

<b>MAC Report</b>	
<b>Application for a Maritime Area Consent (MAC) under Section 79 of Maritime Area Planning Act 2021, as amended (the Act)</b>	
<b>Application Details</b>	
<b>MAC Applicant:</b>	Uisce Éireann
<b>MAC Reference No:</b>	MAC240063
<b>Location:</b>	Askeaton, Co. Limerick
<b>Date Application received:</b>	09 May 2025
<b>Proposed Maritime Usage:</b>	Uisce Éireann has applied for a MAC under Section 79 of the MAP Act for the upgrade of an existing 150mm gravity wastewater pipe, installation of a new rising main and new headwall together with associated temporary works, future maintenance and decommissioning at Askeaton, Co. Limerick.
<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 09 May 2025, MARA received a Maritime Area Consent (MAC) application from Uisce Éireann under Section 79 of the Maritime Area Planning Act 2021, as amended (the Act) for the upgrade of an existing 150mm gravity wastewater pipe, installation of a new rising main and new headwall together with associated temporary works at Askeaton, Co. Limerick.

## **2. Background**

The Askeaton Wastewater Treatment Plant Project (WwTP) involves critical upgrades, and new construction works to enhance the wastewater infrastructure in the Askeaton area. The project includes the following major terrestrial works:

- i. Construction of new Askeaton Wastewater Treatment Plant and associated outfall;
- ii. Construction of new Wastewater Pumping Station (WwPS) and Storm Water Overflow (SWO) Tank;
- iii. Construction of new rising main pipe from new WwPS to new WwTP;
- iv. Upgrade the gravity network;
- v. Demolition of existing plant elements.

The Project will upgrade the existing wastewater treatment works in Askeaton to meet the current and future (25 years post-commissioning, i.e. year 2055) requirements of the agglomeration.

## **3. Proposed Maritime Usage**

The portion of the proposed development which lies within the maritime area provides for:

- i. the upgrade of an existing 150mm gravity wastewater pipe to 350mm diameter
- ii. installation of a new 280mm diameter rising main
- iii. new headwall for pumped emergency overflow from the WwPS
- iv. associated temporary works.

The rising main is proposed to be aligned with the existing gravity pipe (to be upgraded) below the riverbed.

The applicant proposes to decommission the existing 150mm gravity wastewater pipe which crosses the River Deel at this location. A new 350mm diameter gravity wastewater pipe is proposed to be installed to provide additional capacity for the wastewater network in the area. In addition, a new 280mm diameter rising main will be installed beneath the riverbed from the existing WwPS to an upgraded WwTP.

The proposed temporary works for pipe construction will facilitate open cut construction in the River Deel over a 4-6 week period in 2 phases. The area will cater for temporary damming of the works area, and approximately one half of the river channel will be kept free during each phase. The excavations will be backfilled once the pipes have been installed and tested.

Construction works for the installation of the headwall will include temporary shoring of the river wall and installation of a precast headwall complete with flap valve. The applicant estimates that works to install the headwall and flap valve will take approximately 2 weeks to complete.

The proposed timeframes for the construction and proposed methodology appear to be feasible for the proposed works. The MAC area sought by the applicant is approximately 20 metres wide (based on a pipe length of 38m and MAC area of 763m<sup>2</sup>) and would appear to be sufficient for all construction, maintenance and decommissioning works that will be required within the maritime area.

The applicant has applied for a MAC with a duration of 50 years for the proposed maritime usage. The applicant states that the proposed infrastructure will be subject to routine inspection and maintenance throughout its operational lifetime. The applicant does not anticipate regular activity in the maritime area other than conducting standard inspections and occasional maintenance on exposed structures including the headwall and flap valve.

