

MAC Report	
Application for a Maritime Area Consent (MAC) under Section 75(1) of Maritime Area Planning Act 2021, as amended	
Application Details	
MAC Applicant:	Port of Waterford Company
MAC Reference No:	MAC20230001
Location:	Belview Port, Co. Kilkenny
Date Application received:	19 January 2024
Proposed Maritime Usage:	Port of Waterford Company has applied to construct, operate and maintain port facilities at Belview Port, Co. Kilkenny.
Recommendation:	To approve the <b>Granting</b> of the MAC sought with conditions attached.

Document Control		
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Reviewed & Approved by:	██████████ Head of Maritime Area Consen	
Final Report, Version 1	██████████ MAC Manager	10/04/2025

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## 1. Overview

On 19 January 2024 Port of Waterford Company submitted a MAC application to MARA under section 79 of the Maritime Area Planning Act 2021, as amended (the Act) to develop and operate port facilities at Belview Port terminal, Co. Kilkenny. The proposed works include construction operation and maintenance of Offshore Renewable Energy (ORE) facilities.

## 2. Background

The Belview Port area is an existing port located approximately 5km downstream of Waterford City in the River Suir estuary. The Port at Belview is a strategic national asset with good road and rail links. The Port is one of 5 ports of national significance within the terms of National Ports Policy 2013 and is classified as a comprehensive port on the European Union's (EU's) Trans-European Transport Network (TEN-T)<sup>1</sup>. The Port is active in bulk handling, break bulk/project cargoes and container handling. The proposed works the subject of the MAC application include an expansion of the existing Port, primarily for the purpose of supporting ORE development.

## 3. Proposed Maritime Usage

The Port of Waterford Company are proposing to develop an ORE capable berth located downriver of the city at Belview Port terminal as part of the Port of Waterford 2020 – 2044 Masterplan. The applicant has stated the proposed works will facilitate the Port's objective of providing key support to the ORE sector in providing construction, operation and maintenance facilities.

The proposed total area to be occupied by the MAC is 2.37ha, 1.2ha of which is proposed to be reclaimed area. The site of the application is undeveloped.

The proposed works comprise a 250m extension to the existing wharves at the Container and Bulk Handling Terminals at Belview Port. The development is proposed to comprise a suspended open quay reinforced concrete structure on steel piles driven to rock, rock armoured revetments retaining a reclaimed area of 1.2 hectares, two pontoon systems and access gangways supported on piles driven to rock, the provision of warehousing, storage, office and welfare facilities and associated site works. The works will also include an area of capital dredging to establish a minimum chart depth of 11.71m for berthing of vessels.

The MAC area sought by the applicant is illustrated in Figure 1.

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<sup>1</sup> [https://transport.ec.europa.eu/transport-themes/infrastructure-and-investment/trans-european-transport-network-ten-t\\_en](https://transport.ec.europa.eu/transport-themes/infrastructure-and-investment/trans-european-transport-network-ten-t_en)

