

Mr. Joe Gavin,  
City Manager

March 18<sup>th</sup> 2010

**Re: Public Open Space on the Former Munster Agricultural Society Showgrounds**

On October 12<sup>th</sup> 2009, An Comhairle deferred decision on the City Manager's report of May 14<sup>th</sup> 2009 regarding the proposed redevelopment of Pairc Uí Chaoimh stadium by Cumann Luthchleas Gael Coiste Chontae Chorcaí (Cork GAA County Board). This report did not recommend the disposal of 12.3 acres (4.98 ha) of the recently acquired Munster Agricultural Society Showgrounds to the Cork GAA County Board, as these lands will be joined to the Atlantic Pond forming the core of Marina Park, which will become a major public space serving both Docklands and the wider sub-region, but recommended that:

1. Cork City Council will facilitate the proposal for the refurbishment of the current Pairc Uí Chaoimh, including the 15m wide spectator circulation area, which will involve disposal of approx 1.98 acres (0.8ha) of land to Cumann Luthchleas Gael Coiste Chontae Chorcaí (Cork GAA County Board). Any such land disposal will be valued on the decision of the Arbitrator on the acquisition of the Showgrounds (see map attached).
2. Any parking facilities provided in Marina Park should be publicly available and part of the overall design that will be prepared for the proposed Marina Park and the Marina.
3. The expressed need for a warm-up area to service the stadium should be met as part of the overall design of Marina Park which will be prepared by the City Council. The disposal of land for a full size all weather pitch is not recommended because of its negative impact on the proposed Marina Park.

This report sets out the reasons why the disposal of 12.97 acres (5.25ha) in public ownership, and earmarked for the development of Marina Park, should be not be approved by City Council and provides the policy context for this recommendation.

In 2007, An Bord Pleanála confirmed a Compulsory Purchase Order made by Cork City Council in respect of:

- (a) lands to the north of Pairc Uí Chaoimh stadium with an area of 3.71 acres (1.5ha);
- (b) the Showgrounds site 21.88 acres (8.86ha)

for the purpose of developing Marina Park – a sub-regional public park.

In 2008, the Cork GAA County Board presented a document to the Cork Docklands Development Forum called '*Development of Pairc Ui Chaoimh & Showgrounds Cork*'. This document was subsequently presented to Cork City Council in March 2009 and outlined proposals for the redevelopment of the stadium and the development of an associated centre of excellence. Works proposed included:

- the refurbishment and enlargement of the stadium;
- the development of 308 surface car parking spaces
- the development of an access concourse and the provision of facilities including a museum, meeting rooms, function rooms, all weather playing pitch and a warm-up area.

This proposal would require 12.97 acres (5.25ha) of publicly owned land and this figure has been confirmed by the Cork GAA County Board.

The reasons why I consider that the disposal of 12.97 acres (5.25ha) of public lands, designated for the development of a sub-regional park, should not be approved by City Council are set out below:

- The former Munster Agricultural Society Showgrounds were acquired for €11.5 million (plus over €1 million in costs) for the specific purpose of the development and consolidation of a public park. Assisting a private organisation to obtain these lands would not be in the interests of protecting public assets;
- The current shortfall of public open space to meet the needs of the projected South Docks population is in the range 7.66 acres – 17.25 acres (3.1 ha – 6.98 ha). Taking a lower threshold from the 1999 and 2009 Department of Environment, Heritage and Local Government (DOEHLG) Guidelines, the current shortfall is still 6.01 acres (2.43 ha). The Cork City Development Plan public open space requirements are higher than the DOEHLG standards to take into account the greater development densities in Cork Docklands. Any lands currently zoned as public open space should therefore remain as such (see Appendix 2 for detailed calculations);
- These shortfalls in public open space would be increased by 12.97 acres (5.25 ha) if the total area requested by the G.A.A. is disposed of. This is 50% of the lands that were acquired by CPO for the purpose of developing Marina Park. Disposal of these lands would leave a total shortfall of public open space in the range of 20.63 acres – 30.22 acres (8.35 ha – 12.23 ha) under the Cork City Development Plan requirements and of 18.98 acres (7.68 ha) under the 1999 and 2009 DOEHLG guidelines;
- Any development of lands zoned for public open space for non-public purposes would materially contravene Policy 11.3 and Zoning Objective ZO15 of the Cork City Development Plan 2009-2015. Policy 11.3 states that it is the objective of the City Council: '*to protect, retain, improve and provide for areas of public open space for recreation and amenity purposes*' and there '*will be a presumption against the development of such lands for alternative purposes.*'<sup>1</sup> Paragraph 15.19 emphasises the

