
STATUTORY INSTRUMENTS

2022 No. 549

**The M25 Junction 10/A3 Wisley Interchange
Development Consent Order 2022**

PART 6

OPERATIONS

Trees subject to tree preservation orders

40.—(1) The undertaker may fell or lop any tree described in Schedule 8 (trees subject to tree preservation orders) or cut back its roots or undertake such other works described in column (2) of that Schedule relating to the relevant part of the authorised development described in column (3) of that Schedule, if it reasonably believes it to be necessary in order 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)—

(a) 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; and

(b) the duty contained in section 206(1) (replacement of trees) of the 1990 Act is not to 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, shall be determined as if it were a dispute under Part 1 of the 1961 Act.

Commencement Information

II Art. 40 in force at 2.6.2022, see [art. 1](#)

Status:

Point in time view as at 02/06/2022.

Changes to legislation:

There are currently no known outstanding effects for the The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022, Section 40.