



Crossrail Act 2008

2008 CHAPTER 18

Trees

18 Power to deal with trees on neighbouring land

- (1) Where any tree overhangs land used for the purposes of Crossrail or otherwise for the purposes of works authorised by this Act, the nominated undertaker may by notice to the occupier of the land on which the tree is growing require the tree to be removed, topped or lopped if it is necessary for that to be done—
 - (a) to enable works authorised by this Act to be maintained, or
 - (b) for reasons of safety in connection with the operation of Crossrail.
- (2) The person to whom a notice under subsection (1) is given may object to the notice by giving the nominated undertaker a counter-notice to that effect before the end of the period of 28 days beginning with the day on which the notice under subsection (1) is given.
- (3) If a counter-notice is given under subsection (2), the notice under subsection (1) shall have no effect unless confirmed by an order of the county court.
- (4) The nominated undertaker may carry out the works required by a notice under subsection (1) if the notice has been in effect for a continuous period of at least 28 days and has not been complied with.
- (5) Where the power conferred by subsection (4) is exercisable, the nominated undertaker may—
 - (a) enter the land on which the tree concerned is growing, for the purpose of exercising the power in relation to it, and
 - (b) take with it such vehicles and equipment as are necessary for that purpose.
- (6) If the nominated undertaker tops or lops a tree in exercise of the power conferred by subsection (4), it shall do so in a husbandlike manner and in such a way as to cause the minimum of damage to the tree.
- (7) On application by a person who—
 - (a) has incurred expenses in complying with a notice under subsection (1), or

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(b) has suffered any loss or damage in consequence of the carrying out of works required by such a notice,
the county court shall order the nominated undertaker to pay him such compensation in respect of the loss, damage or expenses as it thinks fit.

19 Disapplication of controls

- (1) Neither of the following shall apply to tree works which are authorised for the purposes of this section—
- (a) an order under section 198(1) of the Town and Country Planning Act 1990 (c. 8) (tree preservation orders), and
 - (b) section 211(1) and (5) of that Act (preservation of trees in conservation areas).
- (2) Tree works are authorised for the purposes of this section if—
- (a) they are required by a notice under section 18(1),
 - (b) they are carried out, for the purposes of or in connection with the construction of the works authorised by this Act, in relation to a tree growing on land within the relevant limits, or
 - (c) they are carried out in relation to a tree growing on land used for the purposes of or in connection with Crossrail and are necessary to enable the works authorised by this Act to be maintained or for reasons of safety in connection with the operation of any railway used for the purposes of or in connection with Crossrail.
- (3) In this section, references to tree works are to works consisting of the removal, topping or lopping of a tree.

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