

SUBMISSION / OBSERVATION TO AN BORD PLEANÁLA

Re: ABP Ref. No. 324153 – Proposed Development at Bessborough Site, Cork

From:

Oliver Donoghue
The Castle Bell House
Moydrum
Athlone
Co. Westmeath

1. Introduction

I, Oliver Donoghue, make this formal submission/observation to An Bord Pleanála in respect of ABP Ref. No. 324153 concerning proposed development at the Bessborough site, Cork, including but not limited to the following Land Registry folios:

- CK199812F (Main lands – Freehold, Plan EAQG2)
- CK37521 (Main hospital)
- CK37902 (Burial ground)
- CK159791F
- CK61769F

2. Serious Concerns – Potential Unmarked Burial Grounds

It is my submission that the entirety of the Bessborough site must be treated as a highly sensitive landscape due to credible concerns regarding the presence of unmarked burials, including infant remains.

The precise locations of such burials are not definitively known. Any excavation or ground disturbance therefore poses a significant risk of disturbing human remains. Granting permission without prior comprehensive investigation would be premature and inconsistent with proper planning and sustainable development.

3. Requirement for Forensic and Archaeological Assessment

I submit that any planning approval under ABP Ref. 324153 must be fully supported by:

- A comprehensive non-invasive survey, including ground-penetrating radar where appropriate

- A licensed archaeological assessment
- A formal protocol for the identification and treatment of potential human remains
- Engagement with relevant State authorities, including the National Monuments Service

In the absence of such documentation, the Board cannot be satisfied that the proposed development will avoid disturbance of human remains or protected archaeological material.

4. Impact on Protected Structures and Recorded Monuments

The site contains protected structures and recorded monuments, including:

- The Bessborough buildings (protected structures under the Planning and Development Acts)
- The historic ice house (Record of Monuments and Places reference C0074-051)

Under the Planning and Development Acts and the National Monuments Acts, any works affecting these features or their settings require statutory consent and careful assessment. Failure to properly evaluate these impacts would contravene Irish heritage law and established planning practice.

5. Legal and Planning Precedents

In line with established planning and judicial practice:

- Precautionary Principle: Where there is reasonable uncertainty regarding archaeological remains, development should not proceed without prior investigation.
- Burden on the Developer: The applicant must demonstrate that the development will not adversely affect archaeological or funerary remains; the burden is not on objectors to prove harm.
- Judicial Review Risk: Approval of a development without adequate archaeological and forensic assessment could render any decision vulnerable to judicial review (High Court / Supreme Court precedents).

6. Proper Planning and Sustainable Development

Given the archaeological sensitivity of the site, the potential presence of human remains, and the protected status of key structures, it is submitted that the proposed development would not be consistent with proper planning and sustainable development unless these issues are fully addressed prior to any works.

7. Request to the Board

Accordingly, I respectfully request that An Bord Pleanála:

- Refuse permission under ABP Ref. 324153; or
- Defer any decision pending a full, independent forensic and archaeological investigation of the entire site

8. Reservation of Rights

I reserve all rights to pursue further legal remedies, including judicial review, should the matter not be adequately addressed.

9. Conclusion

This site is of exceptional historical, archaeological, and human sensitivity. The potential for unmarked burials demands a precautionary, evidence-led, and respectful approach. No development should proceed until the extent and nature of any burials are fully established.

Signed:
Oliver Donoghue

Date: [Insert Date]