

| MAC Report | |
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| Application for a Maritime Area Consent (MAC) under Section 75A of Maritime Area Planning Act 2021, as amended | |
| Application Details | |
| MAC Applicant: | Dublin City Council (DCC) |
| MAC Reference No: | MAC240028 |
| Location: | Sir John Rogerson's Quay, Dublin 2 |
| Date Application received: | 12 July 2024 |
| Proposed Maritime Usage: | Dublin City Council has applied to construct, use, maintain and operate a scour protection mattress as part of an outfall structure at Sir John Rogerson's Quay |
| Recommendation: | To Approve the Granting of the MAC sought with conditions attached. |

| Document Control | | |
|----------------------------|--|------------|
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1. Overview

On 12 July 2024 Dublin City Council submitted a Maritime Area Consent (MAC) application to MARA under Section 79 of the Maritime Area Planning Act 2021 as amended (the Act) for the construction of a scour protection mattress at Sir John Rogerson's Quay.

2. Background

The proposed works form part of Grand Canal Docks Storm Water Outfall Extension Project (GCDSWOE). Central to this is the relocation of the outfall from the existing inner Grand Canal Dock to the new location on Sir John Rogerson's Quay (SJRQ). The applicant has stated that the aim of the new outfall is to improve water quality in the Grand Canal Dock Basin, while the installation of a scour gabion mattress is intended by DCC to prevent erosion of the riverbed at the site of the outfall into the River Liffey.

Planning permission was granted by An Bord Pleanála (reference ABP-313738-22) under Section 226 of the Planning and Development Act 2000, as amended, on 21 November 2023 for the GCDSWOE, including ancillary works which included the installation of a scour protection mattress in the maritime area (the River Liffey) at SJRQ, the subject of this MAC application.

3. Proposed Maritime Usage

The proposed works includes the construction of a scour protection mattress as part of the outfall structure. The mattress is proposed to have a minimum thickness of 0.3m, minimum width of 14.5m and extend to a minimum length of 10m from Sir John Rogerson's Quay. The applicant states that the top level of the scour mattress shall be laid flush with the bed level, while a non-woven geo-textile layer will be installed to ensure no loss of material through the gabion.

As part of the construction work it is proposed to install a temporary cofferdam that will extend into the River Liffey estimated across an area up to 625m² (25m x 25m).

