

## TABLE OF CONTENTS

<b>10</b>	<b>CULTURAL HERITAGE .....</b>	<b>10-1</b>
10.1	Introduction .....	10-1
10.2	Assessment Methodology.....	10-2
10.2.1	Study Area.....	10-2
10.2.2	Paper Survey.....	10-2
10.2.3	Field Inspection .....	10-3
10.2.4	Geotechnical Site Investigations .....	10-3
10.2.5	Difficulties Encountered.....	10-4
10.3	Receiving Environment.....	10-4
10.3.1	Historical Background .....	10-4
10.3.2	Archaeological Heritage .....	10-13
10.3.3	Architectural Heritage.....	10-20
10.4	Impact Assessment .....	10-24
10.4.1	Impact Criteria .....	10-24
10.4.2	Construction Phase .....	10-30
10.4.3	Post-Construction/Operational Phase .....	10-36
10.5	Mitigation Measures.....	10-39
10.5.1	Construction Phase .....	10-39

## APPENDICES

Appendix 10-1	Consulted Documentary Sources
---------------	-------------------------------

## 10 CULTURAL HERITAGE

### 10.1 Introduction

Cultural Heritage has been defined by UNESCO as “the legacy of physical artefacts and intangible attributes of a group or society that are inherited from past generations, maintained in the present and bestowed for the benefit of future generations” (Tangible Cultural Heritage, UNESCO <http://www.unesco.org/new/en/cairo/culture/tangible-cultural-heritage>). Cultural Heritage is assumed to include all humanly created features on the landscape, including portable artefacts, which might reflect the prehistoric, historic, architectural, engineering and/or social history of the area. Where appropriate, it also includes for non-physical aspects of heritage, such as history, linguistics, folklore, etc.

The Heritage Act (1995) contains a list of various aspects of heritage, including archaeological monuments and objects, architectural heritage, fauna, flora, geology, heritage gardens and parks, heritage objects, inland waterways, landscapes, monuments, seascapes, wildlife habitats, and wrecks.

The Cultural Heritage of the area of the proposed project was examined through an Archaeological, Architectural, and Historical study. The Archaeological and Architectural studies involved a documentary/cartographic search and focussed field inspection of the area, while the Historical study involved a documentary search.

The chapter discusses the receiving environment from a Cultural Heritage perspective. It provides information with respect to previously identified baseline data and assesses the impact of the proposals on identified sites and areas of Cultural Heritage interest and/or potential.

The Cultural Heritage Assessment has been prepared by Martin Byrne, Byrne Mullins & Associates – Archaeological & Historical Heritage Consultants, who has in excess of 30 years’ experience in preparing Archaeological and Cultural Heritage Assessments.

Martin Byrne holds a BA (UCC) in Archaeology and History and an MA (UCC) in Archaeology, together with a Diploma in EIA Management (UCD) and was a member of the National Monuments Service Expert Advisory Committee (2009-2010) tasked with reviewing the proposed National Monuments (Consolidated) Act with respect to the area of Monument Protection and to bring forward proposals for associated statutory regulations; he is founding Board Member and former Chairperson of the Institute of Archaeologists of Ireland (IAI) and represented the IAI on the Royal Irish Academy Standing Committee for Archaeology (2014-2018). He is currently a company member of The Discovery Programme – Centre for Irish Archaeological Research, representing the IAI.

## **10.2 Assessment Methodology**

The Cultural Heritage components of the study comprise the results of a survey and evaluation of sites of archaeological, architectural and historical potential within a defined Study Area (10.2.1 below). The work consists of the results of a paper survey and detailed field inspection/reconnaissance survey. In addition, Geotechnical Site Investigations were monitored by an archaeologist.

### **10.2.1 Study Area**

The overall extent of the subject development locations and a 300m-wide corridor incorporating such areas, with the main channel of the Ballyhale River acting as a centreline, was determined to be the Study Area for Cultural Heritage. The extent of the Cultural Heritage Study Area was chosen on the basis of the topography of the specific project area and environs and to reflect an appropriate context for the various elements of the project, beyond which it was considered that a development of this nature would have no direct/indirect impacts. In that regard, there are no previously recorded Cultural Heritage assets located on, or adjacent to, watercourses downstream of Ballyhale that have the ability to be indirectly impacted by any hydrological effects of the Scheme.

### **10.2.2 Paper Survey**

The Paper Survey comprised documentary, cartographic and aerial photographic research using the following principal sources:

- Record of Monuments and Places – Co. Kilkenny (RMP)
- Archive files of the Archaeological Survey of Ireland (ASI)
- Sites and Monuments Record (SMR); National Monuments Register, Register of Historic Monuments (RHM), National Monuments Service Wreck Viewer & Lists of Monuments subject to Preservation Orders (PO) – [www.archaeology.ie](http://www.archaeology.ie)
- Topographical Files of the National Museum of Ireland (NMI)
- Summary Accounts of Archaeological Excavations in Ireland – [www.excavations.ie](http://www.excavations.ie)
- Aerial Photographic and Historic Map Archive of Ordnance Survey of Ireland – [www.osi.ie](http://www.osi.ie)
- Open Topographic Data Viewer (LiDAR information) – [www.dcent.maps.arcgis.com](http://www.dcent.maps.arcgis.com)
- Kilkenny County Development Plan 2021 – 2027 (KCDP) including Record of Protected Structures (RPS)

- National Inventory of Architectural Heritage (NIAH) – Survey of the Architectural Heritage of County Kilkenny (Building & Garden Surveys) – [www.buildingsofireland.ie](http://www.buildingsofireland.ie)
- Placenames Commission – [www.logainm.ie](http://www.logainm.ie)
- Heritage Council Heritage Maps & Data – [www.heritagemaps.ie](http://www.heritagemaps.ie)
- National Folklore Collection (The School's Collection) – [www.duchas.ie](http://www.duchas.ie)
- Documentary and Cartographic sources (see Appendix 10.1).

### **10.2.3 Field Inspection**

From the preceding paper survey, a list of cultural heritage sites/sites of cultural heritage potential was compiled for inspection. In addition, the defined Study Area was assessed for the presence of archaeological monuments by reference to cartographic, aerial photographic, satellite imagery and LiDAR sources. A preliminary field survey of the project area was undertaken in early July 2021, with a more detailed survey, including, where possible, a surface reconnaissance survey, undertaken in early October 2021.

An attempt was also made to identify previously unrecorded sites of cultural heritage potential within, and in the immediate environs of, the proposed development area.

Sites of cultural heritage potential identified on the basis of the paper survey were inspected in an attempt to confirm their locations on the ground and to determine, if possible, their likely extent.

### **10.2.4 Geotechnical Site Investigations**

Trial Pit and Bore-hole Inspection Pit excavations, undertaken as part of an overall programme of Geotechnical Site Investigations, were monitored by Dr. Clare Mullins, Byrne Mullins & Associates, in early July 2021. Such unlicensed monitoring was undertaken following agreement with the National Monuments Service, Department of Housing, Local Government and Heritage following submission of a S12(3) Notification under the National Monuments Acts 1930-2014 in March 2021.

The locations of the individual elements of the Geotechnical Investigations are indicated below in Figure 10.1; nothing of archaeological interest was uncovered during the course of the monitoring.

### 10.2.5 Difficulties Encountered

No significant difficulties were encountered with respect to undertaking of the Paper Survey or subsequent Field Inspections; however, in some locations the banks of the respective watercourses, as well as the watercourses themselves, were overgrown; consequently, it was not considered possible to undertake metal detecting and/or wade surveys of the watercourses, particularly as the river bed was, for the most part, not visible and to ensure that any possible aquatic/ecological habitats were not disturbed.

