



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper 64/26

25 September 2026

NIAR 272-26

Review of Costs: Tree Protection Bill

RaISe – Public Finance Scrutiny Unit

Seeking to support Northern Ireland Assembly scrutiny, this Review of Costs considers key potential “public purse” implications that could arise from the non-Executive Tree Protection Bill, if enacted and implemented as introduced.

This information is provided to a Member of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

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Key points

- The Tree Protection Bill – proposed by a Member of the Legislative Assembly (MLA) - seeks to strengthen legal protections for trees in Northern Ireland by amending the Planning Act (Northern Ireland) 2011 and related planning legislation. It includes provisions relating to Tree Preservation Orders (TPOs), ancient trees, replacement planting, enforcement, and the creation of a regional Tree Protection Map.
- Potential costs arising from this Bill, if enacted and implemented as introduced, would impact Northern Ireland’s “public purse”, such as the budgets of both the Department for Infrastructure (DfI) and the local councils; all are responsible for administering and enforcing TPOs.
- Those costs would arise within the challenging public finance context at both central and devolved government levels. For example, Northern Ireland departments continuing to face significant budgetary pressures and constrained resource and capital allocations, while having to meet current requirements relating to transformation and sustainability and to deliver public service reform and efficiencies.
- In June 2025, approximately 75% of public consultee responses to the MLA's Bill proposals found it acceptable that said proposals could incur implementation and enforcement costs. However, council and other stakeholder consultees underscored the need for adequate funding to avoid inconsistent or ineffective enforcement.
- In January-February 2026, RalSe gathered evidence from Northern Ireland councils that indicated the lack of a standardised approach to recording TPO-related costs. Most councils reported they cannot disaggregate staff time, administrative costs and enforcement costs associated with tree protection activities.
- The costs of administering TPOs vary considerably - depending on the size, complexity and location of sites. Many councils rely on external arboricultural expertise, with costs ranging from several hundred to several thousand pounds per case.
- Most councils operate a reactive, rather than a proactive monitoring regime; primarily investigating TPO issues arising from complaints. As a

result, any increase in monitoring or inspection requirements could create additional resource pressures for them.

- If enacted and implemented as introduced, the Bill could lead to an increase in enforcement activity and prosecutions. Department of Justice data show that between 2011 and the end of 2024, there were eight prosecutions and three convictions for offences under section 126 of the Planning Act (Northern Ireland) 2011. It seems easier enforcement mechanisms – as proposed in the Bill - could increase the number of cases entering the court system.
- The Bill could create additional costs for the DoJ through increased prosecutions, court hearings and enforcement-related litigation. Stronger Tree Preservation Order protections and new cost-recovery mechanisms may result in more cases being brought before the courts, including disputes between councils, landowners and those responsible for breaches. This could place additional demands on courts, prosecutors and wider justice services, creating ongoing public expenditure pressures
- Moreover, the proposed ancient tree protective measures could generate new council costs, as councils would be required to commission assessments by suitably qualified arboriculturists if uncertainty about such a tree's status.
- Other specified responsibilities arising from the Bill would require councils to devote additional resources for:
 - Processing and investigating TPO applications;
 - Establishing and administering woodland buffer zones;
 - Inspecting replacement trees for up to five years; and
 - Undertaking enforcement and compliance activities.
- Specified provisions relating to replacement trees also could create further costs for councils, landowners and the courts. While recovery of costs is provided for in the Bill – that is, from those responsible for breaches - legal proceedings could be required in some instances.
- The Bill's requirement for the DfI to establish and maintain a publicly accessible Tree Protection Map would be likely to create implementation

and maintenance costs; albeit some relevant mapping capability already exists within the Department.

- Several elements of the introduced Bill rely on the subsequent enactment of secondary legislation to give the Bill's provisions full effect. That secondary legislation would specify the detail of regulations that would transpose and implement provisions of the enacted Bill.
- Overall, the Bill's proposals would be likely to have modest, but ongoing financial implications for the "public purse", if enacted and implemented as introduced. It seems reasonably foreseeable that the most significant amongst those costs would arise from administration, staffing, arboricultural expertise, monitoring, enforcement, legal proceedings and the establishment of new regulatory processes. The extent of those costs would depend on the volume of cases, implementation arrangements and the availability of resources within the DfI and the local councils.

Introduction

This Review of Costs aims to support Northern Ireland Assembly Members in their plenary, committee and constituency capacities, when scrutinising key “public purse” implications that could arise from the [Tree Protection Bill](#) (the Bill) – if enacted and implemented as introduced by a Member of the Legislative Assembly (MLA - Bill Sponsor) into the Northern Ireland Assembly on 29 June 2026.¹ The Bill seeks to improve tree protection across Northern Ireland; strengthening existing legal protections for individual and groups of trees, as well as ancient and long-established woodlands.²

This Paper draws on information available to the Public Finance and Scrutiny Unit (PFSU) in the Research and Information Service (RaISe-PFSU) at the time of writing, including: the introduced Bill; its accompanying [Explanatory and Financial Memorandum](#) (EFM); the second stage debate on the Bill and information gathered for Northern Ireland’s councils.

It begins with background information to contextualise the Bill and its potential future implementation if enacted as introduced; providing a brief recap of its Clauses and defining terminology and providing brief overviews of the Northern Ireland’s challenging public finance context.. Thereafter, the Review of Costs explores the Bill’s key potential “public purse” implications; followed by key takeaways when scrutinising the Bill. It is presented using the following headings:

1. [Recap of Trees Protection Bill, as introduced](#)
2. [Public finance context in Northern Ireland](#)
3. [Key potential “public purse” implications](#)
4. [Use of secondary legislation](#)
5. [Key takeaways.](#)

¹<https://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2026/06/29&docID=492566#5645279>

² [Explanatory and Financial Memorandum - Tree Protection Bill, as introduced](#)

Any discussion within the Paper about the prevailing law, including existing legislation, is not intended to provide legal advice or opinion. Instead, it seeks to orientate the Paper’s discussion. Please note that identified key potential “public purse” implications are not intended to provide an exhaustive list due to existing uncertainties, including those relating to future economic conditions and human behaviour.

For wider social or policy considerations relating to the Bill, refer to RaISe Bill Paper [NIAR 250-2025](#), dated 23 September 2026. Throughout, blue boxes provide potential scrutiny points, seeking to facilitate Assembly scrutiny of the introduced Bill.

