

# MWPP

## Planning Statement

### Bantry Mill Culvert Upgrade Project

Cork County Council

October 2024

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Project No.	Doc. No.	Rev.	Date	Prepared By	Checked By	Approved By	Status
24349	6006	P01	October 24	CO	KF		DRAFT

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## 1. Introduction

Malachy Walsh and Partners (MWP) have been appointed by Cork County Council to prepare a planning statement in support of a Part 8 Planning Application relating to the Bantry Mill Culvert Upgrade Project (BMCUP) hereafter referred to as “the proposed development”. The purpose of the BMCUP is to upgrade the existing Mill River culvert within Bantry town, remove the existing foul connections to the culvert and change these to discharge into an independent foul network.

This application is made in accordance with Part XI of the Planning and Development Act 2000, as amended, and Part 8 of the Planning and Development Regulations, 2001 – 2021.

The purpose of this report is to assess the proposed development in terms of compliance with relevant planning policies and objectives at National, Regional and Local level and to provide planning context for the scheme. The report is set out as follows:

- **Section 2:** Application Site - This section provides a description of the site and its context
- **Section 3:** Description of proposed development - This section describes the proposal
- **Section 4:** Planning Policy Context – This section outlines the national, regional and local planning policies relevant to the application site and proposed development
- **Section 5:** Planning Assessment – This section provides an assessment of the principle of development and other relevant considerations
- **Section 6:** Conclusion - This section summarises the key points set out in the report

This planning statement should be read in conjunction with the drawings and supporting documents which have been prepared in support of the proposed scheme submitted as part of this application.

## 2. Location of proposed development

The proposed development is located in the town of Bantry in County Cork, 85km west of Cork City. The culvert is located within the town centre and runs down Bridge Street, New Street and Wolfe Tone Square. See Figure 1 below for the location of the Site. The proposed site is zoned BT-T-01 Town Centre/Neighbourhood Centres, within the Cork County Development Plan (CCDP) 2022-2028. The site is located within Flood Zone A. The site is also located within two Architectural Conservation Areas (ACA), namely the “Public and Commercial Centre ACA” and the ‘Chapel ACA’ as identified the CCDP. There are a number of protected structures and structures recorded on the National Inventory of Architectural Heritage (NIAH) located along the route of the proposed development.

