



Planning Statement

Proposed Strategic Housing Development at (The Meadows)
Ballinure, Blackrock, Cork

Client: Estuary View Enterprises 2020 Limited
March 2022

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01. Development Context

1.1 Site Context



Figure 1.1 Site Context, extract from Ilsa Rutgers Landscape Report

Estuary View Enterprises 2020 Limited, who are the owners of identified lands at Bessborough, Ballinure, Blackrock, Cork, are seeking planning permission from An Bord Pleanála for a proposed Strategic Housing Development consisting of the construction of 280 no. build to sell residential apartments, associated supporting infrastructure and uses as well as ancillary development works.

The lands previously formed part of the Bessborough Estate, which as highlighted on Figure 1.2, encompassed over 200 acres (80 hectares) of land until Cork City Council compulsory purchased some 140 acres (57 hectares) in the 1970s. Following the CPO and until recently the Estate was approximately 60 acres (24 hectares) in area.



Figure 1.2 Bessborough Estate, Historical Context

SITE LOCATION

The subject site, which is approximately 2.29 hectares in area, is located adjacent to Mahon District Centre, Cork City. The site is strategically situated beside the Passage West Greenway and benefits from excellent walking and cycling links to Mahon and key strategic employment areas to the north, east and west. These are among Cork's strongest performing areas in terms of population and employment growth during the last two intercensal periods 2006-2016, presenting sustainable and viable employment opportunities for existing and future residents of the area.

It is an area earmarked for considerable growth and investment in the coming years. The Cork Metropolitan Area Transport Strategy (CMATS) makes provision for new BusConnects routes next to the subject lands, and longer term, provision of a high frequency light rail network



Figure 1.3 Location Context, extract from ShipseyBarry Deign Statement

AREA DEVELOPMENT CONTEXT

The development opportunities presented by the 'Mahon Peninsula' have been recognised in successive Cork City Development Plans since 1998 and the current Cork City Development Plan 2015 retains Mahon's designation as a 'Key Development Area'.

The main development site is approximately 1.54 ha in area and located to the north-east of the Bessborough estate house and historic core. The Planning Authority has consistently supported development on this portion of the overall estate. Infrastructure including an access road and services have been provided to facilitate the further development of estate lands to the east in accordance with TP 03/27028. These sites were subsequently marketed as 'serviced industrial/employment sites'.

This support was recently reiterated in the Cork City Council Opinion in relation to the refused Strategic Housing Development (ABP-308790) by MWB Two Ltd. on lands to the south of the subject site¹. That application proposed a residential development of 179 no. apartment units. While the Council acknowledged the significant sensitivities inherent within that site, they concluded that the proposal was acceptable in principle, and would make a significant contribution to addressing the housing shortage in Cork City. This view was echoed by An Bord Pleanála in their ultimate assessment of the scheme – “...I am satisfied that the proposed development is acceptable in principle and that it accords with the zoning objectives relating to the site”.

BESSBOROUGH ESTATE LEGACY MATTERS

The applicants recognise the sensitivities associated with the legacy of the former Mother and Baby Home and in advance of submitting this application have consulted with the Cork Survivors and Supporters Alliance (CSSA). These discussions have reaffirmed the submissions made by the CSSA during the oral hearing on ABP-308790-20 that they consider that there is a children’s burial located to the north and west of the folly on lands in other ownership, a site within which they consider there should be no development. The CSSA have confirmed that they have no objection to the principle of the proposed development.

Based on a review of ABP-308790-20, the fundamental difference between the lands to the north and west of the folly and all others in the former estate is the existence of an OS revision trace map produced in 1949/1950. This trace map was presented by the CSSA at the oral hearing on ABP-308790-20 and accompanied their objection to the application. The CSSA consider that this trace map indicates the potential presence of a burial ground at that specific location.

On February 26¹, 2022, the Sisters of the Sacred Hearts of Jesus and Mary issued a statement and a two part assessment of the burial ground at Bessborough, Cork. This included an archaeological assessment prepared by Eachtra Heritage and a report on ‘The Burial History of Bessborough Mother and Baby Home’ prepared by Dr. Aoife Breathnach. That archaeological assessment favours the hypothesis that there was ever only one burial ground in Bessborough and this contains children and nuns, as well as a belief that all of the evidence points to the burial ground being in the enclosure attached to the folly.

The applicant’s response to the legacy issues associated with the former Mother and Baby Home is outlined in Section 02 below. A robust approach has been taken to the consideration of the findings of the Commission of Investigation into Mother and Baby Homes and there is no evidence to suggest that there are any burials on the subject lands. While the issue of the burials at Bessborough remains unresolved, there is now a consensus between the primary stakeholders that any unrecorded burials were likely to have taken place within or adjacent to The Folly. Notwithstanding this, and as part of a precautionary approach, it is recommended that a programme of archaeological supervision/monitoring of all ground works be undertaken by a suitably qualified forensic archaeologist.

DUAL APPLICATION PROCESS

The subject proposal is being brought forward alongside another for 140 no. apartments on lands to the north of Bessborough House (Phase 2 ‘The Farm’). A dual application

¹ Land also predominantly contained within the Z04 ‘residential, local services and institutions’ land use zoning objective.

process is being taken having regard to the difference in site zoning objectives for the respective lands, their nature and character. The board will note that this approach is not unusual in Bessboro Estate, with the planned development of the MWB Two Ltd lands to the east advanced through two separate applications to An Bord Pleanála and Cork City Council. Notwithstanding the dual application process, the full combined development is being assessed in a singular manner as part of the preparation of an Environmental Impact Assessment Report.

As set out in the submitted site masterplan by Shipsey Barry Architects, the applicant has intentions for a third follow-on phase of development to the west and south of Bessborough House, subject to zoning. These lands are important in the context of the wider holding on the basis that they will deliver on a long-standing objective for a new neighbourhood park to the south of Bessborough House. A Remembrance Park is proposed as part of the submitted masterplan. The EIAR have been prepared having regard to the three planned phases of the project.

1.2 Planning History

As evidenced in Figure 1.2 above the majority of the land, which formed part of the Estate prior to the CPO in the 1970s has been developed for office, retail, industrial and residential uses. The map in Section 02 of this statement highlights that there also has been significant planning activity within the Bessborough Estate, particularly to the north and east of Bessborough House since 2000, with 21 planning applications lodged for development². Of these 21 applications 18 were granted, 1 was withdrawn and 2 refused, those being the recent applications made by MWB Two Limited to the south of the subject site, Strategic Housing Development of 179 no. residential units, ABP 308790 refers and an application for 67 no. apartments 20/39705 & ABP 309560-21 refers.

The planning history on this subject site is confined to two grants of permission in 2003 and 2010 in relation to enabling infrastructure for the development of the subject and adjoining sites, and secondly, a two storey nursing home, the details of which are outlined below:

File Number:	0327028
Date Received:	04/04/2003
Decision:	Conditional
Applicant Name:	Blackrock Bessborough Centre Ltd
Development Description:	Provision of an access road and associated site services for the development of lands.
Development Address:	Bessborough Estate, Blackrock, Cork
File Number:	0934237

² Please refer to Appendix A for a full breakdown of Planning Applications made between 2000 – 2021.

Date Received:	21/12/2009
Decision:	Conditional
Applicant Name:	Sisters of the Sacred Heart of Jesus & Mary
Development Description:	the construction of a two storey Nursing Home and an external boiler house on their lands at Bessborough, Blackrock, Cork. The development will provide 95 no bedrooms together with associated living and dining accommodation. The proposal includes all associated site works, access arrangements, solar panels, lighting, landscaping and the provision of 55 no parking spaces
Development Address:	Bessborough Estate, Blackrock, Cork

Relevant Adjoining History

As outlined, recent applications in adjoining lands include a Strategic Housing Development application (ABP 308790) for the construction of 179 no. residential units, a creche and step-down facilities for the elderly to be provided in 3 no. apartment buildings ranging in height from 5 – 7 storeys on lands to the south of the subject site. Planning permission was ultimately refused by An Bord Pleanála for one reason only related to perceived prematurity prior to establishing whether there is a children’s burial ground on those lands.

In addition, an application on the adjacent site for the construction of 67 no. apartments in an 8 storey apartment building (Cork City Council Reference 20/39705) was refused planning permission by Cork City Council. This decision was appealed by the applicants and subsequently refused planning permission at the board on the basis that it would “*result in a haphazard form of development*” on its own based on the earlier refusal under ABP-308790³.

³ The 67 no. units were masterplanned with the adjoining 179 no. units.

1.3 Proposed Development



Figure 1.4 Proposed Site Layout, Residential Blocks A-D

The proposed development is for the construction of a build to sell residential development comprising of 280 apartments comprising:

- 280 apartments over 4 blocks ranging in height from 1 to 10 storeys comprising:
 - Block A (6 no. studio apartments, 14 no. 1-bedroom, 34 no. 2-bedroom & 1 no. 3-bedroom over 1-6 storeys);
 - Block B (37 no. 1-bedroom & 49 no. 2-bedroom over 6-10 storeys);
 - Block C (31 no. 1-bedroom, 36 no. 2-bedroom & 6 no. 3-bedroom over 5-9 storeys);
 - Block D (30 no. 1-bedroom, 31 no. 2-bedroom & 5 no. 3-bedroom over 6-7 storeys).
- New pedestrian/cycle bridge over the adjoining Passage West Greenway to the east, connecting into the existing down ramp from Mahon providing direct access to the greenway and wider areas.
- Supporting resident amenity facilities, a café, and crèche.
- Ancillary site works to include the provision of 2 no. substations, under-podium and street car parking, single storey car park access building, communal open space

areas, landscaping, bin stores, public lighting roof mounted solar panels, wastewater infrastructure including new inlet sewer to the Bessborough Wastewater Pumping Station to the west, surface water attenuation, water utility services and all associated site development works.

Table 1.1. Summary Development Statistics

Item	Statistic
Total Site Area	2.3 Ha
Residential Development	
Proposed Residential Units	280 apartments
Residential Density	122 units per hectare based on site area. 183 units per hectare based on developable area.
Housing Mix (apartments)	6 no. studios 112 no. 1-beds 150 no. 2-beds 12 no. 3-beds
Car Parking	102 spaces, including 4 creche drop off spaces (ratio of 0.35 per residential unit.
Bicycle Parking	604 spaces
Public Open Space	
Open Space	3,958 m ² (25.8% of total site area)

02. Response to Pre-Application Consultation Opinion

On the 1st December 2021, An Bord Pleanála issued their Notice of Pre-application Consultation Opinion which confirmed that the documents submitted with the request to enter into consultations required some further consideration. Specifically, this related to one matter:

2.1 Matters to be Addressed

1. *Having regard to the history of uses on these lands and the findings of the Commission of Investigation into Mother and Baby Homes (Final Report October 2020), with regard to the potential for unrecorded burial sites within the wider Bessborough estate lands, the application should provide further elaboration and clarity with regard to the recommendations made in the report on the "Cultural Heritage Legacy of the Subject Lands, The Farm, Ballinure, Blackrock, Cork City", (Sept 2021) prepared by John Cronin & Associates.*

A clear rationale / justification for the recommended approach to these matters should be set out.

The application should clearly establish the planning and legal implications for any development which may be granted planning permission on the site, arising from the identification of any unrecorded burial site during the recommended monitoring exercises. In making recommendations in this regard, the prospective applicants should note the obligations on the Board in attaching conditions to any potential grant of planning permission, including that any such conditions be precise, reasonable and enforceable.

2.1.1 BACKGROUND

The applicants recognise the sensitivities associated with the legacy of the former Mother and Baby Home and in advance of submitting this application have consulted with the Cork Survivors and Supporters Alliance (CSSA). Through this engagement the applicants have obtained a greater understanding of the CSSA's concerns and ambitions for the wider Bessborough Estate. These discussions have reaffirmed the submissions made by the CSSA during the oral hearing on ABP-308790-20 that they consider that there is a children's burial located to the north and west of the folly, a site within which they consider there should be no development. However, they have no objections to the principle of development on the remainder of these lands and on the wider former Bessborough Estate.

The application lodged by MWB Two Limited to the south of the subject lands proposed the development of 246 no residential units and a creche. These two application consisted of a Strategic Housing Development of 179 no. residential units, ABP 308790 refers and a

conventional application for 67 no. apartments 20/39705 & ABP 309560-21 refers. This scheme was originally submitted to An Bord Pleanála as a single application for Pre-Application Consultation for a proposed Strategic Housing Development of 258 no. residential units, ABP-306993-20.

The Board Opinion on ABP-306993-20 highlighted that the legacy of the Mother and Baby Home needed further consideration/justification and particularly with regard to “the use of Bessborough House as a Mother and Baby Home between the 1920s and 1990s and the possibility of unrecorded burials within the development site, as raised in the ‘Fifth Interim Report’ of The Mother and Baby Homes Commission of Investigation (April 2019)”.

The Strategic Housing Development application which was submitted had regard to the Board’s Opinion and provided further information and consideration of the legacy of the Mother and Baby Home. The Board decided to hold a limited agenda Oral Hearing on the application and the first item on that limited agenda was a request for the applicants to

‘...address any outstanding matters or provide further clarification in respect of the areas identified as potential children’s burial ground, in particular the area to the north west of the folly and within the SHD site’

The Oral Hearing which ran for 2 ½ days (April 21st – April 23rd 2021) considered in great detail the potential for a children’s burial ground in an area to the north west of the folly and which was within the SHD site. On May 25th, 2021 the Board refused the proposed development for a single reason and which was based on the fact that

‘The Board is not satisfied that the site was not previously used as, and does not contain, a children’s burial ground and considers that there are reasonable concerns in relation to the potential for a children’s burial ground within the site, associated with the former use of the lands as a Mother and Baby Home over the period 1922 to 1998’.

On July 15th, 2021 An Bord Pleanála also refused permission for the conventional application consisting of 67 no. units (ABP 309560-21) also for one reason and on the basis that

‘Having regard to the refusal of permission by An Bord Pleanála under appeal reference number ABP-308790-20 on the 25th day of May, 2021 for the three number apartment blocks comprising of 179 number apartments, creche and all associated site works which form part of the said larger development, it is considered that a grant of permission for the proposed development on its own by reason of its location, height and scale would result in a haphazard form of development that would result in an isolated apartment block in a protected landscape. The proposed development would, therefore, materially contravene the Z012 Landscape Preservation zoning objective and the related SE4 site specific objectives for the site as set out in Table 10.2 and would be contrary to the proper planning and sustainable development of the area’

The Board did not have any concerns regarding the potential for a children’s burial ground within this site to the east of the folly. It is obvious based on the Board’s recent decision, Inspector’s Report and submissions from the CSSA that the potential for a children’s burial ground within the former Bessborough Estate can be restricted to the area to the north west of the folly and within the ABP 308790 SHD site.

Subsequent to the Board's decision on both applications the Government published the *Mother and Baby and County Home Institutions Action Plan 2021*, which contains 22 specific measures across eight themes that the Government committed to implement swiftly. Action 22 of the Action Plan relates to Burial Legislation and contains a commitment to advance burials legislation and which indicated that a Bill was continuing and it was intended to be published and introduced into the Oireachtas in Q4 2021.

The Institutional Burial Bill 2022 was approved by the Government on February 22nd, 2022, and the Act is due to be enacted later in 2022. The Bill and forthcoming Act provides for the appointment by the Government of a Director of Authorised Intervention to excavate land where there is evidence of unauthorised burial (defined by Section 8 of the Bill) and provides for the appointment of a Director of Authorised Intervention to take responsibility for excavations where there is evidence of any unrecorded burial sites.

2.1.2 APPLICATION CONTEXT

Planning History in Bessborough Estate

The lands previously formed part of the Bessborough Estate, which as highlighted on the Planning History Overview Map, encompassed over 200 acres (80 hectares) of land until Cork City Council compulsory purchased some 140 acres (57 hectares) in the 1970s. Following the CPO and until recently the Estate was approximately 60 acres (24 hectares) in area. As evidenced, the majority of the land which formed part of the Estate prior to the CPO in the 1970s has been developed for office, retail, industrial and residential uses. There has been more than 60 planning applications in this time, with no fewer than 21 applications within the redrawn Bessborough Estate (Post CPO) alone since the year 2000. It follows that there has been substantial permitted and constructed development in Bessborough Estate in recent history with no evidence of unrecorded burial sites on associated lands.

Based on a review of ABP-308790-20, the fundamental difference between the lands to the north and west of the folly and all others in the former estate is the existence of an OS revision trace map produced in 1949/1950. This trace map was presented by the CSSA's at the oral hearing on ABP-308790-20 and accompanied their objection to the application. The CSSA consider that this trace map indicates the potential presence of a burial ground at that specific location. This was the principal focus of the oral hearing and subsequent decision by An Bord Pleanála. There is no evidence to suggest burial within the subject lands which we consider are no different to those which have been previously developed in the former 200 acre estate. As highlighted above consultation with the CSSA have confirmed that they have no objection to the principle of development on the subject lands.

Commission of Investigation into Mother and Baby Homes

Bessborough House functioned as a Mother and Baby Home from the time of its purchase by the Sisters of the Sacred Hearts of Jesus and Mary in 1922 through to the 1990s. No complete records of deaths are known to exist for the Bessborough Home and burial records for both mothers and babies who died at Bessborough appear to not have been kept.