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

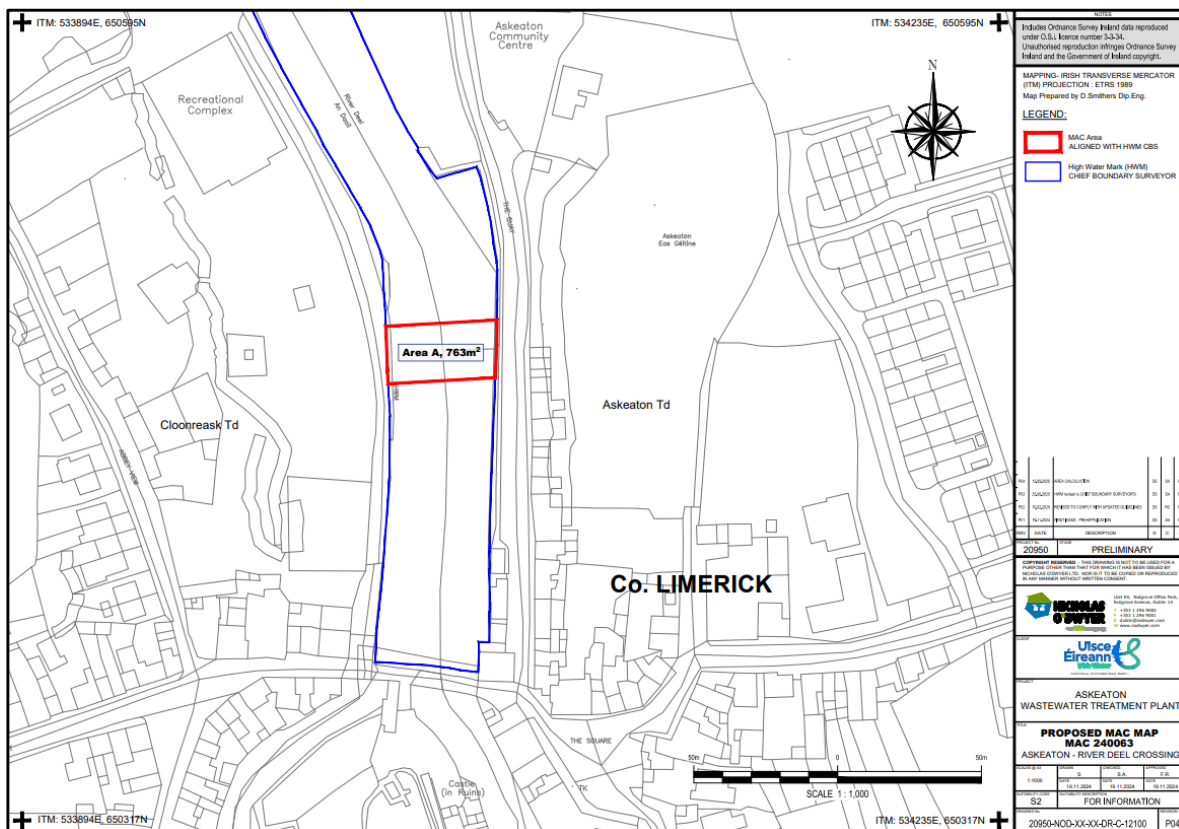


Figure 1 – Applicant map of proposed layout of MAC area at Askeaton, Co. Limerick

