

Seymour Drive - Dartmouth Gateway Landscape, Woodland Grant Scheme MK3



The landscaped site north of Seymour Drive recorded by the Forestry Commission as a Woodland Grant MK3 Scheme called the Dartmouth Gateway

The December 2018 Tree Felling without a licence.





PLANNING REF: 0264/25/VAR

DESCRIPTION: Application for variation of condition 7 (landscaping scheme) of planning consent 15/1790/98/F

ADDRESS: Land to the north of Seymour Drive, Townstal, Dartmouth (SX 861 514).

24th April 2025

LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY

The South Hams Society interest

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

The South Hams Society **Objects** to this planning application request for variation of condition 7 (landscaping scheme) of planning consent 15/1790/98/F.

The Society refer the Case Officer to the original Case Officer Report for the DMC:

DATE: 10 February 1999

SOUTH HAMS DISTRICT COUNCIL

APPLICATIONS FOR CONSIDERATION BY COMMITTEE

Case Officer: D.R. Kenyon

Site: Area west of Townstal, Dartmouth

Application No: 15/1790/98/RM

Date Received: 20 November 1998

Agent: Midas Homes Ltd., Silverhills Road, NEWTON ABBOT, Devon.

Applicant: Midas Homes Ltd

Development: Construction of 28 dwellings,

Charity No 263985

Registered Address: 20 Highfield Drive, Kingsbridge, Devon TQ7 1JR
www.southhamssociety.org | www.facebook.com/SouthHamsSociety/

Case Officer Report:

'There is to be woodland planting on land to the north, south and west of the residential area, which will help assimilate the development into the overall landscape. Landscaping details have been submitted in consultation with the Council's Landscape and Forestry Officer and are considered to be acceptable. An open space area is to be provided to the north of the residential estate for use by the general public. The land comprising the woodland planting and open space is to be adopted and managed by the Council following payment of a commuted sum by the applicant's'.

The applicant is now making the following request to alter Condition 7:

APPLICATION PURSUANT TO S73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED): PLANNING PERMISSION REFERENCE 15/1790/98/F ("the Planning Permission.

Amendment to condition 7 of the Planning Permission

Land to the north of Seymour Drive, Townstal, Dartmouth (the "Site")

Local Planning Authority: South Hams District Council (the "LPA")

2.3 *The Application seeks the following amendment which is shown in tracked changes below:*

*"A landscaping scheme shall be carried out and ~~an area of open grassland provided on~~ the areas of land to the west of the residential estate hereby permitted (indicated as "B" on the approved drawing no. MH232/323A~~B~~) and to the north of the residential estate in accordance with the details shown on the approved drawing no ~~MH232/323A~~ **SYR LND 01 B**. All planting, ~~seeding or turfing~~ comprised in the approved landscaping scheme ~~and within the area of open grassland~~ shall be carried out and completed by the end of the first planting ~~and seeding~~ seasons following the completion of the residential development, **or as otherwise may be agreed in writing by the Local Planning Authority**. Any trees or plants which within a period of five years from the completion of the residential development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter."*

The Society emphasis in bold is to highlight that it was permissible to deviate from the approved landscaping scheme subject to agreement with the Local Planning Authority.

Consequently the Society refers to the following paragraphs in the applicant's statement made in support of their application under Section 73 of the Town and Country Planning Act for a variation to condition 7 of the Planning Permission:

6.7 Condition 7 is not enforceable in respect of the application Site. It is clear that the Council has no evidence of its own to prove that a "scheme" on the application Site was ever implemented.