The 5th Interim report of the Commission of Investigation was published in March 2019 and Section 4.28 stated the following in relation to burials at Bessborough:

The Commission considers that it is highly likely that burials did take place in the grounds of Bessborough. In particular, during the 1940s (when many of the deaths occurred) and



when petrol was scarce it would have been very expensive to arrange off-site burials. However, as no physical evidence of possible locations was found, the Commission did not consider it feasible to excavate 60 acres not to mention the rest of the former 200 acre estate. In March 2020, the Cork Survivors and Supporters Alliance (CSSA) made a formal submission to the Mother and Baby Homes Commission of Investigation. Their submission was divided into two parts: (a) the Law on Burials and (b) the Children's Burial Ground at Bessborough.

In relation to the Law on Burials, the CSSA states that the Congregation had a clear legal obligation to provide a decent and dignified burial, to record the locations of the graves, to facilitate the involvement of grieving mother and family members in the burial of their children and to facilitate access thereafter to the graves for relatives. The CSSA submission also states that the Congregation is "*in breach of its duties by continuing failure to disclose the location of the children's graves*" Finally they state that none of the international recognised human rights around burial have been respected.

The Commission tried to establish where the Bessborough children were buried. Cartographic and landscape assessment was undertaken of possible unrecorded burial arrangements in the Bessborough grounds. A site survey was also conducted. It is clear that there are a number of locations within the grounds where burials could have taken place. However, there is no significant surface evidence of systematic burial anywhere except for the congregation burial ground.

In their final report, published in October 2020 the Commission made a number of recommendations. Chapter 18 of the Commission's Final Report deals specifically with Bessborough and presents the findings of research and observations of the Commission on the institution there. The chapter includes evidence of former Bessborough residents, and the chapter is also supplemented with statistical analysis. The Final Report did not elaborate nor provide any further evidence or opinion on burials at Bessborough.

On February 26th, 2022 the Sisters of the Sacred Hearts of Jesus and Mary issued a statement and a two part assessment of the burial ground at Bessborough, Cork. This included an archaeological assessment prepared Eachtra Heritage and a report on 'The Burial History of Bessborough Mother and Baby Home' prepared by Dr. Aoife Breathnach. Both reports were made publicly available through the Sisters of the Sacred Hearts of Jesus and Mary website at <http://www.sacredheartsjm.org/independent-historical-and-archaeological-report-burials-bessborough-2022>.

The archaeological assessment prepared by Eachtra Heritage reaches the following conclusions

1. *This is the first archaeological assessment of the burial ground at Bessborough not related to a planning application or hearing.*
2. *The Mother and Baby Homes Commission of Investigation did an archaeological review of Bessborough burial practices but no report was published so we cannot assess their work. We can say that the Commission discount the cartographic evidence that the children's burial ground was mapped and labelled in 1949–50.*
3. *The proposal that the children's burial ground was in the field north of the avenue was of value. We have assessed this hypothesis but believe all of the*

evidence points to the children's burial ground being in the enclosure attached to the folly.

4. *We conclude that the enclosure attached to the folly is the feature around which the map label 'Children's Burial Ground' pivots. We note the map label is in two different locations on two different editions of the 1949–50 Revision map.*
5. *Annotations on the 1950 OS trace map are difficult to read but one potential reading includes the letters Ch which could refer to children. However, we do not have high confidence in our reading.*
6. *We favour the hypothesis that there was only ever one burial ground in Bessborough and that it contains both children and nuns.*
7. *We combine Dr Aoife Bhreatnach's work with that of the Commission of Investigation to suggest that children were buried here for a short period when the city-wide 'unclaimed dead' burial system was overwhelmed. The duration of the period of overwhelm is not known.*
8. *Analysis of nun's grave markers in Bessborough burial ground shows a tight sequence of burials which avoid two areas in the burial ground. We believe these two areas have potential to be where the children were buried. Alternatively the children and the nuns may be buried in the same areas of the burial ground.*

The assessment contain two recommendations, the first is that Non-invasive geophysical survey of the burial ground (Area 1) , and Area 2 are recommended, which are located immediately to the north and to the south west of The Folly. The second recommendation is that a UAV/Drone mounted LiDAR survey of the broader Bessborough estate is carried out.

At a site meeting held in June 2021 between representatives of the CSSA and the applicant, the CSSA outlined the area of concern in detail and communicated their aspirations for a memorial location currently outside the CSSA and applicant's control. The area of principal concern to the CSSA is located to the south of the main development area of The Meadows. From a review of OSI trace mapping of concern to the CSSA, the children's burial ground would be located approximately 50 metres to the south of the proposed development.

During the site inspection, the CSSA re-iterated their position as not being opposed to development on the wider lands at Bessborough. Their primary concerns and ambition relate to the areas highlighted at the site visit. Their preference is for no ground disturbance in these areas and the location to be memorialised and protected for survivors, families, and the public to visit. The CSSA also stated the proposed development locations ('The Meadows' and 'The Farm') were not of direct concern to their sensitivities.

There is no evidence to suggest that there are any burials on the subject lands and while the issue of the burials at Bessborough remains unresolved, there is now a consensus between the primary stakeholders that any unrecorded burials were likely to have taken place within or adjacent to The Folly. Based on this we consider that the subject lands are similar in profile to all other lands within the former 200 acre Bessborough Estate, the majority of which have been successfully developed.

2.1.3 PROPOSED APPROACH

The An Bord Pleanála opinion requests that further elaboration be made on the recommendations made in the report entitled “*Cultural Heritage Legacy of the Subject Lands*” which was submitted at Pre-consultation stage of the application. It should be noted that an Environmental Impact Assessment Report has been prepared to accompany the subject application and that matters related to cultural heritage are now contained in Chapter 10 of this report.

Cultural Heritage Assessment

The potential for unrecorded burial sites on the subject lands has been subject to detailed assessment by John Cronin & Associates, the summary findings of which are as follows:

- **Cartographic Mapping:** Available cartographic sources dating from the 17th century onward were reviewed. Relevant extracts from the reviewed sources are presented within the EIAR. Independent of the previously referenced lands north of the north and west of the folly, there is no evidence of potential burial locations in the estate.
- **Aerial/Satellite/LiDAR Imagery:** Aerial photographic coverage of the subject area produced for the Irish Air Corps in 1951 provides a very clear overview of the lands in the mid-twentieth century. Nothing of archaeological interest or potential is evident or visible with the proposed development area. Aerial photography from the 2000s confirms the lands were heavily disturbed when a roadway and public sewer were constructed through the development area.
- **Archaeological Testing:** A programme of archaeological test trenching was carried out under licence (Excavation Licence 19E0003) within the subject site in early 2019 by John Cronin & Associates. The programme of testing showed the area was heavily disturbed and nothing of an archaeological nature was identified. No remains of human burial were encountered.
- **Field Surveys:** The subject lands were inspected in January 2022. No constraints were encountered during the inspection and all areas of the proposed development were accessible. The completed survey work did not identify any specific potential for unrecorded burial sites.

Based on the completed assessment, there is no evidence to suggest that the proposed development site contains any burials associated with the former Mother and Baby Home. As outlined, the archaeological testing of the subject site conducted in early 2019 found no features or remains of note in any of the test trenches excavated on the footprint of the proposed development. These investigations were supervised by a human bone specialist.

Recommendations

Notwithstanding the above findings and having regard to the findings of the Commission and the concerns of survivors and their families, a precautionary approach is proposed in respect of the development of the subject lands. It is recommended that a programme of archaeological supervision/monitoring of all ground works be undertaken by a suitably-qualified forensic archaeologist. The parameters for this work have been defined by means of a prescriptive method statement which has been prepared by Aidan Harte, Forensic Archaeologist, who is familiar with the Bessborough Estate and Mother and Baby Home

Commission of Investigation⁴. It is recommended that the specified forensic archaeological monitoring controls be secured by way of the following planning condition:

The proposed development shall be subject to forensic archaeological monitoring and all ground disturbance shall be monitored at all times by at least one Forensic Archaeologist and one Osteo-archaeologist/Forensic Anthropologist with previous experience of forensic controls. A lead Forensic Archaeologist shall be appointed and the method of systematic forensic monitoring shall be informed by the methods successfully implemented by the Commission for the Location of Victims Remains (ICLVR).

All personnel conducting the forensic archaeological monitoring will at all times conduct themselves with an awareness of contamination issues (e.g. agreed routes of access and protective clothing) All tools and equipment shall be decontaminated prior to arrival on site, and subsequently at regularly intervals to avoid cross-contamination throughout a given monitoring programme. Any evidential items shall be recorded and collected in adherence with forensic protocol.

Contemporaneous logs of personnel, decisions and actions, and evidence collected must be maintained. Similarly, the record of stratigraphy and features of interest are made on a contemporaneous and continuous basis.

- a) *Prior to the commencement of development a dedicated liaison shall be appointed to liaise with the Bessborough Mother and Baby Home survivor group/s to provide details and updates regarding the forensic monitoring and subsequent reporting.*
- b) *In advance of any ground disturbance a comprehensive desktop review must be completed by the Lead Forensic Archaeologist. This shall include all documentary and cartographic material, and review of any relevant witness statements.*
 - i. *This desktop review shall select specified areas where there is a high potential for unrecorded burials.*
 - ii. *Any such areas shall be subject to a Geophysical Survey and UAV/Drone mounted LiDAR survey to be conducted at an appropriately high resolution.*
 - iii. *Following the completion of the desktop review and Geophysical Survey and UAV/Drone mounted LiDAR surveys if required, identified areas of interest should be divided into operational zones and monitored using a priority-based approach.*
- c) *Prior to the commencement of any development the site shall be secured with secure fencing to prevent access by unauthorised personnel.*
- d) *Soil shall be removed systematically using an appropriate mechanical excavator while monitored by at least one Forensic Archaeologist and one Osteo-archaeologist/Forensic Anthropologist.*

⁴ A copy of this method is enclosed in Appendix C.

- e) *Where items of evidential value are noted, a completed record must be made prior to it being logged and removed. The Minister for Children, Equality, Disability, Integration and Youth shall be informed.*
- f) *The soil removed by excavation (termed 'spoil') shall be placed on a designated surface and spread out for further examination. Using detection devices, this spoil shall again be searched, and a representative sample sieved for bone fragments and other evidence indicative of burial activity. Where fragmented or small material is recovered by these techniques the excavation must cease, and only once it can be confidently deemed void of human remains, should the forensic monitoring continue.*
- g) *Should human remains be identified in situ, all works shall cease and the Cork City Coroner and An Garda Síochána shall be notified. The Minister for Children, Equality, Disability, Integration and Youth shall also be informed. A protective buffer shall be implemented surrounding the potential burial. Machinery or vehicles shall not traverse the area.*
- h) *Should fragmentary or disarticulated human remains be identified ex situ, then that area of monitoring shall cease, the area secured, and the Coroner and An Garda Síochána informed immediately. The Minister for Children, Equality, Disability, Integration and Youth shall also be informed.*
- i) *On completion of each phase of forensic monitoring, the lead Forensic Archaeologist shall communicate their finding in writing to The Minister for Children, Equality, Disability, Integration and Youth.*
- j) *A full report and archive of all searches carried out and the results of same shall be lodged with The Minister for Children, Equality, Disability, Integration and Youth and publicly-accessible archives (such as Cork City and County Archives). A copy of the full report shall also be provided to Cork City Council.*

2.1.4 RATIONALE

The suggested approach is justified on the basis of the following:

- Based on the assessment undertaken, there is no suggestion that there are any unrecorded burials on the subject lands.
- Irrespective of this, all ground works will be subject to strict forensic monitoring by a qualified forensic archaeologist (supported by an Osteo-archaeologist/Forensic Anthropologist), as informed by the specialist methodology which is submitted with this application.
- The CSSA have confirmed that they are not opposed to development on the subject lands. As specified in the method statement, and in acknowledgement of survivors, a dedicated liaison will be appointed to help address any concerns they may have about the forensic monitoring and subsequent reporting.

- Based on the submitted method statement, there exists a clear protocol for forensic monitoring and reporting to the highest standard, which will be independent and beyond reproach.

2.1.5 CONSIDERATION OF PLANNING AND LEGAL IMPLICATIONS

Legal

While not common the discovery of human remains during the development of lands has and does occur. At present there is a legal framework for dealing with such occurrences and in the unlikely scenario where human remains are discovered as a result of development, any such discoveries must be reported to the Coroner in accordance with the Coroner's Act 1962. There is an existing and clear legal basis for this, a procedure that has been applied in a number of recent development projects. A recent precedent case in this regard is former Nancy Spain's Public House on Barrack Street, Cork which was for housing development where:

- Human skeletal remains were revealed during archaeological monitoring of ground reductions.
- Following the revealing of the skeletal remains, the relevant area of the development site was immediately cordoned off and excluded from construction work activities.
- An osteoarchaeologist completed an assessment of findings in the discovery area, verifying the presence of human remains.
- The discovery was reported to An Garda Síochána, the City Coroner and Cork City Archaeologist.
- A method statement was drafted for approval by the National Monuments Service and the National Museum of Ireland⁵, followed by a programme of archaeological excavation to fully expose, appropriately record and remove all human skeletal remains.

As highlighted above the Institutional Burial Bill 2022 was approved by Government on February 22nd, 2022. The Institutional Burial Act 2022 is expected to be passed by both Houses of the Oireachtas and become law in 2022. The Act seeks to ensure that the remains of those who died in residential institutions, and who were buried in a manifestly inappropriate manner, may be recovered and re-interred in a respectful and appropriate way. The Act places the responsibility for this on the Government and provides for the establishment of an Office of Director of Authorised Intervention. The Office of Director of Authorised Intervention will be established where the Government are satisfied that based on available evidence inappropriate burials have taken place on lands associated with an institution. The evidence includes any expert technical reports or other reliable information in respect of the burials and any reliable and corroborated statement made by a person with knowledge of the burials concerned. The functions of the Office of Director of Authorised Intervention include the excavation and recovery of human remains buried in a manifestly inappropriate manner. It is expected that The Institutional Burial Act 2022 is likely to become law before any development commences on the subject lands.

⁵ In this case, the remains determined to be historic and were likely in-situ, in the context of their discovery, for a period in excess of 70 years

Within all this, the Act underlines the importance of a forensic based approach to intervention.

The excavation, recovery and analysis of remains requires specialised, distinct skillsets. It is critical that that this work is undertaken at a forensic-standard by appropriately qualified individuals so that any evidence recovered is sufficient to satisfy legal requirements in relation to the identification of remains.

The proposed approach is consistent with this, and the final adoption of the Institutional Burials Act will further underpin the legal framework governing the proposed approach and provide clarity regarding the responsibility for the investigation of unrecorded burials within former institutions. However, any such investigations will require evidence in the form of expert technical reports, similar to the reports it is proposed to prepare prior to any ground disturbance.

Planning

The inclusion of conditions on a grant of planning permission is governed by Section 34 of the Planning and Development Act 2000 (as amended) and there are no statutory provisions contained therein which preclude the imposition of the suggested condition.

The Development Management Guidelines for Planning Authorities 2007 state that planning conditions can be imposed where they are necessary, relevant to planning and for the development to be permitted, enforceable, precise and reasonable in all other respects. At the highest level, the objectives of the planning system are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair and practicable. In drafting conditions, it is contingent that they are tailored to tackle specific points of planning consideration.

We submit that the proposed condition meets the criteria-based tests established in the guidelines for its imposition:

- The proposed condition is precise. It is clearly understandable and there is clarity at the outset regarding what the developer must do exactly. It establishes a defined sequence of certain actions related to monitoring of ground works and steps to be taken in the event of discovery of items of evidential value.
- The proposed condition is reasonable. The applicant accepts that there are sensitivities associated with the former use of the Bessborough Estate and they are happy in principle with undertaking the specified works having regard to these sensitivities. The condition can be complied with based on both existing and forthcoming legal provisions. The application of this condition is also reasonable in respect of the treatment of the applicant on the basis that there is no evidence of unrecorded burials on the subject lands and large parts of the former estate have been developed in recent times without the need for such forensic monitoring controls.
- The proposed condition is enforceable. It is effective insofar that it prescribes clear and sequenced actions and when they should come into effect. A forensic approach is proposed as advocated in The Institutional Burial Bill 2022. As per the submitted methodology, it includes oversights and reporting outcomes.

Based on the foregoing, a robust approach has been taken to the consideration of the findings of the Commission of Investigation into Mother and Baby Homes with regard to

the potential for unrecorded burial sites within the wider Bessborough estate lands. As outlined, there is no evidence to suggest that there are any unrecorded burials on the subject lands and a consensus now exists amongst stakeholders that any such burials took place some distance from the subject site within of adjacent to The Folly. Notwithstanding this, and as part of a precautionary approach, it is recommended that a programme of archaeological supervision/monitoring of all ground works be undertaken by a suitably qualified forensic archaeologist. The parameters for this work have been defined by means of a method statement which will ensure that it will be to the highest standard, independent and beyond reproach. An appropriately worded planning condition has been drafted to secure this work, which is underpinned by a legal framework. This condition meets accepted tests for its imposition and is precise, reasonable and enforceable.

2.2 Specific Submission Requirements

1. *The application should be accompanied by an appropriately detailed Masterplan / Design Statement which should set out a coherent strategy for the overall development of lands within the prospective applicant's ownership at Bessborough. The Masterplan should describe the overall response to the historic context and landscape setting of the lands, and the relationship between developments within different character areas in terms of their design and layout and the influences thereon.*

The application is supported by a detailed Masterplan for the entirety of the applicant's landholding in Bessborough Estate. This is set out in a dedicated chapter in the submitted Architectural Design Statement by Shipsey Barry Architects. As outlined, two applications are being made at this point, namely Phase 1 'The Meadow' (the subject application) and Phase 2 'The Farm'. These sites exhibit very different characteristics, and the design response reflects site-specific context having regard to the history and landscape setting of the lands. In the case of Phase 1 'The Meadows', the site affords appropriate separation distances to Bessborough House and other historic features on site. It incorporates two strong historical geometries with Bessborough House and the former rail line creating a complimentary and angled relationship in plan form. The site is zoned for 'residential, local services and industrial uses' and is suited to a denser typology owing to the existing service road which serves these lands, adjacency to the greenway and intervening screening between the site and Bessborough House itself. As illustrated, the height and massing of the proposal has been tested in the local landscape context based on consideration of close- and long-range views.