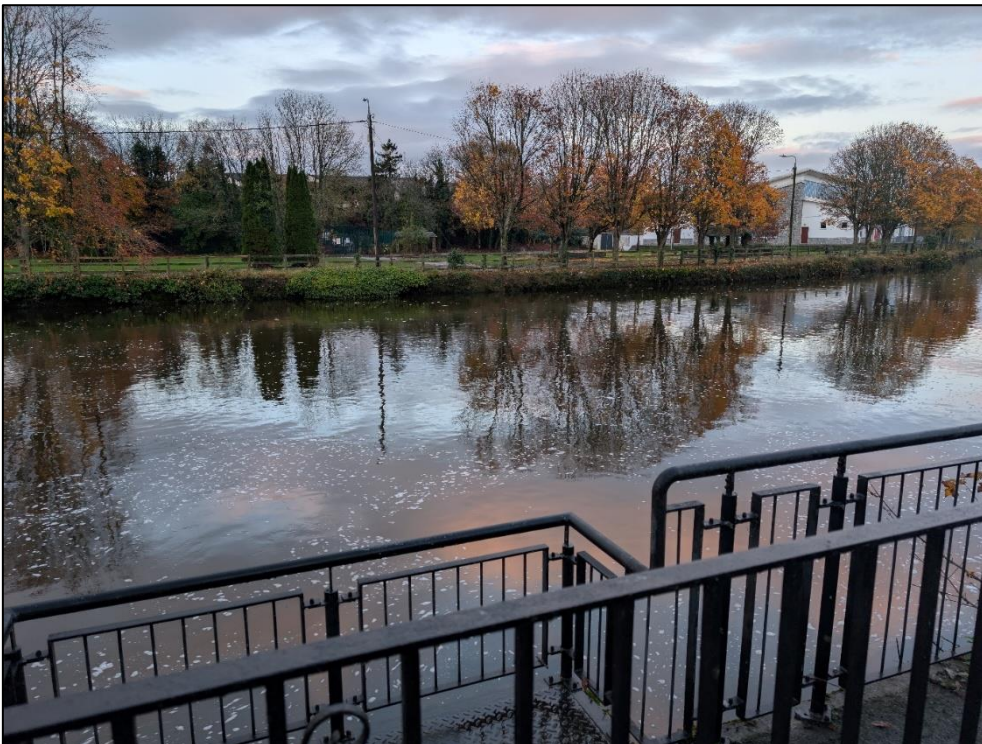
#### 4. Site Visit

Richard Browne, Chartered Engineer and Director at McCarthy Browne visited the site on behalf of MARA on 6 November 2025. The River Deel was in flood at time of the site visit, and the existing infrastructure was therefore not visible. Sandbags and demountable flood defences were noted on neighbouring properties.

The existing neighbouring land usage is recreational to the west and urban to the east of the proposed MAC area. A slipway was noted approximately 100m upstream of the MAC area on the east bank of the river. No existing infrastructure or occupation, which would conflict with the proposed maritime usage, was noted within the proposed MAC area during the site visit.



*Photograph 1 – Adjacent land to the west of MAC area [RB 06 November 2025]*



*Photograph 2 – MAC area from the east bank of River Deel [RB 06 November 2025]*



*Photograph 3 – MAC area from the west bank of River Deel [RB 06 November 2025]*



*Photograph 4 – Slipway east of MAC area [RB 06 November 2025]*



*Photograph 5 – West bank of MAC area, looking south along River Deel [RB 06 November 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 18 September 2025 and 03 February 2026 for spatial overlap between the proposed MAC areas and existing foreshore authorisations and MARA licences and consents.

The proposed MAC area does not overlap with any existing MACs or Maritime Usage Licence (MUL) or applications for the same.

The application does not overlap with any existing foreshore authorisations.

The Marine Institute's Ireland's Marine Atlas database<sup>1</sup> was searched on 18 September 2025 and 03 February 2026 for spatial overlap between the proposed MAC areas and any Department of Agriculture, Food and the Marine (DAFM) foreshore authorisations for aquaculture sites. No existing foreshore authorisations for aquaculture were identified as overlapping the proposed MAC application area.

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 application areas.

### **5.3 Development Permission**

Uisce Éireann have stated that the proposed works require development permission. The Applicant has indicated that they intend to apply for development permission should they be successful in obtaining a MAC for the proposed project. No application for development permission has been made in advance of seeking a MAC from MARA.

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 18 September 2025 and 03 February 2026 for any document granting or affecting rights to land 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.

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<sup>1</sup> <https://atlas.marine.ie/>

## **6. Assessment**

### **6.1 Schedule 5**

The MAC application was submitted on 03 April 2025 with the appropriate fee paid on 09 May 2025 and reviewed for completeness on 16 May 2025. Incomplete application notifications were issued on 19 May 2025 and 18 June 2025; with supplementary documentation/information received on 17 June 2025 and 25 June 2025. The application was deemed complete by MARA on 26 June 2025.

