



## **Submission to Draft Cork City Development Plan 2022 - 2028**

Rezoning of Lands at Bessboro, Ballinure, Blackrock, Cork

**Client** MWB Two Ltd.

September 2021

**Connecting people.**  
**Connecting places.**

# Contents

<b>01</b>	<b>Introduction</b>	<b>1</b>
01.1	Submission Purpose	1
01.2	Submission Context	1
<b>02</b>	<b>Summary of Policy Context</b>	<b>5</b>
02.1	Regional Spatial and Economic Strategy 2020 (RSES)	5
02.2	Cork City Development Plan 2015	5
02.3	Draft Cork City Development Plan 2021	6
<b>03</b>	<b>Key Planning Considerations</b>	<b>8</b>
03.1	Sustainable Housing Location	8
03.2	Addressing Uncertainty	9
03.3	Appropriateness of Landscape Preservation Zoning	10
<b>04</b>	<b>Conclusion</b>	<b>14</b>



# 01 Introduction

## 01.1 Submission Purpose

This submission has been prepared on behalf of MWB Two in response to Cork City Council's invitation for submissions to the Draft Cork City Development Plan 2022 -2028 (Draft DP). This submission is specifically in response to the Council's draft zoning objectives for the South-east City Suburban area of Mahon which will form part of the Cork City Development Plan 2022-2028. In particular it relates to the proposed rezoning of lands identified for residential development in the current 2015-2021 Cork City Development Plan to ZO 18 *Landscape Preservation Zone*.

## 01.2 Submission Context

MWB Two are the owners of c. 1.7 hectares of land (indicated in Figure 01.1) at the former Bessboro Estate located adjacent to Mahon District Centre, within the South-eastern City Suburb of Cork City, as defined in the Cork City Development Plan 2015-2021. MWB Two welcome the identification of Mahon in the Core Strategy as an area for growth consolidation and enhancement by providing a mix of new neighbourhood uses in suitable and underutilised locations. In their view the Mahon neighbourhood area<sup>1</sup> is potentially one of the most sustainable growth locations in Cork City, currently accounting for 8.27% of the jobs in the city while representing only 2.9% of its population. It benefits from excellent sustainable transport options which are set to be further enhanced with the delivery of the Light Rail Transit (LRT) system.

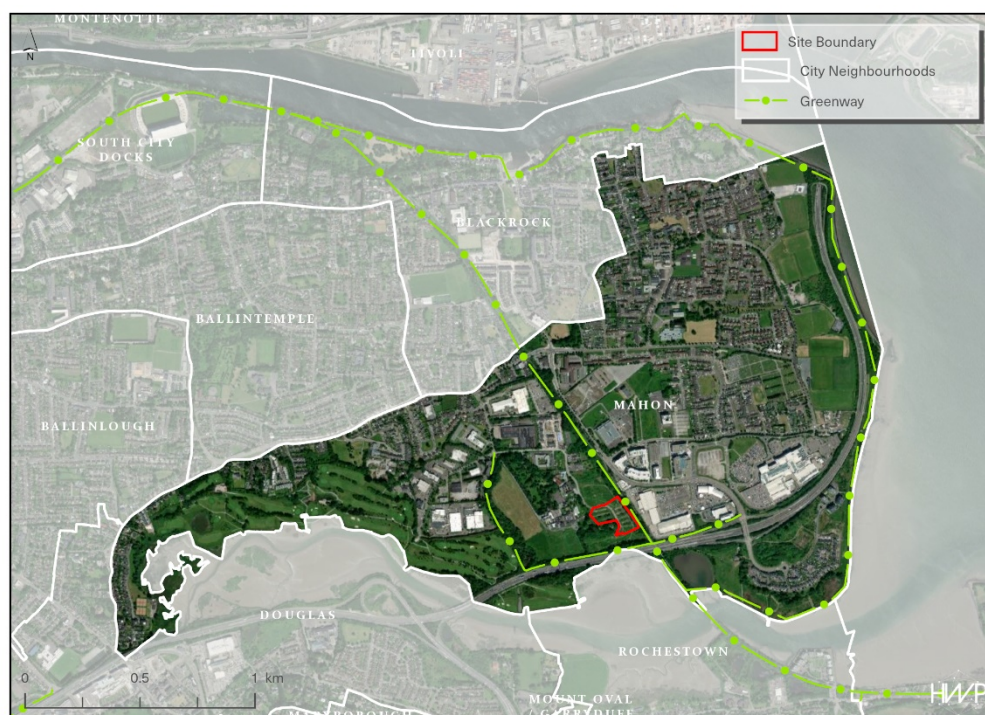


Figure 01.1 Subject Site in Context of the Mahon City Neighbourhood

<sup>1</sup> As defined in the Cork City Neighbourhood Profile prepared by AIRO in support of the Draft DP

