

The Secretary,

An Coimisiún Pleanála

64 Marlborough Street,

Dublin 1.

16th April 2026.

RE: Planning application for a large-scale development at Bessborough, Ballinure, Blackrock, Cork. Case Reference: 324153

Dear Sir/Madam,

I am submitting this observation in support of the appeal by Bessboro Mother and Baby Home Support Group against the grant by Cork City Council 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; ABP Case Ref 324153). The site cannot be developed until the State has met its legal obligations.

As noted by Dr Maeve O'Rourke and other academics in their letter supporting the appeal,¹ the State has clear and irrefutable legal obligations under human rights law, European law and constitutional law in respect of Bessborough. The core obligation is to investigate the deaths of children and mothers who were housed in Bessborough. Between 1922 and 1998, 9,768 girls/women and 8,938 children were housed in Bessborough Mother and Baby institution.² It was owned and run by the Congregation of the Sacred Hearts of Jesus and Mary, but as the Commission of Investigation has found, there was clear State involvement, through financing (from the local health authorities and capital funding from the Hospitals Trust Fund) and the registration and inspection provisions of the Registration of Maternity Homes Act 1934.³ The high mortality rate for children is still shocking; some 953 children associated with Bessborough died.⁴ It is not yet known where 859 of these children are buried. There are no burial records for them. Many of the mothers whose children died at Bessborough have never been told where their children are buried. Mothers and other family members have a right to an effective investigation under Articles 2 and 3 of the European Convention on Human Rights.

¹ M. O'Rourke, C. McGettrick, et al, Letter RE: Large Scale Residential Development proposal, "The Farm" (Cork City Council Planning Ref. 25/4442), at Bessborough, Ballinure, Blackrock, Cork, submitted 20 March 2026.

² MBHCOI, Final Report, Executive Summary para 90. <https://www.gov.ie/en/department-of-children-disability-and-equality/publications/final-report-of-the-commission-of-investigation-into-mother-and-baby-homes/>.

³ Mother and Baby Home Commission of Investigation, Final Report, January 2021, Executive Summary paras 27 and 94.

⁴ MBHCOI, Final Report, Executive Summary para 95

The Commission of Investigation's Final Report records the testimony of a woman who gave birth at Bessborough in the early 1980s, as follows:

I never got a chance to see or hold the baby. They told me that the baby was a boy and that he was still-born. There was no more mention of the baby after I gave birth and I accepted that he was dead. I was not invited to the burial nor was I given any details of how the remains were being dealt with. I was not given a death certificate.⁵

According to the Final Report, *Resident K* 'visited Bessborough on three occasions to try to get information about her time there and records relating to her child's death and burial. On one occasion a nun told her that her child was buried in the congregational burial ground onsite. She "mistrusts the accuracy of the [Bessborough] records" provided to her'.⁶

The Mother and Baby Home Commission of Investigation did not carry out an effective investigation, as required by the European Convention on Human Rights. In particular, it failed to use scientific tests to establish whether and where children are buried. The silence around the evidence it did gather is a further barrier to the recovery of the truth. Its archive is closed to families and to the public and is not accessible to An Coimisiún Pleanála and Cork City Council.

The lack of clarity regarding the whereabouts of 878 children and mothers (in total) who were confined in Bessborough has led An Bord Pleanála and An Coimisiún Pleanála to refuse planning permission for this site on several occasions since May 2021. Nothing has changed to justify granting planning permission now. The site cannot be developed until the State has met its obligations to the families affected by carrying out an effective investigation.

I urge An Coimisiún Pleanála to overturn the decision to grant planning permission for the proposed development at Bessborough.

Yours Sincerely,

Dr Sinéad Ring,

Associate Professor in Law,

School of Law and Criminology,

New House,

South Campus,

Maynooth University.

⁵ The woman was given the pseudonym *Resident K*. MBHCOI Final Report, Chapter 18: Bessborough, para 18.386

⁶ MBHCOI Final Report, Chapter 18: Bessborough, para 18.388