

Contact:
Legal Services
E-Mail: legalinfo@midsussex.gov.uk

Your Ref:
Our Ref: SN/004114

Date:
21 July 2022

The Owner/Occupier
The Welkin Property Company Ltd
Ground Floor
30 City Road
London
EC1Y 2AB

By Recorded Delivery

IMPORTANT- THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Tree Preservation) (England) Regulations 2012
Mid Sussex District (No. 4) - Tree Preservation Order 2022
Amenity land between Hickmans Lane and The Welkin, Lindfield

The above Order has been made by the Council regarding trees on land in which it is understood you have an interest.

In accordance with the provisions of Regulation 5(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, the Council are required to serve notice of the making of the Order on not only the owners and occupiers of the land on which the tree[s] are situated but also any other owners and occupiers of adjoining land.

I therefore enclose by way of service on you a copy of the Order and Notice containing the information required by Regulation 3 of the said Regulations.

The Order takes effect on the **21st July 2022**.

In order for the Council to comply fully with Regulation 5(1)(a), I would be grateful if you could complete the enclosed Requisition for Information form and return it in the attached prepaid envelope within **14 days**. I would like to draw your attention to the note attached to the Requisition for Information form in relation to any failure to comply with its requirements or the making of a false statement.

Should you require any further information please do not hesitate to contact the Tree Officer. She can be contacted on 01444 477445.

Yours faithfully,

Legal Services Department

Legal Services Department
Mid Sussex District Council

Enc.

Working together for a better Mid Sussex

Solicitor & Head of Regulatory Services

Town and Country Planning Act 1990

MID SUSSEX DISTRICT (NO.4)

TREE PRESERVATION ORDER 2022

The MID SUSSEX DISTRICT COUNCIL
in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990
hereby make the following Order:-

Citation

1. This Order may be cited as the Mid Sussex District (No.4) Tree Preservation Order 2022

Interpretation

2. (1) In this Order “the authority” means the Mid Sussex District Council
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order shall take effect provisionally on the **21st July 2022**.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exemptions in regulation 14, no person shall -

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order or comprised in a group of trees or in a woodland so specified, except with the written consent of the authority, in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree[s] identified in the first column of the Schedule by the letter “C”, being [a tree] [trees] to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when [that tree is planted] [those trees are planted].

Dated 21st July 2022.

(month and year)

The Common Seal of the MID SUSSEX DISTRICT COUNCIL
was hereunto affixed in the presence of -


AUTHORISED OFFICER



SCHEDULE
SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)
Description

Situation

Reference on Map

T1	Plane	Amenity land between Hickmans Lane and The Welkin, Lindfield
T2	Plane	Amenity land between Hickmans Lane and The Welkin, Lindfield

Trees specified by reference to an area
(within a dotted black line on the map)
Description

Situation

Reference on Map

None

Groups of Trees
(within a broken black line on the map)
Description

Situation

Reference on Map

None

Woodlands
(within a continuous black line on the map)
Description

Situation

Reference on Map

None

IMPORTANT - THIS NOTICE AFFECTS YOUR PROPERTY

MID SUSSEX DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012

Mid Sussex District (No.4) Tree Preservation Order 2022
Amenity land between Hickmans Lane and The Welkin, Lindfield

THIS IS A FORMAL NOTICE which is served on you because on the **(21st July 2022)** the Mid Sussex District Council ("the Council") made the above Tree Preservation Order in respect of land in which you appear to have an interest.

A copy of the Order is enclosed. It prohibits the cutting down, topping, lopping, uprooting of or wilful damage to, or wilful destruction of any of the trees specified in the Schedule and shown on the map contained within the Order, without the consent of the Council.

The Council's grounds for making the Order are as follows:-

The trees referred to in the Schedule to the Order, should be preserved because the trees are a highly prominent feature of the area and contribute to the green character of the vicinity.

The Order comes into effect provisionally on the **(21st July 2022)** and will continue in force until the expiration of six months beginning with the date on which the Order was made, or the date on which the Order is confirmed, whichever first occurs.

A certified copy of the Order and the Map referred to therein has been deposited at the offices of the Council at "Oaklands", Oaklands Road, Haywards Heath, and may be inspected there without charge between 9.00 a.m. and 4.00 p.m on Mondays to Fridays.

