



An
Coimisiún
Pleanála

Inspector's Report PL-501175-LS-26

Development	Retention of removal of trees, erection of signage. Permission for boundary hedging, with associated works.
Location	Tirlán Farmlife Graiguecullen Branch , Portlaoise Road Carlow town, Co. Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2660034
Applicant(s)	Tirlán Limited
Type of Application	Retention and Permission
Planning Authority Decision	Grant Retention and Permission
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Fergus O'Neill
Observer(s)	None
Date of Site Inspection	10 th July 2026
Inspector	Frank O'Donnell

1.0 Site Location and Description

- 1.1. The subject appeal site is located on the southern side of the R924 Regional Road at the western edge of Carlow Town, at Tirlán Farmlife, Graiguecullen Branch, Portlaoise Road, Co. Laois. The site has a stated site area of 0.741 hectares and includes an existing Agri Supply business. The site forms part of a larger holding in the Applicants' ownership.
- 1.2. The surrounding area is a mix of residential and commercial uses.
- 1.3. The front site boundary with the R924, Portlaoise Road, generally comprises mature leylandii trees/ hedging, the main vehicular entrance gate and associated paladin fencing.

2.0 Proposed Development

- 2.1. The Proposed Development comprises the following main elements:
 - **Retention** of the removal of existing trees and hedges to a 22.5m portion of the front boundary adjacent to entrance gate. The trees and hedges which were removed were position to the northwest of the existing site entrance and comprised mature leylandii hedging and trees.
 - Replacement with a 2.7m high paladin fence, affixing safety and opening-hours signage along the front boundary fence and entrance gate. The safety and opening hours signage (sign no. 8) measures 1.8 metres by 0.9 metres. The site safety signage (sign no. 9) measures 1.35 metres by 0.9 metres.
 - Erection of building signage onto existing structures within the site. The proposed building signage comprises a total of 7 no. existing advertising signs. Sign no. 1 measures 2.5m X 1.3m, Sign no. 2 measures 1.9m X 1.0m, Sign no. 3 measures 1.9m X 1m, Sign no. 4 measures 1.4m X 0.95m, Sign no. 5 measures 2.4m X 1.0m, Sign no. 6 measures 2.5m X 1.3m and Sign no. 7 measures 3m X 1.5m.

3.0 Planning Authority Decision

3.1. Decision

The Local Authority issued a Notification of Decision to GRANT permission for the proposed development on 20th March 2026 subject to 7 no. conditions.

Condition no. 4 reads as follows:

4.

- a) *Within 3 months of the date of the grant of this permission, the front boundary of the site shall be planted with trees/shrubs of species native to the area to form naturalised hedgerows similar to existing native hedgerows in the vicinity. Species shall include hawthorn, Blackthorn, ash, oak, hazel and holly; beech [fagus sylvatica], leylandii (or similar) and laurel shall not be used.*
- b) *In the event of tree/hedge failures, these shall be replaced within the following planting season. Reason: In the interests of visual and residential amenity.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considered the reinstatement of a similar hedge to that previously removed, which is stated to have comprised primarily evergreen (leylandii type trees), would not be appropriate but rather that a hedgerow of native species would be appropriate and that this should be a condition in the event of a grant of permission being issued, see condition no. 4 of the Notification of Decision to Grant Permission as issued by the Local Authority. The Local Authority Planner considered the 9 no. signs proposed for retention to be acceptable as, based on the orientation of the building, not all the signs are visible from the public road. The Local Authority Planner noted that in response to the previous refusal, the Applicant has removed 3 no. signs from the front boundary fencing and is now proposing a planting scheme along the front boundary which includes a hedge of 1.8 metres in

height. The Local Authority Planner considered this to be sufficient to address the previous reason for refusal.

3.2.2. Other Technical Reports

- The **Road Design Department** raise no objection to the proposed development subject to 8 no. conditions.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

3.4.1. 1 no. Third Party submissions was received in relation to the planning application from the following:

- Fergus O'Neill

3.4.2. The above submission is from a local resident in objection to the proposed development. The issues raised are similar to those referred to in the assessment of the Local Authority and in the Appeal.

