



A Guide to Protected Trees

This leaflet is intended to provide guidance in relation to protected trees. It should not be taken as a statement of the law. If you have any concerns regarding legal issues relating to trees you should contact a solicitor.

Why Protect Trees?

Trees can provide high amenity value and can make a significant contribution to the character of an area. Trees often help to screen and minimize the visual impact of development and help to create a sense of place. Trees are protected in cases where their removal is likely to result in a significant detrimental impact to that place.

What types of protection are there?

In planning terms, trees can be protected by a Tree Preservation Order, Conservation Area or by a condition or conditions imposed on a planning approval.

What is a Tree Preservation Order (TPO)?

A TPO is a statutory protection afforded to trees under the Planning Act (Northern Ireland) 2011. The Order can cover anything from a single tree to woodlands. Within a protected woodland, all trees within the defined area, including natural regeneration - seedlings and saplings are afforded protection. Hedges, bushes and shrubs, however, are not protected.

What trees are protected in a Conservation Area?

Trees in a Conservation Area (greater than 75mm diameter at 1.5m high) are also subject to protection as if a TPO is in place. The Council has 3 designated Conservation Areas; Merville Garden Village, Randalstown and Antrim Town Centre.

How are TPOs initiated?

All requests for a TPO should be sent to the Council in writing for consideration. This request should include a map identifying the specific trees referred to and the reasons why a TPO is considered to be necessary. Additionally, the Council may initiate TPOs as a result of receipt of a planning application, the Development Plan process or in response to any perceived threat.

How does the Council decide which trees to protect?

In order to be considered for a TPO, trees must be of high amenity value and in reasonable condition. The following criteria will be used when assessing the merits of a potential TPO;

1. **Potential Threat:** Priority will be given to the protection of those trees deemed to be at immediate risk from active felling or damage from development on site. All other requests will be assessed and prioritised accordingly.

2. **Visibility:** The extent to which the trees or woodlands can be seen by the general public will inform the assessment of whether the impact on the local environment is significant.
3. **Individual Impact:** The mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The tree's particular importance will be assessed by reference to its size and form; its future potential amenity value should also be assessed taking into account any special factors such as its screening value or contribution to the character or appearance of an area. In relation to a group of trees or woodland, an assessment will be made of the collective impact.
4. **Wider Impact:** The significance of the trees in their local surroundings will also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.
5. **Historical Importance:** Certain trees because of their age, association with the setting of listed buildings or the contribution they make to the special character of a Conservation Area may require consideration for TPO protection.
6. **Rarity:** There may be occasions where a tree(s) may be considered for TPO protection solely on the grounds of rarity. The priority of the consideration will reflect the rarity of the species.

How can I find out if a tree is protected by a TPO?

An electronic record of all the Council's TPOs can be found here.



The Council holds a register of all TPOs at Mossley Mill which can be made available for inspection by appointment, by contacting the Council on **0300 123 6677**.

Can I carry out works to protected trees?

If you wish to carry out works to protected trees

you must first seek and obtain the Council's consent using the application form (insert link). The Council will consider the request and will grant approval, grant approval subject to condition or refuse consent. Should an application for consent be refused or granted subject to conditions applicants have the right to appeal in writing to the Planning Appeals Commission (PAC) within 4 months of the date of the decision.

What happens if I carry out works to protected trees without consent?

For trees protected by TPOs and Conservation Areas, it is a criminal offence to cut down, lop, top, uproot or wilfully damage a protected tree in a manner likely to destroy it, without the prior written consent of the Council. On summary conviction you could be fined up to £100,000. Consent is not required for the removal of dead or dangerous trees, however the Council strongly recommends evidence is provided to the Council prior to any removals. The Council has the right to seek replacement planting, should it be considered necessary to do so.

Unauthorised works to trees protected by condition of a planning approval will represent a breach of planning control. Reports of such unauthorised works will be investigated in accordance with the Council's Planning Enforcement Strategy.



If a TPO is imposed does the Council become responsible for the trees?

No. The landowner remains responsible for the trees, including their condition and any liability in relation to damage they may cause. If the Council serves a Provisional TPO, representations can be made to this decision within 28 days.

Where can I get more information?

Further information can be obtained by contacting the Planning Section of the Council on **0300 123 6677**.