

Tourists awarded €30,000 after taxi was rear-ended and motorist fled

Ray Managh

A MOTORIST who rear-ended a taxi at a Dublin roundabout fled into the Phoenix Park, a court has heard.

Circuit Court President Mr Justice Raymond Groarke said while such an action would inevitably have raised suspicions in the mind of the taxi driver, the court could not assume that because of this and other matters, the accident had been "a ready up".

He said the defence put forward by the Motor Insurance Bureau of Ireland (MIBI) was also asking him to infer, because a passenger in the taxi had made a phone call in a foreign language to someone only seconds before the

collision, that the caller was in contact with the rear-ending driver who had fled.

"This is a vast crevasse you are asking me to jump and I am not entirely comfortable with it," he told the MIBI's defence team.

The judge also referred to "conjecture" by the taxi driver that the driver of the other car looked Eastern European, and said the court would not be happy to rely on such evidence to establish identity in a criminal case.

Judge Groarke was dealing with €60,000 damages claims by each of four Polish nationals who were passengers in the taxi and who were injured in the rear-ending incident at the Half-Way-House roundabout



Injured: Mikolaj Urbanowicz, Marta Adamajty, Sylwia Wolosewicz, and Roman Woloniewicz, all from Tottenham, London, outside the Four Courts in Dublin yesterday. PHOTO: COLLINS COURTS

near the Phoenix Park on January 29, 2009.

Sylwia Wolosewicz (33) and her partner Mikolaj Urbanowicz (36), together with their friend Roman Woloniewicz (39) and his partner Marta Adamajty (36), sued the MIBI for a total of €240,000 damages.

The four claimants, all from Tottenham, London, told the court they were on a first-time weekend trip to Dublin and they had gone into the city and

had "got drunk" or had become "pretty drunk". They decided to go to Temple Bar and called a taxi.

All of them were injured in the collision and were treated overnight in hospital.

Within 48 hours of the incident, all four had attended a local GP, having been advised this would be necessary if they intended making a claim, and had attended a solicitor's office.

Awarding them damages

ranging from €4,750 to €10,000, totalling €30,180 together with District Court costs, Judge Groarke said he was convinced they were genuine by the fact two of them had failed to get proper medical reports from their treating doctors in England.

It seemed to him that if they had gone to such bother about an accident, they would have followed through with vigour to have "all the i's dotted and t's crossed".

Solicitor (55) charged with €170,000 theft from clients

Gordon Deegan

A SOLICITOR has appeared in court charged with stealing €170,830 from 11 people when she was acting as a solicitor for the parties.

Michelle O'Keeffe (55), of Fionn Oir, Lahinch Road, Ennis, Co Clare, appeared at Ennis District Court in relation to 19 separate charges of alleged theft between January 2006 and December 2011.

Ms O'Keeffe is also charged with having failed to maintain accounting records as prescribed by the Solicitors Account Regulations 2001 on dates between January 24 2006 and December 22 2011. The 19 separate theft charges outlined the amounts allegedly stolen from each of the alleged injured parties.

Insp David Finnerty said the DPP had stated the case can go forward.

Judge Patrick Durcan remanded Ms O'Keeffe on bail to reappear on January 16.

Planning and Development Acts 2000, as amended

NOTICE OF DIRECT PLANNING APPLICATION TO AN BORD PLEANÁLA IN RESPECT OF A STRATEGIC INFRASTRUCTURE DEVELOPMENT

County Offaly

In accordance with Section 37E of the Planning and Development Act 2000, as amended, the Electricity Supply Board (ESB) gives notice of its intention to make an application for permission to An Bord Pleanála in relation to proposed development at the existing electricity generating station - known as West Offaly Power (WOP) Station located at Shannonbridge, Co. Offaly in the townland of Cloniffeen, Eircode N37 C840; and at an existing ash disposal facility (ADF) located in the townlands of Clonfinlough, Clondelara, Leitra, and Derrylahan, in County Offaly.

WOP Station currently has planning permission to operate as a peat-fuelled electricity generating station under Offaly Co. Co. Reg. Ref. 01/187 / An Bord Pleanála Ref. PL19.125575. The Station has a nominal total electrical rating of 150 megawatts and contains a number of structures and buildings with a combined gross floor area of c. 27,073 sq.m. These include: a c. 20,165 sq.m. generating station [including a boiler, steam turbine, electrostatic precipitators, stack (max. height 80m), workshops and stores, control and administration buildings, cooling water system, minor ancillary buildings]; miscellaneous plant and equipment including water treatment facilities; oil and water storage facilities; electrical plant including transformers; peat and ash storage facilities and handling plant (including elevated / overhead conveyors); electrical switchgear, site access ways, yards, areas of hardstanding and site fencing. WOP Station is accessed from the R357. The ADF - in which the ash from the WOP Station is landfilled, is currently permitted to accommodate up to 825,000 tonnes of dry ash in engineered cells. The ADF site is accessed by a dedicated access road. Under the current planning permission, the permitted activities on both the WOP Station and ADF sites are required to cease on, or before, the 31st December 2020.

