your firm has been involved in a number of subsequent conveyancing transactions on parts of these disputed lands. It is therefore incumbent on you, to now examine the files held by the Somers family, in order to ascertain the veracity of the Somers concerns and to ensure that these anomalies are satisfactorily resolved. Section 7 and 8 of the Criminal Law Act 1997 infers particular responsibilities on both you and your firm in circumstances such as these. This requirement assumes even more importance as FHHCC has recently reapplied for planning permission to construct a Clubhouse on said disputed lands.

As you are aware, we have objected to the previous proposed development based on a number of grounds of concern; from land ownership issues to environmental concerns. It is noteworthy that FHHCC has declined to engage with us despite our efforts to communicate with the Club (see enclosed correspondence).

However, on this occasion and having regard to available documentation, we are duty bound to advise Wexford Co. Co. of its obligations to give careful consideration to invoking Section 8 of the Planning and Development Act to avoid any risk of taxpayer exposure under Section 8 of the Accessories and Abettors Act 1861 and Section 7 and 8 of the Criminal Law Act, 1997.

Having regard to the available file of correspondence in relation to title to Park lands, it is manifestly incorrect for the applicant (FHHCC) to state that it is the legal owner of lands, the subject of the current planning application; FHHCC does not comply with Section 22 (1) (d) of Part 4 of the Planning Regulations which states that the applicant must "*state the legal interest of the applicant in the land or structure and, if the applicant is not the owner, state the name and address of the owner*". Notwithstanding any future decision of Wexford Co. Co. / An Bord Pleanala, it is difficult to see how, in the given circumstances, a judicial review of a decision to grant will not succeed.

We are sure you will fully appreciate that the Somers family would welcome closure in relation to the entirety of the issues surrounding the Park controversy. Certainly, it is not the intention of the Somers' family to, in any way impede the development of much needed facilities for the greater Wexford population, however it must be conceded that the family has been harshly treated and are entitled to a long overdue resolution.

We therefore invite your firm and FHHCC to co-operate with the family in order that all of the anomalies might be addressed / explained. There may well be simple explanations or indeed further documentation that might shed light on the various anomalies. The family is prepared to make available for inspection its' very detailed file in relation to historical transactions / purported transactions surrounding these lands.

In the meantime, we respectfully suggest that a withdrawal of the current Planning Application (20141003) will best serve the interest of all stakeholders.

We look forward to your earliest response.

Sincerely,

Seamus F. Maye

Enclosures