

Submission : PINS Ref. CROW/8/M/04/3482
Cow Dale, White Hill & Rabbit Dale and Harper Dale

Case Officer : Sylvia Young

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Contents

- 1 Introduction**
- 2 Methodology**
- 3 Comments on the Grounds of Appeal**
- 4 Site Map and photographic views**

1 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.

2 Methodology

- 2.1 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 Jenny Tynan at the PINS office with an electronic copy of this document and she has undertaken to produce and distribute copies to each inspector and all the parties to an appeal where we have submitted evidence.
- 2.2 Geological evidence :** we have cited the National Landscape Typology Definitive Attributes Survey (taken from www.magic.gov.uk) as geological proof of the calcareous nature of the underlying soil where it applies to the site being submitted.
- 2.3 Topographical evidence :** we have described the topography of the site as observed from the site visits wherever this was possible and in many cases have submitted photographs to support our view that the area does qualify as 'open country'. We have also cited countryside stewardship agreements and archaeological evidence where appropriate.

2.4 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 7 Horse Dale, area E (for Harper Dale)

and

RA ref 40 Cow Dale, areas B2 & F (for Cow Dale, White Hill & Rabbit Dale)”

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

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

3 An aerial photograph of the site.

4 A map showing the extent of such features as the Grassland Inventory and Countryside Stewardship Agreements where these apply to the sites (taken from www.magic.gov.uk).

3 Comments on the Grounds of Appeal

We disagree with the appellant’s grounds of appeal, which are:

3.1 Ground 1

The land does not comprise down per the Countryside Agency definitions.

The description of ‘down’ given in the Countryside Agency’s (CA) Mapping Methodology (MME) (revised July 2002) [4] is as follows:

3.1.1 In describing down as being ‘generally within an open landscape’ we mean that, whilst individual parcels might comprise enclosures of varying size, they will be part of a typical chalk or limestone landscape, sometimes with open vistas across undulating countryside and sometimes comprising steep-sided scarp slopes and dry valleys with more limited views”.

3.1.2 In paragraph 68 of the MME ‘down’ is described as land comprising semi-natural grassland in areas of chalk or limestone geology.

3.1.3 We have enclosed photographic evidence to support our view that the site does have the general characteristics of ‘open country’ as stated in MME 2002, paragraph 68, footnote 10.

3.2 Ground 2

The grassland is improved or semi-improved where it has not been cultivated for game crops.....

3.2.1 Cow Dale, White Hill and Rabbit Dale

During visits to the area in August 2003 and early January 2005, tor grass

Brachypodium pinnatum and erect brome *Bromus erectus* were identified on the steep slopes in Cow Dale. Both these grasses indicate infertile calcareous soils and are present on many of the unimproved steep dale-sides in the Yorkshire Wolds. Tor grass and erect brome are listed as key plant species for downland in the Inspectors' Handbook [2c]. Yellow oat-grass *Trisetum flavescens* and the fine-leaved fescue sheep's fescue *Festuca ovina* are both indicators of unimproved calcareous grassland were also seen in Cow Dale and in both Rabbit Dale and the White Hill area. Lady's bedstraw *Galium verum* and bulbous buttercup *Ranunculus bulbosus* were also seen in Cow Dale, both are calcicolous indicator species.

3.2.2 Harper Dale

During a visit in early January 2005 the dale appeared to be unimproved with abundant tor grass on both the steep north and south facing slopes. Bulbous buttercups, sheep's fescue and red fescue *F. rubra* were also abundant. Yellow-oat grass and harebell *Campanula rotundifolia* were also seen. There was also an area of ant hills in the area where the plantation on the south-facing slope meets the path

3.3 Summary

The CA's criteria for identifying Down include:

- (a) the equivalence of 'down' to 'unimproved calcareous grassland'.
- (b) the recognition of the Yorkshire Wolds as being part of the English downland.

On the basis of the information we have provided previously [3] and the additional information provided here we believe that the two areas qualify as 'down' because the vegetation is predominantly unimproved calcareous grassland, and they comply with the CA's description of openness.

We have not made specific comments about the information contained in the Draft Commentary dated 27 November 2003, which relates solely to the Harper Dale site, because we believe that the comments above cover the points in that commentary which are relevant to this appeal against inclusion on the Provisional Map.

3.4 Conclusion

We therefore conclude the Countryside Agency has correctly mapped the area as open country on the Provisional Map.

References

- [1] British Plant Communities, Vol 3, J.S. Rodwell (Ed.) CUP, 1992.
- [2] Inspectors' Handbook, (a) Annexe 5.4.2, (b) Annexe 5.4.3, (c) Annexe 5.4.7.3.
- [3] Ramblers' Association's Comments on the Draft Map, Map 7 area E Horse Dale October 2003 and Ref no 40 areas B2 & F Cow Dale November 2003.
- [4] Mapping Methodology for England, Countryside Agency, (revised) July 2002