

## Man convicted of assault said the arresting garda took issue with him

A Thurles man has been convicted of assault despite the victim contradicting the garda evidence.

Ned Reilly (50) of 9 Innisfallen Avenue, Thurles, was convicted of a Section 2 Assault at Wolfe Tone Place on December 12, 2021.

The case was before Judge Elizabeth MacGrath at Thurles District Court (pictured below) on Thursday.

On the stand, Garda Billie Lynch gave evidence that on the evening of December 12, 2021, he was driving onto Westgate from Liberty Square.

As he passed Wolf Tone Place, he heard an altercation between two people known to him.

He said he observed Mr Reilly punching a woman in the head and body approximately four to six times. She was shouting for him to stop.

Garda Lynch said he intervened and Mr Reilly told him to "f\*ck off and mind his own business".

Garda Lynch arrested Mr Reilly for assault and the verbal insult.

Garda Lynch said that when he followed up with the victim later, she declined to make a statement.

Solicitor for the accused Colm Morrissey asked Garda Lynch if the victim had told him she had been injured earlier in the evening.

Garda Lynch said that was the first he was hearing of a prior injury, but it was obvious something more had happened.

### SEEING THINGS

Mr Reilly told the court that the charge was incorrect. He said he had a few drinks but was not intoxicated.

He did not assault the victim, nor did he insult the garda.

He stated that it would be out of character for him. He said the victim had a bloody nose, and he was wiping away

the blood. She had pushed his hand away and told him to stop.

He said the guard misinterpreted the interaction and took issue with him.

"He thought he saw something he didn't see," said Mr Reilly.

He also said the guard could not have heard what happened in a moving car.

### PRESUMPTION

The victim in the case confirmed Mr Reilly's series of events. She said she had sustained an injury earlier on in the evening in a scuffle in a bar. She said Mr Reilly had been wiping blood from her lip and she pushed him away.

"Nothing happened. "He was only wiping my lip," she said.

She also stated that the guard "presumed" she was being assaulted and had become aggressive with Mr Reilly.

When asked by the prosecution if this is what she told the guard at the time, she said she had only declined to make a statement.

### CREDIBILITY

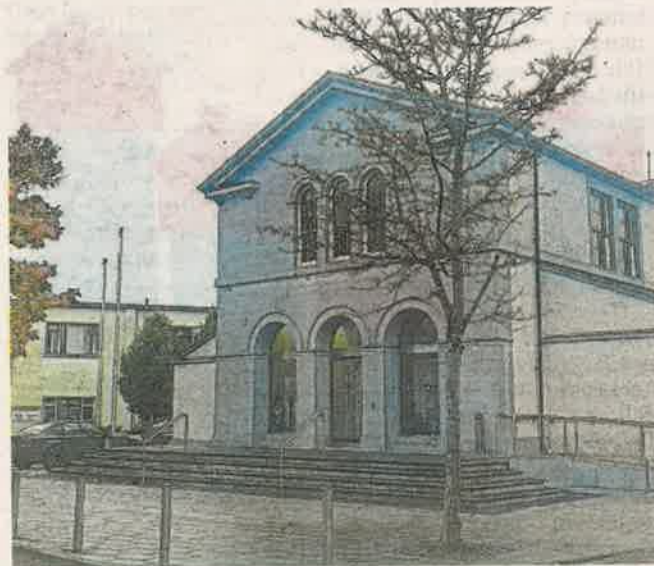
Judge MacGrath noted the observations of Garda Lynch and that his evidence was disputed by both the defendant and the victim.

However, the judge said it "came down to credibility", and the guard had no reason to lie.

Mr Morrissey told the judge that his client and the victim had been in a relationship, there was no history of violence, and they were on good terms.

The judge sentenced Mr Reilly to two months in prison, suspended for 12 months.

She also handed Mr Reilly a fine of €200 for the public order offence and gave him six months to pay that. He was released on his own bond of €250 with conditions attached.



Comhairle Contae Thiobraid Árann  
Tipperary County Council

## PLANNING & DEVELOPMENT ACT 2000, as amended, PLANNING & DEVELOPMENT REGULATIONS 2001, as amended ARTICLE 81 OF PART 8 OF THE PLANNING & DEVELOPMENT REGULATIONS 2001, as amended

Pursuant to the requirements of Part 8 of the Planning and Development Regulations 2001, as amended, Tipperary County Council hereby gives notice that it proposes to carry out the following development:

**Description:** Improvement works to the Tipperary Hills Recreation and Amenity Area.

**Location:** The proposed development will be carried out at Tipperary Hills, Tipperary town, Co. Tipperary, in the townland of Murgasty, Tipperary, Co. Tipperary.

