

Man jailed for eight years over €138k drugs find has conviction quashed

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A man who was jailed for eight-and-a-half years after drugs worth almost €140,000 were found in the boot of the car he was driving has had his conviction quashed by the Court of Appeal.

The court ruled yesterday that a tip-off phone call relaying information to the investigating garda that there was a large quantity of drugs in the Toyota Corolla car should not have been ad-

mitted as evidence at trial. Noel Noonan (46), of North Claughan Road, Garryowen, Co Limerick, was convicted of having drugs with a value greater than €13,000 for sale or supply and was sentenced to nine years with the final six months suspended by Judge Mary O'Malley Costello on June 19 last year.

He was alone in the blue Toyota Corolla when he was stopped by Garda Dave Farragher on the N7 motorway close to Kildare, because the vehicle he

was driving was not taxed. In addition, he could not produce a driving licence.

Gda Farragher decided to seize the car. When he opened the boot at a compound, he found a quantity of Xanax drugs and a package that, when forensically examined, was found to contain amphetamine. The drugs had a market value of €137,858. Mr Noonan denied knowledge of the drugs in the boot.

Lawyers for Mr Noonan had argued the trial judge erred in ruling that the

statement of an inspector was not hearsay and submitted the judge was wrong to admit this statement as evidence at trial.

Quashing the conviction, the three-judge Court of Appeal said the trial judge had permitted Garda Farragher to give evidence before the jury of a phone call he had with an inspector who informed him he had received confidential information to the effect that there was a large quantity of drugs in the Toyota Corolla. Delivering judgment, Ms Justice Tara

Burns said the manner in which the trial judge handled this and instructions she gave to the jury was "flawed". She said a hearsay statement which the inspector allegedly received from a source, and allegedly passed on to Garda Farragher, was admitted "as a plank of the respondent's case". She said this was a breach of the rule against hearsay.

She said the court would send the matter back to Naas Circuit Court, where it could "take its place".



Roads Acts 1993 to 2015 Planning and Development Acts 2000 to 2023

ABP-314942-22

Notice of a decision by An Bord Pleanála in relation to the proposed Lucan to City Centre Core Bus Corridor Scheme, all in the County of Dublin.

An Bord Pleanála has, on 29th August 2024, in exercise of the powers vested in it by section 51 of the Roads Act, 1993, as amended, made an order to approve subject to conditions the proposed road as submitted by the National Transport Authority.

The conditions of the Board's decision are summarised as follows:

- The proposed road development shall be carried out in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.
- The element of proposed two-way cycle lane on the northside of the N4 national road, and associated works, shall be omitted from the entrance gate to the Hermitage Golf Club (west), to the existing foot and cycle bridge over the N4 9 (east).
- All mitigation, environmental commitments, and monitoring measures identified in the Environmental Impact Assessment Report (EIAR), and all mitigation and environmental commitments identified in the Natura Impact Statement (NIS) shall be implemented.
- (a) Pre-construction surveys shall be carried out to determine the presence of protected mammal, bird or bat species.
(b) Pre-construction mammal surveys will include a badger survey of the Palmerstown bypass to include all open space/vegetated lands in the vicinity, and at the location of proposed construction compound LU2.
- The proposed development shall be amended and provided in accordance with the following:
 - Timetable information, signage and associated literature relating to the C-spline services availing of the Chapelizod Hill Road bus stops, shall refer to the inclines at and in the vicinity of these bus stops and shall provide information to prospective patrons of other bus services.
 - Final design drawings shall be submitted for agreement of the planning authority in relation to the urban realm materials, planting and any associated street furniture and/or equipment.
 - The full extent of the proposed temporary compounds shall be set out on accurately scaled drawings to be submitted for the agreement of the planning authority. These compounds will not exceed the boundary extents for the compounds shown in images 5.1, 5.2, 5.3 and 5.4 of the EIAR nor require the removal of any planting/trees that have not already been indicated for removal on the Arboricultural Impact Assessment and/or general landscape drawings.
 - Design Drawings of the informal car parking being retained west of St. Philomena's church are to be submitted to the planning authority detailing road markings to be provided.
 - Final design details of the retaining wall and boundary features, proposed along the frontage of the Hermitage Clinic and Sureweld shall be agreed with the planning authority following engagement with landowners.
 - A review by an acoustician of noise barriers within 50 metres of the start of the entrance and exit slip roads into and out of the new bus stops on the Chapelizod bypass shall be carried out to inform the redesign, replacement, and/or retention of existing noise barriers.
 - The methodologies for works affecting sensitive and historic fabric set out in Appendix A16.3 of the EIAR shall be applied during construction activities in the vicinity of the existing statue at the junction between the west-bound off-slip to the R833 Con Colbert Road and the R148 regional road.
 - The development as granted does not provide for a bus stop to the west of existing stop 2637 along the frontage of the Revenue building, St. Johns Road West.

