

**Submission :** PINS Ref. CROW/8/M/04/ 3454 The Rush

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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 was collected by specially trained volunteers during a site visit of limited duration.
- 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 visit.

## **3 Description of the Site**

This linear site, which is called The Rush on the 1:25000 Ordnance Survey map, is on a steep slope with a south-westerly aspect. The lower break of slope is at about 20m above mean sea level rising to 45m at the top. The site is approximately 100-120m wide. The Rush is one of a series of fields on a band of Lower Jurassic oolitic limestone which extends in a north-south direction from just north of North Cliffe to Hotham Hill in the south.

## **4 Comments on the Grounds of Appeal**

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

### **4.1 Ground 1 The vegetation on the site does not meet the description of MMHD in MME**

The vegetation of this site is predominantly unimproved calcareous grassland (see details in paragraph 4.2 below). The Countryside Agency (CA) identifies unimproved calcareous grassland as 'down'.

### **4.2 Ground 2 It is predominantly improved and semi-improved grassland**

At a visit to the site in early January 2005 the calcareous indicator species, cowslips *Primula veris*, bulbous buttercup *Ranunculus bulbosus* and glaucous sedge *Carex flacca* were seen. There was abundant fescue grass *Festuca* spp including sheep's fescue *Festuca ovina* which is a grass typical of unimproved calcareous grassland. The area appeared to be rough grazing with scattered hawthorn trees and scrub. There were numerous anthills on the site, a further indicator that this area is unimproved.

### **4.3 Ground 3 The site does not possess the general characteristics of 'open country'.**

There are extensive views across the southern Vale of York, towards the east and to the south from this site. This small escarpment on which the Rush is situated is the most easterly boundary of the southern Yorkshire Wolds. 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 open vistas across undulating countryside and sometimes comprising steep-sided 'scarp' slopes and dry valleys with more limited views".

We consider the site complies precisely with this description. We enclose photographic evidence which supports this opinion

### **4.4 Summary**

The CA'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 above information we believe that The Rush qualifies as 'down' because its vegetation is predominantly unimproved calcareous grassland, and it can be described as open country.

### **4.5 Conclusion**

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

## **Reference**

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