

Title of Report:	Consultation on the NI Tree Protection Bill
Committee Report Submitted To:	Council Meeting
Date of Meeting:	1st September 2026
For Decision or For Information	For Decision

Linkage to Council Plan (2026-2031)	
Strategic Priority No.1	Engaging and Communicating with Our Customers
Outcome	Ensure citizens have genuine opportunities to influence Council policies, strategies, and service delivery decisions
Strategic Priority No.4	Sustainability and Managing Our Natural and Built Environment
Outcome	A Borough that contributes effectively to Northern Ireland's climate change targets with reducing carbon emissions and increasing resilience to climate impacts
Lead Officer	Principal Planning Officer

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals. Not applicable in this case.		
Section 75 Screening	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

1.0 Purpose of Report

- 1.1 To present, at the request of the Planning Committee, the Council's draft response to the NI Tree Protection Bill.

- 1.2 The Tree Bill is attached at Appendix 1
- 1.3 The draft response is attached at Appendix 2.

5.0 Recommendation

- 5.1 **IT IS RECOMMENDED** that Members note the attached draft and advise The Development Plan Manager of any comments by Tuesday 8th September.

Appendices:

Appendix 1: Tree Protection Bill

Appendix 1: Draft response .

Tree Protection Bill

[AS INTRODUCED]

LEGISLATIVE COMPETENCE

At Introduction the Member in charge of the Bill, Mr Peter McReynolds, had made the following statement under Standing Order 30:

“In my view the Tree Protection Bill would be within the legislative competence of the Northern Ireland Assembly.”

Tree Protection Bill

[AS INTRODUCED]

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A

BILL

TO

Amend the law relating to the protection of trees and woodlands.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by His Majesty as follows:

PART 1

TREE PRESERVATION ORDERS

Tree Preservation Orders

Tree preservation orders: councils

5 **1.**—(1) Section 122 (Tree preservation orders: councils) of the 2011 Act is amended as follows.

(2) In subsection (1) after “amenity” insert “or ecosystem services”.

10 (3) In subsection (1)(a) after “destruction of trees” insert “; or for prohibiting the causing or permitting of the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees,”.

(4) After subsection (1) insert—

15 “(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.

20 (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 may, 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 tree.

(1C) Where, following such an assessment, the arboriculturist determines that the tree is an ancient tree, the council must make a tree preservation order in respect of that tree unless the arboriculturist has confirmed that the tree is dead. Other than if the tree is dead, the condition, health or structural integrity of that tree is not to be considered a ground for refusing to make a tree preservation order.

(1D) Where a council decides not to commission an assessment under subsection (1B), it must provide written reasons for that decision to any person who requested the assessment or who brought the potential ancient status of the tree to the attention of the council.”.

(5) In subsection (3) for “A tree preservation order shall not take effect until it is confirmed by the council and the council may confirm any such” substitute “The council may confirm a tree preservation”.

(6) After subsection (3) insert—
“(3A) A tree preservation order shall take effect on the earlier of the date on which the order is confirmed by the council or the date on which it is deemed to have been confirmed in accordance with subsection 123(2)(b)(ii).”.

(7) After subsection (5) insert—
“(6) In this section, “ecosystem services” means the direct and indirect contributions of ecosystems to human well-being as listed in Schedule 1A.”.

Provisional tree preservation orders

2.—(1) Section 123 (Provisional tree preservation orders) of the 2011 Act is amended as follows.

(2) In subsection (2)(b)(i) after “made” insert “at which time the order will be deemed to have been confirmed, provided that no objections or representations have been received by the council and the council has not issued a decision to revoke the provisional tree preservation order”.

Penalties for contravention of tree preservation orders

3.—(1) Section 126 (Penalties for contravention of tree preservation orders) of the 2011 Act is amended as follows.

(2) In subsection (1) after “destroy it” insert “or knowingly causes or permits a tree to be cut down, uprooted or wilfully destroyed, or wilfully damaged, topped or lopped in such a manner as to be likely to destroy it,”.

Replacement of trees

Replacement of trees

4.—(1) Section 125 (Replacement of trees) of the 2011 Act is amended as follows.

(2) In subsection (1) for “another tree of an appropriate size and species” substitute “a heavy standard tree of an appropriate species”.

