

<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>	Cork County Council
<b>MAC Reference No:</b>	MAC250009
<b>Location:</b>	Tir Cluain in the north, down to the south quays at Ballinacurra, Midleton, Co. Cork.
<b>Date Application received:</b>	15 July 2025
<b>Proposed Maritime Usage:</b>	Cork County Council have applied for a MAC for a flood defence scheme at Midleton, Co. Cork. The proposed maritime usage includes the construction, use, operation and maintenance of flood defence works.
<b>Recommendation:</b>	To approve the Part Granting of the MAC sought with conditions attached.

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

On 15 July 2025, MARA received a Maritime Area Consent (MAC) application to MARA under Section 79 of the Maritime Area Planning Act 2021, as amended (the Act) from Cork County Council for the construction of a flood defence scheme at Midleton, Co. Cork (the “Midleton Flood Relief Scheme”). The proposed maritime usage includes the construction, use, operation and maintenance of flood defence works.

## 2. Background

The Midleton Flood Relief Scheme aims to enhance flood protection to protect Midleton town against all sources of flooding, including tidal, fluvial, pluvial and groundwater. Midleton has suffered from a long history of flood events the most recent significant event being Storm Babet of October 2023. The project is proposed to extend from Tir Cluain in the north of Midleton, down to the south quays at Ballinacurra. The Applicant has indicated the scheme is intended to deliver the required standard of flood protection in a seamless and integrated fashion. The proposed works include the construction of direct defences, conveyance improvements and upstream storage. The standard of protection of the scheme is stated to be 1% Annual Exceedance Probability (AEP) (1 in 100-year event) for a fluvial flood event and 0.5% AEP (1 in 200-year event) for a tidal/ coastal flood event.

The proposed Midleton Flood Relief Scheme includes works both in the maritime area and on land. A MAC is sought in relation to parts of the scheme proposed to be located in the maritime area in the south of Midleton.

## 3. Proposed Maritime Usage

The proposed works in the maritime include:

- **Restoration of the existing quay walls** - including the cleaning, repointing and grouting of the existing structures to ensure the future integrity of these assets. A new flood defence parapet wall will be constructed along the top of the existing quay walls, where required.
- **New Demountable flood defence gates**- constructed, where required, which will enable continued access to the river/estuary, except during short periods of flood events.
- **Upgrade of drainage system** - incorporating non-return valves on drainage outfalls and pumping stations will be constructed to manage surface water discharge during high tides.
- **Landscaping** – including the installation of high quality street furniture and tree planting/soft landscaping in some areas to mitigate the visual impact of the proposed structures.

The Applicant has stated that there are “no temporary works area applied for/ proposed within the subject application area. This is due to the linear nature of the proposed works location and the refinement of the scheme to keep the works within the Maritime Area to a minimum”.

The MAC area sought by the Applicant is illustrated in Figures 1 to 4.