1 Recap of Tree Protection Bill, as introduced

The Tree Protection Bill amends the [Planning Act \(Northern Ireland\) 2011](#) (the 2011 Act) and [Planning \(General Permitted Development\) Order \(Northern Ireland\) 2015](#) (the 2015 Order). It contains two parts and 15 clauses as follows:

Table 1: Summary of the Bill as introduced³

Part	Clause	Effect of Clause if enacted
Part 1	1	Tree preservation orders: councils - Expands the grounds for Tree Preservation Orders (TPOs), introduces stronger protections for ancient trees, and makes it possible to prohibit persons from knowingly causing or permitting damage to protected trees.
	2	Provisional tree preservation orders - Provides that a provisional TPO is automatically confirmed after six months if no objections are received and the council has not revoked the order.
	3	Penalties for contravention of tree preservation orders - Extends criminal liability for TPO breaches to anyone who knowingly causes or permits unlawful works to a protected tree.
	4	Replacement of trees - Requires replacement with a heavy standard tree when a protected tree is unlawfully removed

³ [Tree Protection Bill](#); as introduced (29 June 2026)

		and places ongoing replacement responsibilities on those responsible for the breach.
	5	Council to inspect replacement trees - Places a duty on councils to monitor replacement trees for five years and ensure any necessary remedial action is taken
	6	Enforcement of duties as to replacement of trees - Strengthens council enforcement powers by allowing councils to undertake replacement planting and recover costs where required duties are not fulfilled.
	7	Tree Protection Map - Requires the creation of a publicly accessible digital map showing TPOs, conservation areas and related tree protection data across Northern Ireland.
	8	Determination of planning applications - Requires planning permission to be refused where development would harm ancient woodland or protected ancient trees unless wholly exceptional circumstances are demonstrated.
	9	Permitted Development - Removes permitted development rights where development would damage ancient or long-established woodland or occur within a 15-metre buffer zone.
	10	Ecosystem services - Defines the ecosystem service benefits that may justify the making of a Tree Preservation Order.
	11	Interpretation: 2011 Act - Introduces statutory definitions for key terms including ancient tree, ancient woodland, long-established woodland and heavy standard tree.
	12	Interpretation: 2015 Order - Inserts definitions of ancient woodland and long-established woodland into planning permitted development legislation.
Part 2	13	Interpretation: general - Provides interpretative provisions and clarifies references used throughout the Act.
	14	Set out the Commencement date - Provides that the Act will come into operation 12 months after receiving Royal Assent.
	15	Set out the Bill's short title.

2 Public finance context in Northern Ireland

Before considering key public purse implications that could arise from the introduced Bill, public finance context-setting is provided to highlight the challenging financial and budgetary context in which MLAs consider this introduced Bill.

2.1 “Public purse” defined

The “public purse” refers to taxpayers’ money raised through taxation and other sources of government revenue. Government departments - including their Ministers and individual officials - are custodians of the “public purse” – meaning they are required to use public funds “efficiently, effectively and economically”. Moreover, departmental Accounting Officers are personally responsible for ensuring value for money in accordance with public finance management principles.

In Northern Ireland, the public purse comprises the Northern Ireland block grant allocated by His Majesty’s (HM) Treasury, locally generated revenues and any other public funding streams.

Any public purse costs that could arise from the Tree Protection Bill would be met by departmental spending – that is, either within the existing Department for Infrastructure (DfI), Department for Communities (DfC), Department of Justice (DoJ) and locals councils budgets, or through reprioritisation within the Executive’s overall spending envelope.

2.2 Central and Devolved Public Finance Context

The central and devolved budgetary contexts remain challenging across the United Kingdom, due to a number of contributory factors that are relevant to consideration of this Bill. These naturally would inform the context in which the Member Bill Sponsor would seek to introduce his Bill - and therefore would be relevant to the Member’s considerations when finalising the current Bill, as the Department which would be responsible for implementing any enacted Bill would need budget to do so.

Figure 1 below summarises the most significant of those developments, from February 2024 to the time of writing this Paper.

Figure 1: Challenging budgetary context - Contributory factors dating from February 2024 to present

Implementation of Political Agreements (February 2024 - Present)

Since the restoration of the Executive in February 2024, Departments have been undertaking work to facilitate the Executive's implementation of political and financial agreements – such as the [Interim Fiscal Framework](#) (May 2024), the [Budget Sustainability Plan](#) (October 2024) and the accompanying [Budget Improvement Plan Roadmap](#) (December 2024), as well as the establishment of [Interim Transformation Board](#) (March 2025). These measures have been broadly targeted to improve the position of Northern Ireland's public finances

Budget Information Gathering Exercise (August-September 2024)

The Department of Finance (DoF) undertook a 2025-28 Budget Information Gathering Exercise, requesting returns from all Northern Ireland Departments, marking the start of the planning stage in the 2025/26 Northern Ireland Executive Budget cycle. The DoF found that “Departments identified a reported £767 million of unfunded pressures”, as [reported](#) to the Assembly on 23 September 2024.

UK Autumn Budget 2024 (October 2024)

The [Chancellor's Autumn Budget 2024](#) set out some of the multi-year competing pressures facing the United Kingdom Government, potentially adversely impacting the Government's spending power in certain areas, along with other decisions relating to social security - see RaISe Briefing Paper 47/24 entitled “[Chancellor's Autumn Budget 2024: initial considerations for Northern Ireland](#)”.

Departmental Bids Exceed Budget Allocation (December 2024)

Northern Ireland Departmental bids for 2025/26 [resource and capital](#) expenditure exceeded the [Northern Ireland Budget](#) allocated by the United Kingdom Government to the Executive.

Later that month, the [2025/26 Draft Executive Budget](#) and accompanying [Written Statement](#) by the Minister for Finance highlighted ongoing “pay and inflationary pressures” and “growing demands” on public services.

UK Spring Statement 2025 (March 2025)

The [Chancellor's 2025 Spring Statement](#) updated the House of Commons on the United Kingdom economy and public finances. Her Statement was accompanied by an Economic and Fiscal Forecast from the [Office for Budget Responsibility](#) (OBR). It also announced a number of policy decisions, which included reforms to the welfare system, increased defence spending and a £3.25 billion (b) [“Transformation Fund”](#) to reform public services. (Important to note this central government development, as the Northern Ireland Executive Budget is a sub-cycle within the United Kingdom Government’s Budget cycle.) DoF officials thereafter explained during the Assembly Finance Committee [meeting](#) that:

.... on the allocations out of that fund, it will depend on which Whitehall departments get allocations from it so we don't get it on the £3.25 billion we'll get it on the allocations

Executive Agrees 2025/26 Budget (3 April 2025)

The Executive agreed the [2025/26 Executive Budget](#), which the Finance Minister [described](#) as “sets out a direction of travel” which “clearly prioritises its Programme for Government priorities”.

US Trade Tariffs (4 April 2025)

The American President announced substantial international trade tariffs, resulting in: plummeting stock markets across the globe; a collapsing American bond market; the subsequent 9 April 90-day pause on some new US tariffs; other

countries' similar pauses; further consideration of retaliatory tariffs on the US; and an international trade war arising between the US and China.

US-UK Trade Deal (8 May 2025)

A non-binding trade deal was agreed by between the US and UK Governments. The general terms of the new trade deal were subsequently published in the [UK-US Economic Prosperity Deal](#) (EPD); the deal non-binding, meaning on-going further negotiations to work through the detail of the deal.

