

<b>MAC Report</b>	
<b>Application for a Maritime Area Consent (MAC) under Section 75(1) of Maritime Area Planning Act 2021, as amended (the Act)</b>	
<b>Application Details</b>	
<b>MAC Applicant:</b>	Electricity Supply Board (ESB)
<b>MAC Reference No:</b>	MAC240021
<b>Location:</b>	Great Island Power Station, Wexford to Drumdowney Upper, Kilkenny
<b>Date Application received:</b>	20 May 2024
<b>Proposed Maritime Usage:</b>	ESB has applied to construct, use, operate and maintain an Underground Electricity Cable (UGC) beneath The River Barrow, at Belview, Co Kilkenny and Great Island, Co Wexford.
<b>Recommendation:</b>	To <b>approve</b> the <b>part granting</b> of the MAC sought with conditions attached.

<b>Document Control</b>		
<b>Prepared by:</b>		25/06/2025
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<b>Reviewed by</b>		30/06/2025
<b>Approved by:</b>		01/07/2025
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## 1. Overview

On 20 May 2025, ESB submitted a MAC application to MARA under Section 79 of the Maritime Area Planning Act 2021, as amended (the Act) for the installation of an underground electricity cable beneath the River Barrow, at Belview, Co Kilkenny and Great Island, Co Wexford.

## 2. Background

The proposed project is stated to form part of ESB networks distribution system upgrades for the north quays and Belview area. The application spans the administrative area of Counties Wexford and Kilkenny, as the county boundaries lie in the middle of the River Barrow. The applicant states that the underground cable (UGC) will measure approximately 4920m from end to end. Approximately 1020m of the circuit will be installed by Horizontal Directional Drilling (HDD) beneath the River Barrow. The remainder of the circuit, approximately 3900m will be a UGC installed by traditional trenching and ducting means. Approximately 3400m of this UGC will be installed within County Kilkenny and the remaining 500m will be installed within County Wexford.

The Applicant states the rationale for the Great Island to Belview 38 kilovolt (kV) feeder connection project has been established due to the limitation on the existing 38 kV river crossings (Waterford – Mount misery 1 & 2) and by the continued development north of the river in Waterford City which necessitates additional capacity to supply new loads in the North Quays and Belview area.

## 3. Proposed Maritime Usage

The development in the maritime area is proposed to include the installation of a new 38 kV feeder connection from Great Island 220 kV station to Belview 38 kV station by HDD) beneath the River Barrow. The total area proposed by the applicant to be occupied by the MAC is 1.4ha.

