

Bord with ethics of its Chairman: *time to go, Mr Walsh*

David (Dave) Walsh must answer new questions about how he, when a civil servant, undermined investigations of allegations by Donegal senior planner, Gerard Convie, regarding the administration of planning in Donegal

Minister O'Brien must publish the senior counsel's report on Convie allegations or forward it to the Garda



ABP Chairman, David (Dave) Walsh: position untenable

By Michael Smith

DAVID (DAVE) WALSH

An Bord Pleanála (ABP) is currently chaired by David [Dave] Walsh.

Recent scandals at the Bord

There are currently three inquiries into improprieties generated by apparent misconduct on the part of An Bord Pleanála's deputy chairman, Paul Hyde.

There are also issues about the role of Walsh as the Bord's chairman and Hyde's superior, in failing to apologise for the debacle, mishandling the sanctioning of his deputy who was allegedly involved in planning decisions as a Bord member where there may have been an issue of conflicts of interest.

During an appearance at the Dáil's Public Accounts Committee (PAC) which was investigating the Hyde debacle, Walsh defended himself against a suggestion that his position had become untenable. saying he would take any action necessary to strengthen the board's systems and procedures "to ensure that they are as legally robust" as possible and to maintain confidence in its impartiality.

At the PAC hearing, Walsh refused to apologise for controversies that have hit the planning body though he told it he fully recognises "the seriousness and potential damage that recent allegations have made to the Board's reputation for integrity, independence and impartiality". It is self-evident that Walsh is more responsible than anyone for indulging, and in too many cases, propagating the low standards. He should resign; indeed he ought to have done so six months ago.

A recent statement from An Bord Pleanála, for which he must be held responsible shows that the Bord still does not take responsibility. An Bord Pleanála said that it: "welcomed the analysis and recommendations arising from the first phase of the review into the Board by the Office of the Planning Regulator, and in particular welcomes the general outcome and review finding which contains no specific criticisms of the Board's practices but rather is aimed at further strengthening the robustness and documentation of its systems and procedures to restore and enhance the Board's reputation and standing within the planning system".

Clearly Walsh thinks there is no criticism of "the Board's practices". He is not therefore the man to carry the Bord forward.

Since there is significant overlap between the upper echelons of the Office of the Planning Regulator, the Department of Housing and Planning and An Bord Pleanála the OPR's investigation must be taken with some scepticism anyway.

Dave Walsh must also take responsibility for scandalously rising legal costs for the board, which increased from €1.2 million in 2018 to €8.4 million in 2020.

And his personal ethical performance has not been beyond reproach.

Earlier this year, Walsh approved a €350 million Amazon data centre just 900 metres from, and on the same road as, his home in Drogheda. ABP's code of conduct prohibits board members from voting on applications concerning their own immediate neighbourhoods. He had told the PAC that "If a case involving [his mother's street or the street beside her came before us, I would not be involved because of the potential risk of

conflict".

Section 108 of the Planning and Development Act 2000 states "any matter falling to be determined by the board... in relation to strategic infrastructure development" is to be determined by a minimum of three members.

Chairman Walsh assigned himself as lead board member on an SHD application for alterations to an electrical substation at a solar farm in County Meath.

Following a meeting attended by just Walsh and former board member Paul Hyde, the chairman granted permission for the altered development in a decision signed on Christmas Eve 2020. Despite voluntarily restricting himself from voting on Dublin Airport Authority (DAA) planning applications, the Bord Pleanála (ABP) chairman ruled on several of the organisation's cases.

ABP board members are required to give a list of files they think they shouldn't vote on in order to avoid any conflicts of interest. Though chairperson Dave Walsh twice declared that he should not be allocated any DAA files, he presided over five of its applications.

This track record gives rise to very little confidence that Walsh will resolve appropriately the separate and overriding conflict of interest he faces in handling the overall situation, for which he must be deemed responsible, at a tainted ABP.