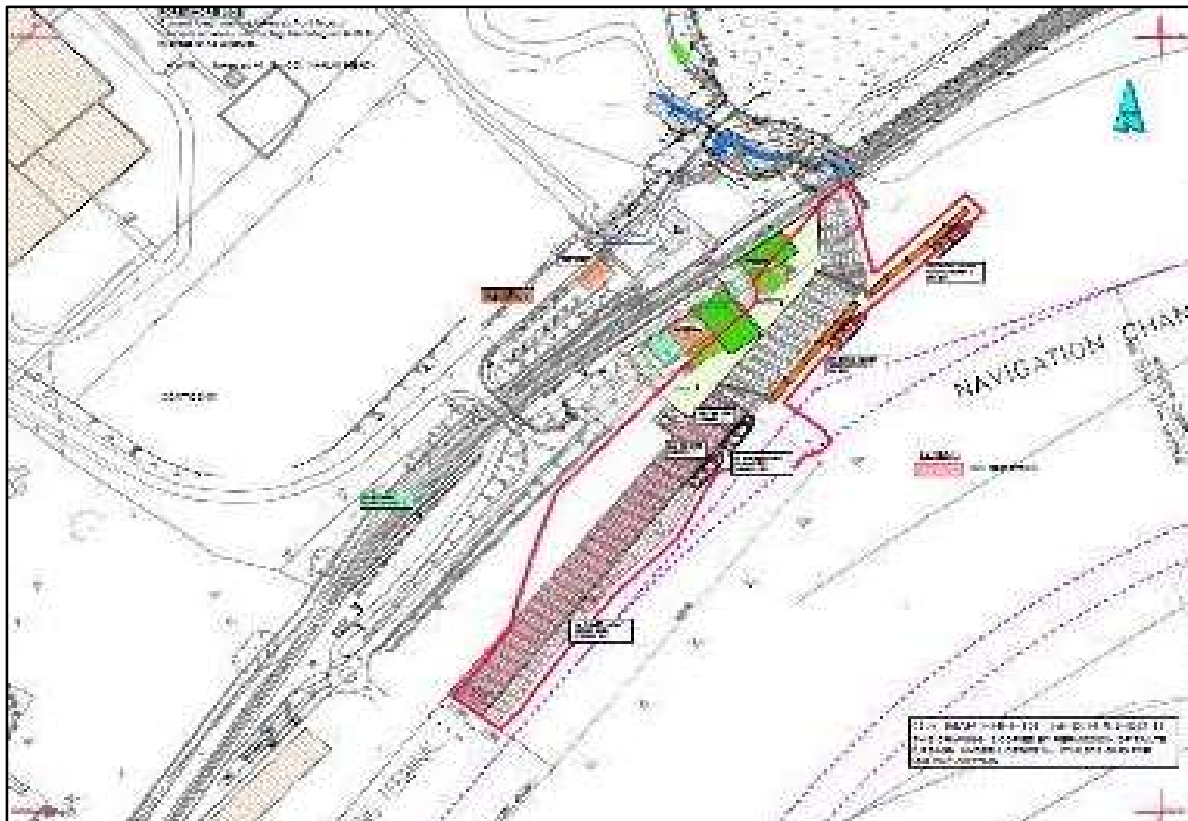


Figure 1: Applicant Map of proposed layout of MAC area at Belview Port

The applicant has stated that the proposed works include:

***“ORE Facilities; Quay Extension; Construction, Operation and Maintenance***

- The driving of between 170 to 190 number tubular steel bearing piles over riverbed to rock*
- The construction of a reinforced concrete open quay structure comprising reinforced concrete beams and prestressed precast composite reinforced concrete slabs supported on the piles*
- The formation of a rock armoured revetment at an approximate gradient of 1:1.5*
- The reclamation of a usable area behind the quay structure of approximately 1.2 hectares*
- The provision of berths to support delivery of equipment and berthing of Support Operation Vessels and other vessels*
- The provision of berths and quayside fixed cranes to support Crew Transfer Vessels – The provision of refuelling, onshore power, waste reception and telecommunications network facilities and potable and fire water supply*

***ORE Facilities; Operation and Maintenance (O&M)[ Base; Construction, Operation and Maintenance]***

- The driving of between 12 and 18 no tubular steel piles over riverbed to rock*
- The provision of 2 no floating pontoon structures, circa 4m wide and between 70m to 90m long together with dedicated secure access gangways*

- The provision of O&M Buildings to support ORE operations to include warehousing, storage, offices and welfare facilities, and associated parking”

#### **4. Site Visit**

Senior Marine Advisor, [REDACTED] inspected the site on 11 July 2024. No existing infrastructure or occupation was noted during the site visit with the proposed MAC area. The proposed works are located in an undisturbed estuary with no commercial or public use. *Photograph 1* details the character of the maritime area in the vicinity of the proposed works. Landside access to the maritime area is restricted by port operations and therefore the proposed works, if completed, would be unlikely to impact on the existing public amenity. Furthermore, Waterford Port Company who manage navigation in the estuary are the applicant and can therefore manage and mitigate any disturbance to navigation in the area.



*Photograph 1: Site Photograph facing Northeast [REDACTED] - 11/07/2024)*

#### **5. Review of Legislation & Associated Consents**

##### **5.1 Applicable Provisions of the MAP Act**

MARA, under the MAP Act, has responsibility for granting Marine Area Consents (MACs).

Schedule 3 and Schedule 4 of the Act specifies maritime usages for which a MAC is not required, including where the proposed maritime usage falls under the remit of another enactment, is navigation or fishing, is a licensable activity under schedule 7 or where the activity is to be undertaken on private land. The proposed maritime usage is not considered to fall under those listed under Schedule 3 or 4 of the Act.

