



Glaven Ecology



**Land at Pensthorpe
Nature Park
Fakenham**

**Ecological Impact
Assessment**

**Prepared by
Glaven Ecology**

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Version	Status	Changes	Date	Author
1.1	Draft	Maps and site visit	23/10/2023	Carolyn Smith MCIEEM
1.2	Issued	Reviewed	24/11/2023	Sally McColi MCIEEM

The data contained within the report are accurate to the best of our knowledge and have been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct.

The report conforms to the British Standard 42020:2013 Biodiversity – Code of practice for planning and development.

We confirm that any opinions expressed are our best and professional true opinions. This report has been prepared by an ecology specialist and does not purport to provide legal advice.

1 Summary

- 1.1 Glaven Ecology was commissioned to undertake an ecological assessment on land at Pensthorpe nature park, Pensthorpe Road, Fakenham, NR21 0LN. The survey work was completed by Carolyn Smith MSc, BSc. (Hons) MCIEEM on 19th October 2023.
- 1.2 Plans are for the erection of a boardwalk and viewing platforms over a small island with access from the land to the south over to the northeast.
- 1.3 The site sits within a SSSI Impact Risk Zone for the River Wensum. However, the proposals do not fall into the categories requiring further consultation with Natural England.
- 1.4 The proposals would see the boardwalk starting from an existing footpath in the south over Pointers Lake across a small island and connecting with the footpath in the northeast. There was heavy waterfowl presence on the island which had very little ground flora. There were two mature birch trees as well as an oak and several semi-mature birch trees and willow stands.
- 1.5 No further surveys for protected species are deemed necessary.
- 1.6 Mitigation measures recommended include:
 - Timing of works when clearing vegetation.
 - Tree root protection measures.
 - Trenches or holes created during the works must be backfilled at the end of the day or covered overnight.
 - No new lighting to be installed along the boardwalk.
- 1.7 Enhancements for the site include bat boxes and bird boxes.

2 Introduction

2.1 Background

2.1.1 Glaven Ecology was commissioned to undertake an ecological assessment on land at Pensthorpe nature park, Pensthorpe Road, Fakenham, NR21 0LN. The survey work was completed by Carolyn Smith MSc, BSc. (Hons) MCIEEM on 19th October 2023.

2.1.2 This survey and report aim to establish the baseline ecology of the site and its suitability to support any protected species. It assesses potential impacts on these features as a result of the works and advises on the need for further surveys. It sets out the mitigation measures required to ensure compliance with nature conservation legislation and to address any potentially significant ecological effects

2.2 Site Location and Description

2.2.1 The site was located at OS Grid Reference TF 948 288 (Appendix 1) on a small man-made island within Pointers Lake with the boardwalk linking over the lake to footpaths to the south and northeast.

2.2.2 There was a heavy waterfowl presence on the island which had very little ground flora, some semi-mature silver birch trees and low lying scrub and nettle. The island was low lying with a very shallow banking. There were two mature birches and oak in the south section of the island.

2.2.3 The footpath access over to the northeast was upon a steep sided banking covered with bramble, hawthorn and willow scrub.

2.2.1 The surrounding area surrounding area was dominated by arable fields, with the River Wensum to the south and the residential and urban areas of Fakenham to the west.

2.3 Project Overview

2.3.1 Plans are for the erection of a boardwalk and viewing platforms over a small island with access from the land to the south over to the northeast.

3 Legislation and Planning Policy

3.1.1 The main piece of legislation relating to nature conservation in Great Britain is The Wildlife and Countryside Act 1981 (as amended). This Act is supplemented by provision in The Countryside and Rights of Way (CRoW) Act 2000 and The Natural Environment and Rural Communities Act 2006 (in England and Wales). This act provides varying degrees of protection for the listed species of flora and fauna, including comprehensive protection of wild birds and their nests and eggs.

3.1.2 UK wildlife is also protected under The Conservation (Natural Habitats &c.) Regulations 1994 (which were issued under the European Communities Act 1972), through inclusion on Schedule 2. In 2010, these Regulations, together with subsequent amendments, were consolidated into The Conservation of Habitats and Species Regulations 2010.