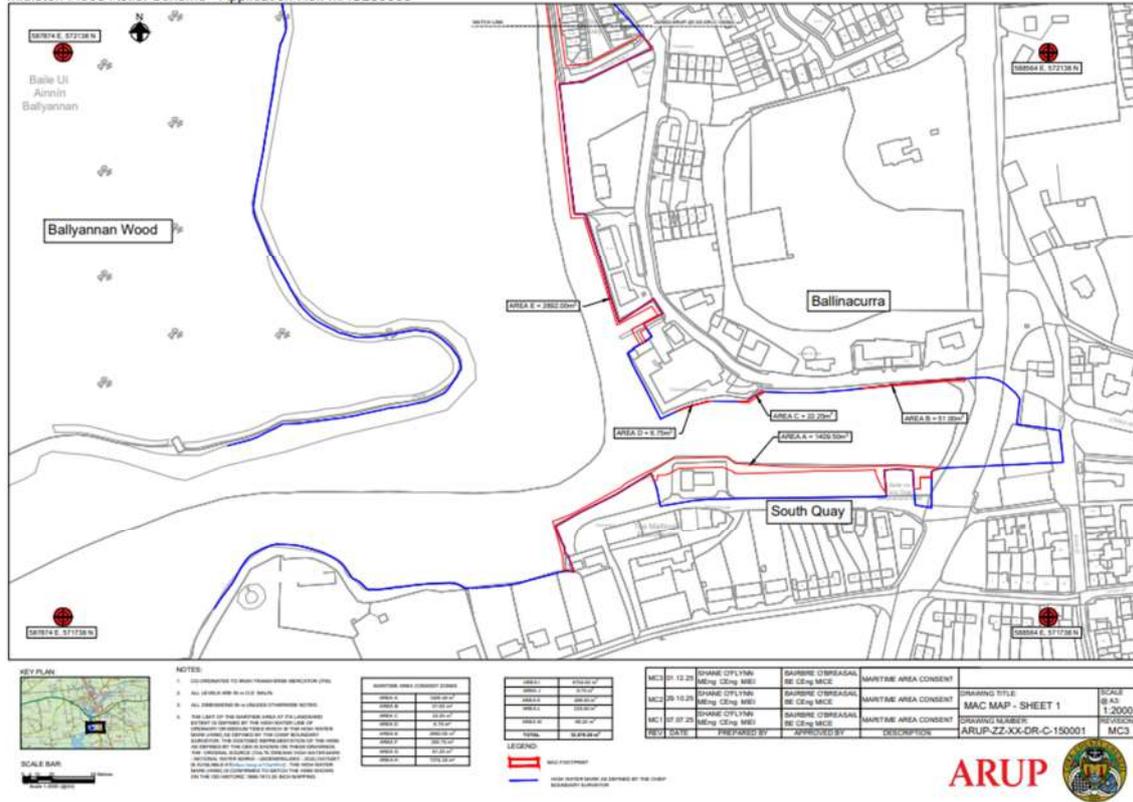


Figure 1 – Applicant map of proposed layout of MAC area (Areas A to E outlined in red)