Executive Spending Plans Published (24 June 2025)

The DoF published its [2025-26 Budget Factsheet](#), setting out the Executive's spending plans for the one-year period from 1 April 2025 to 31 March 2026.

Finance Minister Written Statement (3 October 2025)

The Executive's Finance Minister provided a Written Ministerial Statement detailing [Treasury Funding Available 2026-2029/30](#).

UK Autumn Budget 2025 (26 November 2025)

The [Chancellor's Autumn Budget 2025](#) detailed the United Kingdom Government's resource spending plans up to 2028/29 and capital plans up to 2029/30.

NI Draft Multi-Year Budget (6 January 2026)

The Finance Minister published the [Draft Budget 2026-2029/30](#) (not Executive agreed) and announced an eight-week public consultation on the proposals.

Treasury Agrees £400m Reserve Claim (11 February 2026)

HM Treasury [agreed](#) a reserve claim for the Northern Ireland Executive, to provide £400 million for 2025/25, which is to be repaid over three years. The Finance

Minister confirmed in a [written statement](#) that same day that the £400 million would be allocated as follows, as agreed by Executive:

- Department of Education - £214.6 million
- Department of Health - £185.4 million

Treasury Agrees £400m Reserve Claim (11 February 2026)

The [Chancellor delivered her Spring Forecast 2026](#)

Later that day, in an [Oral Statement](#) to the Assembly, the Finance Minister confirmed additional £390 million Barnett consequentials over the next three-year period, comprising: Resource DEL - £380 million; and, Capital DEL - £9 million

UK Spring Forecast 2026 (3 March 2026)

The Chancellor delivered her [2026 Spring Forecast](#). Later that day, in an Oral Statement to the Assembly, the Finance Minister confirmed additional £390 million Barnett consequentials over the next three-year period, consisting of £380 million RDEL and £9 million CDEL.

Update on Multi-Year Budget Discussions (16 April 2026)

Speaking publicly following a meeting of Executive Ministers, the deputy First Minister stated that the Executive wanted a multi-year Budget agreed "as quickly as we can". She added

...but the reality is that there is a very, very significant shortfall...the moment that Budget would be agreed, unless we secure additional resource from the Treasury, would simply lead to significant cuts and massive impacts in terms of our public services and on the people that we are here to serve.

The Finance Minister echoed these sentiments, stating that "to achieve the ambition of the Budget is going to take an injection of investment from the British Government."

Parties Meet SoSNI on Budget Progress (2 July 2026)

Speaking after the meeting, Hilary Benn MP said they had 'agreed a programme of work' that will 'look, first of all, at the pressures that the Executive's finances are facing'.

He said the work would also look at the Executive's plan for "fiscal sustainability, efficiencies and public service transformation".

Budget Act Deadline Passes (31 July 2026)

As the Executive were unable to pass a Budget by this deadline, an automatic departmental expenditure limit of 95% of last year's funding was triggered under public finance laws.

Executive Writes to PM on Financial Pressures (13 August 2026)

The Executive collectively [wrote](#) to PM Andy Burnham, calling for a 'fair funding envelope'. The letter said the current funding from Westminster 'does not provide a sufficient basis to fund public services' in NI.

SoSNI Statement on Budget Impasse (24 August 2026)

SoSNI Chris Bryant MP [said](#) the Executive will have to engage in 'self-help' and look at revenue raising to resolve Northern Ireland's budget issues. He further added "I understand the financial pressures that there are in Northern Ireland, and I'm very happy to take them very seriously."

PM confirms SoSNI talks on the Budget (2 September 2026)

In response to a question at PMQs, the PM stated:

Our first responsibility is to get Stormont government up and running and functioning properly with a budget. I have empowered the Northern Ireland Secretary to go into talks to resolve that issue, and we

can continue the conversation on the broader issues about reform once we have got that in place.

SoSNI (2 September 2026)

Following discussions with the Executive parties the SoSNI [offered](#) a financial package of £350million per year over the next three years. In response the Executive parties stated that the package did not meet the Executives funding requirements and negotiations would continue.

SoSNI updated funding offer (24 September 2026)

Following discussion with Executive parties, the NISoS [announced](#) a further funding package. The package addresses issues raised in discussions, and includes:

- £1.25bn extra funding for the Executive over three years
- £150m for transformation of public services
- £100m for social housing
- £75m to address fraud and error in the benefit system

2.3 Departmental Budget allocations – DfI, DfC and DoJ

The [Draft Budget 2026-2029/30](#) public consultation document - published by the Northern Ireland Finance Minister on 6 January 2026 - closed on 3 March 2026. That document outlined Departmental proposed allocations, including DfI, DfC and DoJ, for the specified period, in terms of RDEL and CDEL, as well as previous Executive commitments and Executive earmarked, as detailed below in Tables 2-3. As a result of the provisions of the Bill, these three departments may incur costs.

Table 2: Draft Budget 2026-2029/30 – DfI RDEL allocations (£ millions)

Department	2026-27	2027-28	2028-29
DfI	654.9	680.0	694.4

DfC	922.0	944.3	960.3
DoJ	1575.4	1497.2	1525.7

Source: [Department of Finance](#) (2026)

Table 3: Draft Budget 2026-2029/30 – DfI CDEL allocations (£ millions)

Department	2026-27	2027-28	2028-29	2029-30
DfI	941.5	1,042.5	1,081.2	961.7
DfC	294.9	319.2	321.7	404.1
DoJ	118.2	116.5	113.5	122.3

Source: [Department of Finance](#) (2026)

The Infrastructure Minister appeared before the Infrastructure Committee on 25 February 2026, in which the Minister discussed the proposed departmental budget allocation. The Minister stated:

As your colleagues in the Executive are acutely aware, we face a significant overspend in the Executive Budget from some of the Ministers sitting around the Executive table who also recognise that there have been years and years of underinvestment. I strive to live within my budget but also to maximise my budget, so that we can deal with those issues.⁴

Later in the meeting the Minister again referenced the Budget stating:

I have a budget. We know that it is not enough to do what needs to be done. We have talked about roads and the budget that is required for roads. That is my entire capital budget, so I have to make difficult decisions.⁵

Potential Scrutiny Point:

⁴ <https://data.niassembly.gov.uk/HansardXml/committee-38792.pdf>

⁵ See footnote 4 immediately above

1. Facing serious budgetary challenges and competing pressures, how would the Infrastructure Minister ensure appropriate resourcing to the fully implement the Bill, if enacted as introduced?

3 Key potential “public purse” implications

This section considers key potential implications for the “public purse”, if the Bill would be enacted and implemented, as introduced. First addressed are is the Bill’s accompanying Explanatory and Financial Memorandum (EFM), followed by an overview of key cost-related findings arising from the Bill Sponsor’s [public consultation report](#) (published 25 June 2025) of his proposals. Thereafter, local council data on TPOs currently in operation in Northern Ireland are considered within the context of the Bill’s proposals..