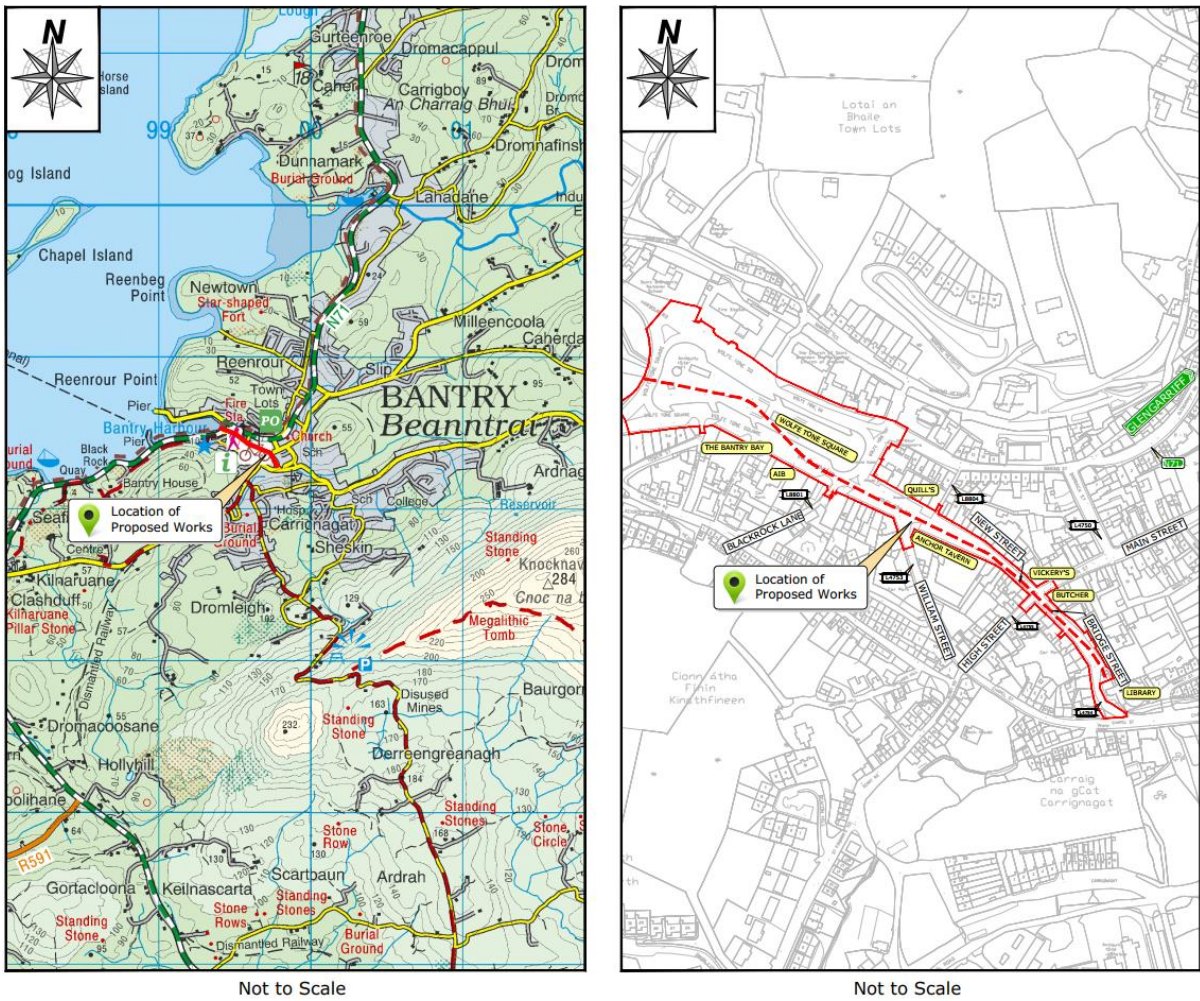


Figure 1: Site Location

Bantry’s culverts consist of a main culvert and two side culverts. The main culvert is 445m long and carries the Mill River under the centre of Bantry along New Street until it outfalls west of Wolfe Tone Square. There is a 103m long side culvert from the south which carries the Scart Stream into the main culvert at Bridge Street approximately 440m upstream of the outfall. The other side culvert connects from the north and carries the Alley River into the Mill River approximately 309m upstream of the outfall.

There are surface water capacity issues with the Mill River and existing surface water culverts which contribute to flooding in the area. Foul water in the Bantry area is conveyed via a combined sewer system to the Bantry Wastewater Treatment Plant (WWTP), which has a design capacity of 6,000 population equivalent (PE) and is situated on the northern side of Bantry Harbour. Sewage treatment discharge locations were gathered from EPA maps (2024). The primary discharge location for foul water is in Inner Bantry Bay, approx. 2.6 km west of the Mill River outflow into Bantry Harbour. A secondary outflow is at the junction of Glengarriff Road and Barrack Street, while emergency outflows are located on the Scart Rd south of the Harbour, at Reenrou East north of the Harbour, and in Bantry Harbour itself, near the WWTP.

### 3. Proposed Development

The purpose of the proposed works is to upgrade the existing Mill River culvert within Bantry town and remove the existing foul connections to the culvert and change these to discharge into an independent foul network.

The proposed development comprises of the following:

- Reconstruction of a new Mill River Culvert along Bridge Street and New Street and Wolfe Tone Square and connection to the existing Mill River Culvert at chainage 80m. This includes:
  - A new Mill River Culvert of internal dimensions 5.2m wide, 1.5m high which will be constructed from tie in at Wolfe Tone Square, at Chainage 80m, to the Scart and Mill culvert overflow connection from William Street, at Chainage 242m.
  - A new Mill River Culvert of internal dimensions 3.6m wide, 1.5m high which will be constructed from William St. junction at Chainage 242m to the Mill on Bridge Street at Chainage 452m.
- Connect to existing drainage/services at William Street and Main Street.
- Repair/upgrade works to be carried out to the Mill River Culvert from Chainage 0 to 80m.
- Road and footpath reinstatement works .
- Removal and reinstatement of the central section of Wolf Tone Square architectural feature will be required to facilitate the tie in of the New Mill River culvert.
- A short extension (approximately 4m) of the Alley River culvert will be required so that it ties into the line of the new Mill River Culvert.
- Construction of new services and utilities including foul water drainage. Surface water drainage, watermain infrastructure, gas, electricity and communications will be required at Wolfe Tone Square, New Street and Bridge Street.
- Including modifications to existing services including foul, surface water and services generally to facilitate the proposed scheme
- Construction of 2 No. surface water pumping sumps in Wolfe Tone Square.