4.0 Planning History

- **Planning Reg. Ref. No. 2560292 (Appeal Ref. No. ACP-323101-25):**
Retention of the removal of existing trees and hedges and replacement with paladin fence, advertising signage and entrance gate and permission for a new low level hedge at the site's boundary and all associated site works.
Retention and permission was REFUSED by the Commission in November 2025 for the following Reasons and Considerations:

Reasons and Considerations

Having regard to the provisions contained within the Laois County Development Plan 2021- 2027 (not the Carlow County Development Plan as referenced within the Inspector's report), the Commission considered that the proposed development, which involves retention of the removal of existing trees and hedges and advertising on buildings and the fence (also for

retention), would be contrary to DM TC10 (5) (advertisements on public roads), DM BNH 28 (minimise hedgerow removal), DM BNH5 (c) (avoid unnecessary removal of hedgerow), and contrary to Policies Gl.P3, Gl.P4 and Gl.P14 of the Carlow – Graiguecullen Joint Urban Local Area Plan 2024-2030, which collectively seek to protect and preserve landscape features, green infrastructure, trees and hedgerows in the joint urban area. The proposed development and the development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission was not satisfied that any justification had been submitted by the applicant, or considered by the planning authority, for the removal of a section of the long-standing hedgerow which had effectively contributed to the visual amenity of the local area, notwithstanding it was not comprised of indigenous plantings.

- **99/1517:** Permission to erect milk distribution depot 400 sq. metres together with associated site works. Permission was GRANTED in September 2000 subject to 12 no. conditions.
- **99/102:** Permission to erect seed, grain, drying and storage. Permission was GRANTED in February 2000 subject to 10 no. conditions. Condition no. 6 reads as follows:

Condition 6. A screen wall/ fence to height of 2 metres shall be provided along the entire site boundary (ies).

Reason: To protect the privacy and secure the residential amenity of the proposed and other development in the context of the overall development of the area.

- **96/77:** Permission to replace existing fence with palisade fence. Permission was GRANTED in May 1996 subject to 3 no. conditions.
- **01/39:** Permission to erect 3 no. 900 ton grain silos. Permission was GRANTED in May 2001 subject to 5 no. conditions.

5.0 Policy Context

5.1. Local Area Plan

- ***Carlow – Graiguecullen Joint Local Area Plan, 2024 to 2030***

5.1.1. I have reviewed the Development Plan, and I consider the following Chapters, Sections and Policies to be of most relevance to the subject proposal. The subject appeal site is zoned Enterprise with the associated land use objective *to promote and provide for the development of enterprise and employment generating uses.*

5.1.2. **Chapter 4** of the LAP relates to **Economic Development, Retail and Tourism**. Section 4.3 relates to Strategic Employment Land where, as per Map 4.1 and Table 4.2, the subject appeal site and immediately adjacent lands to the south, east and west are identified and it is stated that:

‘The layout and design of development proposals on these strategic land banks shall be of a high standard and quality. Carlow County Council and Laois County Council will support employment generating development proposals on these lands subject to compliance with proper planning and environmental criteria.’

5.1.3. Further below under Table 4.2, the following is stated in relation to the overall subject land parcel:

‘This land parcel comprises c. 4.98 hectares and is located in Graiguecullen, fronting the R924 (Ballickmoyler Road) to the north and Church Road to the south. The land is occupied and in commercial use by Tirlán. The commercial use includes a farm (agricultural supplies) shop and depot. A large part of the land that was formerly in use as a grain store remains underutilised. The land benefits from an accessible location proximate to the N80 (Northern Relief Road), and next to the existing Shamrock Business Park. Any redevelopment of the land must be sensitive to the character and setting of Graiguecullen Church of Ireland to the immediate east. The land represents an opportunity to accommodate higher order commercial, light industrial and office uses.

