

Final Determination Report	
Application for a Maritime Area Consent (MAC) under Section 79 of Maritime Area Planning Act 2021 (the Act)	
Application Details	
MAC Holder:	Cork County Council
MAC Reference No:	MAC250009
Date Application received:	15 July 2025
Application Details	Cork County Council have applied for a MAC under Section 79 of the Act, for a flood defence scheme at Midleton, Co. Cork. The proposed maritime usage includes the construction, use, operation and maintenance of flood defence works.
Recommendation	To approve the Part Granting of the MAC sought with conditions attached.

Document Control		
Prepared by:	Karen McCluskey, MAC Analyst	16/02/2026
Reviewed by & Approved by:	Jacinta Ponzi	17/02/2026
Final Version 1:	Karen McCluskey, MAC Analyst	18/02/2026

I refer to the minded to documentation that issued to Cork County Council on 24 December 2025. On 22 January 2026, Cork County Council submitted supplementary material to MARA in response to the minded to notice in relation to the reasons attached to conditions in the draft MAC. In accordance with Section 81(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:

Cork County Council provided the following comments in their supplementary material:

1. *“Having engaged with our insurers, IPB Insurance, Cork County Council respectfully requests that the insurance requirements set out in the proposed Maritime Area Consent (Proposed_MAC_MAC25009) be reviewed. We propose that, as a compromise to providing a Joint Insured status to MARA (with deference to Clause 12.1 (a)), the following indemnity be considered:*

IPB Insurance CLG will indemnify the Maritime Area Regulatory Authority (“the Specified Party”) in respect of legal liability for which Our Insured (Cork Co. Council) would have been entitled to indemnity under this Policy had the claim been made against Our Insured, arising out of and in connection with the Insured’s use of the “Consent Area” for the “Permitted Maritime Usage” (as defined in the Particulars Schedule of the Maritime Area Consent contract dated XX/XX/XXXX) provided always that

- (a) the “Specified Party” is not entitled to indemnity under any other policy*
- (b) the “Specified Party” shall, as though they were the Insured, observe, fulfil and be subject to the Terms, Definitions, Conditions, Exclusions, Endorsements and Limits of the Policy insofar as they can apply*
- (c) the Insurer shall have the full conduct and control of all claims for which indemnity is provided by this Extension*
- (d) nothing in this Extension will serve to increase the liability of the Insurer to pay any amount in excess of the Limit of Indemnity and indemnity will apply in priority to the Insured.”*

MARA Response

Condition 12(1)(a) of the draft MAC is a standard condition in Maritime Area Consents. MARA is not in a position to agree to its amendment, as proposed. In this regard, no change is recommended.

In addition, please note that since the Minded to Notice for MAC250009 was issued on 24 December 2025;

- i. the MAC Levy framework has been updated for 2026 in line with the Harmonised Index of Consumer Prices (HICP) increase of 2.7%. All levies are indexed to the HICP, applied on an annual basis. Please see below table with updated MAC levy calculation:

MAPA Levy Framework Part:	A: Nearshore	A: Nearshore
Category/Class:	<i>Development (Non-commercial)</i>	<i>Development (Non-commercial)</i>
Tier:	Tier 4 - Cloyne	Tier 3 - Midleton Rural, Midleton Urban
Applicable Rate:	Base Annual Charge of €214.09 plus an add on of 0.2007 per sq.m for areas in excess of 100 sq.m	Base Annual Charge of €214.09 plus an add on of 0.40 per sq.m for areas in excess of 100 sq.m
Length or Area:	<i>Area A</i> Total Area: 1,409.32m ²	<i>Areas B, C, D, E, F, G, H, I, J, K, L, M</i> Total Area: 11,147.60m ²
Calculation:	€214.09 + (€0.2007 * (1,409.32 - 100.00))	€214.09 + (€0.40 * (11,147.60 - 100.00))
Levy due:	€476.87	€4,633.13
Total Levy due:	€5,110.00	

It is recommended to finalise the MAC with conditions attached, as per the minded to notice. 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: *Karen McCluskey*

Date: 16 February 2026