
STATUTORY INSTRUMENTS

2022 No. 433

The East Anglia TWO Offshore Wind Farm Order 2022

PART 7

Miscellaneous and general

Trees subject to tree preservation orders

35.—(1) The undertaker may fell or lop any tree described in Schedule 12 (trees subject to tree preservation orders) or any tree within or overhanging land within the Order limits that is subject to a tree preservation order made after 25th June 2019, or cut back its roots if it reasonably believes it to be necessary in order to do so to prevent the tree—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project; or
- (b) from constituting an unacceptable source of danger (whether to children or to other persons).

(2) In carrying out any activity authorised by paragraph (1)—

- (a) the undertaker must not cause unnecessary damage to any tree and must pay compensation to any person for any loss or damage arising from such activity; and
- (b) the duty contained in section 206(1) of the 1990 Act (replacement of trees) does not apply.

(3) The authority given by paragraph (1) constitutes a deemed consent under the relevant tree preservation order.

(4) 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 (determination of questions of disputed compensation) of the 1961 Act.