(3) In subsection (1) after “can” insert “and to inform the council that such a tree has been planted”.

(4) After subsection (3) insert—

5 “(3A) If any tree planted pursuant to this section dies or becomes damaged, diseased or is removed within 5 years of planting, it shall be the duty of the owner of the land to plant a subsequent replacement tree and the provisions of this section shall apply to any tree planted pursuant to this subsection.

10 (3B) 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.
15 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.”.

Council to inspect replacement trees

5.—(1) After Section 125 (Replacement of trees) insert—

20 **“Council to inspect replacement trees**

125A.—(1) A council must annually inspect, for a period of 5 years from the date of planting, the condition of any tree that is planted in its district pursuant to section 125 with a view to—

- 25 (a) identifying any tree that needs additional care or replacement; and
 (b) informing the owner of the land of any action that they need to take to ensure that the tree becomes established.

 (2) It is for the council to determine the form of the inspection under subsection (1)(a), and an inspection may be limited to the examination of evidence of the tree’s establishment, or may include a scheduled or
30 unscheduled site visit.

 (3) Where the council requests the owner of the land to provide evidence of the establishment of the tree, the owner must provide the evidence in such form and within such reasonable period as the council may specify.

35 (4) Where remedial action is required pursuant to subsection (1)(a), the council must inform both the owner of the land and, if known, the person responsible for the breach of the remedial action required and may specify a reasonable period during which the action is to be carried out.

40 (5) Unless the owner of the land elects to carry out the remedial action, the person responsible for the breach must carry out the remedial action within the period specified or, if no period is specified, as soon as that person reasonably can.

(6) If the person who committed the breach has not taken the required remedial action within the period specified under subsection (4), the owner of the land must carry out the action as soon as the owner reasonably can.

5 (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.”.

Enforcement of duties as to replacement of trees

6.—(1) Section 164 (Enforcement of duties as to replacement of trees) of the 2011 Act is amended as follows.

10 (2) In subsection (1) after “plant a” insert “heavy standard”.

(3) After subsection (5) insert—

“ (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.

15 (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.”.

20

Tree Protection Map

Tree Protection Map

7. After section 128 (Power to disapply section 127) insert—

“Tree Protection Map

25 **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.

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

Upload of information into the Tree Protection Map

128B.—(1) Before the end of the initial upload period each council must enter into TPM—

35 (a) all information that is included in the council’s records under section 242(1)(l) on the archive upload date;

(b) conservation area boundary information for all conservation areas within its district; and

(c) the number of tree preservation order applications received, approved, and rejected by the council per year over the previous 5 years.

(2) Information must be entered into TPM under subsection (1) in such form and manner as may be prescribed.

5 (3) Following the end of the initial upload period under subsection (1), the council must at least once in every 3 month period, upload to TPM any new information and update any existing information that is included in the council's records in respect of the information uploaded under subsection (1) to ensure that the information held in TPM is accurate and current.

10 (4) For the purposes of this section, the Department must by regulations—

(a) specify a date as “the archive upload date”, and

(b) specify a period beginning with that date as the “initial upload period”.

15 (5) Regulations under this section are subject to the negative resolution procedure.

Access to information kept in the Tree Protection Map

128C.—(1) The Department may by regulations make provision for or in connection with making information kept in TPM available.

(2) The regulations may (among other things) make provision about—

20 (a) which information, or descriptions of information, may be made available; and

(b) the form and manner in which information may be made available.

25 (3) The Department must ensure that any person required by a provision of this Act to upload data to TPM is granted suitable access to TPM for that purpose.

(4) Except as otherwise prescribed and subject to section 128D, processing of information by the Department in exercise of functions conferred by or under section 128A or this section does not breach—

30 (a) an obligation of confidence owed by the Department, or

(b) any other restriction on the processing of information (however imposed).

(5) Regulations under this section are subject to the draft affirmative procedure.

Data protection

35 **128D.**—(1) A duty or power to process information that is imposed or conferred by or under sections 128A, 128B or 128C does not operate to require or authorise the processing of personal data that would contravene the data protection legislation (but in determining whether processing of personal data would do so, that duty or power is to be taken into account).

40 (2) In this section—

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act);

“personal data” has the same meaning as in that Act (see section 3(2) of that Act).”.

