

Submission: PINS Ref. CROW/6/M/04/ 3548 School House Dale

Case Officer: Paul Eland

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Date : 7 January 2005

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4 Introduction

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.

5 Previously submitted evidence: The inspector should have the following documents in relation to this appeal which were submitted to the Countryside Agency at the Draft Map stage, under the heading "RA Map 45 School House Dale".

5.1 A submission form containing the text setting out the evidence for the inclusion of the site on the map.

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

5.3 An aerial photograph of the site taken during the summer of 2000.

6 Comments on the Ground of Appeal

We confine our comments to the issue of whether the land consists predominantly of MMHD (in this case down).

6.1 We disagree with the appellant 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 School House Dale includes three connecting valleys. A public road, including the steep Keeper's Hill, runs alongside the western edge.

6.3 The site is a dry, sheltered valley with limited vistas across the countryside but with views along the dale (Figs. 2 & 3). Therefore we consider that this complies with the description of the open character of down given in MME (2002, paragraph 68, footnote 10).

Vegetation cover

6.4 The appellant's view is that the site is improved grassland. We consider the grassland on the site is more correctly classified as unimproved (predominantly calcareous) grassland.

6.5 The appearance of the valleys in the aerial photograph (Fig.4), is similar in appearance to other areas in the Yorkshire Wolds that do consist predominantly of down, and this suggests that the vegetation cover is probably predominantly unimproved calcareous grassland.

6.6 The appearance of the slopes in Figs.2 and 3, suggests the presence of *Brachypodium pinnatum* and therefore that the cover is predominantly unimproved calcareous grassland.

6.7 As in other valleys that do consist predominantly of down, the valley bottom is probably covered by more neutral, partly semi-improved grassland. In this case, it is at most 20m wide (Fig. 2), and occupied by a grassy track, The Access Inspectors' Handbook, however, states that "down" is not exclusively made up of calcareous grassland." (AIH 2004, Annexe 5.4.7.1 supplementary note 3) and also that "For the purposes of mapping land as "down", the important issue is to have sufficient evidence to be able to distinguish the difference between semi-improved grassland and unimproved calcareous/neutral/acid grasslands on a chalk or limestone geology."

6.8 We therefore consider that the cover in the valley 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.

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

TKH 06/01/05