3.2 Badgers

3.2.1 Badgers are protected under the Protection of Badgers Act 1992. Under the Act, it is a serious offence to kill, injure, interfere or take a badger. It is also an offence to damage or interfere with an actively used sett unless a licence is obtained.

3.3 Bats

3.3.1 All UK bat species are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This legislation fully protects bats and their breeding sites or resting places, making it an offence to deliberately capture, injure or kill bats, deliberately disturb bats, damage or destroy a bat breeding or resting place.

3.4 Birds

3.4.1 All birds, their nests and eggs are protected by law under Part 1 of the Wildlife and Countryside Act 1981 (as amended).

3.4.2 Certain species (including barn owl *Tyto alba*) are also listed under Schedule 1 of the Wildlife and Countryside Act 1981, which prevents disturbance of the species or its nest and/or eggs at any time with protection by special penalties.

3.5 Great Crested Newt

3.5.1 Great crested newts *Triturus cristatus* and their habitat (aquatic and terrestrial) are afforded full protection by The Wildlife and Countryside Act 1981 (Section 9, Schedule 5

and as amended) and The Conservation (Natural Habitats & c.) Regulations 1994. It is an offence to:

- 1) Disturb, injure or kill recklessly a great crested newt.
- 2) Disturb or destroy recklessly great crested newt habitat (a breeding site or place of shelter).

3.6 Reptiles

3.6.1 Reptiles are all given limited legal protection under part of Section 9 (1) and all of Section 9 (5) of the Wildlife and Countryside Act 1981 (as 1.1.1 amended). This means that it is an offence to intentionally kill, injure and offer for sale.

3.7 Water voles

3.7.1 The water vole is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 and is a priority conservation species. It is an offence to intentionally capture, kill or injure water voles; damage, destroy or block access to their places of shelter or protection (on purpose or by not taking enough care); disturb them in a place of shelter or protection (on purpose or by not taking enough care); possess, sell, control or transport live or dead water voles or parts of them (not water voles bred in captivity).

3.8 Statutory Designated Conservation Sites

3.8.1 National designations such as Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR), are afforded statutory protection. SSSIs are notified and protected under the Wildlife and Countryside Act 1981 as amended. SSSIs are notified based on specific criteria, including the general representativeness and rarity of the site and of the species or habitats supported by it.

4 Survey Methods

4.1 Desk Study

- 4.1.1 Records held on Magic.gov.uk on Designated Sites and granted European Protected Species Licences were reviewed in October 2023.
- 4.1.2 A data search from Norfolk Biodiversity Information Services (NBIS) with a 2km zone of influence was conducted in October 2023 to inform baseline ecology of the site and surrounding area.
- 4.1.3 The types of features considered within the desk study includes designated sites, habitats and species of principal importance for conservation of biodiversity and protected species,

4.2 Field Survey

- 4.2.1 The survey was undertaken on 19th October 2023 by Carolyn Smith BSc (Hons) (Natural England Level 1 Licence for bats [reference 2018-34461-CLS]; Great Crested Newts [reference 2017-29746-CLS-CLS] and barn owl class licence [reference CL29/00568]).
- 4.2.2 A UKHab Survey of the site was undertaken following the UKHab method and classification system (Butcher et al, 2020), with the methods being 'extended' to include an evaluation of potential habitats for any protected or valued species. Photographs were taken to record key features/views.
- 4.2.3 The weather was overcast with a slight drizzle at the time of the survey, 16°C with a light breeze.

4.3 Protected Species

Amphibians and reptiles

- 4.3.1 The habitat was assessed for reptiles and amphibians and suitable materials were lifted to check for signs of reptiles.

Badger

- 4.3.2 The habitats on site and in the immediate surrounding area were assessed for their potential to support badgers.

4.3.3 Evidence of badger activity (including setts, footprints, latrines, trails, scratching posts, guard hairs and foraging activity) was searched for within the site.

