

# 1 Hearing notes

## *Opening statement*

1. **Vegetation:** The appeal site is wholly within an SSSI, and the citation describes the valley system as being occupied by unimproved grassland. This conclusion is supported by species information contained in the SSSI citation and the Phase 2 habitat survey ‘A survey of chalk grassland in Humberside and East Yorkshire’ and we have seen no evidence to suggest that the composition of the various grassland communities has changed significantly since these data were collected. The site is completely surrounded by access land that is either not under appeal, or, in the cases of Scoar Dale and Tun Dale, subject to appeals that have been dismissed. Overall, we consider the appeal site has some areas of improved and/or semi-improved grassland and woodland which obviously cover much less than half of the site. As a result, we consider that more of the land is occupied by the relevant qualifying vegetation than not and, therefore, conclude that the appeal site qualifies as down.

2. **Openness:** Although the views from some lower parts of the site are sometimes restricted to views along the valley, many vistas are available from the middle and higher parts of the site which extend over wide arcs and long distances. Therefore, as the appeal site comprises an extensive system of deeply incised dry valleys, we consider it has the general character and openness expected of downland.

3. Mr Burley’s comments

1-5 and 7: We think that the definition of openness given in MME paragraph 68, together with footnote 10 has been misinterpreted by Mr Burley.

6: The slurry is said to have been applied “some years ago”. Since the parcel has been part of the SSSI the application of manure would have been “an operation likely to damage the special interest”. The relevant fact is the present composition of the sward.

8: ...extensive [sic] grazing... AIH states under “Conservation and Management Characteristics”: “Downland is..a .habitat created by, and dependent on, the grazing of domesticated stock or rabbits. Without grazing, even the steepest slopes revert to scrub then woodland...” (AIH Annexe 5.4.7.2)

9: The term “rough grazing” does not appear in the Act.

4. Dr McLellan’s report. We can offer detailed comments, if appropriate. (see e.g. below) In general, the lists of species reported by Dr McLellan are consistent with the data submitted by the RA, however, as has been the case at other hearings at which Dr McLellan has presented evidence, where he sees IG and SIG, the CA and the RA see SIG and UI. Therefore we would argue that, based on all the evidence submitted, including Dr McLellan’s, the predominant vegetation cover is obviously unimproved grassland.

## *Extracts from SSSI*

5. **SSSI: Millington Wood and Pastures** (see separate sheet)

Description:

Millington Wood and Pastures, which are of both geological and biological interest, cover an exceptionally fine system of deeply incised dry valleys in the chalk karst of the Yorkshire Wolds. 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. 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. Common grassland herbs are widespread, with local abundance of characteristic chalk species such as dropwort *Filipendula vulgaris*, lady's bedstraw *Galium verum*, bloody crane's-bill *Geranium sanguineum*, rock-rose *Helianthemum nummularium*, burnet saxifrage *Pimpinella saxifraga*, small scabious *Scabiosa columbaria*, devil's-bit scabious *Succisa pratensis* and thyme *Thymus praecox*.

6. **SSSI unit information** (see separate printouts for each of the units)

Gives main habitat, condition and condition assessment comment. (Dated 2002/2003)

7. **Operations likely to damage the special interest**

Site name: Millington Wood and Pastures

OLD1003278

Ref. No. Type of Operation

1 BG Cultivation, including ploughing, rotovating, harrowing, and re-seeding.

2 B The introduction of grazing to areas not traditionally grazed and changes in the grazing regime (including type of stock or intensity or seasonal pattern of grazing and cessation of grazing).

3 B The introduction of, and changes in, stock feeding practice.

4 B The introduction of mowing or other methods of cutting vegetation and changes in the mowing or cutting regime (including hay making to silage and cessation).

5 B Application of manure, fertilisers and lime.

6 B Application of pesticides, including herbicides (weedkillers).

*Comments on McLellan's report.*

8. **Botanical Data from Phase II Habitat Survey** (Wiggington 1985)

Appellant's Site	CA Site	Phase II area (see Fig.3)	NVC community	No. herbs	No. grasses	No. indicator species

1	C	G	CG2c	45	13	14
		H	CG4c	52	12	16
		K	-	27	11	14
		M	-	40	14	14
		D	CG4c	51	17	16
2	E	F	CG2c	50	14	15
3	B	E	CG2d	26	10	12
4	G & H	A	-	25	12	1
5	F	N	-	23	11	9
6	A	B	CG	38	15	11

		D	CG4c	51	17	16
7, 8 & 9	D	M (part)	-			

9.

**Key Indicator Species for Downland** (according to AIH Annexe 5.4.7.3)

Appellant's Site	1				2	3	6
CA's Site	C				E	B	A
Phase II area	D	G	H	M	F	E	B,D
<i>Avenula pratensis</i>					✓		
<i>Brachypodium pinnatum</i>	✓	✓				✓	

<i>Briza media</i>	✓	✓		✓	✓	✓	✓
<i>Helianthemum nummularium</i>		✓		✓	✓	✓	
<i>Linum catharticum</i>		✓		✓	✓	✓	✓
<i>Sanguisorba minor</i>	✓	✓	✓	✓	✓	✓	✓
<i>Scabiosa columbaria</i>		✓		✓	✓		✓
<i>Succisa pratensis</i>				✓	✓	✓	
<i>Thymus praecox</i>					✓		

10. **Indicator species found by McLellan and RA .** B,E F,G H,K,M,D from Phase II habitat survey. SI, UI from McLellan's survey.

Appellan t's Site	CA Site	Data set	A. prate nse	B. pinna tum	B. media	H. num mular ium	L. cathar ticum	S. minor	S. colu mbar ia	S. praten sis	T. praec ox	L. peren ne
1	C	GHK MD		✓	✓	✓	✓	✓	✓	✓		
		SI		✓			✓	✓				
		UI		✓	✓	✓	✓	✓			✓	

2	E	F	✓		✓	✓	✓	✓	✓	✓	✓	
		SI		✓								
		UI		✓	✓	✓	✓	✓		✓	✓	
3	B	E		✓	✓	✓	✓	✓		✓		
		SI		✓			✓	✓				
		UI		✓	✓	✓	✓	✓		✓		
5	F	SI		✓								
		UI					✓	✓		✓	✓	
6	A	B			✓		✓	✓	✓			
		SI		✓								
		UI		✓				✓		✓		
7, 8 & 9	D	SI		✓								
		UI		✓				✓		✓		