

Submission: PINS Ref. CROW/6/M/04/ 3477 Hasley Dale

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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.

5.3 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 Map16 Hasley Dale”.

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

Ground: “The area is improved and managed grassland....and not 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 a dry valley south-east of Towthorpe.

6.3 Hasley Dale’s steep valley slope topography is typical of the Yorkshire Wolds’ chalk landscape and extensive views are available from the site across undulating countryside and along the dale (Figs.4 and 5). 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

6.4The 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.

6.5The 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). In this Phase II habitat survey were recorded 7 grasses and 29 other herbs, of which 11 were calcicolous indicator species. Analysis of the data showed that the composition of the swards corresponded to the NVC CG2d sub-community (Rodwell 1992): the AIH (2004, Annexe 5.4.2) states that this community is characteristic of unimproved calcareous grassland. There were five calcicole grasses with sheep's fescue *Festuca ovina* recorded as abundant and the remaining four meadow oat-grass *Avenula pratensis*, tor-grass *Brachypodium pinnatum*, quaking grass *Briza media* and crested hair-grass *Koeleria macrantha* as sparse. The most plentiful of the characteristic calcicole herbs was rock rose *Helianthemum nummularium* with rough hawkbit *Leontodon hispidus*, salad burnet *Sanguisorba minor*, wild thyme *Thymus praecox* and small scabious *Scabiosa columbaria* occurring in lower abundances.

6.6In 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). Eight of these key indicator species: *Scabiosa columbaria*, *Sanguisorba minor*, *Helianthemum nummularium*, *Succisa pratensis*, *Thymus praecox*, *Avenula Pratense*, *Briza media* and *Brachypodium pinnatum* were found in the appeal site by the Phase II habitat surveyors.

6.7The 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 since the Phase II habitat survey.

6.8The site is part of a Countryside Stewardship (Chalk and Limestone, 2002) agreement (see Fig.2). 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).

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

7Overall 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.

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