

Submission : PINS Ref. CROW/8/M/04/ 3493 East of Pefham Plantation

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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 the document entitled "Habitat classification systems and data sets used". We have supplied Jenny Tynan at the PINS office with an electronic copy of this document and she has undertaken to produce and distribute copies to each inspector and all the parties to an appeal where we have submitted evidence.
- 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 wherever this was possible 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.

The inspector should have the following documents in relation to this appeal, under the heading

RA Map 8 Brubberdale (area K and part of N)

- 1 A submission form containing the text setting out the evidence for the inclusion of the site on the map.
- 2 A species list of grasses and herbs.
- 3 A map identifying the site marked with references to the text.
- 4 An aerial photograph of the site.
- 5 A map showing the extent of such features as the Grassland Inventory and Countryside Stewardship Agreements where these apply to the site (taken from www.magic.gov.uk)

3 Comments on the Grounds of Appeal

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

3.1 Ground 1

The site consists predominantly of improved or semi-improved grassland

The Phase II Habitat Survey [3] shows the area to be unimproved calcareous grassland supporting the National Vegetation Classification (NVC) community CG2 (see previous RA submission 8 for details). The Inspectors' Handbook [2a] states that this community is characteristic of unimproved calcareous grassland. The Phase II Habitat Survey records 19 grasses and 48 herbs, of which 19 are calcicolous indicator species. Four species listed as key plant indicator species for downland in the Inspectors' Handbook: small scabious *Scabiosa columbaria*, fairy flax *Linum catharticum*, salad burnet *Sanguisorba minor* and devil's-bit scabious *Succisa pratensis* are recorded. Sheep's fescue *Festuca ovina* is abundant and additionally meadow oat-grass *Helictotrichon pratensis*, tor grass *Brachypodium pinnatum*, quaking grass *Briza media*, crested hair-grass *Koeleria macrantha* and glaucous sedge *Carex flacca* are recorded. These species are all characteristic of unimproved calcareous grassland.

The list of plants produced by Jonathan Holmes and submitted with the appeal, also lists species which would indicate that there are areas of unimproved calcareous grassland. Mr Holmes lists tor grass, bellflower, and knapweed. He comments that there is widespread tor grass on the site and also scattered blackthorn which is 'fairly indicative of a down land site'. Tor grass is found on infertile calcareous soils and has spread due to a reduction in grazing pressure.

The Countryside Agency (CA) identifies unimproved calcareous grassland as 'down' and therefore we believe that the above information indicates that the site should be classified as 'down'.

3.2 Ground 2

The site has an ecological interest because it is the home of several types of butterflies.

The presence of the Small Tortoiseshell *Aglais urticae*, Small Heath *Coenonympha pamphilus* and Common Blue *Polyommatus icarus* butterflies is not unusual, they are all commonly found in the Yorkshire Wolds dales. The common blue and small heath were particularly plentiful during the summer of 2004. It is thought to be unlikely that open access would have an adverse effect on their numbers.

3.3 The open character of the site

We have enclosed photographic evidence to support our view that the site has the general characteristics of ‘open country’ as stated in MME 2002, paragraph 68, footnote 10.

3.4 Summary.

The CA’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).
- (b) the recognition of the Yorkshire Wolds as being part of the English downland.

On the basis of the information we have provided previously [4], the additional information we have provided and the details given by Mr Holmes, we believe this area qualifies as ‘down’ because the vegetation is predominantly unimproved calcareous grassland.

3.5 Conclusion

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

References

- [1] British Plant Communities, Vol 3, J.S. Rodwell (Ed.) CUP, 1992.
- [2] Inspectors’ Handbook, (a) Annexe 5.4.2, (b) Annexe 5.4.3, (c) Annexe 5.4.7.3.
- [3] A Survey of Chalk Grassland in Humberside and North Yorkshire, England Field Unit, Project 30, M J Wiggington (Coordinator), 1985.
- [4] Ramblers’ Association’s Comments on the Draft Map, Ref.8, areas K & N, Brubberdale, October 2003.
- [5] Mapping Methodology for England, Countryside Agency, (revised) July 2002.