

Caseworker Report	
Application for a Maritime Area Consent (MAC) under Section 75 of Maritime Area Planning Act 2021 (the Act)	
Application Details	
MAC Applicant:	Dun Laoghaire Rathdown County Council (DLRCC), Kish Offshore Wind Limited (KOWL) and Bray Offshore Wind Limited (BOWL)
MAC Reference No:	MAC240020
Date Application received:	21 June 2024
Application Details	DLRCC, KOWL and BOWL have made an application under Section 75 of the Maritime Area Planning Act 2021 (the Act) for a Maritime Area Consent (MAC), application reference number MAC240020, for an Operation and Maintenance (O&M) Base at Dún Laoghaire Harbour for the proposed Dublin Array Offshore Wind Farm and for general harbour operations. The O&M Base will support the construction, operation, maintenance, and decommissioning phases of the proposed Wind Farm
Recommendation	To approve the Granting of the MAC sought, with conditions.

Document Control		
Prepared By:	██████████ Manager of Maritime Area Consenting	10 October 2024
Reviewed:	██████████ Head of Maritime Area Consenting	10 October 2024
Approved by:		15 October 2024

1. Background

A MAC (MAC reference number 2022-MAC-003 and 004) was granted to KOWL & BOWL on 23 December 2022 for the construction and operation of an Offshore Wind Farm and associated infrastructure off the Dublin and Wicklow coasts (Dublin Array Offshore Wind Farm). The MAC was issued by the Minister for the Environment, Climate and Communications under the first batch of Offshore Renewable Energy projects (Relevant Projects/Phase 1 Projects) under Section 101 of the MAP Act.

On 1 May 2024, KOWL and BOWL submitted an application to MARA for a non-material amendment to MAC 2022-MAC-003 and 004, seeking a six-month extension of time to the date by which the Holder's application for development permission must be submitted to An Bord Pleanála as set out in the Particulars Schedule and Condition 5.1 of 2022-MAC-003 and 004. Following assessment of the application, MARA was satisfied that the amendment sought was a non-material amendment in accordance with Section 86(5)(b) of the Act. Accordingly, on 16 May 2024, MARA made the amendment to MAC 2022-MAC-003 and 004 and published the amended MAC on its website, replacing the original MAC.

On 21 June 2024, DLRCC, KOWL and BOWL submitted the subject MAC application (MAC240020) to MARA under Section 79 of the Act for an Operation & Maintenance (O&M) Base to support the Dublin Array Offshore Wind Farm project and for general harbour operations. The area subject of the MAC application was previously reclaimed to accommodate a high speed ferry service and existing ferry services. The current infrastructure within the proposed MAC boundary area includes:

- Car parking area;
- Vehicle compound/staging area;
- Storage buildings;
- Maintenance depot; and
- Service yard for maintenance activities associated with harbour operations.

The overall O&M compound includes the subject MAC application (MAC240020), MAC application (MAC20230012) and an existing Foreshore Lease, reference FS006786 for St. Michael's Pier, a separate MAC application MAC20230012 was submitted to MARA by KOWL and BOWL jointly on 18 December 2023 under Section 79 of the MAP Act for a MAC for elements of the O&M Base, including a new pontoon, associated infrastructure and enabling works required to support the proposed Dublin Array Offshore Wind Farm. MAC application MAC20230012 is currently under consideration separately by MARA.

2. Consent Sought and Reasons

DLRCC, KOWL and BOWL seek consent to provide for general harbour operations and an O&M base, including an operational lay-down area to support the construction, operation & maintenance, and decommissioning phases of the proposed Dublin Array Offshore Wind Farm. The O&M base is proposed to be located in the northeast section of the MAC application area, with the remaining area proposed for general port operations and access. The O&M base is proposed to provide a safe working area for the Dublin Array maintenance team which will include a loading/unloading area for parts and equipment which will be stored in the proposed O&M base and used during maintenance campaigns on the proposed Dublin Array offshore wind farm.

It is envisaged that development undertaken within the proposed MAC area will include:

- Demolition of the existing Ro-Ro ramp located at Berth No.5;
- Construction of a new hardstanding area;
- Upgrade of the existing surface water drainage network;
- Upgrade of the services at the site (wastewater, communications, ESB and mains water supply); and
- Installation of an entrance gate and new fence line around the perimeter of the O&M Base.