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

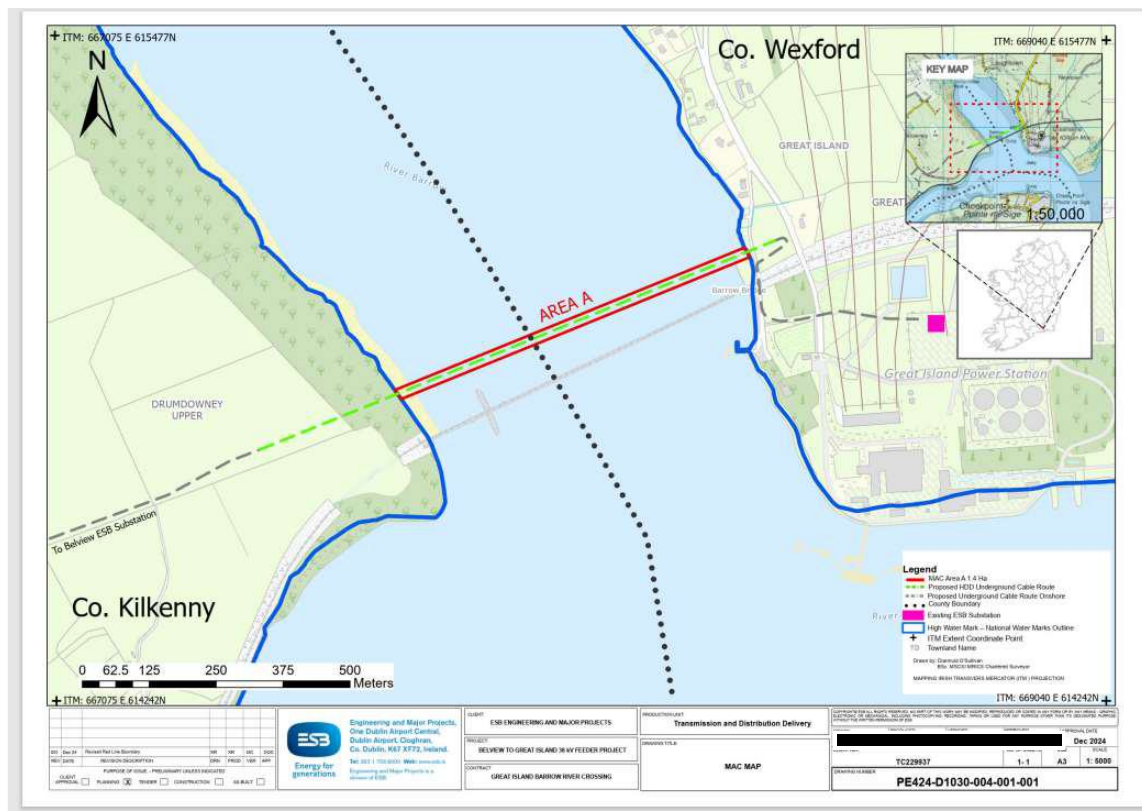


Figure 1 – Applicant map (19/03/2025)

#### 4. Site Visit

Senior Marine Advisor, [REDACTED] inspected the site on 29 November 2024. Existing reclamation was identified on the Wexford side on the river Barrow. See *Section 5.2* below for further details. The remainder of the proposed works are located at an undisturbed maritime area beneath the bed of the River Barrow. *Photograph 1* details the character of the maritime area in the vicinity of the proposed works. As the works proposed do not include any works on or over the riverbed, it not anticipated that any existing users of the maritime area will be affected.



*Photograph 1 – Proposed cable crossing site taken from Wexford side facing west with Irish Rail viaduct in the background. [REDACTED] 29/11/2024*

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

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

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, 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 Act, a MAC is required before an application for development permission can be lodged with the relevant consent authority.

Accordingly, the subject of this application is considered to fall under Section 75(1) of the Act.

##### 5.2 Existing Consents & Authorisations

A search of the MARA's GIS database was undertaken on 20 June 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 database<sup>1</sup> was searched on 20 June 2025 for spatial overlap between the proposed MAC areas and any Department for Agriculture, Food and the Marine (DAFM) foreshore authorisations for aquaculture sites.

Based on the searched undertaken, the proposed MAC area does not overlap with any existing MACs or Maritime Usage Licence (MUL), foreshore authorisations or applications for the same.

### 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 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 Land Registry on 20 June 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 applicant map (see *Figure 1* above).

Folio WX57277F was identified as overlapping the proposed MAC application area and confirms Wexford County Council as the registered owner under the Registration of Title Act 1964. The applicant has provided a letter from Wexford County Council confirming no objection to the proposed works. This Folio relates to a small section of the Wexford (Eastern) end of the proposed MAC area and the part of the Folio which exists in the maritime area is presently unused scrub land. As this land is considered privately owned under Section 99 of the Act, it is recommended to part grant the MAC to exclude that area of Maritime Area in private ownership, thereby reducing the proposed MAC area from 1.4ha to 1.38ha, as indicated in *Figure 2* below. See the *Proposed MAC Map (Figure 3)* in Section 7.

