

Submission: PINS Ref. CROW/6/M/04/ 3376 Church Lane Fridaythorpe

Case Officer: Sarah Harper

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

Tel. 01904 424072

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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 Methodology

5.1 Botanical 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.

5.2 Geological 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 9 Fridaythorpe: area A2”.

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

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 subject to Countryside Stewardship Agreements, taken from the Magic website (Magic).

6 Comments on the Ground of Appeal

Ground. 'The appeal site consists predominantly of improved or semi_improved grassland and accordingly does not qualify as open country MMHD ...'

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 (see Fig.1) is the western part of a dry valley running west from the village of Fimber.

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 (Figs.2 & 3). 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

6.4 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 predominantly unimproved grassland, based on Phase II habitat survey data (Wigginton 1985). The underlying geology is chalk

6.5 The 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). The Phase II Habitat survey recorded 16 grasses and 41 other herbs, of which 20 were calcicolous indicator species. Based on the data from quadrat Q72 the vegetation of north-west facing slope is NVC CG2c and, from Q73, the south-east

facing slope is CG2d. The Access Inspectors' Handbook (AIH Annexe 5.4.2) states that these sub-communities are characteristic of unimproved calcareous grassland. The dominant grass species was *Festuca ovina* sheep's fescue.

6.6 In 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). Eight of these key indicator species: *Avenula pratense*, *Briza media*, *Helianthemum nummularium*, *Linum catharticum*, *Sanguisorba minor*, *Scabiosa columbaria*, *Succisa pratensis* and *Thymus praecox* were found in the appeal site by the Phase II habitat surveyors.

6.7 The appearance of the valley in the aerial photograph (Fig.5), is similar in appearance to other areas in the Yorkshire Wolds that consist wholly or predominantly of down, providing additional evidence that the vegetation cover is predominantly unimproved calcareous grassland. Furthermore, the photograph suggests that there has been no significant agricultural improvement since the Phase II habitat survey. A recent (Dec 2004) visual inspection from the eastern boundary of the site, tends to confirm this.

6.8 As in other valleys that do consist predominantly of down, the valley bottom covered by more neutral predominantly unimproved grassland (Figs. 2 & 3). 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."

6.9 The area along the south-eastern edge of the site beyond the line of old hawthorns at the top of the slope (Z in Fig. 2), appears to have been cultivated historically and is reverting towards unimproved grassland.

6.10 We therefore consider that the cover 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.

Rodwell, J.S, *British Plant Communities*, Vol 3, 1992, CUP.

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

TKH 07/01/05