

**Submission:** PINS Ref. CROW/6/M/04/ 3475 Scoar Dale

**Case Officer:** Dan O'Brien

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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 Map 19 Millington Dale, Areas H, I and J”.

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

5.4.3 A map identifying the site marked with references to the text.

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 mapped as a Site of Special Scientific Interest and the area included in the Grassland Inventory, taken from the Magic website (Magic).

## **6 Comments on the Ground of Appeal**

### **Ground: “The area is managed and improved grassland”**

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 Scoar Dale (see Fig.1) is part of the complex of valleys north of the village of Millington. These dales are of both geological and biological interest comprising an exceptionally fine system of deeply incised dry valleys in the chalk karst of the Yorkshire Wolds. As described in the SSSI citation (SSSI 1986), dry valleys are a major feature of the chalk karst, and this system is the finest in England being deeply cut, branching, undisturbed and complete in a small area. Head deposits and slope morphologies are well preserved and there is a complex of springs at the valley foot. Much of the valley system is occupied by unimproved chalk grassland exhibiting a range of community types on the varying slopes and aspects. The boundaries of the SSSI are shown in Fig.3.

6.3 The site’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 (Fig. 5). We think that this complies precisely with the description of the open character of down given in MME (2002, paragraph 68, footnote 10).

6.4The appeal site forms part of a much larger area of land which consists wholly or predominantly of MMHD (in this case down).

## Vegetation cover

6.5The appellant's view, based on the management of the site, 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) and the SSSI citation (SSSI 1986). The underlying geology is chalk.

6.6This steep north-south dry valley is mapped in the grassland inventory (Magic 2004) (see Fig.4), 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, the whole of the cover of the appeal site was classified as CG2 grassland, which is listed in the AIH (2004, Annexe 5.4.2) as being characteristic of unimproved calcareous grassland.

6.6.1In area H (see Fig.1), five key plant indicator species for downland given in AIH (2004, Annexe 5.4.7.3) were recorded: rock rose *Helianthemum nummularium*, devil's\_bit scabious *Succisa pratensis*, fairy flax *Linum catharticum*, salad burnet, *Sanguisorba minor* and tor\_grass *Brachypodium pinnatum*. Altogether, 12 grasses, 52 herbs of which 16 used as calcicolous indicator species in the Phase II survey (Wigginton 1985) were recorded.

6.6.2In area I (see Fig.1), 7 key plant indicator species for downland given in AIH (2004, Annexe 5.4.7.3) were recorded: rock rose *Helianthemum nummularium*, devil's\_bit scabious *Succisa pratensis*, fairy flax *Linum catharticum*, salad burnet, *Sanguisorba minor*, and tor\_grass *Brachypodium pinnatum*, quaking grass *Briza media* and meadow oat\_grass *Avenula (Helictotrichon) pratense*. Altogether, 14 grasses, 42 herbs of which 14 used as calcicolous indicator species in the Phase II survey (Wigginton 1985) were recorded.

6.6.3In area J (see Fig.1), five key plant indicator species for downland given in AIH (2004, Annexe 5.4.7.3) were recorded: devil's\_bit scabious *Succisa pratensis*, salad burnet, *Sanguisorba minor*, tor\_grass *Brachypodium pinnatum*, quaking grass *Briza media* and meadow oat\_grass *Avenula (Helictotrichon) pratense*. Altogether, 10 grasses, 62 herbs of which 23 used as calcicolous indicator species in the Phase II survey (Wigginton 1985) were recorded.

6.7The SSSI citation states that tor grass *Brachypodium pinnatum* is dominant over much of the site, although this is generally held in check by grazing, and is accompanied by finer grasses. Although tor-grass is often regarded as agriculturally undesirable, it is the

characteristic grass species of the CG4 *Brachypodium pinnatum* grassland (Rodwell 1992). Other abundant grasses include: *Festuca sp.*, Yorkshire fog *Holcus lanatus* and yellow oat grass *Trisetum flavescens*.

6.8 The aerial photograph (Fig.2), indicates that there is scattered scrub in some parts of the area and that it has the appearance of unimproved grassland. It 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 (calcareous) 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.

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

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TKH 29 December 2004