

Seamus Markey
6 McAuley Park
Artane
Dublin 5
D05 Y096

An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

RE: Observation on Appeal – Case Ref. LH28.324153 / Planning Authority Ref. 2544442
Proposed development at Bessborough, Ballinure, Blackrock, Cork

Dear Sir / Madam,

I wish to make an observation on the above appeal on planning, environmental, cultural heritage and public-interest grounds.

The central concern I wish to raise in this observation is that the appeal site forms part of the former Bessborough estate, a place of exceptional historical, social and cultural sensitivity associated with the former Bessborough Mother and Baby Home. The EIAR itself records that more than 900 children died in Bessborough and that the burial place of only 64 children has been established. In those circumstances, the Board is not dealing with an ordinary housing site. It is dealing with a site of exceptional forensic, memorial and heritage sensitivity.

The most serious difficulty in the material before the Board is an inconsistency within the applicant's own EIAR documentation. On the one hand, the cultural heritage assessment states that there is no evidence to suggest that the proposed development site contains burials associated with the former Mother and Baby Home. On the other hand, the forensic archaeological methodology prepared for the applicant states expressly that, having regard to the findings of the Mother and Baby Homes Commission, all parts of the former Bessborough estate, including the proposed development area, must be considered as possibly containing unrecorded modern burials. That same methodology records that the controlled excavations undertaken in 2022 sampled less than 0.07% of the total development area.

That contradiction is fundamental. It goes directly to whether the Board has before it an adequate and reliable baseline assessment of the receiving environment, and whether the likely effects on cultural heritage, population and human health, and the public interest have been properly identified and assessed before consent.

This is reinforced by the relevant international heritage framework. Ireland has ratified the European Convention on the Protection of the Archaeological Heritage (Revised), commonly known as the Valletta Convention (the "Convention"). The Convention was ratified by Ireland in 1997. It requires archaeological heritage to be integrated into the planning process and provides for identification measures, inventories, protected areas, archaeological reserves and conservation preferably in situ. The explanatory report further states that such measures are essential elements of the planning process because they allow archaeological heritage to be taken into account at the formulation stage of projects.

That principle is highly relevant here. If the applicant's own forensic methodology accepts that the former Bessborough estate, including the appeal site, may contain unrecorded burials, it is not sufficient to rely on construction-stage monitoring as the answer. A watching brief, forensic oversight during excavation, or a protocol for discoveries may be appropriate as secondary mitigation, but such measures do not cure a

deficient baseline assessment where the very presence and location of possible human remains (babies and children) remain unresolved at consent stage.

The issue here is not merely how to react if human remains are encountered. The issue is whether the Board can properly conclude, before consent, that residential development is appropriate on this land at all.

This concern also arises under domestic EIA law. Section 171A of the Planning and Development Act 2000 defines environmental impact assessment as including examination, analysis and evaluation of likely significant effects on, among other factors, population and human health and material assets, cultural heritage and the landscape. A site associated with unresolved infant burials plainly engages those statutory factors. The Board must therefore be satisfied that these matters have been adequately examined before making its decision.

The planning and heritage context points in the same direction. Official Cork City development-plan material states that the city will seek to preserve and enhance burial grounds and their settings and that development in and adjacent to such areas will be limited. The same planning framework also emphasises the protection of archaeological heritage and built heritage. In addition, this development is proposed within the curtilage of Bessborough House, a Protected Structure. The proper planning and sustainable development of the area therefore requires a particularly cautious and heritage-led approach.

I respectfully submit that this is not a case where the unresolved burial issue can simply be pushed into a condition and left to be managed during excavation. Where the applicant's own material accepts that unrecorded burials may be present and where the site is one of exceptional historical sensitivity, the Board should adopt a precautionary approach. In my submission, the proposed development is premature pending a fuller and more coherent forensic, archaeological, historical and planning assessment of whether any part of the site may contain human remains or burial-related heritage, and of how such areas should be protected.

I also submit that the site's significance is not confined to archaeology in the narrow sense. It is a place of major social memory and public importance. The need to treat potential remains of babies and children with dignity, to respect the interests of survivors and relatives, and to avoid inappropriate disturbance on such a site are relevant planning considerations insofar as they bear on cultural heritage, public interest, the suitability of land use, and the proper planning and sustainable development of the area.

For those reasons, I respectfully request that the Board refuse permission.

If, contrary to that submission, the Board is not minded to refuse permission outright, then I submit that it should not simply rely on a standard archaeological or forensic condition. At a minimum, no consent affecting ground disturbance should be permitted unless and until there has been a substantially more rigorous pre-consent investigation and a clearly defined strategy for:

- identification of any sensitive areas,
- exclusion or non-disturbance zones where appropriate,
- forensic and archaeological methodology,
- reporting and decision-making protocols in the event of discoveries, and
- protection and memorialisation.

In summary, I respectfully request that the Board determine the appeal in light of:

1. the exceptional sensitivity of the former Bessborough estate;
2. the unresolved possibility of unrecorded burials;
3. the inconsistency within the applicant's own EIAR material;
4. the requirement under Irish EIA law to assess cultural heritage and human-health effects before consent; and

5. the principles of the Valletta Convention, which require archaeological heritage to be integrated into planning and considered at the formulation stage rather than deferred to reactive measures during construction.

I therefore respectfully request that the Board refuse permission.

Yours faithfully,

A handwritten signature in black ink that reads "Seamus Markey". The signature is written in a cursive, flowing style with a long, sweeping underline.

Seamus Markey