The applicant has indicated that the existing vehicle compound/staging area may be used as a laydown & storage area during the construction stage of the O&M base. The proposed maritime usage the subject of this application requires development permission. In accordance with section 75 of the Act, a MAC is required before an application for development permission can be lodged with the relevant consent authority.

Proposed MAC Map



Drawn by: [Redacted]
Approved by: [Redacted]
Date: 06/09/2024
Dwg. No.: MAC240020-001
Projection: ITM
Scale: 1:1,500 @A3

Notes:
1. Georeference using grid coordinate intersects shown.
2. Where the MAC adjoins or abuts land, islands or rocks, the High Water Mark as defined by the Chief Boundary Surveyor is the boundary of the MAC area.

Maritime Area Consent Map
MAC240020

Maritime Area Consent Area 1.78ha
 High Water Mark - Chief Boundary Surveyor
 Grid Coordinate Intersects ITM

3. Assessment

The application has been processed in accordance with MARA's procedure for processing a MAC application. On receipt, the MAC application was reviewed for completeness.

A request for additional information was issued under section 79(3) of the MAP Act and an associated response was received relating to matters for financial assessment on 1 August 2024. A further request for additional information was issued and an associated response was received relating to matters for technical assessment on 8 October 2024.

The Compliance, Enforcement & Revenue Unit (CERU) were invited on 12 September 2024 to make any observations or comments they may have on the MAC application. On 7 October 2024, the CERU responded highlighting that a foreshore lease (FS004492) overlaps the proposed MAC area and relates to a proposed sale. CERU are not aware of any non-compliances, there are no enforcement actions pending and there are no outstanding debts owed with regard to consents held by the applicants. The CERU advised that they have no other observations. Schedule 5 of the Act sets out the criteria to which MARA must have regard when assessing a MAC application. The criteria are assessed under General Assessment (GA), Technical Capability Assessment (TCA), Engineering Assessment (EA) and Financial Capability Assessment (FCA).

I have undertaken a GA of the application, for which details are set out below.

The GA assessment of whether the holder is a fit and proper person within the meaning of Schedule 2(2) is set out in Table 1. Fit & proper person criteria set out under Schedule 2(2)(g) and (h) have been assessed separately under the TCA and FCA, respectively.

Table 1: Schedule 2(2) Fit & Proper Person	Assessment	Satisfactory/ Not satisfactory
(a) letters of reference;	DLRCC manage the harbour including the area within and directly adjacent to the proposed MAC boundary on a daily basis for harbour related uses. As DLRCC are a joint applicant in this case and given the location of the proposed MAC and any foreshore leases and licence are held by DLRCC, letters of reference are not considered to be required in the instance.	Satisfactory
(b) that the relevant person, or any other person concerned, stands convicted of— (i) an indictable offence under this Act or an offence in another state equivalent to an indictable offence, (ii) an indictable offence under an enactment prescribed for the purposes of this clause, or (iii) an offence involving fraud or dishonesty;	As part of the FCA, EY assessed the Holder and the Supporting Entity against these criteria and concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory
c) if the relevant person is a body corporate, whether any of its directors has a declaration under section 819 of the Act of 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or is subject to or deemed to be subject to— (i) a disqualification order, within the meaning of Chapter 4 of Part 14 of the Act of 2014, whether by virtue of that Chapter or any other provision of that Act, or (ii) a disqualification outside the State to like effect which corresponds to a disqualification order within the meaning of Chapter 4 of Part 14 of the Act of 2014;	As part of the FCA, EY assessed the Holder and the Supporting Entity against these criteria and concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory
(d) if the relevant person is an individual, whether he or she is adjudicated bankrupt or is subject to proceedings for a declaration of bankruptcy or becomes an arranging debtor;	As part of the FCA, EY assessed the Holder and the Supporting Entity against these criteria and concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory

