Wildlife Licencing Unit
NPWS
By email
wildlifelicence@npws.gov.ie

Our Ref: 220255
Your Ref:

12th September 2024

Re: Phase 2 conservation works at Belvedere House, Co. Westmeath

Dear Sir/Madam,

I am applying for a bat derogation licence, on behalf of Westmeath County Council, in relation to the Phase 2 structural conservation works at Belvedere House, Co. Westmeath (Grid reference: N 41954 47645). The works will include:

- Raking and repointing of cement mortar on front and side elevations (north and south),
- Sash windows and door repairs (excluding back elevation)
- The internal strengthening of first floor structure at northern and southern bay ends. It is proposed to rearrange the floor and timber panelling of the bay windows in both rooms to accommodate a new steel beam running east-west under the proposed steps.

Background

MKO have been commissioned by 7L Architects on behalf of Westmeath County to carry out ecological surveys as part of phased conservation works at Belvedere House, Co. Westmeath. The works are essential to prevent further deterioration of the house.

MKO have previously held a derogation licence to complete Phase 1 works (DER-BAT-2024-66). Bat surveys were undertaken in August 2022, February, May and October 2023, May and August 2024, and included roost inspections, dusk and dawn emergence and re-entry surveys. A briefing note providing further survey information is provided as supporting documentation.

2022 and 2023 Survey Results Summary

Evidence of bat use in the form of feeding remains and scattered droppings was found within the roof, first floor and ground floor. No bats were observed roosting in the roof spaces during the surveys. However, two old bat carcasses were noted in one attic and a dead pipistrelle bat was found behind a shutter on the first floor. Live pipistrelle bats were noted on the ground floor interior, close to the exterior roosting location in the crevice above the southern bay window suggesting bats were entering the house from the external roost cavity on occasion.

In total, 20 - 25 bats were observed emerging from the structure. Species confirmed included pipistrelle species (both Soprano and Common pipistrelle). A winter hibernation survey recorded an individual *Myotis* species inside one of the northern vaults.

2024 Surveys Results Summary

An additional roost inspection and dusk emergence was carried out at the site on 28th of August 2024. A total of 70 bats were recorded emerging from the crevice above the ground floor southern bay window. Species consisted of predominantly Soprano pipistrelle with some Common pipistrelle also present. Additionally, 15no. bat carcasses (10no. male, 5no. female pipistrelles) were identified in the building interior since the surveys carried out the previous year. Seven were identified in the ground floor room, five identified in first floor room and two identified in central hallway. Following a thorough inspection, it was not clear where exactly the bats were entering the building; however, small gaps are present under skirting boards and floorboards. It's clear that bats are roosting behind a cavity in panelling along the southern bay window at ground level (audible during daytime). There may also be access to the first floor within this cavity. No other roosts or evidence of roosting bats were identified.

On a precautionary basis, as works are proposed in the vicinity of the roost, a derogation licence is being sought for the proposed works.

Recommendations in place to safeguard bats include:

- *Works will be undertaken outside the main bat maternity period (May - August). The works are proposed to take place between September 2024 and April 2025 to avoid the main bat activity period.*
- *In the interim, as interior access points are still unknown, in order to allow bats to escape from the building, a window on the ground and first floor have been left open slightly to allow for exiting.*
- *The identified roost entrance on the southern bay window and wall cavity will be retained throughout the works. Access by bats to the interior of the structure will be identified and restricted to ensure bats can no longer get trapped inside with no exit.*
- *Prior to the commencement of works, a suitably qualified ecologist will provide a toolbox talk to site staff to make them aware of the ecological sensitivities of the site and ensure that they are fully briefed in relation to any bat constraints.*
- *On a precautionary basis, a pre-commencement survey will be carried out to ensure there are no bats present within the works area. Should roosting bats or evidence of roosting be identified, these areas will be retained and avoided during the works.*
- *Any internal works on the southern bay panelling will be supervised by a licenced ecologist to ensure the internal roost cavity remains intact during the works and bats can return.*

Provided that the above mitigations are followed in full, no significant effects on bats are anticipated.

Preconditions Test

The NPWS document, *Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland - National Parks and Wildlife Service Guidance Series 1 (2021),* was reviewed before undertaking this derogation application. Article 16 of the Habitats Directive sets out three pre-conditions, all of which must be met before a derogation from the requirements of Article 12 or Article 13 of the Directive can be granted. These preconditions are also set out in Regulation 54 of the Regulations.

