

Preliminary Ecological Appraisal
Land at 1 Castle Hill, Kenilworth
CV8 1NB



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1. Introduction

1.1 Background and Scope

1.1.1 Martin Ecology was commissioned to undertake Preliminary Ecological Appraisal of a site to accompany a planning application for a residential development. The survey was undertaken to identify habitats within or adjacent to a site that supported or had the potential to support protected species and to assess the potential impacts that development of the site may have on protected species or sites.

1.2 Location and Site Description

The site is centred on OS grid reference: **SP 28161 72421**. The site is an area dominated by bramble scrub with semi-mature boundary trees and shrubs.

1.3 Legislative Context

1.3.1 A site walkover survey, and a study of aerial photographs identified the potential for the site or land adjacent to the site to support five species or species groups protected by law, and these were:

- Amphibians
- Badgers
- Bats
- Birds
- Hedgehogs

1.3.2 The relevant piece of legislation for the above species or species groups is set out in sections 1.4-1.8.

Amphibians

1.4 Great-crested newt *Triturus cristatus* (GCN) are protected under the *Wildlife and Countryside Act* (WCA) 1981 (as amended by the Countryside and Rights of Way Act 2000) and The Conservation (Natural Habitats, &c) Regulations 2017 (the Habitat Regulations 2017). This makes it an offence to:

- Intentionally kill, injure or take a great crested newt;
- Possess or control any live or dead specimen or anything derived from a great-crested newt;
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for breeding, shelter or protection by a great crested newt;
- Intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for that purpose;
- Intentionally take or destroy the eggs of a great-crested newt;
- Sell, barter, exchange, transport or offer for sale great crested newts or parts of them.

1.4.1 Common amphibians including common frog *Rana temporaria* and common toad *Bufo bufo* are protected under the *Wildlife and Countryside Act 1981* (as amended) against sale only.

Badgers

1.5 Badgers *Meles meles* and their setts are protected by the Protection of Badgers Act 1992, under which it is an offence to either harm badgers or disturb or damage their setts. Evidence of badger activity is usually detected by the following signs:

- Presence of holes with evidence of badgers such as footprints, discarded hair, etc;
- Presence of dung pits or latrines;
- Presence of well-used runs with subsidiary evidence of badger activity; and
- Presence of other indications of badger activity, such as signs of foraging and footprints.

Bats

1.6 All bats are protected under the *Wildlife and Countryside Act (WCA) 1981* (as amended by the Countryside and Rights of Way Act 2000) and The Conservation (Natural Habitats, &c) Regulations 2017 (the Habitat Regulations 2017). This makes it an offence to:

- deliberately kill, injure, recklessly disturb or take bats;
- obstruct access to their roosts (or place of rest);
- damage or destroy bat roosts, possess, sell bats (or any parts of bats) unless acquired legally.

1.6.1 Bats often tend to re-use roosts after periods of vacancy, so bat roosts are afforded protection whether or not bats are present.

Birds

1.7 All species of wild bird and their nests and eggs are protected under the *Wildlife and Countryside Act 1981* (as amended by the *Countryside and Rights of Way Act 2000*). This makes it illegal to:

- Intentionally kill, injure or take any wild bird;
- Intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built; and
- Intentionally take or destroy an egg of any wild bird.

1.7.1 Schedule 1 of the *Wildlife and Countryside Act 1981* gives some bird species (including barn owls) greater protection against disturbance whilst breeding.

1.8 Hedgehogs

European hedgehogs *Erinaceus europaeus* are protected from intentional killing under Schedule 6 the *Wildlife and Countryside Act 1981*. The species is also in decline nationally and is a UK Biodiversity Action Plan priority species. As such it is protected within the planning system and is therefore considered during development.

2. Methodology

2.1 Desk Study

2.1.1 A desk study to find out if the site was adjacent to, or part of any protected sites was undertaken. The desk study would also identify existing records for protected and notable species for the site and from within 2km of the site.

