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STATUTORY INSTRUMENTS

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**2024 No. 360**

**The A66 Northern Trans-Pennine  
Development Consent Order 2024**

**PART 2**

**WORKS PROVISIONS**

*Principal powers*

**Felling or lopping of trees and hedgerows**

17.—(1) The undertaker may fell or lop any tree or shrub, including a tree subject to a tree preservation order, within or overhanging land within the Order limits, or cut back its roots, if the undertaker reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) 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
- (b) from constituting a danger to persons using the authorised development.

(2) Without prejudice to the generality of paragraph (1) the undertaker may, for the purposes of the construction of the authorised development, in relation to the trees identified in columns (1), (2) and (3) of Schedule 3 (trees subject to tree preservation orders) carry out the corresponding works described in column (4).

(3) In carrying out any activity authorised by paragraph (1) or (2) 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.

(4) Where works to a tree are authorised by paragraph (1) or (2) and a tree preservation order is in force in relation to that tree—

- (a) written consent for the works is deemed to have been granted by a local planning authority having functions under the tree preservation order; and
- (b) the duty imposed by section 206(1)(1) (replacement of trees) of the 1990 Act does not apply.

(5) Any dispute as to a person's entitlement to compensation under paragraph (3), or as to the amount of compensation, is to be determined as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(6) The undertaker may, for the purposes of constructing, maintaining or operating the authorised development but subject to paragraph (3), remove any hedgerow within the Order limits that is required to be removed.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(7) In this article “hedgerow” includes a hedgerow to which the Hedgerow Regulations 1997(2) apply and includes important hedgerows.