
STATUTORY INSTRUMENTS

2020 No. 556

The A63 (Castle Street Improvement, Hull) Development Consent Order 2020

PART 6

OPERATIONS

Felling or lopping of trees and removal of hedgerows

35.—(1) The undertaker may fell or lop any tree or shrub within or overhanging land 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—

- (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 [^{F1}undertaker]—
- (a) must do no unnecessary damage to any tree or shrub;
 - (b) must not fell or lop any tree or shrub within or overhanging land within the Order limits or cut back its roots if the tree or shrub is identified as being retained in the [^{F2}environmental] statement unless the undertaker reasonably believes it to be necessary to do so for the purposes of the construction or operation of the authorised development and provided that the Secretary of State is satisfied that the felling, lopping or cutting back of roots would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement; and
 - (c) must pay compensation to any person for any loss or damage arising from such activity.

(3) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2), remove any hedgerow within the Order limits that is required to be removed.

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

(5) In this article “hedgerow” has the same meaning as in the Hedgerow Regulations 1997 ^{M1} and includes important hedgerows for the purposes of those Regulations.

Textual Amendments

- F1** Word in art. 35(2) substituted (29.10.2020) by [The A63 Castle Street Improvement Hull \(Correction\) Order 2020 \(S.I. 2020/1184\)](#), arts. 1, **2(5)(a)**
- F2** Word in art. 35(2)(b) substituted (29.10.2020) by [The A63 Castle Street Improvement Hull \(Correction\) Order 2020 \(S.I. 2020/1184\)](#), arts. 1, **2(5)(b)**

Changes to legislation: There are currently no known outstanding effects for the The A63 (Castle Street Improvement, Hull) Development Consent Order 2020, PART 6. (See end of Document for details)

Commencement Information

I1 Art. 35 in force at 18.6.2020, see [art. 1](#)

Marginal Citations

M1 [S.I. 1997/1160](#).

Changes to legislation:

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