3.1 Bill’s EFM

The expected financial costs of the Bill are outlined at paragraphs 28-37 of the Bill’s accompanying [EFM](#) , as reproduced in full, in Table 4 below:

Table 4: EFM overview ⁶

Paragraph	Financial Effects of the Bill
28	<i>The Bill will likely have modest, but ongoing implications for the public purse. The scale of such impact would be highly dependent on its implementation, including enforcement.</i>
29	<i>While the Bill intends to both strengthen environmental protection and provide long-term public benefits, it will place additional administrative, staffing and enforcement pressures on public bodies, particularly local councils and the Department for Infrastructure.</i>

⁶ [Tree Protection Bill EFM as introduced](#) (29 June 2026)

30	<i>In the short to medium terms, costs would be expected to arise from establishing new regulatory processes, training staff, handling applications and appeals, monitoring compliance, and taking enforcement action where required. Those costs could vary significantly between councils, depending on, for example, existing capacity, tree cover and development pressures.</i>
31	<i>New and expanded responsibilities on councils and the Department include administering tree protection measures, assessing applications and consent requests, maintaining records, monitoring compliance and undertaking enforcement action where breaches occur. As a result, administrative and staffing costs are likely to be the most immediate and tangible public purse impacts. The Sponsor is keen to engage further on how to deliver the legislation in a proportionate and cost-effective manner.</i>
32	<i>Councils could experience varying levels of financial pressure, depending on factors such as existing tree management capacity, levels of development activity and the number of trees likely to fall under protection. Councils with limited specialist expertise could be required to invest in training, additional staff and/or external arboricultural advice, while those with established systems could be better positioned to absorb costs within existing budgets.</i>
33	<i>There also could be legal and enforcement-related costs, particularly in cases of appeals, disputes over tree removal or prosecution for non-compliance. While it would not be expected such costs would arise uniformly or frequently, they could introduce a degree of financial uncertainty, making overall expenditure for councils difficult to predict with precision.</i>
34	<i>Indirect financial impacts include possible delays or additional administrative burdens within the planning system, which could have knock-on effects for both public bodies and developers. However, many of these impacts would depend on how the Bill is implemented in practice and the extent to which guidance and procedures would be streamlined.</i>
35	<i>Careful implementation, realistic funding assumptions and ongoing monitoring are important to ensure that the Bill's environmental objectives could be achieved without creating disproportionate or unfunded burdens on public services</i>
36	<i>Overall, any potential financial implications are expected to be modest, as the Bill is building on existing statutory framework and responsibilities for councils. Restraints on development are intended to be modest and necessary to protect the natural</i>

	<i>heritage and therefore the Bill is carefully constructed with this balance in mind.</i>
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Source: EFM for the [Tree Protection Bill, as introduced](#)

3.2 Key financial-related consultation responses

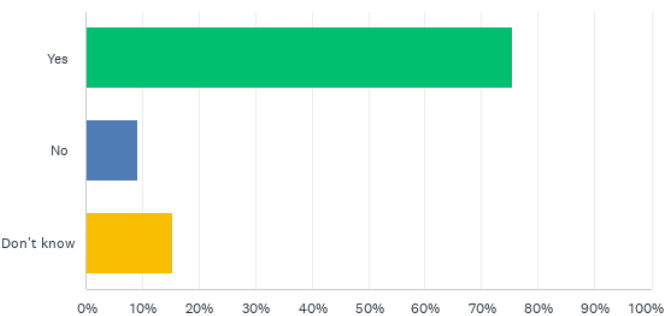
The Bill Sponsor’s public consultation ran from 27 November 2024 - 9 March 2025 - having been extended from 6 March 2025. A total of 703 responses were received, as recorded in the [consultation summary report](#) published on 20 June 2025, including those replies addressing the proposals’ potential financial implications. Specifically, question 14 of the consultation asked respondents for their views on costs that could arise from the Member’s proposals – that is:

Question 14: When balanced against the benefits of the legislation, do you think that any cost of implementing and enforcing the proposed bill is acceptable?⁷

Figure 2 below records key findings arising from responses to that question:

Figure 2. Graph showing responses to the Question 14 of the Tree Protection Bill

Q14 When balanced against the benefits of this legislation, do you think that any cost of implementing and enforcing the proposed bill is acceptable?



Source: Tree Protection Bill proposals - [consultation summary report](#)

This consultation provided commentary on the results, finding:

⁷ [Consultation Summary of Responses – Tree Protection Bill](#)

75.45% of respondents agreed that a cost to implementing and enforcing the Bill would be acceptable. However, no cost was quoted and therefore 15.37% were unsure whether the cost of implementing and enforcing the proposed bill was acceptable. Some responses highlighted the bill would place a greater administrative burden on council planning services, and therefore adequate funding would need to be provided. Councils commented that without adequate resource allocated to this, there is a risk of inconsistent or ineffective enforcement. Of the respondents who agreed that any cost would be acceptable, many noted that a price cannot be put on the benefit of trees, but the legislation must be adequately resourced to ensure its effectiveness.⁸

The results continued:

9.18% of respondents did not agree that any cost would be acceptable, commenting that there are bigger priorities for the Executive, there isn't available resource amongst public bodies, existing legislation should be enforced effectively, and the proposals would block the development of houses and other important infrastructure.⁹

The commentary concluded:

Further, some councils felt because there is no detail on how the proposals will be delivered and funded, 'any cost' is not acceptable.¹⁰

3.1 Recent TPO cost data in Northern Ireland

As explained earlier, the introduced Bill seeks to enhance TPO protection in Northern Ireland. As the introduced Bill seeks to broaden the criteria for granting a TPO, as well as make it easier to enforce and prosecute TPO breaches, it is

⁸ See footnote 7 immediately above

⁹ See footnote 7

¹⁰ See footnote 7

useful to assess current breaches and related incurred costs, which could provide an indication of what could be key implications for the public purse of any increased activity in this area .

This sub-section considers recent TPO cost data from local councils in Northern Ireland, as provided to RalSe-PFSU by local councils between January and March 2026. The data encompasses such councils' granting, enforcing and prosecuting in relation to TPOs. RalSe-PFSU draws on data received from the councils about:

- *The Total number of TPO currently in place in your council?*
- *The number of TPO that have been violated in your council area since the introduction of the 2011 Act?*
- *The cost associated in applying for a TPO, the cost to the council to investigate a TPO application, monitoring of Trees that have a TPO and any other associated costs in the TPO process?¹¹*

Table 5 below summarises each council's responses:

¹¹ RalSe email request sent to 11 Northern Ireland councils – 12/01/2026

Table 5. Northern Ireland Council Responses regarding TPOs – including number, reported breaches and associated costs

