

<b>MAC Report</b>	
<b>Application for a Maritime Area Consent (MAC) under Section 79 of the Maritime Area Planning Act 2021, as amended (the Act)</b>	
<b>Application Details</b>	
<b>MAC Applicant:</b>	Iarnród Éireann (Irish Rail)
<b>MAC Reference No:</b>	MAC250030
<b>Location:</b>	Kilcoole to Newcastle, Co. Wicklow
<b>Date Application received:</b>	02 September 2025
<b>Proposed Maritime Usage:</b>	Iarnród Éireann has applied for a MAC for construction of the East Coast Railway Infrastructure Protection Project between Kilcoole and Newcastle, Co. Wicklow. The proposed maritime usage includes the construction, use, operation and maintenance of coastal protection works including all associated decommissioning, demolition, rehabilitation and any other works required on foot of any development permission relating to the infrastructure.
<b>Recommendation:</b>	To approve the Part Granting of the MAC sought with conditions attached.

<b>Document Control</b>			
<b>Prepared by:</b>	<b>Tom Manning</b>	Marine Analyst	<b>28/11/2025</b>
	<b>Kelly Dalton</b>	MAC Manager	<b>28/11/2025</b>
<b>Reviewed by:</b>	<b>Philip Newell</b>	Senior Marine Advisor	<b>28/11/2025</b>
	<b>Kate Clark</b>	Head of Maritime Area Consenting	<b>01/12/2025</b>
<b>Approved by:</b>	<b>Kate Clark</b>	Head of Maritime Area Consenting	<b>02/12/2025</b>
<b>Final Report Version 1:</b>	<b>Kelly Dalton</b>	MAC Manager	<b>03/12/2025</b>

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## **1. Overview**

On 02 September 2025, Iarnród Éireann 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 the East Coast Railway Infrastructure Protection Project between Kilcoole and Newcastle, Co. Wicklow. The proposed maritime usage includes the construction, use, operation and maintenance of coastal protection works including all associated decommissioning, demolition, rehabilitation and any other works required on foot of any development permission relating to the infrastructure.

## **2. Background**

The proposed project aims to mitigate against coastal erosion, flooding and extreme weather and to enhance coastal protection along the existing East Coast Railway infrastructure between Kilcoole and Newcastle, Co. Wicklow. The project is one of five East Coast Railway Infrastructure Protection Projects (ECRIPP) proposed by Iarnród Éireann at key locations between Merrion Gates, Co. Dublin and Wicklow Harbour, Co. Wicklow. The proposed works are identified by the Applicant as Coastal Cell Area 6.1 (CCA6.1).

## **3. Proposed Maritime Usage**

The proposed coastal protection works include rock revetments, concrete revetments, concrete wave walls, concrete pedestrian access steps and a maintenance access ramp to prevent coastal erosion and wave overtopping of the existing trainline.

The MAC area sought by the Applicant is illustrated in *Figure 1* showing the location and spatial extent of the proposed coastal protection works.