Bats

4.3.4 A general assessment was made of the suitability of site features for roosting, commuting and foraging bats and the likely presence of bats within the site area.

Birds

4.3.5 Evidence of nesting birds was searched for and the site was assessed as to its potential to support nesting birds.

Water voles

4.3.6 The survey methodology as laid out in Dean et al (2016) was followed and included searching for field signs include latrines, burrows, tracks, prints and feeding signs.

4.3.7 Table 1 shows the criteria used when assessing the likelihood of a protected species being present within the survey area:

Table 1: Criteria considered when assessing the likelihood of occurrence of protected species

Assessment Category	Criteria
Present	Species are confirmed as present from the current survey or historical confirmed records.
High	Habitat and features of high quality for species/species assemblage. Species known to be present in wider landscape. Good quality surrounding habitat and good connectivity.
Moderate	Habitat and features of moderate quality. The site in combination with surrounding land provides all habitat/ecological conditions required by the species/assemblage. Within known national distribution of species and local records in desk study area. Limiting factors to suitability, including small area of suitable habitat, some severance/poor connectivity with wider landscape, poor to moderate habitat suitability in local area.
Low	Habitats within the survey area poor quality or small in size. Few or no records from data search. Despite above, presence cannot be discounted as within national range, all required features/conditions present on site and in surrounding landscape. Limiting factors could include isolation, poor quality landscape, or disturbance.
Negligible	Very limited poor quality habitats and features. No local records from desk study; site on edge of, or outside, national range. Surrounding habitats considered unlikely to support species/species assemblage.

4.4 Evaluation and Assessment

4.4.1 Ecological features are evaluated and assessed with due consideration for the Chartered Institute of Ecology and Environmental Management (CIEEM) 2019 Guidelines for Ecological Impact Assessment (EclA).

4.4.2 The following the impact magnitude categories and criteria will be used:

- Major negative effect – that which has a harmful impact on the integrity of a site or the conservation status of a population of a species within a defined geographical area (e.g. fundamentally reduces the capacity to support wildlife for the entirety of a conservation site or compromises the persistence of a species' population).
- Intermediate negative effect – that which has no adverse impact on the integrity of a conservation site or the conservation status of a species' population but does have an important adverse impact in terms of achieving certain ecological objectives (e.g. sustaining target habitat conditions and levels of wildlife for a conservation site or maintaining population growth for a species).
- Minor negative effect – some minor detrimental effect is evident, but not to the extent that it has an adverse impact in terms of achieving ecological objectives.
- Neutral effect – that which has no predictable or measurable impact.
- Positive effect – that which has a net positive impact on an ecological receptor.

4.5 Survey Limitations

4.5.1 The NBIS data searches are not an exhaustive record of species within the area and an absence of records does not preclude an absence of species. However, when assessed in conjunction with a field survey, they can contribute to a robust ecological assessment of a site.

5 Baseline Ecological Conditions

5.1 Designations

5.1.1 Two Statutory Designated Sites and seven non-statutory designated sites were identified within 2km of the site on MAGIC Maps (Table 3; Appendix 2).

5.1.2 The site sits within an SSSI Impact Risk Zone for the River Wensum but does not fall within the categories requiring further consultation with Natural England (i.e. projects causing air pollution or infrastructure projects such as pipelines).

Table 3: Statutory and non-statutory designated Sites within 2km of development site

Site name and designation	Site description	Closest point to site
The River Wensum Site of Special Scientific Interest (SSSI) Special Area of Conservation (SAC)	The Wensum is an example of an enriched, calcareous lowland river. With a total of over 100 species of plants, a rich invertebrate fauna and a relatively natural corridor, it is probably the best whole river of its type in nature conservation terms.	60m south
Starmoor Plantation County Wildlife Site (CWS) – 1275	This site consists of a belt of woodland, broad in the east and narrow in the west with a disused railway as its southern boundary	250m southeast
Pensthorpe Wader Scrape & Wildflower Meadow CWS 1284	This is a site composed of broadleaf woodland, scrub, acid grassland, neutral grassland, marshy grassland and standing water	350m east
Starmoor Wood & Plantation (formerly Adj. Disused Railway) CWS - 1273	Part of Starmoor Wood was made CWS in 1993, this largely followed the south side of the disused railway line and is deciduous coppice woodland	550m southwest
Part of Great Ryburgh Common CWS - 1279	A small area of fen adjacent to the River Wensum SSSI	950m west
Starmoor Belt CWS – 2164	A rectangular mixed woodland adjacent to a disused railway.	950m southeast
Kettlestone Fen CWS - 1289	This site is listed for its excellent species-rich fen communities and mosaic of other habitats	1900m northeast