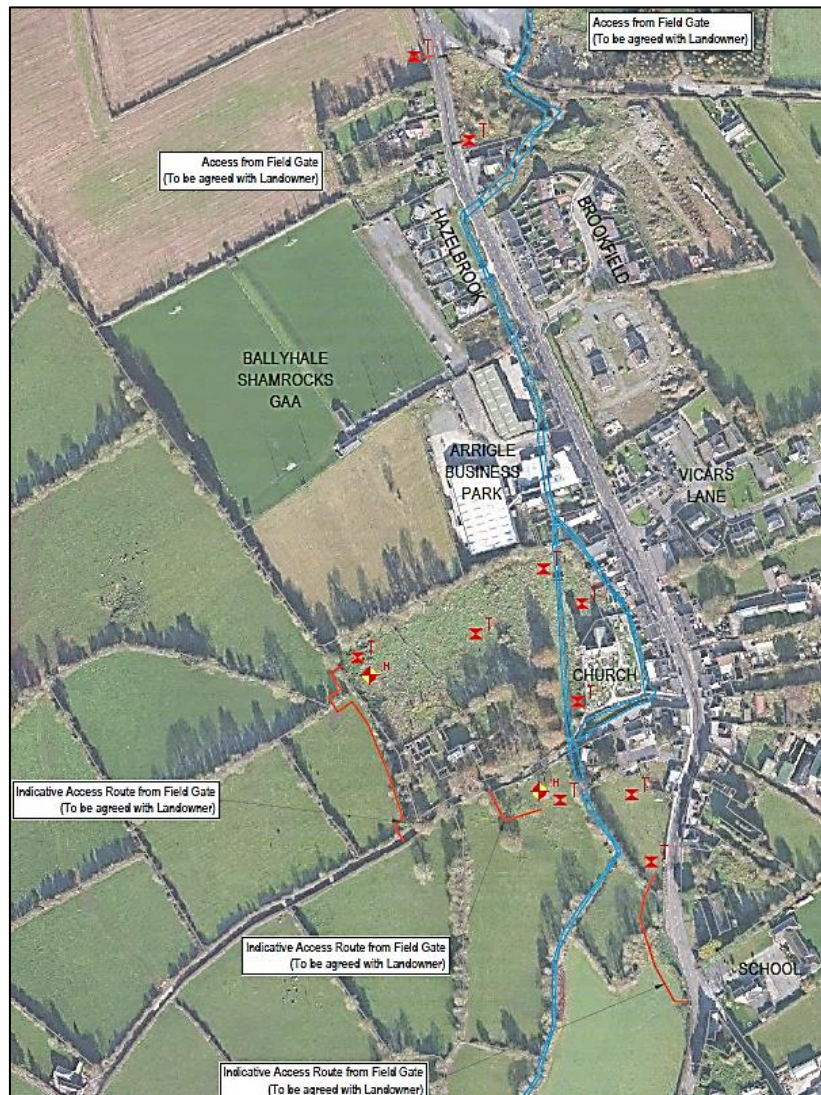


Figure 10.1 Locations of Geotechnical Site Investigations

## 10.3 Receiving Environment

### 10.3.1 Historical Background

The general project area is located in the townland of Ballyhale, in the civil parish of Derrynahinch and barony of Knocktopher (O.S. 6" Map: Kilkenny Sheets 31 & 32), with the

proposed construction compound located in the townland of Kiltorcan. Ballyhale drives from the Irish *Baile Héil* – ‘Hale’s or Howel’s townland/town/homestead’ (Placenames Commission [www.logainm.ie](http://www.logainm.ie)); Carrigan (1905, 14) notes that Hale or Howel was known to be a Christian name associated with the Walsh family. Kiltorcan derives from the Irish *Cill Torcáin* – the ‘church of Torcain’.

County Kilkenny takes its name from the city of Kilkenny and the name is the anglicised version of the Irish *Cill Chainnigh*, meaning Church (Cell) of Cainneach or Canice. This probably relates to the church and round tower, now St. Canice's Cathedral (Kilkenny City), which was built in honour of St. Canice. This was located in one of the ancient kingdoms of Ireland, known as *Osraige* (Ossory). The Kings of Osraige, the Mac Giolla Phádraig family, reigned over Osraige and Cill Chainnigh was their stronghold. The Kingdom of Ossory existed from at least the 2nd century until the 13th century AD. The current ecclesiastical diocese of that area is still known as Ossory, with its medieval counterpart established in 549 AD, the territory of which corresponded to the medieval Kingdom of Ossory. In earlier historic times, Kilkenny replaced Aghaboe as the chief church in Osraige. Osraige formed the easternmost part of the kingdom and province of Munster until the middle of the 9th century, after which it was attached to Leinster and largely acted as a buffer state between Leinster and Munster.

Following the Anglo-Norman invasions in 1169, Kilkenny formed part of the lordship of Leinster under the control of Richard de Clare (Strongbow), who, in c.1173, established a castle and town at Kilkenny (city). In the late 14th century Kilkenny passed into the hands of the powerful Butler earls of Ormond, who provided an enduring source of patronage.

Carrigan (1905, 14-15) states that the present townland of Ballyhale originally formed part of Kiltorcan and was formed following the Anglo-Norman invasions...“It’s separation from Kiltorcan is marked by an anomalous, but, in similar cases of dismemberment of townlands, a very unusual circumstance, viz., the new townland of Ballyhale was made to take in the church of Kiltorcan, which, therefore in the course of time, came to be known exclusively as the church of Ballyhale; while the new townland of Kiltorcan, though still retaining the old ecclesiastical name, was left without a church or church site”. The church of Kiltorcan (Ballyhale) was appropriated to Kells Priory, probably sometime in the 13<sup>th</sup> century. Carrigan (*ibid.*) notes that it is “mentioned in four of the lists of the churches in the *Red Book of Ossory*, and always as a “Capella”. Two of these lists style it “Capella de Kiltorcan”; the other two, “Capella de Kyltorkan” and “Capella de Kiltorcan”. It appears, on the other hand, as the “Capella de Howellstoun” in a confirmation by Henry IV, Feb. 6<sup>th</sup>, 1412, of all churches and glebes granted by Kells Priory up to said date. In some documents of 1540 and 1541, relating to the same Priory soon after its suppression, “Hoeliston” or “Howeleston” is mentioned as a “Rectory”; but it is plain from the *Red Book of Ossory* that, if it ever were a Rectory, as most probably it was

in early times, it must have ceased as such, even before the year 1300". Ever since the Reformation, Ballyhale and Kiltorcan have formed part of the civil parish of Derrynahinch". The medieval church tower is known locally as 'Ballyhale Castle' and is marked as such on Ordnance Survey historic maps; however, there are no historical references to a caste at Ballyhale.

In 1641, a major rebellion broke out in Ireland, and County Kilkenny produced strong support for Confederate Ireland, with the seat of the Supreme Council and General Assembly of the Catholic Confederation ('Confederation of Kilkenny') located in Kilkenny City. Oliver Cromwell and his English Parliamentary Army arrived in the county in 1650 and captured Kilkenny City in March and soon afterwards the county was in English control. Having emerged victorious in Ireland, the English Commonwealth, immediately undertook an ambitious project of social engineering, underpinned by a massive transfer in landownership from Irish Catholics to English Protestants. For this to happen, the land had to be accurately surveyed and mapped, a task overseen by the surgeon-general of the English army, William Petty. The Civil Survey was undertaken from 1654-58 and is popularly known as the 'Down Survey'. Details from the Civil Survey relating to the townland of Ballyhale are included in Table 10.1 below and are based on information from the *Down Survey Project* ([www.downsurvey.tcd.ie](http://www.downsurvey.tcd.ie)). The Down/Civil Survey map for the parish of Derrynahinch (then known as Derrinehensy) is illustrated in Figure 10.2, with the extent also indicated in a 1670 map – Figure 10.3); both name Ballyhale as 'Ballyhoyle' and Kiltorcan as 'Killtorcan'.

Townland	Civil Survey Name	1641 Owner	1670 Owner	Other Information
Ballyhale	Ballyhoyle	Edmund Howling (Protestant)  Peter Anthony (Protestant)	Thomas Walsh (Protestant)  Philip Ffernesly (Protestant)	<b>Profitable Land:</b> 674 plantation acres <b>Forfeited Land:</b> 674 plantation acres <b>1659 Census:</b> 38 English 13 Irish <b>Titulado:</b> Henry Wade Capt. Tomlins John Johnson
Kiltorcan	Killtorcan	Edmond Butler (Catholic)	Earl of Ormond (Protestant)	<b>Profitable Land:</b> 265 plantation acres <b>Forfeited Land:</b>

				265 plantation acres <b>1659 Census:</b> 15 English
--	--	--	--	---

*Table 10.1 Information from Civil/Down Survey for Ballyhale and Kiltorcan*

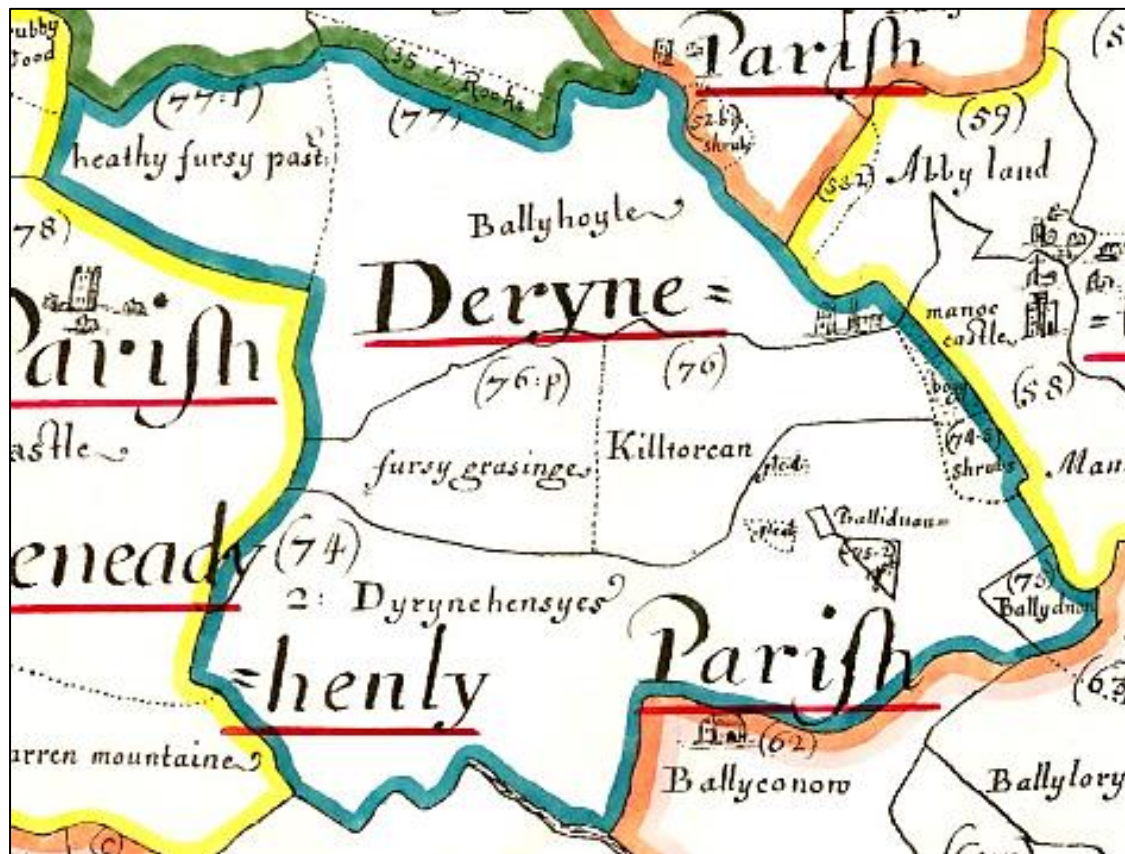


Figure 10.2 Extract from Civil Survey Map of 1654-8 for the parish of Derrinehensy (Derrynahinch) [north to right]



In the early part of the eighteenth century, according to Carrigan (1905, 16), the mass-house of Ballyhale (Catholic) parish was in the townland of Derrynahinch and continued in use until around 1750 when the former church site at Ballyhale was secured and a chapel constructed. Generalised indications of the main features of the area in the 1770s are illustrated by Taylor & Skinner (Figure 10.4) with the major landholder in the area identified as Kavanagh.



