



Submission to the Committee for Infrastructure's Call for Evidence on the Tree Protection Bill, September 2026

The Construction Employers Federation is the sole certified representative body for the second largest industry in Northern Ireland, the construction industry. We represent approx. 70% of construction in NI and around eight hundred businesses of all sizes employing over 30,000 staff directly and 65,000 in the wider supply chain.

We welcome the introduction, by Peter McReynolds MLA, of this Private Members' Bill and have provided comments, below, on a number of the Clauses. We would be happy to discuss these further with the Committee.

This paper has also been shared with Peter McReynolds MLA.

Comment on Bill Clauses

Clause 1 - Tree preservation orders: councils

Content with Clause as drafted.

Clause 2 - Provisional tree preservation orders

While we appreciate the reasoning for the proposed change, we are concerned that this may lead to council inaction leading to defacto confirmation. There appears to be no mechanism to challenge this, or any recourse to the council, if they simply do not discharge their duties in a timely manner. We would appreciate that this matter be considered further.

Clause 3 - Penalties for contravention of tree preservation orders

Content with Clause as drafted - the introduction of '*knowingly causes or permits*' would be welcomed.

Clause 4 - Replacement of trees

The proposed requirement to replace any lost tree subject to a TPO with a '*heavy standard tree*' rather than one of '*appropriate size and species*' may be onerous if a site is subject to a blanket TPO and there are numerous whips of little amenity value on site. We would appreciate that this matter be considered further.

Clause 5 - Council to inspect replacement trees

With respect to the requirement on councils to *‘annually inspect, for a period of 5 years from the date of planting, the condition of any tree that is planted in its district’*, we would question whether councils have the ability to fully resource this obligation and whether the Clause needs to be reviewed.

Clause 6 - Enforcement of duties as to replacement of trees

Content with Clause as drafted – subject to our Clause 4 comments with respect to a *‘heavy standard tree’*.

Clause 7 - Tree Protection Map

Content with Clause as drafted – the creation of an online centralised map of TPOs and Conservation Areas would be welcomed.

Clauses 8 and 9 - Determination of planning applications and Permitted Development

The wording appears to place blanket protection within the vicinity of ancient woodlands. This could be amended to state *‘inappropriate development within 15m of the woodland’* to allow for the likes of boundary fences etc to be constructed. In the absence of this, for example, for residential development this would lead to a 25m buffer when a 10m garden is provided beyond the 15m buffer. This could result in the significant reduction of developable areas of sites and an inefficient use of lands.

Clause 10 - Ecosystem services

Content with Clause as drafted – this would be a useful addition to provide clarity on reasons for a TPO to be made. Supplementary guidance would in our view be required to explain and set out the parameters for why these services would warrant a TPO, to provide clarity for landowners and others.

Clause 11 - Interpretation: 2011 Act

Content with Clause as drafted.

Clause 12 - Interpretation: 2015 Order

Content with Clause as drafted.

Clause 13 - Interpretation: general

Content with Clause as drafted.

Clause 14 – Commencement

Content with Clause as drafted.