Long-established and ancient woodland

Determination of planning applications

5 **8.**—(1) Section 45 (Determination of planning applications) of the 2011 Act is amended as follows.

(2) After subsection (1) insert—

“(1A) Where an application is made for planning permission, and the grant of that planning permission would result in—

- 10 (a) the loss or deterioration of ancient or long-established woodland;
 (b) development within 15 metres of ancient or long-established woodland; or
 (c) the deterioration of an ancient tree that is subject to a tree preservation order,

15 the council or, as the case may be, the Department, must refuse planning permission unless the applicant demonstrates that there are wholly exceptional circumstances justifying the grant of planning permission.”.

Permitted Development

20 **9.**—(1) Article 3 (Permitted Development) of the 2015 Order is amended as follows.

(2) After paragraph (5) insert—

“ (5A) The permission granted by the Schedule shall not authorise any development which requires or involves—

- 25 (a) the loss or deterioration of ancient or long-established woodland; or
 (b) (b) development within 15 metres of ancient or long-established woodland.”.

Ecosystem services

Ecosystem services

10.—(1) After Schedule 1 to the 2011 Act insert—

“SCHEDULE 1A

Section 122.

ECOSYSTEM SERVICES

5 1.—(1) The following services are ecosystem services for the purposes
of section 122.

(2) Cultural Services, including—

- (a) Recreation and tourism;
- (b) Sense of place; and
- (c) Health benefits.

10 (3) Regulating services, including—

- (a) Climate regulation;
- (b) Flood regulation;
- (c) Fire hazard regulation;
- (d) Air and water quality regulation;
- 15 (e) Erosion control;
- (f) Disease and pest control;
- (g) Soil quality regulation; and
- (h) Noise regulation.

(4) Supporting services, including—

- 20 (a) Primary production;
- (b) Soil formation;
- (c) Water cycling; and
- (d) Nutrient cycling.”.

Interpretation

25 **Interpretation: 2011 Act**

11.—(1) In Part 15 (Supplementary), section 250(1), insert the following definitions in their appropriate places—

30 ““ancient tree” means a tree that meets the criteria for ancient trees published by the Ancient Tree Forum and the Woodland Trust (or any successor body to either), or such other criteria as the Department may by regulations prescribe;

“ancient woodland” means an area that has been continuously wooded since at least the end of the year 1600 AD, including ancient semi-natural woodland and plantations on ancient woodland sites;

35 “heavy standard tree” means a tree that meets the heavy standard specification set out in British Standard 8545:2014 (Trees: from nursery to independence in the landscape), or any British Standard which from time to time replaces, supersedes or is equivalent to that

standard, or meets such other specification or standard as the Department may by regulations prescribe;

“long-established woodland” means an area that has been shown to be continuously wooded since the First Edition six-inch to the mile Ordnance Survey Maps of 1830-1844 were published, but for which no documentary evidence has been found that it was wooded prior to 1600;”.

Interpretation: 2015 Order

12. In Article 2 (Interpretation) of the 2015 Order insert the following definitions in their appropriate places—

““ancient woodland” means an area that has been continuously wooded since at least the end of the year 1600 AD, including ancient semi-natural woodland and plantations on ancient woodland sites;

“long-established woodland” means an area that has been shown to be continuously wooded since the First Edition six-inch to the mile Ordnance Survey Maps of 1830-1844 were published, but for which no documentary evidence has been found that it was wooded prior to 1600;”.

PART 2

SUPPLEMENTARY PROVISIONS

Interpretation: general

13. In this Act—

“the 2011 Act” means the Planning Act (Northern Ireland) 2011; and any reference to a Part, numbered Section, or Schedule, is a reference to that Part, Section of, or Schedule to, the 2011 Act (unless otherwise stated); and

“the 2015 Order” means the Planning (General Permitted Development) Order (Northern Ireland) 2015.

Commencement

14. This Act comes into operation twelve months after the day on which this Act receives Royal Assent.

Short title

15. This Act may be cited as the Tree Protection (Northern Ireland) Act 2026.

Tree Protection Bill

[AS INTRODUCED]

A Bill to amend the law relating to the protection of trees and woodlands.