Council Area	No. of TPOs	Breaches of TPOs			Costs
		Time period	Reported breaches	Detail of TPO breaches	Cost associated with applying for a TPO, the cost to the council to investigate a TPO application, monitoring of Trees that have a TPO and any other associated costs in the TPO process?
Antrim and Newtownabbey	85	April 2015 – January 2026	62	<i>Since 1 April 2015 the Council's Planning Enforcement Section has investigated 62 cases where it was alleged there were unauthorised works to trees protected by a TPO.</i> <i>The Council has considered your request for the number of TPOs that have been violated in our council area since the introduction of the 2011 Act and has applied the exception of regulation 12(4)(a) of the EIR as the Council does not hold all this information.</i> <i>Information in relation to cases decided prior to the 1 December 2022 is not held in a reportable format. Since 1 December 2022 the Council has investigated 21 cases, the outcomes of which are:</i> <i>Remedied / Resolved 10</i>	<i>There is no charge to apply for a TPO or to make an application for works to a Tree Protected by a TPO.</i> <i>It is not possible to define a cost to the council to investigate a TPO application, monitoring of Trees that have a TPO and any other associated costs in the TPO process as these are dependent on the specific circumstances of each case.</i> <i>Costs will be affected by a range of factors including but not limited to the number of trees included within the application / site being monitored, the location of the site and whether specialist consultancy services are required.¹³</i>

¹³ RaISe correspondence with Antrim and Newtownabbey Borough Council – received 28/01/2026

				<i>Not Expedient 3 No breach 8¹²</i>	
Ards and North Down Borough Council	150	April 2015 – February 2026	110	<i>We do not hold the information in a manner requested however under regulation 9 our duty to advise and assist we completed a keyword search within the enforcement module of the Planning computer system Mastergov for each year from the 1 April 2015 to present day. We have used the keyword search Tree Preservation Order and TPO which has pulled all the planning enforcement cases which were opened to investigate alleged breaches of TPOs or Tree Preservation Orders. From this we have obtained the information below but are conscious that this may not be a complete record but is as accurate as we can provide in the circumstances.¹⁴</i>	<i>We do not hold this information. There is no mechanism to record the cost for TPO's therefore this information cannot be provided.¹⁵</i>
Armagh, Banbridge and Craigavon	83	Not reported	43	<i>Council has carried out a search of its enforcement planning module for the period</i>	<i>With regards to the cost to the Council to investigate a TPO application, monitoring trees that are subject to a TPO and any other associated costs in the TPO</i>

¹² RalSe correspondence with Antrim and Newtownabbey Borough Council – received 28/01/2026

¹⁴ RalSe correspondence with Ards & North Down Borough Council – received 09/02/2026

¹⁵ See footnote 14 immediately above

				following the introduction of the Planning Act (Northern Ireland) 2011, using the terms ‘TPO’ and ‘Tree Preservation Order’. This search has returned 43 enforcement records relating to alleged breaches of TPOs and of these it appears that 15 cases were in breach of a TPO.¹⁶	process, the Council can confirm that it does not hold information on these costs.¹⁷
Belfast City Council	153	April 2015 – February 2026	64	I can confirm that 64 x enforcement cases have been investigated since the date 1st April 2015. The Council’s activities to protect trees. A Guide to Protected Trees provides information on the legislative context under which a tree can be protected by a TPO and a Conservation Area. It also advises on the level of protection afforded to trees from conditions on a grant of planning permission. It is intended to provide advice about protected trees for tree owners, conservation groups and the general public. In addition, the Council has used its City Matters magazine which is delivered to every household across Belfast as a platform to provide information on the Council’s role on tree protection along with a Trees & Development SPG – supplementary guidance to help citizens, home owners and landowners in regard	There is no cost to apply for a TPO, there is of course staffing costs involved in processing, making TPOs, mapping / plotting as well as external costs for tree health and condition surveys to be carried out (varies from the amount of trees on each site). There is also staff costs to assess and determine ongoing / future tree consent work applications associated with TPOs (site reports, write up consents and so forth) In terms of investigating a TPO request, council will carry out relevant checks and procedures as part of the process to determine if tree(s) meet the criteria for a provisional and confirmed TPO – this can range from site histories for planning permission, location of trees within the site, ownership details and instruct tree health and condition surveys to be commissioned.

¹⁶ RalSe correspondence with Armagh City, Banbridge and Craigavon Borough Council – received 11/02/2026

¹⁷ See footnote 16 immediately above

				<i>trees and their protection and promotion</i> https://www.belfastcity.gov.uk/getmedia/f0728406-35a5-436c-ab66-23eabb57c717/SPG017_TreesandDevelopment.pdf¹⁸	<i>Belfast City Council has carried out a review of all existing TPOs within the last 2 x years, and this will be an ongoing process we seek to carry out every 5 years approximately to try and be proactive in the council approach to protect, promote and preserve applicable trees within the council area.</i>¹⁹
Causeway Coast and Glens Borough Council	106	2011-2014: 2015-2026: Total	11 22 33	N/A	<i>There is currently no charge to apply for a TPO or for an application for works to a tree protected by a TPO. The Council does not routinely monitor TPO sites, as landowners are responsible for the management of trees, regardless of whether they are protected or not. The other associated costs related to the TPO process are very difficult to attribute given that the amount of work required changes, depending on the size and complexity of an individual TPO site: for example, the processing of a woodland TPO could generate considerably more work than say, a site containing only a few trees.</i>²⁰

¹⁸ RalSe correspondence with Belfast City Council – received 10/02/2026

¹⁹ See footnote 18 immediately above

²⁰ RalSe correspondence with Causeway Coast and Glens Borough Council – received 30/01/2026

Derry and Strabane	68 confirmed 1 provisional	Not reported	44	<i>From 2015 to date, there are a total of forty-four Enforcement cases relating to alleged breaches of TPOs in the Derry City and Strabane District Council area. Of these forty-four, none have led to prosecution thus far.²¹</i>	<i>There is no fee to apply for a TPO to be made or to apply for consent to carry out works to a tree under TPO, therefore Council does not hold this information.</i> <i>The Council does not hold definitive information about the cost to the Council to investigate a TPO application, monitoring of Trees that have a TPO and any other associated costs in the TPO process.</i> <i>Other costs associated with TPO assessments may include the procurement of a professional arboriculturist, if required.</i> <i>In respect of monitoring TPOs, the Council does not hold specific information</i> <i>regarding the cost of monitoring of TPOs. For clarification, the Council does actively monitor each TPO site through normal resources available within the Planning Department. Therefore, a site will only be reviewed where there is a specific reason to do so, for example where a complaint is received alleging unauthorised works taking place. In such an instance, the Planning Enforcement Team would investigate.²²</i>
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²¹ RalSe correspondence with Derry City & Strabane District Council - received 27/02/2026