The Catholic church was partially destroyed following a fire but was repaired sometime from 1796 to 1801, with further rebuilding/repairs undertaken in 1804 and in 1802 Tighe recorded Ballyhale as a small village with 'little more than twelve houses' and permission of a fair.

In 1832, there was a gathering of c.200,000 people at Ballyhale for the trial of those charged in aftermath of The Battle of Carrickshock, otherwise known as the Carrickshock incident; this

was a confrontation between the Irish Constabulary and local Catholic tenant farmers near Carrickshock, Hugginstown, on 14 December 1831, during the Tithe War in Ireland. Seventeen were killed: 14 of a party attempting to collect tithes and three of the crowd of locals who confronted them. The trial had a significant influence on its overall outcome for anti-tithe movement, resulting in the beginning of the end of tithes in Ireland. Those charged were successfully defended by Daniel O'Connell, and who addressed the gathering in Irish. It was the first 'monster meeting' of that time.

Lewis (1836, 136) described the village of Ballyhale at that time as containing 69 houses and 369 inhabitants, with fairs held in January, March, May, July September November and December.

The topographical nature of the area in 1839 is illustrated below in Figure 10.5. The Ballyhale River is indicated as a solid black line running north to the west of the village before turning northeast at Ballyhale Bridge. Only a single channel is indicated and this is to the east of the church & graveyard. The layout of the village is illustrated with the R.C. church, graveyard and 'Ballyhale Castle' [church tower] (in ruins), together with Ballyhale Bridge to the north, as the only named features. Primary access to the church and graveyard is as existing today, together with the existing secondary pedestrian access.

Griffith's Valuation of 1853 notes that much of the townland of Ballyhale formed part of a landholding owned by Rev. Henry Moore, with the area of Kiltorcan within the study area owned by John Holden or John Hutchinson. All these lands were occupied and/or farmed by various tenants, including the site of the proposed construction compound which formed part of a 10 acres agricultural plot leased by Patrick Murphy from John Hutchinson

A railway station was constructed to the east of the village as part of the development of the Portlaoise to Waterford Railway Line. This was constructed on a phased basis by different railway companies, with the section from Jerpoint Hill to Dunkitt, including Ballyhale, opened in 1853 by the Waterford & Kilkenny Railway Company (Johnson, 1997, 71). In 1855, the Catholic church was further rebuilt, 'almost from its foundations', and dedicated to St. Martin of Tours.

Ballyhale Creamery was founded in 1895, the year after the founding of The Irish Agricultural Organisation Society that began the cooperative movement in earnest in Ireland.

The topographical nature of the area in 1913 is illustrated below in Figure 10.6, with contours, bench marks and levels indicated. Very little changes to the field division layouts in the agricultural lands had occurred since those indicated on the 1839 map (Figure 10.5). The Ballyhale River is indicated with more clarity as a twin-lined feature to the east of the R.C. chapel and graveyard. The village has expanded slightly in the area to the south of the church,

between the Ballyhale River and the Main Street, with some structures a little further to the west of this area, on the southern side of the road, appear to have been removed almost in their entirety. A smithy is marked towards the northern end of the village, with Ballyhale Bridge, St. Martin's R.C. Chapel and 'Ballyhale Castle' being the only other named structures.



Figure 10.5 Extract from O.S. Map of 1839

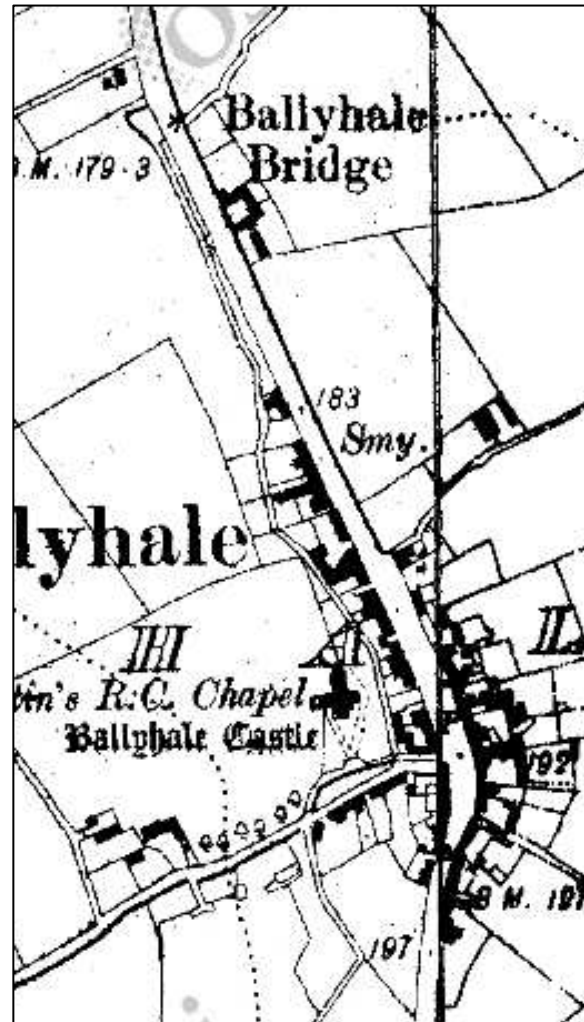


Figure 10.6 Extract from O.S. Map of 1913

Ballyhale is now a small village (Figure 10.7), primarily focused on one street, resulting in a linear pattern that extends approximately 500m in length. This linear pattern takes the form of a meandering, sinuous road alignment, which adds interest to the streetscape. There are some smaller roads leading off the Main Street, but there is little development on them, and overall a linear pattern predominates. The plots front onto the street, with agricultural lands to their rear. Plots on the west side of the street tend to be short and consistently narrower than those on the east side, where the plots run deeper and give way to a much greater mix of outbuildings. Most of the buildings date from the late 18th and 19th centuries. Of particular interest to the subject project is a second channel to the Ballyhale River positioned to the west of the R.C. church and graveyard, excavated sometime after 1913.

Ballyhale Shamrocks GAA is the local Gaelic Athletic Association club, having amalgamated with Knocktopher GAA Hurling Club and Knockmoylan GAA Clubs in 1972. They are the most successful hurling club in the country and have produced a number of very successful county hurling players. The club also play Gaelic football and have won the county championship on three occasions. The club grounds are located to the west of the main road leading north from the village, as illustrated in Figure 10. 7.



*Figure 10.7 Aerial view of Ballyhale*

### **10.3.2 Archaeological Heritage**

Archaeology is the study of past societies through their material remains and the landscapes they lived in. 'Archaeological Heritage consists of such material remains (whether in the form of sites and monuments or artefacts in the sense of moveable objects) and environmental evidence' (DAHGI, 1999, 9).

Archaeological heritage comprises all material remains of past societies, with the potential to enhance our understanding of such societies. It includes the remains of features such as settlements, burials, ships and boats and portable objects of all kinds, from the everyday to the very special. It also includes evidence of the environment in which those societies lived. The terms "site" or "monument" are used generally to refer to fixed structures or areas of activity, as opposed to particular moveable objects. Historic wrecks are also part of the archaeological heritage (DHLG&H, 2021, 3).

The area under assessment is part of a landscape which is rich in historical and archaeological material. The general region has attracted settlement from early times as evidenced by the presence of monuments dating back to the prehistoric period. Continuity of settlement is illustrated by artefacts dating to the Bronze Age and by identified monuments ranging from Neolithic to Medieval and Post-Medieval, some of which were uncovered by archaeological investigations within the construction corridor of the Gas Pipeline from Baunlusk, Co. Kilkenny to Great Island Generation Station, Co. Wexford to the west of the defined Cultural Heritage Study Area. The siting preferences of particular monument types are well documented. Broadly speaking, the general landscape of the study area offers a potential setting for additional sites and remains as follows:

- The subject scheme area and surrounding landscape offer many opportunities for the location of Fulachta Fiadh (prehistoric cooking sites). These sites are location specific, generally located close to streams and rivers or in wet marshy areas, and sometimes occur in groups.
- The general rolling nature of the landscape is a favoured position for the location of prehistoric burial sites, ringforts and enclosure sites in the immediate region surrounding the subject development lands
- Waterways have always attracted human activity for a variety of reasons, as a source of water and food, as transport routes as a source of energy and for their spiritual, religious or ritual associations. They also act as depositories for archaeological artefacts.

