

For the attention of the Committee for Infrastructure
C/O Clerk to the Committee for Infrastructure
Response sent to Committee.Infrastructure@niassembly.gov.uk.

NILGA Response: Call for Evidence – Tree Protection Bill

September 2026

Introduction

NILGA welcomes the opportunity to provide written evidence to the Committee for Infrastructure on the Tree Protection Bill. As the representative body for local government in Northern Ireland, NILGA's role is to bring together sector intelligence, policy understanding and practical delivery experience to inform the Committee's scrutiny of legislation affecting councils.

Trees and woodlands are vital natural and community assets. They support biodiversity, climate resilience, carbon storage, flood mitigation, air quality, placemaking, public health and wellbeing. Their protection and sustainable management are therefore important to creating healthy, attractive and resilient places.

NILGA recognises the policy objective behind the Bill and welcomes the work undertaken to strengthen protection for significant trees and woodlands. NILGA also acknowledges the engagement with council planners, tree officers and environmental stakeholders, including the Woodland Trust, during 2024 and 2025.

In welcoming this work, NILGA also wishes to reflect the views of elected members, who are often the first point of contact for constituents when concerns arise about dangerous trees, fallen trees or overgrown roadside trees and hedges. In NILGA's earlier response to DfI's draft Roads Maintenance Strategy, Members highlighted the need for clearer arrangements to support the effective management and maintenance of trees and hedges along roadsides. Any strengthened tree protection framework should therefore sit alongside clear, practical and properly resourced arrangements for dealing with dangerous trees, so that public safety responsibilities are not obscured and councils, DfI and other relevant bodies have a shared understanding of their respective roles.

The Bill's Explanatory and Financial Memorandum states that: *"The Sponsor is conscious that Councils will have new responsibilities under the revised legislation and this engagement is crucial."* NILGA welcomes this recognition. As councils would be responsible for delivering a significant number of the Bill's provisions, continued and meaningful engagement with local government must remain central to the scrutiny and implementation of the legislation.

NILGA's Overall Position

NILGA supports the objective of strengthening the protection of trees and woodlands across Northern Ireland through a Tree Protection Bill and supports, in principle, appropriate changes to section 122 of the Planning Act (Northern Ireland) 2011. NILGA's concern is not with the ambition of the Bill, but with ensuring that the final legislative framework can be delivered consistently, lawfully and effectively by councils within a properly resourced planning system.

However, NILGA considers that further refinement is needed so that the Bill is practical, proportionate, legally robust, properly resourced and capable of being implemented consistently by councils. Without that refinement, there is a risk that well-intentioned duties could place new pressure on already stretched planning services without delivering the stronger tree protection outcomes intended.

NILGA's response is informed by its ongoing engagement with councils, professional networks and sector partners. Individual councils may also provide their own responses; however, NILGA's submission reflects its role in identifying the shared strategic and operational implications for local government as a sector. On that basis, NILGA highlights a number of issues about the practicality, proportionality and resource implications of the Bill, including new or expanded responsibilities relating to arboricultural assessment, monitoring, inspection, mapping, administration and enforcement.

NILGA therefore recommends that the Committee and Department work directly with local government, the Woodland Trust and other relevant environmental and professional bodies to refine the Bill before new duties are introduced.

Strategic Issues Raised by Councils

The issues raised by councils point to a clear message: stronger tree protection is supported, but the legislative framework must be deliverable in practice. In particular, the following matters should be addressed before the Bill is finalised:

- **Resources and specialist capacity** — The Bill would create or expand responsibilities for assessing potentially ancient trees, monitoring replacement planting, conducting inspections, maintaining and uploading information, and pursuing enforcement. Councils have indicated that these functions could require additional staff, training, specialist arboricultural advice, legal support and digital systems. These are system-level implementation issues that should be addressed before commencement so that councils are able to deliver the intended protections consistently across Northern Ireland.
- **Clarity of roles** — Councils need a clearer definition of responsibilities across councils, the Department for Infrastructure, NIEA, the Northern Ireland Housing

Executive and other relevant public bodies or landowners, particularly where regional consistency, specialist arboricultural input, data ownership, inspection responsibilities or enforcement support may be required. This clarity is especially important where dangerous, dead or overgrown trees are located on land owned or managed by different bodies, including housing estates, roadsides and private land, and where elected members are often contacted first by residents about public safety concerns.

- **Practicality and proportionality** — Councils have identified that annual inspections, replacement tree monitoring and enforcement duties could create a disproportionate and potentially open-ended administrative burden unless the provisions are carefully designed around risk, public interest, available expertise and local circumstances.
- **Legal enforceability** — Council feedback asks how provisions such as “knowingly cause or permit” breaches of Tree Preservation Orders would be evidenced and enforced in practice. Any offence or enforcement provision should be framed in terms that councils can investigate, evidence and defend, with clear guidance on evidential thresholds and enforcement expectations.
- **Tree Protection Map and data duties** — The creation of a new Regional Tree Protection Map was a recommendation emerging from NIPSO’s *Strengthening Our Roots* report. Councils consider that any new map must be designed around existing local government systems, data standards and operational workflows to avoid duplication, reduce administrative burden and support consistent public access to reliable information.
- **Alignment with existing work and continued engagement** — The Bill needs to align with existing planning policy, council Local Development Plans and operational systems, rather than creating parallel or duplicative processes.

Conclusion and NILGA Recommendations

NILGA supports the overall direction of the Tree Protection Bill to enhance protections for trees and woodlands. To achieve its intended outcomes, the legislation needs to complement planning legislation and existing council processes, avoiding additional burdens that cannot be delivered effectively within current capacity.

The successful implementation of the Bill will depend on clear responsibilities, realistic expectations of local government and adequate resource provision.

Continued partnership working between local government, the Committee and the Department is therefore integral to ensure the final Bill provides a costed, resourced and deliverable framework.

NILGA Recommends:

- **Undertake a full financial and operational assessment** of the proposed responsibilities, including staffing, training, specialist arboricultural advice, legal support, inspections, data management and digital systems. New statutory duties should not be placed on councils without appropriate funding, capacity and implementation support.
- **Continue structured engagement with local government**, including through the Heads of Planning Group, to refine the Bill, test implementation assumptions and ensure alignment with existing planning policy, council Local Development Plans and operational systems.
- **Clarify responsibilities across the wider system**, including the respective roles of councils, the Department for Infrastructure, NIEA, NIHE and relevant environmental and professional bodies, particularly where regional consistency, specialist advice, data ownership or enforcement support may be required.
- **Review the monitoring, replacement planting and enforcement provisions** to ensure they are proportionate, legally robust, evidence-based and sufficiently flexible to reflect risk, public interest, available expertise and local circumstances.
- **Design any Tree Protection Map around existing council data, systems and workflows** to avoid duplication, reduce administrative burden and support consistent public access to reliable information across Northern Ireland.
- **Provide statutory guidance, implementation timescales and transitional arrangements before commencement**, so that councils have clarity on evidential standards, data requirements, inspection regimes and enforcement expectations.

NILGA and councils remain committed to working constructively with the Committee and the Department for Infrastructure to support a tree protection framework that strengthens protection for trees and woodlands while remaining clear, proportionate, legally robust, properly resourced and deliverable in practice.