²² See footnote 21 immediately above

Fermanagh and Omagh District Council	55	April 2015 – February 2026	12	<i>We have interpreted the term ‘violated’ as unauthorised works, felling, or damage to trees subject to a Tree Preservation Order (TPO).</i> <i>Since the transfer of planning powers to local government in April 2015, Fermanagh and Omagh District Council has issued 12 warning letters in respect of unauthorised works affecting trees or groups of trees protected by TPOs. Information relating to alleged or confirmed TPO breaches prior to 2015, when planning functions were exercised by the former Department of the Environment, is not held by the Council.²³</i>	<i>There is no fee to apply for a TPO or to apply for consent to carry out works to a tree under TPO, however an applicant may incur other costs separate to the Council’s Planning Department fees, for example if the applicant engages the services of a professional arboriculturist.</i> <i>Unfortunately, due to the wide variation in the detail of applications and scale of subject sites it is not possible to quantify the other associated costs, including assessment of the application and monitoring of TPOs.</i> <i>In terms of assessing whether a TPO should be imposed, the Council will normally need to engage a professional arboriculturist to carry out a tree survey and produce a report as to the health and condition of the subject trees. The cost for this can range from several hundred to several thousand pounds, largely depending on the number of trees to be surveyed.</i> <i>In addition to the arboriculturist fee, there is also cost to the Council of its TPO officer’s time. As with the arboriculturist, the cost of the TPO officer is dependent on the detail and scale of the application.</i> <i>In respect of monitoring TPOs, the Council does not have the resources necessary to actively monitor each site. Therefore, a site will only be reviewed where</i>
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²³ RalSe correspondence with Fermanagh and Omagh District Council - received 05/02/2026

					<i>there is a specific reason to do so, for example where a complaint is received alleging unauthorised works taking place. In such an instance, the Planning Enforcement Team would investigate. As before, the cost of this investigation will depend on the specifics.</i> <i>In addition to the officer's time, it may include fees for land registry searches or other information gathering.</i> <i>As these costs relate to internal staff time and are not recorded separately, the Council does not hold this information in a retrievable format.²⁴</i>
Lisburn & Castlereagh City Council	78	April 2015 – February 2026	17	<i>A total of 17 enforcement cases in relation to TPO's have been opened since the 1st April 2015 (when planning powers were transferred to Councils). These can be broken down as follows:</i> <i>Remedied - 13</i> <i>Not Expedient to Pursue - 2</i> <i>Ongoing - 5²⁵</i>	<i>Anyone can apply for a TPO and there is no cost to the applicant. The Council cannot provide information on costs for processing a TPO. There is no set fee. Every case is different and the cost of the arboricultural advice will depend on the size of the site and the number of trees surveyed. The average cost based on a sample of ten is £513.50 + VAT.²⁶</i>

²⁴ See footnote 23 immediately above

²⁵ RalSe correspondence with Lisburn & Castlereagh City Council – received 04/02/2026

²⁶ See footnote 25 immediately above

Mid and East Antrim Borough Council	80	2024 – February 2026	2	<i>I am aware of two violations in the period from 2024 until now. However I am not aware of any earlier violations in the timeframe indicated.²⁷</i>	<i>There is no cost to an applicant/member of the public to apply for or request a TPO – the cost falls onto the Council to survey the site/trees, employ an arboriculturist etc. and carry out the assessment/documents necessary to create one and /or defend their decision to do so. It would be difficult to ascertain an average cost for a TPO and the costs are very much on a case-by-case basis. Some sites require significantly more work than others, depending on their nature, topography, characteristics, types, and numbers of trees to be surveyed, access etc. Council officers, relevant statutory consultees and external arboriculturists, where required, are involved in the surveying and decision making process, and subsequently in the monitoring or follow-up processes/applications – such as consents for maintenance and management tree works from the landowners. In some cases, where the creation of a TPO is opposed, legal representation may be required for appeals, compensation claims and legal challenges/JRs.²⁸</i>
Mid Ulster District Council	54	April 2015 –	14	<i>Please note that in some of the above cases, following investigation it was found that there was a number of cases where</i>	<i>In relation to costings, the ‘tree officer’ / enforcement officer is a Planning Officer (PO1) grade who have</i>

²⁷ RalSe correspondence with Mid and East Antrim Borough Council – received 06/02/2026

²⁸ See footnote 27 immediately above

		February 2026		<i>there was no TPO i.e. trees were not protected and the case was closed. Of the 14 cases, we pursued legal action on one and a court summons issued.²⁹</i>	<i>other duties so unfortunately it isn't possible to quantify costs purely in relation to trees.³⁰</i>
Newry, Mourne and Down	105	April 15 – March 2026	8	<i>8 breaches opened post 2015:</i> <i>No breach – 4</i> <i>Remedied – 1</i> <i>Not expedient – 2</i> <i>On going – 1³¹</i>	<i>Cost cannot be quantified; it will be on a case-by-case basis due to the number of variables affecting each individual TPO³²</i>

²⁹ RalSe correspondence with Mid-Ulster District Council – received 06/02/2026

³⁰ See footnote 29 immediately above

³¹ RalSe correspondence with Newry, Mourne and Down District Council – received 02/03/2026

³² See footnote 31 immediately above

3.2 Potential increased prosecutions

The introduced Bill intends to introduce ‘ecosystem services’ that would create an additional criterion for making a TPO. In addition, it would make an offence ‘causing or permitting the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees’, which would constitute a breach of a TPO, with intention of making it easier to enforce and prosecute in cases where a TPO has been breached. As such, this could see the number of TPOs increase, as well as the number of prosecutions under the 2011 Act. If the number of prosecutions did increase, that would see a cost to the “public purse” in administration and staffing cost for the courts in processing cases brought as a result of the Bill, if enacted and implemented as introduced.

To assess key potential impacts that the Bill could have, RalSe-PFSU requested information from the Department of Justice (DoJ) about current TPO-related court cases relating to prosecutions and convictions that have occurred under [Section 126](#) of the 2011 Act, which details “penalties for contravention of tree preservation orders”. Section 126 states:

126 — (1) If any person, in contravention of a tree preservation order, cuts down, uproots or wilfully destroys a tree, or wilfully damages, tops or lops a tree in such a manner as to be likely to destroy it, that person shall be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding £100,000;

(b) on conviction on indictment, to a fine.

(2) In determining the amount of any fine to be imposed on a person convicted of an offence under subsection (1), the court must in particular have regard to any financial benefit which has accrued or appears likely to accrue to that person in consequence of the offence.

(3) If any person contravenes a tree preservation order otherwise than as mentioned in subsection (1), that person shall be guilty of an

*offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale*³³

RaISe-PFSU contacted the DoJ seeking information on the number prosecutions and convictions under section 126 of the 2011 Act since its introduction. The DoJ replied:

*...in the period from 2011 up to end 2024, there were 8 prosecutions at courts for offences related to unauthorised removal of trees, prosecuted under Section 126 of the Planning Act (Northern Ireland) 2011. These prosecutions resulted in 3 convictions – all receiving a monetary penalty as the main disposal imposed.*³⁴

The introduced Bill seeks to make it easier to enforce and prosecute in cases where a TPO has been breached. As noted in the [2023 Northern Ireland Public Services Ombudsman report – Strengthening our roots](#), between 2019 and 2022, there were 369 breaches of TPOs. If the Bill would be enacted and implemented as introduced, and a significant increase in prosecutions, at the same rate of breaches that were reported between 2019-2022, would arise, that would have a significant impact on the public finances within the court services and other enforcement bodies.

