



NPWS

An tSeirbhís Páircenna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife
Service

**Derogation Number
DER-BAT-2025-322**

**EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS) REGULATIONS,
2011 (S.I. No 477 of 2011)**

DEROGATION

Granted under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, hereinafter referred to as “the Habitats Regulations”.

The Minister for Housing, Local Government & Heritage, in exercise of the powers conferred on him by Regulation 54 of the Habitats Regulations hereby grants to **Melanie McQuade of Westmeath County Council, Aras an Chontae, Mount Street, Mullingar, County Westmeath, N91 FH4N** a derogation. It is stated that this derogation is issued:

- A. 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
- B. As there is no satisfactory alternative, and the action authorised by this derogation will not be detrimental to the maintenance of the population of **bats** referred to below at a favourable conservation status in their natural range.

This derogation authorises the following:

- 1. Roost disturbance
- 2. Actions authorised within the derogation

The derogation is issued in respect of the following **bat species**:

- **Soprano Pipistrelle** **Pipistrellus Pygmaeus**



NPWS

An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife
Service

Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Head Gardener's Cottage, Belvedere House & Gardens, Mullingar, County Westmeath, N91 EF80** for **Melanie McQuade**
2. All activities authorised by this derogation, and all equipment used in connection herewith, shall be carried out, constructed and maintained (as the case may be) so as to avoid unnecessary injury or distress to any species of **BAT**. Anything done other than in accordance with the terms of this derogation may constitute an offence
3. This derogation may be modified or revoked, for stated reasons, at any time.
4. The mitigation measures outlined in the application report (**Bat Derogation Licence Application – Belvedere House & Gardens Head Gardener's Cottage**), together with any changes or clarification agreed in correspondence between NPWS and the agent or applicant, are to be carried out. Strict adherence must be paid to all the proposed measures in the application.
1. The actions which this derogation authorise shall be completed between **3rd October – 31st December 2025, inclusive**
2. The works will be supervised by bat ecologist: **Aoife Joyce, Ryan Connors, David Culleton & Clare Mifsud (with Saoirse Fitzsimons under supervision)**
3. If this derogation addresses works that are subject of a planning application, no such works permitted under this derogation can occur until planning permission is granted.
4. If this derogation expires prior to works permitted under this derogation commencing, a new application must be sought in advance, including the provision of any updated data or reports.
5. This derogation shall be produced for inspection on a request being made on that behalf by a member of An Garda Síochána or an authorised NPWS officer appointed under Regulation 4 of the Habitats Regulations.
6. The local **NPWS Conservation Ranger – Damian Murtagh**, damian.murtagh@npws.gov.ie, must be contacted prior to the commencement of any activity, and if bats are detected on site during the course of the work, under the terms of this derogation.
7. On completion of the actions which this derogation authorises, all recordings of bat species affected will be made using the standardised data form provided below and must be submitted to the NPWS **within four weeks of the expiry date of this derogation**. Included with the below returns form, a report will also be submitted to wildlife.reports@npws.gov.ie detailing results of works and success of mitigation. **Both documents must be submitted to constitute a derogation return.**



NPWS

An tScribhís Páircanna
Náisiúnta agus Fiadhúla
National Parks and Wildlife
Service

For the Minister for Housing, Local Government & Heritage

(an officer authorised by the Minister to sign on his behalf)

03 October 2025

Any query in relation to this derogation should be sent to reg54derogations@npws.gov.ie



Derogation Assessment

Name of Applicant: Melanie McQuade

Location/Name of Project: Head Gardeners Cottage, Belvedere House & Garden's, Mullingar, County Westmeath

Tick the following prohibition as chosen on the application:

(a) Deliberately capture or kill any specimen of the relevant species in the wild	☐
(b) Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	☒
(c) Deliberately take or destroy eggs of the relevant species in the wild	☐
(d) Damage or destroy a breeding or resting place of such an animal, or	☐
(e) Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of the relevant species taken in the wild, other than those taken legally as referred to in Article 12(2) of the Habitats Directive.	☐
(a) Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	☐
(b) Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of these species taken in the wild, other than those taken legally as referred to in Article 13(1)(b) of the Habitats Directive.	☐

Test 1: A reason(s) listed in Regulation 54 (a)-(e) applies to the proposed activity

i. Tick which reason the applicant claims should be applied to the derogation

(a) In the interests of protecting wild flora and fauna and conserving natural habitats,	☐
(b) To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property	☐
(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,	☒
(d) For the purpose of research and education, of re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including artificial propagation of plants, or	☐
(e) To allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule.	☐

ii. Test 1: Conclusion

Please tick the following where it applies:

There is a valid reason(s) listed in Regulation 54 (a)-(e) which applies to the proposed activity:	Yes	☒
	No	☐

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion:

The application form and associated documentation provided by the applicant has been reviewed in full. The application relies on regulation 54(2)(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*' as the reason chosen for a derogation that they believe applies to the proposed activity.