5.1.4. **Chapter 5** of the LAP relates to **Urban Design, Town Centre and Regeneration**. Section 5.8.1 of the LAP relates to Strategic Intervention Area – Graiguecullen which, as per Table 7, relates specifically to the subject appeal site and the

immediately adjacent lands to the south, west and east. In addition to a map of the area with the overall lands, including the subject appeal site outlined in red, the following is stated:

'Table 7: Intervention Area – Tírlan (Glanbia) Site:

The vision for this intervention area is to unlock the development potential of what is a significant landbank and underutilised site on a key approach to Carlow-Graiguecullen from the Midlands Region (including Portlaoise) on the N80.

It is envisaged that the site could support a significant level of high-quality commercial development that would integrate with the adjoining Shamrock Business Park, and potentially deliver an enhanced public realm, with new connections and permeability between the R924 (Ballickmoyler Road) to the north and Church Road to the south, for existing neighbouring commercial and residential areas.

5.1.5. **Chapter 10** relates to **Natural Heritage Green Infrastructure and Landscape** and includes the following policies which are considered to be of relevance to the subject proposal:

- **GI. P3:** *Protect and preserve landscape features which significantly contribute to green infrastructure in Carlow-Graiguecullen, including trees, hedgerows, woodlands, wetlands, watercourses, and other habitats.*
- **GI. P4:** *Require the protection and integration of new and existing green infrastructure as an essential component of all new developments in Carlow Graiguecullen, and to ensure future development does not fragment, damage, or prejudice the integrity of the green infrastructure network in the joint urban area.*
- **GI. P10:** *Promote appropriate tree planting and pollinator friendly planting, in accordance with the recommendations of the All-Ireland Pollinator Plan 2021-2025 throughout Carlow-Graiguecullen and in open spaces within new developments, in order to enhance local biodiversity, visual amenity and surface water management.*

- **GI. P14:** *Seek to protect trees and hedgerows in the joint urban area with a particular local amenity or conservation value and encourage the planting of native tree and hedgerow species.*
- **NH. P9:** *Identify, protect, conserve, and enhance wherever possible, wildlife habitats and species of local importance in Carlow-Graiguecullen, not otherwise protected by legislation. Such habitats can include woodland, river, wetlands, and grassland areas along with field boundaries (hedgerows, stone walls and ditches). These features form part of a network of habitats and corridors, which allow wildlife to exist and flourish and contribute to compliance with Article 10 of the Habitats Directive.*

5.2. Development Plan

- **Laois County Development Plan, 2021 to 2027 (Volume 1 – Written Statement)**

5.2.1. I have reviewed the Development Plan, and I consider the following Chapters, Sections and Policies to be of most relevance to the subject proposal.

5.2.2. **Chapter 6** relates to **Economic Development**. Section 6.12 relates to Strategic Employment Initiatives. Table 6.4 relates to Strategic Employment Initiatives and includes the following:

- *3. Facilitate the development of lands in Graiguecullen Key Town for job creation as identified in the Joint Spatial Plan and collaborate with Carlow County Council to identify and an economic development strategy for the joint area.*

5.2.3. **Chapter 7** relates to **Retail and Town/ Village Centre Management**

- **DEVELOPMENT MANAGEMENT STANDARD - DM TC 10:
ADVERTISEMENTS ON PUBLIC ROADS**

Permanent advertising signs on public land along the public road network for example finger post signs and signs for businesses are subject to a license under Section 254 of the Planning and Development Act 2000 (as amended).

Planning permission is required for signs on private land along public roads, other than those exempted by the Planning and Development Regulations 2001 (as amended).