Walsh's handling of complaints by Gerard Convie

Walsh's ability to be impartial is further compromised by a complaint taken by Gerard Convie, a former senior planner in Donegal County Council, to SIPO and which, as chairman of ABP, Walsh must deal with, although he was

seriously defamed myself and others. They learned this to their cost when in January, 2005 in the course of the hearing of defamation actions brought by myself and the [redacted] in the Circuit Court they were forced to withdraw the defences they had previously lodged and substantial damages and costs were awarded against them.

(iv) It is a matter of grave concern to me now that your office is being used by [redacted] in precisely the same manner and outlandish defamatory statements have been made in the documentation you have sent to me. I am concerned about the attempts being made again by [redacted] to publish these defamatory statements about me and other members of staff. I will have to take advice on possible further proceedings arising from these statements of [redacted] and consider it my duty also to alert other staff (present and past) of the allegations being made against them so that they can equally take advice on their respective positions.

(v) Following on from all of the above I find it extremely disturbing that you should almost as a first step write to me by way of demand for information under Section 255 of the 2000 Act and at the same time ask me to confirm that a statement which I made to the members of my own Council was correct. On the latter point you can take it from me that I have not in this or in any other case been in the habit of misinforming or making false statements to Council members. On the first point surely a simple request for information in the first instance could have been made. Citing the provision is open to the implication that the Council has been unco-operative and that it was necessary to make such statutory demand. However worse than that, given the falsehoods and misleading and defamatory statements which [redacted] has and continues to make, it is deeply dispiriting that he can now publish legitimately a statement that following complaints made to your office and requests made to take action under the said Section 255, you have now acted under that provision and sought a report from the Council.

(vi) To appreciate the context of the present complaints I think it is essential to set out the history of the Council's dealings with [redacted] over the past ten years when the investigation of his own conduct commenced. In conjunction with the County Solicitor I have therefore compiled seven separate books of documents enclosed herewith. I have marked with "post-its" on some of those the documentation which I feel is most important but I would ask the Minister to read over the entirety of the documents if possible. Clearly I feel very aggrieved that after all this time [redacted] continues to make vindictive attacks on me and others and for that reason I want to place all the relevant documentation before you.

Extract from McLoone's angry letter to David (Dave) Walsh, October 2009

centrally involved in the matter in his previous capacity as a senior official in the Department of Planning. The complaint to SIPO has now reached stage 2 of SIPO's complaint procedure whereby ABP is asked to comment on the complaint.

In that former capacity, it seems that Walsh made no satisfactory investigation, or none at all, into a complaint by Convie about attempts by former Donegal County Manager, Michael McLoone, influence the outcome of an appeal before ABP. For this and other reasons, Convie wants the review into ABP to be re-opened to embrace his own complaints regarding ABP and his claims of improper representations made to it by senior officials/officers of Donegal County Council, dating back to 2009.

In particular, he wants it to look at whether McLoone's angry correspondence of 1 October 2009 [See above] influenced Walsh's resistance to the instruction by his Minister, the Greens' then leader, John Gormley, to begin an investigation under Section 255 of the Planning and Development Act. Walsh is also responsible for the report that gave rise to a court case by Convie and settlement of €25,000 in damages.

GERARD CONVIE

Planning Dossier

It's now eight years since *Village* published a vast exposé of dodgy planning in Donegal detailing allegations concerning 20 incidents made by former Senior Executive Planner Gerard Convie.

Convie has consistently, in court, as recounted



Crucially, in the preparation of the report on the so called "investigation", Walsh concealed vital information from the Minister and misinformed the Minister on many key issues including his assessment of the planning irregularities complained about which demonstrated his ignorance of administration of planning in Donegal County Council and of general planning law

in the *Village* article, and elsewhere, claimed that during his tenure in Donegal County Council dating from the 1990s, planners who sought to make decisions based exclusively on the planning merits of particular applications were subject to bullying and intimidation within the council.

Initially, Convie could point to a list of 20 "suspect cases" in the County which he knew about from his time as a county planner. After he resumed his private practice he discovered many more, perhaps hundreds, "a cesspit". Solicitors for former County Manager Michael McLoone sued *Village* and me as editor and writer of the story, for defamation. We denied the allegations were defamatory because they were both true and were drawn from an affidavit opened by Convie in court proceedings. But, like so many others, he never proceeded with the action.

