

Submission : PINS Ref. CROW/8/M/04/ 3453 North West of Warren Cottage,
South Cliffe

Case Officer : Dan O'Brien

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1 Introduction

This submission is made on behalf of the Ramblers' Association (RA) in the interests of those who wish to exercise the right to enter and remain on access land for the purposes of open air recreation as conferred by the Countryside and Rights of Way Act 2000 (CROW).

The submission seeks to prove that the site qualifies as 'heath' under the terms of the CROW Act and that the appeal is invalid.

2 Methodology

- 2.1 Botanical evidence :** the botanical evidence consists of an analysis of historical survey data which was supplemented by a site visit by specially trained volunteers.
- 2.2 Topographical evidence :** we have described the site as observed from the site visit and have submitted photographs to support our view that the area does qualify as 'open country'.
- 2.3 Previously submitted evidence :** much of the evidence referred to above was submitted to the Countryside Agency (CA) at the Draft Map stage. Where this is the case we have simply summarised the main points in this submission, as we understand that the CA will have sent copies of all such evidence to the inspector.

The inspector should have the following documents in relation to this appeal, under the heading

RA Ref no 57, South Cliffe Common (area A)

- 1 A submission form containing the text setting out the evidence for the inclusion of the site on the map.
- 2 A map identifying the site marked with references to the text.
- 3 An aerial photograph of the site.
- 4 A map showing the extent of such features as the Grassland Inventory, SSSI's and Countryside Stewardship Agreements where these apply to the site (taken from www.magic.gov.uk)

3 Comments on the Grounds of Appeal

We disagree with the appellant's grounds of appeal, which are:

3.1 Grounds 2 and 4

Ground 2 The vegetation on the site does not constitute MMHD as defined in MME.

Ground 4 Part is planted with trees

The vegetation of this site is typical of lowland heath. The SSSI citation describes the site as a mixture of heathland and acidic grassland. This was confirmed at a site visit in mid January 2005 when a mosaic of open acid grassland and ericaceous heath was visible together with scattered scrub. Areas of heather *Calluna vulgaris*, were seen and an area of trees was noted in the northern part of the site. Heather is listed as a key plant indicator species for heaths in the Inspectors' Handbook [1b].

The Inspectors' Handbook [1a] describes heathland mosaic as "an irregular, patchy mosaic of open heathland, acid grassland, mire, bracken and rough grazing land". This site complies with this description and also the one given in the Mapping Methodology for England [3] where heath is described as occurring usually in lowland areas on nutrient poor soils and characterised by natural ericaceous dwarf shrubs. Some of the typical vegetation types expected are heathers, scrub and unimproved grassland and may include areas of scattered or dense naturally regenerating trees, carr, sand or other bare ground, or a mosaic of these.

3.2 Ground 3 The site does not possess the characteristics of ‘open country’.

We believe the site can be described as open country and fits the description of ‘heath’ given in the CA’s Mapping Methodology (revised July 2002) which is as follows:

“In describing heath as being ‘of generally an open character’ we mean that, whilst individual land parcels might comprise enclosures of varying size, they will in combination form a landscape that provides open vistas (though sometimes these are interrupted by groups or blocks of trees or scrub)”.

We enclose photographic evidence which supports this opinion.

3.3 Summary

We think that, on the basis of the information we have provided previously [3] and the additional information provided here, this area qualifies as ‘heath’ because of its vegetation which is predominantly unimproved and its degree of openness.

3.4 Conclusion

We therefore conclude the Countryside Agency has correctly mapped the area as open country on the Provisional Map.

References

- [1] Inspectors’ Handbook, (a) Annexe 5.4.6.2, (b) Annexe 5.4.6.3.
- [2] Ramblers’ Association’s Comments on the Draft Map, Ref. no 57 area A, South Cliffe Common, November 2003.
- [3] Mapping Methodology for England, Countryside Agency.