In dealing with applications the Planning Authority will have regard to the following:

- 1) Compliance with the Spatial Planning and National Roads: Guidelines for Planning Authorities (2012) and the Transport Infrastructure Signage on National Roads (March 2011) and any updated versions of these documents, when the development concerns a national roadway.*
 - 2) Signs should be of a different colour scheme to that of tourist signage;*
 - 3) Within urban speed limits signs will not be permitted for businesses;*
 - 4) Signs for rural businesses shall not compete with road signs or otherwise endanger traffic safety. They will only be considered at an appropriate junction on a regional road and one sign at each junction leading to the business;*
 - 5) Signs will not be permitted where there is a proliferation of signage within a small area that leads to visual clutter and which may constitute a traffic hazard;*
 - 6) For reasons of road safety, signs for commercial enterprises must not distract from road signs, changes to road layout or traffic lights/crossings;*
 - 7) Signs for tourism attractions and facilities will only be considered while on brown signs.*
- *DM TC 11: Billboards Advertisements*
The exhibition of billboard advertisements will be permitted only where approved advertisement structures are in place.

5.2.4. **Chapter 11** relates to **Biodiversity and Natural Heritage**. Section 11.6 relates to Trees, Woodlands and Hedgerows and includes the following Policies:

- **BNH 28:**
Ensure that hedgerow removal to facilitate development is kept to an absolute minimum and, where unavoidable, a requirement for mitigation planting will be

required comprising a hedge of similar length and species composition to the original, established as close as is practicable to the original and where possible linking in to existing adjacent hedges. Native plants of a local provenance should be used for any such planting.

- **BNH 30:**

Ensure that hedgerow and mature tree removal to facilitate development is kept to an absolute minimum and, where unavoidable, a requirement for mitigation planting will be required comprising a hedge of similar length and species composition to the original, established as close as is practicable to the original and where possible linking in to existing adjacent hedges. Native plants of a local provenance should be used for any such planting.

The following Green Infrastructure Development Management Standards are also considered to be of relevance:

- **DM BNH 5 Hedgerows**

In dealing with applications for new developments, the Planning Authority will have regard to the following:

- a. Retention of a connected network of good quality hedgerows;*
- b. The value of hedgerows as green infrastructure (landscape, biodiversity, shelter, supporting services to agriculture/horticulture;*
- c. The avoidance of the unnecessary removal of hedgerows;*
- d. If it is necessary to remove a hedgerow, developers should be reminded of their obligations under the Wildlife Acts not to remove or interfere with them during the bird nesting season, between March 1st and 31st August. Also, replacement or compensatory planting of hedgerows using indigenous species such as whitethorn or blackthorn only will be required;*
- e. Proposals to integrate hedgerows into the layout of a new linear feature such as a road/ pedestrian/cycle track;*
- f. Depending on the potential risks of anti-social activity or requirements for a more garden look the margins of these new*

hedgerows/woodlands/new shrubberies could be planted with colourful non-natives (for amenity) or spiny shrubs to deter vandals.

g. By occasionally mowing the grass margin of hedgerows (or part of it), they will look managed. As litter will accumulate in long grass along their margins arrangements will have to be made to carry out regular clean ups;

h. Encouragement should be given to develop a new linear feature of biodiversity value such as a hedgerow or dry stone wall, particularly if this type of habitat is found adjacent to the development site;

i. The use of native tree and shrub species similar to those found in adjacent hedgerows in new or replacement hedgerows;

j. The wholesale removal of hedgerows to facilitate the achievement of adequate sightline visibility for one-off houses in the countryside will not be encouraged.

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is located c. 600m west of the River Barrow and River Nore SAC (002162).

6.0 EIA Screening

- 6.1.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The Grounds of the 1 no. Third Party Appeal (Fergal O'Neill) can be summarised as follows:

