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To whom it may concern,

We, the undersigned, write in support of the appeal by Bessboro Mother and Baby Home Support Group against the grant to Estuary View Enterprises 2020 Limited, on 24 February 2026, of Conditional Permission for a Large-Scale Residential Development at a site located at Bessborough, Ballinure, Blackrock, Cork (Planning Ref. 25/4442).

We are of the view that the proposed development is inappropriate, as the burial locations of mothers and infants who died at Bessborough have yet to be established. We echo the concern among affected people that the land has not yet been subject to a sufficiently comprehensive investigation. We urge An Coimisiún Pleanála to refuse this planning application.

- The MBHCOI's reports found the Bessborough Mother and Baby institution was supported by the State by means of capitation payments from the local health authorities, capital funding from the Hospitals Trust Fund, and evidence suggests that the local health authorities did not sufficiently monitor Bessborough or take appropriate action when aware of the high infant mortality rate.<sup>1</sup>
- Planning permission was refused, and this decision upheld by An Bord Pleanála, in January 2023 for MWB Two Ltd. The board said "potential exists for the presence of human remains and/or burials at this proposed development site associated with the former use of the lands as a Mother and Baby Home over the period 1922 to 1998" thus it would be "premature" to grant permission for the proposed development "prior to establishing the extent of human remains and/or burials, if any". Without locations of burials found since, we believe that this applies to the current proposed development.<sup>2</sup>
- Pursuant to Article 2 regarding the right to life, and Article 3 regarding the prevention of inhuman and degrading treatment under the European Convention of Human Rights, an Coimisiún Pleanála as an 'organ of the state' is compelled to uphold the State's European human rights law obligation, including its legal obligation to conduct an effective investigation into individuals who have been killed or have died, particularly those deaths carried out by, or those under the care of, State agents.<sup>3</sup>
- Under the United Nations Declaration on the Protection of All Persons from Enforced Disappearance, the State is compelled to establish jurisdiction over the offence of enforced disappearance, and to ensure that victims of enforced disappearance or those directly affected by it have the right to obtain reparation and compensation (Article 24.4), inter alia, (c)

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<sup>1</sup>Mother and Baby Homes Commission of Investigation (MBHCOI), Final Report (January 2021), *Executive Summary para 94* <https://www.gov.ie/en/department-of-children-disability-andequality/publications/final-report-of-the-commission-of-investigation-into-mother-and-baby-homes/>.

<sup>2</sup> <https://www.irishexaminer.com/news/politics/arid-41817629.html>

<sup>3</sup> [https://www.echr.coe.int/documents/d/echr/convention\\_ENG](https://www.echr.coe.int/documents/d/echr/convention_ENG)

Satisfaction- including restoration of dignity and reparation. The failure of the State to carry out a meaningful and comprehensive standalone excavation and exhumation of the site, may fail to uphold the dignity of those previously incarcerated in, or affected by, the former Mother and Baby Institution at Bessborough, contributing to the extension of the disappearance. According to this convention and the ECHR, the State cannot delegate its obligation to those who have died or disappeared at the hands of an offender within its territory, and this development could prevent the State from in future undertaking the necessary investigation into potential unrecorded burials on the lands.<sup>4</sup>

- Additionally, the Mother and Baby Homes Commission of Investigation has not employed “all reasonable means” to search for the disappeared women and children of Bessborough through methods including magnetometry or an analysis of decomposition analysis.

Overall, we are of the opinion that the State should not contribute to the ongoing trauma that may arise among those affected by the institution by supporting development on a contested site.

Yours sincerely,

Ellie O’Connell and Leah Buckley

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<sup>4</sup> <https://www.coe.int/en/web/compass/convention-for-the-protection-of-all-persons-from-enforced-disappearance>