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STATUTORY INSTRUMENTS

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**2024 No. 393**

The National Grid (Yorkshire Green Energy  
Enablement Project) Development Consent Order 2024

PART 6

MISCELLANEOUS AND GENERAL

**Felling or lopping of trees and removal of hedgerows**

**46.**—(1) The undertaker may fell, lop, prune, coppice, pollard, or reduce in height or width any tree, shrub, shrubbery, hedgerow, or important hedgerow under or within or overhanging or near any part of the authorised development, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree, shrub, shrubbery, hedgerow or important hedgerow—

- (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, constructing, maintaining, or operating the authorised development.

(2) In carrying out any activity authorised by paragraph (1), the undertaker must not cause any unnecessary damage to any tree, shrub, shrubbery or hedgerow, or important hedgerow 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, must be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(4) Development consent granted by this Order is to be treated as planning permission pursuant to Part 3 of the 1990 Act for the purposes of regulation 14 (exceptions) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012(1) and the duty contained in section 206(1) (replacement of trees) of the 1990 Act does not apply.

(5) The undertaker may not pursuant to paragraph (1) fell or lop a tree within or overhanging the extent of the public highway without the consent of the relevant highway authority.

(6) If the relevant highway authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (5) the relevant highway authority is deemed to have granted consent.

(7) The power conferred by paragraph (1) removes any obligation upon the undertaker to secure any consent to remove—

- (a) the hedgerows listed in Schedule 17 (hedgerows which may be removed); or
- (b) subject to consultation with the relevant planning authority, any hedgerow within the Order limits that may be identified and that is not otherwise described in Schedule 17 (hedgerows which may be removed)

under the Hedgerows Regulations 1997(2).

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

(9) Any application for consent under paragraph (5) must include a statement that the provisions of paragraph (6) apply to that application.

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**Commencement Information**

**II** Art. 46 in force at 5.4.2024, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024, Section 46.