5.2 Habitats

5.2.1 NBIS did not hold any records of Internationally or nationally protected plant species from within the survey site or within 2km from the last 20 years.

5.2.2 Invasive plants such as Japanese knotweed, Himalayan balsam and giant hogweed were not recorded within the site.

5.2.3 No protected, BAP, SPIE or locally important floral species, or hedgerows that would classify as important under the Hedgerow Regulations 1997 were recorded within the site during the survey.

- 5.2.4 The site crosses over Pointers Lake from a footpath in the south over to the northeast. The island had a heavy waterfowl presence meaning that the ground flora was very sparse and bare earth was the dominant habitat. (Figures 1 and 2; Other site photos can be found in Appendix 3).
- 5.2.5 There was a thin covering of low lying nettle and bramble scrub to the west with ground ivy, ragwort and honeysuckle also present.
- 5.2.6 There were several semi-mature silver birch trees along the northern side of the island with more to the west of site along with a stand of willow. In the south were two mature birch trees and an oak.
- 5.2.7 The area where the boardwalk will cross from was above a steep scrub covered banking to an area of hardstanding/footpath.



Figure 1: Ground flora of island



Figure 2: View of northeastern banking where boardwalk will cross to.

5.3 Fauna

Amphibians

- 5.3.1 There were no class licence returns for great crested newt presence on Magic maps within 2km of the site.
- 5.3.2 There were two records returned of amphibians via the NBIS search both common frog. One was 250m northwest of site, the other was 1500m southeast of site.

- 5.3.3 The site sits on the boundary of an Amber Risk Zone for great crested newts, close to a border with a Green Risk Zone. Amber Risk Zones contain main population centres for GCN and comprise important connecting habitat that aids natural dispersal whereas Green zones contain sparsely distributed GCN and are less likely to contain important pathways of connecting habitat for this species.
- 5.3.4 The surrounding lake had a heavy waterfowl presence. At such high densities the birds had removed much of the aquatic vegetation, at this density they are also known to pollute water and persistently stir sediments (ARG UK, 2010). The lake also had fish present.
- 5.3.5 The lake had with little in the way of macrophytes present, although there was some reed and other vegetation around the edges. The lake was too large to be subjected to a Habitat Suitability Index as no data is available for waterbodies over 2000m² (the pond was approximately 34,000m²).
- 5.3.6 The island had circa 20 mallard ducks on prior to approaching for the survey and offered little in the way of foraging for amphibians with a sparse ground flora.
- 5.3.7 It was assessed that the likelihood of great crested newt presence within the site was **negligible**.

Badgers

- 5.3.8 There were five records badgers within 2km of the site, all of dead animals associated with the A1067 road to the north.
- 5.3.9 The island, being in the centre of a lake, was isolated from suitable badger habitat and was not suitable for foraging for sett creation.
- 5.3.10 There is wire fencing around the park in general and therefore no evidence of badgers such as latrines, snuffle holes, mammal runs, or badger dung found was found during the survey.
- 5.3.11 The likelihood of foraging badgers being occasionally present within the site is **negligible**.

