



Senator Laura Harmon

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Observation on Planning Appeal: Case 324153

To: An Bord Pleanála

Reference: Case 324153 (Former Bessborough Mother and Baby Home site, Blackrock, Cork)

An Coimisiún Pleanála - Case reference: LH28.324153

Planning Authority Case Reference: 2544442

Observer: Senator Laura Harmon

Formal Statement

I am writing to submit this formal observation in support of the planning appeal lodged by Councillor Peter Horgan and the appeal lodged by Bessboro Mother and Baby Home Support Group. I wish to amplify the concerns raised by Cllr Horgan and Bessboro Mother and Baby Home Support Group regarding the proposed 140 unit residential development at the former Bessborough Mother and Baby Home site. It is my firm belief that the current grant of permission is incompatible with the historical, ethical, and humanitarian significance of this site. Permission should not be granted on this site and Ireland must uphold its obligations under international human rights law.

This submission is supported by the following Labour Party elected

representatives: Councillor Ciara O'Connor, Councillor John Maher, Senator Nessa Cosgrove, Deputies: Ivana Bacik, Eoghan Kenny, Conor Sheahan, Duncan Smith, George Lawlor, Ged Nash, Alan Kelly, Marie Sherlock, Mark Wall, Rob O'Donoghue, Ciarán Ahern and MEP Aodhán O'Ríordáin.

The State is aware of a situation of mass disappearance and the probability that some of the disappeared are buried in the grounds of Bessborough Mother and Baby institution. An Bord Pleanála and An Coimisiún Pleanála have refused planning permission for this site numerous times since May 2021 due to the lack of clarity regarding the whereabouts of 878 children and mothers (in total) who were confined in Bessborough. A most harrowing aspect of this proposal is the documented fact that 923 infants died at Bessborough, yet only 64 dead babies are accounted for. The prospect of building over these lands is reprehensible. Proceeding with construction while the remains of 859 children are unaccounted for constitutes a gross violation of human dignity. We risk literally and figuratively entombing the truth of our past in concrete. I am clear in my view that a full, independent, and state led investigation of the entire site has to be concluded using all modern technology available.

The State is obliged under the European Convention on Human Rights (ECHR) to investigate

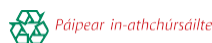
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the deaths of children and mothers who were confined in Bessborough, and to ascertain the whereabouts of the disappeared and return their remains to relatives. The EU Charter of Fundamental Rights (CFR) protects—in several cases more explicitly than in the ECHR text—the equivalent rights which, according to the jurisprudence of the European Court of Human Rights (ECtHR), give rise to such obligations (CFR arts 1, 2, 4, 6, 7, 11, 20, 21, 24, 33, 42, 47). These legal obligations are reinforced by international human rights law sources and standards, including as interpreted by eight United Nations Human Rights Council-appointed Special Procedures directly in relation to the deaths and disappearances of individuals previously confined in Ireland’s Mother and Baby institutions. Irish Constitutional caselaw supports the existence of these obligations, also. The State has a clear and binding obligation under European human rights law to investigate deaths and disappearances. Moving forward with this development would be complicit in a continued cover up of the institution’s history. There is a lack of transparency in the local planning process to date. By granting permission, we are ignoring the rights of survivors and their families to achieve closure and justice.

The State has not complied with its European human rights law obligations in respect of the deaths and disappearances of children and women who were confined in Bessborough Mother and Baby institution. The Mother and Baby Homes Commission of Investigation (MBHCOI) proceeded in private and offered no opportunity to bereaved mothers or relatives to see or comment on, or suggest lines of inquiry further to, the evidence it received and considered. The MBHCOI did not publish its archaeological assessment of the grounds at Bessborough; it kept its entire archive relating to Bessborough confidential from bereaved mothers and relatives. The MBHCOI’s archive remains inaccessible to affected people and the public, and neither An Coimisiún Pleanála nor the members of Cork City Council have access to the documents and other evidence underlying the MBHCOI’s observations and conclusions. Furthermore, the MBHCOI did not use all reasonable means to search for the disappeared children and women of Bessborough: it did not undertake geophysical surveys using methods such as ground-penetrating radar / electrical resistivity / magnetometry, and there is no indication in its Reports that it undertook test excavations or soil chemistry or decomposition analysis. The State has not established any other investigation into the disappeared children and mothers of Bessborough.

An Coimisiún Pleanála is obliged to uphold the State’s European human rights law obligations, which cannot be displaced or delegated by way of conditions on a grant of planning permission to a private property developer.

Cork City Councillors have acknowledged the State’s responsibility for the Bessborough site. The State should acquire this site through Compulsory Purchase Order.

Failure of Existing Planning Conditions

The conditions currently attached to the planning permission are fundamentally flawed. They require the developer to stop work only if juvenile remains are discovered during construction. This is a reactive and wholly inadequate measure. As both Cllr Peter Horgan and I have pointed out, this condition acts as a tacit admission that the discovery of remains is a high probability. Entrusting a private commercial entity with the management of a potential mass grave is an abdication of state responsibility. A comprehensive archaeological survey must be a prerequisite for any consideration of the site, not a secondary thought during excavation.

Preservation as a Site of Conscience

Bessborough is not merely a development opportunity; it is a site of national conscience. There is a profound need for this land to be preserved as a permanent memorial, such as a Garden of Remembrance, to honour those who suffered and died there. Allowing private residential gain on a site of such immense collective grief is an act of re-traumatisation for many in the survivor community. We must prioritise the creation of a space for education and reflection over commercial interests.

Cork as a Trauma-Sensitive City

As Councillor Ciara O'Connor, Chair of the Cork City Council Women's Caucus pointed out: Cork has committed to becoming a trauma-sensitive city, recognising the widespread impact of trauma and embedding this understanding into policy, planning, and service delivery. That commitment must be reflected in how we approach this site. Bessborough is not simply a historic location; it is a place where deep, intergenerational trauma originated and continues to be felt. For survivors, families, and the wider community, the site holds a profound emotional and psychological weight.

A trauma-sensitive approach requires:

- Safety and dignity for those affected
- Recognition of lived experience
- Avoidance of actions that may re-traumatise individuals or communities

Proceeding with development in the absence of full clarity, recognition, and engagement risks undermining Cork's stated commitment and causing further harm.

For the reasons detailed above, I urge An Bord Pleanála to uphold the appeals of Councillor Peter Horgan and Bessboro Mother and Baby Home Support Group and refuse permission for this development in its entirety. The site requires a dignified, state led resolution before any alternative use can be considered.

I would welcome the opportunity to engage further on this issue verbally or in any form.

Yours sincerely,

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