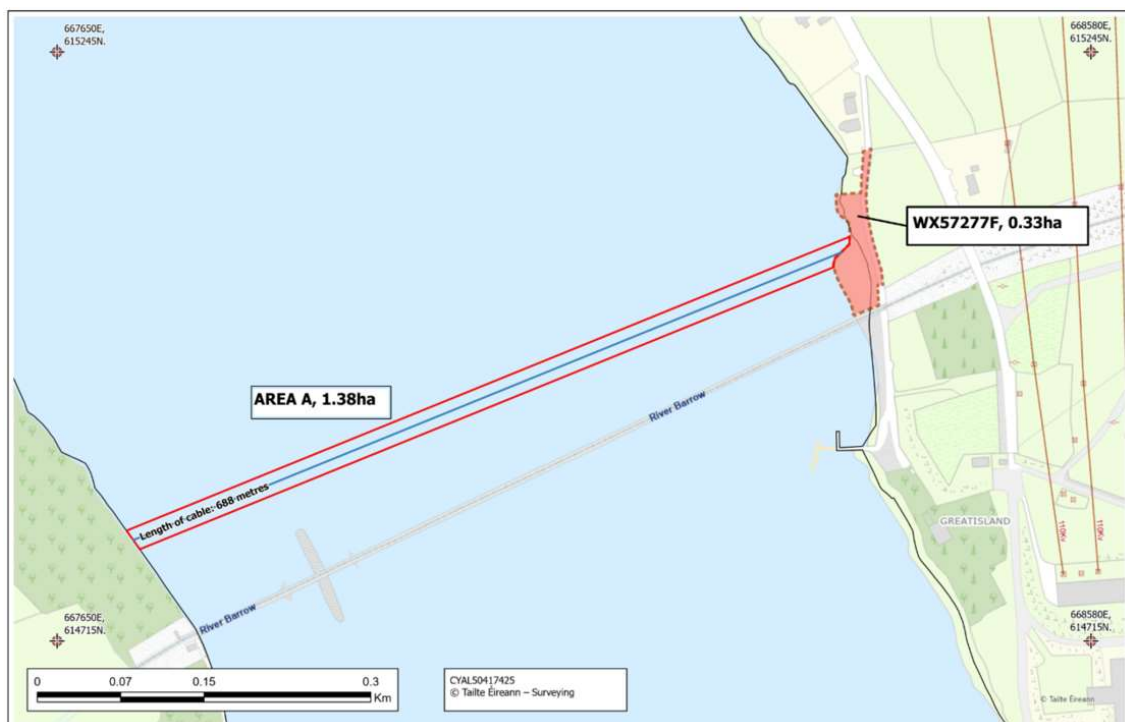


Figure 2 – Map showing Folio WX57277F and recommended adjustment to the MAC area.

Note: During assessment, MARA identified an overlap of the proposed MAC area with an historic conveyance (Foreshore reference FS004079), dated 18 October 1904, for the transfer of freehold from the Crown Estate to Rosslare and Fishguard Railways and Harbours Company (now Iarnród Éireann), in lands registered under Folio WX57277F. Upon inspection of the Land Registry on Tailte Éireann, MARA found that this Folio is now held by Wexford County Council.

## 6. Assessment

### 6.1 Schedule 5

The MAC application was submitted with the appropriate fee on 20 May 2024.

A request for additional information was issued on 11 December 2024 under section 79(3) of the Act and associated response received relating to matters for technical assessment on 18 March 2025.

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 1 below.

<b>Table 1: Synopsis of the assessment of the application with regard to the requirements of Schedule 5</b>		
<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 a design life for the structure of circa 40 years, with proper maintenance and repair, should be achievable. Accordingly, a MAC term of 45 years (allowing for planning, construction and rehabilitation phases) 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>ESB states that the proposed project, as part of the ESB distribution system upgrades for the area, is consistent with the ESB strategy <i>Driven to make a difference: Net Zero by 2040</i> and that this is consistent with the Government's <i>Climate Action Plan</i> and <i>The European Green Deal</i>.</p> <p>The proposed works are intended by the applicant to increase capacity for additional power to support the ongoing development of the North Quays/Belview areas north of the river in Waterford City.</p> <p>The proposed maritime usage is considered satisfactory, having regard to the public interest.</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 by the applicant to be occupied by the MAC is 1.4ha, as illustrated in <i>Figure 1</i> (Applicant Map) in <i>Section 3</i>.</p> <p>Details of the location, relevant consents, ownership and development permissions are provided in Sections 2 to 5 above.</p> <p>As detailed in <i>Section 5</i> above, the eastern (Wexford) end of the proposed MAC area was identified as registered in the ownership of a third party (Folio Ref: WX57277F). Accordingly, this part of the maritime area is considered privately owned under Section 99 of the MAP Act. Having regard to the location and spatial extent of the occupation, the proposed maritime usage is therefore considered to be partially satisfactory. Accordingly, it is recommended to part grant the MAC to exclude the part of maritime area in private ownership.</p> <p>The MAC area recommended to be granted is 1.38ha, as illustrated in <i>Figure 3</i> (Proposed MAC Map) in <i>Section 7</i>. The length of the cable from bank to bank is 688m.</p>	Partially satisfied
4. Guidelines issued under Section 7 which are	No such guidelines have been published to date.	Not applicable

