

Submission : PINS Ref. CROW/8/M/04/ 3084 Cleaving Coombe

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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 'down' 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 site visits by a team of specially trained volunteers. The basis for this analysis is fully described in the document entitled "Habitat classification systems and data sets used". We have supplied Jenny Tynan at the PINS office with an electronic copy of this document and she has undertaken to produce and distribute copies to each inspector and all the parties to an appeal where we have submitted evidence.
- 2.2 Geological evidence :** we have cited the National Landscape Typology Definitive Attributes Survey (taken from www.magic.gov.uk) as geological proof of the calcareous nature of the underlying soil where it applies to the site being submitted.
- 2.3 Topographical evidence :** we have described the topography of the site as observed from the site visits wherever this was possible and in many cases have submitted photographs to support our view that the area does qualify as 'open country '. We have also cited countryside stewardship agreements and archaeological evidence where appropriate.

2.4 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 Map 2, Cleaving Coombe (areas A&B)

1 A submission form containing the text setting out the evidence for the inclusion of the site on the map.

2 A species list of grasses and herbs.

3 A map identifying the site marked with references to the text.

4 An aerial photograph of the site (note: the site boundary is shown incorrectly on this map, it should be moved approximately 100m in a SE direction).

5 A map showing the extent of such features as the Grassland Inventory 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 following grounds of appeal:

3.1 Grounds 1, 4 and 7

Ground 1 Cleaving Coombe.....has never been.....known as "down" land.

Ground 4 The landscape characteristics of Cleaving Coombe clearly do not fit with the definition of "down" land.

Ground 7 Cleaving Coombe is clearly not "down" land in any sense of the word and cannot be considered for designation as Open Country.

All these Grounds contest the inclusion on the Provisional Map because the area does not fit the description of 'down'.

The description of 'down' given in the Countryside Agency's (CA) Mapping Methodology (MME) (revised July 2002) [5] is as follows:

In describing down as being 'generally within an open landscape' we mean that, whilst individual parcels might comprise enclosures of varying size, they will be part of a typical chalk or limestone landscape, sometimes with open vistas across undulating countryside and sometimes comprising steep-sided scarp slopes and dry valleys with more limited views".

There are extensive views across the Vale of York from the site.

3.2 Ground 2 The definition of "down" includes (c) Unimproved Grassland which.....is a characteristic which does not apply to Cleaving Coombe.

Paragraph 68 of the MME describes 'down' as land comprising semi-natural grassland in areas of chalk or limestone geology.

The Phase II Habitat Survey [3] shows the area to be unimproved calcareous grassland supporting the National Vegetation Classification (NVC) community CG4 (see previous RA submission 2 for details). The Inspectors' Handbook [2a] states that this community is characteristic of unimproved calcareous grassland.

Among the species seen in the area during site visits in August 2003 and January 2005 were cowslip *Primula veris*, fairy flax *Linum catharticum* and tor grass *Brachypodium pinnatum*. These three species are listed as key plant indicator species for downland in the Inspectors' Handbook [2c]. In addition the calcicolous indicator species: field scabious *Knautia arvensis* lady's bedstraw *Galium verum*, burnet saxifrage *Pimpinella saxifrage*, greater knapweed *Centaurea scabiosa*, and sheep's fescue *Festuca ovina* were seen. The site visit in January 2005 confirmed that tor grass and sheep's fescue are still abundant in the area. Tor grass grows in infertile calcareous soils and indicates unimproved calcareous grassland.

3.3 Summary

The Agency's criteria for identifying Down include:

- (a) the equivalence of 'down' to 'unimproved calcareous grassland', which in the Yorkshire Wolds particularly is represented by the NVC communities CG2, CG3, CG4, CG5, CG7 and MG5 (where it occurs in mosaics with CG communities)
- (b) the recognition of the Yorkshire Wolds as being part of the English downland.

Some parts of the area are semi-improved, namely the flatter areas near the road and the dale bottom, however, on the basis of the information we have provided previously [4] and the additional information provided here we believe that the area qualifies as 'down' because of its vegetation, which is predominantly unimproved calcareous grassland, 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] British Plant Communities, Vol 3, J.S. Rodwell (Ed.) CUP, 1992.
- [2] Inspectors' Handbook, (a) Annexe 5.4.2, (b) Annexe 5.4.3, (c) Annexe 5.4.7.3.
- [3] A Survey of Chalk Grassland in Humberside and North Yorkshire, England Field Unit, Project 30, M J Wiggington (Coordinator), 1985.
- [4] Ramblers' Association's Comments on the Draft Map, Ref.2, Cleaving Coombe, October 2003.

[5] Mapping Methodology for England, Countryside Agency, (revised) July 2002.