Introduced by: Mr Peter McReynolds

On: 29 June 2026

Bill Type: Non-Executive Bill

ACCOMPANYING DOCUMENTS

**An Explanatory and Financial Memorandum is printed separately as
NIA Bill 41/22-27 EFM.**



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Appendix 1: Draft Response

Clause 1 - Tree preservation orders: councils

Clause 1 broadens the rules for tree preservation orders (TPOs) under the Planning Act (Northern Ireland) 2011 by allowing councils to make orders not only for amenity reasons but also for ecosystem services, meaning the benefits ecosystems provide to human well-being. It also strengthens TPO protections by making it an offence to knowingly permit any prohibited act, such as cutting, damaging, or destroying a tree.

A new set of subsections creates special protection for ancient trees: councils may designate them without needing to meet amenity or ecosystem tests, must commission an arboriculturist's assessment when their status is uncertain, and must issue a TPO if the tree is confirmed as ancient unless it is dead. If a council chooses not to commission an assessment, it must give written reasons.

Finally, Clause 1 changes when a TPO takes effect, allowing it to become operative either on confirmation by the council or automatically when deemed confirmed under section 123 of the 2011 Act.

Disagree.

Reason: This is too aspirational. The full extent of the ecosystem services outlined do not all fall within the remit of the planning system and authorities have no relevant expertise in this wide-ranging concern. NIEA are better placed to consider ecosystems and the consideration at the regional level would allow for greater consistency in approach.

The amenity value assessment is tried and tested in the public interest. Trees have an ecosystem service inherent in them, so the addition of this criterion is unnecessary. This council is undertaking a review of the current TPOs in line with the NIPSO recommendations at a cost to the council. Would the inclusion of ecosystem services require all the reviewed TPOs to be reassessed at further expense to the Council?

The insertion of the word 'knowingly' might be used as a defence when prosecutions are pursued or when a complaint has been made to enforcement and would undermine the intent of the legislation.

The identification of ancient trees is beyond the Council's current level of expertise and as it appears the extent of ancient trees is likely to be limited, again such a requirement may be better placed with NIEA as the regional authority. In addition, by their nature ancient trees may well include dead wood and dangerous limbs which may raise health and safety concerns. The current legislation allows for exemptions in relation to danger; it is considered the TPO route is not the right mechanism for the protection of ancient trees due to this potential conflict in legislation. It is noted that a distance of 15m is suggested but it is unclear if this relates to the distance from the e.g. Crown spread, tree trunk, root protection area or something else.

The changes in terms of when a TPO become operative appear to be unnecessary. In this council, confirmation of a TPO must be presented and approved by the planning committee which gives a formal endorsement by elected members.

Clause 2 - Provisional tree preservation orders

Clause 2 updates section 123 of the 2011 Act by changing how provisional tree preservation orders (TPOs) become confirmed. While provisional TPOs still take effect immediately and normally lapse after six months unless formally confirmed, the amendment provides that they will now be deemed confirmed at the six-month point if the council has received no objections or representations and has not issued a decision to revoke the order. This effectively streamlines confirmation where there is no opposition, ensuring smoother protection for affected trees.

Disagree

The changes in terms of when a TPO become operative appear to be unnecessary. In this council, confirmation of a TPO must be presented and approved by the planning committee which gives a formal endorsement by elected members. Some trees may be excluded from the confirmed TPO.

Clause 3 - Penalties for contravention of tree preservation orders

Clause 3 strengthens section 126 of the 2011 Act by expanding the range of conduct that constitutes an offence. While the law already makes it illegal to cut down, uproot, damage, destroy, top, or lop a tree in breach of a tree preservation order (TPO), the amendment adds that anyone who knowingly causes or permits any of these prohibited acts is also guilty of an offence. This mirrors the broader protective approach introduced in Clause 1 and ensures accountability not only for direct actions but also for deliberate facilitation or allowance of TPO violations.

Disagree.

Reason: How to determine who is accountable?

The insertion of the word 'knowingly' might be used as a defence when prosecutions are pursued or when a complaint has been made to enforcement and would undermine the intent of the legislation.

