
STATUTORY INSTRUMENTS

2024 No. 436

The HyNet Carbon Dioxide Pipeline Order 2024

PART 6

Miscellaneous and general

Felling or lopping of trees and removal of hedgerows

39.—(1) Subject to paragraph (3) and article 40 (trees subject to tree preservation orders) the undertaker may fell, lop or prune any tree or shrub, or cut back its roots, within or overhanging land within the Order limits if it 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) In carrying out any activity authorised by paragraph (1), the undertaker must—

- (a) do no unnecessary damage to any tree or shrub; and
- (b) 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, is to be determined as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2), remove any hedgerow within the Order limits including those specified in Schedule 11.

In this article “hedgerow” has the same meaning as in the Hedgerows Regulations 1997(1).