The applicant has stated that the proposed maritime usage and the subject of this application requires development permission. In accordance with Section 75(1) of the MAP Act, a MAC is required before an application for development permission can be lodged with the relevant consent authority.

## 5.2 Existing Consents & Authorisations

A search of the MARA's GIS database was undertaken on 03 April 2025 for spatial overlap between the proposed MAC areas and existing foreshore authorisations and MARA licences and consents. The Marine Institute's Ireland's Marine Atlas<sup>2</sup> database was searched on 03 April 2025 for spatial overlap between the proposed MAC areas and any DAFM foreshore authorisations for aquaculture sites.

The proposed MAC area does not overlap with any existing MACs or MAC applications. The application overlaps with a number Maritime Usage Licence (MUL) applications and Foreshore authorisations/ applications as detailed in Table 1 below.

<b>Table 1: Summary of Overlapping maritime authorisations and foreshore authorisations</b>				
<b>File Reference Number</b>	<b>Applicant/ Holder</b>	<b>Consent Type</b>	<b>Maritime Usage</b>	<b>Status</b>
FS005701 <sup>3</sup>	Port of Waterford Company	Foreshore Licence	Maintenance Dredging	Application not progressed to determination
FS006684 <sup>4</sup>	Port of Waterford Company	Foreshore Licence	Maintenance Dredging	Licence granted, – expires 31/12/2025
FS006008	Port of Waterford Company	Foreshore Lease	Port expansion, including land reclamation	Application not progressed to determination
LIC230013 <sup>5</sup>	Port of Waterford Company	MUL	Site investigations (geotechnical)	Application currently under assessment by MARA
LIC230025 <sup>6</sup>	Port of Waterford Company	MUL	Maintenance Dredging	Application currently under assessment by MARA

As Port of Waterford Company is the same applicant for the subject MAC application as overlapping authorisation and applications referred to Table 1 and given that foreshore licences and MULs are granted on a non-exclusive basis, it is considered that the spatial overlaps do not prevent the granting of a MAC.

## 5.3. Development Permission

The applicant has states that the proposed works require development permission. The applicant indicated that they intend to submit an application for development permission should they be

<sup>2</sup> <https://atlas.marine.ie/>

<sup>3</sup> <https://www.gov.ie/en/foreshore-notice/31e0c-port-of-waterford-company/>

<sup>4</sup> <https://www.gov.ie/en/foreshore-notice/6e7e7-port-of-waterford-dredging/>

<sup>5</sup> <https://www.maritimeregulator.ie/applications/lic230013/>

<sup>6</sup> <https://www.maritimeregulator.ie/applications/lic230025/>

successful in obtaining a MAC for the proposed project. No application for development permission has been made in advance of seeking a MAC from MARA.

The applicant in their development permission application to the relevant planning authority is required to include a Rehabilitation Schedule detailing how the applicant proposes to rehabilitate the maritime area in accordance with Part 4, Chapter 8 of the Act.

Given the nature and scale of the proposed works, it is considered reasonable that applicant should submit a valid application for development permission to the relevant planning authority within 18 months of the grant of the MAC, where granted.

#### **5.4. Ownership**

A search was undertaken of the Registry of Deeds on 06 February 2025 and Land Registry on 12 February 2025 for any document granting or affecting rights to land in order to ensure that there are no conflicts of interest with the MAC area being applied for as outlined in the proposed MAC Map. No conflicts of interest affecting the proposed MAC area were identified or the following overlaps were identified.

### **6. Assessment**

#### **6.1. Schedule 5**

The MAC application was submitted on 18 January 2024 with the appropriate fee paid on 19 January 2024.

A request for additional information relating to matters for financial assessment was issued under section 79(3) of the Act on 28 May 2024 and the associated response was received 06 June 2024.

Schedule 5 of the Act, which sets out the criteria to which MARA must have regard when assessing a MAC application. This report sets out the assessment undertaken pursuant to Section 5 of the Act. The assessment is summarised in Table 2 below.

