

<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>	MAC20230009
<b>Location:</b>	Merrion Gates to Seapoint Beach, Co. Dublin
<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 Merrion Gates and Seapoint Beach, Co Dublin. 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 Granting of the MAC sought with conditions attached.

<b>Document Control</b>			
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## **1. Overview**

On 02 September 2025, MARA received a Maritime Area Consent (MAC) application from Iarród Éireann 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 Merrion Gates and Seapoint Beach, Co Dublin. 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 Merrion Gates and Seapoint Beach, Co Dublin. The project is one of five East Coast Railway Infrastructure Protection Projects (ECRIPP) proposed by Iarród 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 1 (CCA1).

## **3. Proposed Maritime Usage**

The proposed Merrion Gates to Seapoint Beach Project is 4.4km long with existing coastal protection works on the seaward side of the trainline consisting of stone revetments and historic seawalls. The proposed coastal protection works include raising and reinforcing the existing seawalls, constructing new wave walls to prevent wave overtopping and integrating the coastal protection works with existing public access and amenity areas.

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

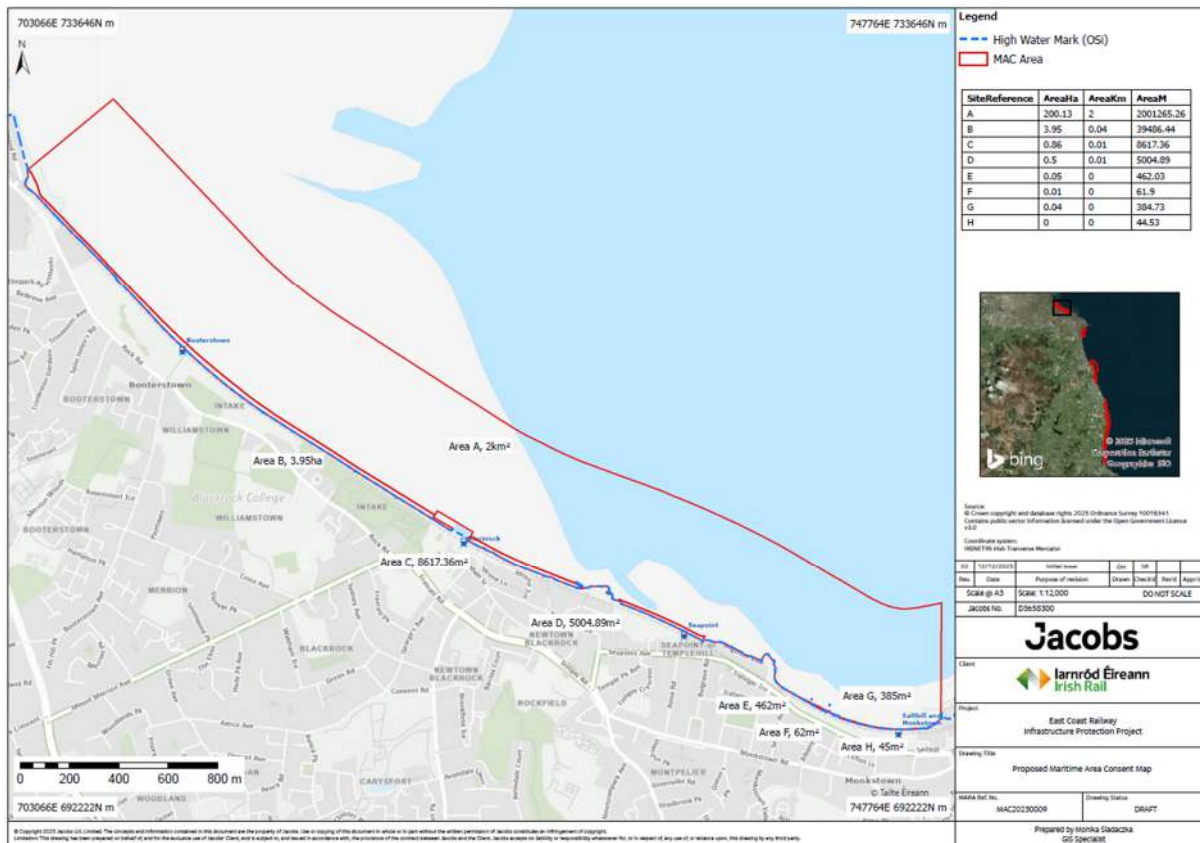


Figure 1 – Applicant map of proposed layout of MAC area at Merrion Gates to Seapoint Beach.