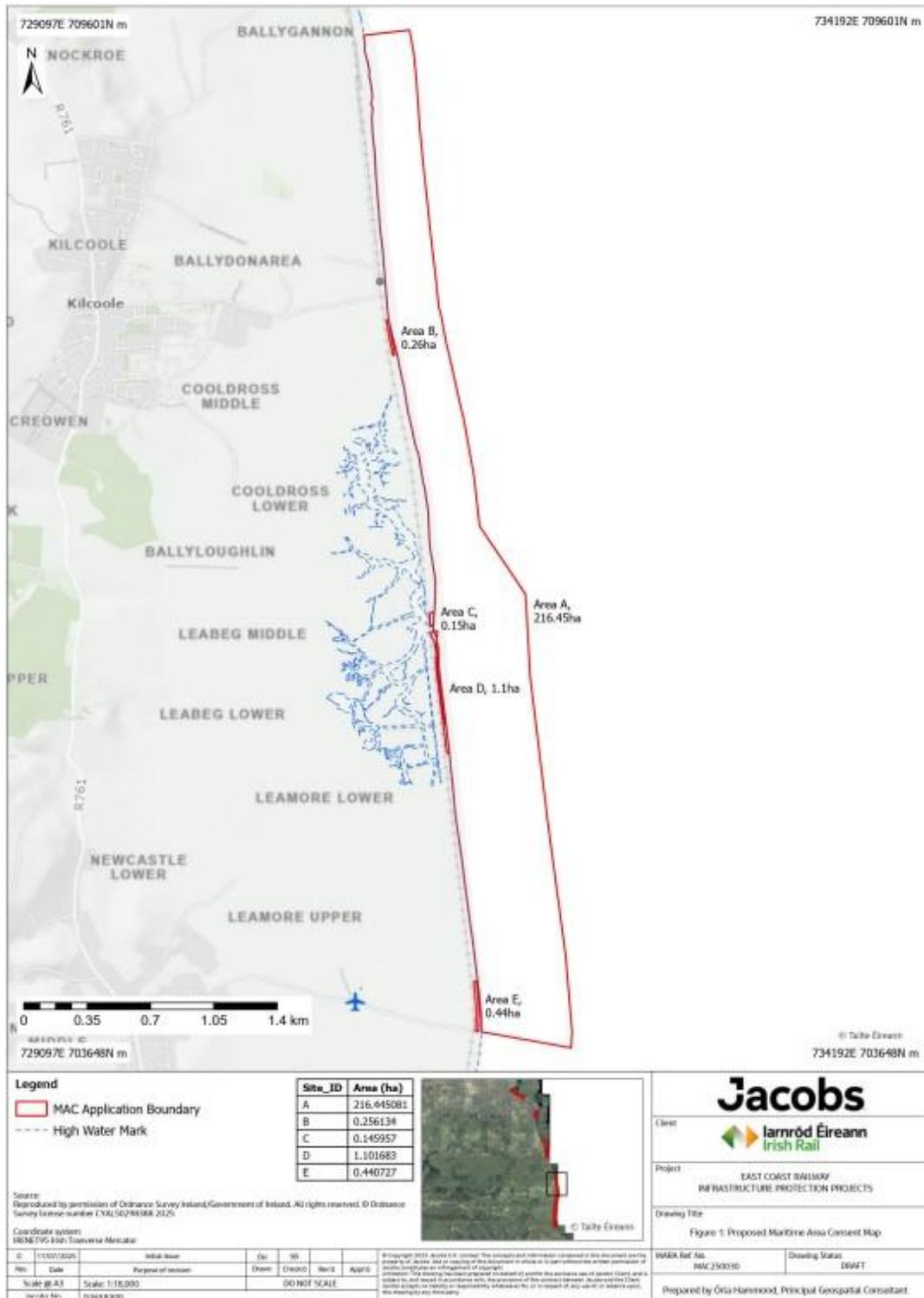


Figure 1: Iarnród Éireann Site location Map for Coastal Cell Area 6.1.

The proposed maritime usage includes:

### **Proposed Concrete Revetment Structures with Rock Toe Protection and Wave Walls**

Concrete Revetments are proposed at a channel crossed by the railway bridge at a gravelly section of beach, known as 'the Breaches', which is shown as areas A and B of the Proposed MAC Map illustrated in *Figure 1*. The concrete revetments, which are proposed on both sides of 'the Breaches' will extend a total of 90m to the north and south of the bridge. The proposed works will consist of a concrete slope with vertical sheet piles at the toe and rock toe protection to prevent undermining of the bridge and around the base of the revetment. The concrete revetment will have a row of sheet piles installed under the northern end of the concrete structure and the rock toe protection will curve round to provide additional support to mitigate against coastal erosion at this location. The interface between the north and south bridge piers and the concrete revetment is proposed to comprise a rock armour tie-in detail where the rock tapers around the crest. The L-shaped precast wave wall proposed at this location will be larger than in adjacent sections where only rock revetment is proposed and is stated to be required to mitigate against wave run-up and overtopping at this location.

### **Proposed Rock Revetments with Wave Walls**

New rock revetments and concrete wave walls are proposed to prevent erosion and wave overtopping along low-lying areas of the railway corridor and will consist of two layers of 3-6 tonne rock armour. The addition of L-shaped precast reinforced concrete wave walls to rock revetments are proposed in Area D of the Proposed MAC Map to provide an impermeable barrier at the back of the permeable rock revetments at Leamore lower. In addition, a section of setback concrete wave wall is proposed to the south without rock revetments to protect the railway line at sections where the beach is sufficiently stable due to ground conditions.