- The area under assessment is part of a landscape which is rich in historical and archaeological material. The general region has attracted settlement from early times as evidenced by the presence of monuments dating back to the prehistoric period. Continuity of settlement is illustrated by artefacts dating to the Bronze Age and by identified monuments ranging from Neolithic to Medieval and Post-Medieval remains.

#### **10.3.2.1 Statutory Protections**

The statutory and administrative framework of development control in zones of archaeological potential or in proximity to recorded monuments has two main elements:

- (a) Archaeological preservation and licensing under the National Monuments Acts; and
- (b) Development plans and planning applications under the Planning Acts.

##### **(a) National Monuments Acts 1930-2004**

Section 12 (1) of the National Monuments (Amendment) Act, 1994 provides that the Minister for the Environment, Heritage and Local Government shall establish and maintain a record of monuments and places where the Minister believes there are monuments, such record to be comprised of a list of monuments and relevant places and a map or maps showing each monument and relevant place in respect to each county of the State. This is referred to as the 'Record of Monuments and Places' (RMP), and monuments entered into it are referred to as 'Recorded Monuments'.

Section 12(3) of the National Monuments (Amendment) Act 1994 provides for the protection of monuments and places in the record, stating that

*"When the owner or occupier (not being the Minister) of a monument or place which has been recorded under subsection (1) of this section or any person proposes to carry out, or to cause or permit the carrying out of, any work at or in relation to such monument or place, he shall give notice in writing of his proposal to carry out the work to the Minister and shall not, except in the case of urgent necessity and with the consent of the Minister, commence work for a period of two months after having given the notice.*

##### **(b) Kilkenny County Development Plan 2021-2027**

The following project relevant policies and objectives in relation to Archaeological Heritage are contained in Section 9.3.1 of the Plan:

##### **(a) Objectives**

- 9C** To protect archaeological sites and monuments (including their setting), underwater archaeology, and archaeological objects, including those that are listed in the Record of

Monuments and Places, and in the Urban Archaeological Survey of County Kilkenny or newly discovered sub-surface and underwater archaeological remains.

**(b) Development Management Requirements (DMR):**

- To endeavour to preserve in situ all archaeological monuments, whether on land or underwater, listed in the Record of Monuments and Places (RMP), and any newly discovered archaeological sites, features, or objects by requiring that archaeological remains are identified and fully considered at the very earliest stages of the development process and that schemes are designed to avoid impacting on archaeological heritage.
- To require archaeological assessment, surveys, test excavation and/or monitoring for planning applications in areas of archaeological importance if a development proposal is likely to impact upon in-situ archaeological monuments, their setting and archaeological remains.
- To ensure that development within the vicinity of a Recorded Monument is sited and designed appropriately so that it does not seriously detract from the setting of the feature or its zone of archaeological potential. Where upstanding remains of a Recorded Monument exist a visual impact assessment may be required to fully determine the effect of any proposed development.
- To require the retention of surviving medieval plots and street patterns and to facilitate the recording of evidence of ancient boundaries, layouts etc. in the course of development.
- To protect archaeological sites and monuments (including their setting), underwater archaeology, and archaeological objects, including those that are listed in the Record of Monuments and Places, and in the Urban Archaeological Survey of County Kilkenny or newly discovered sub-surface and underwater archaeological remains.
- To safeguard the importance of significant archaeological landscapes from developments that would unduly sever or disrupt the relationship, connectivity and/or inter-visibility between sites.

**(c) Underwater Archaeology**

- Any development either above or below water, including to river banks or coastal edges, within the vicinity of a site of archaeological interest shall not be detrimental to the character of the archaeological site or its setting. Planning applications will be referred to the National Monuments Service where relevant.

**Note:** The Record of Monuments and Places (RMP) for County Kilkenny was published in 1996. Consequently, all monuments discovered since the publication are not RMP Sites but are subject to protection under the Objective 9C of the Kilkenny County Development Plan 2021-2027, as set out above.

### **10.3.2.2 Archaeological Heritage Inventory**

The Archaeological Survey of Ireland (ASI) inventory database is known as the Sites and Monuments Record (SMR). The SMR contains details of all monuments and places (sites) where it is believed there is a monument known to the ASI pre-dating AD 1700 and also includes a selection of monuments from the post-AD 1700 period. The RMP (Section 10.3.2.1(a) above) is a subset of the SMR; monuments included in the RMP are legally protected and are generally referred to as “Recorded Monuments”. The addition of a monument to the ASI SMR database does not, of itself, confer legal protection. The reclassification of a monument does not affect its legal status in any way.

#### **(a) Terrestrial Archaeology**

There are five sites of archaeological interest/potential located within the defined Cultural Heritage Study Area (Section 10.2.1 above); one of these (CH-1) includes four individual elements. Three of the individual elements of CH-1, together with CH-2, CH-4 and CH-5, are included in the RMP (Figure 10.8) with the remainder identified following publication of the RMP in 1996. These sites are listed below in Table 10.2 and their locations are indicated in Figure 10.10. The classifications of the monuments/sites are described in Appendix 10.2 and they are individually described in Appendix 10.3.

The following abbreviations/codes are used in relation to Table 10.2:

**Site No.:** Individual site number assigned to site with respect to the project.

**SMR No:** Individual number assigned to site in the Sites and Monuments Record of the Archaeological Survey of Ireland.

**Classification:** Brief nature of the archaeological site as listed in the RMP/SMR (see Appendix 10-2).

**RMP:** Listed in the Record of Monuments and Places

**KCDP:** Listed in the Kilkenny Council Development Plan

**Distance:** Distance from closest edge of Zone of Notification associated with the monument to closest element of the proposed project; where any section of the proposed project area is located within a Zone of Notification, then the distance is considered 0m.

Site No.	SMR No(s).	ITM	Townland	Classification	Protection	Distance
<b>CH-1</b>			Ballyhale			0m
<b>a</b>	KK031-034001	654267 635393		Church	RMP; KCDP	
<b>b</b>	KK031-034002	654258 635361		Graveyard	RMP; KCDP	
<b>c</b>	KK031-034004	634251 635385		Font	RMP; KCDP	
<b>d</b>	KK031-034005	654252 635390		Castle – unclassified	KCDP	
<b>CH-2</b>	KK031-070	654205 635256	Ballyhale	Souterrain	RMP; KCDP	0m
<b>CH-3</b>	KK031-090	654202 635109	Ballyhale	Burnt Mound	KCDP	c. 90m
<b>CH-4</b>	KK032-043	654622 635168	Ballyhale	Ringfort - unclassified	RMP; KCDP	c. 48m
<b>CH-5</b>	KK032-020	654707 635157	Ballyhale	Ringfort - unclassified	RMP; KCDP	c. 135m

*Table 10.2 Archaeological Inventory (Terrestrial)*

No additional sites or features of archaeological potential were noted by an inspection of historic maps, aerial photographs or on available LiDAR survey information on Open Topographic Data Viewer (Figure 10.9). Likewise, no surface traces of archaeological interest/potential were noted by the field inspection/surface reconnaissance surveys or by the monitoring of excavations associated with the Geotechnical Site Investigations.

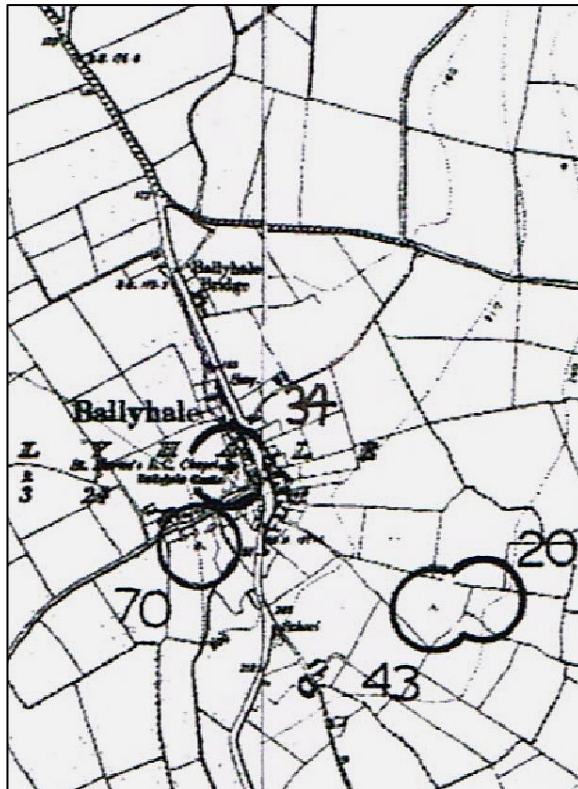


Figure 10.8 Composite of RMP – Kilkenny Sheets 31  
& 32

(CH-1: 34; CH2: 70; CH-4: 43; CH-5: 20)



Figure 10.9 LiDAR Survey

## (b) Underwater Archaeology

Watercourses have always attracted human activity for a variety of reasons, as a source of water and food, as transport routes, as a source of energy and for their spiritual, religious or ritual associations. They also act as depositories for archaeological artefacts, either deliberately dropped into the watercourse or from upstream having been dislodged from the banks of the watercourse by erosion and transported during incidents of flooding and deposited in areas of more slow-flowing water.