A number of requests for additional information were issued on 21 August 2025; 12 September 2025 and 24 October 2025 under section 79(3) of the Act and associated responses received relating to matters for general, technical and financial assessment on 28 August 2025; 15 September 2025 and 07 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. It is considered that a design life for the structure of circa 50 years, with proper maintenance and repair, should be achievable based on the minimum design life criteria BS EN 1990:2002 and ISO 24516-4 referenced by the Applicant. Accordingly, a MAC term of 50 years as requested by the Applicant (allowing for planning, construction and rehabilitation/decommissioning phases) is recommended.</p> <p>The proposed maritime usage is considered satisfactory, having regard to the nature, scope and duration.</p>	Satisfactory
2.	Whether the proposed maritime usage is in the public interest.	<p>The Applicant states that the proposed project aligns with the following Irish Government policy/programmes; <i>“National Recovery and Resilience Plan (NRRP)”</i>, <i>“River Basin Management Plan”</i> and <i>“Small Towns and Villages Growth Programme”</i> and the following EU Directive/programme; <i>“Ireland’s National Recovery and Resilience Plan”</i>.</p> <p>The Applicant states <i>“there is no public use element for the proposed project”</i>, however, given the nature of proposed project which involves critical upgrades, and new construction works to enhance the wastewater infrastructure in the Askeaton area, the project would be considered beneficial in the public interest.</p> <p>Furthermore, the Applicant states <i>“Public access/use and amenity of the proposed MAC area will be restricted during the construction phase of the works to be carried out in the Maritime Area. However, the proposed MAC area is not typically used for access by the public or used as an amenity area so impacts to the public are highly unlikely in this regard. Public access/use and amenity of the Maritime Area will be available again once the construction works are complete.”</i></p> <p>Therefore, it is recommended that a condition is included in the MAC requiring the holder to undertake public engagement in advance of undertaking the permitted maritime usage. Refer to Section 9 for further details.</p> <p>The proposed maritime usage is considered satisfactory, having regard to the public interest.</p>	Satisfactory

3.	The location and spatial extent of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.	<p>The total area proposed occupied by the MAC is 763m<sup>2</sup>, comprising MAC Area A, as illustrated in Figure 2 (Proposed MAC Map) in Section 7.</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 the proposed area.</p> <p>Accordingly, the proposed maritime usage is considered satisfactory, having regard to the location(s) 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.	<p>A detailed review and assessment of the information provided by the Applicant(s) 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 &amp; Young (EY) report dated 03 November 2025, it is considered that the Applicant satisfies the fit and proper person requirements.</p> <p>As required by Schedule 6, Part 2 of the Act, it is a condition of all MACs that the Holder shall continue to be a fit and proper person within the meaning of Schedule 2 of the Act for the Term of the MAC.</p>	Satisfactory
6.	Whether the Applicant is tax compliant, both at the time the application is made and at the time that the MAC application concerned is determined by the MARA.	The Applicant submitted Tax Registration Number and Tax Clearance Access Number (TCAN) which was used to view the Applicant's tax clearance certificate. Based on the review of the tax clearance certificate, the Applicant is considered tax compliant.	Satisfactory

