
Changes to legislation: There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Cross Heading: Trees on neighbouring land. (See end of Document for details)

SCHEDULES

SCHEDULE 2

WORKS

Trees on neighbouring land

- 7 (1) This paragraph applies where—
- (a) a tree overhangs land used for Phase 2a purposes, or
 - (b) the roots of a tree encroach on such land.
- (2) The nominated undertaker may by notice to the occupier of the land on which the tree is growing (a “tree works notice”) require the tree to be removed, topped or lopped, or its roots to be cut back, if it is necessary for that to be done—
- (a) to enable works authorised by this Act to be constructed or maintained, or
 - (b) for reasons of safety in connection with such works or the operation of Phase 2a of High Speed 2.
- (3) The person to whom a tree works notice is given may object to the notice by giving the nominated undertaker a counter-notice to that effect before the end of 28 days beginning with the day on which the tree works notice is given.
- (4) If a counter-notice is given, the tree works notice has no effect unless confirmed by an order of the county court.
- (5) The nominated undertaker may carry out the works required by a tree works notice if the notice has been in effect for a continuous period of at least 28 days and has not been complied with.
- (6) Where the power under sub-paragraph (5) is exercisable, the nominated undertaker may, after giving 7 days' notice to the occupier of the land on which the tree concerned is growing, enter the land for the purpose of exercising the power in relation to it.
- (7) If the nominated undertaker tops or lops a tree, or cuts back the roots of a tree, in exercise of the power under sub-paragraph (5), it must do so—
- (a) in accordance with good arboricultural practice, and
 - (b) in such a way as to cause the minimum of damage to the tree.
- (8) The following do not apply to works required by a tree works notice—
- (a) an order under section 198(1) or 202(1) of TCPA 1990 and regulations under section 202A(1) of that Act (tree preservation orders);
 - (b) section 211(1) and (5) of that Act (preservation of trees in conservation areas).
- (9) On application by a person who has incurred expenses in complying with a tree works notice, the county court must order the nominated undertaker to pay the person such compensation in respect of the expenses as the court thinks fit.

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