STATUTORY INSTRUMENTS

2021 No. 1259

The South Humber Bank Energy Centre Order 2021

PART 5

OPERATIONS

Felling or lopping of trees

17.—(1) The undertaker may fell or lop any tree or shrub 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 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), the undertaker must do no unnecessary damage to any tree or shrub 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, is to be determined under Part 1 of the 1961 Act (determination of questions of disputed compensation).

(4) The undertaker may not pursuant to paragraph (1) fell or lop a tree within the extent of the highway maintainable at the public expense without the consent of the highway authority.

(5) Save in the case of emergency, the undertaker must not enter any land under paragraph (1) without serving notice of the intended entry on the owners and occupiers of that land and, where the land is a highway maintainable at the public expense, on the highway authority.

(6) The notice under paragraph (5) must be served not less than 14 days before entering the land.

(7) In carrying out any activity authorised by paragraph (1) the duty contained in section 206(1) of the 1990 Act(**1**) (replacement of trees) does not apply.

Commencement Information
I1   Art. 17 in force at 2.12.2021, see **art. 1**

(**1**)   Section 206 was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to, the Planning Act 2008.