The overall masterplan includes strong historic connections under a central theme of 'opening up' the lands as a publicly accessible green lung in this part of Cork City. The reinstatement of historic landscape is a core objective consistent with the SE-4 land use objective, with a remembrance park and reflection pond.

Action 7 of the Mother and Baby and County Home Institutions Action Plan 2021 makes provision for the establishment of a 'National Memorial and Records Centre' and notes that

Government will work towards establishing a National Memorial and Records Centre related to institutional trauma during the 20th century. This Centre will be designed in cooperation with professional archivists and historians, as well as with victims, survivors and their advocates to ensure information is presented in a clear and considerate manner. The Government has decided to progress this commitment by establishing a group which will be chaired by the

Secretary General to the Government. This group will develop a proposed approach to the project which will then be brought to Government for approval.⁶

In recognition of this the masterplan makes provision for a site for the establishment of a National Memorial and Record Centre. This site will be provided should the Government appointed group tasked to examine and recommend to Government the most appropriate means of developing and maintaining a national centre, decide it would be appropriate to locate the same in Bessborough.

Importantly, the masterplan has also been prepared with a focus on developing a coherent and integrated access strategy across the lands. There is a long-standing objective to provide a bridge over the greenway to the east of the site. This infrastructure is included in both the Phase 1 and Phase 2 applications reflecting its importance for sustainable travel and desire lines to retail and other local services. A new pedestrian entrance is also proposed to the north as part of Phase 2 'The Farm' along with upgrades to the local pedestrian crossing. The masterplan demonstrates how permeability is integrated across the different planned development phases.

- 2. The application should be accompanied by a detailed rationale / justification for the range of building heights and the massing of development proposed, having regard to potential impacts on the character and setting of Bessborough House, a protected structure, and its role and position within the historic demesne landscape.*

Regard should be had, inter alia, to the provisions of Chapter 16 of the Cork City Development Plan 2015-2021 relating to Building Height and Objective 10.4 with regard to Areas of High Landscape Value, and to the criteria set out in Section 3.2 of the Urban Development and Building Height, Guidelines for Planning Authorities' (2018).

The application is supported by clear rationale for the proposed building heights in question which range between 1-10 storeys at Phase 1 'The Meadows'.

Section 16.25 of the Cork City Development Plan 2015 outlines the Council's policy in relation to building heights. It classifies medium height buildings as less than 32 metres in height, 4-9 storeys approximately and tall buildings as 32 metres or higher, the approximate equivalent of a 10 storey building. It should be noted that only one block in the scheme in the northeastern corner reaches 10 storeys. The site is within the Mahon Key Development Area and it has been established under ABP-308790-20 and Cork City Council Reference 20/39702 / ABP 309560-21 that there is no objection in principle to heights of 7-8 storeys at this location. The general scale of the proposed development is consistent with, and indeed less than this is some areas.

In policy terms, the site meets the definition of an 'accessible location' as defined under the Design Standards for New Apartment Guidelines for Planning Authorities 2018 on the basis that it is within a short walking distance of key employment locations and near a high frequency urban public bus service. A number of high frequency city bus services are readily accessible from the site including the 202/202A⁷, 215/215A and 219 services⁸ providing connectivity to the City Centre, Hollyhill and CIT among other areas. Skehard Road has

⁶ Mother and Baby and County Home Institutions Action Plan 2021, pg. 34

⁷ Service every 10-minutes at peak periods.

⁸ Combined average frequency of service every 10-minutes at peak periods.

recently undergone significant public transport related improvements catering for this range of high frequency bus routes which are readily accessible from the site. Furthermore, the Mahon area is set to benefit from the future delivery of a Light Rail Transit (LRT) system between Mahon and Ballincollig via the City Centre, as outlined in the Cork Metropolitan Area Transport Strategy (CMATS), with the subject site located adjacent to the proposed LRT station. Based on the prescribed criteria, it is a location where higher densities of development must be promoted to facilitate sustainable urban growth in accordance with national and regional policy⁹.

The Urban Development and Building Heights Guidelines for Planning Authorities were published in December 2018. In terms of Development Management, they emphasize that it is Government policy that building heights must be generally increased in appropriate urban areas. With respect to Cork City (and other Irish cities), it is stated that *"it would be appropriate to support consideration of building heights of at least 6 storeys at street level as the default objective, subject to keeping open the scope to consider even greater building heights by the application of the objectives and criteria laid out in Sections 2 and 3 of these guidelines"*. The submitted planning statement includes an assessment of the proposed development relative to the criteria laid out in the ministerial guidelines. This is supported by a suite of specialist studies including daylight/sunlight, shadow, microclimate, telecommunication, landscape and visual, ecological and heritage impact assessments. Collectively, these assessments demonstrate that the overall scale and massing of the proposal is well judged, carefully composed and an appropriate response to local context.

Objective 10.4 'Areas of High Landscape Value' in the current Cork City Development Plan 2015 states that development will not be supported in such areas where it causes significant harm or injury to the intrinsic character of the Area of High Landscape Value and, inter alia, its primary landscape assets, the visual amenity of the landscape, and protected views. Chapter 4 of the submitted Environmental Impact Assessment Report (EIAR) includes a Landscape/Townscape and Visual Assessment by Macroworks. The review of baseline conditions confirms the following in respect of the Phase 1 'The Meadows' site:

This manmade, modified landscape is also marked by some low-level dilapidation and dumping, while along the road aligning this area there is regular evidence of anti-social behaviour (e.g., much broken glass, evidence of past fires etc)...

Within this Phase 1 'The Meadows' area there are no known Protected Structures, National Monuments or ecological and/or conservation designations. Overall, this area is at a considerable aesthetic, naturalistic and functional disconnect to that of the wider Bessborough grounds, as well as land use and character to its east. Aside from the trees aligning its eastern boundary, this area offers little naturalistic or scenic amenity, and is of little conservation or recreational value; in contrast to much of the wider Bessborough Estate.

It is very evident that existing governing site character is not of obvious high landscape value and it has been demonstrated through the Landscape/Townscape and Visual Assessment that there will be no impacts on landscape assets, visual amenities or protected views. Again, for reference, the conclusions reached are consistent with the inspectors findings under ABP 309560-21 that while increased height will give rise to a level of visual change both on

⁹ The application is supported by a Statement of Consistency which demonstrates compliance with the above referenced policies.

local views and longer range views, *“it would not be out of character with the emerging pattern of development in the area and will be viewed as an extension of the baseline urban condition to the immediate east and the Mahon Key Development Area of which the site is part”*.

As set out in the submitted An Bord Pleanála Opinion Response Report (Architectural Items) by Shipsey Barry, the scale and massing of the proposal has been developed having regard to local context. This is evidenced by means of a conditions study which confirms that the historic context and landscape setting of the lands have been considered in detail.

This is further supported by the completed heritage impact assessment contained in Chapter 10 of the submitted EIAR which confirms that the operational phase of The Meadows development will not result in any predicted direct impacts on the archaeological, architectural or cultural heritage resources:

The proposed development was designed to respond to the historic context of the area and, in particular, Bessboro House to the south-west and the former Cork, Blackrock and Passage Railway line to the east. The proposed Meadow apartment development is located over 150m from the original eighteenth-century Bessboro House. Views towards the subject lands from the house are fully screened by a later tall multi-bay block (to the east of the central block of Bessboro) and the proposed development will not give rise to negative impacts on the historic entrance avenue and traditional approach to the protected structure (from north-north-west). The location, layout and scale of the proposed development does not impinge on the visual primacy of the main south facing front façade of Bessboro House and its views of the parkland setting to the south. The proposed development will be accessed from an existing modern road which extends to its location from the north and will not give rise to negative impacts on the historic entrance avenue and traditional approach to the house in the lands to in the opposite side (west) of the existing built environment within the property.

Based on the above, the height and massing of the proposed development has appropriately considered potential impacts on the character and setting of Bessborough House, a protected structure, and its role and position within the historic demesne landscape. The proposed heights comply with all tests stipulated in ministerial guidelines and will support sustainable growth in a defined 'accessible' urban location. Further, precedent for density and height at this location on the adjoining lands confirms that development of the scale and nature proposed is appropriate in principle having regard to local landscape character.

- 3. Further analysis of the landscape and visual impacts of the proposed development should be undertaken, to include additional photomontages and imagery. Such analysis should consider, in particular, views from within the original demesne to the south of Bessborough House and longer views including those identified for protection in the Cork City Development Plan 2015. The analysis should take account of the varying mitigation of such visual impacts provided by foliage and vegetation at different times of the year.*



Figure 2.1 Viewpoint Selection Map for Phase 1 'The Meadows'

Chapter 4 of the submitted EIAR includes a Landscape/Townscape and Visual Assessment by Macroworks. This report describes the landscape and visual context of the proposed development and assesses the likely impacts of the scheme on the receiving environment, in terms of both character and visual amenity.

The above request item was reviewed by Macroworks and Pedersen Focus, which included desktop and site visit investigations. An additional four viewpoints (i.e. Viewpoints No. 15, 16, 17 & 18) were selected and prepared from within the Bessborough Estate, following the Pre-Consultation Opinion. This has resulted in 18 viewpoints, in total, for Phase 1 'The Meadows' and 19 viewpoints, in total, Phase 2 'The Farm.'

A review of longer distance was also completed. There is just one of Cork City Development Plan 2015 designated view/prospect that may be of relevance to the site. This can be found in Map 16 – Views and Prospects: South-East in Volume 2 of the Plan. It shows that the AR4 view is towards ‘Bessboro’ and is a ‘primary approach road’ (view). In Volume 3 of the plan, AR4 is described as being from ‘Carrigaline Road/ Carr’s Hill’ with views to ‘Bessboro House.’ This approach road is the N28, connecting Cork City with Carrigaline and Ringaskiddy. The designated landscape & townscape view, LT14, originates in the same location as that of AR4. Exclusively in the context of views towards the site of the proposed development, therefore, AR4 is, by default, representative of LT14. This is captured in Viewpoint 7, with a further representative Viewpoint to the east also captured in the prepared photomontages.

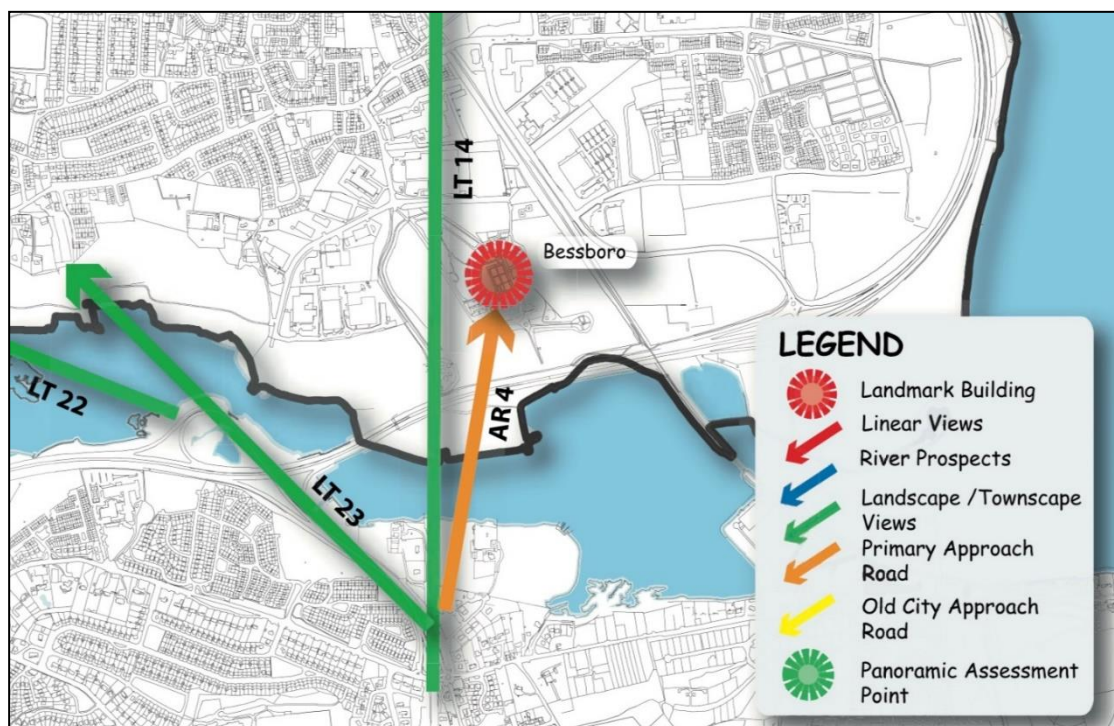


Figure 2.2 Extract from Map 16 – Views and Prospects, Cork City Development Plan 2015

As set out in Chapter 5 of the EIAR, the completed assessment takes account of potential visual impacts arising from bare leaf/winter conditions.

4. *The application should clearly illustrate and assess the relationship between the proposed development and the adjoining farmyard complex and walled garden to the west, identified in the National Inventory of Architectural Heritage (reg. no. 20872006), having regard to the height and scale of development proposed. Detailed section and contextual drawings and other imagery should be submitted in this regard.*

The relationship of Building A of the proposed development to the farmyard complex to the west is explored in detail in the An Bord Pleanála Opinion Response Report (Architectural Items) by Shipsey Barry and section drawings submitted with the application. The proposal establishes a 32.7 metre separation distance between the complex and the nearest block of the proposed development which is 5 storeys in scale. This scale relationship has been considered in detail and is deemed appropriate and successful in defining interrelated character.

This interrelationship has been considered as part of the heritage impact assessment of the development as contained in Chapter 10 of the submitted EIAR. This concludes that *“the proposed development will have a slight, negative, indirect impact on the historic estate and some of its attendant features (including the former farm complex). This will occur as a result from slight visual changes to a few peripheral aspects of the historic landscape of former estate and the placement of new built form within 50m of the former farm complex”*.

5. *The application should be accompanied by the following:*

(i) A detailed Traffic and Transport Assessment (TTA) in respect of the proposed development. In preparing this TTA, regard should be had to the detailed requirements set out in the submission of the planning authority, dated 08/10/2021, and the report of the Transport and Mobility (Traffic Operations) section. The assessment should consider the cumulative impacts of the development with other existing and proposed development within the Bessborough estate and on adjacent lands, including the developments to the north permitted under PA ref. 17/37565 and 18/37820.

(ii) A Mobility Management Plan and a Car and Bicycle Parking Management Strategy.

(iii) The application should be accompanied by a Quality Audit in accordance with Annex 4 of DMURS, including a Road Safety Audit.

The application is accompanied by a detailed Traffic & Transport Assessment, the methodological approach to which has been agreed with the Transport & Mobility Section in Cork City Council. The assessment has appropriately considered the cumulative impacts of the development with other existing and proposed development within the Bessborough estate and on adjacent lands to the north.

The application is supported by a Mobility Management Plan which sets out a package of measures to encourage and support sustainable travel patterns amongst the users of the proposed development. It confirms that the subject proposal is ideally located with good connectivity to the surrounding area with the working centres of Mahon Point, Mahon Industrial Estate, Mahon Retail Park, Blackrock Business Park, and Cork City very accessible whilst also providing an easy walking distance to amenities including Mahon Point Shopping Centre, Mater Private Hospital, and Scally's Supervalu. Parking provision is proposed at a ratio of 0.35 spaces per unit in Phase 1 'The Meadows' reflecting the sustainable nature of the location and a strategy which promotes modal shift to more sustainable modes. This is complimented by generous bicycle parking provision in accordance with the Design Standard for New Apartments.

As requested, the application is also supported by a Walking and Cycling Audit ('Quality Audit) prepared in accordance with DMURS Advice Note 4. A separate Road Safety Audit has also been undertaken for the scheme with all recommendations incorporated as part of the final design.

6. *Detailed design proposals for the proposed Greenway access bridge should be provided, which should address the matters raised in the submission of the Planning Authority to An Bord Pleanála dated 15/10/2021, including a rationale for the siting and design of the structure, a requirement for an increase in the width of the bridge, interaction with the existing Greenway and issues of wayfinding.*

This aspect of the development should be assessed as part of the Quality Audit to be undertaken in respect of the proposed development.

As set out in the submitted An Bord Pleanála Opinion Response Report (Architectural Items) by Shipsey Barry, the proposals for the Greenway access bridge have evolved over time and via engagement with Cork City Council. The comments of the Council at Pre-Consultation stage have been addressed. The bridge now has a clear width of 3.15 metres, width clearance of 7.1 metres and a height clearance of 5.13 metres. The Council have confirmed their satisfaction with same. The geometry of the bridge is organized to provide the requested clearance levels and a Part M compliant slope for access for all. The 'off-axis' arrangement adds interest and placemaking characteristics to the desire line through the site. A full detailed design drawing is included with the submitted planning application and the applicant is happy for the final specification to be agreed with the Council by way of applied planning permission.

The above referenced report and Architectural Design Statement also include indicative wayfinding proposals for the bridge area and wider site. A coordinated approach will be taken to signage design across the full extent of masterplan lands providing for public navigation, cultural experience, amenity guidance and behavior rules (if necessary) around public, access and servicing areas. Again, it is envisaged that the final specification for the wayfinding scheme will be discussed and agreed with the Council prior to implementation.

