

Submission: PINS Ref. CROW/6/M/04/ 3462 Cowlam Well Dale

Case Officer: Paul Eland

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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.

5.3Topographical 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 Map14 Cottam Well Dale, Cowlam Well Dale & Phillip’s Slack: Areas E & G”.

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 site is predominantly semi-improved grassland. The vegetation is not consistent with MMHD. The site does not have the general characteristics of open country”

6.1 According to the first map supplied by the appellants, two disjunct sites are under appeal: Cowlam Well Dale (referred to as Cottam Well Dale by the appellants) and the east-facing slope of Phillip’s Slack. (We note that the identical sites, referred to as “Part of Church Farm”, are the subject of appeal 3532.)

6.2 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

6.3 The appeal sites (see Fig.1) form the northern limbs of the complex of valleys east of the village of Sledmere. These dales are of both geological and biological interest comprising a fine system of deeply incised dry valleys in the chalk karst of the Yorkshire Wolds.

6.4 The sites’ steep valley slope topography (Figs. 2 & 5) is typical of the Yorkshire Wolds’ chalk landscape and extensive views are available from the site across undulating countryside and along the dale (Figs.3 & 4). 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

6.5 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.

6.6 The appearance of the two valleys 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.

6.7 The east-facing slope of Phillip's Slack (Figs 4 & 5) was visited in July 2004. Some areas had been cultivated and in places cleared and harrowed and some had been fenced off. Vegetation was generally tall rank grassland with gorse, containing the grasses *Arrhenatherum elatius* and *Brachypodium pinnatum*. Towards the southern end of the Slack, associated with anthills, was *Festuca spp.* and the herbs *Sanguisorba minor*, *Thymus spp.* and *Campanula rotundifolia*. 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). Three of these were found on the site visit: *Brachypodium pinnatum*., *Sanguisorba minor* and *Thymus praecox*.

6.8 The vegetation in Cowlam Well Dale appear in the photographs Figs. 2 and 3 to be similar to that in Phillip's Slack. The rabbit hole/badger sett in the foreground of Fig. 2 indicates the unimproved character of the dale.

6.9 As in other valleys that consist predominantly of down, the valley bottoms of both sites are occupied by grassy tracks. Although these areas are covered by more neutral grassland, they are, nevertheless, probably predominantly unimproved. The Access Inspectors' Handbook, 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."

6.10 We therefore consider that the cover in both valleys 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.

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

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