

PART 6

OPERATIONS

Felling or lopping of trees and removal of hedgerows

34.—(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—

- (a) must do no unnecessary damage to any tree or shrub;
- (b) must not fell or lop any tree or shrub within or overhanging land within the Order limits or cut back its roots if the tree or shrub is identified as being retained in the environmental statement unless the undertaker reasonably believes it to be necessary to do so for the purposes of the construction or operation of the authorised development and provided that the Secretary of State is satisfied that the felling, lopping or cutting back of roots would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement; and
- (c) must pay compensation to any person for any loss or damage arising from such activity.

(3) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2), remove any hedgerow described in Part 1 (hedgerows) of Schedule 9.

(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2), remove any hedgerow which is not described in Part 1 of Schedule 9 with the prior consent of the relevant planning authority.

(5) In carrying out any activity authorised by paragraph (3) or (4), the undertaker must pay compensation to any person for any loss or damage arising from such activity.

(6) Any dispute as to a person's entitlement to compensation under paragraph (2) (or (5)), or as to the amount of compensation, is to be determined under Part 1 of the 1961 Act.

(7) In this article “hedgerow” has the same meaning as in the Hedgerow Regulations 1997^(a) and includes important hedgerows for the purposes of those regulations.

PART 7

MISCELLANEOUS AND GENERAL

Deemed Marine Licence

35. The undertaker is deemed to have been granted the licence under Part 4 of the 2009 Act contained in Schedule 8 to this Order, to carry out works and make the deposits described in that licence and subject to the licence conditions which are deemed to have been attached to the licence by the Secretary of State under Part 4 of the 2009 Act.

Application of landlord and tenant law

36.—(1) This article applies to—

(a) S.I. 1997/1160.