
STATUTORY INSTRUMENTS

2022 No. 549

The M25 Junction 10/A3 Wisley Interchange
Development Consent Order 2022

PART 6
OPERATIONS

Felling or lopping of trees and removal of hedgerows

39.—(1) The undertaker 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 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 as if it were a dispute under Part 1 of the 1961 Act.

(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2), remove any hedgerow within the Order limits that is required to be removed.

(5) In this article “hedgerow” includes a hedgerow to which the Hedgerow Regulations 1997(1) apply and includes important hedgerows.

Commencement Information

II Art. 39 in force at 2.6.2022, see [art. 1](#)

Trees subject to tree preservation orders

40.—(1) The undertaker may fell or lop any tree described in Schedule 8 (trees subject to tree preservation orders) or cut back its roots or undertake such other works described in column (2) of that Schedule relating to the relevant part of the authorised development described in column (3) of that Schedule, if it reasonably believes it to be necessary in order 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)—
- (a) 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; and
 - (b) the duty contained in section 206(1) (replacement of trees) of the 1990 Act is not to apply.
- (3) The authority given by paragraph (1) constitutes a deemed consent under the relevant tree preservation order.
- (4) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, shall be determined as if it were a dispute under Part 1 of the 1961 Act.

Commencement Information

I2 Art. 40 in force at 2.6.2022, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022, PART 6.