
STATUTORY INSTRUMENTS

2022 No. 934

The A428 Black Cat to Caxton Gibbet
Development Consent Order 2022

PART 6

OPERATIONS

Felling or lopping of trees and removal of hedgerows

42.—(1) The undertaker may fell or lop any tree (other than a tree subject to a tree preservation order) or shrub, or cut back its roots, within or overhanging land within the Order limits 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—

- (a) do no unnecessary damage to any tree or shrub;
- (b) pay compensation to any person for any loss or damage arising from such activity; and
- (c) take steps to avoid a breach of the provisions of the Wildlife and Countryside Act 1981⁽¹⁾ and the Conservation of Habitats and Species Regulations 2017⁽²⁾.

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

(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2)—

- (a) remove any hedgerow described in Part 1 (removal of hedgerows) of Schedule 8 (hedgerows and trees); and
- (b) subject to consultation with the relevant planning authority remove any hedgerow within the Order limits that may be identified and that is not otherwise described in Part 1 of Schedule 8.

(5) In this article “hedgerow” has the same meaning as in the Hedgerows Regulations 1997⁽³⁾ and includes important hedgerows.

⁽¹⁾ 1981 c. 69.

⁽²⁾ S.I. 2017/1012.

⁽³⁾ S.I. 1997/1160.