
STATUTORY INSTRUMENTS

2023 No. 218

The A47 Wansford to Sutton Development Consent Order 2023

PART 6

OPERATIONS

Felling or lopping of trees and removal of hedgerows

39.—(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) or (4), 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) or any successor acts and regulations.

(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) Subject to paragraph (2), the undertaker may, for the purposes of carrying out the authorised development—

- (a) remove any hedgerows within the Order limits and specified in Part 1 (removal of hedgerows) of Schedule 8 (removal of hedgerows and trees);
- (b) remove the important hedgerows that are within the Order limits and specified in Part 2 (removal of important hedgerows) of Schedule 8; and
- (c) without limitation on the scope of sub-paragraph (a), and with the consent of the local authority in whose area the hedgerow is located, remove or translocate any hedgerow within the Order limits that is required to be removed.

(5) The grant of consent of a local authority in terms of paragraph (4)(c) must not be unreasonably withheld.

(6) If a local authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (4)(c) the local authority is deemed to have granted consent.

(1) 1981 c. 69.
(2) S.I. 2017/1012.

Status: Point in time view as at 10/03/2023.

Changes to legislation: There are currently no known outstanding effects for the The A47 Wansford to Sutton Development Consent Order 2023, Section 39. (See end of Document for details)

(7) Any application to which this article applies must include a statement that the provisions of paragraph (6) apply to that application.

(8) In this article “hedgerow” and “important hedgerow” have the same meaning as in the Hedgerows Regulations 1997(3).

Commencement Information

II Art. 39 in force at 10.3.2023, see [art. 1](#)

Status:

Point in time view as at 10/03/2023.

Changes to legislation:

There are currently no known outstanding effects for the The A47 Wansford to Sutton Development Consent Order 2023, Section 39.