It is critical therefore that the development objectives for the Mahon area in general, and the lands in the former Bessboro Estate in particular, build on the considerable strengths of this part of the city and create the right conditions to support its future sustainable growth. Given the ambitious population growth targets set out for Cork City in the Regional Spatial and Economic Strategy 2020 (RSES) and the emphasis on delivering employment-led growth in areas such as Mahon with access to quality public transport opportunities, it is vital that support is afforded to the delivery of important development opportunities in Cork City's most sustainable locations in support of Government policy.

There are well-documented legacy matters related to the former Mother and Baby Home in Bessboro. Specifically, these relate to sensitivities concerning the potential for a children's burial ground in the vicinity of the folly adjoining the subject site, which was raised as a concern during the assessment and decision of a proposed Strategic Housing Development (SHD) on the subject site (ABP 308790-20). As outlined at the limited agenda Oral Hearing held by An Bord Pleanála (ABP) on this matter in April 2021, MWB Two recognises, respects and sympathises with the anxiety of family, friends and others who seek to identify and resolve the burial places of the children who died at Bessboro and, more generally the history of those whose lives were interwoven with the Bessboro Mother and Baby Home.

MWB Two are anxious not to compound the distress of those family, friends and others or, in particular, disrespect those children in making this submission. However, MWB Two have an obligation in the interest of fair, balanced, objective and informed decision making to respond to the proposal by Cork City Council to dezone a portion of the lands.

The basis for the decision clearly arises from the mistaken misdescription of part of the subject site as a potential burial ground. This understanding is based entirely on a fundamental misinterpretation of a particular OSi trace (i.e. draft) map by a single OSi official. There is no other evidence whatever to support the contention that there is a burial ground of any nature in the location. Specifically, as outlined in detail at the ABP Oral Hearing the words "Children's Burial Ground" on a particular trace map in fact refer to the rectangular area just north of the folly and within the circular surround of the folly. Every published OSi map, including the most recent maps, make it clear that the designation "Childrens' Burial Ground" or Burial Ground refers to rectangular area just north of the folly and within the circular surround of the folly. In addition, high resolution aerial photographs in 1951 showed no evidence of burial grounds in the area in question<sup>2</sup> and 2019 excavations in the area in question by an archaeologist and osteoarchaeologist, specifically looking for human remains, found none.

The OSi official in question maintained in a report prepared for the CSSA that the words "Childrens' Burial Ground" referred to lands north west of the folly and that the area of the burial ground was delineated by a blue line. However, at the ABP Oral Hearing, the official conceded that the blue line had in fact, no locational significance. MWB Two called on OSi to review the report issued by their official and correct the public record. OSi confirmed in a response to solicitors for MWB Two that there is no supervision or peer review of such reports before issue. In a further response OSi now state that *"the records available in respect of this matter may be capable of being interpreted in more than one way"* and that *"...OSi is not in a position to provide an unequivocal definitive view as to the precise location of the Childrens' Burial Ground"*.

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<sup>2</sup> Commission 5<sup>th</sup> Interim Report §4.26

Notwithstanding the erroneous interpretation and the contradictory evidence of the OSi official, MWB Two accepts the conclusion by ABP that there are uncertainties in relation to this issue. ABP found the proposed development would be premature prior to the resolution of this uncertainty and implicit in the ABP decision wording is that these concerns could be addressed by means of a full investigation of the site from which certainty would be established.

The findings of ABP in this context were welcomed by public representatives and survivors groups and others. However, the same logic must be applied to the rezoning proposal and MWB Two therefore considers the proposed rezoning of the north-western portion of the subject site from '*Residential, Local Services and Institutional Uses*' to ZO 18 *Landscape Preservation Zone* inappropriate and premature pending the investigation of the site as suggested by the ABP. Similarly, they believe that the retention of the *Landscape Preservation Zone* in relation to the lands to the south-east is unfounded. The landscape sensitivity assessment carried on the Bessboro Estate by AECOM in relation to the SHD application concurred with the Mahon Local Area Plan 2014 (LAP) that the lands within the subject site are uniform in their low landscape sensitivity.