The piece relied on documents Convie had submitted in affidavits to the High Court in 2013 in an action he won against the Department of Environment for failing to vindicate his good name after it had dissed the allegations he had submitted to it. The court found he had a right to vindication of his good name and he received €25,000 in damages plus substantial costs and an apology from the Minister.

Convie, an unsung whistleblower hero, won two further High Court cases in March 2021 after the Standards in Public Office Commission (SIPO) unlawfully rejected his complaints about more recent planning abuses in Ireland's worst-planned county. The media entirely ignored the recent cases.

Mulcahy report on Planning Dossier

The main Convie allegations have now been brought to the attention of no less than seven successive Ministers and, in 2015, were the subject of a review by a senior counsel, Rory

Mulcahy.

The Mulcahy Report, submitted to the Minister in 2017 has – unconscionably – yet to be published. The current relevant Minister is Darragh O'Brien who claimed when last asked to have been too busy to read the file. In a parliamentary response last year, he declared that he was "considering the matter" and would bring it to Cabinet "in due course". A spokesperson told the *Irish Examiner* at the time that there was "no timeline" on when this might happen.

That's the bureaucracy confessing the file has been buried.

Convie, whose good name depends on the publication of the Mulcahy Report appears to have no other option than to sue the Department (again) and force the Minister to release the report.

Implication of Farrell report for Mulcahy report

The insult to him is all the greater in light of the alacrity with which the same Minister is advancing the report from senior counsel Remy Farrell on the delinquencies of Bord Pleanála's deputy chairman, Paul Hyde, exposed in recent months. The Farrell report, unlike Mulcahy's, has been forwarded to the Garda.

The implication of this is actionable by Convie since it suggests his allegations were less credible than those against Hyde (which were, I should say, compiled by me in a letter to the Bord and the Minister, which the Minister made central to the terms of reference for Farrell's investigation).

Moreover, Convie now has additional grounds to complain of actions of the former Donegal County Manager in exercising improper influence over An Bord Pleanála (ABP).

How Convie dealt with conflict of interest

Convie claims that in the 1990s when, as outlined above, he was a senior planner in Donegal County Council, he, along with some of his extended family members, had their bid accepted

Rang Bórd Pleanála, and discussed file on appeal with Mr. Diarmuid Collins, Secretary of an Bord, and made him [aware] of internal investigation and issue - of [a] Declarations, [b] title issues which may arise and legal name of applicant as raised by the Co. Solicitor. He indicated that appeal is unlikely to be determined in short term due to backlog etc and that they had experienced similar issues as ownership of this site by planning officials. I undertook to brief him of any significant issue arising, including possible media interest/stories.

Transcript of note by Mr Liam Kelly, Assistant County Manager with responsibility for planning, re. his telephone conversation with Mr Diarmuid Collins, secretary of an Bord Pleanála, dated 11/3/99:

Rang Bórd Pleanála and discussed file on appeal with Mr. Diarmuid Collins, Secretary of an Bord, and made him [aware] of internal investigation and issue - of [a] Declarations, [b] title issues which may arise and legal name of applicant as raised by the Co. Solicitor. He indicated that appeal is unlikely to be determined in short term due to backlog etc and that they had experienced similar issues as ownership of this site by planning officials. I undertook to brief him of any significant issue arising, including possible media interest/stories.

Evidence of unlawful contact between Donegal County Council and An Bord Pleanála



Since planning permission had been refused, most people would conclude that the decision to grant was only given because of Convie's involvement in the site and, therefore, it was an improper decision and that all this tended to suggest he was deservedly sacked

for a site which was for sale in Donegal and which was designated as a housing development site. They then agreed, because they could not afford it, to pass-on the site before they actually paid anything for it but agreed to buy back a site from the purchaser with a view to obtaining a permission.