The Applicant submitted revised mapping for the proposed MAC area as illustrated in *Figure 1* on 15 December 2025.

The proposed Maritime Usage includes the following coastal protection works:

- Raising existing seawalls using a combination of in-situ and precast reinforced concrete.
- Constructing new seawalls where existing structures are insufficient to provide the required Standard of Protection.
- Installation of ground anchors and piles to provide the required structural stability.
- Maintaining and improving public access, footpaths, and amenity areas.
- Using textured form liners to visually integrate new structures with the existing landscape

### Raising of Existing Seawalls

The section at Area B of the Proposed MAC Map illustrated in Figure 1, from Merrion Gates to Booterstown comprises existing masonry revetments with an upstand stone wall. It is proposed that large sections of the existing wall will be rebuilt from the level of the top of the revetment. The proposed new pre-cast concrete wall will be constructed 1.3m higher than the existing wall with ground anchors proposed for structural stability.

### **Proposed Works at Booterstown Station**

At Booterstown Station it is proposed that a new concrete wall will be constructed on the seaward side of the proposed raised walkway. The fence at the platform will be replaced with a proposed 1.35m high concrete wall raised further with 0.9m high flood glass.

### **Construction of New Wave Walls Seaward of Retained Existing Walls**

From Booterstown Station to Blackrock Station within Area B of the Proposed MAC Map, it is proposed that the existing upstanding masonry walls will be retained with the construction of a new 1.3m high concrete wave wall seaward of the existing masonry wall.

### **Blackrock Station**

At Blackrock Station it is proposed that new walls will be constructed landward and seaward of the retained existing wall. It is proposed that the existing public walkway will be raised and a new concrete wall will be constructed seaward of the proposed walkway. At the station platform a new 0.5m high concrete backwall is proposed to replace the existing fence with 0.8m high flood glass installed on top of the wall. In addition, a 1.8m high wall with L-shaped reinforced concrete lower section and flood glass section is proposed to continue along the railway corridor south of Blackrock Station to replace the existing railway fence.

### **Blackrock Bathing Areas**

It is proposed that existing walls in Area C of the Proposed MAC Map will be retained with raised sections. Floodgates will be used at gaps in the existing wall. It is also proposed that back supports will be added to provide support against wave loading.

### **Seapoint Station**

At Seapoint Station in Area D of the Proposed MAC Map, it is proposed to raise the platform level and to raise the existing wall by 0.9m with a new concrete L-shaped wall to provide back support to the existing wall.

### **Raising of Existing Back Wall and Footpath**

Within Area D of the Proposed MAC Map at Seapoint Beach, it is proposed that a new concrete wall will be constructed on the existing revetment and the public walkway raised. The proposed new stepped concrete wall will have a bullnose seaward of the raised public footpath and provide coastal protection at this location. The construction of 1.4m high concrete rear walls is also proposed within Area E of the Proposed MAC Map at Seapoint Beach, Salthill and Monkstown to replace the existing fence alongside the railway and prevent wave overtopping. It is proposed that the existing masonry wall will be retained as an intermediate wall at this location and the footpaths, walkways and steps will be rebuilt.

## **Pedestrian Access and Amenity**

The proposed project will retain all amenity areas and existing access points along the shore and to the beach. At Booterstown Station within Area B of the Proposed MAC Map, access to the foreshore will be maintained by the proposed walkway and the construction of new access steps. At the Williamstown Martello Tower area, also in Area B, it is proposed to raise and improve the walkway and maintain foreshore access. At Blackrock Station North, it is proposed to preserve public foreshore access by the construction of a raised walkway and at Blackrock Station public access to the foreshore will be retained.

The amenity area at Southern Blackrock will be raised and it is proposed that new amenity steps will be provided on the seaward side and the Blackrock bathing area will be retained. In addition, new amenity steps are proposed on the seaward side of the coastal protection works at Seapoint Beach and the walkway raised to preserve views.