7.	In the case of any maritime usage relating to offshore renewable energy (within the meaning of section 100), the consistency of the MAC application concerned with the development plans of the transmission system operator (within the meaning of section 100).	Not applicable	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 Wastewater Treatment and Disposal, Economic and Social objectives set out therein.</p> <p>It is considered that the proposed project aligns with the following economic, social and key sectoral policy objectives of the NMPF: -</p> <ul style="list-style-type: none"> <li>• <b>Social Benefits Policy 1</b> - <i>Proposals that enhance or promote social benefits should be supported. Proposals unable to enhance or promote social benefits should demonstrate that they will, in order of preference:</i> <ol style="list-style-type: none"> <li>a) <i>minimise, or</i></li> <li>b) <i>mitigate</i></li> </ol> <i>significant adverse impacts which result in the displacement of other existing or authorised (but yet to be implemented) activities that generate social benefits.</i> </li> <li>• <b>Co-existence Policy 1</b> - <i>Proposals should demonstrate that they have considered how to optimise the use of space, including through consideration of opportunities for co-existence and co-operation with other activities, enhancing other activities where appropriate. If proposals cannot avoid significant adverse impacts (including displacement) on other activities they must, in order of preference:</i> <ol style="list-style-type: none"> <li>a) <i>minimise significant adverse impacts,</i></li> <li>b) <i>mitigate significant adverse impacts, or</i></li> <li>c) <i>if it is not possible to mitigate significant adverse impacts, proposals should set out the reasons for proceeding.</i></li> </ol> </li> <li>• <b>Wastewater Treatment and Disposal Policy 1</b> - <i>Proposals by Irish Water related to the treatment and disposal of wastewater that:</i> <ol style="list-style-type: none"> <li>i) <i>service the social and economic development of the country under the National Planning Framework;</i></li> <li>ii) <i>resolve environmental issues at priority areas identified by the EPA;</i></li> </ol> </li> </ul>	Satisfactory

		<p><i>iii) contribute to the realisation of the objectives of:</i></p> <ul style="list-style-type: none"> <li>• <i>Ireland's River Basin Management Plan 2018 – 2021</i></li> <li>• <i>The Water Services Policy Statement 2018 – 2025</i></li> <li>• <i>Marine Strategy Framework Directive 2012 - 2020</i></li> </ul> <p><i>should be supported, provided they fully meet the environmental safeguards contained within relevant authorisation processes.</i></p> <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. This 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>	
9.	<p>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>	<p>The Applicant states the following:</p> <p><i>“A Bathymetric Survey has been conducted to identify the existing riverbed levels and riverbank levels at proposed Maritime Area. The respective survey results and site photos have been supplied along with this application.</i></p> <p><i>A contractor for Site Investigation works has been appointed and is scheduled to commence in Q2 of 2025. Site Investigations will be carried out to identify the soil/rock profile of the terrestrial elements of the project and will not take place within the Maritime Area.”</i></p> <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 states that the following Stakeholder engagement was undertaken;</p> <p><i>“A Pre-planning meeting was held with Limerick City and County Council (LCCC) on 4th February 2025 to outline the works and discuss requirements and constraints. Participants included representatives from roads, environment, heritage, planning and water services departments.</i></p> <p><i>A meeting was held with Inland Fisheries Ireland (IFI) on 6th February and 19th March 2025 to discuss the works and gain an understanding of any requirements or constraints IFI may have. Follow on meetings and collaboration are proposed for the duration of the works.”</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(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;	<p>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.</p> <p>No letters of reference were provided.</p>	Satisfactory

(b)	<p>that the relevant person, or any other person concerned, stands convicted of—</p> <p>(i) an indictable offence under this Act or an offence in another state equivalent to an indictable offence,</p> <p>(ii) an indictable offence under an enactment prescribed for the purposes of this clause, or</p> <p>(iii) an offence involving fraud or dishonesty;</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>
(c)	<p>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—</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>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>(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>
<p>(f) 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>	<p>Satisfactory</p>

(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 Uisce Éireann and their supporting agent, Nicholas O'Dwyer to deliver the proposed maritime usages the subject of the MAC application is detailed in Section 6.2.1 below. The Applicant and supporting agent are 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>(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>A FCA report dated 03 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
(i)	<p>the previous performance of the relevant person when granted—</p> <p>(i) a MAC,</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>	Satisfactory

<p>(ii) a development permission,</p> <p>(iii) a licence, or</p> <p>(iv) an authorisation (howsoever described) under the Act of 1933.</p>		
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### **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. Information has been provided under this TCA submission relating to both the Applicant and their contracted agents. Under these circumstances, the TCA will be carried out based on the combined technical capability of the Applicant and their agent, Nicholas O'Dwyer, Consulting Engineers.

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

The Applicant is Uisce Éireann. The Applicant is relying on the technical resources of Nicholas O'Dwyer Consulting Engineers.