Bats

- 5.3.12 There was one record of a granted European Protected Species Mitigation Licence within 2km of the site showing on MAGIC maps. This was for the damage and destruction of a resting and breeding place for Brown long-eared, Natterer's, common pipistrelle and Soprano pipistrelle (2014-4295-EPS-MIT, 240m northwest).
- 5.3.13 There is another known roost within the nature park approximately 400m to the west of site.
- 5.3.14 One other known roost was for an occasional day roost for brown long-eared bats 850m to the north of the site.
- 5.3.15 The NBIS data had 274 records of bats within 2km of the site including notable species such as Barbastelle and Serotine. The barbastelle records were all approximately 350m east of the site over Pensthorpe Wader Scrape & Wildflower Meadow.
- 5.3.16 The majority of the other records were along the River Wensum to the east of the site, although Daubenton's bats have been recorded over old Squaw Lake to the west of site, which most likely means they also forage over Pointers Lake.
- 5.3.17 There were no structures on site for roosting bats to utilise. The semi-mature silver birch trees and the willow stand along the island edges and to the west of site were all of a similar age with thin trunks and branches. No potential roost features were noted.
- 5.3.18 The mature birch trees and the oak were in good condition, with no potential roost features noticed, although the birches had crossing branches that will create cavities in time.
- 5.3.19 There is a high likelihood that bats cross the lake close to the site whilst commuting and foraging but the likelihood of roosting bats being present on site is **negligible**.

Birds

- 5.3.20 As would be expected at a nature reserve with a high waterfowl/bird presence there were over 40000 records of birds within 2km of the site returned by NBIS.
- 5.3.21 The nearest schedule 1 record was of a barn owl approximately 360m southwest of site beyond the River Wensum.
- 5.3.22 There were some opportunities for nesting birds within the silver birch trees and for ground nesting waterfowl within the trees shelter of the trees to the west of the island although no old nests were observed.

5.3.23 The thick scrub on the northeastern banking was also suitable for nesting birds.

5.3.24 The likelihood of nesting birds on site is assessed as **high**.

Reptiles

5.3.25 There were no records of reptiles returned via the NBIS search within 2km of the site.

5.3.26 The site offered sub-optimal foraging for reptiles being of poor structured vegetation with little habitat for hibernation potential.

5.3.27 The likelihood of reptiles being present on site was assessed as **negligible**.

Water voles

5.3.28 There were twelve records of water vole returned via the NBIS search. The closest records were along the River Wensum approximately 250m east of site.

5.3.29 The island offered little in the way of habitat for water voles having very shallow banks and little in the way of vegetation for foraging. No signs of water voles were observed on the island.

5.3.30 Whilst there was scrub vegetation along the footpath bankings it did not provide the varied wetland vegetation such as grasses, reeds and sedges that water voles require.

5.3.31 The northeastern banking was a sheer drop offering no flat surfaces/stepped banking for latrines or feeding stations. The banking was hard making it sub-optimal for burrow creation.

5.3.32 The lake did not provide the slow flowing water preferred by water voles and it is most likely that they stay within the River Wensum to the south and east of site.

5.3.33 The likelihood of water voles being present on site was assessed as **low**.

6 Assessments of Effects

6.1 Designated sites

- 6.1.1 No potential pathways of impact are anticipated on any SSSI given the scale and location of the development.
- 6.1.2 The visitors to the boardwalk/viewing platform will be utilising an area of the nature reserve that already has high numbers of visitors. There will be no direct access into the SSSI River Wensum.

6.2 Habitats

- 6.2.1 The boardwalk will cross an area of waterfowl denuded habitat of little botanical or ecological interest.
- 6.2.2 There is the potential for areas of scrub to be temporarily cleared on the northeastern banking to allow for the footings of the boardwalk to be installed.
- 6.2.3 It is likely that a stand of willow and several semi-mature silver birch will need to be removed during the works.
- 6.2.4 The retained trees on site could become damaged through construction works and storage or works materials too close to the trees.
- 6.2.5 Minor negative effect at the local level is predicted.

Mitigation Measures

- 6.2.6 The mature birches and the oak will be retained.
- 6.2.7 Construction works carried out in accordance with British Standards Institution (2012), *BS 5837:2012, Trees in relation to design, demolition and construction*, to protect boundary trees which are to be retained and their root protection areas.

6.3 Amphibians

- 6.3.1 The desk study and field study suggest it is unlikely that great crested newts will be present on site.