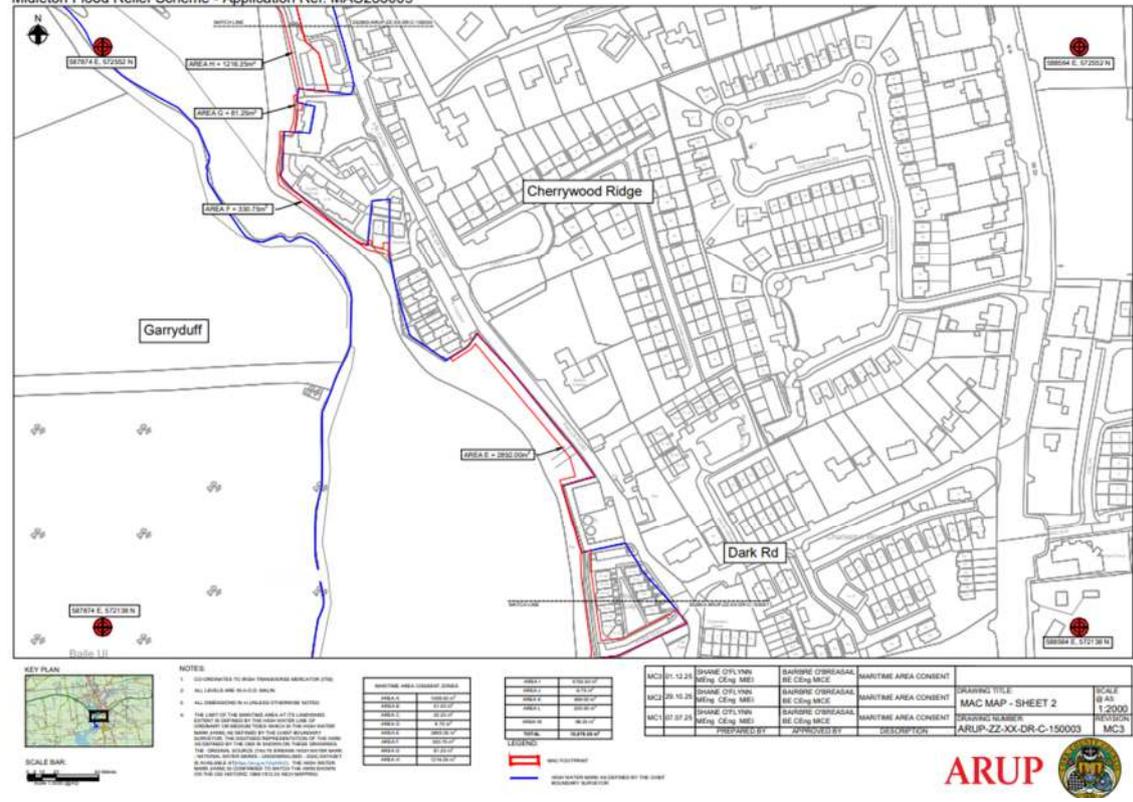


Figure 2 – Applicant map of proposed layout of MAC area (Areas E to H outlined in red)

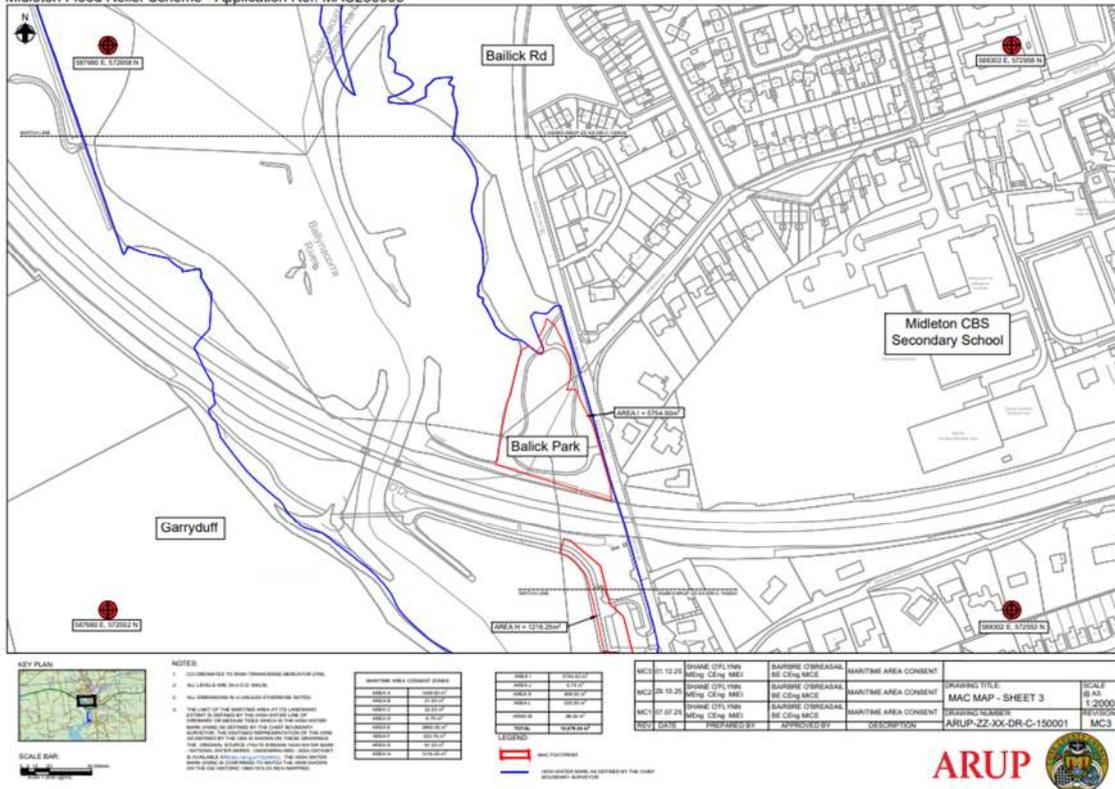


Figure 3 – Applicant map of proposed layout of MAC area (Areas H and I outlined in red)

