## STATUTORY INSTRUMENTS

# 2012 No. 2635

# The Network Rail (North Doncaster Chord) Order 2012

## PART 6

### OPERATIONS

**Operation and use of railways**

**35.**—(1) Network Rail may operate and use the railway and any other elements of the authorised development as a system, or part of a system, of transport for the carriage of passengers and goods.

(2) Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part 1 of the Railways Act 1993(**1**) (the provision of railway services).

**Felling or lopping trees**

**36.**—(1) Network Rail 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 passengers or other persons using the authorised development.

(2) In carrying out any activity authorised by paragraph (1), Network Rail must

    (a) not cause unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity; and

    (b) for any trees or shrubs felled or removed during the construction, or during the first 12 months of the operation, of the authorised development, plant the same number of suitable alternative trees or shrubs in the same location or in a suitable alternative location as agreed in writing with the relevant planning authority.

(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 under Part 1 of the 1961 Act.

---

(**1**)  1993 c. 43. This Act has been amended by the Transport Act 2000 (c. 38), the Railways and Transport Safety Act 2003 (c. 20) and the Railways Act 2005 (c. 14). There are other amendments to this Act which are not relevant to this Order.