In addition, MWB Two consider that the recent consideration by ABP of residential developments on the lands (ABP-308790-20, 20/39705 & ABP-309560-21) confirms the south eastern portion of MWB Two's lands, identified as Landscape Preservation Area SE4 in the current City Plan, is not sensitive from a landscape or cultural heritage perspective and is suitable for development. Therefore MWB Two consider that the land use zoning objectives for the area should be updated and this area identified as ZO 01 *Sustainable Residential Neighbourhoods* lands in the interest of the sustainable development of the area.

While MWB Two recognize that there are cultural and societal sensitivities associated with these lands, they do not consider the proposed extension of the unrepresentative *Landscape Preservation Zone* designation is an appropriate or suitable response to the uncertainty that pertains to them. The Planning Authority has consistently supported development on this portion of the overall estate. This policy dates from 2003 when permission was granted for an access road and services to facilitate the development of lands to the east (planning ref. TP 03/27028). Reference should be had to the Senior Executive Planner's Report (dated 01/02/2021) in relation to planning application 20/39705 which acknowledges that '*the proposed development is supported in strategic terms and is compliant with the aims of Project Ireland 2040, the National Planning Framework and the Regional Spatial and Economic Strategy (RSES)*'. This view was reiterated in the Planning Authority's Submission (dated May 2020) to the pre-consultation stage of the SHD (ABP-306993) which stated that '*Cork City Council is supportive in principle of the proposed development.*'

MWB Two notes that the CSSA submission to the SHD (ABP 308790) application stated that they welcome appropriate and sensitive development of the subject site and at no stage advocate the preclusion of future residential development at this sustainable location. Given that entirely reasonable approach, our client considers that sensitive residential development of the subject lands at Bessboro, presents an opportunity for survivors to have closure in relation to this site and for wider community benefits in the form of housing (including a significant social housing element) to be realized.

Submission Request



- That the Council support the employment-led, sustainable development of the South-eastern City Suburb of Mahon by facilitating the appropriate and sensitive development of the former Bessboro Estate lands through the extension of the ZO 01 Sustainable Residential Neighbourhoods to include the subject site for housing provision.

