

**Submission :** PINS Ref. CROW/8/M/04/ 3166 Sancton Dale north of reservoir

**Case Officer :** Paul Eland

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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](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 Map 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 species list of grasses and herbs indicating the nature of the grassland\*
- 3 A map identifying the site marked with references to the text.
- 4 An aerial photograph of the site.
- 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](http://www.magic.gov.uk))

**3 Comments on the Grounds of Appeal**

We disagree with the appellant’s following ground of appeal, which is:

**3.1 Ground 1 The site is.....predominantly covered in shrubs and trees(woodland).....**

The Phase II Habitat Survey carried out in this area of Sancton Dale recorded three calcicolous indicator species: rough hawkbit *Leontodon hispidus*, cowslip *Primula veris* and bulbous buttercup *Ranunculus bulbosus* in addition to the calcareous grasses: downy oat-grass *Helictotrichon pubescens*, quaking grass *Briza media*, sheep’s fescue *Festuca ovina* and yellow oat-grass *Trisetum flavescens*. Further details are in the RA submission after the Draft Map was published [2]. All these species are indicative of unimproved calcareous grassland.

Although there are abundant shrubs, mainly hawthorn *Crataegus monogyna* on the site, there are also areas of unimproved grassland.

### **3.2 General Character**

We think the general character of the site complies precisely with the description of the open nature of down given in the MME (2002, paragraph 68, footnote10) and we enclose photographic evidence which supports this view.

### **3.3 Summary**

The Countryside 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 [2] and the additional information provided here that this area qualifies as 'down' as a result of its vegetation, which is predominantly unimproved calcareous grassland.

### **3.3 Conclusion**

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

### **References**

- [1] A Survey of Chalk Grassland in Humberside and North Yorkshire, England Field Unit, Project 30, M J Wiggington (Coordinator),1985.
- [2] Ramblers' Association's Comments on the Draft Map, Ref.no 43, area A, Sancton Dale, November 2003.
- [3] Mapping Methodology for England, Countryside Agency, (revised) July 2002.