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

<b>Schedule 5 Requirements</b>		<b>Synopsis</b>	<b>Assessment</b>
1.	The nature, scope and duration of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.	<p>Details of the proposed maritime usage, including the nature scope and duration are described in Section 3 &amp; 4 above. It is considered that the design life of the structure is circa 30 years however with proper maintenance and repair a design life of 40 years should be achievable. Considering this, a MAC term of 45 years (allowing for planning, construction and rehabilitation phases) would be appropriate in this instance. Furthermore, a term of 45 years would align with the related MACs awarded to the ORE developments that facility intends to support.</p> <p>The proposed maritime usage is considered satisfactory, having regard to the nature, scope and duration.</p>	Satisfactory
2.	Whether the proposed maritime usage is in the public interest.	<p>Port of Waterford Company states that Belview Port Terminal is one of five ports of national significance within the terms of National Ports Policy 2013 and is classified as a comprehensive port on the EU's TEN-T network.</p> <p>The development at Belview Port terminal is supported in national, regional, and local planning policy. The proposed project is stated to support 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. The applicant has stated that establishing an operations and maintenance base in location Belview Port terminal will create valuable local economic opportunities by significantly boosting local employment. This includes job creation during both the construction phase and the subsequent operational and maintenance periods.</p> <p>The applicant has stated that the Southeast Regional Enterprise Plan to 2024 sets out Green Growth as one of its primary objectives. Its vision is to establish the Southeast region as the number one region for fixed bed ORE and it has identified the Port of Waterford as action leader in developing this vision. In addition, a substantial Community Benefit Fund, estimated at €3 million annually, is proposed to be allocated to local communities over the next 25 years.</p> <p>The proposed maritime usage is considered satisfactory, having regard to the public interest of the occupation.</p>	Satisfactory
3.	The location and spatial extent of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.	<p>The total area proposed occupied by the MAC is 2.37Ha, as illustrated in <i>Figure 2</i> (Proposed MAC Map) in Section 7. Details of the location, relevant consents, ownership and development permissions are provided in Sections 2 to 5 above. Based on the searches and site visit undertaken, nothing was identified that would preclude the granting of a MAC in the proposed area. Accordingly, the proposed maritime usage is considered satisfactory, having regard to the location and spatial extent of the occupation.</p>	Satisfactory



4.	Guidelines issued under Section 7 which are relevant to the proposed maritime usage.	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.	<p>A detailed review and assessment of the information provided by the applicant has been completed. Based on the assessment set out in Table 3 below, Section 6.3 and the Financial Capability Assessment (FCA) as set out in the Ernest Young (EY) report dated 03 April 2025, it is considered that the applicant satisfies fit and proper person requirements.</p> <p>As required by Schedule 6, Part 2 of the Act, it is a condition of all MACs that the Holder shall continue to be a fit and proper person within the meaning of Schedule 2 of the Act for the Term of the MAC.</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.	The applicant submitted Tax Registration Number and Tax Clearance Access Number (TCAN) which was used to view the applicant's tax clearance certificate. Based on a review of the tax clearance certificate the applicant is considered tax compliant.	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).	Not Applicable. While the proposed maritime usage incorporates elements of Offshore Renewable Energy (ORE), it is unrelated to transmission infrastructure.	Not Applicable
8.	The National Marine Planning Framework (NMPF).	<p>Based on a review of the application, it is considered that the proposed project aligns with the overall Offshore Renewable Energies, Economic and Social objectives of the NMPF.</p> <p>It is considered that the proposed project aligns with the following policy objectives of the NMPF:</p>	Satisfactory

		<p><b>ORE Policy 1</b> - Proposals that assist the State in meeting the Government's offshore renewable energy targets, including the target of achieving 5GW of capacity in offshore wind by 2030 and proposals that maximise the long-term shift from use of fossil fuels to renewable electricity energy, in line with decarbonisation targets, should be supported. All proposals will be rigorously assessed to ensure compliance with environmental standards and seek to minimise impacts on the marine environment, marine ecology and other maritime users.</p> <p><b>ORE Policy 7</b> - 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.</p> <p><b>ORE Policy 10</b> - Opportunities for land-based, coastal infrastructure that is critical to and supports development of ORE should be prioritised in plans and policies, where possible.</p> <p><b>Infrastructure Policy 1</b> - Appropriate land-based infrastructure which facilitates marine activity (and vice versa) should be supported. Proposals for appropriate infrastructure that facilitates the diversification or regeneration of marine industries should be supported.</p> <p><b>Employment Policy 1</b> – proposals should demonstrate contribution to a net increase in marine related employment in Ireland.</p> <p>In the application, the applicant states that the proposed project is consistent with the environmental objectives of the NMPF.</p> <p>The proposed works constitute development which require planning permission and environmental assessment of the proposed maritime usage, which is undertaken at development permission stage by the relevant planning authority. This above assessment does not prejudice any consideration and determination that the relevant Planning Authority may make in relation to the NMPF when considering the Planning Application for this development.</p> <p>Based on the above, MARA is satisfied that the proposed works align with the above overall objectives and policy objectives of the NMPF.</p>	
9.	The extent and nature of the preparatory work already undertaken by the applicant towards ensuring the efficacious undertaking of the proposed maritime	<p>The applicant has undertaken preparatory works to inform their planning application and to assist with the detail design of the proposed ORE facility. To date the applicant has completed the following preparatory works:</p> <ul style="list-style-type: none"> <li>• Land based environmental surveys;</li> <li>• An application has been submitted MARA for a MUL to undertake site investigations for the proposed development; and</li> </ul>	Satisfactory