## **Construction Phase**

For the construction phase Iarnród Éireann has applied for temporary works occupation of Area A of the Proposed MAC Map. The proposed works will require marine-based construction methods. This will include transit and discharge of materials by supply barges, construction staging areas, rock stockpile areas, site compounds and access to the work areas.

The total area proposed by the Applicant to be occupied by the MAC for Merrion Gates to Seapoint Beach Project (CCA1) was 205.54ha, comprising MAC Areas A for the temporary works (200.1263ha), Area B (3.9486ha), Area C(0.8633ha), Area D(0.5005ha), Area E(0.0462ha), Area F(0.0062ha), Area G(0.0385ha) and Area H (0.0045ha).

#### 4. Site Visit

Joseph McCarthy, Chartered Engineer and Director at McCarthy Browne inspected the site on behalf of MARA on 28 November 2025 between the hours of 12:00pm and 3:30pm. High water on the day of the inspection was at 5:09pm with a predicted high-water level of 3.59m Chart Datum (CD). The area is an urban seafront with adjacent trainline and existing natural stone revetments and seawalls. The foreshore along this frontage is soft sediment forming intertidal flats. The adjoining uses include private residences, bathing areas and small harbours and slips, commercial uses, railway infrastructure and public parks. There are public and private access points along this section of coastline in addition to pedestrian rail overbridges periodically located along this coastal section.

Photographs 1-9 detail the character of the area in the vicinity of the proposed works. 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.



Photograph 1 – Area B Looking south at Merrion Strand – [J.Mc. 28/11/2025]



Photograph 2 – Area B Looking north at Merrion Strand – [J.Mc. 28/11/2025]



Photograph 3 – Area B Looking North of Booterstown station – [J.Mc. 28/11/2025]



Photograph 4 – Northeast of Booterstown station in Area B – [J.Mc. 28/11/2025]



Photograph 5 – Existing pedestrian walkway in Area B at Booterstown looking South – [J.Mc. 28/11/2025]



Photograph 6 – Area C Looking North at Blackrock station – [J.Mc. 28/11/2025]



Photograph 7 – Area C and D Looking South at Blackrock Station – [J.Mc. 28/11/2025]



Photograph 8 – Showing Area D at Seapoint looking Northeast– [J.Mc. 28/11/2025]



Photograph 9 – Showing Area E at Monkstown looking Northeast – [J.Mc. 28/11/2025]

## **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.

<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>
FS003996	Gas Networks Ireland	Foreshore Licence	Pipeline at Sandymount Strand	Granted, Expiry 01/04/2033
FS007188	RWE Renewables Ireland Ltd.	Foreshore Licence	Site investigations	Granted, Expiry 13/01/2030
FS007546	Codling Wind Park Ltd.	Foreshore Licence	Site Investigations	Granted, Expiry 19/05/2030
FS004500	Dun Laoghaire Rathdown County Council	Foreshore Licence	Pipeline at Dublin Bay	Granted, Expiry 01/01/2088
FS004496	Dun Laoghaire Rathdown County Council	Foreshore Licence	Amenity Area	Granted, Expiry 01/07/2061
FS004501	Dun Laoghaire Rathdown County Council	Foreshore Licence	Landing Facilities at Seapoint	Granted, Expiry 13/03/2058
FS004503	Dun Laoghaire Rathdown County Council	Foreshore Licence	Pipeline at Dun Laoghaire	Granted, Expiry 03/04/2068
FS006111	Iarnrod Eireann	Foreshore Licence	Access for repairs at Booterstown Station	Granted, 08/08/2013
FS006275	Iarnrod Eireann	Foreshore Licence	Access for repairs at Booterstown Station	Completed, 15/01/2014
2022-MAC-001	Oriel Windfarm	Maritime Area Consent	Offshore Wind Farm and associated infrastructure	Granted, Expiry 23/12/2067

MAC240061-A	ESB	Maritime Area Consent	Installation of an electrical transmission circuit including submarine cabling.	.Applied for 02/12/2024
MUL230034	Codling Wind Park Limited	Maritime Usage Licence	Marine Surveys	Applied for 30/05/2024
MUL240023	Iarnród Éireann	Maritime Usage Licence	Marine Surveys	Granted, Expiry 22/10/2031

The proposed MAC area overlaps with MAC 2022 –001 held by Oriel Windfarm granted on 23/12/2022. It is considered that the proposed maritime usage of the subject MAC application, can co-exist with the above MAC 2022–001. However, a condition should be included in any MAC that may issue requiring the holder of the subject MAC to engage with the holder of MAC 2022-001 to ensure that the existing maritime usages are not negatively affected by the proposed works .