### **Pedestrian Access Points**

The existing pedestrian access points to the coastline between Kilcoole and Newcastle are via level crossings at Kilcoole and Newcastle railway stations. Access by foot along the coastline between the railway stations is possible along the beach and along the back of the beach seaward of the trainline. A pedestrian footway is also present along the bridge at 'the Breaches'.

It is proposed that the pedestrian steps near Newcastle at proposed Area E will be replaced to facilitate coastal access at this location. Beach access from the level crossing at Kilcoole north of the proposed rock revetments at Area B will be retained. In addition, a set of pre-cast concrete pedestrian access steps is proposed in Area D south of 'the Breaches', to enable coastal access at this location. The proposed pedestrian access steps at these locations will be pre-cast marine grade concrete step units with wing walls and handrails.

Section 5.4.1 of the *Phase 3 Design* report submitted in support of the MAC application states that a review of pedestrian access along the frontage was undertaken during the proposed design. In addition, Section 7.2 of the *Phase 3 Design* report states that the height of proposed coastal defence structures has been minimised, while maintaining the required standard of protection from overtopping by waves.

While the proposed project will ensure coastal protection for railway infrastructure, it does not include the creation of walking or cycling paths as part the proposed design. However, the Applicant has stated that the project has been designed to ensure that access/use and amenity is maintained where possible.

### **Maintenance Access Ramp**

An access ramp is proposed at level crossing XR014A to the south of 'the Breaches' to facilitate maintenance access as part of the project. It is proposed that this will be cast on site and secured with a demountable barrier to prevent unauthorised access.

### **Construction Phase**

For the construction phase the Applicant has applied for temporary works occupation of Area A of the Proposed MAC Map.

The proposed works require marine-based construction methods. It is proposed that large quantities of rock, materials and plant will be transported to the project site by barge due to limited road access. It is proposed that construction equipment will be mobilised to site using pontoons and offloaded at the beach using construction staging areas, which will contain site compounds, laydown areas and provide access to the work areas.

It is proposed that materials will be discharged at low tide by the transit of supply barges. The materials and plant will be offloaded on the beach and then moved up the beach for construction of the revetments by land-based plant. The proposed construction phase will include rock stockpile areas in the maritime area.

It is proposed that the concrete revetment at 'the Breaches' will be cast in situ and rail mounted concrete mixing plant and concrete pumps will be used to place the concrete. The steel sheet toe piles will be push-piled and the beach will be reprofiled behind the piles, the revetment slab cast and capping beam installed. It is proposed that the rock toe protection will then be placed and the wave wall installed at this location.

The duration sought for of the Marine Area Consent for the proposed occupation is 50 years for the coastal protection structures.

## **4. Site Visit**

Marine Analyst, Tom Manning inspected the site on 30 October 2025. The inspection took place at low tide and consisted of a walkover of the proposed project area. The intertidal area between Kilcoole and Newcastle is characterised by shingle beaches, stony upper intertidal area and a grassy 'splash zone'. The railway line is located along a low-lying embankment separated from the maritime area by a chain-link fence and railings. There are extensive sections of existing rock revetment and seawall along this stretch of coastline, which were constructed during the late 1960s.

A bridge at 'the Breaches' section is located at a gravelly beach area defended by existing rock revetements and there is a channel between the maritime area and an area of agricultural land, intertidal marsh and estuarine lagoons. Public access points to the coastline were noted at three locations, Kilcoole station, Newcastle station and at 'The Breaches'.



**Photograph 1** – Areas B and C of the proposed concrete revetments with additional wave wall and rock toe protection at 'The Breaches' looking southwest – [TM 30 October 2025]



**Photograph 2** – Area B and C of the proposed concrete revetments with additional wave wall and rock toe protection at 'The Breaches' looking northeast – [TM 30 October 2025]



**Photograph 3** – Area D showing location of proposed Rock Revetments with Wave Walls and Maintenance access ramp at Leamore Lower, looking north toward ‘the Breaches’ – [TM 30 October 2025]



**Photograph 4** - Area E showing location of proposed rock revetment with wave wall looking south to Newcastle station [TM 30 October 2025]

No existing infrastructure or occupation was noted that would conflict with the proposed maritime usage. In conclusion, there was nothing evident on the day of the site inspection that would preclude MARA from granting a MAC for the proposed maritime usage.

