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STATUTORY INSTRUMENTS

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**2016 No. 297**

**The Thorpe Marsh Gas Pipeline Order 2016**

**PART 7**

Miscellaneous and general

**Trees subject to tree preservation orders**

**38.**—(1) The undertaker may fell, lop or prune any tree within the Order limits subject to a tree preservation order which was made after 18th November 2014, or cut back its roots, if it reasonably believes it to be necessary in order to do so to prevent the tree or shrub from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development.

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

(a) 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; 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.

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