
STATUTORY INSTRUMENTS

2022 No. 573

The M25 Junction 28 Development Consent Order 2022

PART 4

SUPPLEMENTAL POWERS

Felling or lopping of trees and removal of hedgerows

23.—(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 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.

(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 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 that is required to be removed.

(5) In this article “hedgerow” includes a hedgerow to which the Hedgerow Regulations 1997⁽¹⁾ apply and includes important hedgerows for the purposes of those Regulations.

Commencement Information

II Art. 23 in force at 6.6.2022, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The M25 Junction 28 Development Consent Order 2022, Section 23.