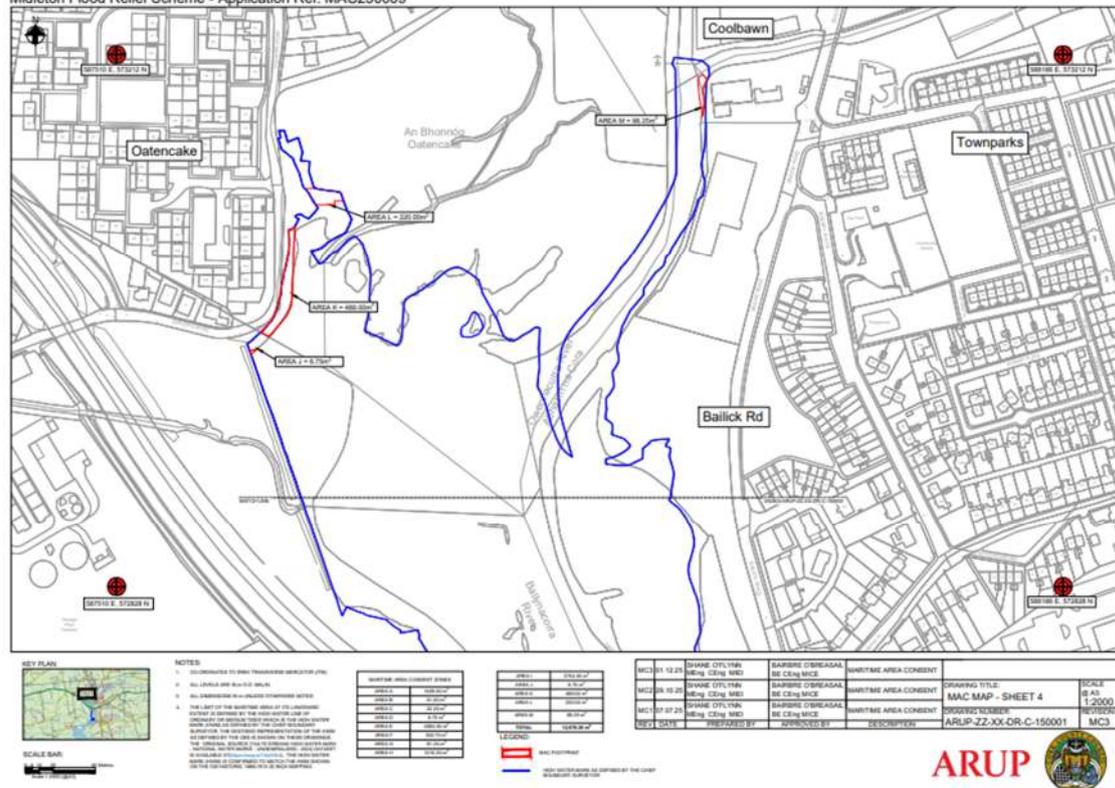


Figure 4 – Applicant map of proposed layout of MAC area (Areas J to M outlined in red)

The Applicant submitted revised maps for the proposed MAC area as illustrated in Figures 1 to 4 on 01 December 2025 and associated GIS data on 19 December 2025. The revisions saw an increase in Area E by 468m<sup>2</sup> to 2,892m<sup>2</sup> to accommodate additional drainage upgrade works on Wood Quay. The Applicant also confirmed to MARA on 01 December 2025 that the proposed MAC area as illustrated in Figures 1 to 4 are proposed to align exactly with the High Water Mark (HMW).