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<sup>1</sup> P. 142

*public nature of such lands, as opposed to lands zoned as 'Sports Grounds', by stating that 'while primarily used for passive and informal recreation, lands zoned 'public open space' may also incorporate public sports facilities and grounds.'*<sup>2</sup>

The loss of zoned public open space should therefore be guarded against. The acquisition of public lands and its subsequent enclosure for private use would set an undesirable precedence for the further loss of public open space in Docklands and the wider city. The policy background is fully set out in Appendix 1;

- The enclosure and privatisation of lands surrounding Pairc Ui Chaoimh stadium would result in a lack of integration and a physical disconnection in a poorly laid out park. The remaining lands would lack flexible space and be a poorly functioning and underused public facility. It would also place a barrier between the existing Marina lands and the South Docks population. This would seriously compromise the excellent standard in public space provision that is a key objective of the overall Docklands development and which will be necessary to attract residents and businesses;
- The lands surrounding Pairc Ui Chaoimh have been zoned as public open space since 2004. It was on the basis of this zoning and the stated intention in the 2004 Cork City Development Plan to consolidate these lands into a proposed sub-regional park, to be known as Marina Park, that the Showgrounds and the O' Keeffe lands were acquired under CPO. The disposal of these lands to a private entity is not considered to be in the interests of the common good or the proper planning and sustainable development of the area;
- Public open space provision in the city centre and Docklands is poor, with only a number of small parks, the largest being at some distance from the city centre. If some or all of the land acquired under the C.P.O. is lost to public open space, an obligation would be placed upon the Local Authority to seek replacement land elsewhere in order to adequately serve the public open space requirements of the Docklands area. However, the capacity to acquire such space is severely limited and would require a de-zoning of existing development land and result in compensation claims from owners/developers whose land currently holds development potential and associated worth under the zoning strategy set out in the Cork City Development Plan and Local Area Plans;
- The disposal of the full 12.97 acres (5.25ha) requested would result in 50% of the lands acquired by the City Council under C.P.O. being lost to public use. The potential public open space shortfalls have been outlined above. Appendix 4 is an excerpt from the report of the Inspector appointed by An Bord Pleanála to hold a public inquiry into the objections to the C.P.O., summarising City Council evidence on Pairc Uí Chaoimh stadium and the future of the Showgrounds. This approach proposed in this report is entirely consistent with the evidence provided by City Council officials;

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<sup>2</sup> P. 224

- The entire lands within the City Council's ownership in Docklands are required for use as the park, as well as some additional lands in private ownership, which are yet to be acquired in order to make good the public open space shortfall outlined above;
- Public open space has traditionally been used in the main for passive recreational purposes, with only 4% of users engaging in active recreation;
- The needs of the general population and the various sporting clubs can be more than adequately served under the current development regime set by the Cork City Development Plan, 2009 and the South Docks Local Area Plan, 2008. It is considered that any active recreational facilities developed as part of Marina Park should be controlled by the City Council in order to offer a wide variety of activities to the whole community. If such lands were controlled by individual clubs this would not make optimum use of the lands or adequately cater for the diverse recreational needs of the population;
- Consultants are currently being procured to design this important space, as well as the Marina from Shandon Boat Club to Blackrock village. The design of this space will be integrated with the Docklands Public Realm Design currently being prepared. The design for Marina Park will be influenced by the Recreational Needs Study and the Parks and Open Space Strategy currently being prepared for the city. If these studies demonstrate the need for a playing facility in Marina Park, then this can be provided by Cork City Council and made available by licence to the Cork G.A.A. County Board and to other organisations.

It is of critical importance that any facilities providing for active recreation are designed and located in a way that delivers the optimum layout of these facilities in relation to the population that will use them.

