
STATUTORY INSTRUMENTS

2016 No. 297

The Thorpe Marsh Gas Pipeline Order 2016

PART 7

Miscellaneous and general

Felling or lopping of trees and removal of hedgerows

37.—(1) Save for any trees subject to tree preservation orders which are dealt with pursuant to article 38 (trees subject to tree preservation orders), the undertaker may fell, lop or prune any tree or shrub within the Order limits, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development or from constituting a danger to persons constructing, maintaining, operating or using the authorised development.

(2) In carrying out any activity authorised by paragraph (1) or (4), the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity.

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, must be determined under Part 1 of the 1961 Act.

(4) The undertaker may, for the purposes of the authorised development—

- (a) remove any hedgerows (other than important hedgerows) within the Order limits that may be required for the purposes of the carrying out of the authorised development; and
- (b) remove the important hedgerows as are within the Order limits and specified in Schedule 8 (removal of important hedgerows) and identified on the important hedgerows plan.

(5) In this article “hedgerow” and “important hedgerow” have the same meaning as in the 1997 Regulations.