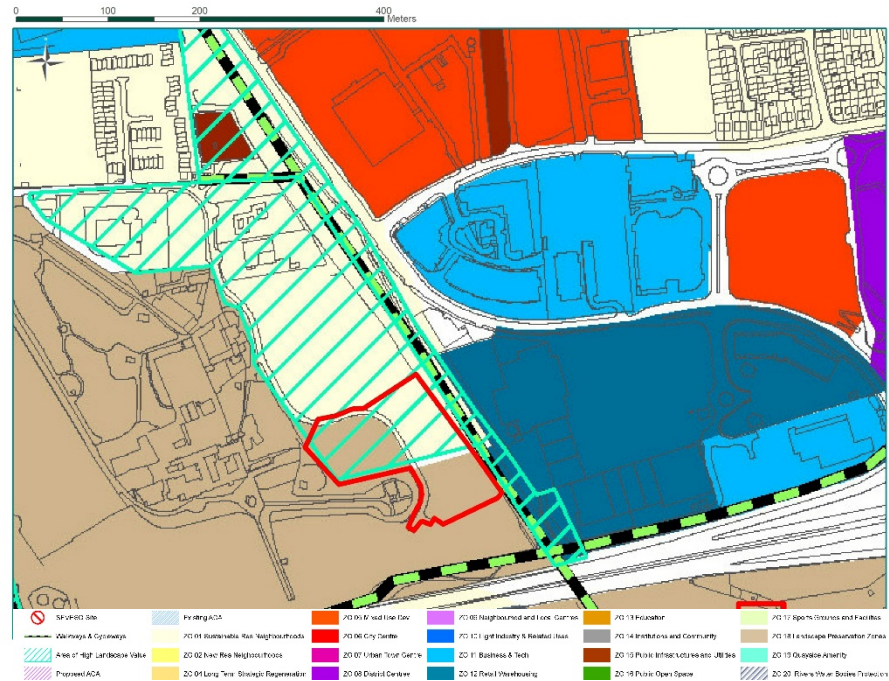


Figure 01.2 Draft DP Zoning at Bessboro

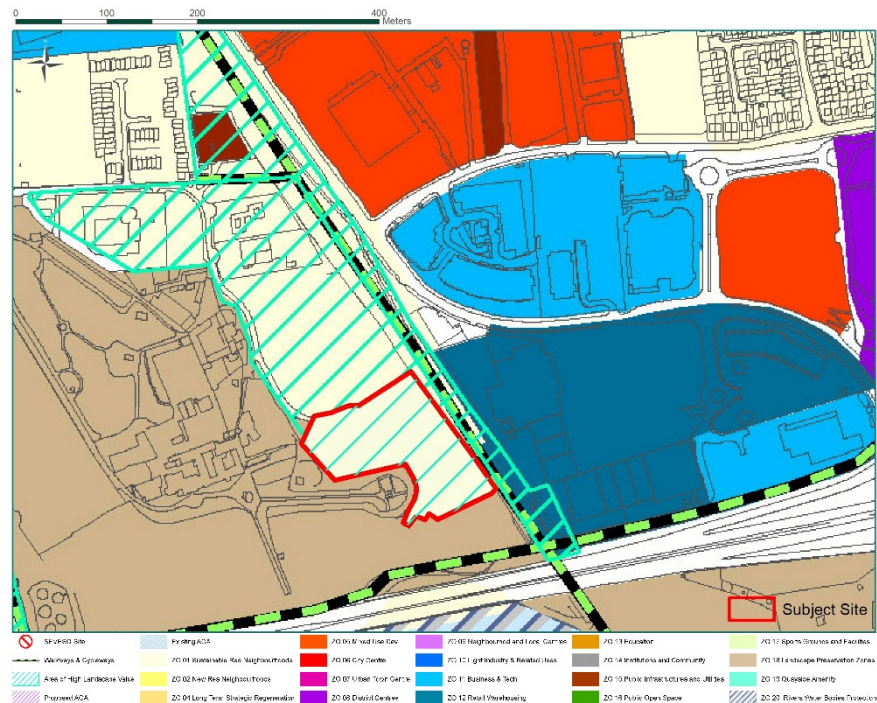


Figure 01.3 Proposed Zoning at Bessboro



# 02 Summary of Policy Context

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## 02.1 Regional Spatial and Economic Strategy 2020 (RSES)

The RSES promotes consolidating and intensifying new residential and employment development to render it accessibility by walking and cycling<sup>3</sup>. The Cork MASP Objective 1b seeks to promote the Metropolitan Area as a cohesive area where population and employment growth are integrated. The RSES espouses the concept of the 'Right Location'<sup>4</sup> which prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. The RSES also supports the concept of sustainable, employment-led growth in settlements in the Cork MASP and wider region<sup>5</sup>.

The RSES follows on from the National Planning Framework (NPF) in promoting development with access to quality public transport opportunities. In particular section 6.3.5 of the RSES summarises the regional policy objectives for the integration of transport planning with spatial planning policies, which includes consolidating and intensifying new residential and employment development to render it serviceable by public transport and ensuring that it is accessibility by walking and cycling<sup>6</sup>.

The Cork MASP Objective 1b seeks to promote the Metropolitan Area as a cohesive area where population and employment growth are integrated. The RSES espouses the concept of the 'Right Location'<sup>7</sup> which prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. The RSES also supports the concept of sustainable, employment-led growth in settlements in the Cork MASP and wider region<sup>8</sup>.

## 02.2 Cork City Development Plan 2015

In the previous City Development Plan (2015) the zoning objective of the northern portion of the subject site was ZO4 - 'Residential, Local Services & Institutions' with a specific zoning objective:

*'To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3.'*

This area was also designated as an 'Area of High Landscape Value'.

The southern portion of the subject site fell within the 'Bessboro House Landscape Preservation Zone SE4', the zoning which pertained to the remainder of the Bessboro Estate lands.

Objective 10.5 in relation to 'Landscape Preservation Zones', specified:

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<sup>3</sup>RSES RPO 151

<sup>4</sup> Section 3.9 RSES

<sup>5</sup> Section 2.4 of the RSES

<sup>6</sup>RSES RPO 151

<sup>7</sup> Section 3.9 RSES

<sup>8</sup> Section 2.4 of the RSES

*'To preserve and enhance the character and visual amenity of Landscape Preservation Zones through the control of development. Development will be considered only where it safeguards to the value and sensitivity of the particular landscape and achieves the respective site specific objectives, as set out in Table 10.2.'*

Table 10.2 of the City Plan defined the landscape assets and site specific objectives for 'Bessboro House Landscape Preservation Zone SE4' as follows