The original bid posed a potential conflict of interest for Convie because as a senior planner he might influence the decision against a background of hostility from his senior management. But he made declarations of involvement in the site informing the official who supervised the Register of Interests. As the relevant planning official was on leave, Convie asked another official, Jim Harley, to deal with a pre-planning application from the other purchaser, citing his own indirect personal involvement, but Harley stated that he didn't have the time and didn't know where the site was. Convie agreed to go to the site with him and Harley alone assessed the possible development of the purchaser's site.

Harley wrote to the purchaser. Harley stated that there was no objection in principle to housing on the site as the site was designated as a housing development site in the County Development Plan. Convie claims he had merely advised that Harley should not give a definitive opinion regarding the number of houses that would be permitted, but that anyway that was information freely available to the general public. Eventually the purchaser made a planning application for outline planning permission for the site. The

relevant planner had now returned from leave, completely eliminating Convie's conflict, and he dealt with the application recommending outline planning permission.

As well as Convie declaring his interest a number of times on the Register of Interests and

on the relevant planning file, every planning official and Convie's bosses, favoured the grant of outline permission for the site.

Nevertheless the decision was appealed to ABP by a third party.

Convie dismissed and sues

Shortly after the decision, Convie was suspended by Donegal County Council and subsequently dismissed on the direction of the Minister though the dismissal was overturned by the High Court.

Jim Harley succeeded Convie.

In Convie's affidavit which was opened in the High Court he averred that McLoone wanted somebody as senior planner who would recommend the type of planning decisions he wanted. *Village* has documented these in articles going back eight years.

How McLoone handled Convie

Documents seen by *Village* show that there were discussions between McLoone's Deputy County Manager and ABP during the currency of the appeal. [just one example is shown, above left]

An agenda for a 1999 meeting between McLoone and his Deputy shows McLoone was kept abreast of these discussions. The official who discussed the matter on behalf of ABP was Diarmuid Collins who remains a senior officer in the Bord.

The Bord confirmed to Convie that discussion between any parties to an appeal is unlawful: a letter from ABP to Convie from November 2011 confirmed "any attempt to influence the outcome of an appeal is an offence".

The law regarding discussion by employees of the Bord of planning applications on appeal has been considerably tightened up since Convie made his complaint; it is now forbidden for any employee of the Bord to discuss any appeal with any party.

Convie alleged to the Minister that McLoone needed pretext to disguise his intention, for reasons stated above, to sack him [See left, Convie's letter to the Minister dated 27 April 2010] Since planning permission had been refused by ABP, most people would have concluded that the decision to grant by, Donegal County Council, could only have been given because of Convie's involvement in the site and, therefore, it was an improper decision; all of which would have tended to suggest he was deservedly sacked.

It is clear that McLoone was anxious to get a decision from the Bord before he made a decision on Convie's fate. McLoone kept putting off any decision on Convie's fate following his so-called investigation into the affair, and only did so days before the official decision by the Bord on 2 July 1999, which was *refusal*.

GERARD CONVIE
M.Sc. Environ. Man. (Distinction);
B.A. (Hons);
Dip. Town and Country Planning.

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CONSULTANTS IN PLANNING & DEVELOPMENT

Mr. John Gormley, T.D.,
Minister for Environment,
Heritage & Local Government,
Custom House,
Dublin 1.

Dear Minister,

Re : Complaint Against [1] An Bord Pleanála and
[2] Mr. Michael McLoone & Mr. Liam Kelly, Donegal County Council.

27th April 2010.

- *Of equal concern is the fact that Mr. Kelly arranged with Mr. Collins to deal with the appeal in such a way that might not impact on the investigation which was on-going into me.*
- *This is of the utmost seriousness. If the result of the appeal could be such [i.e. if a refusal could issue] that the public would assume that a wrong planning decision was made on the application in the planning office [where a decision to grant had been made] then it would be assumed that I, Gerard Convie, had so influenced the decision on that particular planning application so as to corrupt the planning process. In those circumstances, it would be seen that the decision by Mr. McLoone to attempt to sack me was justified. He would get public support for his actions.*
- *I had always maintained that the actions of Mr. McLoone were motivated by bias against me and that he had precluded the outcome of the investigation into me, i.e. that he was always going to find me guilty no matter what explanations I gave. If he could get the Board to ARRANGE THE APPEAL OUTCOME SO THAT IT WOULD NOT INTERFERE WITH HIS INVESTIGATION AND WHERE IT WAS HEADING, then he would be justified in attempting to sack me.*
- *Of course, in respect of that planning application, I never made the recommendation to grant it. Instead it was made by Mr. Eunan Quinn, Executive Planner, and endorsed by the County Engineer and Mr. Liam Kelly, the Assistant County Manager with responsibility for planning at that time.*