An overall plan view of the proposed development is provided on **Figure 2** below and typical cross sections are given on **Figure 3**. Further detail on the BMCUP is included in the Preliminary Design Drawing Booklet which is included as Appendix 1 of the EIA Screening Report included with this application.

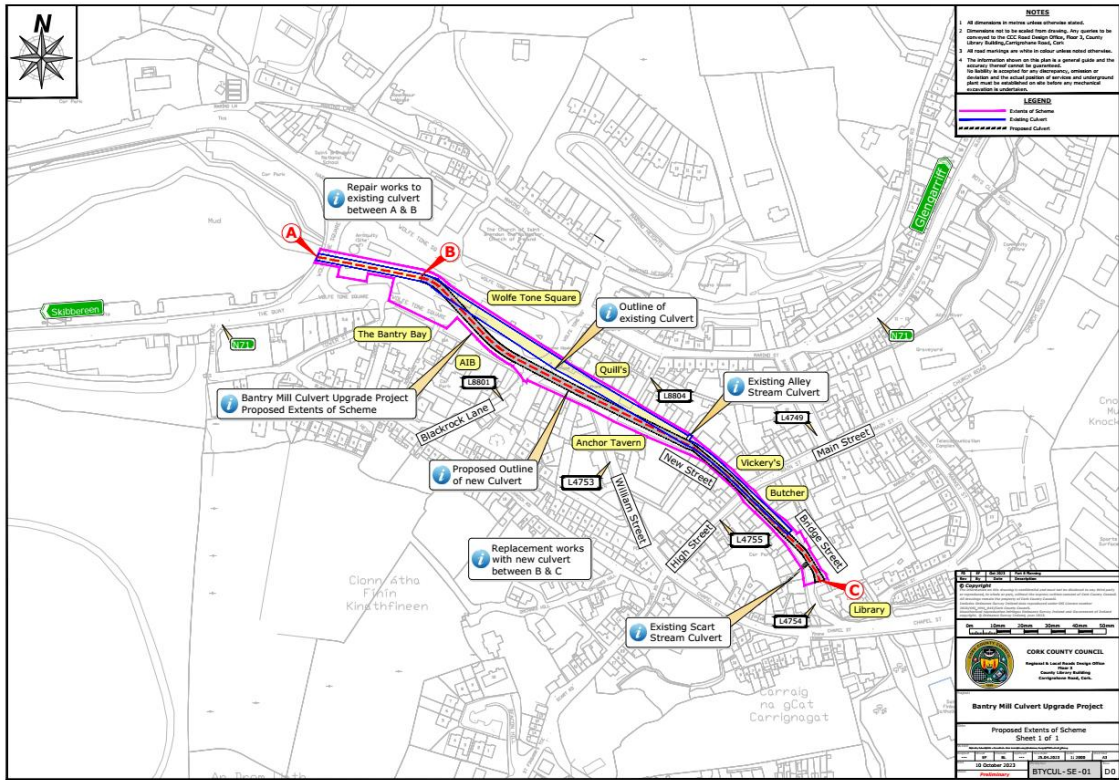


Figure 2: Site Layout

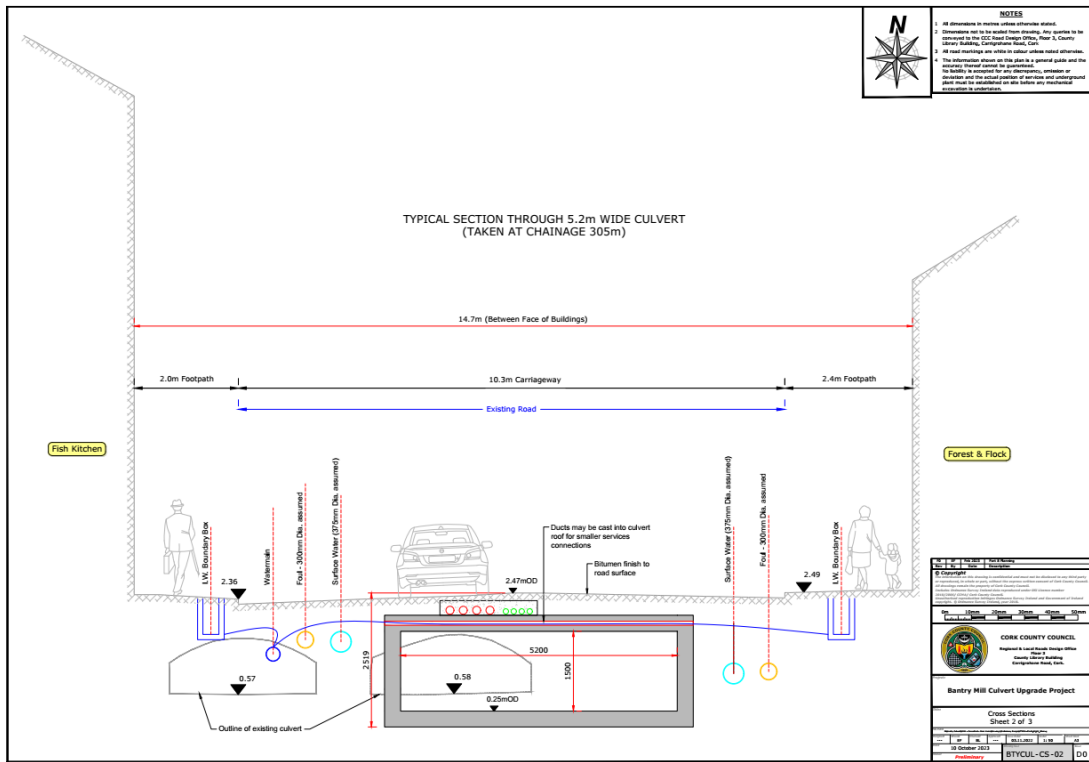


Figure 3: Proposed Bantry Mill Culvert Upgrade Project Sections

## 4. Planning Policy

### 4.1 National Policy

#### 4.1.1 National Planning Framework

The Project Ireland 2040 - National Planning Framework (NPF) sets the vision and strategy for the development of the country to 2040. The National Planning Framework places sustainable management of water as a National Strategic Outcome 9 and similarly Water Infrastructure is cited as one of the ten Strategic Investment Priorities for the National Development Plan. The plan recognises that planning is critically important to the management of water resources, and that the planning system both directly and indirectly influences effective water management.

National Policy Objective (NPO) 57 highlights the importance of consideration of future flood risk in the area of planning and development by ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities.

Water quality and the need for water infrastructure is highlighted in National Policy Objective (NPO) 60 which states “Ensure the efficient and sustainable use and development of water resources and water services infrastructure in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment”.

### 4.2 Regional Policy

#### 4.2.1 Southern Regional Assembly- Regional Spatial and Economic Strategy (RSES)

The Southern Regional Assembly is responsible for the preparation and implementation of a Regional Spatial and Economic Strategy (RSES) for the Southern Region. The RSES for the Southern Region came into effect on 31<sup>st</sup> January 2020 and the primary aim of the RSES is to implement Project Ireland 2040 - the National Planning Framework.

The RSES notes that the planning system plays a major role in land use and flood management and is central to the strategic flood risk management pillar of prevention. **RPO 119 Flood Relief Schemes** states the following:

It is an objective to:

- a. Support investment in the sustainable development of Strategic Investment Priorities under the National Development Plan 2018-27 and to ensure that flood risk assessment for all strategic infrastructure developments is future-proofed to consider potential impacts of climate change;
- b. Support investment in subsequent projects by capital spending agencies to deliver flood relief schemes under the National Strategic Outcome, Transition to a Low Carbon and Climate Resilient Society. Such projects should be future proofed for adaptation to consider potential impacts of climate change.
- c. Ensure that all infrastructure and energy providers/operators provide for adaptation measures to protect strategic infrastructure (including roads, railways, ports and energy infrastructure) from increased flood risk associated with climate change.