3.3 Introduction of ancient trees designation

Clause 1 of the Bill seeks to allow a TPO to be made “in respect of any tree which is an ancient tree”,³⁵ stating:

(1A) Notwithstanding the requirement under subsection (1) that the making of a tree preservation order appears to a council to be expedient in the interests of amenity or ecosystem services, a council may make a tree preservation order in respect of any tree which is an ancient tree.

³³ <https://www.legislation.gov.uk/nia/2011/25/section/126>

³⁴ RaISe-PFSU correspondence with Department of Justice – received 06/01/2026

³⁵ [Tree Protection Bill, as introduced](#)

(1B) Where a council has reason to believe that a tree may be an ancient tree, and the tree has not been confirmed to be an ancient tree by a suitably qualified arboriculturist, the council must, before determining whether to make a tree preservation order in respect of that tree, commission an assessment by a suitably qualified arboriculturist to determine whether the tree is an ancient tree³⁶

In confirming, a tree's status as "ancient," the Bill requires councils to employ arboriculturist to make a determination. As noted in [Table 5](#), the cost of those services varies in each case, ranging from several hundred pounds to several thousand, depending on the circumstances. Therefore, potential cost to councils will vary depending on the number of determinations that are required to be made each year and the complexity of the cases (for example number of trees to be investigated). As such, determining the cost is difficult to determine each year, which will be an on-going cost to councils, if the Bill would be enacted and implemented as introduced.

3.4 Additional resource for implementation and enforcement

As highlighted in the [consultation summary of responses](#), respondents noted that the Bill proposals may require additional resource to implement and enforce them, stating:

Some responses highlighted that the bill would place a greater administrative burden on council planning services, and therefore adequate funding would need to be provided. Councils commented that without adequate resource allocated to this, there is a risk of inconsistent or ineffective enforcement.³⁷

The issue was again highlighted at the Bill's Second Stage debate on 21 September 2026, in which MLA Bill Sponsor noted that:

³⁶ See footnote 36 immediately above

³⁷ See footnote 36

The Bill's Explanatory and Financial Memorandum (EFM) acknowledges that additional costs would arise from new regulatory processes, staff training, applications and appeals, monitoring and enforcement. It acknowledges that some councils may require additional staff or external expertise. That is a critical point when discussing draft legislation on this matter. I know Members who represent council areas. Dealing with staff costs and staff time is a significant issue. Our councils are already under significant financial pressure...³⁸

The intent and requirements set out in the Bill could see additional workload for council staff, including:

- Processing and investigating an increased number of TPO requests
- Establishing new requirements for councils to establish 50 metre buffer zones around ancient and long-established woodland
- Creating inspection duties (first 5-years) when breaches of TPOs require the replanting of a semi-mature trees

These new or increased duties, if enacted and implemented as introduced, may require additional resource in councils to ensure that these duties could be implemented and any new skills, expertise or technology could be made available to carry out this work.

3.5 Replacement of trees

A number of potential costs could arise from Clauses 4, 5 and 6 of the introduced Bill in the context of tree replacement— in particular, those relating to tree replacement requirements and enforcement, as explained below..

3.5.1 Planting of replacement trees

Clause 4 of the introduced Bill proposes to amend Section 125 of the 2011 Act in relation to replacement of trees. While this provision relates primarily to the

³⁸<https://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2026/09/21&docID=498919#5742476>

type of tree that would need to be used in replacement and where responsibility for such replacement planting lies, “public purse” costs could arise from that responsibility element. As noted in the Bill:

*If the owner is not responsible for the breach of the tree preservation order, the replacement and other duties set out in subsections (1) and (3A) are instead imposed on the person responsible for the breach. The owner may elect to replace the tree, and if the person responsible for the breach has failed to replace the tree within 18 months of being notified of the duty by the council or the owner, the owner of the land must replace the tree. If the owner of the land replaces the tree pursuant to this subsection (3B), the owner may recover the reasonable costs of replacement from the person responsible for the breach.*³⁹

Simply stated, the landowner could seek to recover the costs of replacement from the individual responsible for the breach. It therefore should be considered that this will be done through legal proceedings. As such, any legal proceedings arising from this Bill, if enacted and implemented as introduced, could incur courts service costs to address cases arising under the Bill.

3.5.2 Inspection of replacement trees

Clause 5 of the introduced Bill amends Section 125 of the 2011 act in relation to requiring councils to inspect replacement trees over a five-year period after replanting a tree. Councils would require resource to undertake inspections, however the demand for inspections would be determined by the number of breaches a council is investigating at any one time. Clause 5 also empowers councils to instruct landowners to carry out remedial work, if required. Notably, sub-section 7 of the clause states:

³⁹ See footnote 36

(7) If the owner of the land carries out the remedial action pursuant to section 125A, the owner may recover the reasonable costs of such action from the person responsible for the breach.⁴⁰

As noted, such costs can be recovered either from the landowner from the individual who committed the breach. However, if such recovery action requires legal action, pressuring such a case, this would incur cost for court service to conduct such cases. Any costs arising are unknown as each case would be different in complexity and time to pursue.

3.5.3 Enforcement of duties as to replacement of trees

Clause 6 amends Section 164 of the 2011 act in relation to enforcement duties in relation to the replacement of trees. Notably, the amendments to Section 164, sub-section 5 states:

(6) Where a person fails to comply with an enforcement notice under this section, the council may enter the land, carry out the planting, and recover the costs of doing so from the person who committed the breach.

(7) Where the person who committed the breach cannot be identified, is insolvent or cannot be found, the council may recover costs from the owner of the land.

(8) Where the owner of the land incurs costs by reason of subsection (7), the owner has a right of action against the person who committed the breach to recover these costs.⁴¹

As noted above, this would allow councils to undertake the replanting if there would be a failure to comply with the enforcement notice. Such activity would require council resources to undertake and therefore the upfront costs being borne by the council. As noted, such costs could be recovered either by the council or the landowner from the individual who committed the breach. However, if such recovery action would require legal action, this too would present a potential cost to the council in pursuing such an action. Furthermore,

⁴⁰ See footnote 36

⁴¹ See footnote 36

if it would be a council or private landowner pressuring such a case: this would incur cost for court service to conduct such cases. Any costs arising would be unknown at present, as from current practice each case is different in terms of its complexity and time required to pursue.

Potential Scrutiny Point:

2. The Committee may wish to seek information from each council across Northern Ireland about its ability to implement the introduced Bill, including reasonably foreseeable resources that would be needed – both existing and additional?

3.6 Establishing a Tree Protection Map (TPM)

Clause 7 of the Bill would require the Department to produce a digital Tree Protection Map (TPM), which would display TPOs which are in effect in Northern Ireland. The Clause states:

Tree Protection Map

128A.—*(1) The Department must make available online free of charge a digital map of tree preservation orders that are in effect in Northern Ireland.*

(2) This map will show the boundaries of all conservation areas in Northern Ireland and the number of tree preservation orders received, approved, and rejected by each council.