## **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 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 23 October 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 was searched on 23 October 2025 for spatial overlap between the proposed MAC areas and any DAFM foreshore authorisations for aquaculture sites. No other existing MACs, foreshore authorisations, including those for aquaculture, or applications for the same were identified as overlapping the proposed MAC application areas. An overlapping Maritime Usage Licence (MUL) reference MUL240023 was granted on 22 October for Geotechnical Investigation, Geophysical site investigation surveys, ecology and marine archaeology surveys to inform ECRIPP design options, the subject of this MAC application.

The proposed MAC area does not overlap with any existing MACs other MULs or applications for the same. The application overlaps with a foreshore authorisations 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>
FS007188	RWE Renewables Ireland Ltd	Investigative Licence	Site Investigation for potential ORE fixed 600-900 MW wind farm off Dublin, Wicklow	Expires 27 January, 2028

Given that foreshore licences are granted on a non-exclusive basis, it is considered that the spatial overlap with foreshore licence FS007188 does not prevent the granting of a MAC.

## 5.3 Development Permission

The Applicant has stated that the proposed works require development permission from An Comisiún Pleanála and has made their application under Section 75(1) of the Act.

Owing to the nature and scale of the proposed works, it is considered reasonable that the MAC Holder (if successful in obtaining a MAC) should submit a valid application for development consent to the relevant planning authority within 18 months of issuance of a MAC.

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.

#### **5.4 Ownership**

A search was undertaken of the Land Registry on 23 October 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.

### **6. Assessment**

#### **6.1 Schedule 5**

The MAC application was submitted on 25 July 2025 with the appropriate fee paid on 02 September 2025 and reviewed for completeness on 03 September 2025. The application was deemed complete by MARA on 03 September 2025.

A request for additional information was issued on 23 October 2025 under section 79(3) of the Act and the associated response received relating to matters for general and technical assessment on 06 November 2025.

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 &amp; 4 above. The Applicant has indicated in the Phase 3 design report submitted in support of the application that all proposed structures are designed to a minimum of 1 in 200-year return period for the year 2075 (incorporating 50-yrs of predicted sea level rise).</p> <p>The applicant has sought a MAC term of 50 years. Considering the nature of the works and allowing time for obtaining planning permission, procurement of a works contractor, construction and decommissioning, a MAC Term of 50 years would seem reasonable.</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>The Applicant has stated that <i>"This Project falls within the remit of the following plans and policies:</i></p> <ul style="list-style-type: none"> <li>(1) <i>National Planning Framework 2018 - 2030</i></li> <li>(2) <i>National Development Plan</i></li> <li>(3) <i>All Island Strategic Rail Review</i></li> <li>(4) <i>Transport Climate Change Sectoral Adaptation Plan 2019</i></li> <li>(5) <i>Greater Dublin Area Transport Strategy 2022 – 2042</i></li> <li>(6) <i>National Investment Framework for Transport in Ireland</i></li> <li>(7) <i>National Marine Planning Framework 2040</i></li> <li>(8) <i>Climate Action Plan"</i></li> </ul> <p>The Applicant has also stated that <i>"The Proposed Project will support the continued safe operation of the Dublin to Wexford rail line for users of this service."</i></p> <p>Accordingly, 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 was 218.4ha, comprising MAC Areas A for the temporary works (216.5ha.), B (0.26ha) and C (0.15ha), Area D (1.1ha) and Area E (0.44ha).</p> <p>Following assessment of the proposed MAC area, it is noted that parts of the MAC area sought is located above the High Water Mark (HWM) as defined by the Chief Boundary Surveyor. The entirety of Area B and Area E and sections of Areas C and Area D of the applicant's proposed MAC Map (<i>Figure 1</i>) are noted to be above the HWM. Accordingly these areas are not considered to constitute "maritime area" and are not within MARA's remit. It is therefore recommended to part-grant the MAC to exclude the above referenced parts of the proposed MAC area that are above the HWM.</p> <p>The HWM traverses the middle section of Area D of the applicant's proposed MAC Map (<i>Figure 1</i>). Accordingly, following the reduction of Area D to remove areas above the HWM, Area D is now subdivided into two areas, annotated as Area B and Area D as illustrated <i>Figure 2</i> (Proposed MAC Map) in <i>Section 7</i>.</p> <p>Accordingly, the MAC is recommended to be granted over a total area of 2,164,664.741m<sup>2</sup>, comprising MAC Areas A (2,161.039.03m<sup>2</sup>) for the temporary works, B (73.98m<sup>2</sup>) and C (31.75 m<sup>2</sup>) and Area D (3520m<sup>2</sup>), as illustrated in <i>Figure 2</i> (Proposed MAC Map) in <i>Section 7</i>.</p> <p>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 parts sought within maritime area.</p> <p>Accordingly, the proposed maritime usage is considered partially satisfactory, having regard to the locations and spatial extent of the occupation.</p>	Partially 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.	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 6.3</i> and the Financial Capability Assessment (FCA) as set out in the Ernst & Young (EY) report dated 25 November 2025, it is considered that the Applicant satisfies the fit and proper person requirements. 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.	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