SE4	Bessboro House	J,G,C,B,I	<ul style="list-style-type: none"> <li>• To reinstate Historic Landscape;</li> <li>• To seek use of grounds as a Neighbourhood Park in context of local area plan (H);</li> <li>• To allow development within the immediate environs to the north of Bessboro House consistent with the landscape and protected structure significance of the site.</li> </ul>
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Landscape Assets J, G, C, B and I were defined by Table 10.1 of the City Plan as the following

J	<i>Historic Landscapes (including monuments / historic routes)</i>
G	<i>Landmarks / Natural Features / Cultural Landscape – land forming the setting to existing landmark buildings and/or protected structures / buildings of significance</i>
C	<i>Tree Canopy - Areas with existing woodlands or significant tree groups, or areas with potential for new woodlands.</i>
B	<i>Water / River Corridors - rivers, estuary, harbour, The Lough, Atlantic Pond, Docklands, Port of Cork</i>
I	<i>Institutional Open Space</i>

## 02.3 Draft Cork City Development Plan 2021

The Objective for City Growth are set out in Section 2.56 of the Draft DP. It notes the role of City Suburbs in the Core Strategy as:

*Consolidate and enhance by providing a mix of new neighbourhood uses in suitable underutilised locations. Prioritise walking, cycling and public transport access. Deliver uses, layouts and densities that enhance existing local character. Deliver high quality sustainable transport orientated development in combination with high frequency bus routes, the new commuter station at Blackpool (Kilbarry) and prioritised cycling and walking routes set out in CMATS.*

In the Draft DP it is proposed to re-zone the north-western portion of the subject site from ZO4 - Residential, Local Services & Institutions to ZO 18 Landscape Preservation Zone (LPZ). The specific objectives relating to the SE4 - Bessboro House Landscape Preservation Zone remain unchanged from the 2015 plan, as outlined above.

Section 6.19 of the Draft DP indicates that LPZs are zoned in order to protect the character and amenity of areas which are considered to be highly sensitive to development and to have limited or no development potential. It goes on to note that these areas typically contain distinctive landscape assets.

Objective 6.12 of the Draft DP defines the City Council's objectives in relation to 'Landscape Preservation Zones', as:

*To preserve and enhance the character and visual amenity of Landscape Preservation Zones through the careful management of development. Development will be considered only where it safeguards the value and sensitivity of the particular landscape and achieves the respective site-specific objectives, as set out in Tables 6.6 – 6.10.*

Section 6.47 of the Draft DP sets out an objective for a Bessboro Neighbourhood Park.

# 03 Key Planning Considerations

## 03.1 Sustainable Housing Location

Situated in the south-eastern city suburb, Mahon has become a highly sustainable and self-sufficient location. With a thriving district centre and exponential employment expansion over the last 15 years, it was one of Cork's strongest performing areas in terms of employment growth during the period 2006-2016. Hubs such as Mahon Point Shopping Centre, Mahon Point Retail Park and several major industry employers make Mahon a flourishing area and present sustainable and viable employment opportunities for existing and future residents. The potential of the area to accommodate continued growth has been acknowledged in successive City Development Plan since 1998, with the Draft DP noting that it forms part of the emerging innovation corridor, earmarked for growth consolidation and enhancement, with the RSES - Cork Metropolitan Area Strategic Plan (MASP) identifying Mahon as a '*Key employment site*'. It is set to benefit from significant public transport investment in the coming years and is primed to play an ever-increasing critical role in the economic development of Cork City and wider Cork Metropolitan Area.

Cork City	2011	2016	% pop change
NW Quadrant	22,608	23,336	3.22%
NE Quadrant	24,984	25,996	4.05%
SW Quadrant	36,927	40,442	9.52%
SE Quadrant	51,007	51,605	1.17%
City Centre	21,547	24,188	12.26%

Table 03.1 City Area Population Growth Rates

However, despite this strong employment growth, the population growth rate in the south-eastern city suburb was the lowest across the city in the last intercensal period. This underlines that Mahon has significant residual potential to deliver sustainable employment-led growth in line with the Regional Spatial and Economic Strategy's (RSES) concept of the '*Right Location*'<sup>9</sup>. This sets out that new homes must be provided at locations that can support sustainable development in line with the '*five-minute*' or '*ten-minute*' sustainable city model, where short travel time and ease of access via sustainable travel modes is achieved between where we live, work, access services.

