



Subject:	Update on Tree Protection Orders (TPOs) and issue referred from People & Communities Committee
Date:	17 January 2023
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Keith Sutherland, Planning Manager (Plans & Policy)

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	An item was referred from the People and Communities Committee (November 2022) to the Planning Committee to give consideration to extending Tree Protection Orders (TPOs) across the city. This was the subject of a verbal report to the Planning Committee in December 2022, when it was agreed to revert with a report on the TPO process and ongoing work in this area.
1.2	This report sets the context and procedural arrangements for TPOs across the city and provides a summary of the current situation and ongoing review of TPOs.
2.0	Recommendation
2.1	<ul style="list-style-type: none">• That the Committee notes the legal and regulatory requirements for TPOs.• That the Committee notes and acknowledges the current reactive and proactive efforts of officers to promote tree cover across the city and secure protection of important trees that may be under threat.

3.0	Main Report
	<u>Background</u>
3.1	During discussion on the Council’s draft Tree Strategy at the People and Communities Committee in November 2022, a Member raised the issue of Tree Protection Orders (TPOs) and whether these could be extended across the city. It was noted that this was within the remit of the Planning Committee and the matter was duly remitted to the Committee for consideration.
	<u>Current Position</u>
3.2	The environmental importance of trees, including in terms of biodiversity, visual amenity, climate resilience and human wellbeing, is recognised in current policy, including in the Council’s Green and Blue Infrastructure Plan and draft Local Development Plan. However, the pruning, lopping or felling of trees does not generally require the Council’s consent and is outside the scope of the planning system, unless the trees are specifically protected. Specified trees can be protected through a TPO, which requires a statutory process to be undertaken in accordance with planning legislation. In addition, trees that are within a Conservation Area also enjoy a level of protection and planning permissions can include conditions to retain specific trees where appropriate. In all of these cases, prior notification and/or consent is required from the Council before any works are undertaken to such trees.
3.3	There are currently 142 confirmed TPOs in Belfast, with a further two provisional TPOs currently being considered. A TPO can cover a single tree, groups of trees within an area or whole woodlands. The current area of TPOs is approximately 306 Ha. In addition, there are 13 Conservation Areas in Belfast where the trees are subject to protection similar to that of a TPO. These cover an area of approximately 444 Ha. Almost all TPOs and Conservation Areas are within the current settlement boundary, covering almost 8% of the built-up urban area. A publicly available map of all TPOs and Conservation Areas is on the Council’s website: Spectrum Spatial (belfastcity.gov.uk) .
3.4	Applications are made to the Council by persons wishing to carry out works to protected trees (TPOs, Conservation Areas or planning conditions), including pruning and minor surgery works as well as felling works. On average, the tree officers in the Planning Service deal with around 200 treeworks applications annually. Where felling of trees is permitted, it is a normal requirement that a suitable replacement is planted to ensure no net loss of trees.
	<u>TPO Designation Process</u>
3.5	All requests for a TPO are considered by the Planning Service and can be submitted via the new planning portal. In addition, the Council itself may initiate a TPO where considered expedient, for example, as a result of a planning application where there may be a significant threat of felling. The assessment of prospective TPOs is based on a number of key considerations set out in legislation. These include trees of special value in terms of amenity, history or rarity, which may be under threat. Other considerations include the health of the trees, public health and safety issues and the implications for ongoing tree management. The Council has published guidance on protected trees that provides further details on the main considerations for TPO requests and the required statutory process. This is available on the Council’s website at: Tree preservation orders (belfastcity.gov.uk) .
3.6	When a TPO is proposed, notice must be served on the landowner and any other relevant interests, including adjoining owners. Most commonly, a ‘provisional’ TPO is applied, which takes immediate effect and lasts up to six months. This allows time for a detailed survey to be carried out by an arborist to record exact positioning, tree species, age and health and any recommended actions. The Council’s tree officers will take account of the detailed survey, any representations received and the aforementioned key considerations in resolving whether to confirm the TPO within the statutory six month period. Any provisional

	TPO and confirmed TPO are required to be referred to Land and Property Services for registering as a statutory charge on the relevant property.
3.7	Following local government reorganisation, the Council inherited the TPO records that were implemented by the former DoE. A comprehensive review of all these records identified a number of TPOs that were considered to be legally unsound due to apparent procedural or administrative errors. These issues have now been addressed and new TPOs were served where required. TPOs are subject to review as part of the ongoing work programme to manage these designations in respect of permitted works and current tree health. This review also ensures that unauthorised felling of protected trees can be identified and can result in enforcement action being pursued.
3.8	As outlined above, there is a statutory process for the serving of TPOs, including notification and legal procedures and obtaining an expert detailed survey. The process is not designed to provide blanket TPO coverage as it must be applied to specified individual trees or tree groupings. Whilst a TPO can give protection to specified trees, it does not obligate any particular tree management measures. The TPO process and the consequent consenting process, alongside the ongoing review programme, are time and resource intensive and these duties are currently fulfilled by two tree and landscape officers in the Plans and Policy team. The tree officers also provide advice/comments on planning applications and assistance to the public with queries relating to trees and landscaping.
3.9	<p><u>Supporting Work</u></p> <p>It should also be noted that officers have prepared Supplementary Planning Guidance for 'Trees and Development' to support the new LDP policy approach to trees. This guidance will be of particular benefit to those considering development proposals in which trees and landscaping form part of the site, or where the proposals are within close proximity to such protected environmental assets. This will help developers, landowners, neighbours and the public understand why trees are important and how they can be integrated with development proposals. This represents part of a wider educational role that the tree officers offer in terms of providing general advice on tree matters, including appropriate species choice, tree health issues and good management practice.</p>
4.0	Financial & Resource Implications
4.1	None.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	No adverse impacts identified.
6.0	Appendices
	None.