	relevant to the proposed maritime usage.		
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 2 below, Section 6.2.1 and the Financial Capability Assessment (FCA) as set out in the Ernest Young (EY) report dated 20 June 2024, 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	Satisfactory
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 Energy – Transmission, 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> <ul style="list-style-type: none"> <li>• <b>Co-existence Policy 1</b> - Proposals should demonstrate that they have considered how to optimise the use of space, including through consideration of opportunities for coexistence and co-operation with other activities, enhancing other activities where appropriate.</li> <li>• <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.</li> <li>• <b>Transmission Policy 4</b> - Where possible, opportunities for land-based, coastal infrastructure that is critical to and supports energy transmission should be prioritised in plans and policies.</li> <li>• <b>Social Benefits Policy 1</b> - Proposals that enhance or promote social benefits should be supported.</li> </ul> <p>In the application, the applicant states that the proposed project is consistent with the environmental objectives of the NMPF. 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</p>	Satisfactory

		<p>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 usage the subject of the MAC application concerned should the applicant be granted a MAC in respect of such usage.	<p>ESB contracted McAlister Engineering Ltd. to complete a feasibility assessment for utilising a trenchless method of crossing underneath the Barrow River. To fully assess the feasibility of the trenchless method of crossing underneath the river, the following ground investigation works are stated to have been undertaken:</p> <ul style="list-style-type: none"> <li>• desktop review of historical borehole information in the area;</li> <li>• rotary core boreholes undertaken on both banks of the river;</li> <li>• laboratory testing;</li> <li>• 2d-resistivity (ert) / seismic refraction (p-wave) geophysical survey of the riverbed; and</li> <li>• completion of a comprehensive conceptual design.</li> </ul> <p>Having regard to the above, the extent of the preparatory works undertaken are considered acceptable for a project of this scale and nature.</p>	Satisfactory
10	The extent and nature of stakeholder engagement undertaken by the applicant in respect of the proposed maritime usage.	<p>ESB notes terrestrial lands owned by other parties, including a public access lane owned by Wexford County Council, in the vicinity of the proposed MAC area. While stating that ESB has statutory powers to enter onto lands for works relating to electrical infrastructure, ESB outlines landowner consultations during the site survey and feasibility assessment.</p> <p>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.</p>	Satisfactory
11	Where a competitive process referred to in section 93 or 103 is used, the outcome of such process.	Not applicable	Satisfactory
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 person(s) is/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 2 below.

Table 2: Schedule 2(2) Fit &amp; Proper Person

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<i>Fit &amp; Proper area for assessment</i>	<i>Synopsis</i>	<i>Assessment</i>
(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) 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, 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) 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 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) if the relevant person is a body corporate, whether it— (i) has commenced a voluntary winding-up or is subject to a winding-up order or is subject to proceedings for such an order, (ii) is subject to the appointment of a receiver or examiner, or (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;	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) if the relevant person is a body corporate incorporated under the law of another state— (i) whether an event which corresponds to an event referred 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;	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

(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 ESB to deliver the proposed maritime usages the subject of the MAC application is detailed in <i>Section 6.2.1</i> below. ESB 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 20 June 2024 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 associated 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), maritime usage licences 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

### 6.2.1 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 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 Coimisiún Pleanála.

