

Clause 1 - TPOs - expansion to powers...

Do you agree with Clause 1 of the Bill?

Unsure.

Please provide information to support your answer here:

The Council already recognises the potential ecosystem services benefits of trees in our published guidance on TPOs. However, as is often the case in planning, there is a question of balance and resources, and it is ultimately the decision of each planning authority whether to pursue a new TPO. Therefore, the Council is of the view that revised regional guidance could be helpful if it clearly sets out how 'ecosystem services' can/should be interpreted in relation to section 122 of the Act, including what level of ecosystem would be considered worth of protection.

The Council would support the intention to make it an offence to knowingly permit any prohibited act, such as cutting, damaging, or destroying a tree. However, it is not clear how, 'knowingly causing or permitting' is to be determined.

The Council also notes that Ancient Trees can currently be protected due to age/rarity.

It is not clear how Clause 1 would change when a TPO takes effect.

Clause 2 - Provisional TPOs...

Now deemed confirmed at 6-month point if no objections...

Agree? Unsure

Currently, process allows sufficient time to consider modifications/independent checks to be carried out.

Do you agree with Clause 2 of the Bill?

Unsure.

Please provide information to support your answer here:

The Council considers that the current process, in which a provisional TPO lasts for 6 months before it must be formally confirmed (or allowed to lapse) provides sufficient time to consider modifications and/or for independent checks to be carried out on site.

The Council is unsure as to the benefits, or value of changing the process to deemed TPOs confirmed at the six-month point if the Council has received no objections or representations and has not issued a decision to revoke the order.

Clause 3 - Penalties for contravention of tree preservation order

Range of conduct that constitutes an offence

Do you agree with Clause 3 of the Bill?

Yes.

Please provide information to support your answer here:

The Council in principle agrees with the amendment to add that anyone who knowingly causes or permits any of the prohibited acts is also guilty of an offence. However, it will need to be made clear how Councils can/should determine this.

Clause 4 – Replacement of trees

Do you agree with Clause 4 of the Bill?

Unsure.

Please provide information to support your answer here:

The mandate that any replacement must be a heavy standard tree of an appropriate species would be considered too prescriptive. Sites vary, and heavy standard replacement may not be appropriate for all sites.

The Council would not have the resources required to monitor and administer a requirement for landowners to notify the Council upon planting and to ensure that any replacement planting is carried out within a five-year period. The significant additional workload that these obligations would create would not be feasible for the Council to manage and would be unsustainable in the long term.

Clause 5 – Council to inspect replacement trees

Do you agree with Clause 5 of the Bill?

No.

Please provide information to support your answer here:

This new duty is too onerous on Councils and, if enacted, would require significant additional funding and staffing. The Council does not have the number of staff with the required level expertise needed to undertake annual inspections to identify trees needing extra care or further replacement.

Clause 6 – enforcement of duties as to replacement of trees

Do you agree with Clause 6 of the Bill?

No.

Please provide information to support your answer here:

As with Clause 5, this proposed amendment would place an excessive burden on councils. Belfast City Council does not have the resources required to purchase replacement trees, access sites, and undertake replanting works. In addition, the Council lacks the capacity to administer and recover costs from either the individual responsible or the landowner. To exercise these new enforcement powers in a meaningful and effective way, the Council would require significant additional funding and resources. Without such support, the implementation of these powers would not be feasible or sustainable.

Clause 7

Unsure

We currently have our own map showing updated TPOs etc. Not sure of benefits of further mapping.

Do you agree with Clause 7 of the Bill?

Unsure.

Please provide information to support your answer here:

Belfast CC currently has an online map showing all TPOs in the Council area that is updated on a regular basis. The Council is not sure of the benefits of further mapping.

Clause 8 – Determination of planning applications

Do you agree with Clause 8 of the Bill?

No.

Please provide information to support your answer here:

The Council feels that this new section would potentially be too onerous and prescriptive. The Council believes that considerations of Clause 8 are already a consideration of any planning application currently. The 15m limit is also considered too arbitrary.

If this Clause is to be carried forward, the text should be amended from ‘...requiring Councils’, to, ‘...allowing Councils...’.

The Clause should also provide a definition of deterioration and provide guidance on how to link that to development proposals.

Clause 9

But, as with Clause 8, could be deemed arbitrary and could lead to resourcing implications RE application numbers going up.

Do you agree with Clause 9 of the Bill?

Unsure.

Please provide information to support your answer here:

The Council has no issue with the intention of the Clause, but, as with Clause 8, considers this Clause to also be too arbitrary. Sites and planning applications vary, and there should be scope to allow for this variability.

Clause 10 - Ecosystem services

Do you agree with Clause 10 of the Bill?

Unsure.

Please provide information to support your answer here:

See response to Clause 1.

Clause 11 - Interpretation: 2011 Act

Do you agree with Clause 11 of the Bill?

Yes.

Please provide information to support your answer here:

No issue from a planning perspective.

Clause 12 – Interpretation: 2015 Order

Do you agree with Clause 12 of the Bill?

Yes.

Please provide information to support your answer here:

No issue from a planning perspective.

Clause 13 - Interpretation: general

Do you agree with Clause 13 of the Bill?

Yes.

Please provide information to support your answer here:

No issue from a planning perspective.

Clause 14 - Commencement

Do you agree with Clause 14 of the Bill?

Yes.

Please provide information to support your answer here:

No issue from a planning perspective.