Clause 4 - Replacement of trees

Clause 4 strengthens section 125 of the 2011 Act by tightening requirements for replacing trees removed or damaged in breach of a TPO. It would mandate that any replacement must be a heavy standard tree of an appropriate species, and landowners must notify the council once it is planted. If that replacement dies, is damaged, diseased, or removed within five years, it must be replaced again. New rules also shift responsibility: where someone other than the landowner caused the TPO breach, that person must carry out the replacement duties, though the owner may step in if they fail to act within 18 months and can recover reasonable costs.

Disagree.

Reason: We wouldn't agree with the requirement for a heavy standard replacement. This may not always be the best option, particularly when considering site specific issues. Regular standard trees may be more appropriate and may be more successful in becoming established.

The suggestion that landowners must notify the Council is a welcome addition. In addition, the requirement for a replacement tree to be planted within 5 years is welcomed, although there will be an additional resource implication for the Council.

The identification of the perpetrator may not always be possible and then who does responsibility fall to.

Clause 5 - Council to inspect replacement trees

Clause 5 introduces section 125A, creating a new duty for councils to actively monitor trees planted as replacements under section 125. For five years after planting, councils must carry out annual inspections—either through site visits or by reviewing evidence provided by the landowner—to identify trees needing extra care or further replacement and to inform the landowner of required actions. When remedial work is needed, the council must notify both the landowner and, where known, the person responsible for the original TPO breach. That person is required to carry out the remedial action unless the landowner chooses to do so; if they fail to act within the specified period, the landowner must complete the work and may recover reasonable costs from the person responsible for the breach.

Disagree.

This is particularly onerous on councils as it would require the employment of specialist advice to undertake this work.

Clarification on the extent of this work. Are the annual inspections only relevant for breaches, and raises the question of whether this should apply to approved TPO replacement trees and trees protected by planning conditions.

Clause 6 - Enforcement of duties as to replacement of trees

Clause 6 updates section 164 of the 2011 Act by strengthening how councils enforce tree-replacement duties. It first aligns enforcement notices with earlier reforms by requiring that any ordered replacement must be a heavy standard tree, matching the standard introduced in Clause 4. It then adds new powers allowing councils to enter land and plant the required tree themselves if the person responsible for the TPO breach fails to comply, with the council able to recover costs from that person. If the responsible individual cannot be identified, is insolvent or cannot be found, the council may recover costs from the landowner, who in turn retains a right to reclaim those costs from the person who committed the breach.

Disagree

Reason: We wouldn't agree with the requirement for a heavy standard replacement. This might not be the best option, when considering site specific issues. Regular standard trees may be

more appropriate and may be more successful in becoming established. The Council could also be liable for damages to property if it entered land to plant trees.

Clause 7 - Tree Protection Map

Clause 7 adds new sections 128A–128D to the 2011 Act, creating a digital, publicly accessible system for tree-preservation information across Northern Ireland. Section 128A requires the Department to provide an online map showing all active TPOs, conservation-area boundaries, and council-level statistics on TPO applications. Section 128B places duties on councils to upload their existing records within an initial upload period and then update the map at least every three months. Section 128C allows the Department to make regulations governing how Tree Protection Map information is made available and clarifies that, aside from personal-data protections, processing this information does not breach confidentiality. Section 128D reinforces that none of these duties permit processing personal data in violation of data-protection legislation.

Unsure.

Reason: This council already has an interactive map which is updated on a regular basis eg when a Prov. TPO is designated or consent to works are approved also, the council is undertaking a review of its TPOs in line with the NIPSO report. In the NIPSO report, the Department was tasked with various recommendations and the situation regarding these remains unclear. It may be a duplication of work to place this requirement on the Department.

Clause 8 - Determination of planning applications

Clause 8 adds a new section 45(1A) to the 2011 Act, requiring councils to refuse planning permission where a proposed development would cause the loss or deterioration of ancient or long-established woodland, involve building within 15 metres of such woodland, or harm an ancient tree protected by a TPO, unless the applicant can demonstrate wholly exceptional circumstances. This creates a strong presumption against development that threatens Northern Ireland's most ecologically significant trees and woodlands.

Disagree.

Reason: Whilst in principle the retention of ancient or long established woodland is supported because these areas are likely to be limited in extent, there may be instances where development might be acceptable, eg. The insertion of a woodland trail boardwalk.

It is noted that a distance of 15m is suggested but it is unclear if this relates to the distance from the eg. Crown spread, tree trunk, root protection area or something else.

