
STATUTORY INSTRUMENTS

2014 No. 3331

The Hornsea One Offshore Wind Farm Order 2014

PART 6

Operations

Felling or lopping of trees and the removal of hedgerows

27.—(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 from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used with 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 any hedgerows within the Order limits that may be required for the purposes of the carrying out of the authorised development.

(4) The undertaker is not required to comply with the requirements of regulation 5 of the Hedgerow Regulations 1997⁽¹⁾ in exercising the powers of paragraph (3) and it is not guilty of an offence under regulation 7(1) of those Regulations if it does so.

(5) 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.

(6) In this article "hedgerow" has the same meaning as in the Hedgerow Regulations 1997.

Commencement Information

II Art. 27 in force at 31.12.2014, see [art. 1](#)

Trees subject to tree preservation orders

28.—(1) The undertaker may lop any tree within or overhanging land within the Order limits where that tree is subject to a tree preservation order which was made after 31st January 2013.

(2) In carrying out any activity authorised by paragraph (1)—

(a) 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; and

(b) the duty contained in section 206(1) of the 1990 Act (replacement of trees) does not apply.

(3) The authority given by paragraph (1) constitutes a deemed consent under the relevant tree preservation order.

(1) [S.I. 1997/1160](#).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Hornsea One Offshore Wind Farm Order 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(4) 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

I2 Art. 28 in force at 31.12.2014, see [art. 1](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order modified by [S.I. 2016/471 art. 4Sch.](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 2(6) inserted by [S.I. 2015/1280 Sch.](#)