
STATUTORY INSTRUMENTS

2023 No. 800

The Hornsea Four Offshore Wind Farm Order 2023

PART 7

MISCELLANEOUS AND GENERAL

Trees subject to tree preservation orders

37.—(1) The undertaker may fell or lop or cut back the roots of any tree within or overhanging land within the Order limits subject to a tree preservation order as specified on the tree preservation order and hedgerow plan, if it reasonably believes it to be necessary to do so in order to prevent the tree from obstructing or interfering with onshore site preparation works the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project.

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

- (a) the undertaker must do no unnecessary damage to any tree 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) (replacement of trees) of the 1990 Act 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, will be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

Commencement Information

II Art. 37 in force at 3.8.2023, see [art. 1](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Hornsea Four Offshore Wind Farm Order 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- [art. 37\(1\) comma inserted by S.I. 2024/117 Sch.](#)

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

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

- [Sch. 9 Pt. 3A para. 9\(4\) word substituted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 3A para. 3 words substituted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 3B para. 23\(3\) word omitted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 3B para. 23\(5\) word omitted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 3B para. 24\(2\) word omitted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 3B para. 25\(2\) word omitted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 3B para. 25\(3\) word omitted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 3B para. 25\(5\) word omitted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 3B para. 25\(6\) word omitted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 3B para. 25\(10\) word omitted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 3B para. 26\(2\) word omitted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 3B para. 26\(3\) word omitted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 3B para. 26\(4\) word omitted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 3B para. 26\(5\) word omitted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 4 para. 4\(1\)\(r\) word omitted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 4 para. 12\(5\) words substituted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 5 para. 1\(2\) full stop omitted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 7 para. 4\(2\)\(i\) semicolon inserted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 7 para. 4\(2\)\(j\) word inserted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 7 para. 4\(2\)\(o\) word inserted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 7 para. 4\(2\)\(p\) word inserted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 7 para. 4\(2\)\(p\) word substituted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 7 para. 4\(2\)\(q\) word substituted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 9 para. 8\(1\)\(a\) words substituted by S.I. 2024/117 Sch.](#)
- [Sch. 9 Pt. 10 para. 2\(a\) words substituted by S.I. 2024/117 Sch.](#)
- [Sch. 16 para. 10\(a\)\(v\)\(cc\) semicolon inserted by S.I. 2024/117 Sch.](#)
- [Preamble word substituted by S.I. 2024/117 Sch.](#)
- [art. 26\(5\) inserted by S.I. 2024/117 Sch.](#)