



An
Bord
Pleanála

Agenda and Order of Proceedings ABP-308790-20

Development	179 no. apartments, creche and all associated site works on lands at Bessboro, Ballinure, Blackrock, Cork. (www.gatewayviewshd.ie)
Dates	Wednesday 21 st April and Thursday 22 nd April 2021
Start Time	10:00 am
Location	This is a virtual oral hearing using Microsoft Teams. Inspector in attendance at the Offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1

Agenda

This is a limited Agenda Oral Hearing as follows:

- (i) The applicant is requested to address any outstanding matters or provide further clarification in respect of the areas identified as potential children's burial ground, in particular the area to the north west of the folly and within the SHD site, noting that the southern parts of Blocks A, B and C may encroach onto this potential burial ground, in the form of survey and documentary evidence. The Board notes the comments of the Commission that 'The only way that this (i.e. existence of burial grounds) can be established is by an excavation of the entire property including those areas that are not built on (Para's 38.12- 38.17).
- (ii) The applicant is requested to address any outstanding matters or provide further clarification in respect of the appropriateness of the excavation,

surveying, and monitoring during construction, as opposed to prior to construction or prior to the grant of a permission on the site. The applicant is further requested to address the issue as to the viability/feasibility of the proposed development (in full or in part) were remains to be found within areas identified for development.

To this end, the applicant's attention is drawn to comparable site investigations required and carried out in similar circumstances. Excavations were permitted by warrant issued by the judicial Chairperson of the Commission. Forensic control was maintained so that, should it become necessary in the future, all evidence was collected to a standard that is required by forensic casework that is submissible in a court of law. An Gardai Siochana were in attendance for the duration of the excavations, specifically when human remains were exposed. The Coroner was notified of the potential to find modern human remains that would be considered from a time relevant to his jurisdiction. A protocol for communication was agreed.

- (iii) The applicant is requested to address any outstanding matters or provide further clarification in respect of detailed proposals as to how remains would be dealt with were they to be found on site, in respect of each scenario, and to consider whether there may be instances that development even if it were permitted in principle could not proceed, and in such instances, the legality/enforceability of any permission for the site.

Order of Proceedings

Wednesday 21 st April 2021	
Time	Topic
10.00 – 13.00	<ul style="list-style-type: none"> • Opening of oral hearing
	<ul style="list-style-type: none"> • Applicant: <ul style="list-style-type: none"> ○ Summary of proposed development (max. 10 minutes) ○ Response to specific items set out in limited agenda
13.00	Break
14.00 -17.00	<ul style="list-style-type: none"> • Planning Authority <ul style="list-style-type: none"> ○ Points to raise on limited agenda matters
	<ul style="list-style-type: none"> • Observers <ul style="list-style-type: none"> ○ Points to raise on limited agenda matters • Questioning between the parties
Thursday 22 nd April 2021	
10.00 – 13.00	<ul style="list-style-type: none"> • Questioning between the parties (continued) • Closing comments in the following order: <ul style="list-style-type: none"> ○ Observers ○ Planning Authority ○ Applicant • Formal closing of the Oral Hearing by the Inspector

Notes: Attending the Oral Hearing via MS Teams

- Observers who have registered to make a submission to the oral hearing and all other parties and members of the public who wish to view the hearing can do so via MS Teams once you have registered your details. Please note that if you do not register your intention to participate in the hearing in advance, submissions to the oral hearing will only be heard at the inspector's discretion and if time allows.
- To receive a Microsoft Teams invitation, or to request additional invitations, please email strategichousing@pleanala.ie.

Notes:

- Parties to the hearing are advised that the hearing is designed to allow further elaboration, discussion and examination of the matters outlined in the limited agenda. Submissions should be concise dealing only with the relevant matters.
- There will be an opportunity for questioning between the parties when all parties have made their submissions as set out in the agenda above. The Inspector may facilitate some questioning following the completion of a submission by a given party where this is considered to be of benefit to the hearing.
- The Inspector may lead a discussion on matters that are directly related to the agenda, such as the appropriateness of conditions to deal with matters arising, should the Board be minded to grant planning permission for the proposed development.
- Closing submissions are only for briefly summarising key points made during the hearing and should last no more than 10 minutes. No new points, issues or legal matters can be raised in the closing submissions.
- Any documents or written submission that we have already received should not be repeated at the oral hearing as the Inspector will have already read this information. If you repeat information at the oral hearing that is not necessary, the Inspector may stop you and ask you to move on to another topic. Any legal submissions must be part of the substantive submissions to the hearing.

Notes: General

- Parties should note that the agenda and order of appearance may vary during the course of the oral hearing.
- If you intend to provide a written copy of your submission, then this should be submitted in digital format to the Board at least 2 working days in advance of the hearing (and will be retained on the case file after the oral hearing). Where maps, diagrams or images are referenced in submissions, these should be available for display on Microsoft Teams and should be of a scale that ensures they are legible to all at the Hearing.
- Where participants propose to use visual aids when speaking (presentations, maps, photos, etc.), these should be submitted in a digital format to the Board at least two working days in advance of participation in the hearing (and will be retained on the case file after the oral hearing). These may be forwarded by email to strategichousing@pleanala.ie.
- The acceptance of further written information or maps etc, during the hearing is at the discretion of the inspector.
- Details on Oral Hearings including an Oral Hearing Guide, Rules for Participation in an Oral Hearing and a guide on how to join a Microsoft Teams Meeting as a Guest can be found on the Boards website at www.pleanala.ie.