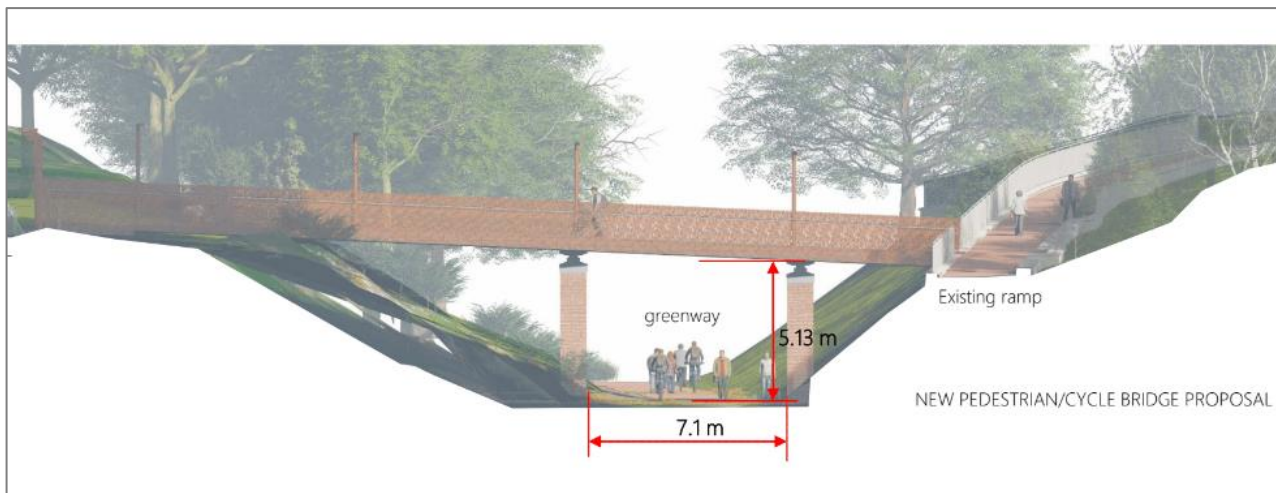


Figure 2.3 Cross-section of proposed bridge by Shipsey Barry Architects

- 7. Further consideration of, and possible amendment to the documents and/or design proposals submitted, having regard to the relationship of the proposed development with the adjacent lands to the north. It should be demonstrated that the proposed development would not prejudice any future development of those lands, having particular regard to issues including overlooking, daylight, sunlight and overshadowing.*

As set out in the submitted An Bord Pleanála Opinion Response Report (Architectural Items) by Shipsey Barry, the design team has appropriately considered development to the north of the subject lands. This has been tested by modelling the proposed development with hypothetical development on the adjoining lands. The application site has strategically set its building line to a minimum of 11 metres from the northern boundary, allowing for an equitable and orderly separation distance with any future development to the north. Further the proposed access road along the northern boundary of 'The Meadows' development

provides for a scenario where this road can potentially be shared to service the development lands to the north¹⁰. As such, it will enable the development of these adjoining lands and support efficiencies in design layout approach.

The feasibility of the design approach is also tested by means of a shadow study which illustrates the quality of light that will be received at the hypothetical adjoining development. It confirms some potential light impacts during the AM period only the extent and duration of which is within allowable limits. In practice, it is not known (1) if the lands to the north will come forward for residential development or (2) if they will come forward at the scale and density envisaged in this analysis (alternative viable layout options exist). Notwithstanding this, it has been demonstrated that the proposed development will not prejudice any future development of the lands to the north.

8. Details of the areas intended to be taken in charge by the Local Authority should be clearly set out.

A taking in charge drawing has been included in the drawing documentation set as requested by Shipsey Barry Architects.

9. The Ecological Impact assessment should include the results of all surveys undertaken in respect of these lands, including in particular Wintering Bird Surveys and Bat Surveys. Documentation should confirm that all surveys were undertaken at the appropriate times of the year.

The application should be accompanied by an Invasive Species Management Plan.

Chapter 9 of the submitted EIAR describes the likely significant effects of the proposed development on biodiversity, including flora (plants), fauna (animals), and habitats in both the terrestrial and aquatic environment. Section 9.3 of the chapter includes a detailed breakdown of all survey work completed, including the timing of such surveys based on the appropriateness of same. It confirms that a robust assessment has been completed in respect of such survey work.

An invasive species management plan has been prepared as part of the application and provides details on the current distribution of high-risk invasive species and guidelines/recommendations for treatment including methods of treatment, site hygiene and follow up treatment and monitoring. No significant impediments to the successful implementation of these control measures have been identified and it is expected that the treatment programme will successfully eradicate these species from the applicant's landholding.

10. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.

The application is accompanied by a Statement of Consistency as prepared by HW Planning which addresses the above referenced requirements. Based on a the statutory determination

¹⁰ It is proposed that this road will be taken in charge. Refer to submitted Taking in Charge drawing by Shipsey Barry Architects.

period of 16 weeks, the operative development plan in place at the time of the An Bord Pleanála decision will be the Cork City Development Plan 2015.

11. All documents in searchable format.

As requested, all submitted electronic documents have been made available in a searchable format.

12. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

The application is accompanied by an Environmental Impact Assessment Report meaning reporting requirements under article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001 (as amended) are not applicable.

03. Planning Assessment

3.1 Principle of Development

With the exception of the underground services to the southeast, the entirety of the subject lands are located within the ZO4 Residential, Local Services and Institutional uses zoning designation with the objective to protect and provide for residential uses, local services, institutional uses, and civic uses. The site is also designated as an Area of High Landscape Value, which requires developments to be landscaped and to safeguard the value and sensitivity of the particular landscape. The provision of apartment blocks on these lands complies with the objective and the design approach is complemented by a considered landscape strategy reflecting local landscape context. We note that in relation to the proposed Strategic Housing Development on the adjoining similarly zoned lands (ABP-306993) Cork City Council in their submission to An Bord Pleanála¹¹ concluded that:

'In a strategic planning context, the principle of residential development is acceptable on lands zoned ZO 4 Residential, Local Services and Institutional Uses.'

The independent assessment of An Bord Pleanála under ABP-306993 concurred with this view, with the inspector concluding:

'The proposed uses are permitted under the zoning objective (Section 15.10 of the CDP refers). A number of third party submissions suggest that the lands would be better used for community and amenity purposes, however, I am satisfied that the land use zoning supports the uses proposed'.

Based on a review of recent local decision making by An Bord Pleanála, it has been readily accepted that the subject location is very accessible, within good walking distance of good quality public transport and amenities, and as such, is an appropriate location for development in a compact form comprising higher density units which would be consistent with the provisions of the current Cork City Development Plan 2015, the Regional Spatial and Economic Strategy for the Southern Region, as well as the policies of the National Planning Framework.

3.2 Density of Development

Section 2 of the Design Standards for New Apartments Guidelines for Planning Authorities state that to meeting housing demand, it is necessary to significantly increase housing supply. They identify locations suitable for apartment development based on key proximity and accessibility considerations. It defines 'Central and/or Accessible Urban Locations' as being suitable for small-to-large-scale and higher density development that may wholly comprise apartments.

¹¹ Cork City Council Submission to An Bord Pleanála dated 04/01/2021

The subject site meets the definition of a 'Central and/ or Accessible Urban Location' as defined the Apartment Guidelines on the basis that:

- It is located within 1,000-1,500 m of a centrally located employment area;
- It is within easy walking distance (5 minutes or 400-500 m) of high frequency urban bus services.

3.2.1 STRATEGIC EMPLOYMENT CENTRE

The subject lands are situated immediately adjacent to the Mahon 'Strategic Employment Location' as defined under the RSES for the Southern Region. Specifically, Section 2 of the Cork Metropolitan Areas Strategic Plan highlights Mahon as a leading FDI and indigenous enterprise location within Cork, this being among the key distinguishing positive attributes of the Metropolitan Area. As illustrated below, the subject location is surrounded to the north, east and west by key employment areas including the Loughmahon Technology Park, the Voxpro Campus, National Software Campus, Central Statistics Office, Blackrock Business Park and Riverview Business Park to name a few. The Council's own research in the form of the Cork City Employment and Land Use Survey 2016 confirmed the South Eastern part of the city, including Mahon experienced the greatest jobs growth in Cork between 2011-2016, with the majority of this located in the adjacent Business and Technology zones in Mahon. This is reinforced in the recent Cork City Strategic Employment Locations Study which was commissioned by the Council as an evidence base to inform policy direction in the forthcoming Cork City Development Plan 2022-28. This study identifies that Mahon has the largest distribution of existing office floorspace in Cork outside of the city centre. At 19.8% of the total market¹², the South-East quadrant of the city has more office floor space than the North-East, North-West and South-West quadrants combined¹³.

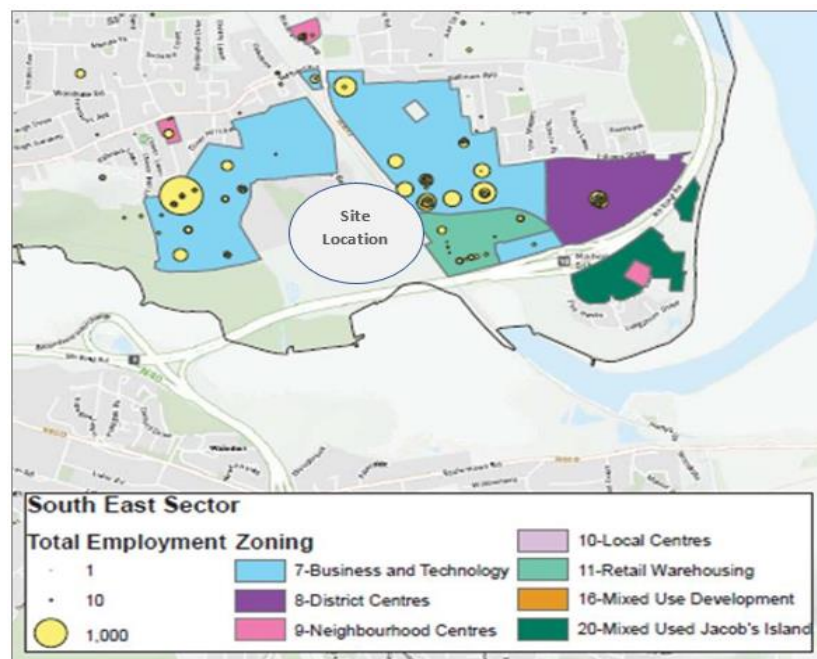


Figure 3.1 Employment Distribution Map, Cork City Employment and Land Use Survey 2016

¹² 114,381 sqm of office floorspace.

¹³ Refer to heatmap on geographical distribution of existing office floorspace in Cork City, Figure 4.2 of the Cork City Strategic Employment Locations Study.

At a local level, the analysis below confirms that the 15-minute walk distance from Bessborough Estate extends into a workplace zones catchment where there are in excess of 8,600 recorded jobs. Based on regional policy, the research of Cork City Council and additional analysis undertaken by the project design team, it is very evident that the subject lands are located in immediate proximity to a significant strategic employment centre and meet the definition of an 'accessible location' on that basis.

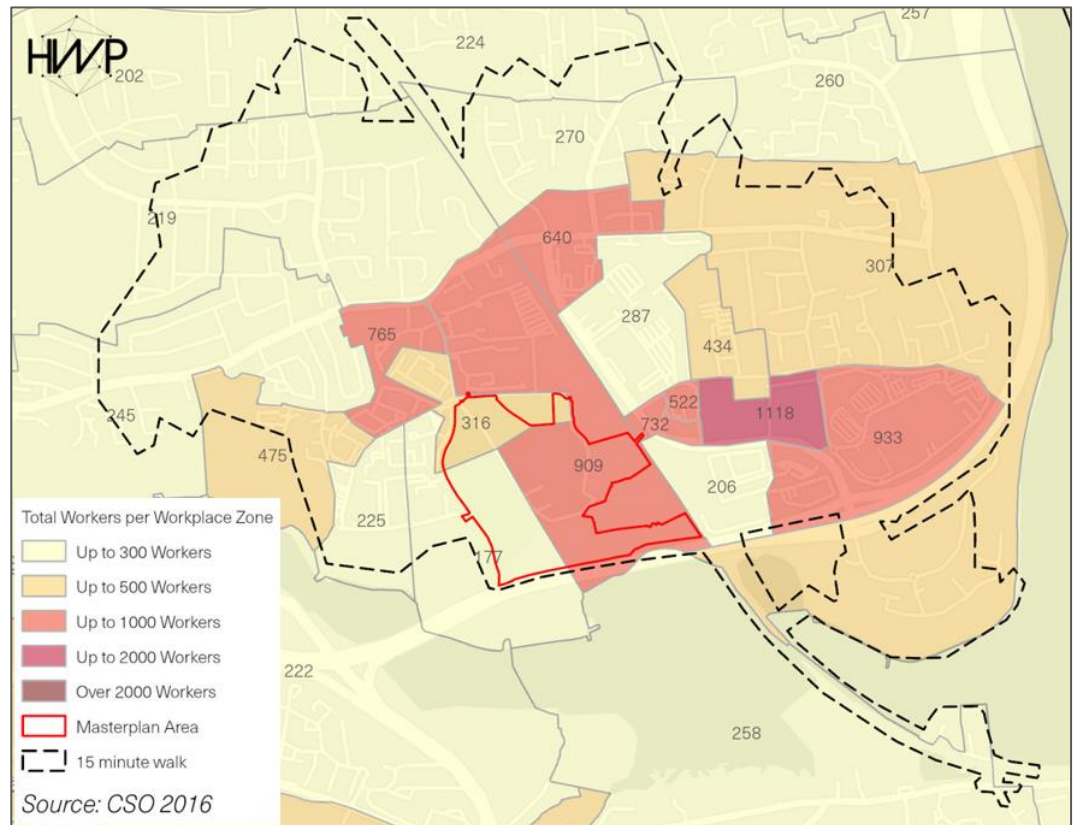


Figure 3.2 Total Workers Per Workplace Zone, CSO 2016.

3.2.2 HIGH FREQUENCY URBAN BUS SERVICE

In addition to the above, the subject lands are located within a short walking distance of high frequency bus services. The 202 bus to the north operates a 10 minute peak time service from Mahon Point to Hollyhill. The bus stop at Skehard Road is within a 5-minute walk time of the study area¹⁴. The 215/215A, with a bus stop outside the City Gate, (immediately east of The Meadows site) is accessible via the Passage West Greenway. The 215 bus serves Mahon, Cork City Centre and Blarney and operates at 15 min intervals at peak time while the 215A also serves this area operating at 30 min intervals from Jacobs Island to South Mall. The 219 bus also serves the 215 stop next to the subject site. In combination, they provide an average peak (c.7:00-9:00 am, 16:00-18:00 pm) frequency of service every 10 minutes during the week¹⁵.

¹⁴ The study area comprises the Phase 1 and Phase 2 site boundaries. Based on discussions with the Traffic & Transport Department in the Council, single reports have been prepared for the Phase 1 and Phase 2 applications in respect of the TTA, Mobility Management Plans, Walking/Cycling Audit and Road Safety Audit in recognition of the interrelationships between both phases of development and in the interests of consistency in assessment approach.

¹⁵ Refer to timetable analysis contained in the submitted Statement of Consistency.

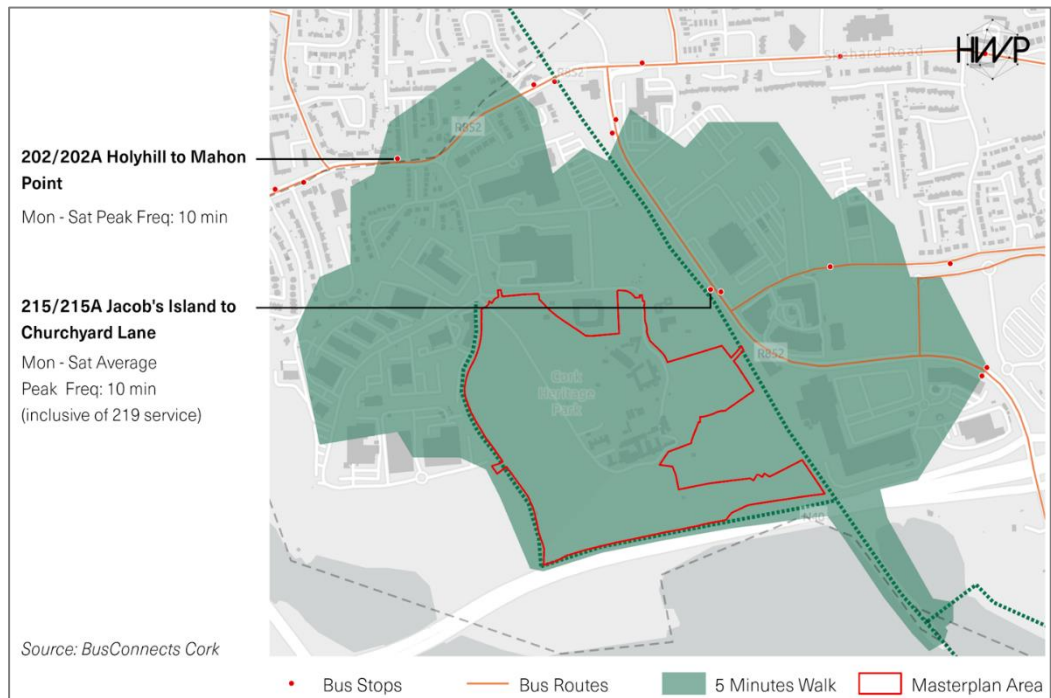


Figure 3.3 High Frequency Bus Services Within a 5-minute walk of Bessborough Estate

The Cork Metropolitan Area Transport Strategy (CMATS) 2040 was published in Q1 of 2020. This strategy proposes the development of an east to west Light Rail Transit (LRT) rapid transport corridor as an objective for Cork City. CMATS proposes that a tram stop will be located adjacent to the subject site at Mahon Point. The 2009 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas promote the development of higher densities at 'lands within existing or planned transport corridors. CMATS proposes that the LRT will be preceded by a high-frequency bus service between Mahon and Ballincollig. This will be delivered in the short-term to underpin higher development densities along the corridor including the regeneration of the Cork City Docks. A public consultation on Bus Connects Cork was completed in January 2022 which identified that this initial Ballincollig to Mahon route (No. 1) would run at frequencies 'up to 10 minutes' within a 5-minute walk. Elsewhere, the Draft Network Map also showed a bus route passing through Bessborough Estate (No. 20) – Bessborough to Cork Bus Station with an hourly frequency. The consideration of additional bus routes in the area is in itself an acknowledgement of demand for such services and will further strengthen the existing high quality accessibility. Further, the provision of high density development of the nature proposed will underpin the viability of delivering such infrastructure in the future.