Therefore it is premature at this stage to determine whether active recreation facilities should be provided or where they should be provided if deemed necessary.

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Patrick Ledwidge  
Director of Services - Docklands

## APPENDIX 1: POLICY BACKGROUND

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### ***1.1 National Policy Guidance***

Section 67 and Schedule 13 of the Local Government Act, 2001 empower local authorities to take such measures, engage in such activities or do such things (including the incurring of expenditure) as they consider necessary to promote the interests of the local community. This includes general recreational and leisure activities such as the provision of parks, gardens and open spaces. The exercise of these powers is a matter for individual authorities. To assist local authorities in discharging their functions, the Department of Environment issued policy guidance in 1987 in the form of 'A Parks Policy for Local Authorities', which outlined a national policy for the provision, development, administration and maintenance of a graded system of parks, open spaces and outdoor recreation areas by local authorities.

The Guidelines state that:

*'In assessing the open space and outdoor recreation requirements of urban areas, a minimum standard of 2 hectares (5 acres) of public open space per 1,000 population is considered appropriate. To meet this standard, suitable areas of land should be identified and reserved for public open space purposes in the development plan and subsequent action plans. In the major urban areas, planning for open space provision should generally be based on population units of about 10,000. For such a unit it should be the objective to provide a Neighbourhood Park of about 16 hectares and two Local Parks each of about 2 hectares. While it may not always be possible to provide the entire open space in this way, every effort should be made to aggregate existing and proposed open space into the smallest possible number of units of suitable shape and size so as to permit subsequent maintenance at minimum cost and to allow maximum flexibility of use.'*<sup>3</sup>

In addition, the guidelines make recommendations in regard to the use of the parks as follows:

*'All parks and open spaces....should be freely available for the use of the public. Individual clubs should not be permitted to enclose sections of open space, and exclusive and sole use of facilities provided should not be granted on a continuing basis to any club or organisation.'*<sup>4</sup>

In 1999, the DOEHLG produced 'Guidelines for Planning Authorities on Residential Density'. These guidelines focus on the need to place a greater emphasis on the quality of open space including spaces suitable for children's play and passive amenity. According to these guidelines, the provision of open space to serve new residential developments should be on an hierarchical basis, varying in size from large regional parks to small children's play areas and passive recreation spaces close to people's homes.<sup>5</sup>

In terms of the quantitative requirements for public open space, the guidelines state that:

*'In greenfield sites or those sites for which a Local or Action Plan is appropriate, public open space should be provided at a minimum rate of 15% of the total site area. This*

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<sup>3</sup> Pgs 7 & 8.

<sup>4</sup> P. 10.

<sup>5</sup> P.19

*allocation should be in the form of useful open spaces within residential developments and where appropriate, larger neighbourhood parks to serve the wider community.*<sup>6</sup>

More recently, (2007), the DOEHLG produced guidelines for planning authorities on Development Plans, which highlight the requirements regarding recreation and amenities under the Planning and Development Act 2000 to which local authorities must have regard in preparing their development plans. The guidelines state that the requirements of the planning authority for public open space and recreation space provision in connection with development proposals, particularly residential development, should be set out in the Development Plan and the planning authority's own specific objectives in this regard should also be indicated.<sup>7</sup>

A number of DOEHLG publications including Quality Housing for Sustainable Communities (2007), Urban Design Manual (2008) and Sustainable Residential Development in Urban Areas (2009) have been produced since the adoption of the L.A.P.s for the Docklands. The first two of these offer advice on qualitative aspects of public open space, however they note that the Development Plan should be referred to in relation to open space standards and requirements. The latter publication refers to the fact that '*assessing open space requirements on a population basis can be difficult due to the unpredictability of occupancy rates where often larger houses and apartments are occupied by fewer persons than the number of bed spaces would indicate.*'<sup>8</sup> The Guidelines instead recommend using a standard of 15% of the total site area in areas for which a Local Area Plan is appropriate.

