

**Submission :** PINS Ref. CROW/8/M/04/ 3082 Sancton Hill Dale

**Case Officer :** Sylvia Young

**From :** Martin Biggs  
Area Access Officer  
East Yorkshire & Derwent Area of the  
Ramblers' Association  
Wynstow  
7 Caedmon Close  
York YO31 1HS  
  
Tel 01904 424072

**Date :** 5 January 2005

---

## **Contents**

- 1 Introduction**
- 2 Methodology**
- 3 Comments on the Grounds of Appeal**
- 4 Site Map and photographic views**

### **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. All the submissions were edited by Sonia Donaghy BSc or Tom Halstead BA, DPhil.
- 2.2 Geological evidence :** we have cited the National Landscape Typology Definitive Attributes Survey (taken from [www.magic.gov.uk](http://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 Ref no 43, Sancton Dale (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](http://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 1 and 2**

**Ground 1** The land does not consist of predominantly down land .....

**Ground 2** The land has been reseeded.....has had herbicides applied.....classify as semi-improved grassland and not downland.

At a visit to the site in December 2004 the area had the appearance of unimproved grassland with fescues *Festuca* spp abundant. The absence of public access makes it difficult to give a more detailed description of the vegetation on the site, however, a study of the aerial photograph taken in 2000 suggests that the area is predominantly unimproved.

#### **3.2 Ground 3** The land .....should not be classified as open land type.

The description of ‘down’ given in the Countryside Agency's (CA) Mapping Methodology (MME) (revised July 2002) [2] 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”.

The site complies with this description being in one of a number of steep-sided dales in this area of the southern Yorkshire Wolds. We enclose photographic evidence which supports this opinion.

### **3.3 Summary**

The Agency’s criteria for identifying Down include:

- (a) the equivalence of ‘down’ to ‘unimproved calcareous grassland
- (b) the recognition of the Yorkshire Wolds as being part of the English downland.

We think, on the basis of the information we have provided previously [1] and the additional information provided here this area qualifies as ‘down’ as a result 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] Ramblers’ Association’s Comments on the Draft Map, Ref. no 43, area A, Sancton Dale, November 2003.
- [2] Mapping Methodology for England, Countryside Agency, (revised) July 2002.