### Nature and Extent of Proposed Development

General development throughout the site includes the upgrading of all existing tarmac pathways to a minimum width of 2 metres, upgrading existing gravel paths to bound gravel paths, development of new seating areas, development of a Peace Path, upgrade of all existing seating, installation of information and wayfinding signage, construction of a dog exercise area, introduction of native woodland planting and specimen trees along with native wildflower meadows in selected locations throughout the amenity area and reorganisation of the existing carpark area.

### Localised developments include:

#### Access Lane – St Patrick's Avenue to St John's Famine Graveyard

- Widening to 2.75m and refurbishment of tarmac pathway between St Patrick's Avenue entrance and entrance to St John's Famine Graveyard to facilitate hearse access.
- Introduction of safety guard rail to north edge of pathway
- Introduction of bicycle parking at St Patrick's Avenue entrance
- Introduction of an information sign at St Patrick's Avenue entrance

#### Clanwilliam Rugby Club

- Upgrading of existing pathway to bound gravel pathway, 1.2m wide along east and north boundary of Clanwilliam Rugby Club

#### Pitch and Putt Clubhouse

- Realign existing pathway to improve width and gradient to facilitate accessibility
- Construction of new steps with safety handrail
- Introduction of timber knee rail to south-western edge of pathway to limit access to pitch and putt greens
- Relocation of existing signage
- Introduction of seating
- Landscaping and planting on both sides of pathway

#### Flat Hollow Playing Pitch

- Levelling and reseeding of the playing pitch
- Introduction of natural seating area with bound gravel surface
- Realignment of existing pathway to improve width and gradient to facilitate accessibility
- Construction of new concrete steps with handrail
- Landscaping, specimen tree planting and perennial planting

#### Bohercrow/Monastery Road

- Improved pedestrian access to The Hills including new style entrance, new concrete steps, safety handrails and resurfacing to pathway
- Demolition and reconstruction of boundary stone wall from the Mass Path to the car park entrance to facilitate the introduction of new 2m wide footpath.

#### 'The Hollow' Area of Tipperary Hills

- Introduction of timber knee rail edge at western and northern edge of pathway
- Introduction of information sign

#### 'Cup and Saucer' Area of Tipperary Hills

- Introduction of timber steps with handrails to provide safe access to the top of 'Cup and Saucer'
- Introduction of bound gravel path to circumference of top of 'Cup and Saucer'
- Installation of 2 log seats

#### Telecoms Mast

- Introduction of localised network of bound gravel paths and seating to the south of the mast
- Introduction of areas of native woodland planting

#### Dog Exercise Area

- Development of fenced dog exercise area with 2 gates and bound gravel surface to the west of 'The Hollow'

The development has been the subject of an Appropriate Assessment screening in accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and article 250(1) of the Planning and Development Regulations 2001, as amended. The Appropriate Assessment screening concluded that the proposed development would not be likely to give rise to significant or indeterminate impacts on any Natura 2000 site.

### And

In accordance with Article 120(1)(a) of the Planning and Development Regulations 2001, as amended, the Planning Authority has carried out a preliminary examination of nature, size and location of the proposal, and has concluded that there is no real likelihood of significant effects on the environment arising from the proposed development, and an EIA is not required.

Plans and particulars of the proposed development, including the Appropriate Assessment and Environmental Impact Preliminary Examination Screening Reports and Archaeological Impact Assessment will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy, or for inspection at:

- Tipperary County Council, Civic Offices, Emmet Street., Clonmel, Co. Tipperary, E91N512
- Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary, E45 A099
- Tipperary-Cahir-Cashel Municipal District Offices, Rosanna Road, Tipperary Town, Co. Tipperary, E34 WD51

from 9.30 am – 4.30 pm Monday to Friday, for a period from the 23rd February 2023 to the 27th March 2023.

Details of the proposed development are also available online at [www.tipperarycoco.ie](http://www.tipperarycoco.ie).

Submissions or observations with respect to the proposed development, dealing with the proper planning and sustainable development of the area in which the development will be situated, may be made in writing and addressed to Anthony Coleman, Director of Services, Tipperary-Cahir-Cashel Municipal District, Rosanna Road, Tipperary Town, Co. Tipperary, should be clearly marked 'Part 8 in respect of proposed Improvement works to the Tipperary Hills Recreation and Amenity Area' or online at the following web page: <https://consultations.tipperarycoco.ie/consultations/> no later than 4.30 pm on Tuesday 11th April, 2023.

Any person may, within 4 weeks from the date of this notice, apply to An Bord Pleanála for a screening determination as to whether the development would be likely to have significant effects on the environment.

Signed: Anthony Coleman,  
Director of Services,  
Tipperary-Cahir-Cashel Municipal District,  
Rosanna Road,  
Tipperary Town,  
Co. Tipperary

Dated: 23/02/2023.