### ***1.2 Local Policy***

In the '*Cork City Development Plan Review, 1998*' the Marina Park lands held a combination of zonings including Strategic Site (Showgrounds), Sports Grounds (Pairc Ui Chaoimh), Public Open Space and Amenity lands (Marina and Atlantic Pond area).<sup>9</sup> This plan was prepared in advance of the '*City Docks Integrated Area Plan*' of 1998 in which the redevelopment of Cork Docklands as a whole was first proposed. This plan was submitted under the Government's Urban Renewal Scheme and a number of sites were designated for tax relief purposes.

The '*Cork Area Strategic Plan 2001-2020*' also supported the concept of the regeneration of the Docklands area. The plan sets out a broad strategic planning framework for Metropolitan Cork and the surrounding ring towns and envisaged that a revitalized city centre would act as a main economic driver with the Docklands providing a vital role in the city's renewal.

### ***Cork Docklands Development Strategy, 2001***

The establishment of the Docklands Directorate and the commissioning of the '*Cork Docklands Development Strategy*' in 2001 saw the focus of the City Council turn fully towards the redevelopment of the area. The Strategy set out a vision for a new urban quarter, with a vibrant mix of building uses with a population of some 13,000 persons and a working population of 23,000. A major element of the Strategy was the creation of Marina Park,

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<sup>6</sup> P.20

<sup>7</sup> Development Plans – Guidelines for planning authorities. DOEHLG (2007), P. 51

<sup>8</sup> P.33.

<sup>9</sup> Figure 6.1 Development Objectives – South East of the Cork City Development Plan Review, 1998.

through the consolidation of undeveloped land around the Showgrounds and Pairc Uí Chaoimh.

The Strategy states that Urban Precinct Number 16, 'Marina Park', will provide a large green open air recreational space to the east of the city with some regional facilities. It could become a focus for a wide range of urban activities, including temporary uses of the Showground area, university campus exhibition uses, sports and other recreational uses.

*Cork City Development Plan, 2004*

The '*Cork Docklands Development Strategy, 2001*' acted as a background document and informed the development of the statutory planning policies set out in the '*Cork City Development Plan, 2004*'. The City Plan identified the Docklands as one of four key development opportunities and gave a statutory basis for policy relating to Docklands development. Policy CC19 of the City Plan sought to reserve areas for public open space including Marina Park. The general policy regarding public open space was to protect and improve existing space and to provide high quality open spaces, well designed and accessible to the community.<sup>10</sup> The two main objectives for the Marina Park Precinct were the development of the sub-regional park to the south and a science/technology park to the north. The specific policy objective for Marina Park was set out in Policy CC16, under which it was intended to provide a high quality sub-regional city park, allowing for some pavilion buildings within a context of maintaining the open character of the park. Paragraph 9.117 stated that Marina Park had a major role to play in visual terms, providing a soft semi-natural environment in the Docklands area. It would incorporate the existing wooded linear park, the Munster Showgrounds and the Pairc Uí Chaoimh Stadium, linking the city to Blackrock via the Marina. High quality amenity areas were required, given the population/employment levels envisaged in Docklands. The selection of the area zoned as public open space was prompted by the proximity of other recreational areas such as the Atlantic Pond, the Marina, Pairc Uí Chaoimh, etc.

*South Docks Local Area Plan, 2008*

The South Docks Local Area Plan was produced in 2008 and amplified these planning policies in relation to Marina Park. The lands are zoned as public open space in the plan and it is proposed to develop these lands as 'Marina Park', with high quality landscaping and having a mix of active and passive recreational facilities. Marina Park is central to the redevelopment of Cork Docklands, being the primary public open space in a high density, mixed use area with a target population of 20,000 residents and 25,000 jobs. The Park will also benefit the wider city through its links to the Marina and the proposed riverside walkways in the South Docks west of Shandon Boat Club and eastwards between Blackrock Village and Blackrock Castle.