The total area proposed to be occupied by the MAC is 12,578.25 m<sup>2</sup>, comprising thirteen separate areas (Area A to M). *Table 1* details the areas sought

<b>Table 1: MAC area sought</b>	
<b>Area</b>	<b>Size (m<sup>2</sup>)</b>
AREA A	1409.50 m <sup>2</sup>
AREA B	51.00 m <sup>2</sup>
AREA C	22.25 m <sup>2</sup>
AREA D	6.75 m <sup>2</sup>
AREA E	2892.00 m <sup>2</sup>
AREA F	330.75 m <sup>2</sup>
AREA G	81.25 m <sup>2</sup>
AREA H	1216.25 m <sup>2</sup>
AREA I	5754.50 m <sup>2</sup>
AREA J	6.75 m <sup>2</sup>
AREA K	489.00 m <sup>2</sup>
AREA L	220.00 m <sup>2</sup>
AREA M	98.25 m <sup>2</sup>
<b>TOTAL</b>	<b>12,578.25 m<sup>2</sup></b>

Cork County Council have sought a MAC term of 100 years. They indicated in their application that:

- *“The design working life of the scheme is 100 years in line with best practice for such civil engineering works”;*
- *“...the scheme shall be in accordance with BS EN 1990, Eurocode - Basis of structural design, table 2.1 - Indicative design working life. The Client considers that this scheme shall be a Category 5”; and*
- *“The flood defence structures are expected to remain in service for their full 100-year design life without requiring replacement. After this period, subject to routine inspection, the flood defence parapets can be removed and replaced in a similar manner to their original installation.”*

The following project timelines have been estimated by Cork County Council:

- *Application for development permission – 2026;*

- *Start of Construction – 2028; and*
- *Construction Completion – 2032.*

#### 4. Site Visit

Richard Browne, Chartered Engineer and Director at McCarthy Browne visited the site on behalf of MARA on 04 November and 02 December 2025. The existing neighbouring land usage is urban including residential, public realm and industrial usages. During the site visit various existing infrastructure were noted to be present in the proposed MAC location as described for each of the areas in *Table 2* below.

<b>Table 2: Summary of Existing infrastructure observed in proposed MAC area during site visit</b>	
<b>Area</b>	<b>Existing Infrastructure</b>
AREA A	Existing slipway, quay walls, pump stations & embankment both armoured and earthen.
AREA B	Existing river wall
AREA C	Existing river wall
AREA D	Existing quay wall and parapet
AREA E	Existing slipways, dock, quay, soft embankment and apartment complex entrance
AREA F	Existing landing pontoon & fender piles, quay walls
AREA G	Rock armoured embankment
AREA H	Existing car park & footpath
AREA I	Public realm park
AREA J	Earthen riverbank
AREA K	Earthen riverbank
AREA L	Marsh
AREA M	Existing outfalls, river embankment

Some of the existing infrastructure is authorised under existing consents (refer to *Section 5.1* below for further details). According to MARA records some of the existing infrastructure, such as the landing pontoon in Area F, was not undertaken under a maritime authorisation or foreshore authorisation (under sections 2&3 of the Foreshore Act of 1933, as amended) see *Photograph 8*. MARA's Compliance, Enforcement and Revenue (CER) unit have been made aware of the potentially unauthorised pontoon and other infrastructure observed during the site visit.

A number of slipways were noted during the site visit, as detailed in *Table 2*. It is noted that the proposed works included the construction of demountable flood defence gates to enable continued access to the river/estuary. Accordingly, any impact to access to slipways is expected to be short in duration during periods of flood events.

The proposed works include upgrade/ restoration of some of the existing infrastructure, including quay walls and outfalls. Furthermore, the proposed works will likely benefit other existing public amenities, within the proposed MAC area through the prevention of flooding.

Considering the above, there was nothing evident on the day of the site inspection that would preclude MARA from granting a MAC for the proposed maritime usage.