8.	The National Marine Planning Framework (NMPF).	<p>Based on a review of the application, MARA has had regard to the National Marine Planning Framework (NMPF) and it is considered that the proposed project aligns with the overall objectives of the NMPF, including the economic and social objectives set out therein.</p> <p>It is considered that the proposed project aligns with the following economic and social policy objectives of the NMPF: -</p> <ul style="list-style-type: none"> <li>• <b>Social Benefits Policy 1</b> - Proposals that enhance or promote social benefits should be supported.</li> <li>• <b>Access Policy 1</b> - Proposals, including in relation to tourism and recreation, should demonstrate that they will, in order of preference: <ul style="list-style-type: none"> <li>a) avoid,</li> <li>b) minimise, or</li> <li>c) mitigate significant adverse impacts on public access.</li> </ul> </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> </ul> <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. The 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>	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.	<p>The Applicant has stated that the following preparatory works were undertaken to inform the design of the proposed project:</p> <ul style="list-style-type: none"> <li>• Condition survey condition of existing coastal defences.</li> <li>• Wave overtopping rate assessment and allowance for sea level rise, including 1 in 200 year storm level.</li> <li>• Hydrodynamic modelling and site investigations.</li> <li>• Rock stability calculations.</li> <li>• Assessment of impacts on environment and community.</li> <li>• 2 non-statutory public consultations to finalise Preferred Scheme.</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>The Applicant has stated that “<i>Stakeholder and landowner engagement will be ongoing throughout the project. The Phase 3 Design has been informed by Public Consultation undertaken in Nov/Dec 2024. There was generally support for the scheme and the rock revetment proposals. Continued access along the shoreline and to the beach was a key requirement from the public. Access provision has been assessed during the Phase 3 design and access behind the proposed defences has been retained and access points to the beach have been included at regular intervals. Impact on views were also raised. During Phase 3 Design the height of structures have been minimised as far as possible whilst maintaining the standard of protection. A second round of consultation will be undertaken in September 2025.</i>”</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	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 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)	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—	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

<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>		
<p>(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;</p>	<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.</p>	<p>Satisfactory</p>
<p>(e) 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 was assessed against these criteria and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.</p>	<p>Satisfactory</p>

(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 was 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 Iarnród Éireann 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>A FCA report dated 25 November 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.</p> <p>Due to the commercial sensitive nature of a company's finances, details of the assessment are not included herein.</p> <p>The Applicant is considered likely to be in a position to meet financial commitments associated with the proposed maritime usage and MAC.</p>	Satisfactory

<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>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 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.</p>	<p>Satisfactory</p>

### **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 Coimisiún Pleanála.

#### **Assessment of Qualifications/Membership of Professional Bodies**

The applicant has satisfactorily completed Appendix Tec A – Table (i). Iarnród Éireann employ chartered engineers and have provided evidence of chartership for staff assigned to this project. As a Commercial Agency under the aegis of the Department of Transport, Iarnród Éireann are not required to be a member of the Association of Consulting Engineers Ireland (ACEI) or to hold Professional Indemnity Insurance. Iarnród Éireann have provided a Project Management Process document setting out how their Capital Investments Division develops, manages, and monitors capital projects under their control. 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 involvement in the delivery of projects of a similar scale and nature to the project the subject of the MAC application. The Iarnród Éireann Infrastructure Manager Multi Annual Contract (IMMAC) demonstrates Iarnród Éireann's capability to maintain railway assets including civil engineering of coastal protection assets of the type being delivered through the proposed ECRIPP. Specialist contractors are procured and work under the supervision of IÉ engineering and technical staff who specify and manage the works.

