

Final Determination Report	
Application for a Maritime Area Consent (MAC) under Section 75(1) of Maritime Area Planning Act 2021 (the Act)	
Application Details	
MAC Holder:	Electricity Supply Board (ESB)
MAC Reference No:	MAC240021
Location:	Great Island Power Station, Wexford to Drumdowney Upper, Kilkenny
Date Application received:	20 May 2024
Application Details:	ESB have made an application under Section 75(1) of the Maritime Area Planning Act 2021, as amended, for a MAC to construct, use, operate and maintain an underground electricity cable (UGC) beneath the River Barrow at Belview, Co Kilkenny and Great Island, Co Wexford.
Recommendation:	To Part Grant, with conditions, the MAC sought.

Document Control		
Prepared by:		24/09/2025
Reviewed by		24/09/2025
& Approved by:		

I refer to the minded to documentation that issued to ESB on 2 July 2025. On 8 July 2025 and 22 July 2025, ESB submitted supplementary material to MARA in response to the minded notice in relation to the reasons attached to the conditions in the proposed MAC. On 21 August 2025, MARA issued a request for clarification on the supplementary material, to which ESB provided further supplementary information on 10 September 2025. In accordance with Section 82(7)(b)(ii), MARA must give consideration to the supplementary material before making a determination. Details of the supplementary material provided and consideration thereof is set out below.

Supplementary material:

ESB provided the following comments in their supplementary material:

“ESB is generally satisfied with the proposed conditions with the exception of proposed Condition 16(a) and requests MARA to consider the details of our submission below.

16. INSURANCE

16.1 Without prejudice to the Holder's liability to indemnify the Grantor which shall be unlimited (and others as specified in condition 15), the Holder shall, prior to the commencement of occupation of the Consent Area:-

(a) insure and keep insured, in an insurance office licensed to operate in the State or which has received authorisation to operate in the State in accordance with Article 14 of Directive 2009/138/EC in the joint names of the Grantor and the Holder in the full reinstatement cost thereof or in the sum not less than the estimated maximum loss amount as determined by a suitably qualified and experienced independent consultant (to be approved from time to time by the Grantor or his surveyor and including an inflationary factor) the Consent Area and all structures and chattels thereon and the fixtures and fittings therein (if any) against loss or damage by the Insured Risks, including demolition and site clearance expenses, architects' and other fees and taxes in relation to the reinstatement of the Consent Area, and where available on the market such policy to include a non-invalidity clause acceptable to the Grantor (such joint policy or policies, if required, to contain a non-vitiating clause whereby subject to the terms, conditions, limitations of the policy or policies, any non-disclosure, mistake or misrepresentation of a material fact by the Holder gives sufficient reason for the insurer to prove the insurance policy to be void, the Grantor will not be denied the protection of the policy);

With reference to clause 16.1(a) of the MAC, ESB Networks do not carry Property Insurance for any of the transmission/distribution network assets, including cabling. These assets are self-insured and, as such, we cannot provide evidence of the cover as required under this clause. Purchasing such insurance for the MAC area in isolation would be difficult and expensive, and contrary to our overall insurance purchasing strategy. We would therefore ask that this clause be amended to allow for the option of self-insurance.”

ESB provided substantial information and evidence within their supplementary information to demonstrate their ability to self-insure. Details of this information has not been included herein due to the commercially sensitive nature of this information.

MARA Response

Having regard to the supplementary information and evidence submitted by ESB, MARA are satisfied that the self-insurance arrangements in place by the ESB are sufficient. Accordingly, Condition 16.1(a) of the MAC has is recommended to be amended as follows (bold text denotes insertions further to the original proposed condition):

“Condition 16.1

Without prejudice to the Holder’s liability to indemnify the Grantor which shall be unlimited (and others as specified in condition 15), the Holder shall, prior to the commencement of occupation of the Consent Area:-

- (a) insure **(which includes the Holder’s self-insurance arrangements)** and keep insured **(either with** an insurance office licensed to operate in the State or which has received authorisation to operate in the State in accordance with Article 14 of Directive 2009/138/EC in the joint names of the Grantor and the Holder, **or alternatively at the Holder’s discretion, through a self-insurance arrangement)**, in the full reinstatement cost thereof or in the sum not less than the estimated maximum loss amount as determined by a suitably qualified and experienced independent consultant (to be approved from time to time by the Grantor or his surveyor and including an inflationary factor) the Consent Area and all structures and chattels thereon and the fixtures and fittings therein (if any) against loss or damage by the Insured Risks, including demolition and site clearance expenses, architects’ and other fees and taxes in relation to the reinstatement of the Consent Area, and where available on the market such policy to include a non-invalidity clause acceptable to the Grantor (such joint policy or policies, if required, to contain a non-vitiating clause whereby subject to the terms, conditions, limitations of the policy or policies, any non-disclosure, mistake or misrepresentation of a material fact by the Holder gives sufficient reason for the insurer to prove the insurance policy to be void, the Grantor will not be denied the protection of the policy);”*

Recommendation

It is recommended to finalise the MAC with conditions attached, as per the above amendment to condition 16.1(a). Reasons for the conditions attached thereto are recommended to issue as per the minded to notice. It is recommended to issue a final determination notice in relation to the above application in accordance with section 81(3) of the Act.

A final determination notice, the final MAC and reasons for conditions attached thereto are attached for your approval.

Signed:

A black rectangular box redacting the signature.

Date: 24 September 2025