The consultees for the desk study were:

- Natural England (Multi Agency Geographic Information website for statutory conservation sites – MAGIC)
- Warwickshire Biological Records Centre (WBRC)

2.2 Extended Phase 1 Habitat Survey

2.2.1 A daytime visit was made to the site and adjacent habitats and these areas were assessed for their potential to support protected species.

2.2.2 Habitats and features at the site were mapped on a Geographic Information System to create a phase 1 habitat map (see appendix 1).

2.2.3 Target notes were made in the standard phase 1 habitat format (JNCC) to describe habitats and features (appendix 2); these are annotated on the phase 1 habitat map in appendix 1.

2.2.4 In addition to the Phase 1 habitat assessment, direct observations or field signs of any species protected under the *Wildlife and Countryside Act 1981* (as amended), the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended). Attention was given to the potential presence of, and use by amphibians, badgers, birds and hedgehogs.

2.2.5 Aerial photographs from Google Maps and Ordnance Survey maps of the site and its environs were studied prior to the site visit to gain an approximate understanding of the site and surrounding habitats that were present and to assist in looking for scope both within the site and surrounding habitats to support protected species.

2.2.6 Dean Martin (CMIEEM) conducted the site walkover on 25th January 2019.

2.2.7 During the site visit a check for any invasive plants listed under schedule 9 of the *Wildlife and Countryside Act 1981* (as amended by the *Countryside and Rights of Way Act 2000*) was made.

2.2.8 During the site visit casual observations of bird species were made and natural refugia were overturned to check for incidental presence of amphibian species.

2.2.9 Constraints

None were identified.

3. Results

3.1 Desk Study

3.1.1 Protected sites

The desk studies revealed no statutory sites and six non-statutory sites within the 1km search area. Details of the sites can be found in table 1. The site was not part of but is situated within a short distance of Abbey Fields Local Wildlife Site.

Site name	Designation	Approximate distance from site (Km)
157/27 Kenilworth Moss	Potential Local Wildlife Site (pLWS)	1 to south
159/27 Finham Brook and Lakes	pLWS	0.3 to south
26/27 Kenilworth Great Pool, Castle & surroundings	Part LWS	0.5 to south
68/27 Abbey Fields, Kenilworth	Part LWS	0.2 to south
84/27 Parliament Piece, Kenilworth	Local Nature Reserve (LNR)	0.7 to north east
92/27 Kenilworth St. Nicholas Churchyard and Kenilworth St. Augustine R. C. Churchyard	No designation	0.4 to east

3.1.2 Protected species

The absence of records for any particular species should not be taken as an indication that the species is not present; only that it has not been recorded. WBRC returned several protected species records listed below.

3.1.3 Amphibians

The desk studies returned several records for GCN. A cluster of these were from Kenilworth Great Pool, Castle and surroundings approximately 0.3km to the south west. Another dense cluster of GCN records was returned from Castle Farm, approximately 0.7km to the south.

Records for smooth newt, common frog and common toad were also found at these locations. No records for the site itself were returned.

3.1.4 Badgers

The closest record for badgers was approximately 0.1km from the site. No records for the site itself were returned.

3.1.5 Bats

WBRC returned many bat records, with the closest ones being from Kenilworth Hight Street within a short distance to the east. No records for the site itself were returned.

3.1.6 Birds

Several records for birds were returned, including some for tawny owl, at Abbey Fields.

3.1.7 Hedgehogs

Several records were returned, including the closest for a dead animal 0.17km from the site on Kenilworth Hight Street. No records for the site were returned.

3.2 Site Walkover Survey

3.2.1 Habitats

3.2.1.1 Dense scrub

This majority of the site was made up of dense bramble scrub.



Photograph 1 facing south boundary



Photograph 2 east boundary wall



Photograph 3 facing north boundary

3.2.1.2 Scattered trees

The site included a few semi-mature boundary trees at the west boundary, including sycamore, a recently reduced mature sycamore, and a larch. Two semi-mature false acacia were present to the south west of the site, and a small group of fruit trees was also present at the north east boundary.



Photograph 4 semi-mature trees



Photograph 6 from site access

3.2.1.4 No invasive plant listed under schedule 9 of the *Wildlife and Countryside Act 1981* (as amended by the *Countryside and Rights of Way Act 2000*) were identified.