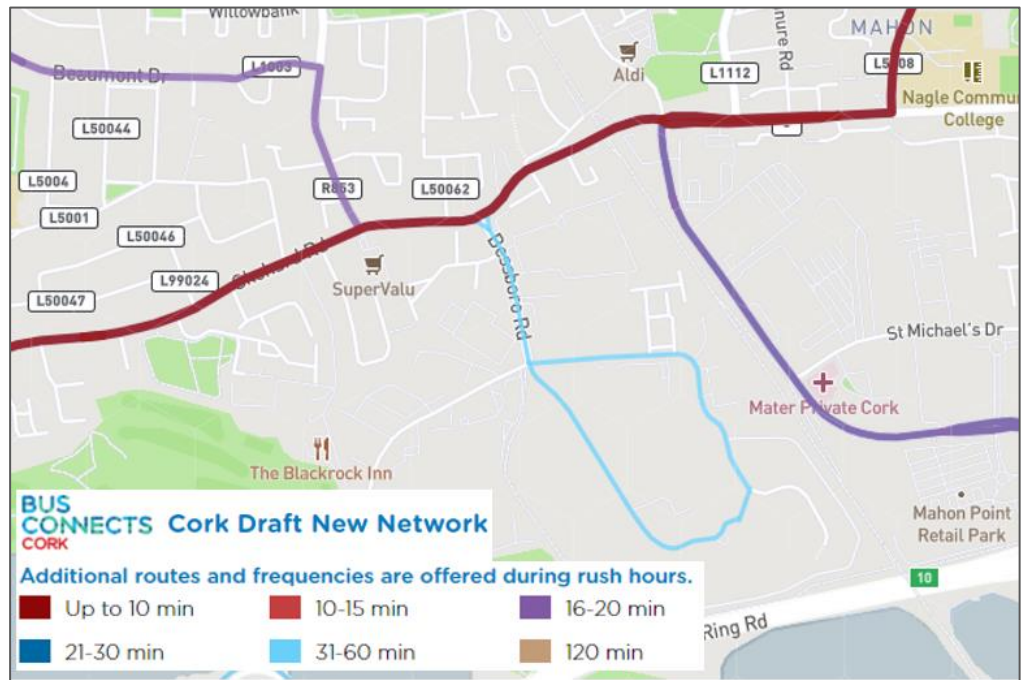


Figure 3.4 Extract from Bus Connects Cork Draft Network showing proposed route through Bessborough

3.2.3 PROPOSED DENSITY OF DEVELOPMENT

Based on a site area of 2.29 hectares, a density of 122 units per hectare is proposed. This increases to 183 hectares based on a calculated net developable area of 1.53 hectares¹⁶. This density of development is appropriate on the basis of that the site meets the definition of an 'Accessible Urban Location' as defined under the Design Standards for New Apartment Guidelines for Planning Authorities 2018.

Further, under ABP-306993 on the adjoining lands to the south, the board inspector concluded that the proposed densities of development in excess of 150 units per hectare were appropriate at this location due to "existing and planned retail, employment and public transport services at Mahon and proximity to Cork City". It was also deemed to an appropriate location for the consideration of increased height having regard to Objective 35 of the National Planning Framework and the Building Height Guidelines. It was concluded generally that the historic entrance to Bessborough House and other remaining landscape features were "at a remove from the proposed development".

3.3 Residential Amenity

The design of the proposed development has actively considered the amenity of existing properties in the area as well as prospective future occupants of the proposed development. The form, massing and height of the proposed scheme have been carefully modulated to maximise access to natural daylight, ventilation and minimising overshadowing/loss of light.

Separate Daylight and Shadow Impact reports have been prepared by DK Partnership which verify that the scale, massing and orientation of the apartment blocks will not have an adverse impact on existing residents in the area or future residents within the proposed scheme itself.

¹⁶ An outline of the developable area is enclosed in Appendix D.

3.4 Compliance with Height Guidelines

The proposed development complies with the Urban Development and Building Heights Guidelines for Planning Authorities 2018. The ministerial guidelines emphasize that it is Government policy that building heights must be generally increased in appropriate urban areas.

Section 3 of the guidelines stipulate that in making an application, the applicant shall demonstrate that the proposal satisfies the following criteria:

At the scale of the relevant city/town

- *The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.*
- *Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.*
- *On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.*

The subject site is located in a highly accessible location that meets the definition of a 'Accessible Urban Location' as defined in the Apartment Guidelines on the basis that it is within a short walking distance of key employment locations and near a high frequency urban public bus service. A number of high/medium frequency city bus services are readily accessible from the site including the 202, 215 and 219 services providing connectivity to the City Centre, Hollyhill and CIT among other areas. Skehard Road has recently undergone significant public transport related improvements catering for this range of high frequency bus routes which are readily accessible from the site. Furthermore, the Mahon area is set to benefit from the future delivery of a Light Rail Transit (LRT) system between Mahon and Ballincollig via the City Centre, as outlined in the Cork Metropolitan Area Transport Strategy (CMATS), with the subject site located adjacent to the proposed LRT station.

The increase in building height on the site has been considered in detail having regard to its immediate context. As set out in the submitted Design Statement by ShipseyBarry, the design approach has been developed having regard to historical geometry, clustering and spatial arrangements and consideration of scale based on proximity to Bessborough House (height to north and east), which has been tested by way of landscape and visual assessment.

Significant public realm works are proposed to provide definition and anchor the proposal into the local context. The proposals provide for a new formal and active living edges along site boundaries complete with dedicated pedestrian/cycle linkages, and a mix of live uses. The operational development will also contribute to placemaking via the development of a number of communal and publicly accessible amenity spaces.

A Townscape/Landscape and Visual Impact Assessment for the project has been undertaken by a chartered landscape architect which concludes that the proposed development is an appropriate contribution to both the existing and likely future built fabric of this urban area and it will not result in any significant townscape or visual impacts.

At the scale of district/ neighbourhood/ street

- *The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.*
- *The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.*
- *The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of "The Planning System and Flood Risk Management – Guidelines for Planning Authorities" (2009).*
- *The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.*
- *The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.*

The proposal will make an extremely positive contribution to the urban neighbourhood addressing underutilisation of zoned and serviced land and introducing much needed residential accommodation to address housing needs and support the critical mass of existing services in the nearby district centre.

The proposal enhances the urban design context on an important site. The four L-shaped buildings proposed by the scheme act harmoniously with an appropriate layout of the surrounding built heritage asymmetric courtyards nearby. Convenient and clear desire lines are optimised by the landscape design and central core pavilion. Public realm is centralised and activated by communal amenities. A variation in material break-up to each block further de-scales the composition with higher elements in muted darker Colours. The entire scheme is bisected by a large public realm piece linking the west of the site to the Passage West Greenway to the east. This transept is given nodal interest points with live uses at street level.

There are no watercourses located within the subject site. The Flood Risk Assessment prepared by J.B. Barry & Partners Limited that accompanies this application concludes that the site is not at risk of flooding.

A prominent site, the proposal will improve legibility in the local area creating new identity by introducing high-quality contemporary elevations and treatments. The local housing market in the area is typified by traditional dwelling housing stock. The subject development will contribute positively to available dwelling typologies in the area.

At the scale of the site/building

- *The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.*
- *Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.*
- *Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.*

As illustrated in the submitted Design Statement by ShipseyBarry Architects, the form, massing and height of the proposed development has been considered in detail relative to future occupier requirements and the avoidance of impacts in the local environment. The design approach has been tested by means of daylight reception and shadow analysis. The proposal affords access to natural daylight and ventilation and appropriately mitigates the potential for any impacts on adjoining amenities.

As outlined, it has been demonstrated by means of a number of technical assessments that the proposed development meets all quantitative performance standards set out in the BRE document 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

Specific Assessments

- *Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.*
- *In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.*
- *An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.*
- *An assessment that the proposal maintains safe air navigation.*
- *An urban design statement including, as appropriate, impact on the historic built environment.*
- *Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate*

The subject site is not located within an area where it could give rise to impacts on flight lines. A microclimate assessment has been prepared in support of the application which confirms that the project will not give rise to micro-climatic effects. The application also

includes a specialist study confirming that the proposal will not impede telecommunication channels in the local area.

The submitted Environmental Impact Assessment includes separate noise and air quality chapters and it is concluded that there will be not adverse impacts from the operational development.

The site has been subject to ecological survey as per submitted reporting by Dixon Brosnan Ecological Consultants. General mammal surveys as well as specialised bat surveys were carried out at the study area. No signs of Badger or Otter were recorded. Winter bird surveys were carried out during the 2020/2021 season. No signs of wintering waterfowl or waders were recorded within the study area. No significant disturbance impacts on SCI birds within Cork Harbour SPA is predicted to occur.

The application is accompanied by a detailed urban design statement, an architectural heritage impact assessment, and townscape and visual impact assessment. The project will not have an impact on any buildings of heritage value.

Collectively, we consider that these assessments demonstrate that the overall scale and massing of the proposal is well judged, carefully composed and an appropriate response to local context.

Based on the foregoing, it has been robustly demonstrated that the proposal satisfies the Section 3 criteria set out in the Urban Development and Building Heights Guidelines for Planning Authorities 2018.

3.5 Aspect

The application is accompanied by a Housing Quality Assessment by Shipsey Barry Architects which confirms compliance with apartments guidelines policies and standards. The submitted Architectural Statements sets out how the design approach has evolved over time. Specific Planning Policy Requirement 4 of the Apartment Guidelines states that:

A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.

The site meets the definition of an 'accessible urban location'. As set out, the design has evolved over time in discussions with the City Architect. A key aspect of the final layout is the achievement of street frontage and permeability through the site and this has been a key influence in respect of achievable dual aspect, please refer to the submitted Architectural Design Statement. 43% of units in the proposal are dual aspect which is in excess of the 33% standard identified above.

3.6 Transport and Connectivity

As outlined, the submitted application is accompanied by a Traffic and Transport Assessment, Mobility Management Plan, Walking and Cycling Audit, Road Safety Audit and Statement of DMURS Compliance. The subject site is very accessible and Mahon is one of Cork's most sustainable locations, benefiting from strong existing and proposed pedestrian and cycle infrastructure, which includes direct access onto the Passage West Greenway and direct routes to key local social and community infrastructure, employment

areas, retail and other services. This is illustrated in the submitted strategic connectivity mapping which is enclosed in Appendix B.

A key significant benefit of the subject site is its immediate proximity to the Passage West Greenway to the east and west and Cork Heritage Park Greenway to the south. Passage West Greenway (PW-GW1 on the Cork Metropolitan Area Cycle Network), provides the most direct cycling route from Mahon to the City Centre with an estimated travel time of approximately 20 minutes. The Cork Metropolitan Area Cycle Network Plan describes the greenway as follows:

The Passage West Greenway facility extends from Passage West to Pairc Ui Chaoimh and is perhaps the longest stretch of uninterrupted facility within the study area. The route is a fantastic asset to the area and should form the basis of development of a wider greenway network.

The proposed development makes provision for a new dedicated pedestrian/cycle bridge over and subsequently onto the greenway by tying in with the existing down ramp which also services wider Mahon. The lands over the greenway are in the legal ownership of Cork County Council who have provided a letter of consent. A separate letter is submitted from Cork City Council who are in control of the lands confirming they are also happy in principle for the proposal to be included as part of the proposed development.



Figure 3.5 Proposed Bridge and Greenway Connection to east, by ShipseyBarry

SMART TRAVEL STRATEGY

There are long standing objectives to promote smarter travel in Mahon, reflecting its sustainable location¹⁷. The Smarter Travel Strategy for the development includes:

¹⁷ Objective TO1 of the Mahon Local Area Plan set a target of a transport mode split of 45% for private car trips and 55% non-private car trips.

- Locating the development an attractive distance to and between key locations encouraging behavioral change and consequently reducing car dependency. The aforementioned proximity to the greenways, employment areas and direct access to cycle and pedestrian routes are foremost in this.
- Providing alternative means of travel including new dedicated cycle and pedestrian linkages through the site, including direct access onto the adjacent greenway.
- Provision of reduced car parking ratio of 0.3 spaces per residential unit reflecting the highly sustainable nature of the location.
- Actions aimed at improving alternative technologies and fuel efficiency of motorized transport such as the provision of dedicated e-charging facilities for the development.
- Planned introduction of incentives for the operational development including cycle training, car sharing and other hard (infrastructural) and soft (behavioral) measures.

TRAFFIC AND TRANSPORT ASSESSMENT

A detailed Traffic and Transport Assessment has been prepared for the proposed development. The scope of this assessment was agreed with Cork City Council's Traffic and Transportation Department. It included traffic modelling from four local road junctions. A key focus of design has been reducing car dependency in the scheme. In this regard, it is noted that the final phase of the National Transport Authority funded Skehard Road Improvements Scheme has commenced on-site which includes east and west bound bus lanes as well pedestrian and cycle facilities. The traffic assessment confirms that the residential development is in accordance with the principles of the Cork Metropolitan Area Transport Strategy and in line with the Mahon Local Area Plan (now lapsed) and forms an important continuation in the delivery of planned growth in the area. A review of the existing roads network and collision data in the vicinity of the site indicates that there are no significant problems in relation to the current safety of the roads network.

3.7 Environmental Impact Assessment Report

ENVIRONMENT IMPACT ASSESSMENT REPORT

An Environmental Impact Assessment Report has been prepared for the proposed development. As a proposed residential development, it falls within the category of an 'Infrastructure Project' under Schedule 5 (10) (b) of the Planning and Development Regulations, which provides that a mandatory EIA must be carried out for projects including:

(i) Construction of more than 500 dwellings.

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

The overall land holding exceeds 10 hectares and the applicant has development intentions for 3 no. phases (a total of 620 units) on the collective area as set out in the submitted masterplan, which includes the delivery of a new neighbourhood park to the south of Bessboro House. The requirement to prepare an EIAR has been screened in on this basis.

VISUAL IMPACT

A Townscape/Landscape and Visual Impact Assessment (TVIA) by Macroworks is enclosed with the EIAR. The assessment incorporates best practice methodologies prescribed in the Environmental Protection Agency (EPA) publication 'Guidelines on the Information to be contained in Environmental Impact Statements (2015) and the accompanying Advice Notes on Current Practice in the Preparation of Environmental Impact Statements (2015), and Landscape Institute and the Institute of Environmental Management and Assessment publication entitled Guidelines for Landscape and Visual Impact Assessment (2013).

The TVIA process included a thorough review of the site, surrounding environs, and statutory documents for sensitive locations. All nearby scenic routes, protected structures, public facilities, walking routes, public roads and cultural, environmental and heritage areas were considered. This resulted in the selection of 18 viewpoint locations for detailed assessment, representing a variety of distances, angles and viewing contexts. The site is within an area defined as being of 'Urban Industrial / Commercial / Institutional' as per the Cork City Landscape Character Assessment (2008). As noted in the TVIA, the site is within a designated area of high landscape value, but this is an area where several buildings have been constructed in recent years in relative close proximity to the subject site.

The assessment confirms that none of the selected viewpoints were considered to have a visual impact significance greater than 'Moderate-slight'. The proposal will accelerate the intensity and scale of urban development within this urban scene, but it will be neither visually prominent, nor appear overbearing. A cluster of mid-rise buildings will be visible, but it will read as a less immediate, more setback development. The use and tones of various finishes will ensure it does not have a marked effect on the visual amenity of the scene. The TVIA concludes that the proposed development is an appropriate contribution to the built fabric of the study area and will not result in any significant townscape or visual impacts.

3.8 Services Infrastructure

An Engineering Services Report by JB Barry & Partners Consulting Engineers accompanies the application addressing matters related to surface water, sustainable urban drainage (SUDS) measures, foul sewer discharge, water supply and flood risk for the site.

A statement of confirmation of feasibility and design acceptance from Irish Water is enclosed with the submission confirming that a connection to Irish Water networks can be facilitated. In the case of the wastewater connection, this will be subject to some upgrade works which are scheduled to be completed by Irish Water by Q4 2022¹⁸ and there is significant spare capacity at the wastewater plant to accept flows from the proposed development. As set out in the submitted plans, the proposed connection will be made directly to the wastewater plant via a new inlet sewer.

A Construction Management Plan has also been prepared to guide the construction stage of the project.

¹⁸ As confirmed by Irish Water in the correspondence with the application.

