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STATUTORY INSTRUMENTS

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**2020 No. 1656**

**The Hornsea Three Offshore Wind Farm Order 2020**

**PART 7**

**MISCELLANEOUS AND GENERAL**

**Trees subject to tree preservation orders**

**35.**—(1) Subject to paragraph (2), the undertaker must not fell or lop or cut back the roots of any tree within or overhanging land which is the subject of a tree preservation order.

(2) The undertaker may fell or lop any tree within or overhanging land within the Order limits subject to a tree preservation order which was made before and after 14 May 2018 or cut back its roots, if it reasonably believes it to be necessary to do so in order to prevent the tree from obstructing or interfering with onshore site preparation works the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project.

(3) In carrying out any activity authorised by paragraph (2)—

(a) the undertaker shall do no unnecessary damage to any tree and shall pay compensation to any person for any loss or damage arising from such activity; and

(b) the duty contained in section 206(1) (replacement of trees) of the 1990 Act shall not apply.

(4) The authority given by paragraph (2) shall constitute a deemed consent under the relevant tree preservation order.

(5) Any dispute as to a person's entitlement to compensation under paragraph (3), or as to the amount of compensation, shall be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

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**Commencement Information**

**II** Art. 35 in force at 22.1.2021, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Hornsea Three Offshore Wind Farm Order 2020, Section 35.