

A chara,

I am writing to record my observations in relation to Cork City Council Planning Order 0714/26 and to support the appeals lodged with An Comisiún Pleanála by Cllr Peter Horgan and the Bessborough Mother and Baby Home Support Group, An Coimisiún Pleanála Reference 324153.

As an elected representative of the Cork South Central Ward, I wish to state at the outset that, I fully support and encourage the development of new housing to meet the acute housing needs in Cork City. However, on review of both the documents submitted by the applicant to Cork City Council, the assessment of the application undertaken by the Planning Authority, and the concerns raised directly to me by constituents and survivors of the Mother and Baby Home, it is clear that the development should not be granted planning permission.

It is my view, for the reasons set out below, that the proposed development, is not in accordance with the proper planning and sustainable development of the area and permission should be refused.

It is well known that Bessborough was the site of a Mother and Baby Home from 1922 to 1998. During this time, 9,768 mothers and 8,938 children were admitted and the institution was owned and operated by the Congregation of the Sacred Hearts of Jesus and Mary (hereinafter “the Congregation”. During that time the Mother and Baby Home Commission (hereinafter “the Commission”) records that 923 babies born in Bessborough died in infancy or early childhood. The Commission notes that, not only did the Congregation fail to keep any register of infant burials and burial locations, but that no member of the Congregation was in a position to identify the burial places when contacted by the Commission. The Commission notes that this is “very hard to believe”. To date the burial places of only 64 of the children have been identified. Despite a belief that the children may have been buried at the marked burial site on the grounds of Bessborough only one child has been found to have been buried there. The Commission reports contain information from numerous sources identifying different areas on the approximately 60 acre site where there may be bodies buried and concludes that it is very likely some of the children are buried on site and that the only way this can be established is by an excavation of the entire site including those areas that are now built on. No such excavation has ever been conducted.

It is almost certain that the remains of babies and small children remain in the grounds of Bessborough. It is also very clear that nobody, including a commission of investigation

who reported on this for approximately six years, can currently establish where those remains are buried. It is, in my view and in the views of many constituents who have contacted me in relation to this matter, completely unacceptable to build on this site until all avenues of investigation, up to and including a full excavation of the entire site, is completed. The granting of permission to develop this site without having exhausted all avenues of investigation is contrary to previous planning decisions despite no new evidence having been submitted by the applicant.

It is also of note that circular NRUP 05/2022 specifically requests that “...Planning Authorities ensure that locations where there may be evidence of unrecorded burial sites are preserved and protected through the development plan review or variation process...”.

As highlighted within the Circular, under Section 10(d) as well as Section 10(f) of the Planning and Development Act 2000 are each mandatory requirements, which state that objectives shall be included in a development plan for the purposes of:

“the integration of the planning and sustainable development of the area with the social, community and cultural requirements of the area and its population”, and

“the protection of structures, or parts of structures which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest”.

Accordingly, there is scope to formulate objectives in development plan review or variation processes for the purpose of preserving and protecting unrecorded burial sites pending further investigation, in circumstances where the planning authority (on the basis of information before it) considers that there is a reasonable possibility that unrecorded burials associated with the former institutional use of the site may have taken place and that such burials would be of social, community and / or cultural significance.

Cork City Council has, in my view, failed to comply with the said circular. The applicant in this case should not be able to benefit from the inadvertence of the planning authority in this regard.

Under S.34 of the Planning and Development Act, 2000, as amended where an application is an application is made to a planning authority in accordance with permission regulations for permission for the development of land, and all requirements of the regulations are complied with, the authority may decide to grant the permission subject to or without conditions, or to refuse it. When making its decision in relation to an application under this section, the planning authority shall be restricted to considering the proper planning and sustainable development of the area, regard being had to—

*(iv) where relevant, the policy of the Government, the Minister or any other Minister of the Government,*

Circular NRUP 05/2022 is clear in its direction to Planning Authorities, where there is ensure that locations where there may be evidence of unrecorded burial sites, are preserved and protected. An Coimisiun Pleanala, as the relevant Planning Authority in deciding this appeal must have regard to this circular, as the clear policy of the Minister for Housing, Local Government and Heritage. The development as proposed is not compatible with direction and should as a result be refused.

Further, it should be noted that part of the subject lands are zoned as a Landscape Preservation Zone”. At point 6.19 of the Cork City Development Plan 2022-2028 it states that lands zoned in this way “...are considered to be highly sensitive to development and as such have limited or no development potential.”. One of the site specific objectives for the lands to the north of Bessborough House is “To allow development within the immediate environs to the north of Bessboro House consistent with the landscape and protected structure significance of the site.”. It is not clear to me how the planned apartments, due to their scale and quantum, are consistent in this way, and would in my view, constituent a material contravention of the Cork City Development Plan. The proposed development clearly flies in the face of the development plan for the area and, given the approval of the Development Plan is a reserved function, this is of extreme concern to me as a City Councillor.

I am requesting that you take the foregoing submissions into consideration when making a decision on the appeal in this matter.

Le meas,

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