
STATUTORY INSTRUMENTS

2022 No. 1194

The Portishead Branch Line (MetroWest Phase 1) Order 2022

PART 7

Miscellaneous and general

Hedgerows

44.—(1) The undertaker may, for the purposes of the authorised development—

- (a) subject to requirement 6 of Schedule 2 (landscaping scheme – disused railway) and paragraph (2), remove those hedgerows specified in Part 1 (hedgerows to be removed) of Schedule 13;
- (b) remove any other hedgerows within the Order limits that may be required for the purposes of carrying out the authorised development where it is demonstrated by the undertaker to the relevant planning authority, and the relevant planning authority certifies accordingly, that the removal of the hedgerow would not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.; and
- (c) remove the important hedgerow within the Order limits and specified in Part 2 (important hedgerow) of Schedule 13.

(2) In carrying out any activity authorised by paragraph (1), the undertaker must not unnecessarily damage the hedgerow 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 as if it were a dispute under Part 1 of the 1961 Act.

(4) In this article “hedgerow” means a hedgerow to which the Hedgerows Regulations 1997⁽¹⁾ apply and “important hedgerow” means an important hedgerow for the purposes of those Regulations.