

Response ID ANON-5J8J-2J7N-2

Submitted to Tree Protection Bill - Call for Evidence
Submitted on 2026-09-15 13:52:50

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.:
Local Development Plan Team

3 What is your email address?

Please provide information to support your answer.:
LDP@midandeantrim.gov.uk

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.:
Mid and East Antrim 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:

Ecosystem services are too widely defined and could apply to almost every established tree. Where ancient status is confirmed by a suitably qualified arboriculturist, the Council would be required to make a TPO unless the tree is dead, with its health, condition and structural integrity unable to be relied upon as grounds for refusing the order. The duties would also require substantial specialist resources.

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:

A provisional TPO could become confirmed without completion of the arboricultural assessment or a formal Council decision. This would remove the opportunity to apply professional judgement, consider modifications and determine whether the order should be confirmed.

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:

The principle is recognised but the Bill does not clearly state what the person must know. Investigation and prosecution would require substantial officer time, arboricultural evidence, legal support and funding.

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:

Requiring a heavy standard tree in every case removes professional judgement. Transferring the duty from the landowner to the person responsible for the breach would create problems over access, responsibility and enforcement.

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:

The duty would require councils to maintain records, review evidence, undertake inspections and monitor remedial works for every replacement tree. It would create a substantial ongoing staffing, financial and arboricultural burden.

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:

Sections 164 to 166 already provide powers to serve replacement tree notices, enter land, carry out planting and recover costs. Clause 6 would create an overlapping process with unclear arrangements for notices, appeals and recovery of costs.

Clause 7 - Tree Protection Map

18 Do you agree with Clause 7 of the Bill?

No

19 Please provide information to support your answer here

Accessible:

The proposal could duplicate existing council mapping while placing responsibility for historic record checking, digitisation, uploading and maintenance on councils. Funding, update arrangements, legal status and responsibility for errors are not clear.

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:

The clause would require refusal based on distance even where no harm would occur. The fixed distance is inflexible and deterioration, wholly exceptional circumstances and woodland boundaries are not clearly defined.

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:

The restriction would apply to minor works, maintenance, agriculture, roads, utilities and other infrastructure regardless of actual harm. There is no exception for urgent or emergency works and combined with Clause 8, some necessary works could become effectively prohibited.

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 categories are extremely broad and no threshold is provided for deciding when a benefit justifies protection. Assessment would require arboricultural, ecological, drainage, environmental and other specialist evidence.

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 definitions rely on external criteria, uncertain historical evidence and unclear technical standards. Important terms including deterioration, woodland boundary and suitably qualified arboriculturist remain undefined.

Clause 12 - Interpretation: 2015 Order

28 Do you agree with Clause 12 of the Bill?

No

29 Please provide information to support your answer here

Accessible:

Clause 12 carries the unclear definitions from Clause 11 into the permitted development system and would determine whether the wide restrictions in Clause 9 apply.

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:

This is a technical interpretation clause which identifies the legislation being amended. Supporting it does not affect the Council's objections to the substantive clauses.

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 may not allow sufficient time for regulations, mapping, guidance, recruitment, training, digitisation and funding arrangements. The Bill also lacks clear transitional provisions.