**Previous Corporate Project Experience:** Based on the information submitted it is clear that, in the past 10 years, ESB has been involved in cabling projects of a similar scale and nature and it has provided a comprehensive description of their role in delivering these projects. In conclusion, ESB 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:** ESB listed seven team members in Appendix Tec B Table 1 and provided information and CVs in relation to team members. All CVs were fully reviewed as part of the assessment. The evidence provided demonstrates an experienced Senior Project Delivery Team consisting of six members. Between them, the six team members assessed had an aggregate of over 100 years of development and construction experience in similar projects, over 100 years' experience of other projects and at least 40 years' experience of the Irish planning system. Therefore, ESB has satisfied the Project Delivery Teams Experience criteria requirements (Marine Projects, Other Projects and Planning).

**Delivery Timelines:** The applicant has completed Table 1 in Appendix Tec C: Delivery Timelines which outlines the key milestone delivery timelines and demonstrates how the project will progress from

submission of the planning application, to signing of the main contractor agreement, to planned maintenance activities. 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 considers that ESB have satisfied all of the criteria under the TCA of the Fit and Proper Test, accordingly MARA considers that ESB has the requisite technical knowledge and qualifications to undertake the proposed maritime usage.

### 6.3 Section 83 – Nature of Use

Section 83(1) of the Act requires MARA in the granting of a MAC to specify whether the specific part of the maritime area the subject of that MAC is for exclusive use or not. Section 83(1) provides MARA discretion and flexibility to specify the nature of the use (i.e. exclusive, non-exclusive or may/may not be exclusive).

Having regard to the nature and lifecycle of the proposed maritime usage the subject of this application, it is reasonably foreseeable that ESB may be required to exclude access to parts of the MAC area on a temporary basis. For example, during construction, maintenance, decommissioning and rehabilitation phases for health and safety reasons. Such temporary/ short-term exclusions may be mandated by the planning authority or other authorities or legislation for specific purposes and durations. In this instance, it is considered that granting of exclusive use for the full term of the MAC is not merited, particularly having regard to co-existence and co-operation objectives of the NMPF. It is considered that exclusive use should only be permitted where use on an exclusive basis is required and provided for under another authorisation or enactment. Accordingly, it is recommended that the MAC is granted on a “may or may not be exclusive” basis contingent on circumstances that may arise after the granting of the MAC” in accordance with Section 83(1)(c) of the Act.