The watercourses within the overall defined Cultural Heritage Study Area comprise the Ballyhale River, including an associated channel which flows northwards outside the western boundary to the catholic church and graveyard; sections of both channels are positioned within the Zone of Archaeological Notification associated with CH-1 above.

### 10.3.2.3 Reported Archaeological Artefacts

A search of the Topographical Files of the National Museum of Ireland determined that no 'stray' objects have been reported from the defined study area.

#### **10.3.2.4 Results from Previous Documented Archaeological Investigations**

A search undertaken of the annual Archaeological Excavations Bulletin ([www.excavations.ie](http://www.excavations.ie)) indicates that a number of licensed archaeological investigations are recorded for the defined study area. These are listed in chronological order, as follows:

- **Ballyhale – Licence No: 06E0857 (excavations.ie Ref: 2006:991)**

A programme of pre-development Archaeological Testing was undertaken by Mary Henry, Mary Henry Archaeological Services of a proposed residential development to the south of KK031-070 (CH-2 above). Sixteen trenches were opened and nothing of archaeological interest was uncovered.

- **Ballyhale – Licence No: 06E0958 (excavations.ie Ref: 2006:992)**

A programme of Archaeological Monitoring of ground reduction/site preparation works was undertaken by Patrick Neary with respect to a residential development close to KK031-034 (CH-1 above). Nothing of archaeological interest was uncovered.

- **Ballyhale – Licence No: 07E0524 (excavations.ie Ref: 2007:874)**

A programme of pre-development Archaeological Testing was undertaken by Mary Henry, Mary Henry Archaeological Services of a proposed residential development, which included KK031-070 (CH-2 above) in the northern area of the site and following a Geophysical Survey. Fourteen test-trenches were opened, with the majority in the northern portion of the site. These trenches yielded fifteen features, with two located in more than one trench.

A burnt mound (c. 16.2m x 13.4m) was uncovered comprising frequent to abundant small to medium fragments of rounded sandstone and large quantities of angular burnt stone and some charcoal flecks. Plough furrows had spread the material N and S (the dimensions cited include this spreading). This monument was subsequently included in the SMR (No: KK031-090; CH-3 above).

Some possible stone-lined drains were encountered in the area of the souterrain (KK031-070) and it was suggested that these might be associated with a system for a buildings marked on the 1839 O.S. map (Figure 10.5 above), with the potential that one of these might have been associated with milling. In addition, it was suggested that the 'souterrain', which was discovered in the 19<sup>th</sup> century, might not be of archaeological interest but associated with stone-lined drains.

In the western part of the site, testing revealed a number of features, including an L-shaped feature which appeared to extend under a field boundary, and a possible subcircular feature (pit?).

- **Ballyhale – Licence No: 07E1142 (excavations.ie Ref: 2007:875)**

Additional test trenching was undertaken by John Purcell at the previous site (Ref: 2007:874) to gather further information relating to the features uncovered in the western area (possible enclosure?). The trenches uncovered no evidence of an enclosure or ringfort. A number of individual features were uncovered; however, these did not form part of a bank and ditch feature and were not linked. Two large features (F5 and F7) were uncovered during the testing. These were similar in shape and size to a ditch; however, the two features were not linked and did not extend into the adjacent trenches. A number of other small features were uncovered; these are small in nature and do not necessarily form part of a larger settlement.

### **10.3.3 Architectural Heritage**

#### **10.3.3.1 Introduction**

Architectural heritage has several definitions and meanings for people. A useful rule of thumb (which is actually the legal situation) is set out in the Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act, 1999 which provides the following definition:

- a) Structures and buildings together with their settings and attendant grounds, fixtures and fittings,
- b) Groups of such structures and buildings, and
- c) Sites, which are of architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

A rich architectural heritage has survived to the present day in County Kilkenny. While there are impressive demesne features and large houses in the county, many of the county's architectural heritage has come from vernacular traditions with local craftsmen sometimes borrowing from the traditions of classical architecture to construct buildings that met local needs. This rich architectural heritage contributes enormously to the overall built environment and, indeed, helps to give it definition in terms of place and character for those that live and work in the county as well as those who visit there.

#### **10.3.3.2 Statutory Protections**

The statutory and administrative framework of development control with respect to structures of architectural heritage interest is contained in Development Plans and planning applications under the Planning Acts.

Protecting architectural heritage is a function of the planning authority, through its Development Plan. Section 51 of the Planning and Development Act, 2000 (as amended) requires that a Development Plan must include policy objectives to protect structures or parts of structures of special interest within its functional area. The Development Plan to include a record of structures. These structures form part of the architectural heritage of the County and are to be protected. The primary means of achieving this is to include a Record of Protected Structures (RPS) for the functional area within the development plan and in which each structure to be protected is given a reference number. A planning authority is obliged to include in the RPS every structure, which, in its opinion, is of architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. A protected structure, unless otherwise stated in the RPS, includes the interior of the structure, land lying within the curtilage, any other structures lying within that curtilage and their interiors, plus all fixtures and features which form a part of the interior or exterior of any of these structures.

The **Kilkenny County Development Plan 2021-2027** includes the following relevant Objective, with respect to Architectural Heritage, in Section 9.3.2 of the Plan:

*It is Council policy to ensure the protection of architectural heritage by including all structures considered to be of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest in the Record of Protected Structures.*

It also includes the following relevant Development Management Requirements:

To have regard to the *Architectural Heritage Protection Guidelines* when assessing proposals for development affecting a protected structure and buildings listed in the NIAH

To encourage the sympathetic retention, reuse and rehabilitation of protected structures and their setting, while ensuring the involvement of suitably qualified professionals.

To ensure proposed service upgrades undertake an initial assessment of current services, to ensure the internal environment and fabric is not impacted on by such works.

To ensure proposed development within the curtilage or attendant grounds of a protected structure respects the protected structure and its setting.

The **National Inventory of Architectural Heritage** (NIAH) is a state initiative under the administration of the Department of Housing, Local Government and Heritage. It was established on a statutory basis under the provisions of the Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act 1999. Its purpose is to identify, record, and evaluate the post-1700 architectural heritage of Ireland, uniformly and consistently as an aid in the protection and conservation of the built heritage; it includes structures and garden features. It is intended that the NIAH will provide the basis for the

recommendations of the Minister for Housing, Local Government and Heritage to the planning authorities. Unless included in the RPS of a Development Plan, NIAH-listed sites and features have no statutory protections.

### **10.3.3.3 Architectural Heritage Inventory**

#### **A. Kilkenny County Development Plan 2021-2027**

There are four structures listed in the Record of Protected Structures (RPS) of the Kilkenny County Development Plan 2021-2027 as being located within the defined study area, as listed below in Table 10.3. Two of the Structures are included in the Archaeological Inventory above (CH-1a & b; Table 10.2). The structures are listed below in Table 10.3 and the locations illustrated in Figure 10.10; they are briefly described in Appendix 10.4.

#### **B. National Inventory of Architectural Heritage (NIAH)**

There are nine individual structures of Architectural Heritage interest listed by the non-statutory NIAH as being located within the subject study area; two are included in the RPS – CH-1a and CH-4 – with the former also included in the Archaeological Inventory (Table 10.2 above). The locations of these structures are illustrated below in Figure 10.10 and listed in Table 10.3. They are briefly described in Appendix 10.4. There are no gardens/garden features listed by the NIAH within the defined study area.

The following abbreviations/codes are used in relation to Table 10.3:

Site No.: Individual site number assigned to site with respect to the defined study area.

RPS No: Individual number assigned to structure in Record of Protected Structures

NIAH No: Individual number assigned to the structure by the NIAH

Classification: Brief nature of the archaeological site as listed in the RPS

Rating: Level of Significance/Interest listed by NIAH

Site No.	RPS No.	NIAH No.	ITM	Classification	NIAH Rating
CH-1a	C2	12322003	654254 635390	Catholic Church	Regional
CH-1d	C1		654267 635393	Tower House	
CH-6	C544	12322006	654303 635476	House	Regional
CH-7	C4		654333 635403	Public House (Walsh's Bar)	
CH-8		12322005	654330 635411	House	Regional

<b>CH-9</b>		12322004	654326 635400	Water Pump	Regional
<b>CH-10</b>		12322001	654351 635349	House	Regional
<b>CH-11</b>		12322007	654356 635548	Parochial House	Regional
<b>CH-12</b>		12322008	654165 635731	Bridge	Regional
<b>CH-13</b>		12322002	654242 635319	Bridge	Regional
<b>CH-14</b>		12322009	654161 235314	Farm House	Regional

Table 10.3 Architectural Inventory

**Note:** The curtilage for Sites CH-1a and CH-1b is considered to be the boundary walls of the associated graveyard (Site CH-1b) and does not include the walkway/vehicular access to the immediate south.



Figure 10.10 Locations of Cultural Heritage Sites and Zones of (Archaeological) Notification (circled) with respect to the main proposed development extent – excluding contractor compound

## 10.4 Impact Assessment

### 10.4.1 Impact Criteria

The methodology used for this assessment is based on EPA (2015) Advice Notes for Preparing Environmental Impact Statements and EPA (2022) Guidelines on the Information to be Contained in Environmental Impact Assessment Reports, in accordance with Environmental Impact Assessment (EIA) requirements of codified EU Directive 2011/92/EU as amended by EU Directive 2014/52/EU, per current Planning Legislation, concerning EIA assessment: Planning and Development Act, 2000 (as amended) (Part X) and in Part 10 of the Planning and Development Regulations, 2001 (as amended).

