

Response ID ANON-6H2D-4Y6W-E

Submitted to Tree Protection Bill - Call for Evidence
Submitted on 2026-09-16 16:21:03

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.:
David Dalzell

3 What is your email address?

Please provide information to support your answer.:
[REDACTED]

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.:
David Dalzell CMLI MRTPI

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?

Not Answered

7 Please provide information to support your answer here:

Accessible:

Clause 2 - Provisional tree preservation orders

8 Do you agree with Clause 2 of the Bill?

Not Answered

9 Please provide information to support your answer here

Accessible:

Clause 4 - Replacement of trees

12 Do you agree with Clause 4 of the Bill?

Not Answered

13 Please provide information to support your answer here

Accessible:

Clause 7 - Tree Protection Map

18 Do you agree with Clause 7 of the Bill?

Yes

19 Please provide information to support your answer here

Accessible:

I welcome this proposed online Tree Protection Map.

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:

I have undertaken many projects in woodlands in NI. I am concerned that this Bill will, in effect, place a blanket ban on all development in or within 15m such woods. To demonstrate "wholly exceptional circumstances" presents a very high bar, which could impede developments that could be positive for woods and communities. Examples of exceptional circumstances have not been provided, nor is there provision for suitable compensation strategies (as per the NPPS). Exceptional circumstances should include development in (and within 15m) that conserve and enhance woods.

Many of these woods are facing existential threats including:

- storm damage,
- ash-dieback,
- low biodiversity / poor ecological condition,
- non-native invasives (inc. Japanese Knotweed, Himalayan Balsam, Salmonberry, Snowberry, Laurel and Rhododendron).
- Sycamore, a non-native tree, is a prolific spreader, shading-out native ground flora and in time dominating woods.
- lack of management / under-management,
- damage by livestock / wild animals,
- uncontrolled grazing preventing natural regeneration,
- dominance of single species and same-age trees (due to lack of re-planting / natural regeneration)
- damage by anti-social behaviour and uncontrolled public access.

Woods cannot be preserved "in aspic". They require active conservation management. Left unchecked, the spread of invasives will ultimately lead to the deterioration of habitat but eradication is hugely expensive. In NI there are no grants for woodland improvement as the focus is on new woodland creation.

Responsibility for the management of such woods will largely fall on the private sector and community groups.

Development need not lead to "clearance" and "loss" of woods. Development is not, by definition, harmful. Sensitively-designed, appropriate development may fund for eradication of invasives and restocking with more diverse native species (as part of an approved management plan).

Development that could benefit such woodlands include:

- creation of managed public access for recreation, inc. construction of new paths, seats, bridges and culverts, fencing, signage and other appropriate visitor facilities,
- fencing /gates to control vehicles, livestock / wild animals,
- sensitively-designed tourism accommodation, e.g. forest lodges, "glamping", etc.,
- short-term uses within 15m e.g. quarrying where adverse impacts can be avoided / mitigated. Restoration planting can increase the overall tree cover and extend the wood footprint.

Rather than a universal 15m, buffers should be determined on a case by case basis, providing suitable tree root protection etc. as per relevant standards.

I fear positive developments are not likely to be deemed "wholly exceptional circumstances" (and as such would be refused) under the Bill as presented. As with old buildings, finding and properly managing new, positive uses is more likely to ensure long term appreciation and conservation of these woods.

Clause 9 - Permitted Development

22 Do you agree with Clause 9 of the Bill?

No

23 Please provide information to support your answer here

Accessible:

This proposed removal of permitted development rights will make it more difficult for woodland owners and managers to carry out essential works to manage access (walls, fencing etc.) and control trespass (by the public, livestock and wild animals). The resultant trample damage, littering and the starting of fires (for example) are all detrimental to the condition of these woods.

Clause 10 - Ecosystem services

24 Do you agree with Clause 10 of the Bill?

Not Answered

25 Please provide information to support your answer here

Accessible:

Clause 13 - Interpretation: general

30 Do you agree with Clause 13 of the Bill?

Not Answered

31 Please provide information to support your answer here

Accessible:

Clause 14 - Commencement

32 Do you agree with Clause 14 of the Bill?

No

33 Please provide information to support your answer here

Accessible:

Twelve months is an inadequate period. A planning application involving or potentially affecting woodland may be in the planning system for two years or more. Planning consultation responses from DAERA Natural Heritage Division (HED) are typically being returned to councils 7-8 months after being consulted, which is contributing significantly to the delay in the issuing of decisions. If this Act was to come into operation, a period of 24 months would be more appropriate.