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

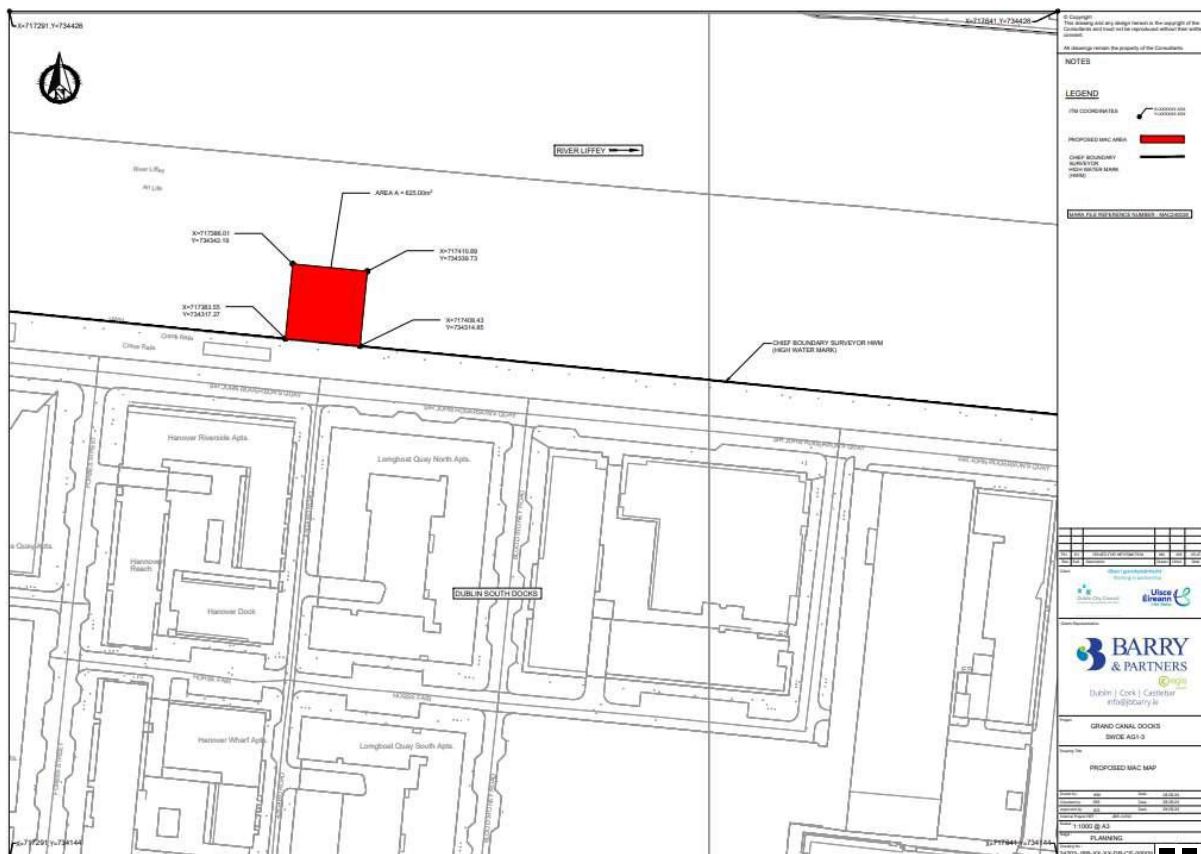


Figure 1 – Applicant map of proposed layout of MAC area

4. Site Visit

A site visit was not conducted as the engineer is familiar with the site. Quay mooring posts are present at on the quay wall above proposed outfall structure, adjacent to the proposed MAC area. Works proposed do not include any works above the level of the riverbed. It is not anticipated than any users of the maritime area will be affected once construction works are completed.

5. Review of Legislation & Associated Consents

5.1 Applicable Provisions of the Maritime Area Planning Act 2021, as amended

Under the Act MARA has responsibility for granting 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 of the Act; 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 the subject of this application requires development permission. The application for such permission was lodged with An Bord Pleanála (ABP) (ref. ABP-313738-22) by the applicant on 7 June 2022 and was granted permission on 21 November 2023.

Section 75(4) of the Act makes provisions for MAC applications to be made to MARA in certain circumstances following the grant of development permission from ABP. Section 75(4) specifies that such applications must have entered into a pre-application with ABP prior to the 1st October 2022 and lodged an application with ABP before 1st Oct 2024 and have an application to MARA for a MAC before the 2nd anniversary of the date of the grant of the development permission. DCC have made an application for development permission to ABP prior to 1 October 2022 and made an MAC application to MARA before the 2nd anniversary of the date of the grant of the development permission. Accordingly, the subject of this application is considered to fall under Section 75.4(c) of the Act.

5.2 Existing Consents & Authorisations

A search of the MARA's GIS database was undertaken on 12/03/2025 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 database¹ was searched on 12/03/2025 for spatial overlap between the proposed MAC areas and any Department for Agriculture, Food and the Marine (DAFM) foreshore authorisations for aquaculture sites.

The application overlaps with the foreshore authorisation detailed in *Table 1* below.

The proposed MAC area does not overlap with any other existing MACs or Maritime Usage Licences (MULs), nor applications for the same.

| Table 1: Summary of Overlapping maritime authorisations and foreshore authorisations | | | | |
|---|--------------------------|---------------------|-----------------------|------------------------|
| File Reference Number | Applicant/ Holder | Consent Type | Maritime Usage | Status |
| MS51/4/398 / FS004457 | Dublin City Council | Licence | Stormwater Diversion | Expiring 24 April 2037 |

The applicant submitted that a historic foreshore license was granted for the proposed development in 2002 and was further extended in 2004 to 2008. According to the applicant this project was not initiated. This Licence (reference number FS004457, old reference number MS51/4/398) remains extant and is not due to expire until 24 April 2037. As the proposed maritime usage the subject of this MAC application is intended to accomplish the works formerly consented under Licence, DCC have stated their intention to surrender this licence. Further consideration in relation to the Foreshore Licence is provided in Sections 6 & 9 below.