The following summation of the criteria applied to determine the nature of effects is provided in order to clearly and concisely outline the methodology specifically applied to the cultural heritage resource. Assessment was achieved by a consideration of the duration, quality, type, value and magnitude of effect(s) on the cultural heritage resource:

#### Duration of Effect

The duration of effects is assessed based on the following criteria:

- Momentary (seconds to minutes)
- Brief < 1 day
- Temporary 60 years
- Reversible: Effects that can be undone, for example through remediation or restoration
- Quality of Effect The quality of an effect on the cultural heritage resource can be positive, neutral or negative.
- Positive – a change which improves the quality of the cultural heritage environment (e.g. increasing amenity value of a site in terms of managed access, signage, presentation etc. or high-quality conservation/restoration and re-use of an otherwise vulnerable derelict structure).
- Neutral – no change or effects that are imperceptible, within the normal bounds of variation for the cultural heritage environment.
- Negative – a change which reduces the quality of the cultural heritage resource (e.g. visual intrusion on the setting of an asset, physical intrusion on features/setting of a site etc.)
- The type of effect on the cultural heritage resource can be direct, indirect or no predicted effect.

- Direct – where a cultural heritage site is physically located within the footprint of the development, which will result in its complete or partial removal.
- Indirect – where a cultural heritage site, or its setting, is located in close proximity to the footprint of the development.
- No predicted effect – where the development will not adversely or positively affect a cultural heritage site.

### Significance of the Effect

This is based on an assessment largely of the Magnitude of the Impact (graded from High to Negligible, based on a consideration of character, duration, probability and consequences) and the Value (graded from High to Negligible, based on a consideration of significance/sensitivity) of the heritage asset.

The Magnitude of Impact is based on the degree of change, incorporating any mitigation measures, which can be negative or positive, and is ranked without regard to the value of the asset according to the following scale: High; Medium; Low and Negligible.

The evaluation of the Value/Significance of a cultural heritage asset is largely based on its significance criteria, which is not to be considered definitive but rather an indicator that contributes to a wider judgment based on the individual circumstances of each asset. Generally, the more criteria that are evident for a given asset, the higher in scale its respective Value is adjudged. Criteria considered in addition to any legal designations include the condition/preservation; documentary/historical significance; group value; rarity; visibility in the landscape; fragility/vulnerability and amenity value.

The Value/Significance of all known or potential assets that may be affected by a development are ranked according to the following scale: High; Medium; Low and Negligible.

The criteria outlined in Table 10.4 have been informed by the International Council on Monuments and Sites Guidance on Heritage Impact Assessments for Cultural World Heritage Properties (ICOMOS 2011, 14-17).

Value	Asset Type
Very High	World Heritage Sites (including Tentative List properties) Assets of acknowledged international importance, including buildings Assets that can contribute significantly to acknowledged international research objectives

Value	Asset Type
High	<p>Designated National Monuments (archaeological)</p> <p>Assets of significant quality and importance, including designated RMP sites</p> <p>Assets that can contribute significantly to acknowledged national research objectives</p> <p>Protected Structures/National Grade NIAH Buildings</p> <p>Conservation Areas containing significant buildings of national importance, including group value</p> <p>Archaeological Landscapes with significant inter-group value</p>
Medium	<p>Assets of good quality and importance, including designated RMP sites</p> <p>Assets that can contribute significantly to acknowledged regional research objectives</p> <p>Regional Grade NIAH Buildings</p> <p>Other undesignated buildings that can be shown to have exceptional qualities in their fabric or historical associations</p> <p>Undesignated structures of potential national importance (archaeological, potential 'new sites')</p> <p>Conservation Areas containing buildings that contribute significantly to a region's historic character</p> <p>Historic townscapes or built-up areas with important historic integrity in their buildings, or built settings (e.g. including street furniture and other structures)</p>
Low	<p>Designated and undesignated assets of local importance, including buildings</p> <p>Assets compromised by poor preservation and/or poor survival of contextual associations</p> <p>Assets of limited value, but with potential to contribute to local research objectives</p> <p>Historic Townscape or built-up areas of limited historic integrity in their buildings, or built settings (e.g. including street furniture and other structures)</p>
Negligible	<p>Assets with very little or no surviving archaeological interest</p> <p>Buildings of no architectural or historical note; buildings of an intrusive character</p>
Unknown	<p>The nature of the resource has yet to be fully ascertained, e.g. sites or areas of specific archaeological potential, greenfield areas or riverine / stream / coastal environs with inherent archaeological potential.</p> <p>Structures with potential historic significance (possibly hidden or inaccessible).</p>

Table 10.4 Definition of criteria terms relating to the Value of the Cultural Heritage Asset

The significance of the effect upon Cultural Heritage is determined by correlating the magnitude of the impact and the sensitivity of the receptor. The following Table 10.5 from EPA, 2022, Table 3.4) provides the baseline criteria used to describe the impacts (effects) that the proposed development will have on Cultural Heritage Sites, Structures and Features.

Significance	Description
Imperceptible	An effect capable of measurement but without significant consequences
Not significant	An effect which causes noticeable changes in the character of the environment but without significant consequences.
Slight	An effect which causes noticeable changes in the character of the environment without affecting its sensitivities.
Moderate	An effect that alters the character of the environment in a manner that is consistent with existing and emerging baseline trends.
Significant	An effect which, by its character, magnitude, duration or intensity alters a sensitive aspect of the environment.
Very Significant	An effect which, by its character, magnitude, duration or intensity significantly alters most of a sensitive aspect of the environment.
Profound	An effect which obliterates sensitive characteristics

#### 10.5 Significance of Effects

<b>Magnitude of Impact</b>	<b>High</b>	Not Significant/ Slight	Moderate/ Significant	Significant/ Very Significant	Very Significant/ Profound
	<b>Medium</b>	Not Significant	Slight	Moderate/ Significant	Significant/ Very significant
	<b>Low</b>	Not Significant/ Imperceptible	Slight/ Not Significant	Slight	Moderate
	<b>Negligible</b>	Imperceptible	Not Significant/ Imperceptible	Not Significant/ Slight	Slight
		<b>Negligible</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
		<b>Value/Sensitivity of the Asset</b>			

*Table 10.6 Assessment of Significance of Effects Matrix (after EPA 2017)*

A general layout plan indicating the various proposed elements of the scheme is illustrated in Figure 10.11. The locations Cultural Heritage sites and features within or immediately adjacent the specific scheme areas and the extents of the relevant Zones of Archaeological Notification are also indicated.

The impacts on the various relevant Cultural Heritage Assets are described in Sections 10.4.2 (Construction Stage) and 10.4.3 (Post-Construction Stage) and are summarised in Table 10.7.