In the detail provided, the applicants are relying on the public health and public safety aspect of Reason C in that as outlined on page 2 of the accompanying report, the proposed works involve targeted roof repairs to the Head Gardener's Cottage at Belvedere. The cottage is currently in a state of disrepair, and sections of the southern roof are at risk of further decline if works do not proceed. Loose slates, degraded leadwork, and decayed timber elements pose a direct hazard to staff, visitors, and contractors accessing the grounds of the estate.

It is further noted, on page 9 of the report that the cottage is unoccupied due to its current condition, the intention is to restore it for future use. The proposed works are therefore necessary to safeguard both the structure while also protecting public health and safety. The application therefore falls under the public health and public safety aspect of Reason C.

The applicants have provided evidence as to the nature and scale of the public health and public safety reasoning and the proposed activity is necessary to achieve the overall objective. Based on the above this application has passed Test 1 and can now proceed to Test 2

Test 2: Absence of a satisfactory alternative

Please tick the following where it applies and add a comment below to support the recommendation:

The applicant has provided satisfactory evidence that alternative solutions have been considered and have given reasons why the proposed approach is the only satisfactory alternative:	Yes	☒
	No	☐

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion (If you wish to add additional conditions please complete pg. 6):

All documents provided (Bat Derogation Licence Application and Supporting Information) regarding the application for a Regulation 54 derogation to complete works at the Head Gardner's Cottage, Belvedere House and Gardens, County Westmeath have been reviewed in full.

The applicant states within this documentation that a do nothing approach (alternative solution) to the Head Gardner's Cottage at Belvedere House and Gardens will have a detrimental effect on the future general condition of the building (with effect on heritage and safety of the structure). It is also stated by the applicant that this will result in the building worsening in infrastructural condition thus incurring further cost in the future if not attended to. If the building does not have repairs attended to, in addition to the loss of usability and heritage of the building, a deterioration of the present suitable conditions for the Soprano Pipistrelle *Pipistrellus pygmaeus* identified in the survey outlined within the supporting information document provided by the applicant will also occur. In further addition, the applicant states that a do nothing approach (alternative solution) will result in a loss of funding to complete any works on this structure with resultant negative effect on all above mentioned issues. Regional agree with the above assessments.

It is noted that a reduced scope of works has been adopted (as a mitigation to reduce level of intervention, to reduce potential disturbance to bats present and attend to structural and safety concerns regarding the building) by the applicant with works proposed on limited sections of the southern facing portion to the building only. This work to preserve the building will accommodate Soprano Pipistrelle *Pipistrellus pygmaeus* detected in the survey outlined in the Supporting Information of this application. In addition, works are to be completed outside the main active period for bat species as further mitigation.

It is worthy to note here that evidence of potentially significant bat roosts were detected in survey on both the west facing first floor window and north facing gable of the Head Gardner's Cottage. The reduced scope of works proposed avoids disturbance to these locations at present.

The information presented by the applicant suggests that they have met the conditions of test 2

Upon completion of your assessment, please return this Recommendation to WLU to continue the application process.

Test 3: Impact of a derogation on conservation status of the species

Please tick the following where it applies and add a comment below to support the recommendation:

The derogation would NOT be detrimental to the maintenance of the populations of the species in question at a favourable conservation status in their natural range.	Yes	☒
	No	☐

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion. (If you wish to add additional conditions please complete pg. 6):

The building in question supports a minor roost of soprano pipistrelles. This species is widespread and abundant in Ireland and is in favourable conservation status. The proposed disturbance to this roost will have no impact on the conservation status of this species.

If the answer above is Yes then the derogation may be granted, providing Tests 1 and 2 have also been met.

Upon completion of your assessment, please return this Recommendation to WLU to continue the application process.

Derogation decision

The application for a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011), as amended, has been assessed by officials in the Department and the following decision has been made:

Tick box where appropriate:

There is no satisfactory alternative ☒

and the derogation is not detrimental to the maintenance of the populations of the species to which the Habitats Directive relates at a favourable conservation status in their natural range. ☒

Therefore, a derogation may be granted to the applicant, since it is—

(a) in the interests of protecting wild fauna and flora and conserving natural habitats, ☐

(b) to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property, ☐

(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, ☒

(d) for the purpose of research and education, of repopulating and re-introducing these species and for the breeding operations necessary for these purposes, including the artificial propagation of plants, or ☐

(e) to allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule. ☐

OR This application has been refused as one or more of the conditions set out above have not been met ☐

The following conditions should be attached to the derogation:

1. |
2. |
3. |
4. |

[add additional conditions where required]



Signed: .

Date: October 3, 2025

Position: Ecologist