5.3 Development Permission

On 21 November 2023, An Bord Pleanála granted permission, with conditions, (reference ABP-313738-22) to Dublin City Council for the proposed GCDSWOE project comprising the construction of pipework, transition chambers, floating platforms and new outfall structure to the River Liffey, including all ancillary site works, rerouting the existing stormwater discharge point from the Grand Canal Dock Basin into the River Liffey at Sir John Rogerson's Quay, Dublin 2.

It is noted in section 2.3.7 of the EIAR submitted in support of the planning application that the installation of the scour protection mattress is included as part of the works and is therefore considered to be part of the ancillary site works granted under the referenced planning consent.

¹ <https://atlas.marine.ie/>

5.4 Ownership

A search was undertaken of the Land Registry 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.

6. Assessment

6.1 Schedule 5

The MAC application was submitted with the appropriate fee on 12 July 2024.

Requests for additional information relating to matters for financial assessment were issued on 20 August 2024 and 27 September 2024 under section 79(3) of the MAP Act and associated responses were received 6 September 2024 and 18 October 2024.

Schedule 5 of the Act 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

| Schedule 5 Requirements | | Synopsis | Assessment |
|--------------------------------|--|---|-------------------|
| 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 & 4 above. It is considered that a design life for the structure of circa 50 years, with proper maintenance and repair, should be achievable. Accordingly, a MAC term of 55 years (allowing for the construction phase) is recommended.</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>DCC stated in their application that the proposed scheme aligns with the following National and European Policies:</p> <ul style="list-style-type: none"> • National Planning Framework Project Ireland 2040: Strategic Outcome 9 - Sustainable Management of Water and other Environmental Resources; • Uisce Éireann Water Services Strategic Plan: Support Social and Economic Growth strategic objectives SG1-SG3; Protect and Enhance the Environment strategic objectives EN1 - EN3; • National Development Plan 2021-2030: Strategic Water Investment Priorities - Water Quality; • Regional Spatial and Economic Strategy for Eastern and Midlands Region: RPO 6.33, RPO 7.10, RPO 10.1, RPO 10.3; • Dublin City Development Plan 2022-2028: Sustainable Environmental Infrastructure and Flood Risk policy SI1 North Lotts and Grand Canal Dock Strategic Development Zone Planning Scheme: Sustainable Infrastructure objective SI13, S17, SI18; and • EU Water Framework Directive (2000/60/EC): Article 1(a) and (c); and Article 4.1(a)(i) and Article 4.1(a)(ii) <p>DCC highlight the <i>Grand Canal Basin Amenity Project Joint Working Group Report</i>, which notes water quality issues and identifies the criticality of the proposal to enhancing amenity value of the Grand Canal Basin, a principal focus for water-based activities such as water sports and tourist and leisure craft.</p> <p>DCC also referenced the <i>Fáilte Ireland Visitor Experience Development Plan</i> to deliver an enhanced visitor proposition to increase visitor flow into the area, while also identifying water cleanliness around Grand Canal Docks as an issue.</p> <p>The proposed maritime usage is considered satisfactory, having regard to the public interest.</p> | Satisfactory |

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| 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 to be occupied by the MAC is 625m², as illustrated in <i>Figure 2</i> (Proposed MAC Map) in <i>Section 7</i>.</p> <p>The applicant notes the loss of berthing at the SJRQ site during both construction and operation phases, while noting also that river traffic may be impacted during construction. It is noted that as part of the application, DCC have submitted a letter of no objection to planning from Dublin Port Company (DPC), who have responsibility for managing navigation and port operations at the site, in which DPC specify non-objection to the outfall structure and its location at Berth 7. A number of other mooring posts are noted to be available in the immediate vicinity.</p> <p>Details of the location, relevant consents, ownership and development permissions are provided in Sections 2 to 5 above. Based on the above and the searches undertaken, nothing was identified that would preclude the granting of a MAC in the proposed area.</p> <p>An existing Foreshore Licence FS004457 held by the applicant for the same proposed usage overlaps with the to the proposed MAC area, however the applicant has their stated intent to surrender the licence. Considering this, it is recommended that a condition is included within the MAC requiring the applicant to surrender Foreshore Licence FS004457.</p> <p>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 <i>Table 3</i> below, <i>Section 6.2</i> and the Financial Capability Assessment (FCA) as set out in the Ernest Young (EY) reports dated 20 February 2025, it is considered that the applicant satisfies the 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 the 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 | Not Applicable |