- **Same Development.** The Proposed Development is substantially the same as the previous proposal, which was refused on appeal by the same appellant, as appeal ref. no. ACP-323101-25 refers. The main differences relate to a reduction in the type and number of advertising signs and the provision of a natural hedgerow to a height of 1.8 metres.
- **Unacceptable Height:** While a natural hedge is accepted to be more appropriate, the proposed height of 1.8 metres is completely unacceptable to the Appellant. In addition, no height is specified in the planning conditions.
- **DMBNH 28 (Minimisation of hedgerow removal):** The proposed development is contrary to DMBNH 28 as the height of the hedge is considerably reduced from its original.
- **Planning Enforcement:** No Report was received from the Local Authority Planning Enforcement Section despite written communication between them and the Applicant in relation to unauthorised development. The Planning Enforcement File should have informed the decision of the Local Authority.
- **Contravention of Joint Local Area Plan:** The proposed development is in contravention of the Carlow/ Graigcullen Local Area Plan, namely Policies GI P3, P4 and 14.
- **Lack of justification:** As per the previous decision of An Coimisiún Pleanála, it is unclear what justification, if any, the applicant has submitted or has been considered by the Local Authority for the removal of the hedgerow.
- **Existing Signage:** There is sufficient existing signage at the entrance to address the type of signage now being proposed.

- **Screening of Appellants Property:** There has been no attempt made to address the issue of screening of the Appellants property which is raised in the previous Appeal as a principal concern of the Appellant.
- **Previous Reasons for Refusal:** have not been adequately addressed.

7.2. Applicant Response

- None

7.3. Planning Authority Response

- None

7.4. Observations

- None

7.5. Further Responses

- None

8.0 Assessment

8.1. Having examined the appeal details and all other documentation on file, including the observations received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- Nature of the proposed development
- Previous Refusal/ Relevant Policies/ Justification for Proposed Development
- Proposed Hedge Height
- Other Matters
 - *Planning Enforcement*

8.2. Nature of the Proposed Development

8.2.1. I have compared the current proposal to that of the previous refusal, as planning reg. ref. no. 2560292 (Appeal Ref. no. ACP-323101-25) refer. I note the current proposal differs slightly to the previous refusal. In particular, the current proposal, in addition to other elements, now seeks to retain safety and opening hours signage (2 no. signs) along the front boundary fence and entrance gate. The previous proposal included additional signage (3 no. advertising signs) along the front boundary fence to the northwest of the existing site entrance. These said signs do not form part of the current proposal. In addition, the proposed beech hedging along the site frontage, previously described as new low-level beech hedging is now described as beech hedging. Therefore, aside from the omission of 3 no. advertising signs previously proposed along the site frontage, the proposed development is essentially the same to that previously refused by the Commission under planning reg. ref. no. 2560292 (Appeal Ref. no. ACP-323101-25).

8.3. Previous Refusal/ Relevant Policies/ Justification for Proposed Development

8.3.1. The previous proposal on the subject appeal site, as planning reg. ref. no. 2560292 (Appeal Ref. no. ACP-323101-25) refer was refused permission, as per the Reasons and Considerations quoted above in Section 4.0 of this Report. A number of Development Management Standards contained in the Laois County Development Plan, 2021 to 2027 and certain policies set out in the Graiguecullen Joint Urban Local Area Plan, 2024 to 2030 are expressly referenced in the Reasons and Considerations, as follows:

- Development Management Standard DM TC10 (5) (Advertisements on Public Roads) of the Laois County Development Plan, 2021 to 2027

8.3.2. Development Management Standard DM TC10 of the Laois County Development Plan, 2021 to 2027, is quoted further above in Section 5.0 of this Report and is concerned with Advertisements on Public Roads. Subsection 5 of DM TC10 states:

5. Signs will not be permitted where there is a proliferation of signage within a small area that leads to visual clutter and which may constitute a traffic hazard;

8.3.3. I note under the previous proposal, as planning reg. ref. no. 2560292 (Appeal Ref. no. ACP-323101-25) refers, which was refused permission, the Applicant proposed

the retention of a total of 5 no. signs along the site frontage (Signs 8, 9, 10, 11, 12 & 13). Signs 10, 11 & 12 which were 3 no. 3 metre X 1 metre advertising signs no longer form part of the current proposal. The Applicant has sought to retain signs 8 and 9 which are located on the front fence to the southeast of the site entrance (Sign 8 (1.8 metres X 0.9 metres)) and on the front entrance gate (Sign no. 9 (1.4 X metres X 0.9 metres)). The Applicant has described both signs as safety and opening-hours signage. I accept Sign no. 8 is for the most-part an information sign and is not an advertisement sign. Sign no. 9 is a site safety sign and is not an advertising sign.

