Northern Ireland Assembly

Committee for Communities
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**From:** Emer Boyle, Clerk to the Committee for Communities

**To:** Michael Potter, Clerk to the Committee for Infrastructure

**Date:** Thursday 22 October 2026

**Subject:** Tree Protection Bill: Nil Return

Dear Michael,

1. Thank you for your memo of 7 October 2026 seeking the views of statutory committees on the Tree Protection Bill, a Non-Executive Bill introduced by Mr Peter McReynolds MLA on 29 June 2026, which completed its Second Stage on 21 September 2026.
2. The Committee for Communities has considered the matter, having reviewed the Bill as introduced, the accompanying Explanatory and Financial Memorandum (EFM) and the Official Report of the Bill's Second Stage debate on 21 September 2026. **The Committee confirms that it returns a Nil Response.** A brief explanation of the basis on which the Committee has reached that position is set out below for the assistance of the Committee for Infrastructure.
3. The Committee has considered whether any aspect of the Bill engages the statutory responsibilities of the Department for Communities (DfC) and is satisfied that it does not do so to an extent that would warrant a substantive response. The Bill does not confer any function on, or alter any function of, the Department or any of its arm's-length bodies, and policy and operational responsibility for the planning system it amends rests with DfI and councils. In reaching that view, the Committee considered three areas in which the Bill touches upon matters of interest to it.

4. The first is housing supply. Clauses 8 and 9 could, in principle, affect the availability of land for housing, including social housing to be delivered under the Housing Supply Strategy 2024–2039. The Committee notes the Bill Sponsor's statement at Second Stage that less than 1% of woodland in Northern Ireland is ancient woodland, and that the proposed buffer was reduced from the 50 metres applied in England to 15 metres following engagement with DfI officials. The Committee also notes that the Chairperson of the Committee for Infrastructure identified these clauses at Second Stage as requiring particular scrutiny in light of housing need, and indicated that the extent to which housing development may be affected would be examined at Committee Stage. The Committee for Communities is content to leave that matter with the Committee for Infrastructure.

5. The second is the new duties placed on councils, given that DfC is responsible for local government policy. The Bill places a number of new duties on councils, including the annual inspection of replacement trees, the quarterly updating of the Tree Protection Map and the provision of written reasons where a council decides not to commission an assessment of a potential ancient tree. The EFM describes the financial implications as "modest" but does not quantify them. The Committee notes that the resourcing of these duties was raised by a number of Members at Second Stage, including the Chairperson of the Committee for Infrastructure, and that the duties concerned are planning functions exercised by councils under the oversight of DfI. The Committee is therefore satisfied that the matter is being appropriately pursued by the Committee for Infrastructure.

6. The third is the historic environment and public landholdings. The EFM and the Bill Sponsor drew a comparison between the protection of ancient trees and that afforded to listed buildings and scheduled monuments, for which DfC's Historic Environment Division is responsible. The Committee notes, however, that an earlier proposal for a separate heritage tree designation was not taken forward, and that ancient trees are instead to be protected through the existing TPO regime. No function is therefore conferred on the Historic Environment Division. Similarly, while the Northern Ireland Housing Executive and housing associations hold land that may be subject to TPOs, the duties the Bill places on landowners would apply to them in the same way as to any other landowner.

7. The Committee for Communities trusts that this Nil Return, and the reasoning supporting it, is of assistance to the Committee for Infrastructure in its scrutiny of the Bill. If further engagement at official level would be of assistance, please do not hesitate to contact me.

Yours sincerely,

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