<sup>9</sup> Section 3.9 RSES

If the NPF ambitious growth targets for Cork City and suburban area are to be achieved, with population growth of 105,000 – 125,000 and a minimum population of 314,000 by 2040, this will require a population growth rate of 50 – 60%.

In light of this MWB Two consider that the subject lands represent a sustainable, employment-led residential development location, in a 'Central and/or Accessible Urban Location'<sup>10</sup> within the Cork City development boundary. The connectivity of the lands is supported by the adjacent Passage West and Heritage Park greenways, its location within walking distance of Mahon currently served by a high frequency bus service and by its location within the planned Light Rail Transit (LRT) corridor between Mahon and Ballincollig. Residential development on these lands is in accordance with national objectives and is supported by the long-standing development objective of the 'Bessboro Neighbourhood' concept.

### 03.2 Addressing Uncertainty

MWB Two does not underestimate the sensitivities associated with the legacy of the Mother and Baby Home which operated at this location and are very conscious of the issues associated with development of the subject site. They acknowledge that there are significant and genuine concerns in relation to the potential for undocumented burials across the Bessboro Estate, most of which has now been developed. However, the only evidence that the subject site was a burial ground is the subjective opinion of the OSi official called as a witness by the CSSA at the ABP Oral Hearing. His evidence was comprehensively challenged, and his earlier assertions in relation to locational significance of markings on the map were withdrawn. Most significantly, the conclusions of the mapping expert called by MWB Two were not challenged. Any objective analysis of the report and the evidence confirms that the designation of the subject site as a Childrens' Burial Ground is erroneous.

By way of summary illustration of the point, reference should be had to Figure 03.1 showing the original trace (draft) map, the map as published and a current map from which it is clear that the correct reference is to the folly, not the subject site.

Further, as will be seen from their response already quoted, OSi are not prepared to be as unequivocal on the matter as their official, and they have stated that they are unable to provide a definitive view on the question of the precise location of any burial ground.

The ABP Inspector's concluded that '*no definitive conclusion has been reached in relation to the matter of unrecorded burials*'. She noted:

*it remains my view that a full investigation of the site would be required prior to any works commencing on site. This is consistent with the view put forward by the Minister for Children, Equality, Disability, integration and Youth (the designated Minister) at the Oral Hearing.*

While the archaeological investigations carried out to date do not support the assertion of a burial ground on the site, the uncertainty in relation to this can only be resolved by way of a full site investigation, carried out in accordance with best practice in this regard and in consultation with survivors' groups. Of these, CSSA has confirmed that they are not opposed to residential development on the site and MWB Two share their view that there

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<sup>10</sup> Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities 2018

can be no development on any land factually established to be a children's burial ground. MWB Two submit that prior to any development of these lands a full site investigation must be carried out to determine whether any unrecorded burials are present, and appropriate action taken if this proves to be the case.

While MWB Two notes the decision of ABP that it would be premature to grant permission on these lands prior to this undertaking, they are emphatically of the view that the same logic must be applied to the re-zoning proposed in the Draft DP which will have the consequence that these heretofore residential zoned lands will have no development potential.



Figure 03.1 OS Mapping a – 1956 published 6 inch mapping, b – 1950 field trace map with revisers note, c- 2017 OS published map.

Indeed, ironically, the proposed re-zoning of the lands to a LPZ will postpone indefinitely the addressing and ultimate closure of this issue.

### 03.3 Appropriateness of Landscape Preservation Zoning

The Cork City Council 2014 Mahon Local Area Plan took into consideration the Cork City Landscape Study 2008 in determining its zoning policy. Arising from this Figure 3.2 indicates the entire eastern portion of the Bessboro Estate was deemed suitable for residential development, stating that the susceptibility of this part of the landscape to accommodate change is medium due to the existing character of the site. Two specific development opportunity sites were identified within the subject lands.



Alongside this Figure 3.3 outlines that the main visual interaction was considered to be orientated south from Bessboro House across the historic parkland core and from the estuary north towards Bessboro House. It should be noted that the landscape sensitivity of the eastern side of the estate including the subject site was classified as Low Sensitivity.