*Photo 1: Looking west at Area A [RB 02/12/25]*



*Photo 2: Area A, pump house [RB 04/11/25]*



*Photo 3: South of Area A, existing slipway [RB 04/11/25]*



*Photo 4: Area A looking northeast toward Areas B-C [RB 04/11/25]*



Photo 5: Looking west towards Areas B, C and D [RB 04/11/25]



Photo 6: Looking north towards Area D and E [RB 02/12/25]



Photo 7: Slipway at Bailick Road, Area E [RB 02/12/25]

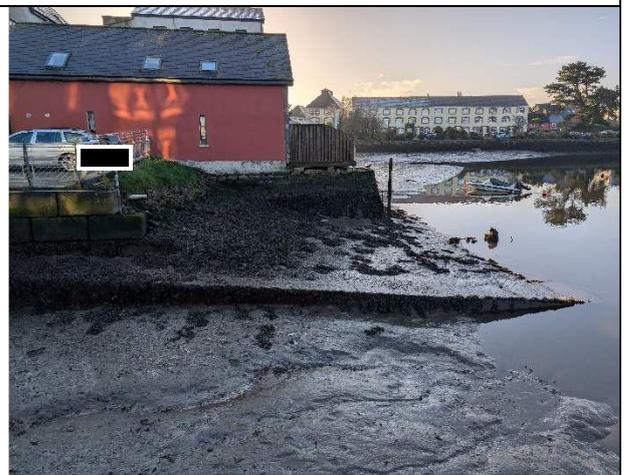


Photo 8: Slipway & car park in the south of Area E [RB 02/12/25]



Photo 9: Entrance at Wood Quay, Area E [RB 02/12/25]



Photo 10: Pontoon to south of Area F [RB 02/12/25]



Photo 11: Area G & H looking north from Area F [RB 02/12/25]



Photo 12: View of Area H from the west [RB 02/12/25]



Photo 13: Outfall at north end of Bailick Park (Area I) [RB 02/12/25]



Photo 14: Areas J & K [RB 02/12/25]



Photo 15: Area L, looking west [RB 02/12/25]



Photo 16: Area M, looking north [RB 02/12/25]

## 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 and 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 20 November 2025 and 22 December 2025 for spatial overlaps between the proposed MAC areas and existing foreshore authorisations and MARA licences and consents.

The Marine Institute's Ireland's Marine Atlas database<sup>1</sup> was searched on 19 November 2025 and 17 December 2025 for spatial overlap between the proposed MAC areas and any Department of Agriculture, Food and the Marine foreshore authorisations for aquaculture sites.

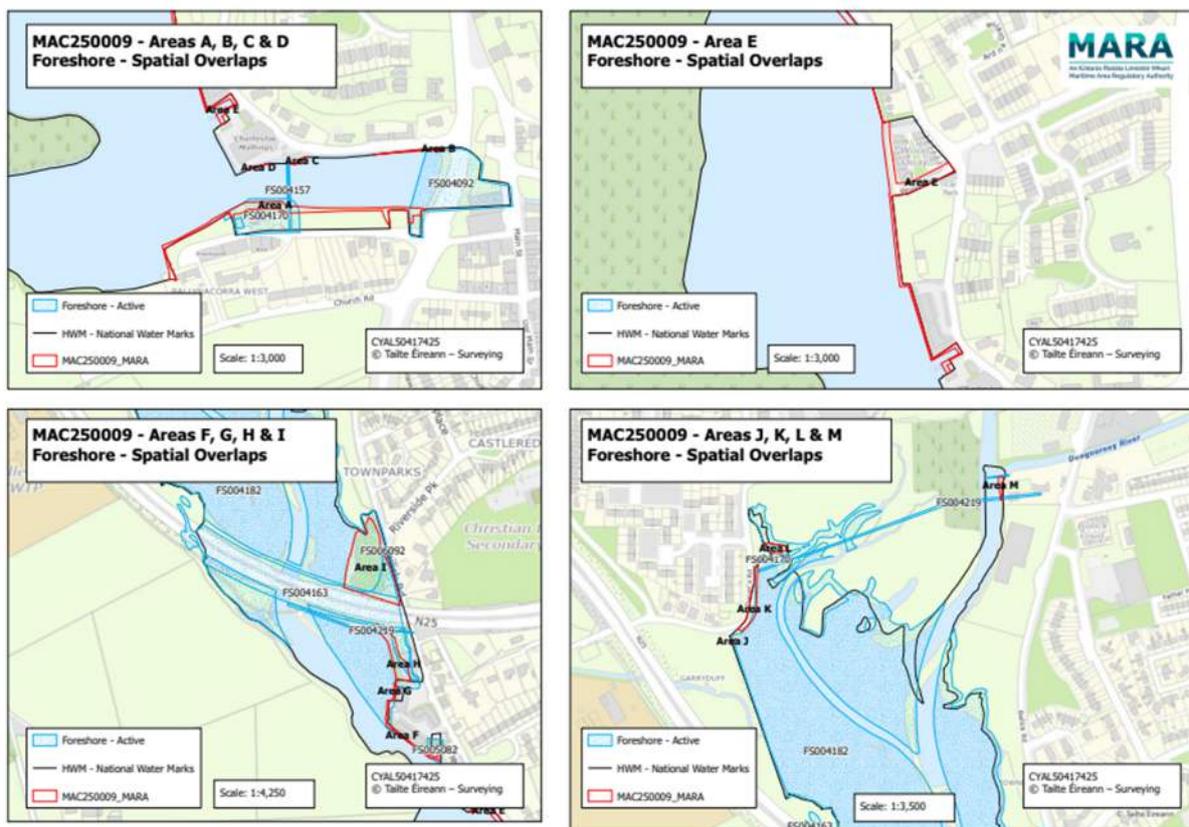
The proposed MAC area does not overlap with any existing MACs or Maritime Usage Licence (MUL) or applications for the same. The application overlaps with a number of foreshore authorisations as detailed in *Table 3* and *Figure 5* below.