Nicholas O'Dwyer Consulting Engineers are members of the Association of Consulting Engineers of Ireland and Accredited to ISO 9001:2015 Quality Management System.

The Agent has confirmed they are Corporate Members of Engineers Ireland and employ chartered engineers.

Nicholas O'Dwyer Consulting Engineers carry professional indemnity insurance which was in date at the time of the application. Uisce Éireann would however satisfy the requirements of the TCA in their own right and, as a state-owned national authority, are not expected to have Professional Indemnity Insurance.

#### **Assessment of Three Projects of a Similar Scale and Nature**

The Applicant has satisfactorily completed Appendix Tec A – Table (ii). This details three projects where the agent was contracted by the Applicant (Uisce Éireann/Irish Water) and has provided details of their involvement in three projects of a similar scale and nature to the project the subject of the MAC application. It is noted that none of the named projects included marine elements, however the Enfield project included under river transfer pipelines similar to the subject application. The details outlined in Appendix Tec A Table (ii) demonstrates the required level of experience to deliver the proposed project. Based on 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**

The operation and maintenance of the proposed scheme will be undertaken by Uisce Éireann. Based on the information submitted in Appendix Tec B, Uisce Éireann have extensive experience of the operation and maintenance of watermain infrastructure throughout the country. This experience includes watermain infrastructure located under various watercourses. It is considered that the Applicant has met the criteria required in relation to capability to operate and maintain the proposed maritime infrastructure.

#### **Assessment of Delivery Timelines**

Applicants must provide a development programme that satisfied the requirements of key milestone delivery timelines in Appendix Tec C. The Applicant has correctly completed and submitted Appendix Tec C with their application. Based on the information provided, 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 consider that Uisce Éireann and their agent have satisfied all the criteria under the Technical Capability Assessment of the Fit and Proper Test.

Based on the outcome of the Technical Capability Assessment, MARA considers that Uisce Éireann and their agents have the requisite technical knowledge and qualifications to undertake the proposed maritime usage