Policy relating to the development of Marina Park is outlined in Section 5.12 of the South Docks Local Area Plan, 2008 as follows:

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<sup>10</sup> References NHR, and NHR 11

*'The area has the potential to become the focus for a wide range of activities. Pairc Uí Chaoimh has the potential to be upgraded and developed into a high-class seated stadium within walking distance of high quality public transport. Associated amenity, leisure and cultural uses could be developed in close proximity, including the provision of rowing facilities.*

*Marina Park presents a significant amenity area for residents and workers in the South Docks and City Centre. Therefore, all development proposals in Marina Park must demonstrate sufficient regard to the protection of the natural heritage and biodiversity of the area.*

*Objective SD 64: Marina Park*

*Cork City Council will actively encourage the development of the following elements in order to guide the sustainable development of the Marina Park Precinct:*

- *Provision of a sub-regional park.*
- *Working with Cummann Luth-Chleas Gael Choiste Chontae Chorcaí to accommodate the upgrading of Pairc Uí Chaoimh to a modern stadium and to facilitate the development of a Centre of Excellence, which may involve the transfer of some additional lands.<sup>11</sup>*

The Public Realm Strategy of the S.D.L.A.P. details the potential uses and configuration of Marina Park including:

1. *Existing tree-lined Marina;*
2. *Showgrounds and Pairc Uí Chaoimh;*
3. *Atlantic Pond;*
4. *Ecological Park and*
5. *Marina Discovery Park.<sup>12</sup>*

*Cork City Development Plan 2009*

The bulk of Marina Park is zoned as public open space within the 'Cork City Development Plan 2009-2015'. Pairc Uí Chaoimh and the Dunlop's social pitch and putt grounds are zoned as Sports Grounds.<sup>13</sup> The lands to the east of the Atlantic Pond have an added zoning as 'Areas of High Landscape Value'.<sup>14</sup>

Paragraph 11.7 of the Plan states the following in relation to the development of Marina Park:

*'As part of the South Docks Local Area Plan 2008 it is proposed to develop Marina Park. It will extend east from the Showgrounds including the Atlantic Pond and the underutilised parklands north of the old rail line and south of the Marina. It is proposed to accommodate the upgrading of Pairc Uí Chaoimh to a modern stadium by working with the G.A.A. and to facilitate a Centre of Excellence. The Showgrounds will be developed as an area of public open space. It is proposed to promote an international design procurement competition for the design of Marina Park and to provide public art*

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<sup>11</sup> Pgs. 115-116. S.D.L.A.P.

<sup>12</sup> P. 147, S.D.L.A.P.

<sup>13</sup> No submission to the Draft Cork City Development Plan 2009 was made by the G.A.A.

<sup>14</sup> Maps 1 and 7, Volume 2, Cork City Development Plan 2009.

*and an outdoor performance space. It is proposed that Marina Park be developed between 2010 and 2013.*<sup>15</sup>

In relation to the quantitative provision of public open space in the South Docks, the Plan states that: *'public open space requirements indicated in the South Docks Local Area Plan will be applied in the South Docks area.'*<sup>16</sup>

Policy 11.3 of the Plan states, in relation to public open space policy, that it is the objective of the City Council: *'to protect, retain, improve and provide for areas of public open space for recreation and amenity purposes'* and that there will be *'a presumption against the development of such lands for alternative purposes.'*<sup>17</sup>

Zoning Objective ZO15 in relation to public open space is elaborated upon in Paragraph 11.19 and emphasises the *public* nature of such lands as opposed to lands zoned as 'Sports Grounds' by stating that *'while primarily used for passive and informal recreation, lands zoned 'public open space' may also incorporate public sports facilities and grounds.'*<sup>18</sup>

### **Conclusions**

The successive plans for the area in which the lands are located have followed a logical sequence and have adopted a consistent approach extending from the general / high level to the particular / local in planning terms. This approach represents a high level of objectivity and consistency on the part of the City Council in seeking to secure its objectives relating to the provision of public open space requirements in Cork Docklands. As a result of this approach An Bord Pleanála confirmed the City Council's C.P.O. of lands surrounding Pairc Uí Chaoimh Stadium in order to consolidate existing public open space and develop Marina Park.

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<sup>15</sup> P.141 Cork City Development Plan 2009.

<sup>16</sup> P.248 Cork City Development Plan 2009.

