

Submitted to Tree Protection Bill - Call for Evidence
Submitted on 2026-09-02 10:45:51

Introduction

1 Confirmation of having read the Northern Ireland Assembly Committee's Privacy Notice.

I confirm that I have read the privacy notice.

2 What is your name?

Please provide information to support your answer.:
Sharon Mulhern

3 What is your email address?

Please provide information to support your answer.:
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4 If you are providing a submission on behalf of an organisation or business, please state its name.

Please provide information to support your answer.:
Causeway Coast and Glens Borough Council

5 The Committee for Infrastructure has agreed to publish all responses as part of the survey results. If you would like to have your survey results anonymised and for us not to publish your name or organisation, please indicate so here.

I am content for my information, including details of my name and organisation, to be published in the survey results.

Clause 1 - Tree preservation orders: councils

6 Do you agree with Clause 1 of the Bill?

No

7 Please provide information to support your answer here:

Accessible:

This is too aspirational. The full extent of the ecosystem services outlined do not all fall within the remit of the planning system and authorities have no relevant expertise in this wide-ranging concern. NIEA are better placed to consider ecosystems and the consideration at the regional level would allow for greater consistency in approach.

The amenity value assessment is tried and tested in the public interest. Trees have an ecosystem service inherent in them, so the addition of this criterion is unnecessary. This council is undertaking a review of the current TPOs in line with the NIPSO recommendations at a cost to the council. Would the inclusion of ecosystem services require all the reviewed TPOs to be reassessed at further expense to the Council?

The insertion of the word 'knowingly' might be used as a defense when prosecutions are pursued or when a complaint has been made to enforcement and would undermine the intent of the legislation.

The identification of ancient trees is beyond the Council's current level of expertise and as it appears the extent of ancient trees is likely to be limited, again such a requirement may be better placed with NIEA as the regional authority. In addition, by their nature ancient trees may well include dead wood and dangerous limbs which may raise health and safety concerns. The current legislation allows for exemptions in relation to danger; it is considered the TPO route is not the right mechanism for the protection of ancient trees due to this potential conflict in legislation. It is noted that a distance of 15m is suggested but it is unclear if this relates to the distance from the e.g. Crown spread, tree trunk, root protection area or something else.

The changes in terms of when a TPO become operative appear to be unnecessary. In this council, confirmation of a TPO must be presented and approved by the planning committee which gives a formal endorsement by elected members.

Clause 2 - Provisional tree preservation orders

8 Do you agree with Clause 2 of the Bill?

No

9 Please provide information to support your answer here

Accessible:

The changes in terms of when a TPO become operative appear to be unnecessary. In this council, confirmation of a TPO must be presented and approved by the planning committee which gives a formal endorsement by elected members. Some trees may be excluded from the confirmed TPO.

Clause 3 - Penalties for contravention of tree preservation orders

10 Do you agree with Clause 3 of the Bill?

No

11 Please provide information to support your answer here

Accessible:

How to determine who is accountable?

The insertion of the word 'knowingly' might be used as a defence when prosecutions are pursued or when a complaint has been made to enforcement and would undermine the intent of the legislation.

Clause 4 - Replacement of trees

12 Do you agree with Clause 4 of the Bill?

No

13 Please provide information to support your answer here

Accessible:

The Council does not agree with the requirement for a heavy standard replacement. This may not always be the best option, particularly when considering site specific issues. Regular standard trees may be more appropriate and may be more successful in becoming established.

The suggestion that landowners must notify the Council is a welcome addition. In addition, the requirement for a replacement tree to be planted within 5 years is welcomed, although there will be an additional resource implication for the Council.

The identification of the perpetrator may not always be possible and if so, who does responsibility then fall to?

Clause 5 - Council to inspect replacement trees

14 Do you agree with Clause 5 of the Bill?

No

15 Please provide information to support your answer here

Accessible:

This is particularly onerous on councils as it would require the employment of specialist advice to undertake this work.

Clarification on the extent of this work is required. Are the annual inspections only relevant for breaches? This raises the question of whether this should apply to approved TPO replacement trees and trees protected by planning conditions.

Clause 6 - Enforcement of duties as to replacement of trees

16 Do you agree with Clause 6 of the Bill?

No

17 Please provide information to support your answer here

Accessible:

The Council does not agree with the requirement for a heavy standard replacement. This might not be the best option, when considering site specific issues. Regular standard trees may be more appropriate and may be more successful in becoming established. The Council could also be held liable for damages to property if it entered land to plant trees.

