



# Channel Tunnel Rail Link Act 1996

## 1996 CHAPTER 61

### PART I

#### THE CHANNEL TUNNEL RAIL LINK

##### *Trees*

#### **27 Power to deal with trees on neighbouring land**

- (1) Where any tree overhangs land used for the purposes of the nominated undertaker's undertaking under this Part of this Act, the nominated undertaker may by notice to the occupier of the land on which the tree is growing require the tree to be removed, topped or lopped if it is necessary for that to be done—
  - (a) to enable the works authorised by this Part of this Act to be maintained, or
  - (b) for reasons of safety in connection with the operation of any railway comprised in those works.
- (2) If, within the period of 28 days beginning with the giving by the nominated undertaker of a notice under subsection (1) above, the occupier of the land on which the tree to which the notice relates is growing gives the nominated undertaker a counter-notice objecting to the removal, topping or lopping of the tree, the notice shall have effect only if confirmed by an order of the county court.
- (3) If at any time a notice under subsection (1) above has not been complied with and either—
  - (a) a period of 28 days beginning with the giving of the notice has expired without a counter-notice having been given, or
  - (b) an order of the court confirming the notice has come into force,the nominated undertaker may itself cause the tree to which the notice relates to be removed, topped or lopped as mentioned in subsection (1) above.
- (4) Where the power conferred by subsection (3) above is exercisable in relation to any tree, the nominated undertaker may—

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*Status: This is the original version (as it was originally enacted).*

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- (a) enter the land on which the tree is growing for the purpose of exercising that power in relation to it, and
  - (b) take with it such vehicles and equipment as are necessary for that purpose.
- (5) Where the nominated undertaker tops or lops a tree in exercise of the power conferred by subsection (3) above, it shall do so in a husband-like manner and in such a way as to cause the minimum of damage to the tree.
- (6) Where—
- (a) a notice under subsection (1) above is complied with either without a counter-notice having been given or after the notice has been confirmed, or
  - (b) the nominated undertaker exercises the power conferred by subsection (3) above,

the county court shall, on application made by a person who has suffered loss or damage in consequence of the removal, topping or lopping of the tree concerned or who has incurred expenses in complying with the notice, order the nominated undertaker to pay that person such compensation in respect of the loss, damage or expenses as it thinks fit.

## **28 Disapplication of controls**

- (1) The following, namely—
- (a) an order under section 198(1) of the Town and Country Planning Act 1990 (tree preservation orders), and
  - (b) section 211(1) of that Act (which prohibits the doing in a conservation area of any act which might be prohibited by a tree preservation order),
- shall not apply to any tree works which are authorised for the purposes of this section.
- (2) Tree works are authorised for the purposes of this section if—
- (a) they are carried out in compliance with a notice under subsection (1) of section 27 above or in exercise of the power conferred by subsection (3) of that section,
  - (b) they are carried out in relation to a tree growing on land within the relevant limits and for the purposes of or in connection with the construction of the works authorised by this Part of this Act, or
  - (c) they are carried out in relation to a tree growing on land used for the purpose of the nominated undertaker's undertaking under this Part of this Act and in circumstances where it is necessary for them to be carried out—
    - (i) to enable the works authorised by this Part of this Act to be maintained, or
    - (ii) for reasons of safety in connection with the operation of any railway comprised in those works.
- (3) In subsection (2)(b) above, the reference to land within the relevant limits is to land within the limits of deviation for the scheduled works or within the limits of land to be acquired or used.
- (4) In this section, references to tree works are to works consisting of the removal, topping or lopping of a tree.