	usage the subject of the MAC application concerned should the applicant be granted a MAC in respect of such usage.	<ul style="list-style-type: none"> <li>Consultation is stated to have been undertaken for Strategic Infrastructure Development (SID) with ABP in relation to acquiring planning permission for the proposed development.</li> </ul> <p>Having regard to the extent of the preparatory works undertaken is therefore considered acceptable for a project of this scale and nature.</p>	
10.	The extent and nature of stakeholder engagement undertaken by the applicant in respect of the proposed maritime usage.	<p>Initial engagement with An Bord Pleanála (ABP) is stated to have commenced on the 25th of November 2022 to request a SID pre-application consultation. The initial meeting with ABP was held on the 15th of February 2023. A second meeting was held with ABP on the 22nd of June 2023.</p> <p>The applicant stated in their application that an Environmental Impact Assessment Report (EIAR) consultation document was issued to a number of stakeholders on the 19 of January 2023. Responses were received by the applicant from Inland Fisheries Ireland (IFI), Kilkenny County Council, Transport Infrastructure Ireland (TII), Geological Survey of Ireland (GSI), Health Service Executive, Department of Agriculture, Food and the Marine (DAFM), Department of Transport, Fáilte Ireland, Irish Aviation Authority, Irish Water and Gas Networks Ireland. Following receipt of the EIAR consultation responses, meetings were held with IFI on the 01 February 2023 and a consultation meeting was held with Bord Iascaigh Mhara (BIM) on the 10 of February 2023 to discuss ongoing Port of Waterford projects.</p> <p>The applicant stated in their application that a consultation meeting request was issued to the NPWS on the 19th of January 2023. A meeting was held with the NPWS on the 10th of May 2023 to discuss the project. The NPWS confirmed that the project would continue under Article 6(3) and would not fall under Article 6(4) of the Habitats Directive.</p> <p>The applicant stated in their application that a public consultation event was advertised in the Munster Express on the 7th of February 2023. The public consultation event was held on the 20th of February 2023 and was attended by over 40 members of the public. Following this a consultation meeting was held with the Cheekpoint and Faithlegg Development Group on the 3rd of May 2023. Additionally, a consultation meeting was held with Councillor Jody Power on the 3rd of May 2023.</p> <p>Having regard to the above, the extent and nature of the stakeholder engagement undertaken is considered acceptable for a project of this scale and nature.</p>	Satisfactory
11.	Where a competitive process referred to in section 93 or 103 is used,	Not applicable	Not applicable

	the outcome of such process.		
12.	Any additional criteria specified, for the purposes of this paragraph, in regulations made under section 80(2).	No such regulations have been made to date.	Not applicable

## 6.2. Fit & Proper Person Assessment

Schedule 2(2) of the MAP Act sets out the criteria to which MARA shall have regard in determining whether the relevant person is “fit and proper” to be granted and to hold a MAC. The assessment of whether the holder is a fit and proper person within the meaning of Schedule 2(2) is set out in Table 3 below.