The subject MAC application also overlaps with nine foreshore authorisations and two Maritime Usage Licences (MUL) as detailed in Table 1 above. Three of the above foreshore licences, FS003996, FS004500 and FS004503 are foreshore licences for pipeline infrastructure overlapping with the proposed coastal protection works. It is considered that the proposed works can co-exist with the existing infrastructure consented under these foreshore authorisations. However, a condition should be included in any MAC that may issue requiring the holder of the subject MAC to engage with the holder of these foreshore authorisations to ensure that the existing infrastructure in not negatively affected by the proposed coastal protection works.

It is noted that FS004496 and FS004501 are foreshore licences held by Dun Laoghaire Rathdown County Council for the development of amenities and facilities within the proposed area. As foreshore licences are granted on a non-exclusive basis, it is considered that the spatial overlaps with the above foreshore licences do not prevent the granting of a MAC. However, a condition should be included in any MAC that may issue requiring the holder of the subject MAC to engage with the holder of these foreshore authorisations to ensure that the existing maritime usages are not negatively affected by the proposed coastal protection works.

FS007546 and FS007188 are foreshore licences for site investigation works relating to the proposed Codling Offshore Wind Farm and the Dublin Array (Bray Bank and Kish Bank) Offshore Wind Farm. The proposed maritime usage, the subject of this MAC application, can co-exist with the site investigation activities authorised under FS007546 and FS007188 respectively.

In addition, foreshore licence FS006111 is held by the Applicant and is therefore not considered to conflict with the proposed works.

MUL240023 was granted to Iarnród Éireann on 22 October 2025 for geotechnical investigation, geophysical site investigation surveys, ecology and marine archaeology surveys to inform ECRIPP design options, the subject of this MAC application. No conflict therefore exists.

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 Department of Agriculture, Food and the Marine foreshore authorisations for aquaculture sites. There are no licenced aquaculture operations overlapping with or in close proximity to the proposed MAC area.

Area A and Area E of the subject MAC application fall within the boundary of a lease registered in the Land Registry. Folio DN173364L was identified as overlapping the proposed MAC application area and confirms Dún Laoghaire Rathdown County Council as the leaseholder under the Registration of Title Act 1964. The applicant has provided written confirmation that Dún Laoghaire Rathdown County Council has no objection to the proposed works. Accordingly, it is considered that this spatial overlap does not prevent MARA in granting a MAC for the proposed maritime usage the subject of this application.

In summary, no existing MACs, Maritime Usage Licences, foreshore authorisations (including those for aquaculture), or applications for the same were identified as overlapping the proposed MAC area which would impede MARA in granting a MAC for the proposed maritime usage the subject of this application.