Revised drawings showing compliance with these requirements shall be submitted to the planning authority for agreement.

- The developer shall prepare an updated CEMP, incorporating all mitigation measures indicated in the NIS and EIAR.
- The construction of the development shall be managed in accordance with the updated CEMP. This plan shall provide details of intended construction practices for the development, including:
 - location of the site and materials compound(s),
 - location of areas for construction site offices and staff facilities,
 - details of lighting, site security fencing and hoardings,
 - details of the timing and routing of construction traffic to and from the site,
 - measures to prevent the spillage or deposit of clay, rubble or other debris,
 - alternative arrangements for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath,

- details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- containment of all construction-related fuel and oil within specially constructed bunds to ensure that spillages are contained,
- off-site disposal of construction/demolition waste and details of excavated soil management,
- means to ensure surface water run-off is controlled such that no silt or pollutants enter local surface water sewers or drains, and
- consultation with the Regional Waste Management Planning Office regarding development of final plans.

A record of daily checks that the works are being undertaken in accordance with the CEMP shall be kept for inspection by the planning authority.

- The developer shall submit an Invasive Species Management Plan to the planning authority for agreement.
- The developer shall submit a Construction Traffic Management Plan and a Construction Stage Mobility Management Plan for the agreement of the planning authorities.
- The developer shall monitor queuing time/delays at each works location and record traffic flows on the local road network.
- Drainage arrangements shall comply with the requirements of the planning authority.
- An ecologist shall be retained by the developer to oversee the site set-up, construction, and implementation of mitigation measures relating to ecology set out in the NIS and EIAR.
- Prior to the removal/replacement of trees, hedging and planting which is to be altered the NTA shall agree with the relevant landowner the species, size and location of all replacement vegetation. The NTA shall employ an arboriculturalist and Landscape Architect to ensure landscaping and tree works are implemented appropriately.
 - Trees to be felled shall be examined prior to felling or demolition to determine the presence of bat roosts.
 - At the location of the temporary LU2 compound tree removal and replanting/reinstatement shall be carried out in accordance with the general landscaping scheme.
 - No ground clearance shall be undertaken, and no vegetation shall be cleared during the bird breeding season, unless agreed with the planning authority
 - Tree protection measures for existing trees shall be put in place.
 - Details of soft landscaping and tree planting species and maturity shall be submitted for the agreement of the planning authority.
- Details of all signage shall be submitted to and agreed in writing with the planning authority.
- Noise monitoring shall be carried out during the construction phase by the developer.
- All works in the vicinity of protected structures, and structures of cultural heritage interest shall be monitored and recorded by an Architectural Conservation Specialist who shall ensure protection of the retained and historic fabric. Construction methodologies, and re-instatement method statements shall be submitted to the planning authority for agreement. Discovery of new architectural heritage shall be made known to the planning authority.
- The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site and shall:
 - employ an archaeologist to monitor site investigations and excavation works, and
 - provide arrangements for the recording and for the removal of archaeological material which the authority considers appropriate to remove.
- All lighting shall be cowed and operated in such a manner as to prevent light overspill to areas outside of compounds and works areas
 - The developer shall submit a detailed lighting plan to be held by the planning authority.

The full text of the Board's decision, including conditions, can be viewed on the Board's website at <https://www.pleanala.ie/en-ie/case/314942>. A copy of the Board's decision and the EIAR is available for inspection at the offices of the National Transport Authority during office hours on working days for a period of 8 weeks beginning on the date of publication of this notice.

A person may question the validity of a decision by the Board by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with section 50 of the Planning and Development Act, 2000, as amended.

Practical information on the review mechanism can be accessed under the heading Legal Notices - Judicial Review Notice on the Board's website www.pleanala.ie or on the Citizens Information Service website www.citizensinformation.ie.

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