

Submission: PINS Ref. CROW/6/M/04/ 3498 South of Lang Dale & North of North Dale

Case Officer: Shelley Hicks

From : Martin Biggs
Area Access Officer
East Yorkshire & Derwent Area of the Ramblers' Association
Wynstow
7 Caedmon Close
York YO31 1HS

Tel. 01904 424072

Date : 7 January 2005

Contents

- 1Introduction**
- 2Methodology**
- 3Comments on the Ground of Appeal**

References

Site maps and photographs

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 25 North Dale Area R”.

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 (Wigginton 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 Grassland Inventory and as subject to Countryside Stewardship Agreements, taken from the Magic website (Magic).

6Comments on the Ground of Appeal

6.1 Since the appellant has not clearly given his ground of appeal, we have assumed that the Inspector will have to determine whether the land consists wholly or predominantly of MMHD (in this case down).

6.2 We disagree with the appellant’s ground of appeal, and consider that the land predominantly comprises semi_natural grassland in an area of chalk geology within an open landscape.

General Character

6.3 This site (Fig.1) is set within a generally open landscape and forms a part of the Fordon chalk grasslands. These are one of the most varied grassland systems, in terms of their floristic richness, aspect and management regimes, remaining in the Wolds.

6.4 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, especially to west and along the dale (Fig. 2). We think that this complies precisely with the description of the open character of down given in MME (2002, paragraph 68, footnote 10).

6.5 The appeal site forms part of a larger area of land which consists predominantly of MMHD. Lang Dale lies to the north and North Dale to the south (Fig.1).

Vegetation cover

6.6 The appellant’s view, based on past management of parts 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). The underlying geology is chalk.

6.7 This steep west-facing side of the east-west dry valley is mapped in the grassland inventory (Magic 2004) (see Fig.3), which indicates that it was surveyed as part of the Survey of Chalk Grassland in Humberside and North Yorkshire (Wigginton 1985). This Phase II habitat survey recorded 9 grasses and 29 other herbs, of which 14 were calcicolous indicator species. The data obtained from quadrat Q216 (see Fig.3) resulted in the grassland being classified as CG2d, which is listed in the AIH (2004, Annexe 5.4.2) as being characteristic of unimproved calcareous grassland. Six key plant indicator species for downland given in AIH (2004, Annexe 5.4. section 7.3) were recorded in the quadrat: rock rose *Helianthemum nummularium*, small scabious *Scabiosa columbaria*, salad burnet *Sanguisorba minor*, wild thyme *Thymus (polytrichus) praecox*, purging flax *Linum catharticum* and quaking grass *Briza media*. Eight other species used as calcicolous indicator species in the Phase II survey (Wigginton 1985) were also recorded: the herbs hoary plantain *Plantago media*, cowslip *Primula veris*, clustered bellflower *Campanula glomerata*, burnet saxifrage *Pimpinella saxifraga*, glaucous sedge *Carex flacca*, lady's bedstraw *Galium verum* and the grasses sheep's fescue *Festuca ovina* and crested hairgrass *Koeleria macrantha*.

6.8 The site is part of a Countryside Stewardship (Chalk and Limestone) agreement (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).

6.9 The aerial photograph (Fig.5), indicates that there is scattered scrub in some parts of the area and that it has the appearance of unimproved grassland. This conclusion was supported by a walk-through site inspection (2001) and Fig.2.

6.10 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.

Magic Project, DEFRA, website www.magic.gov.uk.

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

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