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STATUTORY INSTRUMENTS

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**2002 No. 412**

**The Chester Guided Busway Order 2002**

**PART IV**

**OPERATION OF BUSWAY SYSTEM**

**Power to fell or lop trees**

**28.**—(1) The council may fell or lop any tree or shrub near any part of the authorised guided busway (or land proposed to be used for that busway), 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 guided busway or any apparatus used for the purposes of the authorised guided busway; or
- (b) from constituting a danger to passengers or other persons using the authorised guided busway.

(2) In exercising the powers in paragraph (1), the Council shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from the exercise of those powers.

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of the compensation, shall be determined under Part I of the Land Compensation Act 1961.

(4) The following, namely—

- (a) an order under section 198(1) of the Town and Country Planning Act 1990 (tree preservation orders); and
- (b) section 211(1) of that Act (which prohibits the doing in a conservation area of any act which might be prohibited by a tree preservation order),

shall not apply to any exercise of the powers in paragraph (1).