

**Third Party  
Submission :**

**PINS Ref. CROW/5/M/04/ 2238** 1 Vessey Dale field 0174  
2 Thixendale field 6431  
3 Water Dale field 3054  
4 Thixendale field 3058  
5 Long Dale field 7643

**RA Ref.** 1 16K Raisthorpe Dale  
2 19K Milham Dale  
3 18 FG Water Dale : east  
4 21 F Thixendale : north  
5 20 A Long Dale

**Case Officer :** Lianne Short

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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 Annexe A.

"Description of the habitat classification systems and data sets used. All the

submissions were edited by Sonia Donaghy BSc. and Dr 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.

**2.1 Topographical 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’. 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.

### 3 Comments on the Appeal

We disagree with the appellants’ grounds of appeal and make the following comments.

**Ground 1** Improvement, consisting of

- (a) **Fertilization** in particular dales, although detailed information is only provided for four of the five, the one not covered being No 4. The chronology given, whilst somewhat incomplete, suggests that such fertilization stopped in the early 1990s.
- (b) **Seeding** in the late 1970s in dale No 2.
- (c) **Bush clearance** in dales 3 & 4, the chronology of which is unclear.

We do not consider that (a) or (b) would continue to have much effect, and would expect the land to have reverted to unimproved calcareous grassland. We believe (c) would tend to increase species diversity and so encourage reversion to an unimproved condition. These views are supported by the detailed botanical evidence, including recent site visits, which we submitted at the draft map stage (the references are given at the beginning of this submission). This includes a Nature Conservation Survey of the northern part of area 3 in July 1999. With the exception of dale 2, all are subject to Countryside Stewardship Agreements (chalk and limestone), and dales 1,4 and 5 are or include SSSIs.

## **Ground 2 Grazing of the sites by horses and sheep**

This does not constitute a valid ground of appeal in itself, it would only do so if the result of such grazing was to reduce the variety of species significantly. We do not consider this to be the situation on the appeal sites. Indeed, English Nature recommends grazing as a management method for calcareous grassland in SSSIs.

## **Ground 3 The training of race horses**

This does not constitute a valid reason for removing land from the map as there are specific provisions in the CROW Act for restricting public access to allow access land to be used for this purpose.

## **Open country**

The description of ‘down’ given in the Countryside Agency’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”.

All the appeal sites comply with this description and are steep sided valleys typical of the Yorkshire Wolds. The photographs we have submitted clearly show the open nature of the land.

## **Conclusion**

We therefore conclude the Countryside Agency has correctly mapped the area as open country on the provisional map and that the evidence we have submitted, including that provided previously, is sufficiently cogent for the appeal to be dismissed.