Objections or other representations with respect to any trees, groups of trees or woodlands specified in the Order may be made to the Council in accordance with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 which is set out below. They should be in writing and be sent to the Solicitor to the Council, Mid Sussex District Council, "Oaklands", Oaklands Road, Haywards Heath, West Sussex RH16 1SS, to be received by **(18th August 2022)**.

“6 (1) Subject to paragraph (2), objections and representations -

- (a) shall be made in writing and -
 - (i) delivered to the authority not later than the date specified by them under regulations 5(2)(c); or
 - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
- (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and
- (c) in the case of an objection, shall state the reasons for the objection.

- (2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.”

Dated: **21st July 2022**

"Oaklands", Oaklands Road,
Haywards Heath,
West Sussex RH16 1SS


Authorised Officer

MID SUSSEX DISTRICT COUNCIL

Mid Sussex District (No. 4) Tree Preservation Order 2022

To: The Owner/Occupier
The Welkin Property Company Ltd
Ground Floor
30 City Road
London
EC1Y 2AB

Date: 21 July 2022

Re: Amenity land between Hickmans Lane and The Welkin, Lindfield

Requisition for Information

TAKE NOTICE that, pursuant to the provisions of Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, the above, named authority hereby require you to state in writing the nature of your interest in the above land or premises.

You are also required to state in writing the name and address of any other person known to you as having an interest in the said land or premises, as freeholder, mortgagee, lessee or otherwise, or who receives rent for the land.

A form is attached hereto on which the information required may be given by means of your replies to the questions therein. No covering letter is necessary.

The purpose(s) for which such information is required is/are set out overleaf.

Information will only be used by Mid Sussex District Council and its employees in accordance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). Details of how Mid Sussex District Council complies with the Data Protection Act and GDPR can be found on the Council's website using the following link: www.midsussex.gov.uk/about-us/privacy-notice/

Signed 

(The Officer appointed for this purpose)

The information must be forwarded to the Solicitor & Head of Regulatory Services (the Officer appointed for this purpose) at the following address, within 14 days from the date of service of this Notice

Oaklands, Oaklands Road, Haywards Heath,
West Sussex RH16 1SS

This information is required by the Council with a view to performing their function of

Local Planning Authority

conferred on them by

Section 198 of the Town and Country Planning Act 1990.

NOTE

Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 provides as follows:-

(1) Where, with a view to performing a function conferred on a local authority by any enactment, the authority considers that it ought to have information connected with any land, the authority may serve on one or more of the following persons, namely:-

- (a) the occupier of the land; and
- (b) any person who has an interest in the land either as freeholder, mortgagee or lessee or who directly or indirectly receives rent for the land; and
- (c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it,

a notice specifying the land and the function and the enactment which confers the function and requiring the recipient of the notice to furnish to the authority, within a period specified in the notice (which shall not be less than fourteen days beginning with the day on which the notice is served), the nature of his interest in the land and the name and address of each person whom the recipient of the notice believes is the occupier of the land and of each person whom he believes is, as respects the land, such a person as is mentioned in the provisions of paragraphs (b) and (c) of this subsection.

(2) A person who:-

- (a) fails to comply with the requirements of a notice served on him in pursuance of the preceding subsection: or
- (b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the Standard Scale of fines (currently £5,000 subject to alteration by Order.)

MID SUSSEX DISTRICT COUNCIL
Mid Sussex District (No. 4) Tree Preservation Order 2022

Return of information required to be given under S. 16 of the Local Government (Miscellaneous Provisions) Act 1976.

From

Owner/Occupier
The Welkin Property Company Ltd
Ground Floor
30 City Road
London
EC1Y 2AB

(Signature)

in reply to Notice dated 21 July 2022

I hereby declare that the following information is correct to the best of my knowledge.

