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Ulster Wildlife Response to the Tree Protection Bill Call for Evidence

Introduction

Ulster Wildlife welcomes the opportunity to respond to the Committee's Call for Evidence on the Tree Protection Bill.

As Northern Ireland faces both a nature and climate crisis, we need stronger protections for the habitats and species that underpin a healthy environment. Our vision is of a wilder future where people and nature thrive together. Achieving this requires not only restoring nature, but safeguarding the irreplaceable habitats and natural assets that remain. Trees and woodlands are central to nature recovery, climate resilience, and the wellbeing of communities. They provide vital habitat for wildlife, store carbon, improve air quality, reduce flood risk, and connect people with nature.

Ulster Wildlife therefore strongly supports the overall aims of the Bill and welcomes measures that strengthen protection for ancient and long-established woodland, improve accountability for damage to protected trees, modernise the Tree Preservation Order (TPO) system, and recognise the wider contribution trees make to society through ecosystem services.

We particularly welcome provisions that recognise the irreplaceable nature of ancient trees and woodlands and that improve the effectiveness, transparency and consistency of tree protection across Northern Ireland. We consider the Bill to be a key step towards addressing long-recognised weaknesses and providing more consistent enforcement across Northern Ireland under the planning system.

Clause 1: Tree Preservation Orders: Councils

Do you agree with Clause 1 of the Bill?

Yes.

Please provide information to support your answer here:

Ulster Wildlife strongly supports proposed amendments to Clause 1.

Ecosystem Services

We are in strong support of the proposal to allow ecosystem services to be considered when determining whether a tree should be protected by a Tree Preservation Order. Historically, TPOs have focused heavily on visual amenity and public visibility. While amenity value remains important, this does not fully capture the many ways trees contribute to society and the environment¹. Trees provide a myriad of services; they provide habitat for wildlife, store carbon, reduce flood risk, improve air quality, cool urban areas and support the health and wellbeing of local communities. These benefits, and the role of trees in delivering them are already recognised in policy, such as the Strategic Planning Policy Statement (SPPS)², so it feels pertinent that tree protection legislation should reflect the same understanding of value already recognised in planning policy.

In addition to this, ecosystem services are increasingly used as justification to underpin investment in green infrastructure and climate adaptation for example, through the Strategic Objectives of the DAERA NI Tree Planting Action plan 2028-2032, the Forest Expansion Scheme and the Small Woodlands Grant Scheme. If they are being planted for these reasons, justification for their long-term protection should surely exist and we should also acknowledge that existing and more mature trees already provide these services at a scale that newly planted trees will only be able to in decades time. Tree protection should therefore reflect the same principles already underpinning public spending.

Explicitly recognising ecosystem services in planning legislation would ensure that trees can be protected for the full range of benefits they deliver, representing a significant and welcome modernisation of the TPO system, aligned with evidence-based best practice elsewhere.

Cause or Permit

Ulster Wildlife strongly supports the inclusion of "cause or permit" provisions.

¹ https://environment.ec.europa.eu/topics/nature-and-biodiversity/green-infrastructure_en

² <https://www.infrastructure-ni.gov.uk/publications/strategic-planning-policy-statement-edition-2>

Effective environmental protection requires effective accountability. Damage to protected trees is often commissioned, authorised or facilitated by individuals who do not physically undertake the works themselves. The proposed amendment recognises this reality and ensures responsibility extends to those who direct, authorise or knowingly allow unlawful works to occur. This amendment strengthens the integrity of the TPO system by reducing ambiguity and will help ensure protections deliver meaningful outcomes for nature by considering all types of circumstances unlawful works may occur, which is the case in other jurisdictions³.

Ancient Trees

We strongly support the introduction of specific statutory protection for ancient trees.

Ancient trees are not simply old trees. They are living ecosystems that support complex communities of fungi, lichens, invertebrates, birds and mammals. Ancient trees are recognised as keystone ecological structures that support complex communities of fungi, lichens, invertebrates, birds and mammals, their cavities, decaying wood and other specialised microhabitats develop over centuries and cannot be replaced within normal conservation timescales and the loss of these trees may result in the loss of rare and threatened species that depend upon them (Zapponi et al, 2017)⁴. Ancient trees are therefore irreplaceable natural assets and should be recognised as such within legislation. While Paragraph 6.192 of the SPPS states that planning permission should only be granted if a proposal is not likely to result in unacceptable adverse impacts on, or damage to, known ancient and long-established woodland, this is in guidance only and does not extend to individual trees. Considering that NI planning legislation already recognises the value and irreplaceable nature of historic buildings, extending this to ancient trees would create better alignment across types of heritage assets.

