

**Submission:** PINS Ref. CROW/6/M/04/ 3533 Low Cowlam

**Case Officer:** Shelley Hicks

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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 A”.

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 (Wigginton 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. Artificial fertilizers and herbicides had been applied until part of the land was included within the area of a SSSI and CSA scheme”**

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’s steep valley slope topography (Figs.2 & 3) is typical of the Yorkshire Wolds’ chalk landscape and extensive views are available from the site across undulating countryside and along the dale (Fig.4). We think that this complies precisely with the description of the open character of down given in MME (2002, paragraph 68, footnote 10).

6.4 The site is an SSSI (1989) (see Fig.3). The citation describes it as “two disjunct areas of unimproved chalk grassland situated in the dry valley complex to the east of Sledmere in the Yorkshire Wolds. The site is important as one of the best remaining examples of species\_rich chalk grassland of a type which is particularly scarce on the northern Chalk of North Humberside.”

## Vegetation cover

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

6.6 The valley is mapped in the grassland inventory (Magic 2004) (see Fig.6), 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 10 grasses and 43 other herbs, of which 16 were calcicolous indicator species. Analysis of the data for quadrats Q115-117 showed that the composition of the swards corresponded to the NVC CG3 community (Rodwell 1992): the AIH (2004, Annexe 5.4.2) states that this community is characteristic of unimproved calcareous grassland..

6.7 In 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). Seven of these were 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* and *Thymus praecox*.

6.8 The appearance of the valley in the aerial photograph (Fig.7), 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.

6.9 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.

Magic Project, DEFRA, website [www.magic.gov.uk](http://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, Cinquefoil Brow & Wood Dale, 1989.

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

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