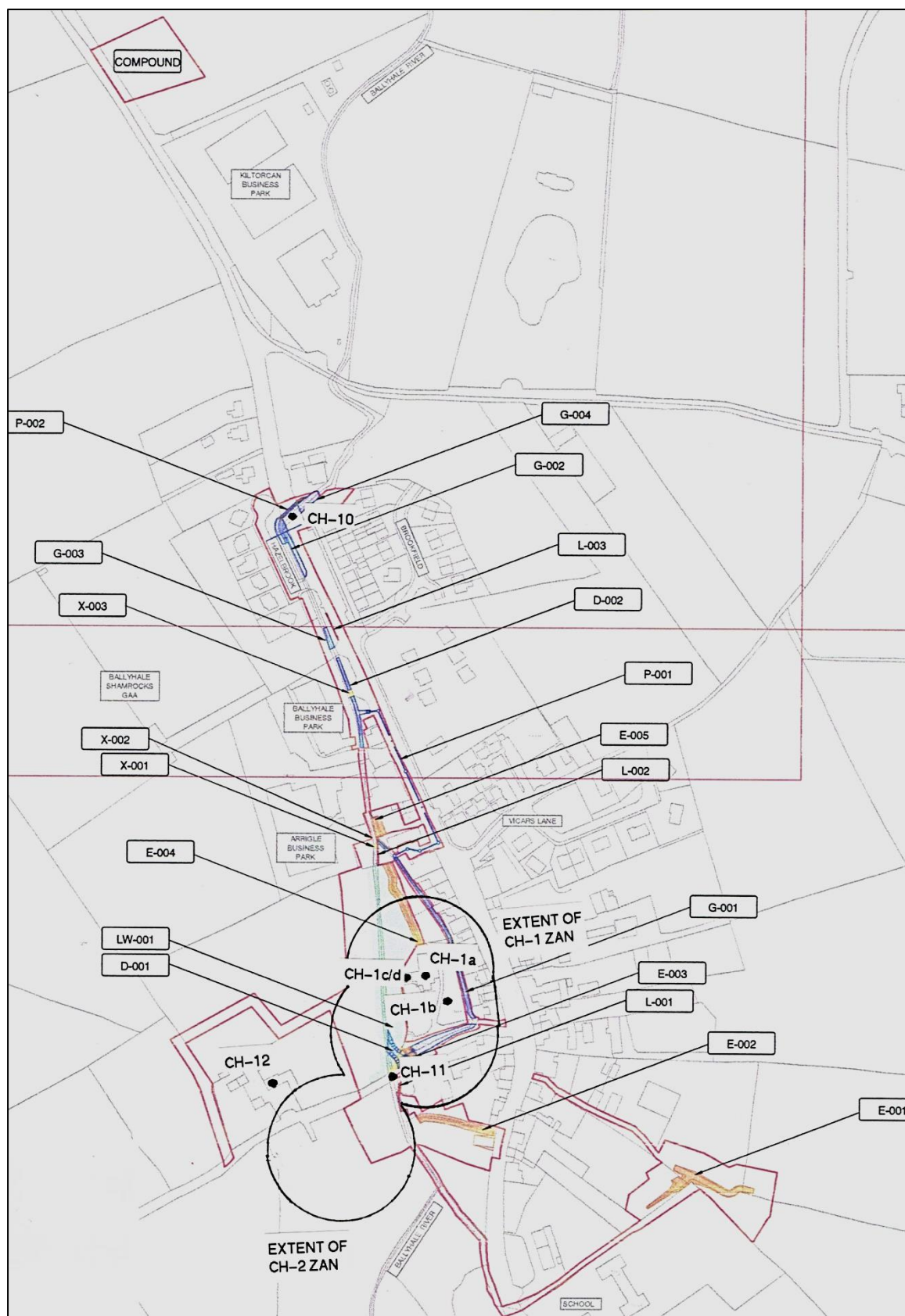


Figure 10.10 General Scheme Layout with locations of relevant Cultural Heritage sites and areas indicated

## **10.4.2 Construction Phase**

### **10.4.2.1 Local History**

The general historical background to the project area was introduced above in Section 10.3.1. In summary, there are no significant historical events associated with the project area which have the ability to be impacted upon by any proposed elements of the project.

### **10.4.2.2 Archaeological Heritage**

The archaeological background to the project area was introduced above in Section 10.3.2. In summary, there are five previously identified areas of archaeological interest/potential established for the area; Site CH-1 comprises four individual elements - a church (CH-1a); a defined graveyard (CH-1b), a font (CH-1c) and an unclassified castle (CH-1-d), with the latter considered to be the tower of a medieval church; Site CH-2 comprises a souterrain, although recent archaeological investigations indicate that feature, originally identified in the nineteenth century, may be a series of stone-lined drains; a burnt mound feature was also uncovered by such investigations a little further to the south (Site CH-3). Sites CH-4 and CH-5 are described in the SMR as 'Ringforts – unclassified'.

None of the proposed elements of the project are located within the Zones of (Archaeological) Notification (ZoN) for Sites CH-3, CH-4 or CH-5 and, consequently, no impacts to these monuments will occur. Although some works will occur within the ZoN of CH-2 (E-002 (section of embankment/berm); L-001 (section of flood wall)), it is noted that all of these are located on the eastern side of the Ballyhale River and well away from the 'souterrain' feature which has been identified on the western side of the river; consequently it is not considered likely that any direct impacts to CH-2 will occur.

In terms of Site CH-1, it is noted that a number of individual elements of the project will occur within the associated ZoN; these are a section of L-001 (flood wall); D-001 (new water channel); E-003 (new embankment and pedestrian access to Church Walkway); E-004 (new embankment to rear of properties); G-001 (channel clearance and construction of low-flow channel and LW-001 (creation of public realm walkway). These areas are illustrated below in Plates 10.1 – 10.7, and their respective locations are indicated in Figure 10.11 with respect to the ZoN and individual elements of CH-1. It is not considered likely that any direct/physical impacts will occur with respect to any individual and defined archaeological elements/features of CH-1 as a result of the works proceeding as proposed; however, there remains the potential that human remains/graves might exist outside the existing western and northern boundary walls of the graveyard, as presently defined, because these enclosing walls were only constructed sometime after 1913, possibly in conjunction with the construction of the western

channel. While it is probable that an earlier graveyard did not extend to the north and west of the existing, there is a tradition that unbaptised children, suicide victims and unmarried mothers were not buried in consecrated ground; in many cases such individuals were interred in lands outside, but adjacent to, existing graveyards and cemeteries.



*Plate 10.1 Location of L-001 (looking south from bridge (CH-11) to north)*



*Plate 10.2 Location of D-001 (from northwest) with western channel in foreground*



*Plate 10.3 Location of E-004 & LW-001 (from north)*



*Plate 10.4 Northern extent of LW-001 from northwest with graveyard wall (CH-1b) in background and western channel in foreground*



*Plate 10.5 Location of E-003 from south with bridge (CH-11) in background together with existing pedestrian access to Church Walkway – note overgrown nature of river channel*



*Plate 10.6 Overgrown River Channel to immediate south of vehicular access to church (from west)*



*Plate 10.7 Area of G-001 (from south) with graveyard wall (CH-1b) to left*

*– note overgrown nature of River Channel*

All other construction elements of the project are located outside the established Zones of (Archaeological) Notification and in areas of previous, modern ground disturbances. Consequently, it is generally considered that such areas of are of very low or negligible

archaeological potential. Although, works within the existing river channel for clearance, deepening and bank regrading have the ability to result in the recovery of any archaeological artefacts that might be deposited within the watercourses any impact on such potential material can be reduced/negated by the adoption and implementation of an appropriate, project-specific, mitigation strategy (see Section 10.5.1.2).

In terms of construction impacts (direct/physical) it is noted that all elements of CH-1 are included in the Record of Monuments and Places (RMP), with CH-1a and CH-1d also included in the Record of Protected Structures of the Kilkenny County Development Plan 2021-2027; consequently it is considered that the entire extent of CH-1 is of high sensitivity; It is further considered that the impacts of the scheme on the various defined elements of the overall site (CH-1) will be of negligible positive magnitude, due to the removal of future flooding events, and the effect will not be significant; however, due to the potential for the discovery of subsurface features associated with the medieval church it is considered that works in those areas outside the existing graveyard wall are of increased potential medium magnitude but of imperceptible effect.

#### **10.4.2.3 Architectural Heritage**

The Architectural Heritage of the project area is discussed above in Section 10.3.3. In summary, a total of eleven individual structures of interest have been identified; four of the structures (CH-1a, CH-1d; CH-6 & CH-7) are included in the Record of Protected Structures (RPS) of the Kilkenny County Development Plan 2021-2027 and nine (CH-1a; CH-6; CH-8-14) are included in the non-statutory National Inventory of Architectural Heritage (NIAH); furthermore CH-1a and CH-1d are also included in the Archaeological Inventory, as well as the RPS, with CH-1a and CH-6 also included in both the RPS and NIAH listings.

Structures CH-6 – CH-10 are located on the Main Street and do not have the ability to be impacted by any elements of the proposed project works. Likewise, CH-11 and CH-14 are located at sufficient distances from the proposed works to negate any possible impacts; in that regard, it is noted that a construction access route is proposed outside the curtilage boundaries of CH-14 which will not cause any direct impacts to the structure.

It is proposed to realign the river channel adjacent Ballyhale Bridge (CH-12; Plate 10.8) and improve the inlet conditions (G-002) and install a pool and boulder pass upstream (G-004). In addition, a new overflow culvert (P-002), with a flow control structure/overflow weir at its western terminal, will be constructed to the immediate north of the existing northern arch of the bridge; this will entail removal of part of the west-facing wall façade and parapet to the bridge, which will then be reinstated and extended using a mixture of the existing/original stone

and new matching stone. It is considered that such works will result in a temporary negative direct impact of low magnitude on this medium sensitivity structure, which, when completed, are considered to result in an effect of slight significance.



*Plate 10.8 Ballyhale Bridge (CH-12) from west with overgrown river channel in foreground*

Although some works are proposed in the vicinity of CH-13 (e.g. D-001, E-003 and L-001, as described above in Section 10.4.2.2 with respect to CH-1), these will not cause any direct physical impact to the structure.

The works associated with E-003 entail the removal of an existing walkway over the river, which provides pedestrian access to the church grounds (Plate 10.9) and its replacement with a new single-span access a little to the east; the purpose of these measures is to accommodate the formation of a new water channel to remove existing flow split and combine both branched into a single main channel. These works are located outside the curtilage of Ballyhale Church, as defined above in Section 10.3.3.3 and, consequently, it is considered that no direct impact on such will occur.



*Plate 10.9 Walkway over river to Ballyhale Church – from south*

### **10.4.3 Post-Construction/Operational Phase**

#### **10.4.3.1 Local History**

The general historical background to the project area was introduced above in Section 10.3.1. In summary, there are no significant historical events associated with the project area which have the ability to be impacted upon by any proposed elements of the project.

#### **10.4.3.2 Archaeological Heritage**

The archaeological background to the project area was introduced above in Section 7.3.2. In summary, there are five previously identified areas of archaeological interest/potential established for the area; Site CH-1 comprises four individual elements - a church (CH-1a); graveyard (CH-1b), a font (CH-1c) and an unclassified castle (CH-1-d), with the latter considered to be the tower of a medieval church; Site CH-2 comprises a souterrain, although recent archaeological investigations indicate that this feature, originally identified in the nineteenth century, may be a series of stone-lined drains; a burnt mound feature was also uncovered by such investigations a little further to the south (Site CH-3). Sites CH-4 and CH-5, to the southwest of the village, are described in the SMR as 'Ringforts – unclassified'.

There are no extant or surface traces of CH-2, CH-3, CH-4 or CH-5; consequently, no visual impacts will occur with respect to these features as a result of the construction of the scheme.