<b>Table 3: Schedule 2(2) Fit &amp; Proper Person</b>			
<b>Fit &amp; Proper area for assessment</b>		<b>Synopsis</b>	<b>Assessment</b>
(a)	letters of reference;	As set out in Section (g) below, the applicant has demonstrated clear evidence of their expertise and technical capability in successfully delivering projects of a similar scale.  No letters of reference were provided.	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 the applicant was assessed against these criteria and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory

(c)	<p>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—</p> <p>(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</p> <p>(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;</p>	As part of the FCA the applicant was assessed against these criteria and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory
(d)	<p>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;</p>	As part of the FCA the applicant was assessed against these criteria and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply	Satisfactory
(e)	<p>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>	As part of the FCA the applicant was assessed against these criteria and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory
(f)	<p>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</p>	As part of the FCA the applicant was assessed against these criteria and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply	Satisfactory

	to in clause (c) has occurred in relation to any of its directors, or  (ii) whether an event which corresponds to an event referred to in clause (e) has occurred in relation to the body corporate;		
(g)	whether the relevant person, or a person acting for or on behalf of the relevant person in the relevant person's capacity as such, has (or has access to), or continues to have (or have access to), as the case may be, the requisite technical knowledge or qualifications, or both, to undertake the proposed maritime usage, or continue to undertake the maritime usage, as the case may be;	Assessment of the technical capability of Port of Waterford Company to deliver the proposed maritime usages the subject of the MAC application is detailed in Section 6.3 below. Port of Waterford Company are considered to have the requisite technical knowledge and qualifications to undertake the proposed maritime usage.	Satisfactory
(h)	whether the relevant person is likely to be in a position to meet, or continue to meet, as the case may be, any financial commitments or obligations that the MARA reasonably considers will be entered into or incurred by the relevant person—  (i) in undertaking the proposed maritime usage, or in continuing to undertake the maritime usage, as the case may be, or  (ii) in ceasing to undertake the proposed maritime usage or the maritime usage, as the case may be;	A FCA report dated 03 April 2025 has been prepared by external financial consultants, EY, who assessed the applicant's financial capability to carry out the proposed maritime usages. Based on the results from the financial capability tests and the information submitted, it is considered that the Relevant Person is viewed as passing the assessment.  Due to the commercial sensitive nature of a company's finances, details of the assessment are not included herein.  The applicant is considered likely to be in a position to meet financial commitments associate with the proposed maritime usage and MAC.	Satisfactory
(i)	the previous performance of the relevant person when granted—  (i) a MAC,  (ii) a development permission,  (iii) a licence, or  (iv) an authorisation (howsoever described) under the Act of 1933.	MARA has undertaken a review of MACs (including associated development permission under MARA's remit for enforcement), MULs and foreshore authorisations held by the applicant. Based on the review, MARA is not aware of any non-compliances with these consents, there are no enforcement actions pending and there are no outstanding debts owed.	Satisfactory

### **6.3. Technical Capability Assessment (TCA)**

Based on the information supplied by the applicant, the TCA for this application has been carried out on the basis that the proposed project is stated to be a Schedule 10 project. This determination is for the purposes of TCA only and does not prejudice the planning process as it should be noted that the ultimate arbiter of whether a project is Schedule 10 or not is ABP.

**Previous Corporate Project Experience:** Since the 1990's, the senior management team of the Port of Waterford has been involved in various types of marine projects and it has provided a comprehensive description of their role in delivering these projects. In conclusion, Port of Waterford has satisfied the previous Corporate Project Experience (development, construction, operation and maintenance) criteria requirements and it has demonstrated 12 months continuous experience for each stage.

**Project Delivery Teams Experience:** The evidence provided demonstrates an experienced Senior Project Delivery Team. Three of the four team members assessed satisfied two of the three criteria and the remaining team member assessed satisfied one of the criteria. Between them, the four team members assessed had an aggregate of at least 30 years of development and construction experience in marine projects, at least 10 years' experience of other projects and at least 30 years' experience of the Irish planning system. Therefore, Port of Waterford has satisfied the project delivery teams experience criteria requirements.

**Delivery Timelines:** The applicant had hoped to obtain development permission by Q4 of 2024 and to appoint a main contractor in Q2 of 2025. While these proposed timeframes have passed, it is expected that the project will be substantially complete by Q3 of 2027. On the basis of the information provided, the applicant has demonstrated a realistic understanding of the complexities and probable timeframes of developing a project of this scale and nature in an Irish context.

**TCA Conclusion:** Following an assessment of the full suite of documentation provided by the applicant, MARA's considers that Port of Waterford Company Ltd have satisfied all of the criteria under the Technical Capability Assessment of the Fit and Proper Test, accordingly MARA considers that Port of Waterford Company Ltd has the requisite technical knowledge and qualifications to undertake the proposed maritime usage.

