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Proposed Residential Development at Bessborough Estate, Blackrock, Cork

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1. Introduction

The fact that this application has reached the stage of An Bord Pleanála means the institutions of our state are again failing the need to protect the most vulnerable in society. I implore An Bord Pleanála not to fail society and further condemn this history of this hallowed piece of land to just another piece of development by international developers who fail to understand the pain and suffering it will cause it is not preserved in the way we know it should be. We cannot continue in this process and as one survivor described it - "an inhumane attempt to concrete over the past".

What is different to the past is that we know now what happened there - governments and its delegated institutions like Cork City Council and An Bord Pleanála cannot use ignorance on this site's history. Cork City Council has failed here and it's not its first time An Bord Pleanála has had to direct Cork City Council on its decisions.

The lands form part of the former Bessborough Mother and Baby Home, an institution that has since become one of the most troubling symbols of Ireland's treatment of vulnerable women and children during the twentieth century. The scale of what occurred at Bessborough cannot be understated.

According to the findings of the Final Report of the Commission of Investigation into Mother and Baby Homes a total of **904 infant deaths** were recorded at the institution between 1922 and 1998.

During certain periods the mortality rate within Mother and Baby Homes was **three to five times higher than the national infant mortality rate**. The Commission also established that burial records were incomplete or absent for many of those who died.

For the majority of the children who died at Bessborough **their burial locations remain unknown**.

This fact fundamentally changes the planning context of the site. The Bessborough estate cannot be treated as an ordinary development site. It is a location associated with unresolved historical trauma, unanswered questions regarding burial locations, and the continuing grief of families whose children died within the institution.

Below, i have attempted as a lay person to identfiy all the technical reasons as to why this cannot proceed. However, what i cannot explain to a reader is basic decency and respect for human life.

Lets give this a sobering thought. If we were to give each baby a marked cross or resting place then that is 1.5 to 2.0 square metres per grave. This would be up to 3,000 metres. This is not a small piece of land that some promoters of this development are advocating. The whole parcel of land we know needs to be part of compulsory purchase order as the Taoiseach has previously stated. We know the Tanaiste has pubically stated on Cork County Sound radio when the announcement was made that there should be no development on the site and he was personally not in favour.

We is it left to a case officer in An Bord Pleanala to make the only decision that should be made and to reject this again. An Bord Pleanala should direct Cork City Council to review its planning departmental decision on the applications that have been made on these lands as An Bord Pleanala has not for the first time rejected the Cork City Council. Its simply not good enough.

Against that background, the proposal to construct a large-scale residential development on lands within the estate must be refused by An Bord Pleanala.

This submission raises serious concerns regarding:

1. Internal inconsistencies within the Environmental Impact Assessment Report (EIAR)
2. Archaeological and burial risks associated with the site
3. Impacts on a protected structure and historic estate landscape
4. Weaknesses in the traffic and transport assessment
5. Non-compliance with the Cork City Development Plan
6. Humanitarian and ethical considerations relating to potential burial sites
7. Evidence that the proposal forms part of a wider development masterplan
8. Widespread public concern regarding the planning decision.

1 Internal Inconsistencies Within the EIAR

The EIAR documentation contains several contradictions between the Cultural Heritage chapter, the Archaeological Impact Assessment, and the forensic archaeology appendix.

Cross Reference of EIAR Contradictions

Issue	Cultural Heritage Chapter	Archaeological Impact Assessment	Forensic Archaeology Appendix	Conflict
Infant deaths	904 infant deaths recorded	Burial records incomplete	Institutional burial context acknowledged	High likelihood of unrecorded burials acknowledged
Burial locations	Majority burial locations unknown	Burial records often not kept	Entire estate must be treated as potential burial landscape	Development proceeds without locating burial sites
Archaeological sensitivity	Burial potential acknowledged	Estate lands may contain unrecorded burials	Entire estate considered burial landscape	Development footprint lies within estate
Surface inspection	No visible archaeological features noted	Site inspection carried out	Appendix confirms burials may exist in disturbed ground	Surface survey cannot identify unmarked graves
Disturbed land	Agricultural disturbance referenced	Disturbed ground noted	Appendix states burials may exist in disturbed areas	Disturbance used to reduce archaeological sensitivity
Mitigation strategy	Monitoring during construction proposed	Monitoring recommended	Appendix proposes structured forensic investigation	Preventative archaeology replaced by reactive monitoring
Impact conclusion	EIAR states impacts manageable	Monitoring considered sufficient	Appendix identifies estate-wide burial risk	Impact conclusion inconsistent with evidence

These contradictions demonstrate that the EIAR acknowledges significant uncertainty regarding burial locations yet concludes that impacts are minimal. The reports are deficient and only further go to exemplify that no development should take place.