<sup>17</sup> P. 142

<sup>18</sup> P. 224

## **APPENDIX 2: JUSTIFICATION FOR AMOUNT OF LAND REQUIRED FOR USE AS PUBLIC OPEN SPACE**

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The policies applied in the Cork City Development Plan 2004 and the '*South Docks Local Area Plan, 2008*', sought 10-14% of the South Docks area *net* of Marina Park for use as public open space plus the entire Marina Park area as proposed in these documents. This equates to 24.5 acres – 34.09 acres (9.92 ha – 13.8 ha) of the overall 245 acres (99.2 ha) of developable area in the South Docks plus Marina Park which was a new proposal in the 2004 Development Plan. This approach is confirmed in the Cork City Development Plan 2009-2015.

There are 18.50 acres (7.49ha) zoned public open space in the South Dock Local Area Plan net of Marina Park. Marina Park was extended in the South Docks Local Area Plan (and the subsequent Cork City Development Plan 2009-2015) to an expanded area of 85.41 acres (34.58 ha). However not all of this area is public open space as it also contains Pairc Uí Chaoimh stadium, the Cork Main Drainage Pumping Station, Cork Boat Club's proposed facility, the approach road to the Eastern Gateway Bridge and areas measuring c. 3.5 acres (1.42 ha) that are being acquired by Cork City Council whose precise use has yet not been determined.

Existing provision of public open space to cater for the current city centre and Docklands is poor, so any existing areas of public open space are required to meet current demands and cannot be reckoned to meet the needs of the future Docklands population. Cork City Council acquired 25.69 acres (10.4 ha) of land comprising the Munster Agriculture Society's Showgrounds and adjacent land as public open space for incorporation into Marina Park. It is now proposed to dispose of 1.66 acres (0.67 ha) of these lands to the Cork G.A.A. County Board. This leaves 24.03 acres (9.73 ha) for incorporation into Marina Park.

Thus the area of new public open space available to meet the needs of the South Dock Local Area Plan population of 20,000 people is 42.53 acres (17.22 ha). The Cork City Development Plan and the South Docks Local Area Plan both require 24.5 acres – 34.09 acres (9.92 ha – 13.8 ha) plus 25.69 acres (10.4 ha) of Marina Park to meet the needs of the South Docks Local Area Plan population, giving a total of 50.19 acres – 59.78 acres (20.32 ha – 24.20 ha). The public open space shortfall under the Cork City Development Plan requirement is thus in the range 7.66 acres – 17.25 acres (3.1ha – 6.98 ha)

Using the 1999 and 2009 DOEHLG Guidance, the requirement for public open space to serve the South Docks amounts to 48.54 acres (19.65 ha), being 15% of the total area of 323.57 acres (131 ha). Under these guidelines, there is a shortfall of 6.01 acres (2.43ha) in current open space proposals. The Cork City Development Plan public open space requirements are higher to take into account the greater development densities in Cork Docklands.

These shortfalls are being addressed through the aforementioned acquisition of lands adjacent to the Marina and leveraging additional public open space as planning applications are lodged for properties in the South Docks.

These shortfalls in public open space would be increased by 12.97 acres (5.25 ha) if the total area requested by the G.A.A. is disposed of. The total amount of lands requested by the GAA is 50% of the lands that were acquired by C.P.O. for the purpose of developing Marina Park.

This leaves a total shortfall of public open space in the range 20.63 acres – 30.22 acres (8.35 ha – 12.23ha) under the Cork City Development Plan requirements and of 18.98 acres (7.68 ha) under the 1999 and 2009 Department guidelines.

### APPENDIX 3: LOCATION & SUITABILITY OF LANDS ZONED PUBLIC OPEN SPACE

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In terms of location, the lands obtained under C.P.O. are ideally suited for the consolidation and provision of a public park because of their proximity to Atlantic Pond, the River Lee Estuary, Pairc Uí Chaoimh and the walkways which serve the Mahon Peninsula. This location influenced their zoning as public open space in the '*Cork Docklands Development Strategy, 2001*', the '*South Docks Local Area Plan, 2008*' and the City Development Plans of 2004 and 2009. The lands which currently function as public open space are not fully usable, are generally fragmented, and not of an appropriate scale to serve Docklands. They primarily function as passive amenity space.