~ "If McLoone could get ABP to arrange the appeal outcome so it would not interfere with where McLoone's investigation was heading then McLoone would be justified in attempting to sack Convie"

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The Convie case evokes serious questions about the suitability of Walsh to remain chair of An Bord Pleanála, especially at a time when it is under intense scrutiny. He hasn't a very good record in investigating complaints and Convie is adamant that his misconduct in the handling of the discredited Phil Hogan/Jan O'Sullivan investigation contravenes the Code of Conduct by which he was bound and should be investigated by SIPO.

McLoone knew very well that it was unlawful to discuss any planning appeal with any party. In fact, during the course of a fractious meeting with Convie on 12 May 1999, when asked by Convie if the decision to grant outline planning permission for the site was correct or incorrect, McLoone cited the “*sub judice*” rule (though actually it was before ABP rather than a court) and refused to discuss the decision as the matter was before the Bord. The Council's Law Agent (solicitor) was present at the meeting. Yet that did not prevent McLoone discussing the appeal with ABP, contrary to law.

Convie considers that at least the perception has been given that McLoone influenced or sought to influence the Bord's decision in the planning appeal.

McLoone had claimed, in a letter to Convie, that he wanted him sacked from his job because of the public perception that he had misbehaved in relation to the site which was subject of McLoone's enquiry.

DAVID (DAVE) WALSH

DISCREDITINGLY SUBVERTS

THREE INVESTIGATIONS INTO

DONEGAL (ABP, GORMLEY,

HOGAN/O'SULLIVAN

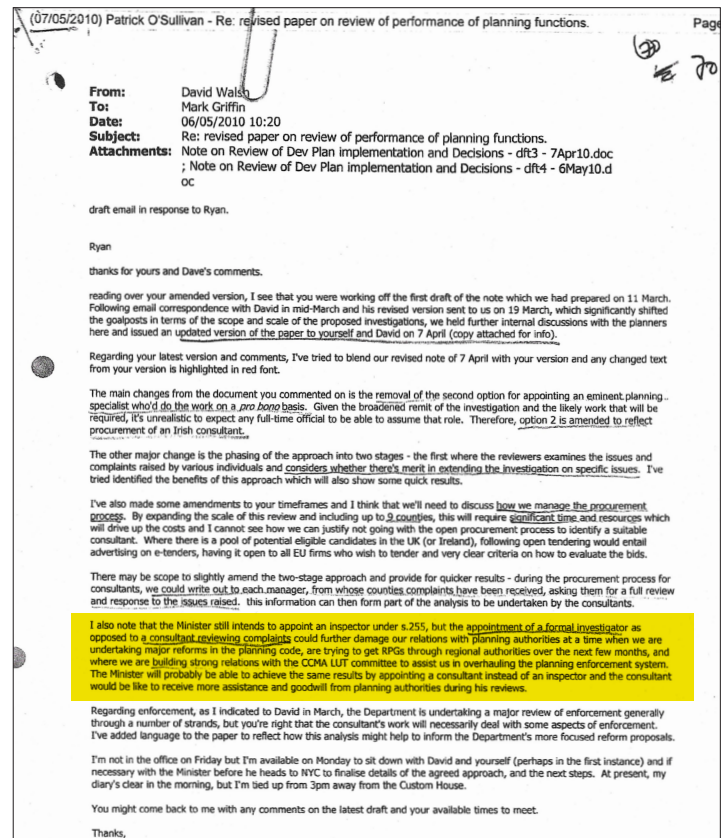
On becoming aware of these apparently unlawful contacts, in 2010, Convie submitted a complaint to the Minister, John Gormley. This added to the plethora of other complaints already submitted by him in respect of the administration of planning in Donegal County Council from 2007 onwards.