CH-1a (Church) and CH-1d (Castle/Church Tower and incorporating CH-1c (font)) are extant structures in the localised area of a defined graveyard (CH-1b). In general, the works in the immediate environs of these structures are of low visibility and will not cause any impacts to the existing settings of the structures; likewise, primary public views of the structures are from the south and such views will be retained. A berm/embankment, 0.3m – 1.8m high, is proposed

to the north of the CH-1 structural complex, the southern end of which will terminate at the northern extent of the graveyard wall. The existing topographical nature of this area is illustrated above in Plate 10.3; while some impact to the view will occur as a result of the construction of the berm, it is considered that, as this view is not a primary view, the impact will be of negative negligible magnitude and of slight effect.

It is considered that completion of all other elements of the scheme will not cause any visual impacts in terms of Archaeological Heritage.

#### **10.4.3.3 Architectural Heritage**

The Architectural Heritage of the project area is discussed above in Section 10.3.3. In summary, a total of eleven individual structures of interest have been identified; four of the structures (CH-1a, CH-1d; CH-6 & CH-7) are included in the Record of Protected Structures (RPS) of the Kilkenny County Development Plan 2021-2027 and nine (CH-1a; CH-6; CH-8-14) are included in the non-statutory National Inventory of Architectural Heritage (NIAH); furthermore CH-1a and CH-1d are also included in the Archaeological Inventory, as well as the RPS, with CH-1a and CH-6 also included in both the RPS and NIAH listings.

Structures CH-6 – CH-10 are located on the Main Street and do not have the ability to be impacts by any elements of the proposed project works; likewise, CH-11 and CH-14 are located at sufficient distances from the proposed works to negate any possible visual impacts, upon completion.

The impacts on Sites CH-1a and CH-1d are discussed above in Section 10.4.3.2 (Archaeological Heritage). It is noted that works to the immediate south of the overall boundaries to CH-1a will entail the removal of an existing walkway and its replacement to the immediate east, as well as the formation of a recombined river channel; such works are located outside the defined curtilage of the church and will not cause any direct or visual impact to the overall site.

It is not considered likely that the settings of CH-12 and CH-13 will be negatively impacted by the scheme; indeed, the clearance of vegetation from around the structures will be of benefit to the overall visual appreciation of the structures. Consequently, it is considered that completion of the scheme in the immediate areas of CH-12 and CH-13 will result in an impact of negligible positive magnitude and the effect will be not significant.

Site No.	Classification	Statutory Protection	Works Ref/Description	Construction Impact	Post Construction Impact
CH-1	Archaeological Zone	RMP/KCDP	L-001: Flood Wall to rear of Arrigle View D-001: Form new channel to remove flow split E-003: Remove existing walkway and replacement E-004: Flood embankment to rear of properties G-001: Clear & create low-flow channel LW-001: Form public realm walkway within acquired lands	Negligible positive magnitude except for L-001, D-001 & E-003.  Increased potential medium magnitude of imperceptible effect for E-004, G-001 & LW-001	None for L-001, D-001, E-003, G-001 & LW-001  Negative negligible magnitude and of slight effect for E-004
CH-1a	Church	RMP/KCDP	E-004: Flood embankment to rear of properties	None	Negative negligible magnitude and of slight effect
CH-1b	Graveyard	RMP/KCDP	E-003: Remove existing walkway and replacement	None	None
CH-1c	Font	RMP/KCDP	N/A	None	None
CH-1d	Castle - unclassified	KCDP	E-004: Flood embankment to rear of properties	None	Negative negligible magnitude and of slight effect
CH-12	Bridge	None	G-002: Realign channel at bridge G-004: Install Poll and Boulder Pass P-002: new overflow culvert with a flow control structure/overflow weir	None for G-002 or G-004  P-002: Temporary negative direct impact of low magnitude on this medium sensitivity structure, which, when completed, are considered to result in a slight effect.	None  P-002: Temporary negative indirect (visual) impact of low magnitude on this medium sensitivity structure, which, when completed, are considered to result in a slight effect.
CH-13	Bridge	None	D-001: Form new channel to remove flow split  E-003: Remove existing walkway and replacement	None	None  Temporary indirect slight impact of low magnitude on this medium sensitivity structure during construction which, when completed, are considered to result in a slight effect.

Table 10.7 Summary of Impact on Cultural Heritage Assets

## **10.5 Mitigation Measures**

### **10.5.1 Construction Phase**

#### **10.5.1.1 Local History**

There are no significant historical events associated with the proposed project areas which have the ability to be impacted upon by the proposed development during its construction. Consequently, no mitigation measures are required.

#### **10.5.1.2 Archaeological Heritage**

As noted above in Section 10.4.2.2, it is not considered likely that the development, as proposed, will cause any direct impacts to any identified archaeological monuments.

However, there is potential that human remains/graves might exist outside the existing western and northern boundary walls of the graveyard, as these enclosing walls were only constructed sometime after 1913, possibly in conjunction with the construction of the western channel. While it is probable that an earlier graveyard did not extend to the north and west of the existing, there is a tradition that unbaptised children, suicide victims and unmarried mothers were not buried in consecrated ground; in many cases such individuals were interred in lands outside, but adjacent to, existing graveyards and cemeteries. Ground clearance/reduction works associated with E-004 (berm/embankment), LW-002 (public realm walkway), E-003 (remove existing walkway and replacement) and D-001 (formation of new channel), together with any associated access works, have the ability to uncover any possible and hitherto unidentified, subsurface features of archaeological interest/potential that might exist within the associated construction corridors.

In addition, there is increased archaeological potential in the area of L-001 (flood wall) and E-002 (berm/embankment) due to the respective locations adjacent the river and in light of subsurface features uncovered on the western bank (CH-2 and CH-3).

Furthermore, works within the existing river/watercourse channels for clearance, deepening and bank regrading have the ability to result in the recovery of any archaeological artefacts that might be deposited within the watercourses.

Without the adoption and implementation of a suitable mitigation strategy, any subsurface archaeological features or artefacts that might be located within the areas highlighted above, might not be identified and recorded during the construction phase of the scheme.

Consequently, in light of the above, the following construction-stage mitigation measures are proposed:-

1. Prior to the commencement of development, a suitably qualified and licence-eligible archaeologist shall be appointed. The archaeologist should prepare a methodology for approval by the Project Archaeologist before the application is submitted to the National Monuments Service. The methodology and licence application will be to obtain an excavation licence to undertake the works listed in 2 & 3 below and a detection licence with respect to the works listed in 4 below.
2. A programme of archaeological testing and metal detecting shall be undertaken with respect to the proposed flood embankment to rear of properties (E-004); such testing should be undertaken following transfer of the land ownership to Kilkenny County Council (i.e. post-planning decision).
3. A programme of archaeological monitoring shall be undertaken with respect to the construction of the contractor's compound, E-002 (berm/embankment) D-001 (new channel), E-003 (removal of existing walkway and replacement) and LW-001 (public realm walkway) and all associated construction access routes.
4. All clearance, deepening and bank regrading works in watercourses (e.g. G-001; D-002, X-003, G-002, G-003 & G-004) shall be subject to archaeological monitoring and all spoil shall be raked-over and subject to metal detecting.
5. In the event of archaeological material being uncovered during the course of such monitoring, the archaeologist shall be empowered to have works stopped in the vicinity of such material and shall inform the Project Archaeologist and the National Monuments Service, Department of Housing, Local Government and Heritage. Further mitigation measures will be agreed with the Project Archaeologist and the NMS. Likewise should archaeological/historical artifactual material be recovered during such works, the requirements of the National Museum of Ireland with regard to such items should be implemented.
6. Following completion of the monitoring and any other possible archaeological investigations, the archaeologist shall prepare draft reports and summaries as appropriate, for submission to the Project Archaeologist for review. The approved reports and summaries will be submitted to a full and final report for submission to the Planning Authority and the Department of Housing, Local Government and Heritage and National Museum of Ireland.

### **10.5.1.3 Architectural Heritage**

As noted above in Section 10.4.2.3, it is not considered likely that the development, as proposed, will cause any direct impacts to any identified structures of architectural heritage interest, except for CH-12.

In terms of CH-12 (Ballyhale Bridge), a new overflow culvert (P-002), with a flow control structure/overflow weir at its western terminal, will be constructed to the immediate north of the existing northern arch of the bridge; this will entail removal of part of the west-facing wall façade and parapet to the bridge, which will then be reinstated and extended using a mixture of the existing/original stone and new matching stone. It is considered that such works will result in a temporary impact of low magnitude on this medium sensitivity structure, which, when completed, are considered to result in a slight effect.

It is generally not considered that any specific mitigation measures are required with respect to Architectural Heritage.

It is noted that river channel works with respect to CH-12 will be subject to archaeological interventions, Section 10.5.1.2; No. 3). It is suggested that this specific asset be subject to the following mitigation measure:

1. A detailed methodology for wall/parapet extensions and reinstatement works associated with CH-12 (Ballyhale Bridge) shall be prepared by a conservation engineer for agreement with the Conservation Officer, Kilkenny County Council.

### **10.5.2 Operational Phase**

It is not envisaged that any significant visual impacts will occur to any previously identified sites or features of Built/Cultural Heritage Interest as a result of the completion of the scheme, as proposed. Consequently, no mitigation measures are considered necessary.

## **APPENDIX 10-1**

### **Consulted Documentary Sources**