

**APPENDIX F****THE PALACE, KILKENNY****MEMORANDUM AND SUMMARY OF EVENTS****Background**

Subsequent to an approach made to the RCB in relation to the possible interest of the Heritage Council in the Palace and portion of the grounds as a location for a new national headquarters in Kilkenny, exploratory discussions were opened up between the Representative Church Body [RCB] and the Heritage Council [HC] in 1999.

The disposal of the Palace had been seriously considered by the RCB in 1977, 1980 and again in 1996, when the RCB's Property Committee had recommended that the RCB should explore alternative uses for The Palace and the building of a more manageable episcopal residence.

Members of the Diocesan Councils were circulated with an outline summary of these discussions by the RCB on 19 July 1999.

**Commission of a Study and Conservation Plan**

Prior to considering any proposals relating to the future of the Palace, it was agreed [at a meeting between RCB representatives and the Dioceses in Kilkenny on 13 September 1999] that the RCB and the HC would embark, in partnership, upon the preparation of a study and survey known as a "Conservation Plan". This Plan was to discover and consider the Heritage significance of the Palace and its relationship to its immediate surroundings and the adjoining Cathedral Close. The Plan was also to consider the impact and feasibility of alternative uses for the Palace, other than as a residence for the Bishop of the Dioceses.

A European type competition process was initiated, with over five different architectural and conservation specialist firms being asked to make a presentation to the HC and the RCB in Dublin Castle. The competition process involved liaison with the Dioceses as well as the RCB.

The Integrated Conservation Group, headed up by Mr Dawson Stelfox, architect, was awarded the contract to prepare the Conservation Plan (the Plan). The preparation of the Plan took over sixteen weeks and covered the following specialist areas:

- the history of the site and its relationship to Kilkenny.
- the architectural history of the Palace.
- the archaeological value and history of the site.
- the physical makeup and construction of the Palace, including its fabric and stonework.
- the ecology of the whole site.

**Findings of the Conservation Plan**

The Plan identified some substantial areas of concern relating to the condition of the Palace. It indicated that if the Palace was to be retained as a residence, the RCB could be compelled under current planning and development legislation to carry out substantial restoration works to the Palace estimated to cost in excess of IR£800,000, to ensure that the “Heritage Value” of the Palace was preserved and protected. These conservation works would not improve the living conditions or ‘manageability’ of the existing residential accommodation nor would they reduce the potential for ongoing and possibly substantial maintenance expenditure in the future.

The possibility of conversion of the Palace, by way of sub-division, to provide a separate and improved residential compartment within the Palace structure, together with increased business/official function use for the Church was also considered by the Conservation team. This type of sub-division, conversion and upgrading for shared use, to include works to comply with Fire and Health and Safety regulations, could impact very seriously on the Heritage Value of the Palace and still not provide adequate accommodation and privacy for family living. The Conservation Group did not regard this proposal to be a practical proposition nor desirable in relation to the integrity of the architecture and design of the buildings.

**The Preferred Option**

A further option considered and ultimately recommended for the Palace, was the transfer of the Palace and portion of the grounds to the HC for a substantial consideration. It would be used by the HC as its administrative headquarters. Additionally, the RCB would retain the right to use the main function rooms for Church purposes on 15 occasions during each year.

The RCB would however build a new See House on the grounds immediately underneath the Palace. This area is known as the Pleasure Grounds and has been used by Bishops of the Diocese as a garden/amenity area for many years, by way of lease originally granted by the de Montmorency family.

The Bishop would reserve a right of direct access to the Cathedral Close from the land retained for the new See House, through the grounds transferred to the HC.

**The Meeting of the Councils in Kilkenny on 8 June 2000**

The Conservation Plan and options were fully presented and explained to the Diocesan Councils in joint session on 8 June 2000 in the Newpark Hotel, Kilkenny.