Convie's complaints had urged the Minister to act under Section 255 of the Planning and Development Act 2000 which may have resulted in the administration of planning being taken out of the hands of Donegal County Council.

Gormley did eventually agree to investigate Convie's complaints and indeed to do so under Section 255 despite the strenuous objections of his civil servants, chief among them, David [Dave] Walsh.

Walsh had argued against the use of Section 255 urging that to use it would alienate local authorities, as detailed in his correspondence dated 6 May 2010. [See left]

In his attempts to ensure that Section 255 would not be used, Walsh also argued that the process would be too costly, would be too time-consuming, that the nature of the allegations and the passage of time would not warrant the use of Section 255 and that no further report was necessary from Mr McLoone following his angry letter to Walsh of 1 October 2009: “I [i.e. McLoone] find it extremely disturbing that you should



2010 Dave Walsh email to a colleague in the Department of Planning showing he did not want the wide-ranging Section 255 inquiry that Convie had called for and that his Minister, Gormley, ultimately demanded

almost as a first step write to me by way of demand for information under Section 255 of the Act and at the same time ask me to confirm that a statement which I made to the members of my own Council was correct. On the latter point you can take it from me that I have not in this or in any other case been in the habit of misinforming or making false statements to council members”.

Village Magazine has reported on examples from Convie which clearly demonstrate McLoone's mendacity, including to members of Donegal County Council.



Press conference, 2016, calling for release of Mulcahy report on alleged corruption in Donegal planning: I to r Michael Smith, Ian Lumley and Gerard Convie

himself. There is nothing to indicate that [redacted] had anything to do with the decision to grant permission in this case.

However in the case of application [redacted] it now appears from the handwriting on the documentation submitted, that [redacted] dealt with this planning application. It appears that an Asst. Planner may initially have been going to seek further information, but [redacted] recommended a grant of permission, which recommendation was endorsed by [redacted]. There was no beneficial interest to [redacted] in his neighbour getting planning permission in 1998, so there was no obligation on him to make any declaration in dealing with this application. It should also be noted that the Local Government Act 2001 Code of Conduct for Employees - which among other things provides that where an employee is involved in deciding on matters in which a person closely related to him/her has an interest, or which affect a close neighbour/friend he/she should disclose this fact to the supervisor or manager - only came into effect in 2007. Nevertheless it might have been considered unwise for [redacted] to deal with a planning application from his neighbour, having also actually made the application on his behalf and when he had acquired a site from this neighbour a few years earlier. Of course the fact that he dealt with the application and recommended a grant of permission, does not mean that this was the wrong recommendation on planning grounds, or that any other Exec. Planner would not also have recommended a grant of permission.

However, taking into account all aspects of this matter, as set out in my submission dated 12/5/08 (amended 26/5/08) and Mr. Whelan's submission of December 2008, including Mr. Convie's credibility and the passage of time since the events complained of, I do not consider that the above is a reason for changing the recommendations in the earlier submissions, that no further action is warranted in this case.

Marian O'Driscoll
Planning System
27/04/2009

*This must be pursued.
Please let Mr Convey know
the Minister is
considering the matter and
that another letter will
issue shortly. I am firmly of
the view that there is an
answerable case here. Jan G. 20/7/09*

"This must be pursued. Please let Mr Convey [sic] know that the minister is considering the matter and that another letter will issue shortly. I am firmly of the view that there is an answerable [i.e. unanswered?] case here, John Gormley 20/7/09"

– Minister Gormley decides to enlist Attorney General's help to get Section 255 investigation despite Walsh's efforts

However, despite the objections by Walsh, Gormley directed Walsh in a hand-written note, to contact the Attorney General regarding the operation of Section 255 and the investigation proceeded. [See above]

However, Gormley did not survive long enough in his post to finish the job. The incoming government saw Minister Phil Hogan scrap the Gormley initiative and instigate an internal "review" under the guise of "saving money".

Walsh now had a compliant Minister who would agree to the scrapping of the Section 255 initiative and would proceed as Walsh would now have it.