## 7. Proposed MAC Map (for illustrations purposes only)

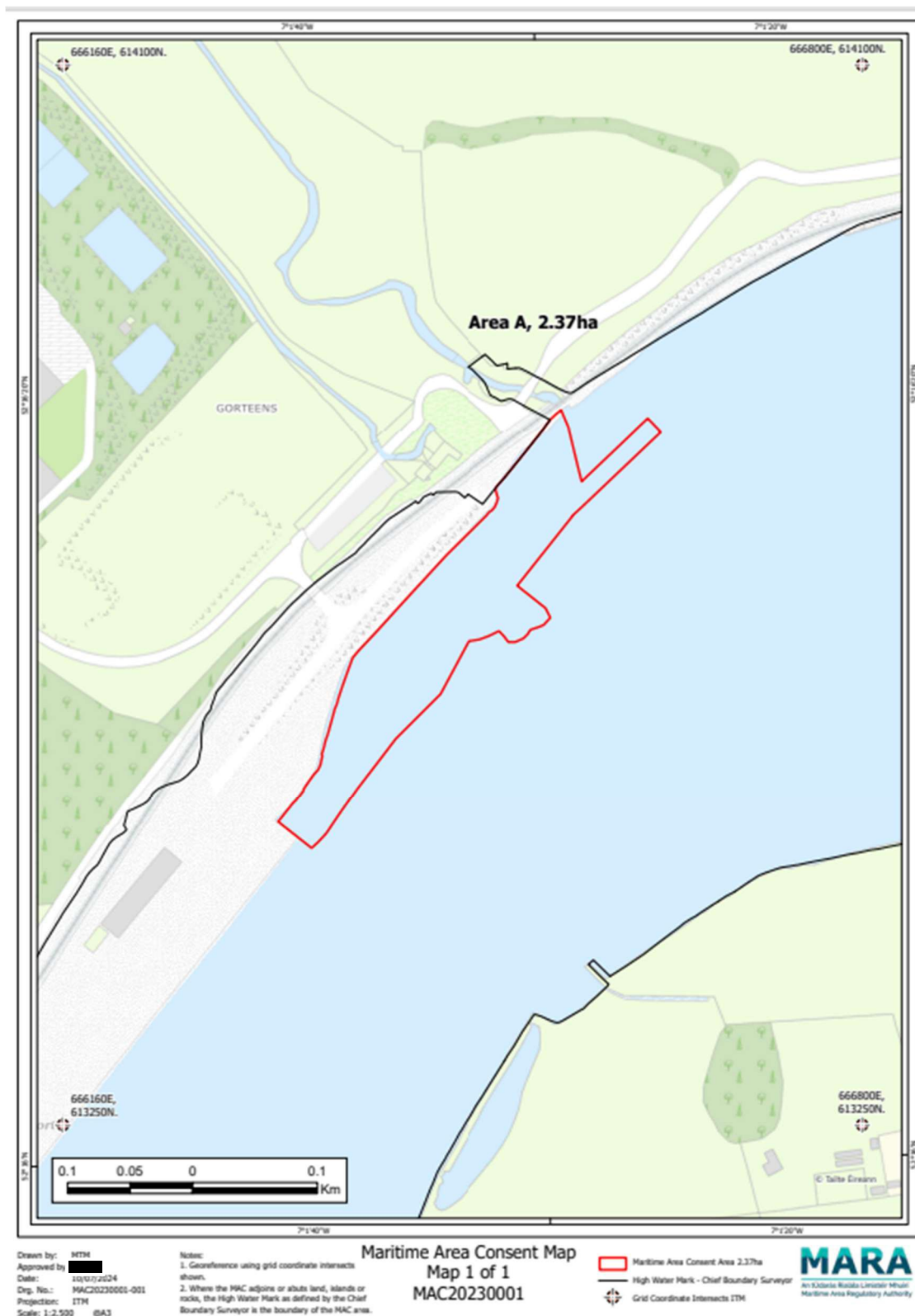


Figure 2– Proposed MAC map



## 8. Levy

An annual MAC levy has been calculated based on the project type and proposed MAC area in accordance with MARA's MAC levy framework, as set out below.