The AECOM Landscape and Visual Impact Assessment (LVIA) that accompanied the previous SHD application on these lands (ABP 308790) concurred with the LAP and stated

*A review of onsite conditions confirms that the full extent of the area within the client's lands is homogenous in visual, landscape and conservation terms. As outlined above, the local authority has been consistent in their support for development in this area ... This is raised here as a strategic planning matter that appears to have arisen from a drafting error and we consider the implications are primarily procedural in nature.*

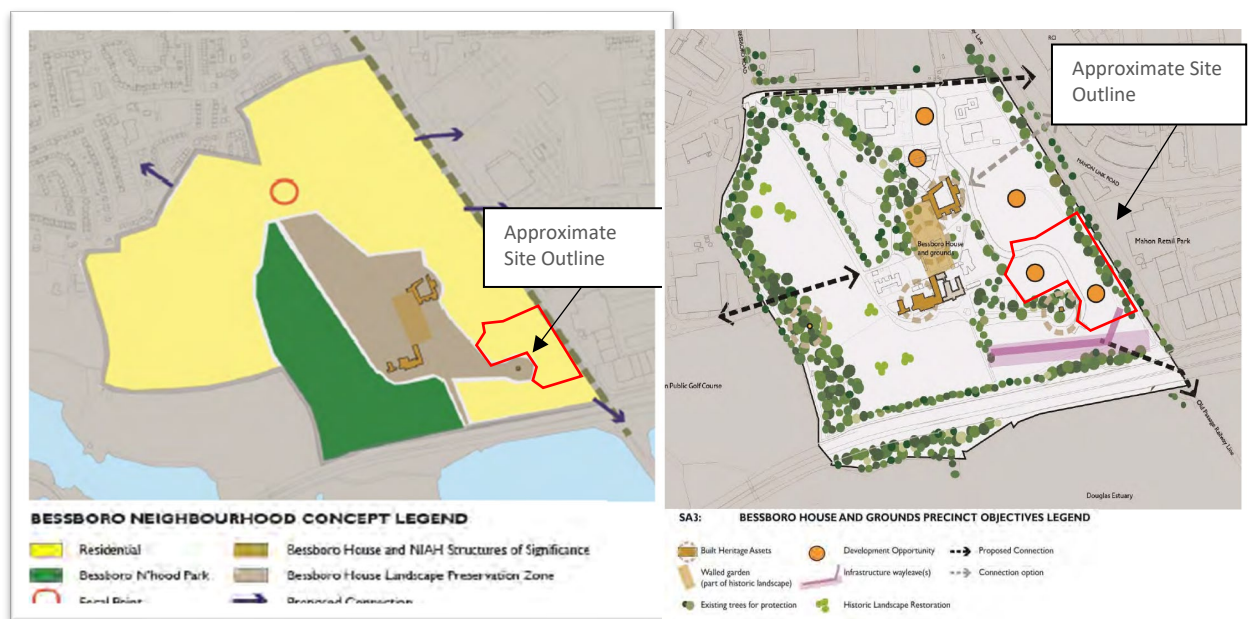


Figure 03.2 Extracted from 2014 Mahon LAP



Figure 03.3 Landscape Sensitivity - Bessboro House and Grounds –Cork City Landscape Study 2008



In considering the proposed development of 67 no. apartments in an 8 storey apartment building on the south eastern portion of the site earlier this year, 20/39705 refers, the City Council had no objection to the principle of the proposed development. Neither the City Architect nor the Conservation Officer expressed any concerns regarding the scale of the proposed development and in fact that City Architect in his report welcomed the proposed "new relationship" with the South Link dual carriageway. The City Architect in his report dated January 19<sup>th</sup>, 2021, highlighted

*In summary the urban design-and architectural concept of the whole development in relating the scheme to the existing "Folly" is a very appropriate starting point given its historic context and the proposed "new relationship" with the South Link dual carriageway. However, the developer has decided to spilt the development of this site into two applications with three apartment blocks as a SHD application to An Bord Pleanála and the other a single apartment block-as a separate application to the City Council. It is acknowledged that this total development - all four apartments blocks - should be assessed as one composition. The major part of this proposal is being assessed as a SHD application by An Bord Pleanála and I believe that this application should only be reconsidered, when a decision has been made on the major part of the scheme. Currently I consider this application pre-mature.*

The City Architect's summary highlights that while the overall proposed scheme was considered to be a successful one, procedural reasons dictated the City Council's decision to refuse permission. Section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016 dictates that the application on the site zoned as SE4 could not be granted permission via the SHD process and therefore, it was not included in the SHD application submitted directly to the ABP<sup>11</sup>. The only solution available to MWB Two to secure permission for a development to which there is no objection to was via a conventional planning application and appeal.