In terms of storm water infrastructure, it is an objective of the RSES under **RPO 217** to support the relevant local authorities (and Irish Water where appropriate) to improve storm water infrastructure to improve sustainable drainage and reduce the risk of flooding in the urban environment.

### 4.3 Local Policy

#### 4.3.1 Cork County Development Plan 2022-2028

The Cork County Development Plan 2022-2028 came into effect on the 6<sup>th</sup> of June 2022 and sets the overall strategy for the planning and sustainable development within the administration boundaries for County Cork. The site for the Bantry Mill Culvert Upgrade Project (MCUP) is situated in Bantry Town Centre Street and is part of a larger area designed as 'Town Centre/Neighbourhood Centres i.e.

**Objective No. BT-T-01** Town Centre. Promote the Town Centre as the primary area for retail and mixed-use development, encourage sensitive refurbishment/redevelopment of existing sites and promote public realm improvements whilst protecting the marine environment and built heritage.

Cork County Council has responsibility for the protection of all waters in the County. The Council also has an important role to play in the protection, maintenance, and improvement of water quality through the planning and management of future development.

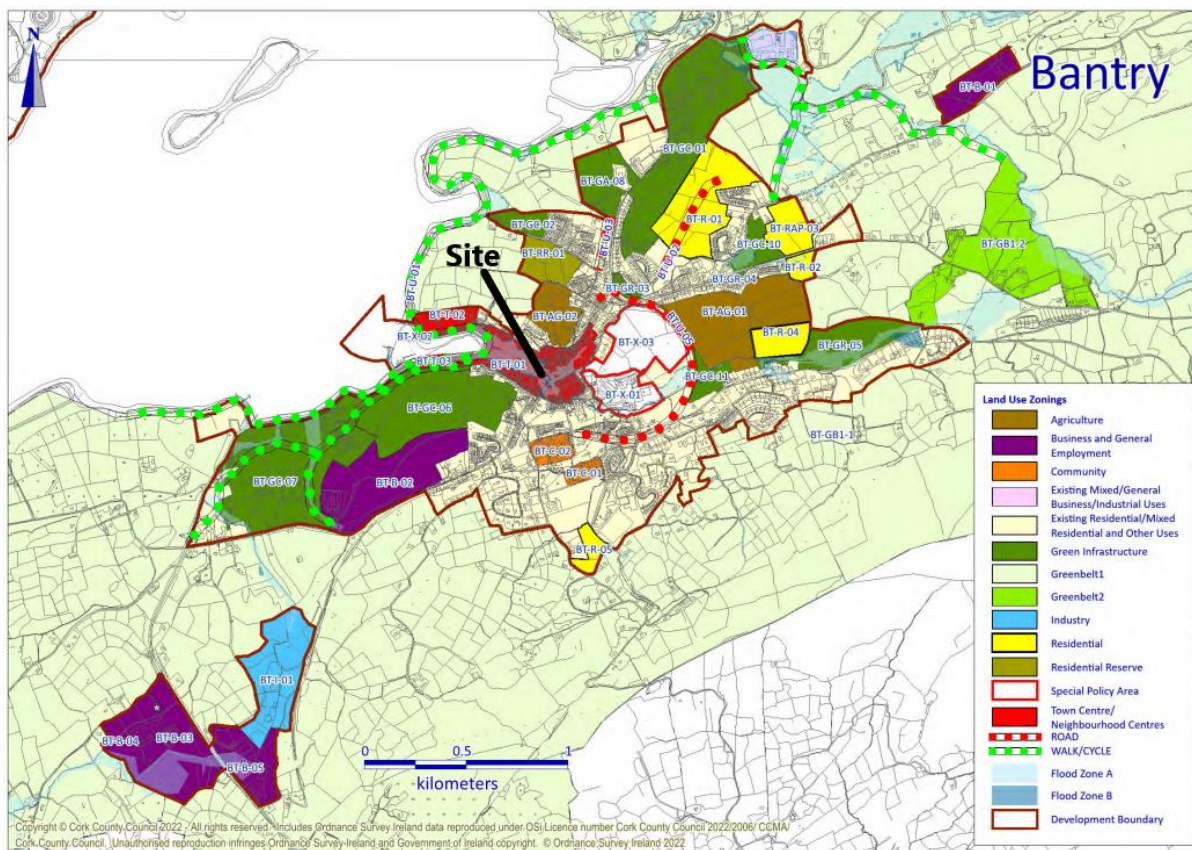
County Development Plan Objective **WM 11-18**: Arterial Drainage Schemes and Flood Relief Schemes