8.3.4. There is an existing totem sign to the southeast of the site entrance which is associated with the adjacent petrol filling station to the east. There are also various existing advertising signs throughout the adjacent petrol filling station site, which are visible on approach to the subject site from the southeast.

8.3.5. Notwithstanding the established adjacent signage, it is my opinion that the signage changes proposed under the subject appeal, which essentially result in an additional 2 no. signs information signs (no's 8 & 9), would not serve to result in an unacceptable proliferation of signage at this location and would not therefore constitute a traffic hazard. In this regard, I therefore consider the revised signage proposals to be in accordance with the provisions of Development Management Standard DM TC10 (5) (Advertisements on Public Roads) of the Laois County Development Plan, 2021 to 2027.

- Policy BNH 28 of the Laois County Development Plan, 2021 to 2027

8.3.6. Policy BNH 28, as quoted above in Section 5.2.4 of this Report is concerned with the removal of hedgerow and places an emphasis on the use of native plants of a local provenance where mitigation planting is proposed. I have reviewed the subject application and appeal, and I have compared the current proposals to the previous application and appeal (planning reg. ref. no. 2560292 (Appeal Ref. no. ACP-323101-25)). I note the previous proposal included a new low level beech hedge to the external side of the new front boundary paladin fence. Under the current proposal, the Applicant proposes a new beech hedge to a height of 1.8 metres.

8.3.7. Condition no. 4 of the notification of decision to Grant permission issued by the Local Authority reads as follows:

- ‘4. a) *Within 3 months of the date of the grant of this permission, the front boundary of the site shall be planted with trees/shrubs of species native to the area to form naturalised hedgerows similar to existing native hedgerows in the vicinity. Species shall include hawthorn, Blackthorn, ash, oak, hazel and holly; beech [fagus sylvatica], leylandii (or similar) and laurel shall not be used.*
- b) *In the event of tree/hedge failures, these shall be replaced within the following planting season.*

Reason: *In the interests of visual and residential amenity’*

8.3.8. The above condition 4 a) clearly omits the installation of beech hedging and favours native hedgerow species and as such, in my opinion, if imposed, would serve to comply with the provisions of Policy BNH 28. Therefore, in the event of a Grant of permission being issued, a condition to the effect of condition no. 4 a) or similar should be attached.

- *Development Management Standard BNH5 c) of the Laois County Development Plan, 2021 to 2027*

8.3.9. Development Management Standard BNH5 c) of the Development Plan relates to Hedgerows and states: *‘In dealing with applications for new developments, the Planning Authority will have regard to the following: ... c) The avoidance of the unnecessary removal of hedgerow.’*

8.3.10. Under the current application and appeal, and with specific reference to the proposed new beech hedging, the Applicant states: *‘this hedge will facilitate site screening whilst also eliminating the constraint on visibility to the left on exit of the site as was an issue with the excessively deep hedgerow previously in place.’* This, in my view, represents the Applicants’ justification for the removal of the previously deep hedgerow to the northwest of the site entrance. While this has improved sightlines to the northwest, it is my opinion, based on a review of historic aerial mapping, that the achievement of a 45 metre sightline to the northwest, did not necessitate the removal of a 22.5 metre portion of the previous boundary hedging and that such a sightline could have instead been readily maintained by setting back or bracing the previous hedging instead of removing said section. The removal of said hedging also opened up views into the site from the public road and, as per the

proposals presented under the previous application and appeal, facilitated the use of the palisade fencing for the placement of 3 no. advertising structures.

8.3.11. In my opinion therefore, the Applicants' apparent justification for the removal of the previous hedging for the achievement of sightlines did not warrant the extent of works carried out and therefore the extent of hedgerow removal was unnecessary.