The reference projects and the details outlined in Appendix Tec A Table (ii), demonstrate 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**

Iarnród Éireann is a Commercial Agency under the aegis of the Department of Transport that has completed numerous infrastructure projects since its inception in 1987. Iarnród Éireann's primary function is to operate and maintain the national railway infrastructure and services in Ireland, which includes Intercity, Commuter, and DART passenger services, as well as freight transport. This involves the daily operation of trains and the critical maintenance and renewal of the railway infrastructure, including tracks, signals, and stations.

Based on the information submitted in Appendix Tec B, Iarnród Éireann 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 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, while 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 Iarnród Éireann has satisfied the criteria under the Technical Capability Assessment of the Fit and Proper Test. Accordingly, MARA considers that Iarnród Éireann have the requisite technical knowledge and qualifications to undertake the proposed maritime usage.

## **6.3 Rehabilitation Schedule**

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.

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.

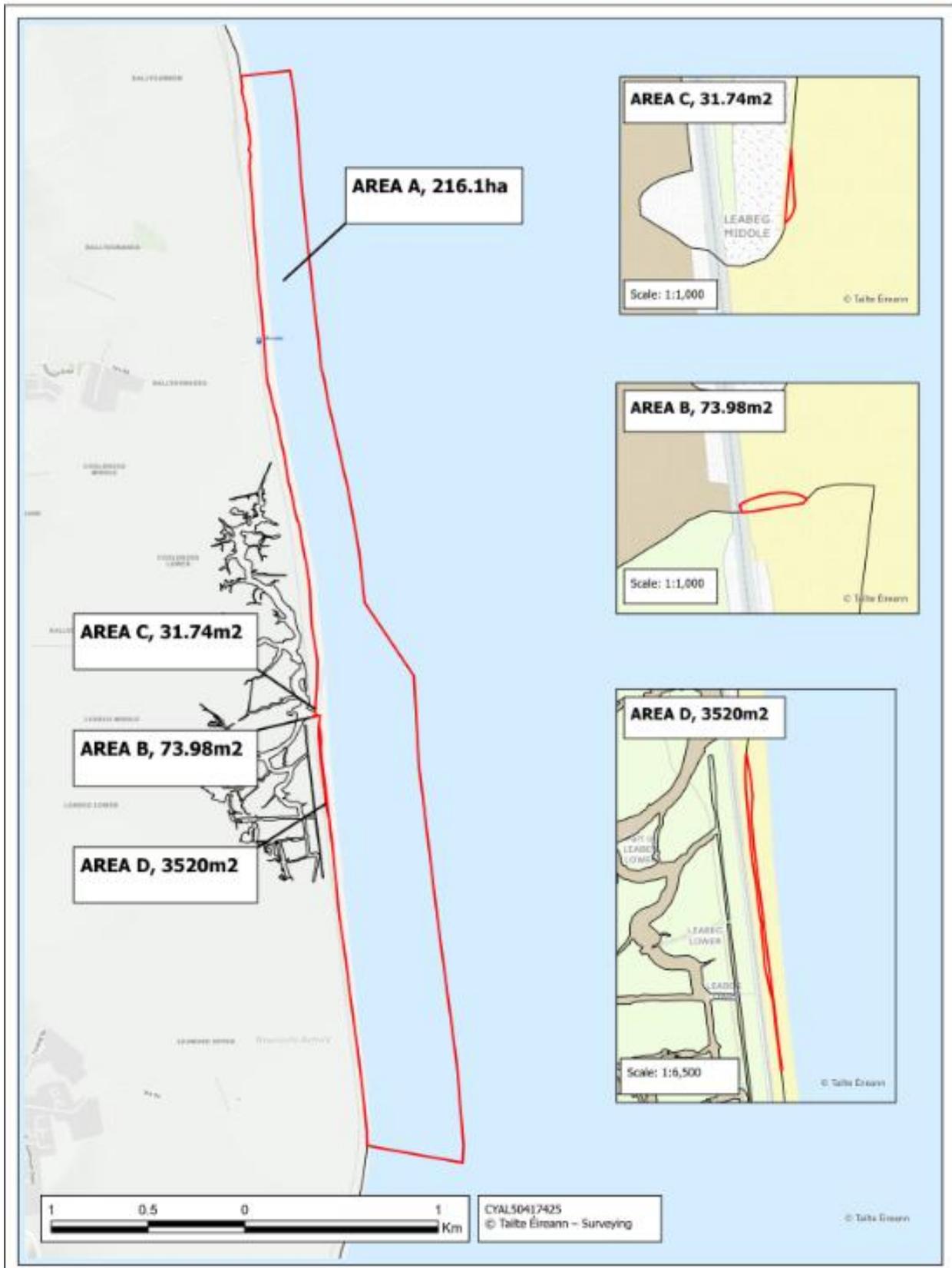
In accordance with Section 75(5) of the Act, as for MAC applications made to MARA on the basis of Section 75(1) of the Act, the applicant is required to attach a Rehabilitation Schedule to their associated application for development permission.