- a) Ensure that access requirements are preserved for the maintenance of Arterial Drainage Schemes, Drainage Districts and Flood Relief Schemes.
- b) Where the construction, replacement or alteration of bridges and culverts over any watercourse is proposed, appropriate consent from the Commissioners is required under Section 50 of the Arterial Drainage Act 1945.

Section 50: Arterial Drainage Amendment Act, 1945 and EU (Assessment and Management of Flood Risks) Regulations SI 122 of 2010 - Restrictions on the construction or alteration of bridges and culverts. This requires all bodies and persons proposing to carry out any works to a bridge or culvert (new or alteration to an existing) to seek consent from the OPW prior to construction

#### Flood Risk

The Flood Risks Maps contained in the current 'County Development Plan Zoning Map' for Bantry indicate that the site under consideration here is located within Flood Zone A & B (see Fig.4 below).



**Figure 4 County Development Plan Map for Bantry illustrating the site, as well as Flood Zones A & B**

Under County Development Plan Objective **WM 11-15** entitled ‘Flood Risk Assessments’ the following direction is given;

*To require flood risk assessments to be undertaken for all new developments within the County in accordance with The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009) and the requirements of DECLG Circular P12/2014 and the EU Floods Directive.*

- *For sites within Flood Zone A or B, a site-specific Flood Risk Assessment will be required.*
- *For sites within Flood Zone C, an examination of all potential sources of flooding, and consideration of climate change (flood risk screening assessment), will be required. In limited circumstances where the ‘Flood Risk Screening assessment’ identifies potential sources of flood risk, a site specific flood risk assessment may also be required.*
- *All proposed development must consider the impact of surface water flood risks on drainage design through a Drainage Impact Assessment. The drainage design should ensure no increase in flood risk to the site, or the downstream catchment.*

Accordingly, a Flood Risk Assessment is hereby undertaken in accordance with the requirements of the Ministerial Guidelines ‘The Planning System and Flood Risk Management’ and as required under County Development Plan Objective **WM 11-15**.

**Requirements of Flooding Guidelines**

The relevant sections of ‘The Planning System and Flood Risk Management’ guidelines are as follows;

- Section 3.5 of ‘The Planning System and Flood Risk Management Guidelines for Planning Authorities’ outlines the planning implication for development in Flood Zone A as follows;

*Most types of development would be considered inappropriate in this zone. Development in this zone should be avoided and/or only considered in **exceptional circumstances**, such as in city and town centres, or in the case of essential infrastructure that cannot be located elsewhere, and where the Justification Test has been applied. Only **water-compatible development**, such as docks and marinas, dockside activities that require a waterside location, amenity open space, outdoor sports and recreation, would be considered appropriate in this zone.*

- Under Table 3.1 of these same guidelines ‘Classification of vulnerability of different types of development’, the development under consideration here could be categorized as a ‘Water-compatible development’ i.e. i.e. flood control infrastructure.
- The ‘Matrix of vulnerability versus flood zone’ illustrated in Table 3.2 places no requirement on this development to meet the Justification Test and/or be subject to a flood risk assessment i.e. the development is designated as ‘appropriate’ for Flood Zone A .
- These works associated with the Bantry Mill Culvert Upgrade Project (MCUP) are therefore acceptable from a flood risk perspective and fully comply with the requirements specified in ‘The Planning System and Flood Risk Management Guidelines for Planning Authorities’.

### **Cultural Heritage**

The proposed Development is located within two Architectural Conservation Areas (ACA) as mentioned previously. Special planning controls can be developed for ACAs that set out development objectives for the preservation and enhancement of the area. The designation of ACAs gives protection to the greater part of the built heritage that may not be suitable for inclusion in the Record of Protected Structures but contributes to or forms the particular character of an area. As set out in Objective **HE 16-18** the Council must conserve and enhance the special character of the ACA included in the Plan. The special character of an area includes its traditional building stock, material finishes, spaces, streetscape, shopfronts, landscape and setting.