We therefore welcome the principle that ancient tree status should itself justify protection. However, we also believe councils should retain the ability to protect veteran and ecologically significant trees through existing amenity and expediency assessments where appropriate, considering that not every tree of exceptional biodiversity value will meet a strict definition of "ancient".

Deemed Confirmation

Ulster Wildlife supports the proposed deemed confirmation provisions, which will improve certainty and reduce the risk of important protections being undermined through potential administrative delays or other procedural issues.

³ <https://www.legislation.gov.uk/ukpga/1990/8/section/210>

⁴ <https://www.sciencedirect.com/org/science/article/pii/S1314694717000197>

Clause 2: Provisional Tree Preservation Orders

Do you agree with Clause 2 of the Bill?

Yes.

Please provide information to support your answer here:

Ulster Wildlife supports the proposal to automatically confirm uncontested provisional TPOs after six months.

The proposal provides an efficient mechanism for securing long-term protection where no objections have been raised, while retaining opportunities for landowners and interested parties to make representations where appropriate. This does and should not take away the need for councils to assess and progress TPOs in a timely manner. We believe this strikes a reasonable balance between administrative efficiency and procedural fairness.

Clause 3: Penalties for Contravention of Tree Preservation Orders

Do you agree with Clause 3 of the Bill?

Yes.

Please provide information to support your answer here:

Ulster Wildlife strongly supports Clause 3.

The inclusion of "cause or permit" within the offence provisions is essential if the protections introduced elsewhere in the Bill are to be effective. Those who knowingly authorise, facilitate or permit unlawful works should be held accountable alongside those carrying out the physical work.

Northern Ireland Public Services Ombudsman's report Strengthening Our Roots⁵ -report stated that 369 tree protection breaches were reported between 2019 and 2022, but highlighted that only one resulted in enforcement action and none resulted in prosecution. 144 of the reported breaches related specifically to TPOs, yet the single enforcement action did not concern a TPO. Therefore, none of the reported TPO breaches resulted in formal enforcement action or prosecution, highlighting the challenge in making efficient enforcement decisions around TPOs under the current system.

Clarifying responsibility in this way will strengthen enforcement and improve confidence that breaches of TPO protections can be addressed effectively.

⁵ [NIPSO Overview Report - Strengthening Our Roots - Tree Protection in the Planning System.pdf](#)

Clause 4: Replacement of Trees

Do you agree with Clause 4 of the Bill?

Yes.

Please provide information to support your answer here:

Ulster Wildlife supports the strengthened replacement requirements proposed by the Bill.

Where protected trees have been unlawfully removed or damaged, replacement planting should seek to restore, as far as possible, the ecological, landscape and community benefits that have been lost. We therefore welcome the requirement for heavy-standard replacement trees and the obligation to replace trees that fail during the establishment period.

We further recommend that replacement trees automatically inherit the protections applied to the original tree to help secure long-term benefits for nature and communities.

Clause 5: Council to Inspect Replacement Trees

Do you agree with Clause 5 of the Bill?

Yes.

Please provide information to support your answer here:

Ulster Wildlife supports the requirement for annual inspections of replacement trees.

The success of replacement planting should be measured by successful establishment rather than simply planting a tree. Monitoring over a five-year period will provide greater assurance that replacement planting delivers genuine environmental outcomes and contributes to the long-term recovery of tree cover and the benefits it provides.

Clause 6: Enforcement of Duties as to Replacement of Trees

Do you agree with Clause 6 of the Bill?

Yes.

Please provide information to support your answer here:

Ulster Wildlife supports the proposed enforcement powers.

Providing councils with powers to undertake replacement planting where obligations have not been met will strengthen compliance and help ensure that replacement requirements achieve their intended purpose. We welcome provisions that place responsibility on those responsible for breaches while ensuring restoration can proceed where necessary.

Clause 7: Tree Protection Map

Do you agree with Clause 7 of the Bill?

Yes.

Please provide information to support your answer here:

Ulster Wildlife strongly supports the creation of a single publicly accessible Tree Protection Map for Northern Ireland.

Public access to environmental information is vital if people are to play an active role in protecting nature. At present, information relating to TPOs is fragmented across council areas and can be difficult to access consistently. A single mapping system would improve transparency, support informed decision-making and create a more consistent approach across Northern Ireland.

The map could also become an important tool for public engagement with nature, helping communities understand the location and significance of protected trees and woodlands. Consideration should be given to identifying ancient trees and other notable ecological assets within the system where appropriate.

Clause 8: Determination of Planning Applications

Do you agree with Clause 8 of the Bill?

Yes.

Please provide information to support your answer here:

Ulster Wildlife strongly supports Clause 8 and considers it one of the most important provisions in the Bill.