(3) This map is to be known as the Tree Protection Map (and is referred to in this Act as “TPM”).

Currently, the DfI host a [Mapping Portal](#) on its website; therefore the Department has staff with the skills able to produce such a system. However, there could be additional work to on-going or planned projects if the introduced Bill enacted. Additional staff therefore could be required to undertake the work required to implement the Bills proposals. The introduced Bill does not include a

timeframe for the establishment of such a system. Nonetheless, it seems reasonable to consider that once the Bill is enacted the development of the system would be included in the Department's forward work planning and therefore costs would be assumed into day-to-day departmental running costs. As noted above, the proposed legislation states this map would be free to access; therefore it would not be possible to get cost recovery for the development of the online TPM. As a consequence of the Bill, as introduced, any costs to develop the TPM would therefore be borne by the Department.

Potential Scrutiny Points:

3. The Committee may wish to ask the DfI if the Department would use available resources to produce the Tree Protection Map, or would need to recruit additional staff? Please detail.

3.3 Use of secondary legislation

If enacted, a number of provisions in the introduced Bill would rely on secondary legislation to introduce regulations that would transpose and implement those provisions. Those provisions concern the following clauses, as set out in **Table 6** below:

Table 6. Clauses relying on secondary legislation

Clause	Provision	Secondary legislation	How considered by the Assembly under its Standing Orders
Clause 7 (128.B)	Upload of information into the Tree Protection Map	Regulations	Negative Resolution

Clause 7 (128.C)	Access to information kept in the Tree Protection Map	Regulations	Affirmative Resolution
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Source: [Protection of Trees Bill EFM, as introduced](#)

It is important to be aware of the secondary legislation that subsequently would need to be enacted under this Bill. It also is important to be aware of the type of resolutions that those secondary legislation would be laid, as specified in the Bill. The type of resolution naturally would impact how Assembly scrutiny would be undertaken, as each type of resolution procedurally requires different things, as highlighted in Table 6 above. That is relevant when scrutinising this Bill in terms of both its potential policy and financial implications.

As the publication entitled “Deconstructing Legislation: A practical guide to legislative scrutiny” (February 2015) observes:

Given the practical realities of the allocation of Assembly Business...it should be remembered that if the opportunity is not taken at the time of passing the Bill to scrutinise the policy completely and effectively, it may be difficult or impossible to take that opportunity later.⁴²

That publication further advises that while the “affirmative resolution” procedure offers greater opportunity to scrutinise secondary legislation than the “negative resolution” procedure, it recommends use of the former for “potentially controversial powers”, but adds that a debate on an “affirmative resolution” motion:

...is significantly less effective as a method of scrutiny than consideration of provisions of a Bill.⁴³

In this context is the 2021 report of the House of Lords’ Secondary Legislation Scrutiny Committee. Outlining that Committee’s findings, after having reviewed

⁴² Greenberg, D, Northern Ireland Assembly, Deconstructing Legislation: A practical guide to legislative scrutiny

⁴³ Greenberg, D, Northern Ireland Assembly, Deconstructing Legislation: A practical guide to legislative scrutiny

the United Kingdom Government's use of secondary legislation, rather than primary legislation, to "set out its legislative intent", that Report stated:

Over recent years, bills – which become Acts of Parliament and which are subject to robust scrutiny in their passage through Parliament – have often provided only the broadest outlines of the direction of policy travel, with all the details that will have a direct impact on individual members of public left to secondary legislation. And the more that is left to secondary legislation, the greater the democratic deficit because, in contrast to primary legislation, there is relatively scant effective parliamentary scrutiny of secondary legislation; it cannot be amended; in some cases, it may become law without any parliamentary debate; and, because the decision to accept or reject is all or nothing, very rarely will the Houses reject it.⁴⁴

Potential Scrutiny Points:

4. If the Bill would be enacted and implemented as introduced, the Committee for Infrastructure may wish to ask the for DfI for regular updates regarding any costings compiled by the Department when drafting the new rules, regulations or orders.
5. If the Bill would be enacted and implemented as introduced, the Committee for Infrastructure may wish to ask the DfI for briefings on any responses received to any consultations undertaken in relation to the drafting of the noted rules, regulations and order, prior to laying them in the Assembly?

⁴⁴ [Delegated powers and the impact on parliamentary scrutiny: Debate on two committee reports - House of Lords Library](#)

4 Key takeaways

The Tree Protection Bill would be likely to have limited, but ongoing implications for the “public purse”, if enacted and implemented as introduced. The scale of such impact would be highly dependent on its implementation, including enforcement. While the Bill would be intended to both strengthen environmental protection and provide long-term public benefits, it also would place additional administrative, staffing and enforcement pressures on public bodies, particularly local councils – which may include DfC which has responsibility for local government; DfI and DoJ where legal proceedings may arise.

The introduced Bill's most immediate and identifiable public finance implications would likely arise from increased administrative activity. It is reasonably foreseeable that councils could experience additional workloads associated with processing TPO applications, investigating complaints, establishing and administering woodland buffer zones, assessing ancient tree status, undertaking inspections of replacement trees for up to five years, and enforcing compliance with new statutory requirements. The extent of costs arising from them would vary between councils, according to local circumstances, including existing staffing capacity, development pressures, tree cover and access to specialist expertise.

In correspondence with RalSe-PFSU between January – March 2026, councils advised external arboricultural expertise could result in added costs due to the need for more specialist surveys and assessments, which represent one of the most significant TPO-related expenditure areas under existing legislation. Currently, those costs range from several hundred pounds to several thousand pounds, depending on site complexity and the number of trees involved. The Bill's proposed ancient tree protection regime therefore could increase demand for such assessments, resulting in additional council costs in that area.

If enacted, the Bill also would generate increased enforcement and legal activity. Department of Justice data indicate only eight prosecutions and three convictions were secured under section 126 of the Planning Act (Northern Ireland) 2011 between 2011 and the end of 2024. By seeking to broaden protections and facilitate enforcement, the Bill could increase the number of

cases investigated and referred through the court system. Additional costs could therefore arise not only for councils, but also for courts and associated public bodies responsible for administering and determining such proceedings.

Further financial implications could arise from the Bill's replacement tree provisions, including mechanisms to enable councils, landowners and others to recover costs from those responsible for breaches, as those could result in legal proceedings and enforcement action. Consequently, public bodies could incur upfront costs, but the degree to which those costs ultimately would be recovered remains uncertain at present, as they would depend upon the individual circumstances.

The DfI requirement to establish and maintain a publicly accessible Tree Protection Map also would be likely to generate implementation and maintenance costs. While the Department already possesses relevant mapping capabilities and technical expertise, the proposed system nevertheless would require staff resources, ongoing maintenance and regulatory oversight. The magnitude of those costs would depend on design, data management requirements and implementation timescales that would be established after the Bill would be enacted.