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

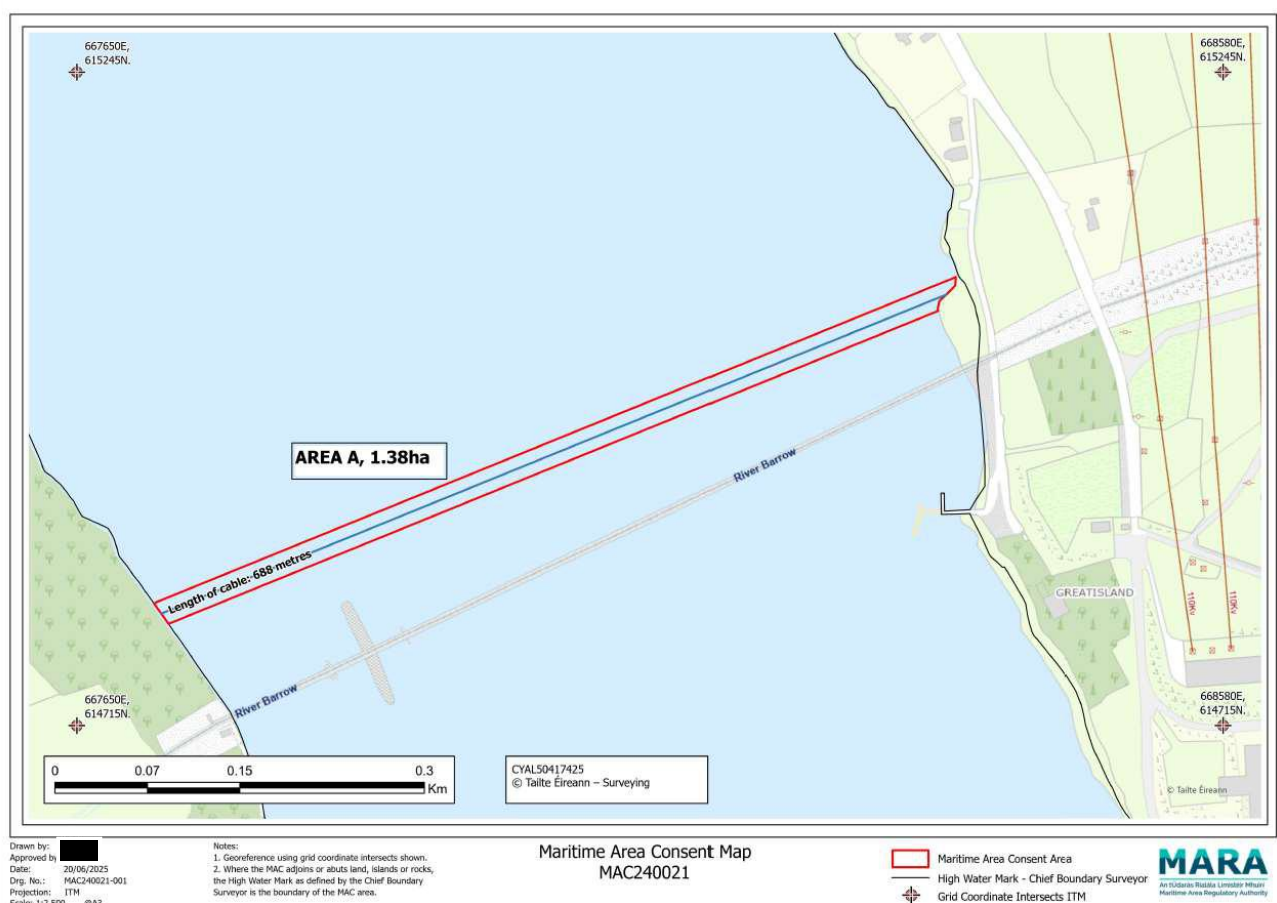


Figure 3 – Proposed MAC Map

## 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.

MAPA Levy Framework Part:	A: Nearshore
Category/Class:	Cables pipelines and ducting
Tier:	N/A
Applicable Rate:	Base Annual Charge of €312.70 up to 75 LMs + €4.17 per LM for the next 22,165 LMs
Length or Area:	Length: 688m
Calculation:	€312.70 + (€4.17*613)
Levy due:	€2,868.91

The MAC levy has been calculated as €2,868.91 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, with the exception of Schedule 5(3).

The proposed MAC area has been assessed to overlap a private maritime area. Schedule 3(3) and Schedule 4(5) of the Act precludes "any maritime usage to the extent to which it is undertaken on a privately owned part of the maritime area" from requiring a MAC. Section 99(2) of the Act specifies that *"no part of the maritime area shall be treated at any time as privately owned land unless the part is land whose owner is, or is deemed to be, registered under the Registration of Title Act 1964."* Accordingly, MARA may not consent to the section of the proposed MAC area that is registered as private land.

The above consideration has been made subject to the following recommended terms and conditions:

### a. Terms

MAC Term:	45 years
Consent Area:	That part of the maritime area marked red on the MAC Map.
MAC Map Title:	Title: Maritime Area Consent MAP, MAC240021 Drawing Number: MAC240021-001 Date: 20/06/2025
Permitted Maritime Usage:	The construction, use, operation and maintenance of an underground electricity cable, including all associated decommissioning, demolition, rehabilitation and any other works required on foot of any development permission relating to the cable.
Nature of Use:	May or May Not be Exclusive
Date by which application for Development Permission must be submitted (subject to Phasing Schedule where applicable):	18 months from date of grant of MAC.

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

#### 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, an additional specific condition and the reason for this condition to be attached to the MAC, is recommended below.

Condition 3.7 - 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 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.*

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, with the exception of Schedule 5(3). An overlap with private land has been identified. Accordingly, it is recommended to **part grant** the proposed MAC to exclude the area of private land.

#### 10. Conclusion & Recommendation

Following a detailed assessment of all information on file, it is considered that the proposal complies with all the necessary requirements, subject to the exclusion of land in private ownership from the proposed MAC area. 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 **part 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: Analyst, MACU

Signed: \_\_\_\_\_ Position: Senior Engineer, ARDU