### **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 20 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 15 August 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 number of requests for additional information were issued on 23 October 2025, 20 November 2025, 09 December 2025 and 15 December 2025 under Section 79(3) of the Act and associated responses received relating to matters for general and technical assessment on 06 November 2025, 01 December 2025, 10 December 2025 and 15 December 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 <i>Phase 3 Design Report for Merrion Gates to Seapoint Beach</i> submitted in support of the application that all proposed structures are designed to withstand against a 1 in 200-year return period event, for a minimum of 50 years (i.e. to year 2075)).</p> <p>The Applicant has sought a MAC term of 50 years. Considering the information provided in Section 2.1 of the <i>Phase 3 Design Report for Merrion Gates to Seapoint Beach</i> submitted by the Applicant in relation to 'Design Criteria' and the design life of 50 years for the proposed coastal protection works, a MAC Term of 50 years is satisfactory.</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><i>(1) National Planning Framework 2018 - 2030</i></li> <li><i>(2) National Development Plan</i></li> <li><i>(3) All Island Strategic Rail Review</i></li> <li><i>(4) Transport Climate Change Sectoral Adaptation Plan 2019</i></li> <li><i>(5) Greater Dublin Area Transport Strategy 2022 – 2042</i></li> <li><i>(6) National Investment Framework for Transport in Ireland</i></li> <li><i>(7) National Marine Planning Framework 2040</i></li> <li><i>(8) 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 MAC area proposed by the Applicant is 205.54ha, comprising Area A for the temporary works area (200.1263ha), Area B (3.9486ha), Area C(0.8633ha), Area D(0.5005ha), Area E(0.0462ha), Area F(0.0062ha), Area G(0.0385ha) and Area H (0.0045ha). Details of the location, relevant consents, ownership and development permissions are provided in Sections 2 to 5 above.</p> <p>Considering the location of existing pipelines and existing amenities under Foreshore Licences, FS003996, FS004500, FS4503, FS004501 and FS004496, in addition to 2022–MAC-001, which are located within the proposed MAC area, it is recommended that the holder engages with the aforementioned Foreshore Licences and MAC holder to ensure the proposed MAC activity does not cause disruption to the existing maritime usages.</p> <p>Based on the searches and site visit undertaken, nothing was identified that would preclude the granting of a MAC in the proposed area.</p> <p>Accordingly, the proposed maritime usage is considered satisfactory, having regard to the locations 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.	A detailed review and assessment of the information provided by the Applicant has been completed. Based on the assessment set out in Table 3 below, Section 6.3 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
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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</li> </ul> significant adverse impacts on public access.</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>• A condition survey condition of existing coastal defences.</li> <li>• Sea level rise assessment, including 1 in 200 year storm level, hydrodynamic modelling and site investigations.</li> <li>• An assessment of alternative options to determine preferred selection.</li> <li>• An assessment of impacts on environment and community.</li> <li>• Two 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. At the launch of the consultation, a number of stakeholders and organisations were contacted by email, including:</i> • Elected representatives • Statutory bodies • Interested stakeholders and organisations • Local communities • Dublin City Council, Dún Laoghaire Rathdown County Council (DLRCC). Several respondents including South East on Track, An Táisce, The Irish Cycling Campaign, Wicklow County Council and DLRCC expressed their support for the project to secure the continued safe operation of the railway. Many stakeholders commented directly or indirectly about the project need. Most of them discussed how the potential lack of rail services would impact their ability to travel for work, education and other purposes. Several submissions expressed support for protecting the railway in order to keep train services running. A second round of consultation will be undertaken in September 2025.”</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(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 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	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>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>		
<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</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>

	or section 201(3) of the Act of 1963;		
(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>	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 Iarnród Éireann to deliver the proposed maritime usages the subject of the MAC application is detailed in Section 6.2.1 below. The Applicant is 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	<p>A FCA report dated 25 November 2025 has been prepared by external financial consultants, Ernst &amp; Young, 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>	Satisfactory

<p>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>The Applicant is considered likely to be in a position to meet financial commitments associated with the proposed maritime usage and MAC.</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.