04. Conclusions

The provisions of the Cork City Development Plan 2015 identify South Mahon as a 'Key Development Area' and statistically it is one of the best performing areas in the City for population and employment growth over the last 15 years. It is a highly sustainable location, and one which can become an exemplar for compact growth in Cork having regard to the planned investment in BusConnects and Light Rail infrastructure. It follows that it is an area where available development opportunities should be maximized to provide for a return in capital spend on such infrastructure. The proposed development will deliver on this and support key objectives contained in the National Planning Framework and the Regional Spatial and Economic Strategy for the Southern Region, including the express need to grow Cork to become a competitive city of international scale.

The subject lands are predominantly zoned ZO4 which provides for residential use and consensus has been established through the assessment of planning applications on adjoining lands that the principle of residential development is wholly appropriate here. A landscape-based approach has been taken to the design of the proposed development which draws directly on historical geometry, clustering and spatial arrangements and consideration of scale based on proximity to Bessborough House (height to north and east), which has been tested by way of landscape and visual assessment. It has been demonstrated that the proposed development will not give rise to any adverse impacts, rather it will create a high quality living environment focused on place making which maximises the amenity and connectivity opportunities presented by the adjoining greenway.

Appendix A:

Bessborough Planning History

Planning History

Application Reference Number	Applicant	Decision/Status	Grant Date	Development Description
9822260	RCI Europe	Conditional	08/09/1999	To construct international services telemarketing bldg. With associated site works at Loughmahon technology park, Mahon.
9923033	O'Callaghan Properties Limited	Conditional	15/07/2002	Commercial development.
9923565	Software Development Centre Ltd	Conditional	08/12/1999	Construction of information technology centre and ancillary accommodation.
0024583	The Software Development Centre	Conditional	08/12/2000	Construct a four storey information technology centre appended to the centre already granted permission tp 23565/99
0024069	Marina Shift	Conditional	11/08/2000	Erect a dormer bungalow
0125334	Project Management	Conditional	01/10/2001	Construct two technology buildings for software development, engineering design & engineering support activities.
0125779	Sr. Ellen Harney	Conditional	22/03/2002	Build a detached contemplative room in the grounds of sacred heart convent.
0225856	Irish Wheelchair Assoc.	Conditional	16/04/2002	Construct resource centre & 20 no. Residential units & associated site works & services.
0226591	Blackrock Bessborough Centre Ltd	Conditional	23/05/2003	One storey creche/pre-school facility and associated covered courtyard, pergola, ad car parking area and refurbishment of existing Montessori adjacent to existing hostel.
0327830	O'Callaghan Properties Ltd	Conditional	01/03/2004	Development works on site of approximately 4.29 hectares on lands at Ballinure, Mahon, bounded on the South by the new Southern Link Road, on the North and West by Mahon Link Road and on the East by the disused Rochestown railway line. The previous planning application ref: T.P. 23033/99 An Bord Pleanala reg. ref. PL28.124788 appeal was granted for the whole retail development. The development works

				will comprise the construction of a single storey Retail Warehouse Centre comprising 4 units, Unit 1, a DIY Centre, will be net 4741.75m ² with a 1200m ² adjoining garden centre, Unit 2 will be net 727.50m ² , Unit 3 will be net 732.88m ² and Unit 4 will be net 890.93m ² for a gross floor area of 8233.06m ² . Provision of Service Yards, Security Hut, Sprinkler Tank, Pump House, Substations, Service Roads, Access Roads, Roundabout Boundary Walls and Security Fencing, Car Parking for 414 spaces, Relocation of existing Local Authority watermain, Associated Landscaping works.
0326801	Bessboro Industrial Estate	Conditional	29/04/2003	Erect a 2.6 metre high palisade fence and a 4 metre wide entrance gate on its lands
0327028	Blackrock Bessborough Centre Ltd	Conditional	27/05/2003 (Decision Date)	Provision of an access road and associated site services for the development of lands.
0428822	Barry & John Galvin	Conditional	16/12/2004	change of use of the former Ridge Tool Manufacturing facility from light industrial to warehousing / distribution
0428570	Johnson And Perrott Motor Group	Conditional	21/12/2004	Construction of car showrooms and the external display of used car vehicles for sale, the construction of a sales pavilion and tented canopy structure atrium building with facilities for children's play area, cafe, internet bar, parts storage building, service workshop building, cleaning bay facility (both wet and dry) and automatic car wash including the provision of appropriate parking to support customer operations and vehicle storage.
0428801	John Cleary Developments	Conditional	03/05/2005	Development at the site of the Sifco Building, Mahon Industrial Estate, Blackrock, Cork. The proposed development will provide for the demolition of the existing structures on site and the construction of 5 no. car showrooms including facilities for parts storage, service workshops, sales areas, ancillary office space, staff areas, parking and ancillary site works.
0428887	O'Callaghan Properties Ltd	Conditional	23/06/2005	Development works will comprise the construction of a single storey Retail Warehouse Centre extension to the previously approved Retail Warehouse Centre of gross floor area of 8233.06m ² , granted under Planning approval TP 03/27830. The new application will comprise 6 units (numbered 5-10), U5 will be net 1678m ² , U6 will be net 828m ² , U7 & U8 will be net 822m ² , U9 will be net 825m ² , U10 will be net 1789m ²

				for a gross floor area of 6764m2. Total floor area to both Phase 1 (TP 03/27830) and Phase 2 (new application) will not exceed a gross floor area of 15000m2. Provision of service yards, security hut, substation, car parking comprising a total of 196 spaces for the new development works as outlined, revision to service/access road and roundabout to original planning ref. TP03/27830 and associated landscaping works.
0428823	Thomas Crosbie Printers Limited	Conditional	16/12/2004	A new manufacturing building comprising a press hall of 19.5m in height, mail room, newspaper reel storage, ink storage, plate making, control room, maintenance rooms, plant rooms, external plant enclosures, storage areas, offices, staff amenities, lunch room & sprinkler tank pumphouse, all of a total floor area of 4,075 sq. m. and associated development including site roadway, vehicle manoeuvring areas, delivery and dispatch areas, car parking, sprinkler tank, emergency generators, waste compaction and storage, site fencing, gates and vehicle barriers. Site services including water, electrical, gas and telecoms supply, connection to foul sewer and storm water discharge, site lighting, CCTV cameras, site works and mounding, landscaping all on a site of 1.42 hectares.
0427978	Redemptorist Congregation	Conditional	01/04/2004	To construct a 2 storey dwelling house.
0530104	The Software Development Centre Limited	Conditional	14/12/2005	The construction of an office block comprising of four storeys with a mezzanine level over, ancillary accommodation including a canteen with access to existing facilities, 50 car park spaces and all associated site works.
0530133	John Cleary Developments	Conditional	03/03/2006	The construction of an office and retail development of 13, 831sqm (gross floor area over five floors with basement car parking over two levels (301 no. spaces) and surface car parking (68 no. spaces) and cycle parking (78 no. spaces). The proposed offices will be located over 4 no. ground floor retail showrooms ranging between 700 and 704 sqm gross floor areas. Demolition of the existing structures on site has been permitted under TP 04/28801. The development allows for ancillary site works revisions to roads layout and design in the immediate area to facilitate access, provision of a nes substation and linkage to a permitted substation (see TP 04/28801) and landscaping.
0529864	Bessborough Centre Ltd.	Conditional	29/09/2005	The provision of an E.S.B. MV Substation building.

0530165	Rev. Sister Ellen Harney	Conditional	10/08/2006	To remove part of the ruined farm sheds at the rear of the site, to retain and incorporate the existing masonry wall in the construction of a new two storey Enviromental Centre, comprising teaching spaces, offices, library, canteen and ancillary spaces (734sqm). The proposed development is located within the curtilage of a protected structure.
0630682	Windsor Motor Group	Conditional	30/06/2006	A proposed development which will provide for the construction of a car sales and servicing outlet at the site of two previously permitted car sales showrooms permitted as part of a five unit development under TP04/28801. The development will allow for a car showroom including facilities for parts storage, service workshops, sales areas, ancillary office space, staff areas, parking and ancillary site works and associated corporate signage.
0631467	Office Of Public Works	Conditional	12/03/2007	Expansion of the existing car parking facility, to provide an additional 28 car parking spaces, and the installation of an external generator (12 x 3.6 x 3.6m high) and an underground duct from this generator to the boiler house, located in the main building.
0631455	John Cleary Developments	Conditional	13/04/2007	A mixed use development comprising offices and ground floor retail units. The development comprises 9,542 sq.m. of office space in three floors over a ground floor retail area (in four no. units) of 3,165.5 sq.m. with two level basement car park for ancillary site works, landscaping to the Mahon Ring Road, and modifications to the access road layout permitted under 04/28801. The application allows for under ground links to the basement car park permitted under permissions 05/30133 and 06/30633.
0631231	Fernhurst Investments Limited And Lyndon Investments Limited	Conditional	14/12/2006	Development works on site of approximately 2.46 hactares. The previous planning application ref: T.P. 04/28887 was granted for the extension to the previously approved Retail Warehouse Centre, granted under Planning approval T.P. 03/27830. The development works will comprise the construction of a single storey Retail Warehouse Centre extension to the previously approved Retail Warehouse Centre and extension with gross floor area of 12,409 square metres, granted under Planning approval T.P. 03/27830, T.P. 04/28887 & T.P. 06/30613. The new application will comprise two units (Numbered 9 & 10), Unit 9 will be gross 931 square metres and Unit 10 will be gross 1,899 square metres, to give a total proposed

				area of 2,830 square metres gross. The demolition of the existing ESB sub-station and construction of a new ESB sub-station of 33 square metres, behind Unit 9. The construction of a coffee kiosk of 104 square metres, with an outside seating area.
0631101	O Callaghan Properties Ltd.	Conditional	25/10/2006	For development works on the site of approximately 4.49 hectares on lands at Ballinure, Mahon, bounded on the South by the New Southern Link Road, on the North and East by Mahon Link Road and on the West by the disused Rochestown railway line. The previous planning application T.P. 23033/99/ An Board Pleanala 28.124788 appeal was granted for the whole retail development. The development works will comprise the construction of 170m sq. storage mezzanine to unit 5, the integration of unit 5 and 6 with the construction of a link corridore. Unit 5 to trade as PC World for sale of Computers, computer software, peripherals, office supplies and associated ancillary items. Unit 6 to trade as Curry's for sale and/or display and/or hire of general electrical goods, items and services. The construction of new enclosed service yard with 2.4 metre high palisade fence. The erection of 2 No. signsge boards within dedicated signage zones depicting the names of the tenants PC World to unit 5 and Curry's to unit 6 the sign has an overall size of 2.5 metres high by 5.26 metres wide and face the Mahon Link Road.
0631190	The Cork Society For The Prevention Of Cruelty To Animals	Conditional	02/02/2007	Build an Animal Home of 640 square metres and Boarding Kennels of 210 square metres.
0630492	Alzheimer Society Of Ireland	Conditional	28/04/2006	Construction of ambulance garage and ancillary facilities at the new Alzheimer Day Care Centre (Planning Reference no. T.P 25811/02) adjoining the Southern Health Board Hostel, near Bessboro Road, off Skehard Road, Cork for the Alzheimer Society of Ireland.
0631496	Health Service Executive South	Conditional	08/05/2007	`Development of a Child and Adolescent Phychiatric In-patient Unit comprising a 20 bed unit and therapy centre with ancillary administration, a school, a gym and staff facilities. The facility will be located within and will extend beyond the existing disused hospital, link block and Chapel in the grounds of Bessboro House (a Protected Structure) at Mahon, Cork. The hospital building will be extended to the north, south and west in single and two storey blocks to house the in-patient unit and therapy centre, the link block will be

				demolished and the Chapel will be extended with a single and a two storey block to house the school. A change of use from Chapel to Institutional/Educational is also sought for that building. The proposed development is accessed from the existing avenue to Bessboro House with set down space and three car parking spaces along the north front of the in-patient unit, and parking for staff within the existing shared car park to the rear of Bessboro House.
0731603	John Cleary Developments	Conditional	23/04/2007	Development at the site of the former Sifco site (adjacent to the offices of Project Management) for the development of a stand alone cafe building of 137.5 sq.m. The application allows for the provision of the cafe in association with the development permitted under permissions 05/30133 and 06/30633 along with revisions to surface car parking areas and landscaping to provide for courtyard development.
0732445	Aras Slainte	Conditional	04/01/2008	Change of use of existing ground level unit to a medical centre use as an urgent care centre. An urgent care centre offers non emergency care to the public. The existing retail unit, 773 square metres in area is part of a permitted office and retail development under TP 05/30133 and TP 06/30633.
0732413	John Cleary Developments	Conditional	22/01/2008	Development of a mixed use development comprising offices and ground floor retail units. The development comprises 8,932sqm. of office space in five floors (two floors set back at the upper levels) over a ground floor retail area (in two units) of 2,261 sqm. GFA (overall floorspace of 11,193sqm.) with two level basement car park for ancillary car parking (236 spaces), ancillary site works, access provisions and landscaping.
0732561	Boland Developments	Conditional	28/05/2008	Development comprising of the demolition of existing buildings and structures on the site and the development of an office complex development comprising of 6 no. blocks ranging from 2 storeys to 5 storeys plus one set back level with a total gross floor area of 34,141 sqm. The development comprises of Block A with 10,118 sqm of office space at 5 storeys plus one set back level, Block B with 4,490 sqm of office space at 4 storeys plus one set back level, Block C with 7,083 sqm of office space at 4 storeys plus one set back level, Block E with 5,222 sqm of office space at 5 storeys, Block F with 2,285 sqm comprising of a gym, creche and after school facility; in addition it is proposed to provide a retail kiosk of 100 sqm, bus

				shelter and set down area, undercroft car park open on three sides with 440 car parking spaces and 242 car parking at ground level, access and egress onto Loughmahon Link Road, ESB Substations, plant, ancillary landscaping and ancillary road and site development works.
0732270	Irish Wheelchair Association	Conditional	04/01/2008	Construction of 1) a three storey Resouce Centre, 2) an external boiler house, 3) an underground storm cell attenuation system and associated site works.
0732573	Sisters Of The Sacred Hearts Of Jesus & Mary	Conditional	19/03/2008	For the construction of a single and part two storey Convent Building on their lands.
0833368	O' Flynn Construction	Conditional	25/11/2008	For 1) the demolition and removal of part of the existing business premises and associated ESB sub-station and outbuildings (4, 057 sq. metres total gross floor area); 2) the construction of a four storey office building (9, 297 sq metres gross floor area) with an option for internal sub-division of up to 16 no. units for office use; 3) the rearrangment of the existing vehicular access and car parking layouts and 4) all associated landscaping, signage, bike storage, plant and servicing areas, and site development works.
0833580	John Cleary Developments	Conditional	13/03/2009	For the change of use of the recently constructed office and retail showroom facility previously granted under TP 07/32413 to provide a 102 bed inpatient private medical clinic facility, a 6 bed intensive care unit, a day unit with 15 no. beds (in addition to proposed inpatient and ICU facilities), imaging, radiology and radiotherapy departments, administration, cardiology(first floor), oncology(second floor), physiotherapy(third floor), laboratory, kitchen, cafe and ancillary services areas at ground floor level, ancillary rooms / services at first, second and third floor levels, 4 no. operating theatres, recovery area and staff facilities at fourth floor level, underground car parking spaces at basement and lower basement levels, internal modifications to basement to include clinical waste/ storage, bed linen storage and basement lift & platform lift from basement to the exterior and all ancillary internal and external alterations.
0832883	Redemptionist Community	Conditional	22/05/2008	Change of use from museum to youth ministry/religious education including associated accommodation and ancillary facilities. The work will involve remodelling internally and some minor external alterations including new roof lights.

