

1Third Party Submission: PINS Ref. CROW/5/M/04/ 2481 Bradeham Dale

RA Ref. 22 area D Thixendale: South

Case Officer: Garry Thompson

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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, 'Habitat classification systems and data sets used'. All the submissions were edited by Sonia Donaghy BSc and Tom Halstead BA DPhil.

2.2 Geological evidence: we have cited the National Landscape Typology Definitive Attributes Survey (taken from 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 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 Grounds of Appeal

We disagree with the appellant's grounds of appeal and make the following comments:

3.1 Ground 1: '...the vegetation cover indicates that less than 50% of the area can be classified as down'

3.1.1 Bradeham Dale is part of the Thixen Dale and Long Dale SSSI. The SSSI citation describes the complex of valleys south of Thixendale village as providing 'characteristic examples of a range of chalk grassland types found on the Yorkshire Wolds', and it states that 'Bradeham Dale [is] similar in character to Long Dale, with its strongly calcareous south/southeast facing slopes supporting a tor grass-fescue mosaic'.

3.1.2 The Phase II habitat survey for Bradeham Dale [1,2] lists, for the east-facing slope, 40 herbs, including 13 calcareous grassland indicators, and 12 grasses. The most abundant grasses were *Festuca rubra*, *Briza media* and *Koeleria macrantha*. For the west-facing slope, 35 herbs, including 15 calcareous grassland indicators, and 15 grasses were listed and the most abundant grass was *F. rubra* with *Brachypodium pinnatum* equally abundant at the northern end. The site was considered to be 'of highest botanical value overall' [1a]. In his walk-over inspection in January 2004, Dr McLellan recorded as the dominant species on the dale slopes *B. pinnatum*, which occurs only in CG2, CG3 and CG4 communities in the Yorkshire Wolds [3] and is a 'key plant indicator species for downland in England'[4]. He explains the abundance of *B. pinnatum* to fertilizer run-off, whereas an alternative explanation given in the SSSI citation is that it is due to a low level of grazing. The SSSI citation refers to '....strongly calcareous southeast facing slopes supporting a tor grass-fescue mosaic' and describes the 'tor grass *B. pinnatum*-dominated turf' as being 'lightly grazed'.

3.1.3 We think that Dr McLellan provides no convincing evidence to support his conclusion that, during the past 20 years, the vegetation of this dale has changed from being of the highest botanical value to semi-improved.

3.2 Ground 2: 'the land parcel is not an open character, being a steep sided area surrounded by arable land.'

3.2.1 The description of down given in MME [5] 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 think that the visual appearance of this site (Fig. 1c) is consistent with this description. Further support for this assertion is to be found on the entry for the Yorkshire Wolds on English

Nature's website, which states 'the major concentrations of chalk grasslands are in the karst valleys...around Thixendale.'

3.2.2 The fact that the dale is surrounded by arable land is irrelevant. The site is a contiguous part of an extensive complex of dry, calcareous grassland valleys

4 **Summary:** The Agency's criteria for identifying Down include (a) the equivalence of 'down' to 'unimproved calcareous grassland', which in the Yorkshire Wolds particularly is represented by the NVC communities CG2, CG3, CG4, CG5, CG7 and MG5 (where it occurs in mosaics with CG communities), and (b) the recognition of the Yorkshire Wolds as part of the English downland [4]. We think that, on the basis of the information we have provided previously [2] and the additional information provided by us and Dr McLellan, this whole area qualifies as down as a result of its vegetation, which is predominantly unimproved calcareous grassland, and its degree of openness.

We also note that there is an earthwork at the northwest corner of the site (Fig.1a and 1b).

References

- [1] A Survey of Chalk Grassland in Humberside and North Yorkshire, England Field Unit, Project 30, M J Wiggington (coord.),1985. (a) Section 7: Site Assessment.
- [2] Ramblers' Association's comments on the draft map, Map 22, areas C&D, Thixendale: South, June 2003.
- [3] British Plant Communities, Vol 3, J.S. Rodwell (ed.), CUP, 1992.
- [4] Inspectors' Handbook, Annexe 5.4.7.3.
- [5] Mapping Methodology for England, Countryside Agency, (revised) July 2002.