

Submission: PINS Ref. CROW/6/M/04/ 3419 Cow Dale

Case Officer: Paul Eland

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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.

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 15: Greenland Slack: area B”.

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.

5.4.4 A map showing the extent of land subject to Countryside Stewardship Agreements, taken from the Magic website (Magic).

6 Comments on the Ground of Appeal

Ground: “The site is predominantly semi-improved grassland. The vegetation is not consistent with MMHD. The site does not have the general characteristics of open country”

6.1 We disagree with the appellant’s ground of appeal, and consider that the land predominantly comprises semi_natural (unimproved) grassland in an area of chalk geology within an open landscape.

General Character

6.2 The appeal sites (see Fig.1) is the northern limb of the complex of valleys east of the village of Sledmere. These dales are of both geological and biological interest comprising a fine system of deeply incised dry valleys in the chalk karst of the Yorkshire Wolds.

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

Vegetation cover

6.4 The appellant’s view is that none of the site’s cover is qualifying cover for down. We consider the grassland on the site is more correctly classified as unimproved (predominantly calcareous) grassland.

6.5 The aerial photograph (Fig.3), indicates that there is scattered scrub in some parts of the area. The appearance of the valley is similar in appearance to other areas in the

Yorkshire Wolds that do consist wholly or predominantly of down, providing additional evidence that the vegetation cover is probably predominantly unimproved calcareous grassland. Furthermore, the photograph suggests that there has been no significant agricultural improvement.

6.6 The appeal site forms part of a much larger area of land which consists wholly or predominantly of MMHD (in this case down).

6.7 As in other valleys that do consist predominantly of down, the valley bottom is (Fig. 2) by a grassy track and the cover is probably more neutral grassland. The Access Inspectors' Handbook, however, states that "down" is not exclusively made up of calcareous grassland." (AIH 2004, Annexe 5.4.7.1 supplementary note 3) and also that "For the purposes of mapping land as "down", the important issue is to have sufficient evidence to be able to distinguish the difference between semi-improved grassland and unimproved calcareous/neutral/acid grasslands on a chalk or limestone geology."

6.8 The site is part of a Countryside Stewardship (Chalk and Limestone, 2002) agreement (see Fig.4). This suggests that the cover is likely to be more akin to unimproved than improved calcareous grassland, because the specific objectives for these agreements include: conserve grassland and archaeological sites by adjusting grazing or scrub control; return cultivated areas to downland, especially where linked to existing grassland or to protect archaeology; create new access to open downland (Short 1999).

6.9 We therefore consider that the cover is correctly classified as predominantly unimproved grassland.

7 Overall 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.

Short, C, DEFRA Topic Report on Calcareous Grassland Agreements, June 1999.

Magic Project, DEFRA, website www.magic.gov.uk.

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