## **6.4 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 Iarnród Éireann may be required to exclude access to parts of the MAC area on a temporary basis. For example, during construction, beach nourishment, 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 MAC250030-001 (for Illustration purposes only)



Drawn by: HTH  
 Approved by: TM  
 Date: 01/12/2025  
 Org. No.: MAC250030-001  
 Projection: ITM  
 Scale: 1:17,000 @A3

Notes:  
 1. Coordinates using grid coordinate intersects shown.  
 2. Where the MAC adjoins or abuts land, islands or rocks, the High Water Mark as defined by the Chief Boundary Surveyor is the boundary of the MAC area.

Maritime Area Consent Map  
 MAC250030

-  Maritime Area Consent Area
-  High Water Mark - Chief Boundary Surveyor
-  Grid Coordinate Intersects (TM)



## 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>	<b>A: Nearshore</b>
<b>Category/Class:</b>	<i>Development (non-commercial)</i>
<b>Tier:</b>	3
<b>Applicable Rate:</b>	Base Annual Charge of €208.46 plus an add on of €0.39 per sq.m for areas in excess of 100 sq.m
<b>Length or Area:</b>	<i>Area m<sup>2</sup>: 2,164,664.71</i>
<b>Calculation:</b>	$€208.46 + (€0.39 * (2,164,664.74 - 100.00))$
<b>Levy due:</b>	€844,388.71

The MAC levy has been calculated as €844,388.71 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 subject MAC application complies with all the necessary requirements of Part 4 of the Act, with particular regard to Schedule 5 criteria, where relevant and appropriate, with the exception of Schedule 5(3). Parts of the MAC area sought are considered to be located above the HWM and does not fall within the “maritime area”. Accordingly, it is recommended to part grant the MAC sought, excluding the parts of the proposed MAC area which are above the HWM.

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

### a. Terms

<b>MAC Term:</b>	50 years
<b>Consent Area:</b>	That part of the maritime area marked red on the MAC Map.
<b>MAC Map Title:</b>	Proposed MAC Map MAC250030-001

<b>Permitted Maritime Usage:</b>	The construction, use, operation and maintenance of coastal protection works, including all associated decommissioning, demolition, rehabilitation, and any other works required on foot of any development permission relating to coastal protection of the railway infrastructure.
<b>Nature of Usage:</b>	May/May Not be 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>	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 recommended. Reasons for these conditions are set out in the enclosed Section 81(7)(b) Minded to Notice.

## 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 parts of the proposed MAC area which are above the HWM being excluded. Accordingly, it is recommended to issue a Section 81(7)(b) Minded to Notice, as enclosed, informing the applicant 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 part grant and the reasons for the conditions as per Section 81(7)(b)(ii).

Once a final determination is made by MARA, the applicant will be notified and MARA will publish a notice on its website as soon as practicable thereafter.

Signed:  Position: Manager, MACU

  
Signed: \_\_\_\_\_ Position: Marine Analyst