There are a number of Protected Structures located along the route of the proposed development. Objective **16-14** seeks to protect all structure contain in the Record of Protected structures. The relevant points of this objective are as follows:

- c)** Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. In accordance with this objective, a Record of Protected Structures has been established and is set out in Volume Two Heritage and Amenity, Chapter 1 Record of Protected Structures.
- d)** Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.
- e)** Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.
- f)** Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.
- h)** Promote and ensure best conservation practice through the use of specialist conservation professionals and craft persons.

### **4.3.2 Volume 5- West Cork**

Volume 5 of the Cork County Development relates to West Cork. It sets out the detailed planning strategy and land use zoning as appropriate for the towns and villages of the Municipal District and includes Bantry Town. With regards to Bantry Town the plan notes that there are existing surface water capacity issues with the Mill River and the existing surface water culverts in the town centre need to be upgraded. The Plan states that the Council are working with Irish Water, the Office of Public Works, and Transport Infrastructure Ireland to expediate the Council's proposed upgrade of the New Street Culvert which relates specifically to this application.

The plan also highlights the flooding issues that the Town faces in terms of the poor structural condition and flow capacity of culverts in the town. The following objective is of relevance to this project:

**BT U-07** Seek the Upgrading of Existing Surface Water Culverts along the existing Mill River to deal with present surface water capacity issues.

## 5. Planning Assessment

### 5.1 Principle of Development

The principle of the proposed development is considered acceptable as the proposal to upgrade water infrastructure in order to resolve water capacity issues is supported by policy at National, Regional and Local level. At present the surface water issues in Bantry are leading to increased flooding in the town during heavy rainfall, due to the culvert not being able to deal with the capacity of flow. Objective BT-U-07 of the Volume 5 of the CCDP seeks the upgrade of the Bantry Mill Culvert in order in order to significantly improve flooding issues in the town. Therefore, the proposed development is in line with the proper planning and development of the area.

### 5.2 EIA Screening

An Environmental Impact Assessment (EIA) Screening Report was conducted by MWP and concludes that there is no real likelihood of significant effects on the environment arising from the proposed development and that an EIA is not required in this instance. Refer to the EIA Screening report included with this application for more details.

### 5.3 AA Screening

A Stage 1 Appropriate Assessment (AA) has been undertaken by MWP to determine the potential for likely significant effects of a project, individually, or in combination with other plans or projects, in view of the conservation objectives of the site, on a European site or sites. It has been objectively concluded that there the European sites identified in the report are not likely to be affected by the proposal, individually or in-combination with other plans or projects and can therefore be screened out for appropriate assessment.

### 5.4 Cultural Heritage

The proposed site is located within two Architectural Conservation Areas (ACA), the “Public and Commercial Centre ACA” and the ‘Chapel ACA’. There are a number of listed protected structures and structures recorded on the National Inventory of Architectural Heritage (NIAH) located along the route of the development. An Architectural Heritage Impact Assessment has been undertaken by Southgate Associates to assess the potential impacts the upgrade of the Bantry Mill Culvert may have on these cultural heritage features.

The report concludes that the proposed works will not have any significant permanent visual or physical impacts on the character or significance of the two ACAs or any of the adjacent protected structures, structures on the National inventory Of Architectural Heritage or undesignated heritage assets. However, during the construction phase there is a possibility of vibration and construction works affecting adjacent structures which will be mitigated for as outlined in Section 5 of the Report, with a careful scheme of monitoring.

## **6. Conclusion**

This report supports a Part 8 Planning Application for the proposed Bantry Mill Culvert Upgrade Project. Recent flood events in the town have highlighted the urgency in getting this development underway to in order to reduce future flood events. The proposed development is considered to be in accordance with the proper planning and sustainable development of the area and is in accordance with local planning policies and objectives. The potential impacts, including environmental, arising from the scheme have been reviewed and assessed.

It is concluded that the construction of the proposed scheme will have no significant impact on the receiving environment, provided the recommendations of the environmental screening reports and cultural heritage report are followed.