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| 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 Wastewater Treatment & Disposal, Economic and Social objectives of the NMPF to: bring and maintain public water and wastewater services to acceptable international benchmarks, verified by independent monitoring and reporting, through increased wastewater treatment based on best available techniques, with a focus on, <i>inter alia</i>, ensuring full compliance with the Urban Waste Water Treatment Directive and wastewater licensing requirements; and support communities and sustainable development in coastal areas through the provision of resilient water services, now and into the future.</p> <p>It is considered that the proposed project aligns with the following policy objectives of the NMPF:</p> <ul style="list-style-type: none"> • Water Quality Policy 2 - Proposals delivering improvements to water quality should be supported • Co-existence Policy 1 - Proposals should demonstrate that they have considered how to optimise the use of space, including through consideration of opportunities for co-existence and co-operation with other activities, enhancing other activities where appropriate. • Social Benefits Policy 1 - Proposals that enhance or promote social benefits should be supported. • Waste Water Treatment and Disposal Policy 1 - Proposals by Irish Water related to the treatment and disposal of wastewater that: <ul style="list-style-type: none"> i) service the social and economic development of the country under the National Planning Framework; ii) resolve environmental issues at priority areas identified by the EPA; iii) contribute to the realisation of the objectives of: <ul style="list-style-type: none"> • Ireland's River Basin Management Plan 2018 – 2021 • The Water Services Policy Statement 2018 – 2025 • Marine Strategy Framework Directive 2012 - 2020 • Tourism Policy 1 - Proposals enabling, promoting or facilitating sustainable tourism and recreation activities, particularly where this creates diversification or additional utilisation of related facilities beyond typical usage patterns, should be supported. • Tourism Policy 3 - Proposals for tourism development should seek to optimise facilities and use of space by taking a cross-sectoral development approach that provides for multiple activities. <p>In the application, the applicant states that the proposed project is consistent with the environmental objectives of the NMPF.</p> <p>The Project incorporates extensive mitigation measures as set out in both the Environmental Impact Assessment Report (EIAR) and outline Construction Environmental Management Plan (CEMP) completed for the project as part of their application for development permission in order to ensure that the riverine environment is fully protected during both the construction and operation phase of the Project.</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> | Satisfactory |
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| 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. | DCC stated they have conducted Site Investigation (SI) works specifically relating to the new proposed outfall in 2002 and 2008. Furthermore, there are significant historical SI data for the Grand Canal Dock and surrounding area on record. The SI data range from 1996 to the latest SI which was undertaken in 2017. The SI data generally comprise of boreholes, slit trenches and trial pits. In addition, an EIAR and CEMP have been completed for the project as part of their application for development permission. Having regard to the above, the extent of the preparatory works undertaken are considered acceptable for a project 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. | DCC have been granted development permission by An Bórd Pleanála for the proposed works and have provided evidence of same, which includes public/stakeholder consultations and environmental assessment. Having regard to the above, the extent and nature of the stakeholder engagement undertaken is therefore considered acceptable for a project of this scale and nature. | Satisfactory |
| 11. | Where a competitive process referred to in section 93 or 103 is used, the outcome of such process. | Not applicable. | Not applicable |
| 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 Act sets out the criteria to which MARA shall have regard in determining whether the relevant persons are “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.

Table 3: Schedule 2(2) Fit & Proper Person

| Fit & Proper area for assessment | | Synopsis | Assessment |
|---|---|---|-------------------|
| (a) | letters of reference; | <p>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.</p> <p>The applicant has provided:</p> <ul style="list-style-type: none"> • a letter of no objection from Dublin Port Company; • details of stakeholder consultee submissions from the planning application, with no objections recorded. | Satisfactory |
| (b) | <p>that the relevant person, or any other person concerned, stands convicted of—</p> <p>(i) an indictable offence under this Act or an offence in another state equivalent to an indictable offence,</p> <p>(ii) an indictable offence under an enactment prescribed for the purposes of this clause, or</p> <p>(iii) an offence involving fraud or dishonesty;</p> | As part of the FCA, the applicant and project co-funder, Uisce Éireann, were 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 and project co-funder, Uisce Éireann, were 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) | 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, the applicant and project co-funder, Uisce Éireann, were assessed against these criteria and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply. | Satisfactory |