While MWB Two were disappointed with the City Council's decision to refuse permission, they accept that a unique set of circumstances dictated that a refusal was a likely outcome. These unique circumstances create a situation where ABP is the only body which can consider and decide on the overall development, albeit via two separate processes. Based on this the applicants appealed the City Council's decision to ABP (ABP 309560-21 refers).

By the time this appeal was considered by ABP, the larger SHD application had been refused and the Inspector in her report highlighted consistently and correctly that the proposed apartment block on its own would be isolated and it was designed as part of an overall composition. In terms of the principle of development on the site the Inspector at Section 8.2.4 of her report concluded

*Therefore, in principle, should the lands immediately to the north be developed I submit that the subject site would be suitable for residential development whereby a material contravention of the zoning provisions of the development plan could be countenanced.*

On July 15<sup>th</sup>, 2021, ABP refused the proposed development for a single reason

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<sup>11</sup> ABP-308790-20

*The majority of the site is located within an area zoned Z012 Landscape Preservation Zone in the current Cork City Development Plan, the objective for which is to preserve and enhance the special landscape and visual character of the area. There is a presumption against development within this zone, with development only open for consideration where it achieves the site specific objectives as set out in Chapter 10, Table 10.2. The proposed development comprising an eight-storey apartment block (Block D) has been designed as part of a larger residential development of 246 apartments and a creche in four blocks. 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.*

ABP's decision did not raise any concerns regarding the prospect of unrecorded burial in the south eastern portion of the site and there has been no suggestions or evidence of any such.

## 04 Conclusion

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MWB Two welcomes this opportunity to make a submission on the zoning objectives contained within the Draft DP. MWB Two and the Council are aligned in the goal to support consolidated growth in the Cork Metropolitan area, and in particular in the South-east City Suburb of Mahon where there is a real opportunity to deliver on sustainable, employment-led growth.

Mahon is a prime example of the RSES concept of the '*Right Location*'<sup>12</sup>, where employment-led, sustainable growth can be achieved by providing new homes in line with the '*five-minute*' or '*ten-minute*' sustainable city model, with short travel times and ease of access via sustainable travel modes achieved between where we live, work, access services.

There is no objective reason whatsoever why the current zoning should be changed, apart from the considerable uncertainty which has been created by the propagation of an erroneous interpretation of one draft map by a single OSi official, whose views were not peer reviewed or approved before issue by OSi, who have expressed considerably less certainty about the matter than their official. In view of this uncertainty and prior to a full site investigation ABP considered it premature to grant permission for the development of the subject site. MWB Two have and had no objection to this proposed approach and at the Oral Hearing had suggested the imposition of pre-development conditions which would have finally established certainty with regard to burial on the subject site.

However, the rezoning proposal contained in the Draft DP goes beyond this and has the effect of removing any development potential from the north-western portion of the subject site.. Section 6.9 of the Draft DP attributes this re-zoning to the presence of distinctive landscape assets. However, in the 2008 Cork City Landscape Study, the 2014 Mahon LAP and the AECOM LVIA, the entirety of the subject lands were consistently considered to be homogenous, of low landscape sensitivity and suitable for residential development.

Further, ABP and the City Council in the assessment both of the SHD application and application (20/39705) have confirmed that MWB Two's entire lands are homogenous in terms of low landscape sensitivity and that there were no landscape, visual amenity or heritage constraints to the development of the entire lands.

In the context of the current housing crisis this approach does not represent an efficient use of these sustainable, central and accessible lands.

Based on the above MWB Two consider the homogenous subject site would be more appropriately zoned in its entirety as an extension of the adjacent ZO 01 Sustainable Residential Neighbourhoods rather than being subdivided with portions of Landscape Preservation Zones as proposed in the Draft DP. They concur with ABP and the Minister for Children, Equality, Disability, Integration and Youth that a full site investigation should

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<sup>12</sup> Section 3.9 RSES

be carried out, in consultation with survivors' groups prior to any development being permitted on site.

For the reasons stated in detail in this submission, the proposed rezoning would be

- premature;
- based on erroneous facts, evidence and conclusions;
- contrary to the established zoning and planning policies of Cork City Council for this area;
- contrary to proper planning and development principles;
- contrary to the principles set out by ABP for the subject site;
- oppressive of the interests of survivors in having certainty established;
- oppressive of MWB Two's legitimate interests and expectations as buyers of zoned lands
- potentially subject to challenge as unlawful

and should not be proceeded with accordingly.