

**Submission:** PINS Ref. CROW/6/M/04/ 3494 Oxlands Dale

**Case Officer:** Sylvia Young

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## **4Introduction**

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.

## **5Methodology**

**5.1Botanical** 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 PINS office with an electronic copy of this document and they have 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 and Tom Halstead BA DPhil.

**5.2Geological** evidence: we have cited the National Landscape Typology Definitive Attributes Survey (Magic 2004) as geological proof of the calcareous nature of the underlying soil where it applies to the site being submitted whenever this was possible

**5.3Topographical** evidence: we have described the topography of the site as observed from the site visits and in many cases have submitted photographs to support our view that the area does qualify as 'open country'.

**5.4 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 40 Cow Dale, Areas C & E”.

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

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

5.4.3 An aerial photograph of the site taken during the summer of 2000..

## **6Comments on the Ground of Appeal**

**Ground: “...the land must consist wholly or predominantly of MMHD, and we feel that the enclosed nature of this land belies this description.”**

6.1 We note that the appellant has not appealed on the ground that the vegetation cover does not qualify as unimproved grassland.

6.2 We disagree with the appellant’s ground of appeal, and consider that the land predominantly comprises semi\_natural grassland in an area of chalk geology within an open landscape

## **General Character**

6.3 The appeal site (see Fig.1) is part of system of valleys east of the village of Huggate. It forms an integral part of a larger area of land, including Cow Dale, White Hill, Rabbit Dale and Shortlands Dale, which does consists wholly or predominantly of MMHD (in this case down) (AIH 2004, 5.4 DG5.13).

6.4 The site’s steep valley slope topography (see Fig. 2) is typical of the Yorkshire Wolds’ chalk landscape and extensive views are available from the upper parts of the site across undulating countryside and along the valleys. We think that this complies precisely with the description of the open character of down given in MME (2002, paragraph 68, footnote 10).

6.5 The aerial photograph (Fig.3) shows that the appearance of the site is similar to that of other valleys in the Yorkshire Wolds which do consist wholly or predominantly of MMHD.

## **7Overall Conclusion**

**Our overall conclusion is that the appeal site qualifies as down by virtue of both its vegetation and its general character, and was therefore correctly mapped as open country on the Provisional Map.**

## **References**

AIH, *Access Inspectors’ Handbook*, 2004.

Magic Project, DEFRA, website [www.magic.gov.uk](http://www.magic.gov.uk).

MME, *Mapping Methodology for England*, Countryside Agency, 2002.

Wiggington, M J, *A Survey of Chalk Grassland in Humberside and North Yorkshire*, England Field Unit, Project 30 1985.