

PRESS RELEASE

Ombudsman urges improvements in how trees are protected in Northern Ireland's planning system

A report into how trees are protected has found that despite 369 tree protection breaches reported between 2019 and 2022, only one resulted in enforcement action being taken, and none led to prosecution.

The report also found there was a lack of clear information for the public on Tree Preservation Orders (TPOs), and that information about which trees are protected should be made more accessible.

'Strengthening our roots: tree protection in the planning system in Northern Ireland' was prepared in response to concerns about the protection given to trees and the lack of enforcement action following reported breaches of TPOs.

From the information gathered, including data provided by the Department for Infrastructure and local councils, the Ombudsman made a number of observations and recommendations.

The observations included that:

- the low level of reported enforcement activity (one case out of 369) should be a concern for councils as they seek to improve the environmental quality of their area.
- despite having significant enforcement powers, less than half of the councils clearly state on their websites that it is a criminal offence to carry out works to protected trees without consent. Others do not make any reference to the consequences of breaches.
- there is a lack of clarity around the circumstances in which councils require independent evidence to be provided in support of applications for work to protected trees.
- there is variation in council awareness and interpretation of the legislation which governs the approach that should be taken to carrying out works to protected trees on council owned land.

A total of 26 recommendations were made, including that:

- the Department should update regional guidance on the protection of trees and consider how it could work more closely with the councils, (including initiatives such as a regional Tree Forum), to share good practice and expertise.
- the Department should take the lead in developing an online regional map which displays the locations of all TPOs and conservation areas in Northern Ireland.
- Councils should carry out detailed reviews of their TPO records and document their methodology to assess the value of trees in their decision making.
- Councils should ensure processes are accessible to the public who want to request a TPO, apply for works to a protected tree or report a breach. The potential to introduce community notification procedures for residents likely to be affected by proposed works should also be explored.
- the Department should issue clear guidance on the processes councils must follow to carry out works to protected trees on their own land and to manage conflicts of interest where either the Department or a council is suspected of a breach.
- the Department and councils should examine enforcement cases closed which have been identified as being closed as 'not expedient' and 'other', to establish if the reasoning is in keeping with the councils' outwardly stated priorities to protect trees.

The report also recognises that a number of councils are more advanced in their policies in this area and highlights where existing good practice was found. For example, Belfast City Council undertook considerable public consultation to inform its recently launched tree strategy, and Ards and North Down Borough Council provide online access to the original documentation and maps associated with each TPO.

Overall there has been a positive response from the Department and the councils to using the report as an opportunity to make improvements in this important area of work.

Commenting on the report, Ombudsman Margaret Kelly said:

'Tree protection is crucial to the long-term strategies to improve the social, environmental and economic well-being of our areas and people. Trees have a key role not only in increasing biodiversity and combating climate change but are also increasingly recognised for the value they add to homes

and public spaces and for their wide-ranging benefits to public health.'

I am concerned that if the protection of trees including enforcement action is not taken seriously by local councils, or is perceived as not being taken seriously, then public confidence in the planning system risks being undermined.

This may be an issue I choose to return to in the future, but for now I am hopeful that the recommendations made in this report will make a positive contribution to the protection of trees within the Northern Ireland planning system.'

Notes:

The report and accompanying resources will be available on the NIPSO website from 00:01am Thursday 2 November at:

<https://www.nipso.org.uk/our-findings/search-our-findings/strengthening-our-roots-overview-report-tree-protection-planning-0>

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