

**1Third Party Submission: PINS Ref. CROW/5/M/04/ 2482 Worm Dale**

**RA Ref. 22 area E Thixendale: South**

**Case Officer: Ed Diment**

**From: Martin Biggs  
Area Access Officer  
East Yorkshire & Derwent Area of the  
Ramblers' Association Wynstow  
7 Caedmon Close  
York YO31 1HS  
Tel 01904 42407**

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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](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 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 Worm Dale is part of the Thixen Dale and Long Dale SSSI. The 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 'Worm 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 Worm Dale [1,2] lists, for the whole dale, 41 herbs, including 15 calcareous grassland indicator species, and 19 grasses. The most abundant grasses were *Festuca rubra*, *Festuca ovina*, *Brachypodium pinnatum*, *Briza media* and *Koeleria macrantha*. The south-facing slope was particularly herb rich (a mosaic of CG2 and CG4) and the characteristic chalkland species included: *Helianthemum nummularium*, *Sanguisorba minor*, *Thymus praecox*, *Scabiosa columbaria*, *Leontodon hispidus* and *Pimpinella saxifraga*. 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]. The herbs may have been difficult to recognize in January.

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 Dr McLellan's description and the visual appearance of this site (Fig. 1c) is consistent with the MME definition of down. 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. 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.

## 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.