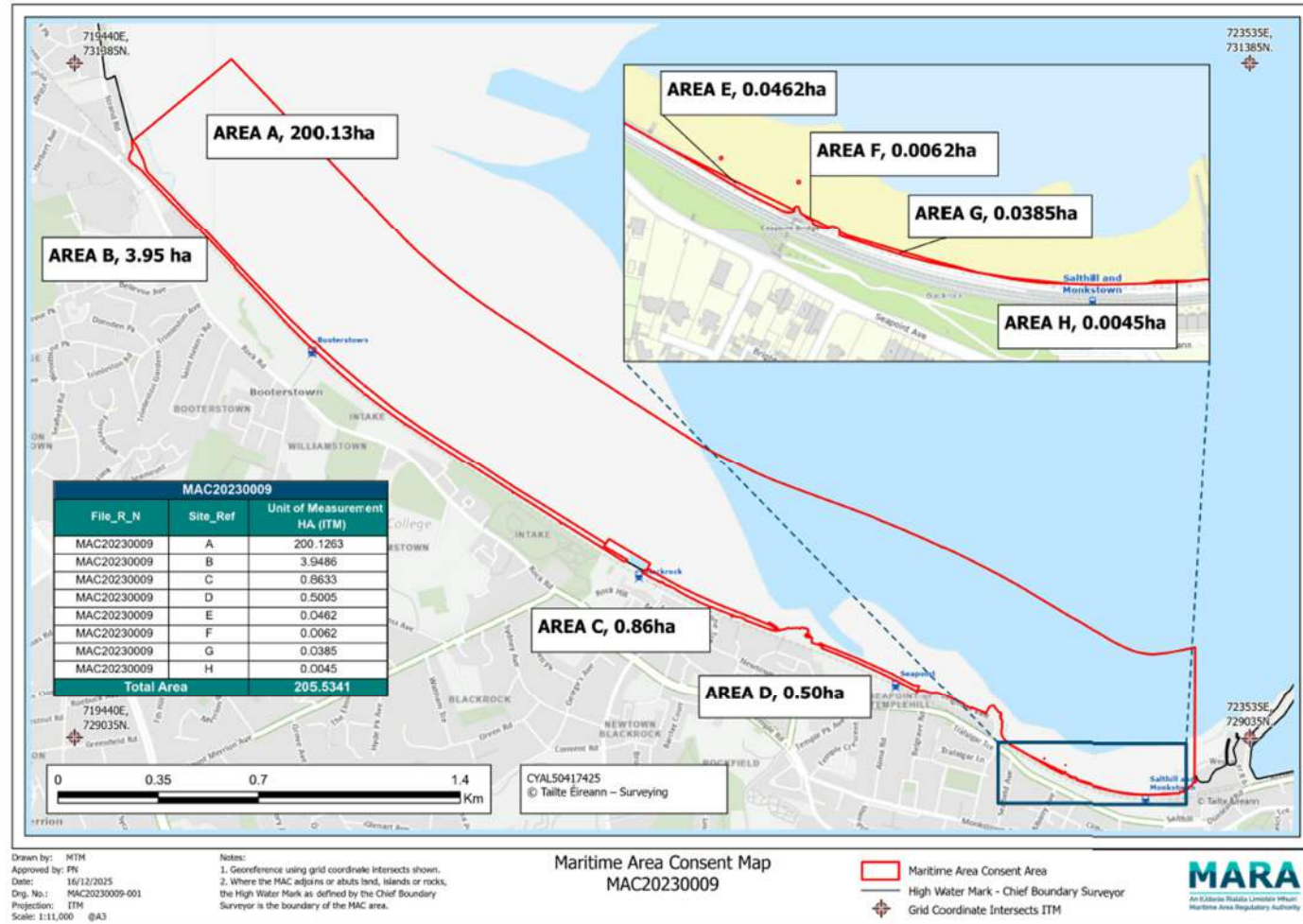
### **6.4 Section 83 – Nature of Use**

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 (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.

<b>MAPA Levy Framework Part:</b>	A: Nearshore
<b>Category/Class:</b>	Development (non-commercial)
<b>Tier:</b>	1
<b>Applicable Rate:</b>	Base Annual Charge of €208.46 plus an add on of 2.34 per sq.m for areas in excess of 100 sq.m
<b>Length or Area:</b>	2055341.04 sq.m
<b>Calculation:</b>	$€208.46 + (€0.39 * (2,055,341.04 - 100.00))$
<b>Levy due:</b>	€4,809,472.49

The MAC levy has been calculated as €4,809,472.49 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

<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>	Maritime Area Consent Map MAC230009
<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 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. Discussion in relation to each recommended condition is also provided.

**Public Engagement Plan**

Condition - Prior to the date by which the application for Development Permission must be submitted in accordance with the requirements of condition 5.1, the Holder shall consult with the holders of the itemised foreshore authorisations and MAC in order to ensure that any potential disruption to the permitted maritime usages consented under these authorisations are managed:

- a) FS003996;
- b) FS004500;
- c) FS004503;
- d) FS004501;
- e) FS004496;
- f) 2022- MAC-001.

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 all information on file, 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(s) 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(s) 31 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 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, MACU