<p>(e) if the relevant person is a body corporate, whether it—</p> <p>(i) has commenced a voluntary winding-up or is subject to a winding-up order or is subject to proceedings for such an order,</p> <p>(ii) is subject to the appointment of a receiver or examiner, or</p> <p>(iii) has proposed a compromise or arrangement that is sanctioned under section 453(2) of the Act of 2014 or section 201(3) of the Act of 1963;</p>	<p>As part of the FCA, EY assessed the Holder and the Supporting Entity against these criteria and concluded that no information or details were identified which indicate that such offences or disqualifications apply.</p>	<p>Satisfactory</p>
<p>(f) if the relevant person is a body corporate incorporated under the law of another state—</p> <p>(i) whether an event which corresponds to an event referred to in clause (c) has occurred in relation to any of its directors, or</p> <p>(ii) whether an event which corresponds to an event referred to in clause (e) has occurred in relation to the body corporate;</p>	<p>As part of the FCA, EY assessed the Holder and the Supporting Entity against these criteria and concluded that no information or details were identified which indicate that such offences or disqualifications apply.</p>	<p>Satisfactory</p>
<p>(i) the previous performance of the relevant person when granted—</p> <p>(i) a MAC,</p> <p>(ii) a development permission,</p> <p>(iii) a licence, or</p> <p>(iv) an authorisation (howsoever described) under the Act of 1933.</p>	<p>CERU have reviewed the applicants against these criteria and advised that they have no observation other than the existence of a foreshore lease which is consider not to conflict with the subject MAC application. CERU are not aware of any non-compliances, there are no enforcement actions pending and there are no outstanding debts owed with regard to consents held by the applicants.</p>	<p>Satisfactory</p>

A synopsis of the GA of the application relating to Schedule 5 criteria (2), (5), (6), (8) and (10) is provided in Table 2. I am satisfied that the MAC sought complies with the applicable requirements under these criteria.

The TCA and EA were carried out by MARA’s Assessment Research & Data Unit as detailed in the EA Report dated 9 October 2024 and the TCA Report dated 10 September 2024. The FCA was carried out by MARA contractors Ernst & Young (EY) for DLRCC, KOWL and BOWL as detailed in separate Financial Capability Assessment Reports, dated 1 October 2024. A synopsis of these assessments is summarised in Table 2.

Table 2: Synopsis of the assessment of the application with regard to the requirements of Schedule 5

Schedule 5 Requirements		Assessed under	Synopsis	Assessment
1.	The nature, scope and duration of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.	EA	The MAC application is intended to provide for general harbour operations and an O&M base, including an operational lay-down area to support the construction, operation & maintenance, and decommissioning phases of the proposed Dublin Array Offshore Wind Farm. The proposed O&M base will be used to provide a safe working area for the Dublin Array maintenance team which will include a loading/unloading area for parts and equipment which will be stored in the proposed O&M base and used during maintenance campaigns on the proposed Dublin Array offshore wind farm. The area which is the subject matter of this MAC application is reclaimed Maritime Area located adjacent to St. Michaels Pier within the confines of Dún Laoghaire Harbour.	Satisfactory
2.	Whether the proposed maritime usage is in the public interest.	GA	The development at Dun Laoghaire Harbour is supported in national, regional, and local planning policy. The proposed project supports Ireland's transformation to renewable energies as set out in the Government's Climate Action Plan (CAP) and the National Energy and Climate Plan 2021-2030. Locating an Operations and Maintenance Base at Dun Laoghaire Harbour provides local economic opportunities as it is intended that the facility will provide a base for construction and long-term operational management services for the wind farm. The Economic Plan for Dún Laoghaire by DLRCC in November 2021 has identified that the harbour has the potential to play a key role in supporting the ORE industry.	Satisfactory

3.	The location and spatial extent of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.	EA	<p>Since the 2015 Harbours Act, DLRCC manage the harbour including the area within and directly adjacent to the proposed MAC boundary on a daily basis for harbour related uses. The area which is the subject matter of this MAC application is reclaimed Maritime Area located adjacent to St. Michaels Pier within the confines of Dún Laoghaire Harbour. The Minister for the Marine completed the development in the mid-nineties under planning reference number PR470/931 to accommodate a new high speed ferry service and existing ferry services. No Foreshore Act consent was issued for the development.</p> <p>Foreshore lease (FS004492) as highlighted by the CERU as overlapping the subject MAC area was issued to Dun Laoghaire Rathdown County Council for Baths with an undetermined expiry date. This consent is described as a “Sale” to Dun Laoghaire Rathdown County Council for Baths at East Pier of Kingstown Harbour. It appears that this relates to Kingstown Baths later Dún Laoghaire Baths to the east of the harbour and is not considered relevant to proposed MAC application area.</p> <p>There are no conflicts with any existing consents or applications which should prevent the issuing of a MAC for the proposed maritime usages.</p>	Satisfactory
4.	Guidelines issued under section 7 which are relevant to the proposed maritime usage.	GA	No such guidelines have been published to date.	Not applicable
5.	Whether the applicant is a fit and proper person (within the meaning of Schedule 2) to be granted a MAC, both at the time the application is made and at the time that the MAC application concerned is determined by the MARA.	TCA, FCA & GA	<p>TCA: Based on TCA documentation and supporting information provided by the applicants, MARA’s ARDU have assessed the applicants’ technical capability and have deemed the applicants to be technically capable on the basis of the information submitted.</p> <p>FCA: Based on FCA documentation and supporting information provided by the applicants, external financial consultants, EY, deemed DLRCC, KOWL and BOWL as applicants to be financially capable on the basis of the information provided.</p> <p>GA: Following a detailed review and assessment of the information provided by the applicants, it is hereby confirmed that the applicants satisfy the FPP assessment (see Table 1 above).</p>	Satisfactory
6.	Whether the applicant is tax compliant, both at the time the application is made and at the time that the MAC application concerned is determined by the MARA.	GA	Valid tax certs provided for DLRCC, KOWL and BOWL.	Satisfactory