Clause 7 - Tree Protection Map

18 Do you agree with Clause 7 of the Bill?

Unsure

19 Please provide information to support your answer here

Accessible:

This council already publishes an interactive map which is updated on a regular basis e.g. when a Provisional TPO is served/confirmed or consent to works are approved. This council is also undertaking a review of its existing TPOs in line with the recommendations set out in the NIPSO "Strengthening Our Roots" Report. This report also sets out various recommendations relating to the Department - the Council is currently unaware of how the Department proposes to move forward on these. The Council considers that it may be a duplication of work to place this requirement on the Department.

Clause 8 - Determination of planning applications

20 Do you agree with Clause 8 of the Bill?

No

21 Please provide information to support your answer here

Accessible:

While the Council supports the principle of the retention of ancient or long established woodland because these areas are likely to be limited in extent, there may be instances where development might be acceptable.

It is noted that a distance of 15m is suggested, however, it is unclear if this relates to the distance from the e.g.. crown spread, tree trunk, root protection area or something else.

Clause 8 suggests that the ecology of the ancient trees and woodland is the main consideration, and other factors such as their history may also be relevant. It also highlights that the primary concern of public amenity for TPOs may not be applicable therefore, the use of TPO may not be the most appropriate mechanism.

This is covered under PPS 2 Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance (for those councils that have not yet adopted their Local Development Plan: Plan Strategy). For those councils that have adopted, the NH 5 policy will have been carried across (subject to local circumstances).

Clause 9 - Permitted Development

22 Do you agree with Clause 9 of the Bill?

Yes

23 Please provide information to support your answer here

Accessible:

The Council's only concern is identifying the ancient woodland. Is the Woodland Trust interactive map the definitive source for identifying ancient and long-established woodlands? (see link below):

<https://experience.arcgis.com/experience/116e5b612d004c5bb3173859b3ab8fac>

Clause 10 - Ecosystem services

24 Do you agree with Clause 10 of the Bill?

No

25 Please provide information to support your answer here

Accessible:

The full extent of the ecosystem services outlined do not fall within the remit of the planning system and authorities have no relevant expertise in this wide-ranging concern. This council considers that the Northern Ireland Environment Agency (NIEA) are better placed to consider ecosystems and that the consideration, at the regional level, would allow for greater consistency in approach and less potential for political influence at the local level.

The amenity value assessment is tried and tested in the public interest. Trees have an ecosystem service inherent in them so the addition of this criterion is considered unnecessary. This council is undertaking a review of the current TPOs in line with the NIPSO recommendations at a cost to the council.

Would the inclusion of ecosystem services require all of the reviewed TPOs to be reassessed - at further expense to the Council?

Protection on societal grounds may be acceptable, but only in exceptional circumstances.

Clause 11 - Interpretation: 2011 Act

26 Do you agree with Clause 11 of the Bill?

No

27 Please provide information to support your answer here

Accessible:

The difficulty is finding evidence to assist in determining an ancient or long established woodland. This Council consults the historic map viewer, which helps identify long established woodland, dating back to 1832 (see link below):

<https://experience.arcgis.com/experience/116e5b612d004c5bb3173859b3ab8fac>

Clarification on other available sources would be extremely helpful.

The Council does not agree with the requirement for a heavy standard replacement. This might not be the best option, particularly when considering site specific issues. Regular standard trees may be more appropriate and may be more successful in becoming established, particularly in light of changing weather patterns in association with climate change.

Clause 12 - Interpretation: 2015 Order

28 Do you agree with Clause 12 of the Bill?

Yes

29 Please provide information to support your answer here

Accessible:

While the Council disagrees with the principle, it acknowledges that this will ensure consistency of approach.

Clause 13 - Interpretation: general

30 Do you agree with Clause 13 of the Bill?

Yes

31 Please provide information to support your answer here

Accessible:

While the Council disagrees with the principle, it acknowledges that this will ensure consistency of approach.

Clause 14 - Commencement

32 Do you agree with Clause 14 of the Bill?

Unsure

33 Please provide information to support your answer here

Accessible:

The Bill introduces significant new statutory obligations for councils - such as commissioning arboricultural assessments, annual inspections, digital mapping uploads, and enforcement duties.

Councils currently do not possess the arboricultural expertise required to implement these duties, therefore, without any accompanying provision for funding or specialist staffing, this would result in potentially significant resource and financial implications for councils.

for which a necessary budgetary provision would have to be agreed through the council processes which may impact on its ability to implement the act's requirements within a 12 month period.