RE: Mid Sussex District (No. 4) Tree Preservation Order 2022

Amenity land between Hickmans Lane and The Welkin, Lindfield

(a) My interest in amenity land between Hickmans Lane and The Welkin, Lindfield is as	
(b) Name (in full) and address of occupier(s)	
(c) State whether premises held on weekly tenancy, Agreement or Lease, and term	
(d) Name (in full) and address of person(s) to whom rent is paid If he is Agent for another person state name (in full) and address of such person	
(e) Name (in full) and address of Freeholder(s)	
(f) Name (in full) and address of Leaseholder(s)	
(g) Name (in full) and address of any other person(s) having an interest in the premises State nature of such interest	

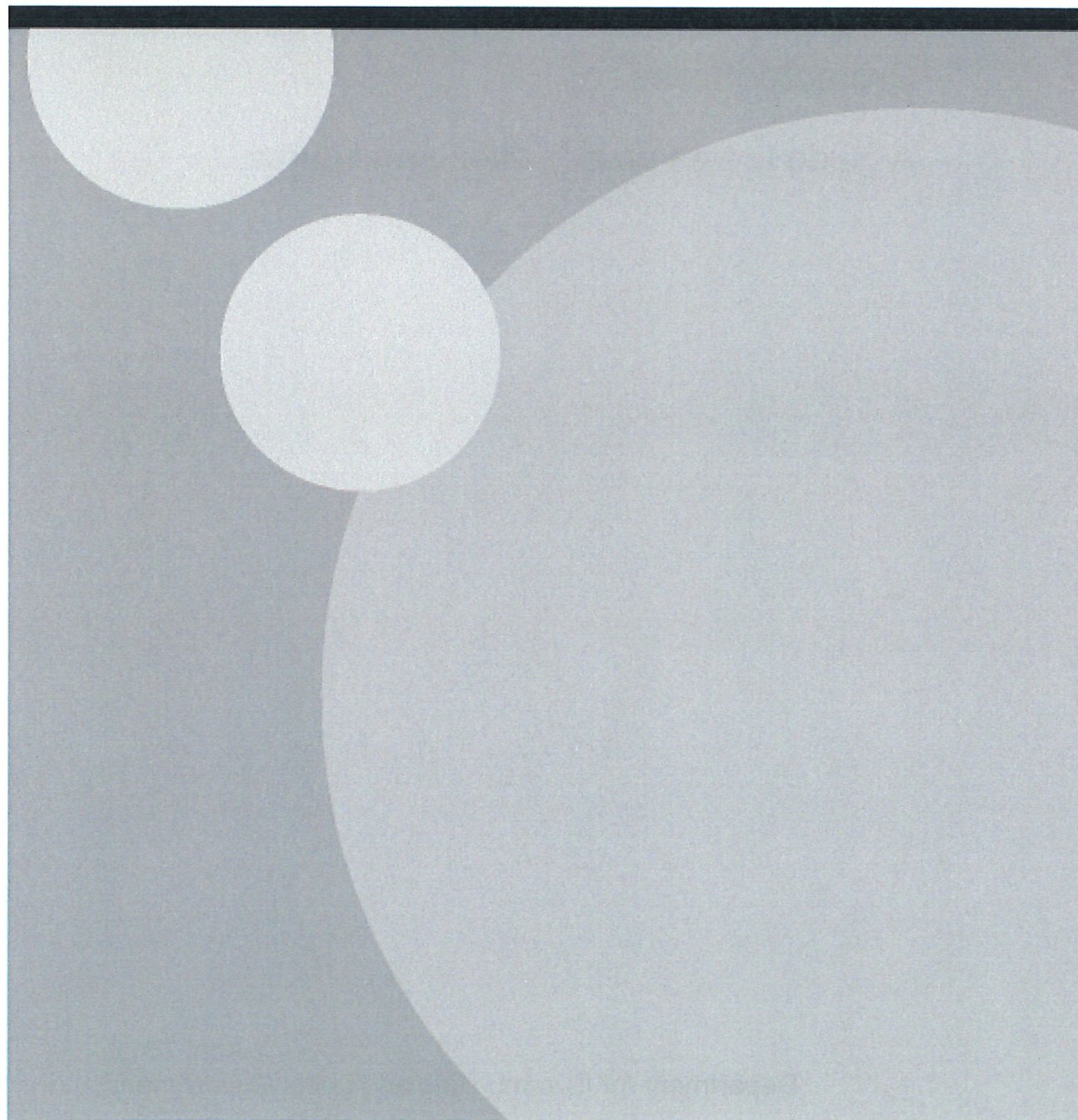
This form must be returned to the **Solicitor & Head of Regulatory Services** at the following address within 14 days from the date of service of the Notice.