6.3.2 It is considered that the risk of potential impact of the proposals upon the conservation status of great crested newt is negligible. The risk of potential impact of the proposals upon great crested newt is also negligible.

6.3.3 No significant adverse effects or legal infringements are predicted but the following mitigation will help to minimise effects.

Mitigation

6.3.4 Trenches or holes created during the works must be backfilled at the end of the day or covered overnight to ensure any wildlife passing through the site do not get trapped. If this is not possible then an escape ramp – made from earth or wooden sticks – will need to be placed within each excavation.

6.4 Badgers

6.4.1 The desk study and field study suggest that these species are highly unlikely to be present on site.

6.4.2 No significant adverse effects or legal infringements are predicted.

6.5 Bats

6.5.1 There were no buildings on site for roosting bats and the trees on site had negligible roost potential but it's likely that bats will utilise the surrounding lake for commuting and foraging.

6.5.2 It is acknowledged that not all roost features in trees can be seen from the ground, but the mature trees on site will be retained.

6.5.3 Neutral effects are predicted.

Mitigation Measures

6.5.4 Works should only take place during daylight hours to reduce the need for site lighting.

6.5.5 There should be no lighting associated with the boardwalk and viewing platforms to ensure the area is kept dark.

6.6 Birds

6.6.1 There were opportunities for nest building within the site boundaries and the possibility of ground nesting birds close to site.

6.6.2 During vegetation clearance there is the risk of killing and injuring nesting birds, damaging their nests or eggs, as a result of vegetation clearance.

6.6.3 In the absence of mitigation an intermediate adverse effect is predicted at the Local level.

Mitigation Measures

6.6.4 To avoid committing an offence under the Wildlife and Countryside Act 1981 (as amended), any vegetation clearance will take place outside of the bird nesting period (i.e. outside of March to August), or failing that, following confirmation by a suitably qualified ecologist that nesting birds are absent from the habitats to be cleared.

6.7 Reptiles

6.7.1 The desk study and field study suggest that these species are highly unlikely to be present on site.

6.7.2 No significant adverse effects or legal infringements are predicted.

6.8 Water voles

6.8.1 The desk study and field study suggest that this species is unlikely to be present on site.

6.8.2 The works will not cause habitat fragmentation or isolation.

6.8.3 No significant adverse effects or legal infringements are predicted.

7 Enhancements

7.1 Bats

7.1.1 Install two bat boxes onto the structure of the boardwalk/viewing platform. The Schwegler 1FF or Beaumaris bat box would be suitable. It may also be possible to create integrated crevices for bats depending on the design of the boardwalk.

7.2 Birds

7.2.1 Install two bird boxes within vegetation around the site boundaries. Suitable boxes include the [Schwegler 1B nest box](#) and the [robin and wren FSC nest box](#). The open fronted robin box would suit the spotted flycatchers which are red-listed and have undergone a prolonged decline, but they are present in Norfolk as a sparsely distributed summer visitor.