7.	In the case of any maritime usage relating to offshore renewable energy (within the meaning of section 100), the consistency of the MAC application concerned with the development plans of the transmission system operator (within the meaning of section 100).	GA	Not applicable	Not Applicable
8.	The National Marine Planning Framework (NMPF).	GA	<p>ORE Policy 7 of the NMPF states: “Where potential for ports to contribute to ORE is identified, plans and policies related to this port must encourage development in such a way as to facilitate ORE and related supply chain activity”. ORE Policy 10 states: “Opportunities for land-based, coastal infrastructure that is critical to and supports development of ORE should be prioritised in plans and policies, where possible.” Furthermore, the project is aligned with and secures key sectoral/activity objectives in relation to Offshore Renewable Energy (ORE). This project will contribute towards a significant portion of the 2030 5 GW target and a shift away from fossil fuels.</p> <p>ORE Policy 18 regarding Ports and Harbour states “It is important to recognise that all ports play a role in servicing the Irish economy, with regional ports supporting the role of Tier 1 and Tier 2 ports, as well their local and regional hinterlands. While ports of national significance are key international gateways, there is potential for other ports to complement those roles and ensure the continued sustainable development and growth of our economy at a national as well as regional level.”</p> <p>Having reviewed and assessed this application for a proposed general port operations and ORE Operation and Maintenance base by DLRCC, KOWL and BOWL against the objectives of the NMPF, I am satisfied that the proposed maritime usage aligns with these policy objectives of the NMPF and does not act significantly against any objective within the NMPF.</p>	Satisfactory
9.	The extent and nature of the preparatory work already undertaken by the applicant towards ensuring the efficacious undertaking of the proposed maritime usage the subject of the MAC application concerned should the applicant be granted a MAC in respect of such usage.	EA	The applicant has undertaken preparatory works to inform their planning application and to assist with the detail design of the proposed O&M Facility. Furthermore, site materials associated with the proposed demolition works were tested to determine its waste classification. All test results confirmed that the material was non-hazardous. The general port operations will be undertaken on existing reclaimed land and no further works or associated preparatory works are considered to be required to enable this proposed use. The extent of the preparatory works undertaken is therefore deemed acceptable for an application of this scale and nature.	Satisfactory

10.	The extent and nature of stakeholder engagement undertaken by the applicant in respect of the proposed maritime usage.	GA	The applicant has stated that “ <i>Dún Laoghaire Rathdown County Council (DLRCC) is the main stakeholder as DLRCC are the Harbour Authority. The area which is the subject of this MAC application is currently a restricted area within the harbour, currently used exclusively by the harbour operations team. Therefore, additional stakeholders in the harbour are unlikely to be affected by the proposed development.</i> ” Extensive stakeholder engagement took place prior to submitting the Dublin Array original applications for the Phase One Macs. This included extensive public consultation, appointing a Liaison Officer, engagement with relevant offshore stakeholders and non-statutory public bodies.	Satisfactory
11.	Where a competitive process referred to in section 93 or 103 is used, the outcome of such process.	GA	Not applicable	Not applicable
12.	Any additional criteria specified, for the purposes of this paragraph, in regulations made under section 80(2).	GA	No such regulations have been made to date.	Not applicable

4. Levy

As per the EA report, an annual MAC levy has been calculated based on the project type and proposed MAC area in accordance with MARA's MAC levy framework¹. Based on Part A of the Framework, the MAC levy has been calculated as €80,050.00 per annum.

All levies are indexed to the Harmonised Index of Consumer Prices (HICP), applied on an annual basis.