The Archaeological impact assessment clearly states that burial are likely to have taken place in this proposed development site. The developers owns report states and so it has to fail on these grounds alone.

Reference is drawn to the following: *“Given the large number of children who died while resident in the Bessborough Mother and Baby Home and the fact that no records of burial arrangement and/or burial places of the children survive, the potential exists for unrecorded burials to have taken place within the wider Bessborough landholding, this includes both undeveloped and previously developed areas of the Bessborough landholding.”*

Futhermore, incredibly, it has been identified in the mitigating factors around what would happen if there were remains identified the plan would be to “resolve” this by consulting with Cork City Council and the National Monuments Service.

“Mitigation Measures Phase 1 – The Farm It is recommended that a programme of archaeological supervision/monitoring of all ground works be undertaken by a suitably-qualified archaeologist. In the unlikely event of archaeological discovery, the National Monuments Service and Cork City Council will be consulted to agree how the encountered archaeological remains are recorded and resolved.”

Its clear there is no sensitivity being shown to the high risk that is inherent in this site and report does not address what would occur. If there were remains discovered it would of course have to stop and a full forensic excavation of the burial site similar to the former Tuam Mother and Baby Home under the Institutional Burials Act 2022 that is now on-going would be required.

2 Evidence of a Larger Development Masterplan

The application under consideration forms part of a broader development strategy for the Bessborough estate. These further identified machinations behind this application.

References within the EIAR identify development phases described as:

- the **Farm development phase**
- the **Meadows development phase**

When considered together, these phases indicate the potential for **between approximately 400 and 600 residential units across the estate lands.**

The current proposal must therefore be understood as part of a larger masterplan.

The cumulative impacts of this wider development strategy have not been adequately assessed. This is an attempt to open the door and get a development in and scale. This international development consortium will seek to intensify and maximise this into a concentrated development.

3. Cultural Heritage and Archaeological Failures

The EIAR acknowledges that burial locations for many children who died at Bessborough remain unknown. The archaeological documentation confirms that the entire estate must be treated as a potential burial landscape.

Despite this acknowledgement, the proposed mitigation strategy relies on archaeological monitoring during construction. This approach is inadequate given the acknowledged uncertainty. Excavation under such circumstances risks disturbing human remains before they can be properly identified. Such disturbance would raise serious concerns under the National Monuments Acts 1930–2014.

We know this site contains a significant piece of our history and past. In Berlin, Germany there is a place of meditation and remembrance in the middle of a busy city. The Neue Wache is the memorial for victims of war and dictatorship. A mother embraces her dead son, helpless and turned to stone in silent pain. Some mothers who resided in these lands faced a different tyranny. From the very institutions that were supposed to protect her and her baby.

4. National Precedent – The Tuam Investigation

Ireland is currently undertaking a full forensic excavation of the burial site associated with the former Tuam Mother and Baby Home under the Institutional Burials Act 2022.

The purpose of that excavation is to identify the remains of children buried at the institution and restore dignity to those who died there. The Commission of Investigation found that infant mortality rates in Mother and Baby Homes were often **three to five times higher than the national average**.

At Bessborough alone **904 infant deaths** were recorded.

While society may not have understood the scale of these deaths at the time, that ignorance cannot be claimed today.

The reader, the planning authority, and An Coimisiún Pleanála are now fully aware of the historical context.

Permitting development on lands associated with such an institution where burial locations remain uncertain would risk repeating the failures of the past and would be a serious failing of its duty and responsibility to protect citizens of Ireland from non-compliant and morally repugnant developments.

