

**Submission:** PINS Ref. CROW/6/M/04/ 3476 Towthorpe 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 44 Towthorpe 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 An aerial photograph of the site taken during the summer of 2000.

5.4.4 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 site (Fig.1) forms the north-facing slope of Towthorpe Dale, which is an east-west valley to the west of Sledmere. Its steep valley slope topography is typical of the Yorkshire Wolds’ chalk landscape and extensive views are available from the higher southern boundary of site across undulating countryside and along the dale (Figs.4 & 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**

6.3 The 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.

6.4 The appearance of the valley in the aerial photograph (Fig.2), is similar in appearance to other areas in the Yorkshire Wolds that do consist wholly or predominantly of down,

and this suggests that the vegetation cover is probably predominantly unimproved calcareous grassland.

6.5A recent visit (January 2005) showed that the north-facing slope (Fig. 5) is predominantly unimproved calcareous grassland, with *Brachypodium pinnatum* and *Festuca sp.* among the grass species and the calcicolous herbs *Gallium verum* and *Carex flacca*. present. The bank contained many rabbit holes and more than one badger sett.

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) (Wiggington 1985, section 6.4.3). Three of these key indicator species: *Sanguisorba minor*, *Succisa pratensis*, and *Brachypodium pinnatum* were found in the appeal site on a visit in January 2005.

6.7As in other valleys that do consist predominantly of down, the valley bottom is probably covered by more neutral, partly unimproved grassland. In this case, it is at most 20m wide (Fig. 4 ), 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.”

6.8The site is part of a Countryside Stewardship (Chalk and Limestone, 2002) agreement (see Fig.3). 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](http://www.magic.gov.uk).

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