The proposed development will enable the continued operation of WOP Station and the associated ADF; and the phased transition of WOP Station from being fuelled by peat, to biomass. The development will consist of:

- the continued and on-going operation of the existing generating station and the associated ADF beyond the previously permitted date of 31st December 2020, including the continued use of all structures, plant, hard-surfaced areas, boundary treatments and access ways on the existing sites - comprising structures with a combined gross floor area of c.27,073 sq.m. and other existing development on the 35.5 Ha WOP Station site; and existing development (including c.43 sq.m. of buildings, a c. 84 sq.m. wash slab, a c.1,491 sq.m. leachate lagoon (4,200 cubic metre capacity)) and other infrastructure associated with the existing operational landfill (c.128,780 sq.m. in area) located on the 59.2 Ha ADF site;
- the phased transition of the WOP Station from peat-firing to firing exclusively on renewable biomass - the term 'biomass' describing a range of non-waste materials such as non-pelleted woody biomass; products, co-products, by-products and residues from energy crops and agricultural industries; and manufactured wood pellets. It is anticipated that from early

2020 (subject to planning being granted by that date) WOP Station will be fuelled by reducing volumes of peat and increasing volumes of biomass, with an associated reduction in carbon dioxide emissions. By the end of 2027, the station will be fuelled exclusively by biomass;

- the development of fuel management and handling facilities on the WOP Station site to facilitate the change in fuel type - including the development of two biomass storage slabs (c. 3,924 sq.m. and c. 6,331 sq.m.) flanked by boundaries up to 5 m and 3.6 m high respectively; a 61 sq.m. pellet intake building (overall height 17.2m); a pellet storage silo (c. 28 sq.m. in area, 260 cubic metre capacity, maximum height 14.7m); and the re-organisation of surface storage, circulation and car parking areas - including new internal fencing and access gates, and associated development works within the WOP Station site;
- the development of additional landfill capacity (c. 929,200 cubic metres over an area of c. 173,130 sq.m.) at the existing dedicated ADF, to facilitate the disposal of an additional c. 880,000 tonnes of ash from the WOP Station, and associated ancillary development on that site including a new leachate lagoon (surface area c. 1,400 sq.m, storage capacity 4,500 cubic metres) and associated boundary treatment.

The Planning Application is accompanied by an Environmental Impact Assessment Report (EIAR) which complies with the EU (Planning and Development) EIA Regulations 2018 (S.I. 296 of 2018) (formerly referred to as an Environmental Impact Statement) and a Natura Impact Statement (NIS).

WOP Station and the associated Ash Disposal Facility, are licenced by the Environmental Protection Agency under an Industrial Emissions (IE) Licence [Ref. P0611-02]. The proposed development will require a review of that IE licence.

The planning application, EIAR and NIS may be inspected free of charge, or purchased on payment of the specified fee (which fee shall not exceed the reasonable cost of making such copy) during public opening hours, for a period of seven weeks commencing on **Monday 3rd December 2018** at the following locations:

- The Offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01V902,
- The Offices of Offaly County Council, Áras an Chontae, Charleville Road, Tullamore, Co. Offaly, R35 F893; and
- The Offices of Offaly County Council - Edenderry Municipal District Offices, Edenderry Town Hall, Edenderry, Co. Offaly, R45 K766.

The application may also be viewed or downloaded at the stand-alone project website: www.westoffalypower.ie and on the Department of Housing, Planning and Local Government's EIA Portal located at: <http://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>

Submissions or observations may be made only to An Bord Pleanála ('the Board') 64 Marlborough Street, Dublin 1, D01V902, during the above-mentioned period of seven weeks, relating to:

- the implications for proper planning and sustainable development,
- the likely effects on the environment; and
- the likely effects on a European site,

if the proposed development is carried out.

Any submissions / observations must be accompanied by a fee of 50 (except for certain prescribed bodies) and must be received by the Board not later than **5.30pm on Friday 1st February 2019**. Such submissions must also include the following information:

- the name of the person making the submission or observation, the name of the person acting on his or her behalf, if any, and the address to which any correspondence relating to the application should be sent,
- the subject matter of the submission or observation, and
- the reasons, considerations and arguments on which the submission or observation is based in full.

Any submissions or observations which do not comply with the above requirements cannot be considered by the Board. It is at the absolute discretion of the Board whether to hold an oral hearing on the case.

The Board may in respect of an application for permission decide to:

- (i) approve the proposed development, or
 - (ii) make such modifications to the proposed development as it specifies in its approval and approve the proposed development as so modified, or
 - (iii) grant permission in respect of part of the proposed development (with or without specified modifications of the foregoing kind),
- and any of the above decisions may be subject to or without conditions,
- (b) refuse to approve the proposed development.

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

Practical information on the review mechanism can be accessed on the Board's website www.pleanala.ie under the heading 'Information on Cases / Weekly Lists' - see 'Judicial Review of Planning Decisions' notice, or on the Citizens Information Service website www.citizensinformation.ie

Any enquiries relating to the application process should be directed to the Strategic Infrastructure Section of An Bord Pleanála (Telephone: 01 8588100).