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| (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> | <p>As part of the FCA, the applicant and project co-funder, Uisce Éireann, were assessed against these criteria and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.</p> | 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 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, the applicant and project co-funder, Uisce Éireann, were assessed against these criteria and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.</p> | Satisfactory |
| (g) | <p>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;</p> | <p>Assessment of the technical capability of the applicant to deliver the proposed maritime usages the subject of the MAC application is detailed in <i>Section 6.2.1</i> below. The applicant is considered to have the requisite technical knowledge and qualifications to undertake the proposed maritime usage.</p> | Satisfactory |
| (h) | <p>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—</p> <p>(i) in undertaking the proposed maritime usage, or in continuing to undertake the maritime usage, as the case may be, or</p> <p>(ii) in ceasing to undertake the proposed maritime usage or the maritime usage, as the case may be;</p> | <p>FCA reports dated 20 February 2025 have been prepared by external financial consultants, EY, who assessed DCC and Uisce Éireann's financial capability to carry out the proposed maritime usage. Based on the results from the financial capability tests and the information submitted, it is considered that the Relevant Persons are viewed as passing the assessment.</p> <p>Due to the commercial sensitive nature of a company's finances, details of the assessment are not included herein.</p> <p>DCC and Uisce Éireann are considered likely to be in a position to meet financial commitments associated with the proposed maritime usage and MAC.</p> | Satisfactory |

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| <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>MARA has undertaken a review of MACs (including associated development permission under MARA's remit for enforcement), maritime usage licences and foreshore authorisations held by the applicant. Based on this 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.</p> | <p>Satisfactory</p> |
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6.2.1 Technical Capability Assessment (TCA)

Considering the information supplied by the applicant in their application, the Technical Capability Assessment (TCA) for this application has been carried out on the basis that the proposed project is not 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 An Bord Pleanála.

Information has been provided under this TCA submission relating to both the applicant and their contracted agents. Under these circumstances, the TCA will be carried out on the basis of the combined technical capability of the applicant and their agents, J.B. Barry & Partners Ltd, as relevant.

Assessment of Qualifications/Membership of Professional Bodies

The applicant has satisfactorily completed Appendix Tec A – Table (i) with details of their agents, J.B. Barry & Partners Ltd. J.B. Barry & Partners Ltd is a Chartered Engineer with Engineers Ireland. J.B. Barry & Partners Ltd have provided a certificate of membership of the Association of Consulting Engineers Ireland. J.B. Barry & Partners Ltd have provided a copy of a valid, in date, Professional Indemnity Insurance Certificate. J.B. Barry & Partners Ltd have provided a copy of their Certificate of Registration under the I.S. EN ISO 9001:2015 Quality Management System. On the basis of the information provided, it is considered the applicant has met the criteria required in relation to Qualifications/Membership of Professional Bodies.

Assessment of Three Projects of a Similar Scale and Nature

The applicant has satisfactorily completed Appendix Tec A – Table (ii) and has provided details of their agent's involvement in three projects of a similar scale and nature to the project the subject of the MAC application. The three reference projects are maritime projects of a similar scale and nature and the details outlined in Appendix Tec A Table (ii) demonstrates the required level of experience to deliver the proposed project. On the basis of the information provided, it is considered the applicant has met the criteria required in relation to professional qualifications and previous project experience.

Assessment of Capability to Operate and Maintain Maritime Infrastructure

The operation and maintenance of the proposed scheme will be undertaken by Dublin City Council. Based on the information submitted in Appendix Tec B. Dublin City Council has demonstrated a good understanding of the likely maintenance and operational requirements of a project of this scale and nature and it is considered that the applicant has met the criteria required in relation to capability to operate and maintain the proposed maritime infrastructure.

Assessment of Delivery Timelines

The applicant has satisfactorily completed Appendix Tec C and satisfied the requirements of key milestone delivery timelines. On the basis of the information provided, whilst the dates are outdated due to the applicant not including the MAC consenting timelines, it is considered the applicant has demonstrated a realistic understanding of the probable timeframes involved in delivering a project of this scale and nature in an Irish context.

Conclusion

Following an assessment of the documentation provided by the applicant, MARA considers that Dublin City Council and their agents have satisfied all of the criteria under the Technical Capability Assessment of the Fit and Proper Test. Accordingly, MARA considers that Dublin City Council and their agents J.B. Barry & Partners Ltd have the requisite technical knowledge and qualifications to undertake the proposed maritime usage.

