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STATUTORY INSTRUMENTS

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**2019 No. 578**

**The Millbrook Gas Fired Generating Station Order 2019**

**PART 6**

**OPERATIONS**

**Felling or lopping of trees and removal of hedgerows**

**32.**—(1) The undertaker may, subject to paragraph (3), 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) The undertaker may, for the purposes of the authorised development and subject to paragraph (3), remove any hedgerows within the Order limits that may be required for the purposes of carrying out the authorised development.

(3) In carrying out any activity authorised by paragraph (1) or paragraph (2), 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.

(4) Any dispute as to a person's entitlement to compensation under paragraph (3), or as to the amount of compensation, is to be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(5) In this article “hedgerow” has the same meaning as in the Hedgerows Regulations 1997 <sup>M1</sup>.

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**Commencement Information**

**II** Art. 32 in force at 3.4.2019, see [art. 1](#)

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**Marginal Citations**

**M1** [S.I. 1997/1160](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Millbrook Gas Fired Generating Station Order 2019, Section 32.