

Submission: PINS Ref. CROW/6/M/04/ 3460 Elvin Lear

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Date : 3 January 2005

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4 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.

5 Methodology

5.1 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 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.

5.2 Geological 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

5.3 **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’.

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 Map14 Cottam Well Dale, Cowlam Well Dale & Phillip’s Slack: areas A, B & C”.

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 A list of grasses and indicator species used to classify the grassland, taken from the Phase II Habitat survey (Wiggington 1985).

5.4.4 An aerial photograph of the site taken during the summer of 2000.

5.4.5 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

“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 site (see Fig.1) is part of the complex of valleys lying to the 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 The site is an SSSI (1985) (Fig.3). The citation describes it as “a chalk grassland site lying on the eastern side of a dry valley with mainly westerly and north_westerly aspects. The site contains both grazed and ungrazed sections, with varying amounts of scrub invasions.”

6.4 The site’s steep valley slope topography (Fig. 6) is typical of the Yorkshire Wolds’

chalk landscape and extensive views are available from the site across undulating countryside and along the dale (Fig.7). 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

6.5The 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, based on Phase II habitat survey data (Wigginton 1985). The underlying geology is chalk

6.6The valley is mapped in the grassland inventory (Magic 2004) (see Fig.2), which indicates that it was surveyed as part of the Survey of Chalk Grassland in Humberside and North Yorkshire (Wigginton 1985). The Phase II Habitat survey recorded recorded 14 grasses and 47 other herbs, of which 22 were calcicolous indicator species.. Based on the data from quadrats (Fig.2), the composition of the swards corresponded to the NVC CG2d and CG4a/b sub_communities (Rodwell 1992): the AIH (2004, Annexe 5.4.2) states that these communities are characteristic of unimproved calcareous grassland.

6.717 grasses and 56 other herbs, of which 21 were calcicolous indicator species. Sheep's fescue *Festuca ovina* was abundant and tor_grass *Brachypodium pinnatum*, quaking grass *Briza media* and crested hair_grass *Koeleria macrantha* were also recorded. Of the characteristic calcicolous indicator species used in the survey, glaucous sedge *Carex flacca* and rough hawkbit *Leontodon hispidus* were plentiful, with rock rose *Helianthemum nummularium*, autumn gentian *Gentianella amarella*, salad burnet *Sanguisorba minor*, wild thyme *Thymus praecox*, saw_wort *Serratula tinctoria* and lady's bedstraw *Galium verum*, sparse.

6.8In the "Guidance Notes for MMHD" (AIH 2004, Annexe 5.4) section 7.3 tabulates the "Key Plant Indicator Species for Downland in England". Of the 20 species listed, only 11 were reported for the whole of the Yorkshire Wolds in the Phase II habitat survey (these form a subset of the indicator species used in that survey) (Wigginton 1985, section 6.4.3). Every one of these was found in the appeal site by the Phase II habitat surveyors: *Anacamptis pyramidalis*, *Avenula pratense*, *Brachypodium pinnatum*, *Briza media*, *Geranium sanguineum*, *Helianthemum nummularium*, *Linum catharticum*, *Sanguisorba minor*, *Scabiosa columbaria*, *Succisa pratensis*, *Thymus praecox*.

6.9The appearance of the valley in the aerial photograph (Fig.5), is similar in appearance to other areas in the Yorkshire Wolds that consist wholly or predominantly of down, providing additional evidence that the vegetation cover is predominantly unimproved calcareous grassland. Furthermore, the photograph suggests that there has been no significant agricultural improvement since the Phase II habitat survey.

6.10The 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).

6.11 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.

Rodwell, J.S, *British Plant Communities*, Vol 3, 1992, CUP.

SSSI, Site of Special Scientific Interest, Cottam Well Dale, 1985.

Wiggington, M J, *A Survey of Chalk Grassland in Humberside and North Yorkshire*, England Field Unit, Project 30 1985.