<b>MAPA Levy Framework Part:</b>	Part A
<b>Category/Class:</b>	Development (Commercial)
<b>Tier:</b>	Tier 3 (Rathpatrick ED ID97091)
<b>Applicable Rate:</b>	Base annual charge of €400 plus an add on of €0.75/m2 for areas in excess of 100m2
<b>Area:</b>	2.37ha (23,700m2)
<b>Calculation:</b>	$€400 + ((23,700 - 100) * €0.75)$
<b>Levy due:</b>	€18,100.00

The MAC levy has been calculated as €18,100.00 per annum. All levies are indexed to the Harmonised Index of Consumer Prices (HICP), applied on an annual basis.

## 9. Discussion

Based on the assessments undertaken contained herein, it is considered that the proposed MAC application complies with all the necessary requirements of Schedule 5 of the Act, where relevant and appropriate subject to the following recommended terms and conditions:

### a. Terms

<b>MAC Term:</b>	45 Years
<b>Consent Area:</b>	That part of the maritime area marked red on the MAC MAP.
<b>MAC Map Title:</b>	Title: Maritime Area Consent Map 1 of 1 Drawing Number: MAC2023001-001 Date: 10/07/2024
<b>Permitted Maritime Usage:</b>	The construction, use, operation and maintenance of port facilities, including all associated decommissioning, demolition, rehabilitation and any other works required on foot of any development permission relating to the port facilities.
<b>Nature of Occupation</b>	Non-exclusive

<b>Date by which application for Development Permission must be submitted (subject to Phasing Schedule where applicable):</b>	18 months from date of grant of MAC.
<b>The minimum number of days in which the MAC Holder shall provide the Grantor advance notice in writing of the Holder's intention to commence the Permitted Maritime Usage.</b>	14 Days
<b>Date by which Financial Close is to be achieved:</b>	18 months from date of grant of development permission.

**b. Conditions and Reasons for Conditions**

Section 82 of the Act specifies that MARA may attach to a MAC one or more conditions which fall within the types of conditions specified in Part 1 of Schedule 6 of the MAP Act. 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.

Following assessment of this MAC application, a number of additional specific conditions and the reasons for these conditions to be attached to the MAC, are recommended below. Discussion in relation to each recommended condition is also provided.

- Condition 3.7 - The Holder shall use the Consent Area, for the purposes of, and in accordance with, the details outlined in the plans and particulars submitted by the Holder in support of their application except as may otherwise be required in order to comply with this Consent.
  - **Reason:** In the interest of clarity.
- Condition 12.3 - The Holder shall have achieved Financial Close relating to the Permitted Maritime Usage the subject of this Consent on or before the date set out in the Particulars Schedule. This date may be extended on request in writing by the Holder and provided the Grantor is satisfied that there are reasonable grounds for doing so and the extension does not constitute a material amendment to this Consent.

- **Reason:** In the interest of clarity
- Condition 12.4 - In the event that Financial Close for the Permitted Maritime Usage is not achieved in accordance with the requirements of condition 12.3, the provisions of condition 23 of the Act shall apply.
  - **Reason:** In the interest of clarity
- Condition 12.5 - In the event that Financial Close for the Permitted Maritime Usage is achieved, the following provisions shall apply:
  - (a) The Holder shall furnish the Grantor with evidence of Financial Close as soon as practicable after it has been achieved.
  - (b) The Holder shall give the Grantor a copy of any material alteration to the funding arrangements as soon as practicable after the alteration has been made, the provisions of condition 14 of the Act shall apply.
    - **Reason:** In the interest of clarity.
- Condition 23.2 - Without prejudice to any other remedies available pursuant to this Consent and at Law, this Consent shall terminate immediately in the event that Financial Close for the Permitted Maritime Usage is not achieved in accordance with the requirements of condition 12.3.
  - **Reason:** In the interest of clarity.

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 with conditions.

## 10. Conclusion & Recommendation

Following a detailed assessment of all information on file, it is considered that the proposal complies with all the necessary requirements. Accordingly, it is recommended to issue a Section 81(7)(b) Minded to Notice, as enclosed, informing the applicant(s) that MARA is minded to grant a Maritime Area Consent subject to the proposed conditions attached to the MAC. It is recommended to allow the applicant(s) 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 applicant(s) will be notified and MARA will publish a notice on its website as soon as practicable thereafter.

Signed:



Position:

Senior Engineer, ARDU

Date:

03/04/2025

Signed:



Position:

Manager, MACU

Date:

10/04/2025