8.3.12. Under the current proposals however, and as amended by condition no. 4 a), the Applicant is required to provide a new native hedgerow. The principle of this proposed mitigation is in my view acceptable as it will result in the removal of non-native leylandii hedging of low biodiversity value in favour of new native hedging. As such, it is my opinion therefore that the proposals, as amended by condition no. 4 a) therefore comply with the provisions of Development Management Standard BNH 5 c) as it will replace previous hedging thereby avoiding or mitigating for the previous removal of hedgerow.

- *Policy GL. P3 of the Carlow – Graigecullen Joint Local Area Plan, 2024 to 2030*

8.3.13. For ease of reference, the above policy reads as follows:

- ***GL. P3:*** *Protect and preserve landscape features which significantly contribute to green infrastructure in Carlow-Graigecullen, including trees, hedgerows, woodlands, wetlands, watercourses, and other habitats.*

8.3.14. The previous hedging, c. 22.5 metres of which has been removed, in my opinion, would have contributed to the green infrastructure of the area. In my opinion, the proposed replacement of the previous leylandii hedge with a native hedge, as stipulated under condition no. 4 a) of the notification of decision to Grant permission, serves as appropriate mitigation measure and would provide a feature which would contribute to green infrastructure in the area. Therefore, in the event of a grant of permission being issued and subject to the attachment of a condition similar to that of condition no. 4 a) of the Notification of Decision to Grant permission, it is my opinion that the proposed development would comply with the provisions of policy GL. P3 of the above Joint Local Area Plan.

- *Policy Gl. P4 of the Carlow – Graigecullen Joint Local Area Plan, 2024 to 2030*

8.3.15. For ease of reference, the above policy reads as follows:

- ***Gl. P4:*** *Require the protection and integration of new and existing green infrastructure as an essential component of all new developments in Carlow Graigecullen, and to ensure future development does not fragment, damage, or prejudice the integrity of the green infrastructure network in the joint urban area.*

8.3.16. In my opinion, the proposed development, as presented, in removing existing hedging, albeit non-native leylandii of little biodiversity value and the replacement of same with native hedging, as stipulated under condition no. 4 a) of the Notification of Decision to Grant permission, serves to allow for the protection and integration of new and existing green infrastructure and would not serve to fragment, damage or prejudice the integrity of the established green infrastructure network in the area. In this regard, in the event of a grant of permission being issued and subject to the attachment of a condition similar to that of condition no. 4 a) of the Notification of Decision to Grant permission, it is my opinion that the proposed development would comply with the provisions of policy GL. P4 of the above Joint Local Area Plan.

- *Policy Gl. P14 of the Carlow – Graigecullen Joint Local Area Plan, 2024 to 2030*

8.3.17. For ease of reference, the above policy reads as follows:

- ***Gl. P14:*** *Seek to protect trees and hedgerows in the joint urban area with a particular local amenity or conservation value and encourage the planting of native tree and hedgerow species.*

8.3.18. In my opinion, in the event of a grant of permission being issued and subject to the attachment of a condition similar to that of condition no. 4 a) of the Notification of Decision to Grant permission, the proposed development would comply with the provisions of policy GL. P14 of the above Joint Local Area Plan.

8.4. Proposed Hedge Height

8.4.1. The Applicant has proposed that the new hedge will be ‘..allowed to grow to a screening height of c. 1.8 metres and maintained at that height.’ The Appellant

submits the proposed hedge height of 1.8 metres (5 foot 9 inches) to be completely unacceptable and notes that no height has been specified in this regard. The Appellant further correctly notes that there is no height specified in Condition no. 4 of the Notification of Decision to Grant permission.