Mid Sussex District Council, Oaklands, Oaklands Road,
Haywards Heath, West Sussex, RH16 1SS.



Protected trees

A guide to tree preservation procedures





Protected trees

A guide to tree preservation procedures

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This document/publication is also available on our website at www.communities.gov.uk

Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

April, 2012

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Protected trees:

A guide to tree preservation procedures

Introduction

This leaflet is written for tree owners, their neighbours and local community groups, and answers some of the most common questions about tree preservation procedures in England. It is for information only and you should consult a solicitor if you are unsure of your legal rights or obligations.

Please note that new tree preservation legislation came into force on 6 April 2012 which affects all existing and new tree preservation orders. This leaflet updates the leaflet published in 2010, which is now cancelled.

Questions and answers

1. What is a tree preservation order?

It is a written order made by a local planning authority (e.g. a borough, district or unitary council or a national park authority) which, in general, makes it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree protected by that order without the authority's permission.

2. What is the purpose of a tree preservation order?

To protect trees which bring significant amenity benefit to the local area. This protection is particularly important where trees are under threat.

3. What type and species of trees can a tree preservation order protect?

All types, but not hedges, bushes or shrubs. An order can protect anything from a single tree to all trees within a defined area or woodland. Any species can be protected, but no species is automatically protected by a tree preservation order.

4. How can I find out if a tree is protected by a tree preservation order?

Contact the local planning authority. Details of tree preservation orders will be available for inspection at its offices.

An official search of the local land charges register can also be made before you buy a property. This should reveal the existence of an order and whether a property is in a conservation area (see question 18). Make sure your legal adviser tells you if any trees are protected.

5. If I see work being carried out on a protected tree, how can I find out if the owner has permission?

Check with the local planning authority, which will have a register of applications and decisions that you can look at.

6. There are trees which I think should be protected by a tree preservation order. What can I do?

Contact the local planning authority, giving details of the trees and the reasons why you think the trees should be protected.

7. When does a tree preservation order come into effect?

Provisional protection comes into effect as soon as the local planning authority makes the order. The authority will then need to confirm the order to provide long-term protection.

8. How will I know when a local planning authority makes a tree preservation order?

The authority will write to those who may have a right to work on the tree, generally the tree owner and sometimes others, such as tenants and neighbours. Copies of new orders are also available for inspection at the planning authority's offices.

9. How can I object to or express support for a new tree preservation order?

Write to the local planning authority within the period it allows for comment (usually 28 days), identifying the tree or trees in question and giving your reasons.

The authority will take your comments into account when deciding whether or not to confirm the order. The authority can also modify an order when it confirms it, for example to exclude some of the trees.

10. Does the local planning authority become responsible for looking after protected trees?

No. Owners remain responsible for trees covered by tree preservation orders, their condition and any damage they may cause. But the authority's permission is usually required before any work is carried out to the trees (see questions 11-14).

The authority may be able to offer help and advice on how the trees should be managed.

11. What if I want to work on a tree covered by a tree preservation order?

Apart from special exceptions (see questions 13-15) you (or your agent) must seek permission from the local planning authority by submitting a standard application form to it. The form is available from the Planning Portal (www.planningportal.gov.uk) or the authority. It is important to clearly specify

the work you want done and provide information to support your case (such as professional advice on the health of the tree and, in cases of alleged subsidence, professional evidence on the soil, the structure affected and the tree).

Before making an application you may find it helpful to consult a tree surgeon or arboricultural consultant to help you clarify what you need to do. Information on selecting a tree expert can be found at www.tree-care.info/findanarb.

You may also find it helpful to refer to the local planning authority's website for information on tree protection in the local area.

12. Do I need a Forestry Commission felling licence to fell protected trees?

You do not need a licence to fell trees in gardens. However, for trees outside of gardens, you may need to apply to the Forestry Commission for a felling licence, whether or not they are covered by a tree preservation order.

