
STATUTORY INSTRUMENTS

2020 No. 1075

The Great Yarmouth Third River Crossing
Development Consent Order 2020

PART 7

MISCELLANEOUS AND GENERAL

Trees subject to tree preservation order or within conservation area

54.—(1) The undertaker may fell or lop any tree described in columns (1) and (2) of Schedule 12 (trees subject to tree preservation orders and within conservation areas), cut back its roots or undertake such other works described in column (3) of that Schedule, if it reasonably believes it to be necessary to do so to prevent the tree—

- (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 must not cause unnecessary damage to any tree and must pay compensation to any person for any loss or damage arising from such activity.

(3) Where works to a tree are authorised by paragraph (1) and a tree preservation order is in force in relation to that tree—

- (a) written consent for the works is deemed to have been granted by a local planning authority having functions under the order;
- (b) the duty imposed by section 206(1)^{M1} (replacement of trees) of the 1990 Act does not apply; and
- (c) for the purposes of section 9 (requirement of licence for felling) of the Forestry Act 1967^{M2}, any felling comprised in the works is deemed to be immediately required for the purpose of carrying out development authorised by planning permission granted under the 1990 Act.

(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

II Art. 54 in force at 15.10.2020, see [art. 1](#)

Marginal Citations

M1 [Section 206\(1\)](#) was amended by paragraph 11 of Schedule 8 to the 2008 Act.

Changes to legislation: There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020, Section 54. (See end of Document for details)

M2 1967 c. 10. Section 9 was amended by section 4 of, and paragraph 141) of Schedule 2 to, the [Planning \(Consequential Provisions\) Act 1990 \(c. 11\)](#) and S.I. 2013/755. There are other amendments to section 9 that are not relevant to this Order.

Changes to legislation:

There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020, Section 54.