The preconditions are:

1. A reason(s) listed in Regulation 54 (a)-(e) applies
2. No satisfactory alternatives exist
3. Derogation would not be detrimental to the maintenance of a population(s) at a favourable conservation status.

It is believed that the pre-conditions for granting a derogation licence have been met, as follows:

Test 1 – Reasons for Seeking Derogation.

Regulation 54(2) (a)–(e) states that a derogation licence may be granted for any of the reasons listed (a) to (e). We are of the opinion that the following reasons apply:

> (c) In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

The proposed works are necessary for the conservation of a protected 18th century heritage building, without which the structure would fall into further decline, thus rendering the structure unsafe for the public. The building sees many visitors each year including members of the public, tourists and academics. Recent ceiling plaster falls have occurred within the northern and southern bay areas and there is a significant risk of this reoccurring; therefore, in the interest of public health and safety, strengthening works are essential. Window and door repairs, along with the specialist repointing works are required to ensure the building is also protected from weathering resulting in further decline.

Additionally, historic built fabric, archaeology and natural heritage are given protection under the following legislation:

- Planning & Development Acts
- National Monuments Acts, 1930–2004, and the Record of Monuments & Places, established under Section 12 of the 1994 Act.
- EU Habitats Directive (92/43/EEC)
- EU Birds Directive (79/409/EEC as amended 2009/147/EC)
- Wildlife Amendment Act (2000)

Belvedere House (ref. 026-013) is protected under the Planning and Development Acts 2000-2010, being listed in the Record of Protected Structures included in the Westmeath County Development Plan 2021-2027 with a National rating.

Test 2 – There is no Satisfactory Alternative

There is no satisfactory alternative to the structural conservation works. The conservation works have been designed with specialist architecture and archaeology in mind to retain and repair areas of most significant disrepair/risk and to prevent further damage. The structure is currently at risk of further weathering damage due to the poor condition of windows and doors, as well as unsuitable cement mortar which is causing damage to stonework. Internally, the historic Rococo style ceilings are at significant risk with plaster falls already occurring; therefore, strengthening works are essential for their preservation. If the works are not carried out, the structure will likely be compromised with a high risk of further damage occurring. Further deterioration of the structure would likely reduce the roosting suitability for bats over time.

Do nothing scenario: If the conservation works did not go ahead, the house will remain in place and while it's likely to continue to be used as a bat roost, it will continue to deteriorate in condition, particularly the vulnerable ceilings. A large soprano pipistrelle roost is present in the southern bay wall cavity with unknown access points to the interior of the building. The interior of the house in its current state provides unsuitable and unsafe roosting conditions where bats are becoming trapped and perishing. This will likely continue without the intervention and completion of the works. Not carrying out works would result in the continued degradation of the heritage of the house and eventual reduction in roosting quality and suitability for bats as outlined in Test 1.

House conservation: This option would encompass the refurbishment of the existing house on the site under the above recommended guidelines. This option is feasible for the following reasons:

- Phase 2 works will allow for the long-term conservation of the heritage structure as well as the retention of the existing roost. The works will have consideration of the roost location and ensure measures are in place to prevent further fatalities occurring.

Having regard to the above, the do-nothing scenario in relation to the existing house is considered not viable as the condition of the house and roosting suitability is deteriorating.

Chosen option: House conservation works. While the house would likely continue to be suitable as a roost in its current state, a significant number of fatalities are occurring due to unsafe access to the interior. Without the intervention and completion of the works, bats would likely continue to become trapped and perish. Options to limit impacts on biodiversity beyond the do-nothing scenario have been explored and applied where feasible, in line with safety standards and specialist architecture and archaeology requirements. The works are necessary to ensure the preservation of the heritage structure. Over time, without the works taking place, the value of the structure as a bat roost would likely deteriorate.

Test 3 – Favourable Conservation Status

Annex IV species must be maintained at Favourable Conservation Status or restored to favourable status if this is not the case at present. The net result of granting a derogation licence must be neutral or positive for the species in question.

A large soprano pipistrelle roost is present within the southern bay cavity wall. The roost will be retained and avoided throughout the works and bats will be allowed to return. Access to the interior rooms of the building will be minimised through the identification and restriction of the interior access point(s) to prevent any further fatalities. A pre-commencement survey and ecological supervision are recommended to ensure no impacts on bats occur. Provided that the recommendations described above are followed in full, no significant effects on bats are anticipated.

I hope that this is satisfactory for you to consider the grant of a derogation licence for these works. Please do not hesitate to contact me if you have any further questions.

Laura McEntegart (BSc.)
Ecologist