You can find out more about felling licences from the Forestry Commission (see *Further information* at the end of this leaflet).

13. Do I always need the local planning authority's permission to work on a tree covered by a tree preservation order?

Yes, except for:

- 1) cutting down trees in accordance with one of the Forestry Commission's grant schemes, or where the Commission has granted a felling licence (see question 12);
- 2) cutting down or pruning a tree:
 - which presents an urgent and serious safety risk – however you must give written notice (by letter or email) of the proposed work to the local planning authority as soon as practicable after the work becomes necessary;
 - which is dead – however you must give at least five working days written notice (by letter or email) of the proposed work to the local planning authority;
 - which is directly in the way of development that is about to start for which detailed planning permission has been granted (see questions 20 and 21);
 - in a commercial orchard, or pruning fruit trees in accordance with good horticultural practice;
 - to prevent or control a legal nuisance (you may find it helpful to check first with a solicitor);
 - in line with an obligation under an Act of Parliament;

- by or at the request of certain organisations listed in the regulations (see Further information at the end of this leaflet).

3) removing dead branches from a living tree

If you are in any doubt about what needs permission, check with the local planning authority (see question 14).

14. What happens if I carry out work on a protected tree without permission?

If you deliberately destroy a protected tree, or damage it in a manner likely to destroy it, **you could be liable to an unlimited fine**. You could also be fined if you cause or permit such work. Other offences can lead to fines of up to £2,500.

15. When will I have to plant a replacement tree?

You will have to replant:

- 1) if you cut down or destroy a protected tree:
 - in breach of a tree preservation order, or
 - because the tree is dead or dangerous;
- 2) if the local planning authority gives you permission to cut down a protected tree but makes replanting a condition of its consent;
- 3) in most cases where the Forestry Commission grants a felling licence.

Local planning authorities have legal powers to ensure that you plant a replacement tree when required.

16. What if my application to carry out work under a tree preservation order is refused, or I object to the conditions imposed by the local planning authority?

You can appeal to the Secretary of State for Communities and Local Government in writing within 28 days of receiving the local planning authority's decision. The authority will give you the address. The Secretary of State may allow or dismiss the appeal, or vary the original decision.

Further information about tree preservation and tree replacement appeals is on the Planning Portal (www.planningportal.gov.uk).

17. Can I get compensation if my application to carry out work under a tree preservation order is refused or conditions are imposed?

In certain circumstances which are set out in the legislation (see Further information) you can seek compensation from the local planning authority for loss or damage which results from the authority refusing consent or granting consent with conditions. However, the legislation sets limitations and strict criteria that must be met. See question 11 regarding the need for adequate information to support your case.

Claims should be sent to the local planning authority within 12 months of its decision, or within 12 months of the Secretary of State's decision if you appealed.

18. How are trees protected in a conservation area?

Normal tree preservation order procedures apply if a tree in a conservation area is already protected by a tree preservation order. But if a tree in a conservation area is not covered by an order, you have to give written notice (by letter or email) of proposed work to the local planning authority, describing what you want to do, at least six weeks before the work starts. This gives the authority an opportunity to consider protecting the tree with a tree preservation order.

You do not need to give notice of work on a tree in a conservation area less than 7.5 centimetres in diameter, measured 1.5 metres above the ground (or 10 centimetres if thinning to help the growth of other trees).

The answer to question 14 also applies to trees in conservation areas, so if you are not sure about what you should do, check with the local planning authority.

19. How are trees on development sites affected?

They can be protected by a tree preservation order or by a condition attached to a planning permission, or both. A planning condition may also require trees to be planted, which may then be protected by a tree preservation order.

20. Can I stop planning permission being granted – or prevent approved development being carried out – by getting a tree preservation order imposed on trees on the site?

No. A tree preservation order does not prevent planning permission being granted. But a local planning authority will consider the risk to protected trees when deciding planning applications.

Once detailed planning permission is granted, felling that is directly required to enable the development to go ahead may be carried out.

21. Can I carry out work on protected trees which are in the way of proposed development?

You can only cut down or cut back protected trees if they are directly in the way of development which is about to start and for which detailed planning permission has been granted.

