



Subject:	Tree Protection Bill – Call for Evidence.
Date:	15 September 2026
Reporting Officer:	Dermot O’Kane – Acting Development Planning & Policy Manager
Contact Officer:	Garry Thornton, Senior Planning Officer

Is this report restricted?	Yes	☐	No	☒
Is the decision eligible for Call-in?	Yes	☒	No	☐

1.0	Purpose of Report or Summary of Main Issues
1.1	The purpose of this report is to seek the Planning Committee's approval of Belfast City Council's response to the Northern Ireland Assembly's Tree Protection Bill – Call for Evidence.
2.0	Recommendations
	The Planning Committee is requested to: • Note the contents of the Assembly's consultation document; • Agree the proposed Council response as outlined within this report; and • Authorise officers to submit the response to the Northern Ireland Assembly.
3.0	Background
3.1	The Northern Ireland Assembly has published a consultation on Tree Protection Bill - Call for Evidence - Northern Ireland Assembly - Citizen Space . Which opened on 9 July and is due to close on 16 September 2026.
3.2	The Tree Protection Bill sets out to: • Amend and strengthen primary legislation to provide enhanced legal protection for Northern Ireland's oldest and most significant trees and woodlands. • Reform the Tree Preservation Order (TPO) system to align with practice in England, Scotland, and Wales—closing loopholes, ensuring consistent enforcement across local authorities, and broadening designation criteria to reflect the full environmental, social, and health benefits of trees. • Ensure legislative protections reflect the modern understanding of the role trees play in climate resilience and public health. • Protect ancient and long-established woodland by introducing enforceable safeguards against development, recognising these habitats as irreplaceable.
3.3	The consultation document identifies a series of clauses which deal with Tree Preservation Orders, the replacement of trees, tree protection mapping, ancient woodlands and Ecosystem Services.

4.0	Main Issues
4.1	The Bill argues that Northern Ireland's current tree protection framework is weaker than elsewhere in the UK and is failing to adequately protect important trees and woodlands. Key concerns include: • Enforcement of Tree Preservation Orders (TPOs). • Continued loss of ancient and long-established woodland to development. • Lack of specific legal protection for ancient trees. • Poor monitoring and replacement of illegally felled protected trees. • Limited public access to information about protected trees. • Inconsistent implementation of tree protection measures across councils.
4.2	Enforcement of Tree Preservation Orders A central criticism is that Northern Ireland's legislation does not clearly make it an offence to "cause or permit" a breach of a TPO, unlike legislation in England, Scotland and Wales. This can make prosecutions more difficult and creates loopholes for landowners, contractors, or others indirectly responsible for damage.
4.3	Insufficient Protection for Ancient Woodland Ancient and long-established woodland is identified as one of Northern Ireland's rarest habitats, but current planning and forestry controls do not adequately prevent its destruction through development.
4.4	Lack of Dedicated Protection for Ancient Trees The Bill argues that while historic buildings receive statutory protection, there is no equivalent protection for ancient trees despite their ecological, cultural and climate value. It proposes a specific protection mechanism for ancient trees and would require councils to make TPOs for qualifying ancient trees unless they are dead.
4.5	Tree Replacement and Accountability The Bill identifies shortcomings in current replacement requirements when protected trees are unlawfully removed. It seeks to require larger replacement trees and impose replacement obligations on those responsible for the breach. It would also require replacement trees to survive for five years and allow recovery of costs from those responsible for the damage.
4.6	Lack of Monitoring and Transparency The Bill highlights the absence of a comprehensive, publicly accessible record of TPOs. It proposes a Northern Ireland-wide digital Tree Protection Map and the publication of all active TPOs and conservation areas. It would also require Councils to report on TPO applications, approvals and refusals.
4.7	Development Pressure on Protected Woodland A major policy proposal is to restrict development affecting ancient or long-established woodland. The Bill would require planning permission to be refused where development would damage ancient woodland. It would also require a 15-metre protection buffer around ancient and long-established woodland and the removal of permitted development rights where such woodland would be affected, except in wholly exceptional circumstances.
	Potential Concerns and Challenges