Clause 8 suggests that the ecology of the ancient trees and woodland is the main consideration, and other factors such as their history may also be relevant. It also highlights that the primary concern of public amenity for TPOs may not be applicable therefore, the use of TPO may not be the most appropriate mechanism.

This is covered under PPS 2 Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance and new Local Development Plans.

Clause 9 - Permitted Development

Clause 9 tightens permitted development rules under the Planning (General Permitted Development) Order (Northern Ireland) 2015 by removing automatic permission for any development that would harm ancient or long-established woodland. A new paragraph (5A) in Article 3 makes clear that permitted development rights no longer apply where a project would cause the loss or deterioration of such woodland or involve development within 15 metres of it.

Agree.

The only concern is identifying the ancient woodland. Is the Woodland Trust interactive map the definitive source for identifying ancient and long-established woodlands. Link below:

<https://experience.arcgis.com/experience/116e5b612d004c5bb3173859b3ab8fac>

Clause 10 - Ecosystem services

Clause 10 introduces a new Schedule 1A that defines the ecosystem services which can justify issuing a TPO. The Schedule groups these services into three categories—cultural, regulating, and supporting—and provides examples of the types of benefits each category covers. This gives councils a clearer, more structured basis for protecting trees on ecological and societal grounds beyond traditional amenity considerations.

Disagree.

Reason: The full extent of the ecosystem services outlined do not all fall within the remit of the planning system and authorities have no relevant expertise in this wide-ranging concern. NIEA are better placed to consider ecosystems and the consideration at the regional level would allow for greater consistency in approach and less potential for political influence at the local level.

The amenity value assessment is tried and tested in the public interest. Trees have an ecosystem service inherent in them so the addition of this criterion is unnecessary. This council is undertaking a review of the current TPOs in line with the NIPSO recommendations at a cost to the council. Would the inclusion of ecosystem services require all the reviewed TPOs to be reassessed at further expense.

Societal grounds may be acceptable, in exceptional circumstances.

Clause 11 - Interpretation: 2011 Act

Clause 11 adds several new definitions to section 250(1) of the 2011 Act: an “ancient tree” is defined using criteria set by the Ancient Tree Forum and Woodland Trust (or similar bodies, or as prescribed by regulations); “ancient woodland” refers to land continuously wooded since at least 1600 AD, including both semi-natural woodland and planted sites on ancient woodland; a “heavy standard tree” meets the specification in British Standard 8545:2014 (or any successor or prescribed standard); and “long-established woodland” means land continuously wooded since the 1830–1844 Ordnance Survey maps but without evidence of woodland cover before 1600.

Disagree.

Reason: The difficulty is finding the evidence in determining an ancient or long established woodland, we refer the historic map viewer which helps identify long established woodland, which dates back to 1832, other than the woodland trust interactive map.

<https://experience.arcgis.com/experience/116e5b612d004c5bb3173859b3ab8fac>

Clarification of other sources being available would be helpful.

We wouldn't agree with the requirement for a heavy standard replacement. This might not be the best option, when considering site specific issues. Regular standard trees may be more appropriate and may be more successful in becoming established, particularly in light of changing weather patterns in association with climate change.

Clause 12 - Interpretation: 2015 Order

Clause 12 adds definitions of “ancient woodland” and “long-established woodland” to Article 2 of the 2015 Order, using the same wording and meaning as those introduced into the 2011 Act by clause 11.

Agree

Reason: Provides consistency. However, disagree with the principle.

Clause 13 - Interpretation: general

Clause 13 sets out general interpretation provisions for the Act, defining the “2011 Act” as the Planning Act (Northern Ireland) 2011 and the “2015 Order” as the Planning (General Permitted Development) Order (Northern Ireland) 2015, and clarifying that references to Parts, numbered sections, and Schedules refer to the 2011 Act unless otherwise specified.

Agree

Reason: Provides consistency. However, disagree with the principle.

Clause 14 - Commencement

Clause 14 provides that the Act comes into operation twelve months after the day on which it receives Royal Assent.

Unsure.

Reason: Potentially significant resource and associated financial implications for the council for which a necessary budgetary provision would have to be agreed through the council processes which may impact on its ability to implement the act's requirements within a 12 month period.