If you have outline planning permission or if the development does not require planning permission (a small home extension, for example) you must still apply to the local planning authority for permission under the tree preservation order in the normal way.

If you are in any doubt about what is required, check with the local planning authority (see question 14).

22. What happens to tree preservation orders made before 6 April 2012 under old procedures?

On 6 April 2012 the Town and Country Planning (Tree Preservation)(England) Regulations 2012 introduced a single set of procedures for all trees covered by tree preservation orders. Consequently:

- orders made before 6 April 2012 continue to protect the trees they cover and answers to earlier questions apply;
- the legal provisions listed in orders made before 6 April 2012 have been automatically cancelled and replaced by the provisions in the new regulations. Only the information necessary to give these orders legal effect and identify the trees they protect is retained;
- there is no need for existing orders to be remade, amended or reissued.

Further information

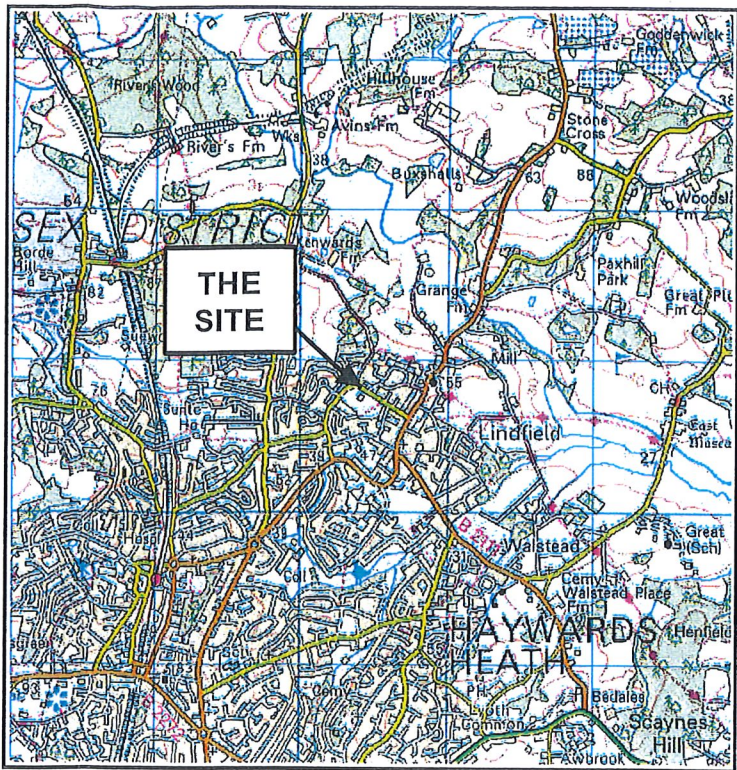
You can find out more about felling licences in the Forestry Commission's booklet *Tree Felling – getting permission* (www.forestry.gov.uk or telephone 0161 495 4845).

You can find out more about tree preservation orders in the Town and Country Planning (Tree Preservation) (England) Regulations 2012, which are available through www.legislation.gov.uk or TSO (telephone 0870 600 5522) and some public libraries.

You can also find more information about the tree preservation order and planning systems on the Planning Portal (www.planningportal.gov.uk).

You may also find it helpful to refer to the local planning authority's website for information on tree protection in the local area.

There is guidance on selecting a tree expert at www.tree-care.info/findanarb.

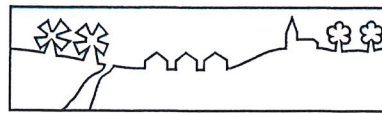


Location map

Not to scale

T1 Plane
T2 Plane

P. M.
AUTHORISED OFFICER
21211

 MID SUSSEX DISTRICT COUNCIL		MID SUSSEX DISTRICT NO.4 TREE PRESERVATION ORDER 2022	
Oaklands Oaklands Road, Haywards Heath West Sussex RH16 1SS		relating to Amenity land between Hickmans Lane and The Welkin Lindfield	
North : 	Scale : 1:1250	Date : July 2022	
Ref. : TP/22/0004		Grid Ref : 534462 : 125820	
Order plan as confirmed by Mid Sussex District Council on :			