Northern Ireland is one of the most nature-depleted regions in the world. Protecting our remaining high-value habitats is therefore fundamental to reversing biodiversity loss and achieving nature recovery. Ancient and long-established woodlands are among our richest habitats for wildlife and form essential building blocks within a wider Nature Networks/ecological networks, which are recognised within the SPSS. The Ancient Tree Forum states that 'fungi are included amongst the rare and threatened species that are

ecologically associated with ancient trees. Of the 447 macro-fungi on the British Red Data Book list, nearly 400 are confined to Ancient Woodland and/or lowland wood pasture¹. They provide habitat connectivity, support species recovery and contribute significantly to climate resilience.

We strongly support the introduction of a presumption against development that would result in the loss or deterioration of ancient and long-established woodland except in wholly exceptional circumstances. These habitats are irreplaceable and cannot be recreated through mitigation or replacement planting.

We also strongly support the proposed **15-metre buffer zone**. Damage to woodland frequently occurs through indirect impacts associated with adjacent development, including soil compaction, changes in drainage, root disturbance, fragmentation and edge effects. Protecting only the woodland footprint is insufficient to maintain ecological integrity. The proposed buffer represents a practical safeguard and would significantly strengthen protection for these important habitats. However, when planting new trees, there is a need for dwelling setback – so this is normally a distance of 30 metres or more from existing houses. Therefore, we would argue the same principle should be applied when setting a buffer zone to protect existing woodland.

Clause 9: Permitted Development

Do you agree with Clause 9 of the Bill?

Yes.

Please provide information to support your answer here:

Ulster Wildlife supports the proposals to restrict permitted development rights where ancient or long-established woodland would be harmed or where development is proposed within the 15-metre buffer zone.

Given the irreplaceable nature of these habitats, developments capable of damaging them should be subject to appropriate scrutiny rather than proceeding automatically under permitted development rights.

Clause 10: Ecosystem Services

Do you agree with Clause 10 of the Bill?

Yes.

Please provide information to support your answer here:

Ulster Wildlife strongly supports Clause 10.

The inclusion of a statutory framework for ecosystem services will help ensure consistency and transparency when considering the wider benefits provided by trees. Trees contribute far beyond visual amenity. They help address biodiversity loss, enhance ecological connectivity, improve climate resilience, support public health and contribute to more sustainable and resilient communities.

Recognising ecosystem services within the TPO framework will better align tree protection with broader objectives for nature recovery and climate action.

Clause 11: Interpretation (2011 Act)

Do you agree with Clause 11 of the Bill?

Yes, with comments.

Please provide information to support your answer here:

Ulster Wildlife supports the proposed definitions of ancient woodland, long-established woodland and heavy-standard trees.

We also support the inclusion of a definition for ancient trees. However, we recommend that the final criteria are established through regulations or statutory guidance rather than relying solely on definitions published by named organisations. This would provide greater legal certainty and enable future refinement as scientific understanding evolves.

Importantly, the definition should recognise the ecological significance of ancient trees as living habitats. We also believe that trees of exceptional biodiversity, heritage or ecosystem service value should continue to be capable of protection through expediency and amenity assessments, even where they do not meet a formal ancient tree definition.

Clause 12: Interpretation (2015 Order)

Do you agree with Clause 12 of the Bill?

Yes.

Please provide information to support your answer here:

Ulster Wildlife supports the application of consistent definitions across planning legislation to ensure clarity, consistency and effective implementation.

Clause 13: Interpretation: General

Do you agree with Clause 13 of the Bill?

Yes.

Please provide information to support your answer here:

Ulster Wildlife supports these provisions as they provide legal clarity regarding the operation of the legislation.

Clause 14: Commencement

Do you agree with Clause 14 of the Bill?

Yes, with reservations.

Please provide information to support your answer here:

Ulster Wildlife recognises the need for councils and the Department to prepare for implementation of the Bill.

However, we are concerned that unnecessary delays could leave valuable trees and woodlands vulnerable during the interim period. We therefore encourage consideration of a phased commencement approach, prioritising measures relating to the protection of ancient trees and ancient and long-established woodland while allowing sufficient time for the development of administrative systems such as the Tree Protection Map.

Conclusion

Ulster Wildlife strongly supports the Tree Protection Bill and believes it will make an important contribution to protecting nature in Northern Ireland.

We particularly welcome:

- Stronger protection for **ancient and long-established woodland** and the introduction of a **development buffer of at least 15-metre**;
- The inclusion of "cause or permit" provisions to strengthen accountability and enforcement;
- The creation of a single **Northern Ireland Tree Protection Map**;
- A robust framework for the identification and protection of **ancient trees**;
- The recognition of **ecosystem services** as a core consideration in the designation of Tree Preservation Orders.

Together, these measures will help protect irreplaceable habitats, strengthen the protection of ecological networks and support climate resilience .