5. Discussion

Based on the assessments undertaken and the EA Report dated 9 October 2024, the TCA Report dated 10 September 2024, the FCA Assessment Report for KOWL dated 22 March 2024, the FCA Report for BOWL dated 1 October 2024, the FCA Report for DLRCC dated 1 October 24 and the General Assessment contained herein, I am satisfied that the proposed MAC application complies with all the necessary requirements of Schedule 5 of the Act.

Conditions and Reasons for Conditions

Section 82 of the Act specifies that MARA may attach to a MAC one or more than one condition which falls within one or more than one of the types of conditions specified in Part 1 of Schedule 6. All conditions contained in Schedule 6, Part 2 are deemed to be attached to a MAC. The standard suite of MARA conditions reflecting the contractual and statutory relationship that will exist with a grant of consent are also recommended. Reasons for these conditions are set out in the enclosed Section 81(7)(b) Minded to Notice.

In addition to the above the EA Report has recommended the addition of the below conditions and reasons for these. Discussion in relation to each recommended condition is also provided below.

- *The MAC Holder shall use that part of the Maritime Area labelled Area A, and shown outlined red on the attached Map*

Title: Maritime Area Consent Map MAC240020

Drawing Number: MAC240020-001

Dated 06/09/2024,

Reason: In the interest of clarity.

This condition is provided for under the description of the Consent Area under Appendix 1 of the proposed MAC.

- *The MAC Holder shall use that part of the Maritime Area the subject matter of this MAC, for the purposes of, and in accordance with, the details as outlined in the plans and particulars submitted by the applicant in support of their application except as may otherwise be required in order to comply with the MAC conditions.*

Reason: In the interest of clarity.

This condition has been included, as recommended, under Condition 3.7 of the proposed MAC.

- *The MAC Holder shall give the Grantor a minimum of 14 days advance notice in writing of the Holder's intention to commence the Permitted Maritime Usage.*

Reason: To ensure the proper management and the orderly undertaking of the permitted maritime usage.

¹ [Levy Framework - MARA - The Maritime Regulator](#)

This condition is provided for under standard Condition 7.4 of the proposed MAC.

- *The MAC Holder shall submit a valid application for development consent to the relevant Planning Authority on or before the 23rd December 2024. The development consent application must include a Rehabilitation Schedule detailing the rehabilitation of the Maritime Area before expiration of the MAC.*

Reason: To ensure the orderly undertaking of the permitted maritime usage.

This condition is provided for under the Particulars Schedule and Condition 5.1 of the proposed MAC.

- *The Term of this Consent in respect of Consent Area shall be the period beginning on the Commencement Date and ending on the date 45 years from the date thereof.*

Reason: To ensure the proper management and protection of the maritime area.

This condition is provided for under the Particulars Schedule and standard Condition 3.2.1 of the proposed MAC.

The EA report also recommended that:

In the Particulars Schedule of the MAC, the Permitted Maritime Usage for this application should be defined as: “General harbour operations including the operation of a Offshore Renewable Energy -Operation and Maintenance Base and all associated Construction Works.”

The following definition should be added to the Definitions in the MAC: “Construction Works” means all of the following; construction, maintenance, repair and demolition reasonably required to conduct the Permitted Maritime Usage and the rehabilitation of the Maritime Area on the expiration of the MAC

For consistency the following Permitted Maritime Usage has been included within the recommended MAC:

General harbour operations and the construction, use, and operation of an offshore wind farm operations and maintenance base, including all associated decommissioning, demolition, and any other works required on foot of any development permission relating to the harbour and operations and maintenance base.

Accordingly, a definition for construction works is not considered to be required.

It is considered that the application for a MAC complies with all the requirements of Part 4 of the Act, with particular regard to Schedule 5 criteria. Accordingly, it is recommended that the proposed MAC is granted.

6. Conclusion & Recommendation

Following a detailed assessment, I am satisfied that the proposal complies with all the necessary requirements. Accordingly, I recommend issuing a Section 81(7)(b) Minded to Notice, as enclosed, informing the applicants that MARA is minded to grant a Maritime Area Consent subject to the proposed conditions attached to the MAC. I recommend allowing the applicants 21 days from the date of issue of the Minded to Notice to submit supplementary material in relation to the reasons for the conditions as per Section 81(7)(b)(ii).

Once a final determination is made by MARA, the applicants will be notified and MARA will publish a notice on its website as soon as practicable thereafter.

Signed: _____

Date: 15th October 2024