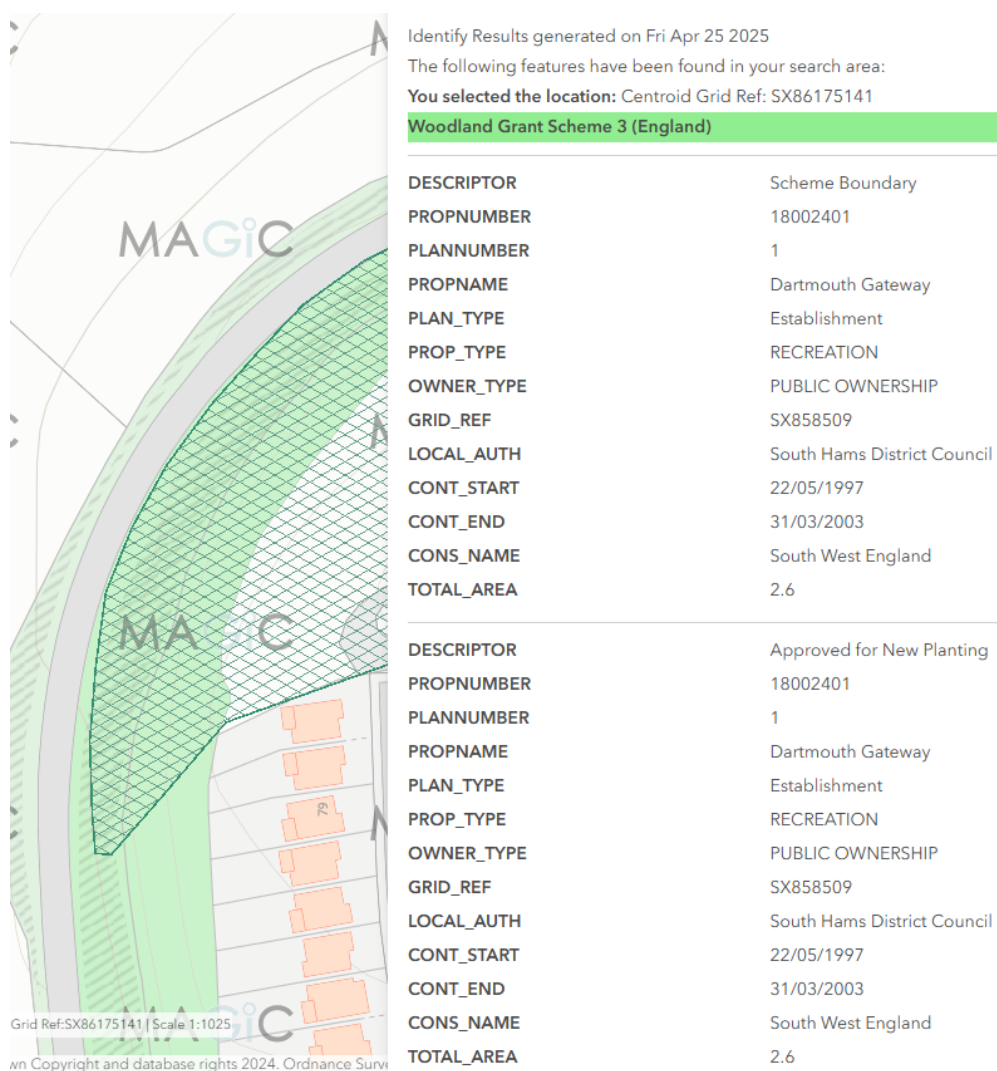
7. Conclusions.

7.1 Condition 7 as it relates to the application Site relates to a landscaping scheme which the Council has not been able to demonstrate has ever been implemented.

The Society do not agree with these statements 'that a "scheme" on the application Site was ever implemented' or 'that the Council has not been able to demonstrate has ever been implemented'.

Instead the Society would argue that records are to be found on various government body web sites records that confirm that the area was landscaped using available public funds at the time.

<https://magic.defra.gov.uk/MagicMap.html>



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As a result it is the Society's understanding is that the Local Planning Authority can grant this request unconditionally or **subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue.**

In addition the Society would argue that when viewing the images of the site on the front page of this letter, a much greater area of tree planting was completed than shown on plan MH232/323A and that the plans demonstrate the entire hill top was part of the WGS3 scheme.

And there is little doubt that this change was supported by the Local Planning Authority as the application was '*approved for new planting*'.

It is also highly relevant that Seymour Drive development is visually prominent in the surrounding landscape as you enter Dartmouth so the landscaping is of crucial importance to the setting and perhaps for this reason the scheme was given the appropriate name of, the Dartmouth Gateway.

The Society therefore find this plan unacceptable:



The plan does not reflect the WGS3 tree planting obligation created by taking public funds.

The Society consider that landscape should be restored to a condition that reflects the Dartmouth Gateway scheme with a new condition if necessary.

The South Hams Society respectfully requests that this application is refused.

For and on behalf of the South Hams Society.

Richard Howell,
Chairman

Anthony Mangnall M.P.



House of Commons

London

SW1A 0AA

Email: anthony.mangnall.mp@parliament.uk

Didi Alayli

AM/ns

15th July 2020

Chair

South Hams Society

Letter by email: southhamssociety@gmail.com

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Dear Ms Alayli,

Thank you for your email and please accept my apologies for the delay in responding, but in your last email to me you mentioned Seymour Drive and the unlicensed tree felling that occurred there.

I thought you might be interested to read the response that I received from the Forestry Commission: -

- The Crown Prosecution Service have decided that whilst the evidence illustrates that it appears an offence has been committed; it is not in the public interest to seek prosecution for this particular case.
- In light of this decision, the Forestry Commission will be using other enforcement powers available, by serving a Restocking Notice, which requires the individual(s) concerned to restock the land with trees by 30th June 2021.
- The Forestry Commission can serve a person responsible for the felling with a Restocking Notice, requiring them to restock the land with a defined number of trees by a certain date. The Notice also requires the trees to be protected and maintained for 10 years.

- The site will be inspected by a Forestry Commission Woodland Officer after the compliance date to assess if the Restocking Notice has been complied with.
- Failure to comply with a Restocking Notice may result in the Forestry Commission serving an Enforcement Notice, which provides the landowner a further 15 months to undertake the restocking.
- Failure to comply with the Enforcement Notice may constitute an offence under section 24(4) of the Forestry Act 1967, involving a summary conviction and a level 5 fine, which is currently unlimited in value.

It was extremely disappointing that the Crown Prosecution Service felt it was not in the public interest to prosecute.

Kind regards,

A handwritten signature in blue ink, reading "Anthony Mangnall". The signature is written in a cursive style with a large initial 'A'.

Anthony Mangnall MP