



Heads of Planning
(Councils)

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Dear Colleagues

Tree Protection Bill - request for council views

The Department for Infrastructure is currently preparing for an oral evidence session with the Committee for Infrastructure on the Tree Protection Bill and is also considering a number of issues raised by the Committee during its scrutiny of the Bill ([Tree Protection Bill](#)).

As a number of the Bill's proposals would have implications for councils in their role as planning authorities, I would be grateful for any views you wish to provide on the practical implementation of the Bill.

In particular, the Department would welcome views on:

- resource and staffing implications for councils;
- enforcement and compliance issues;
- availability of arboricultural expertise;
- implementation of proposed duties relating to Tree Preservation Orders, replacement planting and inspections;
- establishment and maintenance of the proposed Tree Protection Map;
- implications of the proposals relating to ancient trees, ancient woodland and long-established woodland; and
- any areas where councils consider additional guidance, training or support would be required.

We recognise that councils have previously had opportunities to engage through both the Bill sponsor's consultation exercise and the Committee's call for evidence. We are therefore not seeking formal consultation responses on the policy merits of the Bill, but rather any observations on its practical and operational implications.

To assist officials in preparing evidence for the Committee and assessing the practical implications of the Bill, an annex is attached identifying a number of issues on which the Department would particularly welcome council views.

While Departmental officials are due to provide oral evidence to the Committee on 20 October, any observations received subsequently would nevertheless assist the Department's ongoing consideration of the Bill and future engagement with the Committee. I would therefore be grateful for any views at your earliest convenience. Responses may be sent to legislation.planning@infrastructure-ni.gov.uk.

If it would be helpful, Departmental officials would also be content to discuss these matters with representatives of your organisations.

Thank you for your assistance.

Yours sincerely



ROSEMARY DALY
Chief Planner & Director

Annex A: Key issues on which views are sought from councils

The Department would welcome any observations from councils on the practical implications of the Tree Protection Bill, particularly in relation to the matters set out below.

1. Resource and staffing implications

- Likely impact on planning, arboricultural, enforcement, legal and GIS resources.
- Whether additional staffing or specialist expertise would be required.
- Any anticipated financial implications for councils.

2. Tree Preservation Orders

- Practical implications of proposed changes to the Tree Preservation Order regime.
- Potential impact of the proposed ecosystem services test.
- Implications of provisions relating to ancient trees.
- Availability of arboricultural expertise to support implementation.

3. Enforcement and compliance

- Practical implications of the proposed new offences.
- Potential challenges associated with investigation, evidence gathering and enforcement.
- Implications of proposed powers relating to replacement planting and recovery of costs.

4. Replacement planting requirements

- Practicality of the proposed replacement planting provisions.
- Availability of appropriate replacement trees.
- Resource implications associated with monitoring compliance.
- Implications of the proposed annual inspection requirement for replacement trees over a five-year period.

5. Tree Protection Map

- Feasibility of maintaining and updating the proposed Tree Protection Map.
- Availability and quality of relevant data.
- GIS, digital system and administrative implications.
- Estimated implementation and ongoing maintenance requirements.

6. Ancient trees, ancient woodland and long-established woodland

- Practical implications of the proposed protections.
- Availability of information and evidence required to support implementation.
- Potential impacts on planning casework and development management functions.
- Any operational issues arising from the proposed 15 metre buffer zone and restrictions on development.

7. Guidance, training and support

- Areas where additional guidance, training or procedural support would be required.
- Whether any of the Bill's objectives could be achieved through improvements to guidance, training, monitoring or existing processes.

8. Any other matters

- Any additional implementation, operational, legal, financial or resource issues that councils consider relevant to the Department's assessment of the Bill.

Particular assistance would be welcomed where councils are able to provide examples, workload estimates, staffing implications, cost estimates or evidence from operational experience that may help inform the Committee's consideration of the Bill.