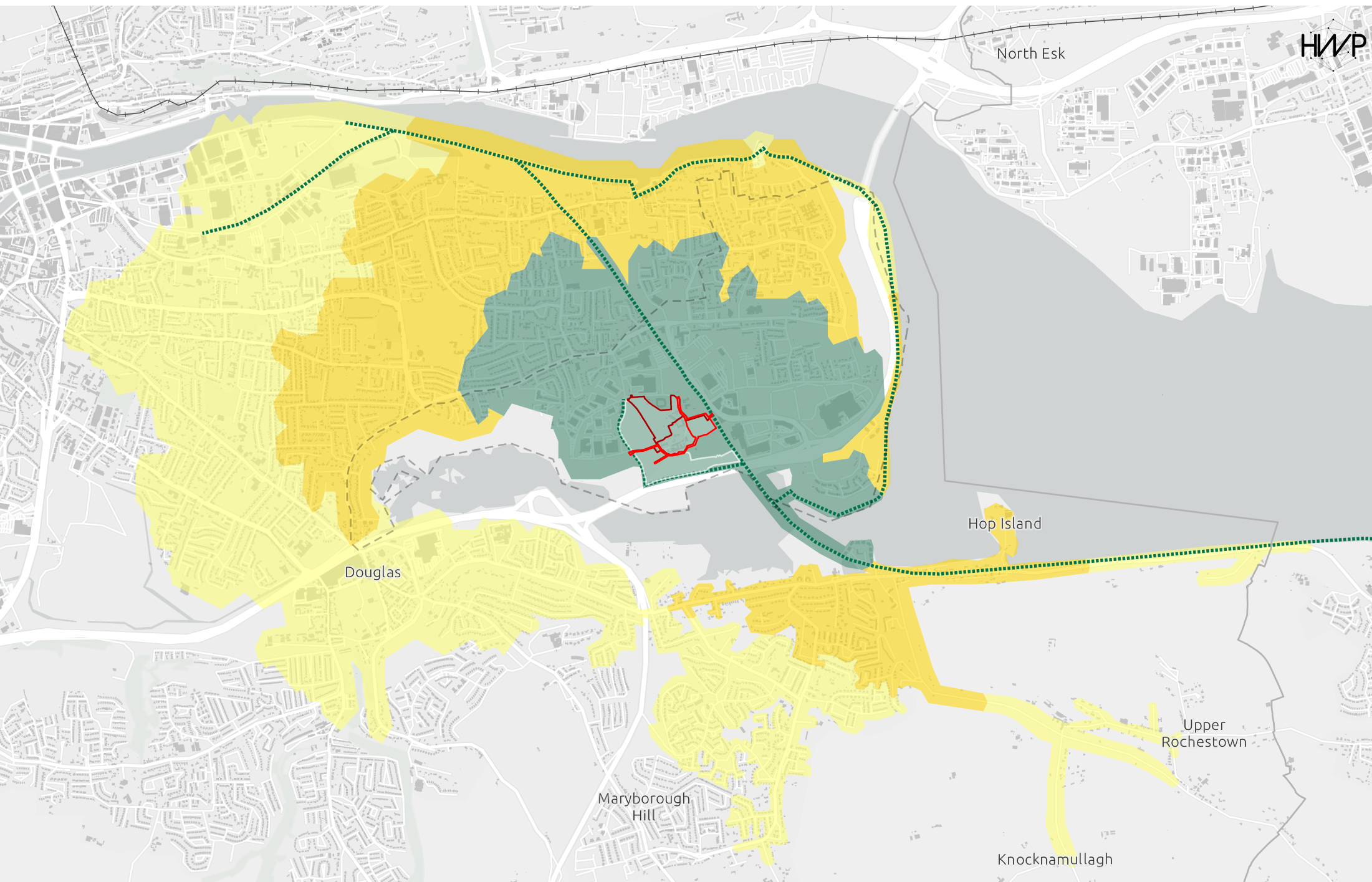
0833628	Sisters Of The Sacred Hearts Of Jesus And Mary	Conditional	31/03/2009	Retention of amendments to previously permitted convent under planning register reference nos 04/27978; 07/32573 consisting of alterations to windows on all elevations and external terrace to internal floor space (17sqm).
0933673	O'Flynn Construction	Conditional	23/09/2009	For the construction of a 4-storey office building [9,436sq metres gross floor area] with an option for interval sub-division of up to 16 no. units for office use and all associated ancillary development works including landscaping, signage, storage, plant [provide at roof and lower ground level] and servicing areas, and the provision of car parking at ground and lower ground level.
0934109	John Cleary Developments	Conditional	21/04/2010	For the construction of an office development consisting of a total Gross Floor Area of 32,318 sqm in a series of three blocks with internal streets on lands at Ballinure, Mahon, Cork. The proposal will range from 2 floors over ground to 7 floors over ground with ground floor commercial uses comprising of retail units, retail offices, showrooms/commercial units, primary care centre and financial services unit, leisure centre, restaurant: these proposed units will front onto the Ring Mahon Road, internal Mahon Point Shopping Centre access Road and Estuary Drive. The proposal also allows for commercial uses such as Cafe Bistro (located in the internal street), landscaping, access revisions at the Mahon Point Junction access, basement car parking over two levels, access to the basement car park off the Mahon Point Shopping Centre internal access: access/egress to Estuary Drive from the basement.
0934237	Sisters Of The Sacred Heart Of Jesus & Mary	Conditional	30/06/2010	The construction of a two storey Nursing Home and an external boiler house on their lands at Bessborough, Blackrock, Cork. The development will provide 95 no bedrooms together with associated living and dining accommodation. The proposal includes all associated site works, access arrangements, solar panels, lighting, landscaping and the provision of 55 no parking spaces.
1737565	Denis O' Brien Developments (Cork) Ltd.	Conditional	24/04/2018	Permission for the construction of 66 no. residential units and all associated ancillary development works including vehicular access (including 2 no. entrances on to Bessboro Road), parking, footpaths, landscaping, drainage and amenity areas.

ABP-301991-18	Montip Horizon Limited	Conditional	03/10/2018	Construction of 413 no. apartments, neighbourhood centre, crèche, road improvement works including upgrades to the Mahon Link Road (R852) to the North of the N40 interchange to incorporate a dedicated bus lane and all site development works.
1837820	Bessboro Warehouse Holdings Ltd	Conditional	28/02/2019	Permission for the demolition and removal of the existing warehouse/distribution building and associated structures and the construction of 135 no. residential units comprising 24 no. dwelling houses, 64 no. duplex apartments and a three storey apartment block (comprising 20 no. apartments) and a four storey apartment block (comprising 27 no. apartments). 1 no. crèche, provision for the relocation of 2 no. utility buildings (gas and electricity) and all associated ancillary site development works including vehicular access, parking, footpaths, landscaping, drainage and amenity areas.
1838036	City Gate Plaza Developments Ltd	Conditional	24/01/2019	Permission for demolition of an existing reservoir and reservoir building and the construction of an office development at the former Ma/Comm Site, Loughmahon Link Road, Mahon, Cork. The proposed development includes two office buildings; Block A will be four floors over ground floor allowing for terraces and Block B will be three floors over ground floor with terraces. The proposed development also includes a ground floor café, additional car parking, bicycle shelters, security hut, bus shelters, waste management area, landscaping and all associated ancillary site works.
1938875	O'Flynn Construction Co. Unlimited Company	Conditional	22/04/2020	Permission for the construction of 12,004 sq. metres (gross) of office floorspace comprising of a 4-storey office building with an option for internal sub-division to provide up to 16 no. office units, 174 no. surface car parking spaces and 66 no. undercroft /semi-basement car parking spaces and all associated ancillary development works including landscaping, drainage, plant and solar panels (provided at roof level), 1 no. smoking shelter, motorbike and bicycle parking and 1 no. switch room, electrical substation and bin stores.
ABP-308790-20	MWB Two Ltd.	Refused	25/05/2021	179 no. apartments, creche and all associated site works.
2039705	MWB Two Ltd.	Refused	15/07/2021	Permission for the construction of a residential development and all ancillary site works at Bessboro, Ballinure, Blackrock, Cork. The proposed development will consist of 67 no. apartments in an 8-storey apartment building comprising 29 no. 1-bedroom

				apartments and 38 no. 2-bedroom apartments. The proposed development will provide for a new pedestrian and cyclist entrance onto the Passage West Greenway and vehicular access will be via an existing access road off the Bessboro Road. The proposed development also includes communal open space areas, landscaping, under-podium car parking spaces, bicycle parking spaces, bin stores, public lighting and all ancillary site development works including an upgrade of the existing sewer line. A Natura Impact Statement (NIS) will be submitted to the Planning Authority with the application.
2140453	First Step Homes Ireland Ltd	Conditional	28/02/2022	Permission to alter and extend the previously granted Creche building granted under planning reference No. 18/37820 and An Bord Pleanala ABP-302784-18 to incorporate a larger ground floor Creche/Community facility and bin store. The application is also to include for the permission of 10. no. first and second floors apartments to consist of the following: 5 no. first floor apartments: 2 no. 1 bed and 3 no. 2 bed with communal storage and 5 no. second floor apartments: 2 no. 1 bed and 3 no. 2 bed with communal storage and all associated site works.
2140196	Clyde Real Estate Cork Limited	At Further Information Stage at time of writing.	n/a	Permission for a residential scheme on a site adjacent to Telus International, Loughmahon Link Road (R852), Mahon, Cork City. The proposed scheme will consist of the demolition of existing geodesic dome (66.1 m2) and the construction of 204 apartments across three no. blocks ranging in height from 5-7 storeys in height comprising 98 no. 1 bed units, 63 no. 2 bed units and 43 no. 3 bed units. The proposed development also consists of the construction of a creche facility (217.2m2), communal amenity rooms, plant rooms, lobby areas, outdoor amenity spaces, 54 surface car parking spaces, 460 indoor bicycle parking spaces as well as associated bin storage. Access is proposed via the existing vehicular access onto the Loughmahon Link Road/R852 to the west, the southern most vehicular access (existing) is proposed for removal. The proposed development also includes landscaping, drainage, roads, surface and boundary treatments, pedestrian crossing, and all associated site development works. The proposed development would be a material contravention of the Development Plan.

Appendix B:

Strategic Connectivity Mapping



- 5 Min Cycle
- 10 Min Cycle
- 15 Min Cycle

- Greenway
- Masterplan Area
- Study Area

- Phase 1 - 'The Meadows' Site Boundary
- Phase 2 - 'The Farm' Site Boundary

North Esk

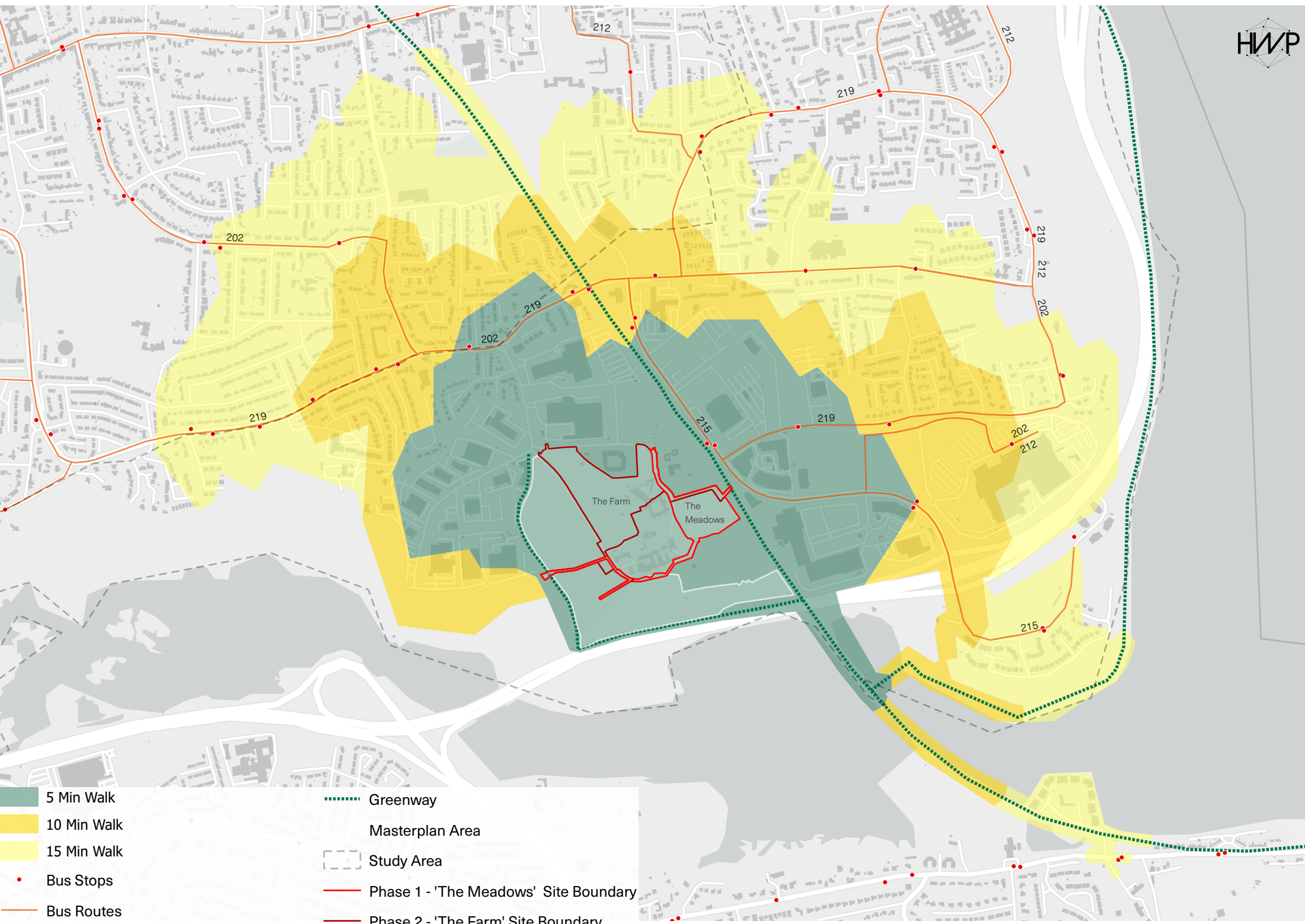
Douglas

Maryborough Hill

Hop Island

Upper Rochestown

Knocknamullagh



- 5 Min Walk
- 10 Min Walk
- 15 Min Walk
- Greenway
- Masterplan Area
- Study Area
- Bus Stops
- Bus Routes
- Phase 1 - 'The Meadows' Site Boundary
- Phase 2 - 'The Farm' Site Boundary

Appendix C:

Forensic Monitoring Method Statement by Aidan
Harte

Method Statement: Recommended to locate and preserve unrecorded burials, under forensic archaeological control, at the proposed development (Estuary View Enterprises) Bessborough, Cork

Aidan Harte BA MA MSc MIAI MCifA ACSFS
Forensic Archaeologist

3rd March 2022

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1. Non-Technical Summary

- 1.1 Aidan Harte has been requested by Estuary View Enterprises Ltd. (*i.e.* the Applicant) to prepare a forensic archaeological methodology.
- 1.2 The Applicant has expressed an awareness of the sensitivity of the area in which the development is proposed and therefore has requested a method statement to outline an appropriate forensic approach to locating any evidence of the existence of 20th century unmarked burials within the potential development area.
- 1.3 This proposed method statement adheres strictly to the standards and guidelines for Forensic Archaeologists and aims to provide clear information before and during the investigative process and presenting findings in a balanced and impartial manner (CIfA 2014, 2). It is fully compliant with Principle 1 of the Codes of Conduct of the Chartered Institute for Archaeologists (CIfA 2019, 3).
- 1.4 With respect to the findings of the Mother and Baby Home Commission of Investigation (MBHCOI 2020, 34, 4), all parts of the former Bessborough estate, including this proposed development, must be considered to possibly contain unrecorded modern burials.
- 1.5 The methodology given here may be summarised as comprising four main stages:
 1. Research and Survey
 2. Forensic Archaeological Monitoring
 3. Forensic Search Strategy
 4. Oversight, Outcomes & Archiving
- 1.6 Comprehensive research and survey form an essential prerequisite to this process whereby areas of the proposed development can be considered to have a higher or lower potential for 20th century interments.
- 1.7 All groundworks undertaken at the proposed development must have a minimum forensic control in place (*i.e.* suitably qualified personnel engaged in a dedicated monitoring role).
- 1.8 Areas or zones of high potential shall have additional forensic search methods applied, prior to construction.
- 1.9 Should human remains be discovered, whether considered of archaeological relevance or not, the Coroner must be informed immediately.
- 1.10 It is recommended that a forensic approach be applied. In its simplest terms, this means that any evidence relating to burials or human remains must be identified and recorded in such a way as to maintain forensic control and thus the admissibility of that evidence in any future legal proceedings.

2. Introduction

- 2.1 This methodology is designed to locate any possible burials within the bounds of the proposed development, while maintaining forensic control. In essence, this means that best practice can be applied to ensure that every effort is made to identify potential burials prior to development, and should such human remains be discovered, that they are adequately protected, and a robust forensic record is available to demonstrate this.
- 2.2 In the absence of a predefined oversight structure (*i.e.* Coroner/An Garda Síochána/Commission *etc.*) it is necessary that the Local Authority be regularly updated as to the progress of the forensic monitoring and search. Additionally, the role of survivors, family members and other stakeholders in the overall process must also be acknowledged. Previous investigations of such sensitive sites of unmarked children's burials have shown that transparency and effective communication with survivors, and other concerned parties, is an essential feature, for trust and respect and ultimately the completion of the project (McCullagh et al. 2017; Gallen 2017; Hopwood 2011). It is recommended that a dedicated survivor liaison be appointed to act as a point of contact for such stakeholders and help address any concerns arising at any stage of the forensic search.
- 2.3 The first step in this methodology is that of research and geophysical survey (Stage 1). This is fundamentally a desktop review, allied with different types of ground survey, used to evaluate the development site. All parts of the development require forensic archaeological monitoring (Stage 2). However, parts of the development that have a higher likelihood of burials must be subject to targeted forensic search (Stage 3). The details of these subsequent phases (2 and 3) cannot yet be determined until all pre-works surveying and assessment have been carried out. Only then can prioritised search zones be identified.
- 2.4 It is recommended that the demolition of existing structures be carried out with attention to the ground surface below. Every effort should be made to limit the disturbance and compaction at ground level by heavy machinery and rubble prior to forensic examination.
- 2.5 As a rule, the most basic way to protect any burials is by avoiding ground disturbance in the first instance. It may be possible to restrict work activities to those parts of the site deemed essential to the development of the project – for example, green spaces not essential to the operation of the construction phase should not be used for temporary storage of materials, or access *etc.* and instead be considered as exclusion zones.
- 2.6 The role of the Cork City Coroner is of primary importance in the event of burials being located.
- 2.7 The forthcoming Certain Institutional Burials Bill is also noteworthy. Where evidence is discovered, it must be admissible under this legislation and to a standard that is aligned with this Bill.
- 2.8 The transparent reporting of all findings of this forensic search is essential. Furthermore, reports must be adequately archived with relevant authorities for permanent record at the completion of works.

3. Request

- 3.1 Estuary View Enterprises 2020 Ltd., through its Architects, requested that the author prepare this method statement for Forensic Search/Oversight at the proposed developments, 'The Meadows' and 'The Farm', Bessborough, Cork on 28th June 2021. Advice on forensic archaeological methodologies that might be applied during the phased development, with a focus on the potential for unrecorded burials, was specified.
- 3.2 The details of the development, for which the methodology is designed, is based on proposed development layout drawings supplied by ShipseyBarry Architects on the 17th February 2022. A composite of these drawings is shown in Figure 1.
- 3.3 The overall development area extends to over 6Ha., while the footprint of proposed buildings is more limited. It is assumed that ground clearance will be required at and around each proposed building and at all routes for roads and services, as a minimum.

