
STATUTORY INSTRUMENTS

2016 No. 853

The River Humber Gas Pipeline Replacement Order 2016

PART 4

Miscellaneous and general

Felling or lopping of trees or shrubs

41.—(1) The undertaker may fell or lop any tree or shrub near any part of the authorised project, 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 project or any apparatus used in connection with the authorised project; or
- (b) from constituting a danger to persons constructing, maintaining, operating or using the authorised project.

(2) In carrying out any activity authorised by paragraph (1), the undertaker must not cause unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity.

(3) The undertaker may remove—

- (a) hedgerows shown on the works plans; and
- (b) with the approval of the relevant planning authority, which is not to be unreasonably withheld or delayed, any other hedgerow within the Order limits if the undertaker reasonably believes it to be necessary to do so for the purposes of the construction and/or operation of the authorised project.

(4) The undertaker is not required to obtain any consent to remove a hedgerow referred to in paragraph (3) under the Hedgerows Regulations 1997(1).

(5) Reference to “planning permission” in regulation 6 (permitted work) of the Hedgerows Regulations 1997 includes this Order.

(6) In this article—

- (a) “hedgerow” includes—
 - (i) hedgerows to which the Hedgerows Regulations 1997 apply; and
 - (ii) any part of a hedgerow.

(7) 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.

Commencement Information

II Art. 41 in force at 15.9.2016, see [art. 1](#)

Changes to legislation: There are currently no known outstanding effects for the The River
Humber Gas Pipeline Replacement Order 2016, Section 41. (See end of Document for details)

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There are currently no known outstanding effects for the The River Humber Gas Pipeline Replacement Order 2016, Section 41.