6.3 Rehabilitation Schedule

Under section 96(1) of the Act, it is required that the holder of a MAC shall, before the expiration of the MAC, rehabilitate that part of the maritime area the subject of the MAC. As this application falls for submission under Section 75.4(c) of the Act, it is required that a rehabilitation schedule be attached to the MAC.

Section 96(4) of the Act specifies particulars that should be included in a rehabilitation schedule that set out how the applicant will discharge their rehabilitation obligations.

DCC have submitted a rehabilitation schedule with their application. This schedule states, *inter alia*, that the gabion mattress has a minimum expected design life of 50 years and that due to the stated nature, location and criticality of the infrastructure, DCC expects that the infrastructure will remain in operation at the end of its design life, though the infrastructure will be subject to ongoing maintenance and remedial works by DCC as necessary. While DCC do not anticipate any major maintenance or replacement works, they have outlined regular inspection and maintenance works to be carried out over the term of the MAC, including the end of the MAC term or at the end of the design life of the infrastructure, whichever is first. DCC have provided an estimated cost of replacement and state their intention to seek permission to retain the infrastructure in accordance with the relevant legislation at the appropriate time. Section 96(2)(d) of the Act clarifies that rehabilitation may include re-use of the infrastructure for the same purpose. On review it is considered that the rehabilitation schedule satisfies 96(2)(d) of the Act.

The rehabilitation schedule is considered satisfactory having regard to section 96 of the Act.

7. Proposed MAC Map (for illustration 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.

| | |
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| MAPA Levy Framework Part: | Part A: Nearshore |
| Category/Class: | Development (Non-commercial) |
| Tier: | Tier 1 |
| Applicable Rate: | Base charge of €208.46, plus €2.34 per m ² for areas over 100m ² |
| Length or Area: | 625 m ² |
| Calculation: | €208.46 + (€2.34*(625-100)) |
| Levy due: | €1,436.96 |

The MAC levy has been calculated as €1,436.96 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

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| MAC Term: | 55 years |
| Consent Area: | That part of the maritime area marked red on the MAC Map. |
| MAC Map Title: | Maritime Area Consent Map MAC240028, Drawing Number: MAC240028-001, dated 12/03/2025 |
| Permitted Maritime Usage: | The construction, use, operation and maintenance of a scour protection mattress including all associated decommissioning, demolition, rehabilitation and any other works required on foot of any development permission relating to the infrastructure. |
| Nature of Occupation: | Non-Exclusive |
| Date by which application for Development Permission must be submitted (subject | Not applicable. |

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| to Phasing Schedule where applicable): | |
| 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. | 14 Days |
| Date by which Financial Close is to be achieved: | Not applicable. |

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 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.

- **Condition 3.7 – Grant of Consent**

The Holder shall use that part of the Maritime Area the subject matter of this consent for the purposes of, and in accordance with, the details 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 this Consent.

Reason: In the interest of clarity.

- **Condition 4.1(a) – Commencement of the right of occupation**

Notwithstanding the proposed Term Commencement Date, the Holder shall not occupy the Consent Area pursuant to condition 3.4 nor shall the Holder commence any works, activities or operations associated with the Permitted Maritime Usage in the Consent Area unless and until the Holder has surrendered Foreshore Authorisation Reference FS004457 to MARA.

Reason: To ensure proper management of the Maritime Area

- **Condition 10.2 – Public Engagement Plan**

Prior to the commencement of the Permitted Maritime Usage, the Holder shall consult with Dublin Port Company to plan and schedule the Permitted Maritime Usage in order to ensure that any potential disruption to port operations is managed. Records of all engagements and consultations held and agreements reached, if any, shall be maintained by the Holder and made available to the Grantor if requested.



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

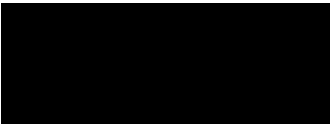
It is considered that the application for a MAC complies with all the requirements of Part 4 of the Act, with particular regard to Schedule 5 criteria. Accordingly, it is recommended that the proposed MAC is granted with conditions.

10. Conclusion & Recommendation

Following a detailed assessment of the application, 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 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 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: 

Signed:  Position: 