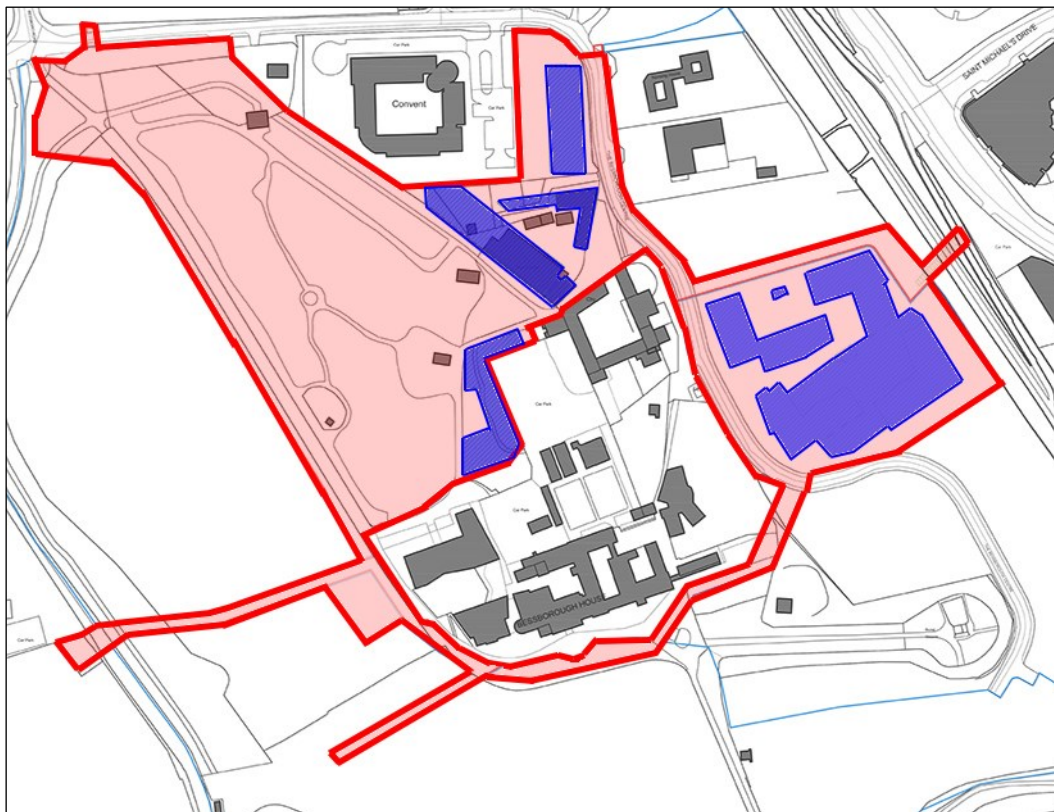


Figure 1: Outline of development area (in red) with proposed structures shown in blue (map data from ShipseyBarry Architects)

4. Previous Investigations/Background

- 4.1 The Convent of the Sacred Heart Mother and Baby Home at Bessborough was in operation from 1922 to 1998. During this time, 923 children who were associated with Bessborough died (MBHCOI 2020, Exec. Sum, 27), most of whom (761) died at Bessborough (*ibid*, Chapter 18A, 38).
- 4.2 cursory examination of the available aerial imagery shows substantial ground disturbance in the eastern portion of this site – here referred to as ‘the Meadows’ – prior to June 2006 (Figure 2).



Figure 2: Aerial image of Bessborough in June 2006 showing disturbed ground at east (source: Google Earth Pro)

- 4.3 The Mother and Baby Homes Commission of Investigation (MBHCOI) stated that it ‘is possible that children who died in Bessborough were buried within the grounds’ (MBHCOI 2019, 31) and that ‘The Commission... recognises that it is highly likely that burials did take place in the grounds of Bessborough. The only way that this can be established is by an excavation of the entire property including those areas that are now built on.’ (MBHCOI 2020, 34, 4). It is worth reiterating that the Commission found there to be ‘no significant surface evidence of systematic burial anywhere except for the congregation burial ground’ (MBHCOI 2019, 31). This surface survey was complimented by extensive documentary research, following which the Commission noted ‘The third edition Ordnance Survey Map for the Bessborough area... identifies a southeast portion of the site as a “Children’s Burial Ground”’ (*ibid.*).
- 4.4 Archaeological Test Trenching was conducted in January 2019, at the location of ‘The Meadows’ at the eastern side of this proposed development. This was carried out under licence (19E0003) from the National Monuments Service (Chambers 2019). This comprised six test trenches and employed the use of a metal detector (under licence 19R0001), sieving of

soil and the presence of an osteoarchaeologist. The findings of this assessment clearly indicated extensive ground disturbance across a substantial part of this portion of the site. It also found that agricultural features, such as ditches and plough furrows, could be discerned. It was concluded by the archaeologist that no evidence of burials could be identified at this location.

4.5 Pre-planning Site Investigation works undertaken in January 2022 and, while limited in scale, were monitored with a forensic control in place. The extent of disturbance was minimised, and the controlled excavations at six locations indicated no evidence of burials. These locations are the same as those at which the geotechnical information was examined and account for less than 0.07% of the total development area. However, the effectiveness of the method and techniques applied were demonstrated by the recovery of two small lithic artefacts of prehistoric date and these have now been reported to the National Museum of Ireland.

5. Stage 1: Initial Research & Survey

- 5.1 A desktop review must be completely in advance of other stages. While comprehensive documentary research has already been conducted by various parties, there is an obligation on the Forensic Archaeologist to have independently researched all available relevant background information on the area under investigation prior to conducting a search (CfA 2014, 5.1(a)). This includes all documentary and cartographic material, and review of any relevant witness statements.
- 5.2 A detailed and accurate topographical survey must be made prior to development to permit the efficient recording of all anomalies identified in any subsequent phases of work. The position of features or specific areas of interest, derived from geophysical survey or cartographic analysis, must also be accurately positioned by GPS/GNSS survey, and marked on the ground. This action also includes the evaluation by suitably qualified practitioners prior to groundworks the surface of the proposed development, including access/egress routes, compounds and services, and all ancillary construction work (*i.e.* soakaways, drainage, temporary storage *etc.*).
- 5.3 Geophysical Survey – and other remote sensing techniques - should be considered for areas identified through desktop review as having potential for burials. This must happen prior to any further ground disturbance. Different techniques may be suitable at parts of the site with different ground conditions. Such techniques, such as Ground Penetrating Radar (GPR), LiDAR *etc.* may also be applied to specific liminal areas that may not have been impacted by previous ground works, such as adjacent to boundaries. All surveys must be conducted at an appropriately high resolution to produce meaningful results.

6. Stage 2: Forensic Archaeological Monitoring

- 6.1 All areas of the proposed development, where ground disturbance is unavoidable, must be subjected to forensic archaeological monitoring. Should a given part of the proposed development site be considered as having a higher potential for burials through initial surveys, then these must be subjected to a specific forensic search (See Section 7).
- 6.2 Forensic Archaeological Monitoring can be practically applied to large areas of relevant interest. The removal of topsoil and substrata by mechanical excavator across these areas should be monitored at all times by at least one Forensic Archaeologist and/or one Osteo-archaeologist/Forensic Anthropologist with previous experience of forensic controls.
- 6.3 This monitoring of soils must be systematically applied. The progression of the soil removal must be planned in advance to ensure complete coverage and should be regularly and accurately mapped.
- 6.4 Items of evidential value must be recorded *in situ* where possible, and a complete record made prior to being logged and removed. Such evidence should include modern debris that demonstrates previous land use, taphonomy, bioturbation and other site formation processes, in addition to artefactual indicators for burial (e.g., coffin nails, pins, timber fragments *etc.*). All works must stop should human remains be discovered, full forensic controls applied and the Coroner informed immediately.
- 6.5 This method of systematic forensic monitoring may be compared to that successfully implemented by the Commission for the Location of Victims Remains (ICLVR). While these searches were targeted at finding adult remains, the method used by ICLVR searches uses a systematic monitoring plan to ensure that all parts of a site are searched thoroughly (Knupfer, Godfrey & Hill 2017). The successful evaluation and preservation of human remains *in situ* has also been successfully implemented elsewhere (MBHCOI 2019, chapter 38b).

7. Stage 3: Forensic Search Strategy

- 7.1 Specified areas where there is a high potential for unrecorded burials shall be selected based on the results of desktop review and GPR or other remotely sensed data (outlined at Stage 4 in Section 5). These areas shall be the subject of Forensic Search, prior to any other development activity.
- 7.2 All forensic searches should be controlled by a qualified and experienced Forensic Archaeologist.
- 7.3 The areas identified for high potential of burials should be divided into operational zones and investigated using a priority-based approach. This strengthens the ability to preserve any such remains *in situ*.

- 7.4 Soil shall be removed systematically using an appropriate mechanical excavator while monitored by at least one Forensic Archaeologist and one Osteo-archaeologist/Forensic Anthropologist. This combination of specialisms is an appropriate method of evaluating disturbed (and possibly very small fragments) skeletal remains. Where items of evidential value are noted, a completed record must be made prior to it being logged and removed. In the case of human remains, no such action would take place, instead the 'scene' must be secured, and the appropriate authorities informed.
- 7.5 The soil removed by excavation (termed 'spoil') should be placed on a designated surface and spread out for further examination. Using detection devices, this spoil must again be searched, and a representative sample sieved for bone fragments and other evidence indicative of burial activity. This stage acts to verify the absence of evidence, as controlled sieving measures have shown to improve the recovery of human bone by as much as 53% (Mays, Vincent & Campbell 2012). Where fragmented or small material is recovered by these techniques the excavation must cease, and only once a limited area can be confidently deemed void of human remains, should the forensic excavation continue.
- 7.6 Personnel conducting this on-site work will at all times conduct themselves with an awareness of contamination issues (*e.g.* agreed routes of access and protective clothing) (CifA 2014, 5.1(e)). All tools and equipment will have been decontaminated prior to arrival on site, and subsequently at regularly intervals to avoid cross-contamination throughout a given search programme. Any evidential items must be recorded and collected in adherence with forensic protocol.
- 7.7 Contemporaneous logs of personnel, decisions and actions, and evidence collected must be maintained. Similarly, the record of stratigraphy and features of interest are made on a contemporaneous and continuous basis.
- 7.8 Should human remains be identified *in situ*, the search must stop and the Coroner must be notified. A protective buffer should be implemented surrounding the potential burial. This is done to preserve the identified remains and any other possible remains in the immediate area. Machinery or vehicles must not traverse the area, until such time as the extent can be evaluated. Forensic search personnel may be deployed elsewhere on the site, albeit within a different zone.
- 7.9 Should fragmentary or disarticulated human remains be identified *ex situ*, then that area of excavation will cease, the area secured, and the Coroner informed immediately.
- 7.10 Where site facilities are required (*e.g.* welfare units, running water *etc.*), secure fencing should be necessary to prevent access by unauthorised personnel. Under warrant these sites would necessarily have 24-hour security provided. While a warrant is not in place, security is still of concern should the site be left open to contamination and interference. Additionally, the security of potential evidence and the longer-term secure storage of this material must also be considered.

8. Stage 4: Oversight & Outcomes

- 8.1 It is not within the remit of this methodology to countenance the removal/excavation/exhumation of any human remains discovered as a result of development. Preservation *in situ* must always be the primary consideration, however, this decision, should it arise, lies with the Cork City Coroner.
- 8.2 There is currently no established reporting mechanism for forensic search enacted outside of the state authorises (*i.e.* An Garda Síochána/Commissions of Investigation *etc.*), particularly where a negative result – the absence of burial – is the outcome. Therefore, the methodology employed and the reporting of such must be to the highest standard, regarded as independent and beyond reproach.
- 8.3 In acknowledgement of survivors, it is recommended that a dedicated liaison be appointed to help address any concerns they may have about the forensic search and subsequent reporting (Knupfer, Godfrey & Hill 2017).
- 8.4 It is necessary that on completion of each phase of forensic monitoring or specific forensic search, particularly where a negative result has been established, the lead Forensic Archaeologist communicates this finding in writing to specified authorities.
- 8.5 A full report and archive of all searches carried out and the results of same should be lodged with the Local Authority for future consultation.

9. Declaration

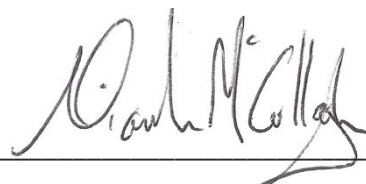
The information provided in this document is provided as both truthful and correct and is the express opinion of the undersigned.



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Forensic Archaeologist 3rd March 2022

Peer Reviewed



Dr N. McCullagh BA MA MSc PhD MIAI ACSFS

Forensic Archaeologist 3rd March 2022

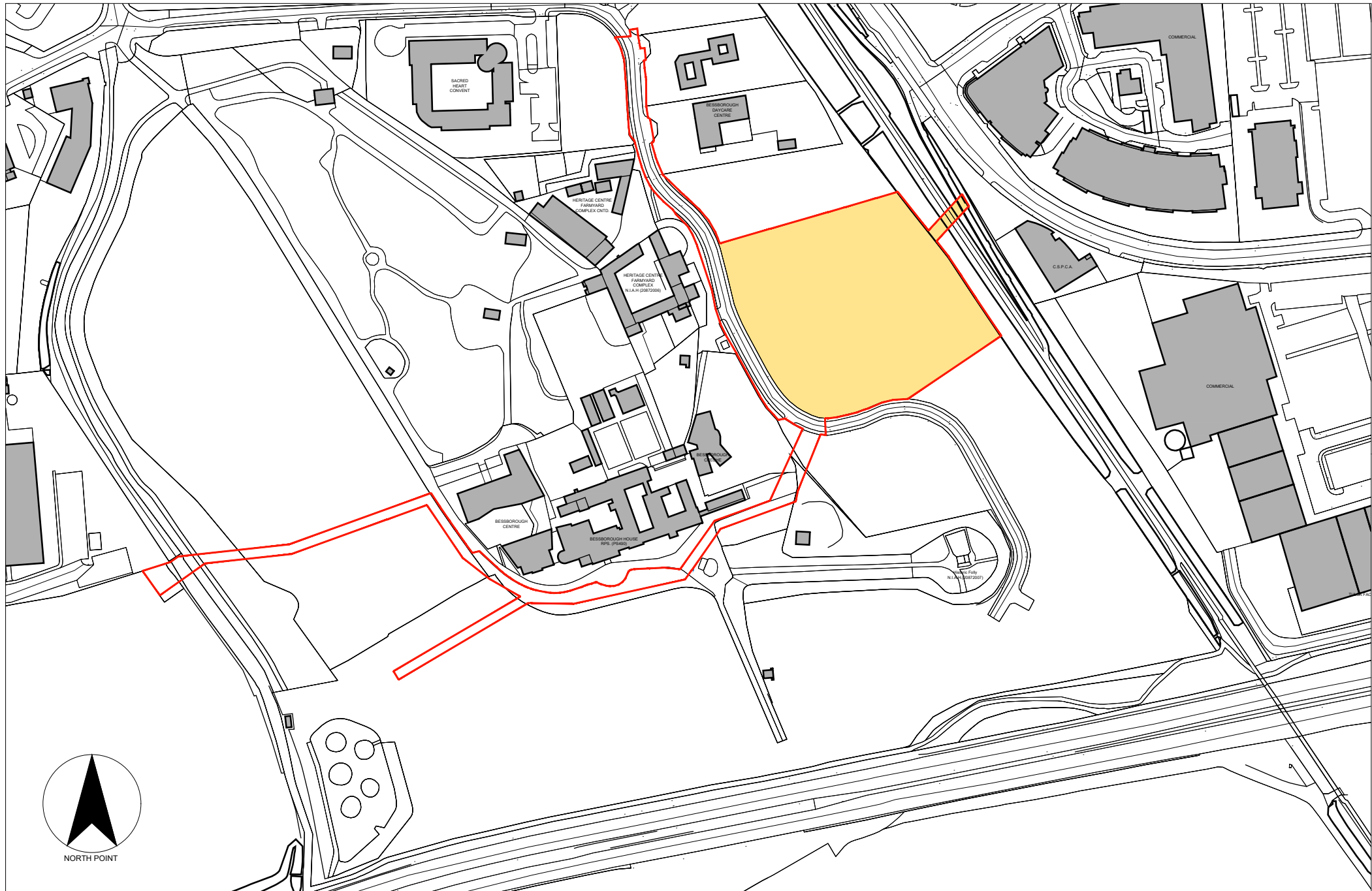
10. References

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Appendix D:

Developable Area Map by Shipsey Barry Architects

The developable area / density has been calculated in accordance with the Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities. It excludes the existing distributor road and identified areas of underground services where no other development works are planned.



DEVELOPABLE LAND
 AREA: 15,307m² / 1.53ha

SITE BOUNDARY
 AREA: 22,905m² / 2.29ha

DEVELOPABLE AREA

SHIPSEYBARRY
place makers

PROJECT	THE MEADOWS - BESSBOROUGH	DRAWING DESCRIPTION	DEVELOPABLE AREA	CLIENT	ESTUARY VIEW ENTERPRISES LTD.
SCALE	1:3000 @ A4	DATE	03.2022	APPROVED BY	GB
				OVERSEEN BY	JJ

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