8 References

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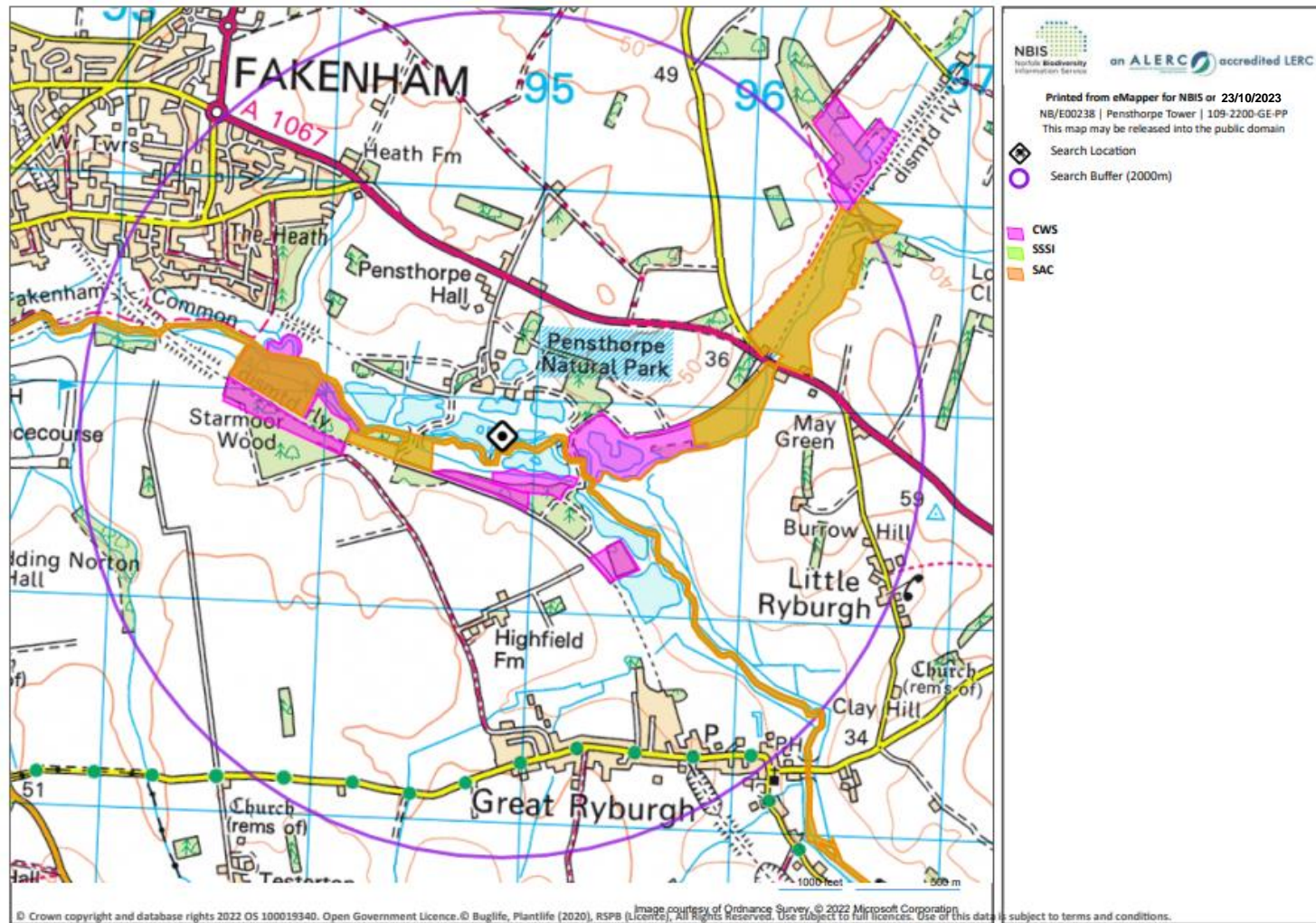


Appendix 1 – Site Location



Source Google Earth Pro, 2023

Appendix 2 – NBIS Map



Appendix 3 – Survey photos



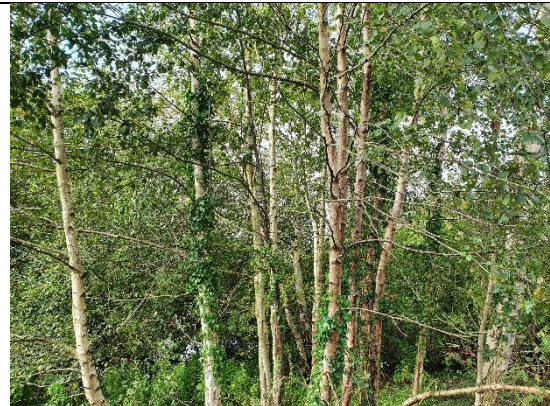
Photograph 1: Island view – shallow bank with denuded vegetation.



Photograph 2: Low, thin scrub and silver birch in the west of the island



Photograph 3: Willow stand on west of island.



Photograph 4: Semi-mature silver birch



Photograph 2: Mature birch and oak



Photograph 3: Existing footpath on south side

Appendix 4 – Site Map