### **6.3 Rehabilitation Schedule**

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

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

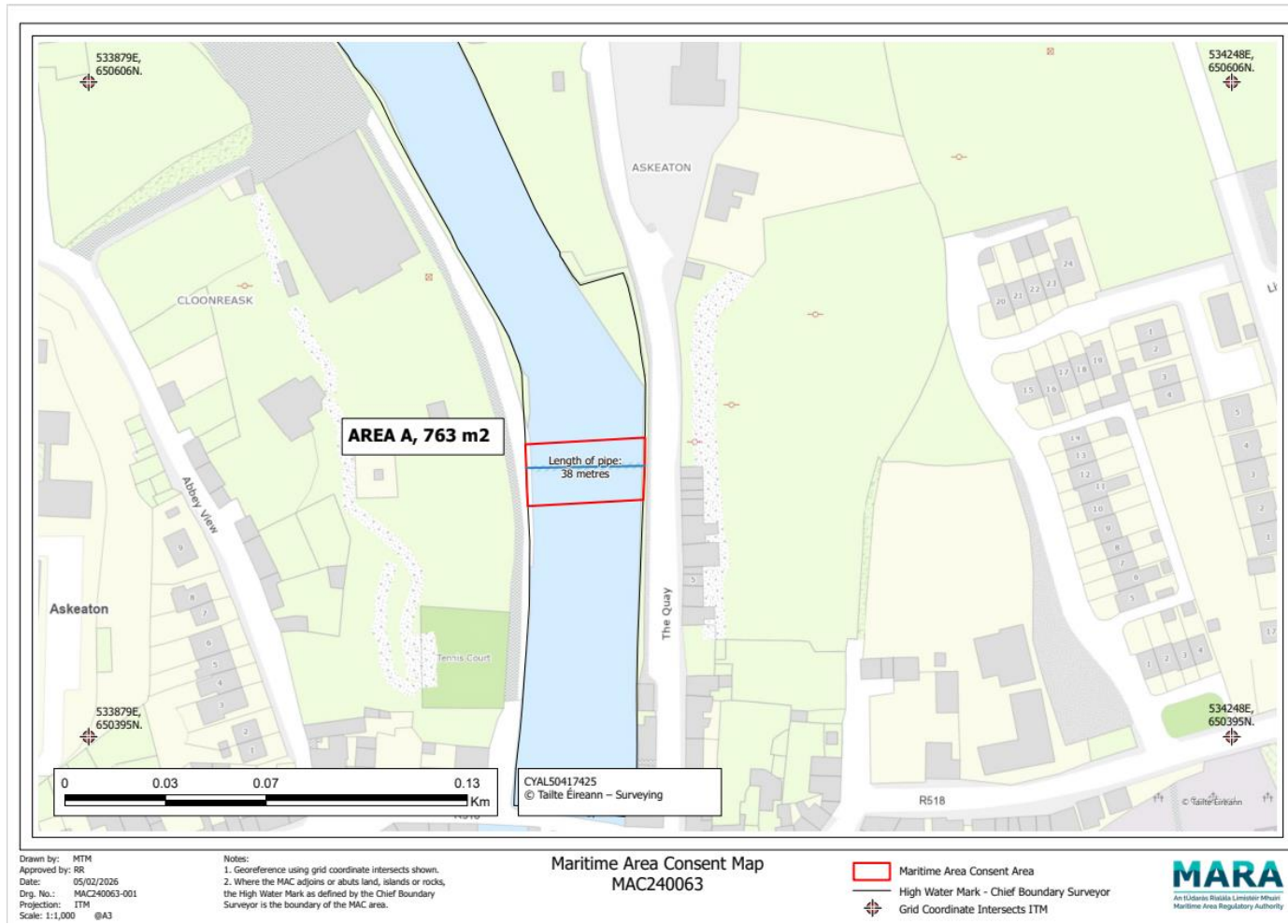


Figure 2 – Proposed MAC Map

## 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>	Nearshore
<b>Category/Class:</b>	Cables pipelines and ducting
<b>Applicable Rate:</b>	Base Annual Charge of €321.14 up to 75 LMs + €4.28 per LM for the next 22,165 LMs, €2.14 per LM for the next 22,240 LMs, €1.07 per LM for the next 22,240 LM's and €0.535 per LM for the remaining LM's.
<b>Length:</b>	38 linear meters (LM)
<b>Calculation:</b>	€321.14
<b>Levy due:</b>	€321.14

The MAC levy has been calculated as €321.14 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 MAC240063; Drawing Number MAC240063-001; Date 05/02/2026
<b>Permitted Maritime Usage:</b>	The construction, use, operation and maintenance of wastewater infrastructure including all associated decommissioning, demolition,

	rehabilitation, and any other works required on foot of any development permission relating to the infrastructure.
<b>Nature of Usage:</b>	May or May Not be Exclusive
<b>Date by which application for Development Permission must be submitted:</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. 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.

- **Condition 23 Public Engagement Plan**

In the event of a grant of planning permission, the Holder shall 6 weeks prior to the commencement of the development, submit to the Grantor, a public and stakeholder engagement plan. This engagement plan shall ensure it complies with all the relevant planning particulars, and any relevant Best Practice Guidance if available, and shall at a minimum address the following topics;

- Stakeholder Identification;
- Engagement principles;
- Scope of engagement;
- Engagement methods and tools;
- Engagement Schedule;
- Communication Plan;

- Monitoring and evaluation and adaption of engagement plan;
- Issue management, and;
- Documentation and record keeping.

The engagement plan shall be published, maintained, updated and adhered to, ensuring there is public and stakeholder engagement at the earliest stage possible, and continuing during all phases of the proposed maritime usage for the duration of the MAC term.

**Reason:** To enable the Grantor to request the Holder to communicate information that the Grantor deems relevant to the public.

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) 21 days from the date of issue of the Minded to Notice to submit supplementary material in relation to the reasons for the conditions as per Section 81(7)(b)(ii).

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

Signed: Robert Roche

Position: Marine Analyst, MACU

Signed: Karen McCuskey

Position: Consenting Analyst, MACU