



An
Bord
Pleanála

Observation on a Large-scale residential development Appeal: Form

Your details

1. Observer's details (person making the observation)

If you are making the observation, write your full name and address.

If you are an agent completing the observation for someone else, write the observer's details:

Your full details:

(a) Name

Ciara Flanagan

(b) Address

Gubinea, Glenade, Co Leitrim F91YW22

Agent's details

2. Agent's details

If an agent is making your observation, please provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Not applicable

(b) Agent's address

Not applicable

Postal address for letters

3. During the appeal process we will post information and items to you **or** to your agent. For this observation, who should we write to? (Please tick ✓ one box only.)

You (the observer) at the address in Part 1

☒

The agent at the address in Part 2

☐

Details about the proposed development

4. Please provide details about the appeal you wish to make an observation on. If you want, you can include a copy of the planning authority's decision as the observation details.

(a) Planning authority

(for example: Ballytown City Council)

Cork City Council

(b) An Bord Pleanála appeal case number (if available)

(for example: ABP-300000-19)

Click or tap here to enter text.

(c) Planning authority register reference number

(for example: 18/0123)

2544442

(d) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Abhaile)

Bessborough, Ballinure, Blackrock, Cork

Observation details

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Harm 1: An Coimisiún Pleanála's lack of access to information to make a fully informed decision, particularly with regard to appropriate use of land/zoning and principles of protection

This site is likely to be a crime scene. There are 19 women and 859 babies who are 'missing persons' and are directly connected to the Bessborough site. The Mother and Baby Homes Commission of Investigation received analyses, testimony and records regarding the site. The report concluded that *'It is highly likely that burials did take place in the grounds of Bessborough'*.

Specific contents of these findings are currently under seal in the Department of Children, Disability and Equality. An Coimisiún Pleanála is not in a position to make a full and informed decision on the granting of planning on this site without access to relevant information from the Department regarding the site.

While these findings remain inaccessible, it is unclear how the Coimisiún can guarantee this application is an appropriate use of land or correctly zoned. Similarly, while the Coimisiún knowingly lacks access to all pertinent information, it remains impossible to take account of all necessary considerations of historical/archaeological preservation duties.

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Harm 2: Breaches to EU and international human rights law and obligations.

Despite the government's acknowledgment that there are likely to be human remains at the site, the state has failed to order any geophysical surveys at the Bessborough site. Similarly, they have failed to refer the matter to An Garda Síochána.

It is noted that the original grant of planning permission requires Cork City Council to undertake a forensic archaeological monitoring strategy as part of their site works. Under EU and International Human Rights law, a government cannot delegate its obligations to investigate deaths and the disappeared in this manner.

It remains entirely unclear how An Coimisiún Pleanála can justify its participation in a derogation of legal duties of this kind.

Harm 3: Cork City Council failure to uphold National Planning Framework

The National Planning Framework speaks of delivering growth and development in Ireland within the '*overall context of Ireland's existing international and EU obligations and commitments*'. As outlined above, the proposed development knowingly ignores these commitments.

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Cork City Council's Development Plan does not contain any detailed analysis on the large scale plans for the former Mother and Baby Home site, particularly as it relates to impact on the local population (particularly the older adult population), addressing inequality and the principles of historical/archaeological protection for the victims and the City.

The City development plan uses the UN's sustainable development goals as non-binding guidance, but nonetheless does not relate the Bessborough site plans to Good health and wellbeing (Goal 3), Gender Equality (Goal 5), Reducing Inequalities (Goal 10) and Peace, Justice and Strong Institutions (Goal 16). This is despite the fact that the choice to develop the site in this way directly impacts local victims, their families and the City.

Supporting materials

6. If you wish, you can include supporting materials with your observation.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Fee

7. You **must** make sure that the correct [fee](#) is included with your observation. You can find out the correct fee to include in our [Fees and Charges Guide](#) on our website.

This document has been awarded a Plain English mark by NALA.

Last updated: August 2020