3.3 Protected species

3.3.1 Amphibians

No signs of amphibians were found when turning over any refugia.

3.3.2 Badgers

No setts or sett entrances were identified at the site or within 30m of the development site, and no evidence of badger activity was identified. The private land to the west was not accessed, but could be seen from the road, and this was made up of hard standing, offering no badger habitat.

3.3.3 Bats

A reduced mature sycamore appeared to show some bat potential where thick ivy growth and cracks could be seen at the top of remaining stem



Photograph 5 reduced sycamore west boundary with bat potential

3.3.4 Birds

Bird species seen or heard during the survey were; goldfinch, great tit, blue tit, long-tailed tit, blackbird, redwing and wren.

3.3.5 Hedgehogs

No evidence of hedgehogs was found, although the site and surrounding habitats were considered good hedgehog habitat.

4. Conclusions and Recommendations

4.1 Habitats

The footprint of the proposed development site is dominated by bramble scrub, and species-poor.

4.1.2 Perceived impacts on Local Wildlife Site

No impacts on any protected sites are anticipated.

4.2 Amphibians.

The desk study identified many records for GCN within a short distance from the site. It is however considered that this species is unlikely to be found at the site since the B4103 is a busy road which is unlikely to allow movement of GCN from Kenilworth Castle to the east where the site is located. A methods statements and a Construction Environment Management Plan (CEMP) which details reasonable avoidance measures (RAMS) will be produced to safeguard amphibians.

4.3 Badgers

No evidence of badgers or their setts was encountered within the proposed development or environs. Setts have been recorded within a short distance from the site and so a CEMP which details RAMS will be produced to safeguard any badgers that may encroach upon the site.

4.4 Bats

The sycamore tree at the north west corner shows bat roosting potential where there are crack / crevice features and significant ivy growth (Photograph 5), although this tree is to be retained. If external lights are provided, an external lighting scheme will be submitted that demonstrates that lighting will not impact the trees or boundaries and adjacent habitats where bats and their prey insects may otherwise be detrimentally impacted upon using standard lighting that is harmful to wildlife. The external lighting scheme would then be included within a CEMP.

4.4.1 Principles and design considerations for such a lighting scheme can be found in the Bat Conservation Trust's interim guidance document - *Interim Guidance: Artificial lighting and wildlife - Recommendations to help minimise the impact of artificial lighting*.

4.5 Birds

The trees and scrub on site have potential to support common and widespread breeding birds. A buffer will be created that retains boundary scrub vegetation so that birds can continue to nest at the site. Legal obligations regarding nesting birds for site works (including scrub habitat clearance) can be included in a CEMP.

4.6 Hedgehogs

The site is likely to support hedgehogs since suitable habitat is present and records were returned for animals nearby. It is recommended the boundaries are left as existing so that their porosity is maintained to allow this species to use the site. The buffer at the boundaries will also facilitate future use by hedgehogs. Details will be provided in a CEMP.

4.7 Opportunities for enhancements

It is proposed that the new dwelling is covered with a green roof. The type of green roof proposed will be detailed in an Ecological and Landscaping scheme and include species to be used and a future management scheme.

4.8 A range of bat and bird habitats will be erected on the trees at the site. Since tawny owls are known to the local environs one of these boxes will be designed specifically for this species. Details of the boxes (specifications, number and site placement) will be included in the Ecological and Landscaping scheme.

5. Bibliography

Bat Conservation Trust (2016) *Bat Surveys – Good Practice Guidelines*.

Bat Conservation Trust (2014) *Interim Guidance: Artificial lighting and wildlife - Recommendations to help minimise the impact of artificial lighting*

CIEEM (2017) Guidelines for Preliminary Ecological Appraisal.

IEA (1995) Guidelines for Baseline Ecological Assessment. Institute of Environmental Assessment. E&FN Spon, An Imprint of Chapman and Hall. London.

Joint Nature Conservation Committee, (2007) *Handbook for Phase 1 habitat survey-a technique for environmental audit*. Joint Nature Conservation Committee.

Appendix 1 - Habitat Map