Given the configuration of the zoned lands, the greatest scope for active amenity use lie at the lands surrounding Pairc Ui Chaoimh stadium and, to a lesser extent, those located between the pumping station and Blackrock Harbour. The lands acquired under C.P.O. offer good potential for use as active recreation, being of sufficient scale and offering the opportunity to cluster amenity facilities close to the development area. The lands will help to improve connectivity between the existing Marina lands and the proposed development area. The scale of the proposed C.P.O lands, at 25.69 acres (10.4 ha), is significant as it has very large impact on the public open space deficit, providing such space within a single area. As stated by the Inspector in the report into the C.P.O. '*to have such a comprehensive area of land available as one unit, especially in an area which is being promoted for redevelopment is a significant advantage for the area*'.<sup>19</sup>

Public open space provision in the city is at a poor level, with only a number of small parks, the largest being at some distance from the city centre. If some or all of the land acquired under the C.P.O. is lost to public open space, then an obligation would be placed upon the Local Authority to seek replacement land elsewhere. However, the capacity to acquire such space elsewhere is severely limited. The surrounding lands are, for the most part, already developed apart from some land to the rear of Ardfoyle Convent, which may in the future be acquired for inclusion in Marina Park. The remainder of the lands in Docklands are zoned for active development purposes and it would not be economically feasible to acquire such lands for use as open space. For example, the Showgrounds lands, which were zoned as public open space not development land, were valued at arbitration at €1.5 million – approx €30,000 per acre (€1.32 million per hectare).

The lands located within the development body of the site are required for development purposes in order to ensure the attainment of the critical population mass required for the development of Docklands and the continued vibrancy of the city centre. They would not be suitable for use as major public open space areas in any event as they are isolated from the passive amenity areas of the Marina and the Atlantic Pond and would not benefit from the consolidation of the existing public open space lands.

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<sup>19</sup> Michael Ward in P.L.28.CH.2278, P. 63. It is important to note that the population capacity figures proposed under the South Docks Local Area Plan, 2008 are substantially higher than the population capacity figures prepared in 2001 under the Docklands Development Strategy on which the C.P.O. was based (13-15,000 population). It was on the basis of a severe shortage of public open space that the C.P.O. lands were sought and the order confirmed by An Bord Pleanála.

**APPENDIX 4: EXTRACTS FROM THE REPORT OF THE INSPECTOR TO AN BORD PLEANÁLA  
ON THE C.P.O. OF LANDS AT THE MARINA**

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*'Reports were read with regard to GAA plans to expand Pairc Uí Chaoimh following the CPO. A press report of 15 June, 2006, suggested, inter alia, that the GAA are concerned about their inability to revamp/expand the Stadium due to lack of land. No steps were taken by the Council to refute various points in this report. The City Manager had received a plan from the GAA indicating a car park in the western half of the Showgrounds. No commitment had been made to the GAA in relation to the CPO lands. The Council would not countenance giving over of the entirety of the lands to the GAA. A minimal amount of land might be considered for the GAA but the primary use of the lands would be for open space.*

*The evidence of the Council's team of witnesses is that the Marina Park is a key flagship project crucial for the Docklands and in line with the Docklands Strategy and the Development Plan. Account would have to be taken of the City's major Stadium in its location which might involve minimal assistance from the City Council. No guarantees could be given by a Council official that policies would not change in the future with regard to the use of the lands. That is the way the system works.*

*In relation to an article in the Irish Examiner on 13 June, 2006, dealing with a possible revamp of Pairc Uí Chaoimh, the City Council do not see training pitches for the GAA being accommodated. One pitch may be provided to remain in the City Council's ownership to be leased out. Its dimensions would be decided by the City Council.*

*In an article in the Evening Echo of 14th June, 2006, reference was made, inter alia, to Pairc Uí Chaoimh and plans to improve it. It is the Council's intention to facilitate the GAA minimally. There would be no inconsistency in so doing given the location of the park.<sup>20</sup>*

*'A public open space is an area to which the public have access. Some are enclosed, others are not.'<sup>21</sup>*

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<sup>20</sup> P.32 of Inspector's Report

<sup>21</sup> P.35 of Inspector's Report