

**Submission :** PINS Ref. CROW/8/M/04/ 3486 Goodmanham Dale  
South East of Spring Road

**Case Officer :** Paul Eland

**From :** Martin Biggs  
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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 the 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 the calcareous nature of the underlying soil where it applies to the site being submitted.

**2.1 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

**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 6, Goodmanham Dale Bank (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.

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 grounds of appeal, which are:

**3.1 Grounds 1 and 2**

**Ground 1** The land does not consist wholly or predominantly of mountain, moor, heath or down because the vegetation is predominantly agriculturally improved and semi-improved grassland.

**Ground 2** We have commissioned a vegetation site survey.....This survey indicated that the mapped land.....is predominantly improved or semi-improved grassland.....Improved and semi-improved grassland is specifically excluded as a vegetation type representing open country in the CROW Mapping Methodology.....

This site is mostly on a steep NW-facing slope with a small area extending in a SE direction in the southern part of the site. During a site visit in early January 2005 the vegetation on the steep slope was dominated by tor grass *Brachypodium pinnatum* with occasional hawthorn *Crataegus monogyna* bushes. Tor grass is listed as one of the key plant indicator species for downland in the Inspectors' Handbook [1c]. Also, tor grass is found in unimproved grassland on infertile calcareous soils.

There is a less steep area adjacent to the road at the eastern end of the site which appeared to be semi-improved but overall the whole site appears to be predominantly unimproved grassland.

We note that the appellant intends to submit a vegetation survey at a later stage. The appeal timetable does not permit us to view this evidence prior to the deadline for presenting this submission. We therefore wish to give notice that we would hope to have the opportunity to comment on this survey at the hearing.

### **3.2 Ground 4 The land does not fall within the definition of being ‘generally within an open landscape’.....**

The description of ‘down’ given in the CA’s Mapping Methodology (revised July 2002) is as follows:

“In describing down as being ‘generally within an open landscape’ we mean that, whilst individual land parcels might comprise enclosures of varying size, they will be part of a typical chalk or limestone landscape, sometimes with 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 part of a dale which has some steep slopes which are typical of dales in the southern Yorkshire Wolds. We enclose photographic evidence to support 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

On the basis of the information we have provided previously [2] and the additional information provided here we believe that 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 conclude the Countryside Agency has correctly mapped the area as open country on the Provisional Map.

### **References**

- [1] Inspectors’ Handbook, (a) Annexe 5.4.2, (b) Annexe 5.4.3, (c) Annexe 5.4.7.3.
- [2] Ramblers’ Association’s Comments on the Draft Map, Ref.6, area A Goodmanham Dale Bank, October 2003.
- [3] Mapping Methodology for England, Countryside Agency, (revised) July 2002.