

Grays Lane Bank – P26614/2006
Initial Consideration of Useful Purpose or Otherwise (Possible use
of discretion under Section 4(5)(b) of CRoW)
- Conducted on 24th October 2006
Record of decision-making

1. In accordance with the court order (CO/4271/2005), the Agency (now Natural England) is required to first determine the Open Country status of the land in question, following receipt of various comments during the draft map consultation process.
2. During the desk-top determination process on the above date, the Natural England determination team came to the conclusion that the land in question is wholly or predominantly down and thus Open Country, for the purposes of the Countryside & Rights of Way Act 2000 (CRoW).
3. The size of the parcel was calculated to be 2.68Ha (taking into account some adjustment of the parcel boundaries, to reflect the actual line of current post and stocknet fencing). This falls below the threshold of 5Ha, as specified in section 63, necessitating the consideration of the discretion covered by section 4(5)(a) of CRoW.
4. Hence, following this determination process, the determination team considered the land in question, with reference to sections 62-64 of the Mapping Methodology for England (MME).
5. The site was assessed against each criterion with section 64 of the MME, as follows at sections 6. to 10..
6. Proximity of land to a settlement, visitor attraction, road or public right of way:
 - 6.1 The village/hamlet of Ibstone is within 1km of the site.
 - 6.2 The villages of Turville, Turville Heath and Northend are within 2.5km of the site.
 - 6.3 The town of Stokenchurch, the villages of Fingest, Frieth, Christmas Common, Stonor, Pishill and Junction 5 of the M40 are within 5km of the site.
 - 6.4 The villages of Watlington, West Wycombe and Chinnor, and Junction 6 of the M40 are within 10km of the site.
 - 6.5 The towns of Caversham, Henley on Thames, Wallingford, Thame, Haddenham, Princes Risborough, High Wycombe, Beaconsfield, Maidenhead & Marlow, and Junction 9 of the M4 are within 20km of the site.

- 6.6 There are various visitor attractions - West Wycombe Park, the Blue Max aircraft museum, Stonor Park and the Chinnor & Prince Risborough railway, for example, within 10km of the site.
 - 6.7 The site lies approximately 0.56km from the southern end of Grays Lane and approximately 1km from Ibstone road.
 - 6.8 The Chiltern Way passes within 1.5km of the site.
 - 6.9 There is a public bridleway immediately adjacent to the southwestern boundary of the site.
7. Amount of other access land available in the vicinity:
- 7.1 There are two small parcels of open country within 2km of the site, at Swain's Wood and Turville. Slightly further out, there are a few larger parcels of open country along the western edge of the Chilterns escarpment, from Watlington Hill to Bald Hill.
 - 7.2 There are three areas of registered common land, at Ibstone Common, Turville and Northend, all between 1km and 1.5km of the site.
8. Whether the land contains a feature likely to be of interest to the public:
- 8.1 The site forms part of a the Wormsley Chalk Banks Site of Special Scientific Interest (SSSI), designated for species rich chalk grassland 'containing plant and invertebrate communities with species which have suffered a drastic decline nationally...'.
8.2 As identified by the determination site survey (Natural England, 17/10/2006) and the previous appeal site survey (Countryside Agency, 12/10/2004), there are open vistas across a typical Chilterns chalk landscape, from the mid to upper sections of the site.
9. Whether the land could provide a means to reach other access land:
- 9.1 The site is not immediately adjacent to any other access land and would not provide a means to reach any other access land.
10. Whether there are nearby land parcels which have the potential to be linked with the one in question to form a larger unit of open country or access land:
- 10.1 There is currently no potential to link this site with any other nearby open country or access land.
11. Natural England is not aware of any other criteria relevant to the consideration of useful purpose, at this stage.

Assessment:

12. Whilst being in a generally rural area, the site is nevertheless within walking distance of a number of villages, and only a short drive from several towns. It is reasonable to suppose that the site would provide an access resource for walkers and countryside visitors living or staying in the vicinity.
13. There are a number of visitor attractions in the area of the site. However, without further analysis of visitor patterns, it is not possible to draw any conclusions about the effect that these might have on demand for access at Grays Lane Bank.
14. There are no public roads or rights of way within the boundaries of the site but it is only a short distance from the nearest public road (Grays Lane) and lies immediately adjacent to a public bridleway. Given a future provision of a means of access from the bridleway (kissing gate or stile), the site would be readily accessible from the bridleway.
15. Only scattered, relatively small areas of the Chilterns AONB have been mapped as open country. This reflects the general fragmentation of down over the course of the last two centuries and the levels of agricultural improvement that have occurred. As a result, opportunities for open access are similarly scattered – being mostly provided by the few areas of open country linked, in some cases by the existing Rights of Way network. Given the general scarcity of open access land in the area, it is reasonable to assume that each and every possible parcel of access land might serve a useful purpose, especially if closely aligned with the Rights of Way network. Whilst Grays Lane Bank is a relatively small site, it would contribute a significant percentage to the overall access resource within a 5 or 10km radius.
16. There is a strong case that the site would serve a useful purpose as access land, given its SSSI status, particularly given the features that form the basis of its notification. All parties seem to agree that the site holds a number of locally or nationally rare species of flora and invertebrate fauna – it is highly likely that botanists and walkers with an interest in ecology would very much value the ability to visit this site and study its flora and fauna. To a lesser extent, appreciation of the views from the site may also be a positive factor for potential visitors.
17. There is no evidence to suggest that the site would serve a useful purpose as access land, either by providing a means to access other access land or by linking other parcels of access land together.

Initial View of Useful Purpose or otherwise

18. Based on the above assessment, the initial view of Natural England is that the site would serve a useful purpose as access land.
19. Natural England will now invite representations from interested parties on this view, during a defined consultation period. Following the end of this consultation, we will review any additional evidence presented to us, before coming to a final decision on the useful purpose or otherwise.
20. Only when this decision making process has been completed will the provisional map for the site be published, showing the site either as open country (on the basis that it is down and that its inclusion would serve a useful purpose) or not open country (on the basis that it is down but its inclusion would serve no useful purpose).