A contract to acquire the reversionary interest in the Pleasure Grounds was received by the RCB from the Solicitors for the de Montmorency Trustees prior to the meeting of the Diocesan Councils in Kilkenny on 8 June 2000. The members of the Diocesan Councils present at that meeting were advised that an agreement had been reached with the Trustees. For reasons unknown to the RCB, the Trustees subsequently refused to execute the contract.

Subsequent to the presentation made in Kilkenny on 8 June 2000, the Councils considered the recommendations in private session and a vote was taken. The Diocesan Council for Cashel, Ossory, Waterford, Leighlin and Lismore voted very substantially in favour of the proposal to transfer the Palace to the HC. The Diocesan Council for Ferns voted by a margin of 2 against the proposal.

Combined, there was an overall majority of nearly 2 - 1 in favour of the proposals.

### **The Decision of the Representative Body**

The Representative Church Body at a special meeting on 22 June 2000 considered

- the proposal to transfer the Palace and portion of the grounds to the HC.
- the actual vote taken in Kilkenny on 8 June 2000.

It resolved by a large majority to agree to the transfer of the Palace and portion of the grounds to the HC and the building of a new See House on the retained grounds.

The RCB also resolved to seek an *independent* legal opinion from its Legal Advisory Committee. The issue for consideration was whether or not the consent, required by Section 12 of Chapter X of the Constitution of the Church of Ireland (the Constitution), had been properly obtained at the meeting of the Diocesan Councils in Kilkenny on 8 June.

### **The Legal Advisory Committee of the Representative Church Body**

The Legal Advisory Committee (LAC), consisting of one current High Court judge, a former Circuit Court judge, a master of the High Court of Northern Ireland and four senior barristers subsequently met and considered the consent issue. It determined that the consent required, by section 12 of Chapter X of the Constitution, was that of the Diocesan Council of Cashel, Ossory, Waterford, Leighlin and Lismore and that this consent had been given by that Diocesan Council at the meeting held on 8 June 2000, in Kilkenny. The consent of Ferns Diocesan Council, in accordance with the provisions of the Constitution, was not necessary or required.

### **Special Meeting of the Diocesan Synod of Cashel, Ossory, Waterford, Leighlin and Lismore**

A special meeting of the Diocesan Synod was requisitioned by members of the Synod, convened and held in Kilkenny on 29 June 2000 to approve the actions of the Diocesan Councils on 8 June 2000. In the event, no vote or action was taken by it to approve or dis-approve the vote or actions of the Diocesan Councils at their meeting on 8 June 2000, in Kilkenny.

### **Subsequent Events**

The transfer of the de Montmorency Estate interest in the Palace grounds to the RCB has now been completed.

A petition from members of the Dioceses of Cashel, Ossory, Waterford, Leighlin & Lismore and Ferns was submitted, at the request of the Dean of Ferns and Canon Ruddock, to the meeting of the RCB held in Dublin on 13 December 2000. The petition was tabled and noted.

An appeal in relation to procedures adopted at the special meeting of the Diocesan Synod held on 29 June 2000 in Kilkenny, has been submitted to the Honorary Secretaries of the General Synod.

The RCB through its Property Committee formed a dedicated sub-committee with a brief to progress the design and planning process for a new See House to be built in the retained grounds of the Palace.

A delegation from the Heritage Council, lead by its chairman, Dr O'Dwyer, met with the RCB Executive Committee on 21 February 2001.

### **Planning and Progress**

It is intended that planning applications should, in due course, be made to Kilkenny Corporation seeking a change of use permission for the Palace from residential to Heritage use, together with a permission for the building of a new See House. The design and location of the new See House shall be communicated to the Bishop and Diocesan Councils and any suggestions made by either or both shall be considered fully by the Property sub-committee.

As indicated above, in the event of a sale transfer to the HC, the Church of Ireland shall have the legal right to *continued* use of the Palace for specified purposes, together with a right of access through the property to and from the Cathedral Close but *released* from the burden of financial responsibility for the long term care and maintenance of this historic building.

The transfer of the Palace to the HC would be subject to planning permission being obtained for both proposals and to the execution of detailed contractual agreements.