8.4.2. I note, as per Development Management Standard DM HS 10 (Boundary Treatments) of the Development Plan, that it is stated that in the case of residential developments, side boundaries of rear gardens shall be 1.8 metres to 2.0 metres in height and that, in the interests of passive surveillance, where side boundary walls adjoin the public footpath, that behind the rear building line, a 2 metre wall '*may be provided*'. In the circumstances of the subject case, the extent of existing screening and contribution to local amenity offered by the remainder of the existing hedging at this location and noting the concern of the Appellant regarding the lack of screening of his property and having regard to the provision of the Development Plan, it is my opinion that a higher hedge of no more than 2.0 metres in height would be appropriate in this instance. Such a requirement could form part of a specific condition in the event of a grant of permission being issued.

8.4.3. I note incidentally that condition no. 6 of planning reg. ref. no. 99/102 which pertains to the overall site, stipulates that a screen wall/ fence to a height of 2 metres shall be provided along the site boundary(ies).

8.5. Other Matters

- *Planning Enforcement*

8.5.1. I note the concerns of the Appellant in relation to Planning Enforcement as summarised further above. I note as per the Local Authority Planners Report that, although the Application was referred to Planning Enforcement, no Report was received at the time of writing the said Planners Report. Planning Enforcement is a matter for the Local Authority.

9.0 AA Screening

9.1. In accordance with Section 177U of the Planning and Development Act 2000, as amended and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other

plans or projects would not be likely to give rise to significant effects on any European sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on:

- The small scale and nature of the scheme,
- The urban location of the site,
- The separation distance from nearest European site, and
- The lack of a direct or indirect pathway to any designated site.

10.0 Water Framework Directive

10.1. The Barrow_170 (EU Code: IE_SE_14B012600) lies within c. 480 metres to the west of the subject appeal site (Waterbody Status: At Risk). The Barrow_160 (EU Code: IE_SE_14B012460) lies within c. 672 metres to the southeast of the subject appeal site (Waterbody Status: At Risk). The site lies above the Bagenalstown Lower Groundwater body ((EU Code: IE_SE_G_157) (Waterbody Status: Not at Risk). The proposed development is detailed in section 2.0 of my report. No specific water deterioration concerns were raised in the planning appeal.

10.2. I have assessed the proposed development and associated works and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

10.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.4. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development;
- Location-distance from nearest water bodies and/or lack of hydrological connections;

10.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that retention permission and permission be Granted subject to the conditions set out hereunder.

12.0 Reasons and Considerations

12.1. Having regard to the nature and scale of the proposed development to be retained and the proposed development, the urban location of the subject appeal site and its 'Enterprise' zoning objective, it is considered that subject to compliance with the conditions set out below, the proposed development would be in accordance with Development Management Standards DM TC10 (5) (advertisements on public roads), DM BNH 28 (minimise hedgerow removal), and DM BNH5 (c) (avoid unnecessary removal of hedgerow) of the Laois County Development Plan, 2021 to 2027 and Policies GI.P3, GI.P4 and GI.P14 of the Carlow – Graiguecullen Joint Urban Local Area Plan 2024-2030, which collectively seek to protect and preserve landscape features, green infrastructure, trees and hedgerows in the joint urban area. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be retained, carried out and completed 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. Where such conditions require details to be agreed with the planning authority, the

developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Any change to the permitted signage, including any increase in the number of signs to be displayed, any scrolling mechanism or internal / external illumination, shall not be carried out without a prior grant of planning permission.

Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area.

3. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 (as amended), shall be displayed or erected on the building exterior, on the site's boundary fence or within the curtilage of the site without a prior grant of planning permission.

Reason: To allow further assessment of the impact of the permitted advertisement on the amenities of the area and in the interest of visual amenity.

4. The new hedging at the external side of new front boundary paladin fence shall be planted within 6 months of the date of the order. The new hedging shall be of native species only and shall be allowed to grow to a height of 2.0 metres unless otherwise agreed in writing with the planning authority. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of biodiversity and residential and visual amenity.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development

Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Frank O'Donnell
Planning Inspector

16th July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-201175-LS-26
Proposed Development Summary	Retention of removal of trees, erection of signage. Permission for boundary hedging, with associated works.
Development Address	Tirlán Farmlife Graiguecullen Branch , Portlaoise Road Carlow town, Co. Laois
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____