



## ***Woodland Trust Written Submission to the Committee for Environment for the Committee Stage of the Planning Bill 2013***

### **Introduction**

The Woodland Trust is very grateful for the opportunity to provide written evidence to this important Committee Stage inquiry which will accelerate the implementation of reforms contained within the Planning Act (Northern Ireland) 2011. The Trust owns and manages over 50 Sites in Northern Ireland and we have over 8,500 members across the Province and have an important stake in helping secure a planning regime that fully protects our important natural habitats.

Our response builds on evidence we provided back in 2010, during the consultation stage of the 2011 Act, and in our direct engagement with the then Environment Minister, Edwin Poots MLA. We are very pleased to see many of our proposals were enacted in the 2011 Act, particularly with regard to toughening enforcement for environmental offenses, the extension of conservation areas, and the very welcome improvements to tree preservation orders. We have taken the liberty within our written evidence to propose a number of additional improvements which will further enhance the TPO measures, ensuring the word and spirit of legislation is delivered.

### **1) Comments on schedules within the 2013 Bill**

The 2011 Act was an important milestone in the protection of Northern Ireland's precious natural heritage by legislating for a number of very important improvements to our Environmental protection regime. We very much welcome their acceleration through the 2013 Bill.

#### **Simpler and Tougher Enforcement**

- We were pleased that our proposal to increase the penalty for planning offences in respect of trees was enacted, thereby increasing the penalty from £30,000 to £100,000, therefore creating a more realistic disincentive which should provide much greater protection to our natural environment.

#### **Other Measures to enhance the environment**

- **Clause 19** - We welcome the important amendments made to the 1991 Order so that dying trees are no longer exempt from a Tree Preservation Order. As we noted in our earlier evidence, these often offer the richest habitats for our native species and therefore are a crucial aspect of our natural environment.
- **Clause 17 & 18** – We fully support the requirement to pay special attention to preserving the character or appearance of Conservation Areas. We also welcome measures to enable more effective control over demolition in conservation areas and welcome the requirement in the 2013 act to extend this to partial demolition of buildings.

## 2) Economic Development

The 2013 Bill includes multiple provisions to underpin the role of planning in promoting economic development, alongside the existing requirements to “*further sustainable development*” and “*promote or improve wellbeing*”. Whilst we fully understand a renewed focus on Economic Development, we are concerned that these objectives are not always mutually compatible, as there is often a trade-off between pursuing growth at any cost and protecting our natural environment.

It is proposed that article 25 of the 1991 Order and section 45 of the 2011 Act are both revised to include the following statement, “***Without prejudice to the generality of paragraph (1), the reference in that paragraph to material considerations includes a reference to considerations relating to any economic advantages or disadvantages likely to result from the granting of or, as the case may be, the refusal of planning permission.***”.

Unless this statement is fully qualified, we remain very concerned that this could grant permission to support development that damages, rather than enhances our natural environment. We therefore urge the Committee to consider a clear statement that ensures that economic development is not supported when it impinges upon delivering true sustainable development i.e. supporting development that enhances and protects our natural environment rather than damages it. This is particularly crucial for our important and rare natural habitats, like our ancient woodland (that’s land continuously wooded since at least 1600). Northern Ireland’s ancient woodland is a precious and finite resource, covering a mere 0.08 per cent of the landscape.

The UK Government’s National Planning Policy Framework includes specific mention of the need to protect Ancient Woodland, and we urge the Committee to consider inclusion of a similar statement of intent within the legislation.

***“planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland”.***

In respect to Northern Ireland, we would state that this should cover all woods as listed on the Ancient Woodland Inventory.

## 3) Additional measures for consideration by the Committee

The welcomed reorganisation of local government in 2015, provides an excellent opportunity to enhance the increased protection afforded to trees in the 2011 Legislation.

We have identified three additional areas which are crucial enablers in ensuring legislative changes will have real impact when implemented in terms of enhancing Northern Ireland’s natural environment. Without these the legislation will have little impact and we urge consideration of their inclusion in the 2013 Legislation



- **Tree Protection Officers** – we propose that a Tree Protection officer is appointed within each of the new authorities to oversee implementation of this strengthened tree protection regime. Without this important resource we are unsure how these important legislative changes will be policed and as such deliver intended benefits.
- **Local Tree Registers** – these will form an inventory of all trees covered by a TPO within each Local Authority Area as well as important historic trees. These will provide a crucial evidence base to ensure that the legislation is effectively policed and also ensure transparency of the new protection regime.

Woodland Trust  
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