The civil service internal "investigation" was spearheaded by David [Dave] Walsh — long before he embarked on his Bord Pleanála career.

Crucially in the preparation of the report on the so-called "investigation", Walsh misinformed the Minister on many key issues including through his assessment of planning irregularities, such as those perpetrated by McLoone (extensively documented by *Village* over the years) including changes in policy and areas of responsibility, and validity of planning applications, which demonstrated his [Walsh's] lack of knowledge of the systems and procedures employed in the

administration of planning in Donegal County Council.

This resulted in relaying to the Minister a series of half-truths and down-right fabrications, including, e.g. that Convie had not declared his interest.

In another serious failure, Walsh informed the Minister that Convie had interfered with planning files following his resignation from the County Council, thus implying that he had manipulated evidence to support his claims of corruption.

However, the most egregious failure was the neglect to ever contact Convie or seek clarification or further information from him despite being invited by Convie several times to do so.

All this indicates how Walsh conducts inquiries.

This "investigation" resulted in a report being laid before the Dáil in 2012 by Labour's then Junior Minister, Jan O'Sullivan.

His "investigation" in respect of the Donegal complaints, stated that Convie had "manufactured" the complaints, that he was motivated by revenge and that the complaints were vexatious and unsupported by any documents.

Walsh had informed the Minister that Convie's credibility was compromised.

It was a litany of errors of fact and disinformation.

The report was also based on responses given by McLoone and his successor as Manager, to queries sent by John Gormley in 2009.

Walsh credulously accepted their responses to these queries and used them as the basis for the Minister's report, foolishly accepting what he was being told by the Council officials and including them in the final report. Correspondence between the parties demonstrates the soft-ball approach employed by David Walsh in his dealings with Donegal County Council and the correspondence shows that he allowed himself to be bullied by McLoone.

Convie sought a Judicial Review of the report in 2012 and in an out-of-court settlement, the report was discredited insofar as it related to Donegal County Council.

Convie received an apology, and damages. As a result of the High Court case, the Minister appointed Rory Mulcahy SC to review Convie's complaints.

Though most of the terms of reference were reasonable, Mulcahy was specifically forbidden to deal with Convie's complaint regarding ABP.

Convie objected about that many times to the Minister.

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Crucially in the preparation of the report on the so-called "investigation", Walsh misinformed the Minister on many key issues including through his assessment of planning irregularities

Despite its omission from the scope of Mulcahy's review, Convie proceeded to raise the matter with Mulcahy and gave him supporting documentation. It is not known if that element of Convie's dealings with Mulcahy has ever made it into his final report to the Minister.

Convie had complained to former Minister Jan O'Sullivan in 2014 about the behaviour of Walsh, but got no response.

He raised the actions and motives of Walsh with Mulcahy in 2015 also.

When in May 2022 Remy Farrell was appointed by the Minister to investigate the Paul Hyde affair in ABP, Convie supplied him with details of his own complaint to Mulcahy. No response issued.

Mulcahy's report remains unpublished six years later.

Crucially, for the first year the report was unpublished, Walsh himself was the key departmental official.

Walsh was also Chair of ABP when, after having at first agreed to consider the complaint, the Minister requested that Convie raise his complaint regarding the Bord and Donegal County Council with the Bord itself rather than with him.

The Bord, chaired by David [Dave] Walsh dismissed his complaint averring that as secretary, Diarmuid Collins, was not a Bord member, bound by secrecy.

However, Collins was in a very senior position with access to the Bord Members. The matter of 'public perception' is important here too.

And, yet, Minister Eoghan Murphy had considered David [Dave] Walsh to be the best person to take over the reins of ABP in 2018.

It is noteworthy that Collins failed to keep any record of his contacts with Donegal County Council regarding the appeal case.

The Convie case evokes serious questions about the suitability of Walsh to remain chair of ABP, especially at a time when it is under intense scrutiny. Walsh has a poor record in investigating complaints. Based on the report into Convie's allegations produced for Ministers Hogan and O'Sullivan, there can be little confidence in his investigations or leadership of the Bord. See also editorial page 4