5. Humanitarian and Human Rights Considerations

The historical legacy of the Bessborough Mother and Baby Home raises not only planning and heritage considerations but also significant humanitarian and human rights issues.

The treatment of women and children within Mother and Baby Homes has been recognised nationally and internationally as representing a profound failure of social protection and human dignity.

Many families whose children died in these institutions continue to seek answers regarding the location of burial sites and the circumstances of those deaths.

The continued uncertainty regarding burial locations at Bessborough means that development of these lands raises serious concerns regarding the dignity owed to the deceased and the rights of surviving relatives.

These concerns are not merely moral considerations; they are also grounded in legal protections under Irish and European human rights law.

Under the European Convention on Human Rights the State has obligations relating to:

- the protection of human dignity
- the right of families to know the fate and burial location of deceased relatives
- the respectful treatment of human remains.

These principles have been reflected in Irish legislation including the Institutional Burials Act 2022 which was enacted specifically to allow the investigation and respectful recovery of human remains associated with institutions such as Mother and Baby Homes.

In addition, Irish constitutional protections under Constitution of Ireland recognise the importance of protecting human dignity and the rights of individuals and families.

Where burial locations remain uncertain and where credible evidence exists that burials may have taken place within the estate lands, development that risks disturbing human remains raises serious humanitarian and legal concerns.

In such circumstances the precautionary principle must apply.

To allow large-scale residential development on lands associated with institutional deaths, while burial locations remain unresolved, would risk undermining the purpose of recent legislative and investigative efforts by the State to address the legacy of Mother and Baby Homes.

Any decision permitting development under these circumstances will be subject to legal challenge.

Such a challenge will arise both within the Irish courts and, where issues of human rights obligations arise, through proceedings invoking protections under European human rights law.

In this context, approval of the development without resolving the burial uncertainty associated with the site would risk placing the planning authority and the State in a position where the decision could be challenged on humanitarian and human rights grounds.

For these reasons, the humanitarian dimension of the Bessborough site must be considered a central planning consideration rather than a peripheral one.

The dignity of those who died at the institution and the rights of surviving families must be given substantial weight in the planning decision.

6. Non-Compliance with Cork City Development Plan

The proposal conflicts with several objectives of the Cork City Development Plan 2022–2028.

Section 6.13 – Archaeological Heritage

This section requires that archaeological heritage be protected and preserved.

Given the acknowledged burial uncertainty across the estate lands, the proposal does not demonstrate compliance with this objective.

Section 8.19 – Historic Landscapes

This section seeks to protect historic landscapes and estates.

The proposed development risks fundamentally altering the historic character of the Bessborough estate.

Section 8.20 – Protected Structures

Bessborough House is a protected structure.

Development within its curtilage must preserve the historic setting of the structure.

The scale and density of the proposed development risk undermining that setting.

7. Weaknesses in Transport and Traffic Assessment

The Traffic and Transport Assessment relies heavily on modelling assumptions regarding travel behaviour and modal shift.

Given the scale of the development and its role as part of a wider masterplan, the predicted traffic impacts may be significantly underestimated.

8. Grounds for Refusal

The proposed development should be refused for the following reasons:

1. The EIAR contains internal inconsistencies regarding archaeological risk and burial uncertainty.
2. Archaeological investigation undertaken to date is insufficient given the possibility of unrecorded burials.
3. The proposed mitigation relies on reactive monitoring rather than systematic investigation.
4. The development risks disturbing human remains associated with the former Mother and Baby Home.
5. The proposal is not in compliance with the Cork City Development Plan.
6. The proposal forms part of a wider masterplan whose cumulative impacts have not been assessed.
7. Given the profound humanitarian significance of the site, the precautionary principle should apply.

Conclusion

The Bessborough estate is not simply another development site.

It is a place deeply embedded in Ireland's social history and associated with the suffering of vulnerable women and children. This should be rejected out of hand like if any other application before an authority to build housing on a graveyard. If it is not then there is too many that feel differently. We should now not have to go to the ECHR to protect these lands.

Allowing large-scale residential development on lands where burial locations remain uncertain undermines the dignity owed to those who died there. The national and international news attention this has gathered in recent months and weeks and outrage exemplifies the public's view on this.

For these reasons it is respectfully submitted that the proposed development should be refused.