4.8	Although the response broadly supports the Bill, it acknowledges several implementation challenges including a financial burden. The Bill would create new responsibilities for councils and the Department for Infrastructure, including the annual inspections of replacement trees, additional enforcement activity, the administration of the new mapping system and arboricultural assessments for ancient trees. Councils may require more specialist tree officers, support from external arboricultural consultants and additional training and administrative support. The proposed 15-metre exclusion zone and stronger planning restrictions may reduce development opportunities on some sites, increase planning complexity and delays and generate appeals and disputes.
4.9	Council Response The principal debate is whether the environmental benefits justify the additional costs, enforcement requirements and potential constraints on development. Overall, the Council supports the Bill's objectives of protecting trees and strengthening enforcement, but raises significant concerns about practicality, resourcing, and the prescriptive nature of several proposals. The Council supports stronger enforcement against unlawful tree damage and felling and the principle of protecting important trees. However the Council has concerns about how some provisions would operate in practice as it is likely that several clauses would impose substantial additional duties on councils without corresponding resources or funding.
4.10	The Council recognises the value of ecosystem services when considering tree protection and already takes these benefits into account in its guidance. However, further regional guidance would be required to clarify what constitutes an ecosystem service and what level of benefit would justify a TPO and how these tests could be applied consistently. The Council supports making it an offence to "knowingly cause or permit" damage to protected trees but notes that the legislation does not clearly explain how this would be evidenced or enforced.
4.11	The Council is unconvinced that changing the current process in relation to the automatic Confirmation of Provisional TPOs in Clause 2 provides any benefit. It believes the existing six-month period already allows sufficient time for site inspections, independent assessment and the consideration of amendments or objections.
4.12	The Council's main concern regarding the proposed requirement for replacement trees is that requiring all replacement trees to be "heavy standard" trees is too prescriptive and may not be appropriate in many circumstances. Different sites may require different replacement approaches. The requirement to monitoring replacement planting for five years would create a significant and unsustainable administrative burden.
4.13	The Council cannot support the proposed inspection duties set out in Clause 5. The requirement for annual inspections of replacement trees would be highly resource-intensive, exceed existing staffing capacity and likely require substantial additional funding and specialist expertise. Furthermore, the Council opposes Clause 6, which relates to enforcement powers and replanting duties. These provisions could require councils to purchase replacement trees, access private land, undertake planting works and recover costs from offenders or landowners. It is likely that these additional responsibilities would create a significant administrative burden for the Council, which currently lacks the capacity and resources to carry out these functions effectively and sustainably.
4.14	The Council already maintains a digital map of Tree Preservation Orders (TPOs) within Belfast, which is a valuable resource for both planning practitioners and the wider public. While the Council would have no objection to a similar provision being implemented across Northern Ireland, it questions whether there is a need for this to be established as

	a statutory requirement. A regional mapping system may offer benefits in terms of consistency and accessibility, but the rationale for placing such a duty in legislation has not been clearly demonstrated.
4.15	Clauses 8 and 9 introduce new restrictions on development affecting ancient and long-established woodland. The Council considers these proposals to be overly prescriptive and is concerned that the proposed 15-metre buffer zone is arbitrary and does not adequately reflect the varying circumstances of individual sites. It is the Council's view that the existing planning system already requires the impacts of development on trees and woodland to be carefully assessed as part of the determination process. Greater flexibility should therefore be afforded to planning authorities to assess proposals on a case-by-case basis, taking account of site-specific characteristics, material planning considerations and professional judgement in accordance with established planning practice.
4.16	While the draft response broadly supports the objective of strengthening tree protection, it raises concerns that several provisions would place significant new obligations on councils without adequate funding, staffing or operational guidance. In particular, the Council considers that the proposed inspection, enforcement and replacement duties would create substantial resource and administrative pressures that are not currently matched by existing capacity. The most significant concerns relate to the long-term monitoring of replacement trees, the exercise of enforcement powers, and the practical implications of undertaking replanting works and cost recovery processes.
4.17	The Council also has reservations regarding the proposed planning restrictions affecting development near ancient and long-established woodland, which it considers to be overly prescriptive and insufficiently flexible to account for site-specific circumstances. Overall, while supportive of measures that improve the protection of trees and woodland, the Council's position is that a number of the Bill's provisions, in their current form, may prove impractical and unsustainable to implement without additional resources, clearer guidance and greater flexibility for local planning authorities. <u>Finance and Resource Implications</u> There are no resource implications associated with this report. <u>Asset and Other Implications</u> None noted. <u>Equality or Good Relations Implications</u> There are no relevant equality or good relations implications attached to this report.
5.0	Appendices
	Appendix 1 – Tree Protection Bill (as introduced) Appendix 2 – Explanatory and Financial Memorandum Appendix 3 – Draft Council Response