Table 3: Summary of Overlapping maritime authorisations and foreshore authorisations				
File Reference Number	Applicant/ Holder	Consent Type	Maritime Usage	Status
FS006092	Cork County Council	Licence	Maintenance of Septic Tank	Expires 20/10/2058
FS004170	Cork County Council	Licence	Constructing a pumphouse, tidal holding tank, & laying, maintenance and use of a wastewater discharge pipeline	Expires 04/03/2085
FS004182	Cork County Council	Lease	Amenity area & bird sanctuary	Expires 31/05/2027
FS004219	Cork County Council	Licence	Laying, use & maintenance of foreshore crossings, main outfall pipes etc.	Expires 21/09/2034
FS004157	Cork County Council	Licence	Constructing a pumphouse and a pipe crossing at Ballynacorra & outfall pipe at Green Point in connection with sewerage scheme	Expires 12/02/2077

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

FS004163	Cork County Council	Lease	Construction of a causeway/bridge	Expires 13/04/2081
FS004092	Cork County Council	Licence	Use of an area of foreshore in connection with the widening of the road	Expires 12/02/2060
FS005082	Port of Cork Company	Lease	Sub-leasing to Munster Marine Ltd for reclamation for open space storage of products	Expires 06/12/2082

In addition to the foreshore authorisation listed above, three foreshore authorisations/ conveyances were identified which, on review, are considered to be privately held. These are discussed under *Section 5.4* below.



**Figure 5** – MAC area as applied for and spatial overlap with foreshore authorisations.

Cork County Council is the Applicant for the subject MAC application and the Holder of seven of the overlapping foreshore authorisations referred to in *Table 3* above. Furthermore, the Applicant stated in their additional information submitted on 01 December 2025 that *“In relation to any foreshore authorisation held by Cork County Council, the Flood Projects team has engaged with colleagues who have no objection to the Midleton Flood Relief Scheme and in particular to the MAC application and associated attached drawings”*. Foreshore licences are granted on a non-exclusive basis.

It is understood that Uisce Eireann has been transferred responsibility for foreshore licence FS006092.

The Applicant has provided written confirmation from Port of Cork Company and subtenant, Munster Marine Ltd confirming that they have no objection to the proposed works overlapping foreshore lease

FS005082. It was also indicated that Port of Cork Company and Munster Marine Ltd are investigating the surrender of FS005082.

Accordingly, having regard to the above, it is considered that the spatial overlaps identified above do not prevent the granting of a MAC.

### 5.3 Development Permission

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.

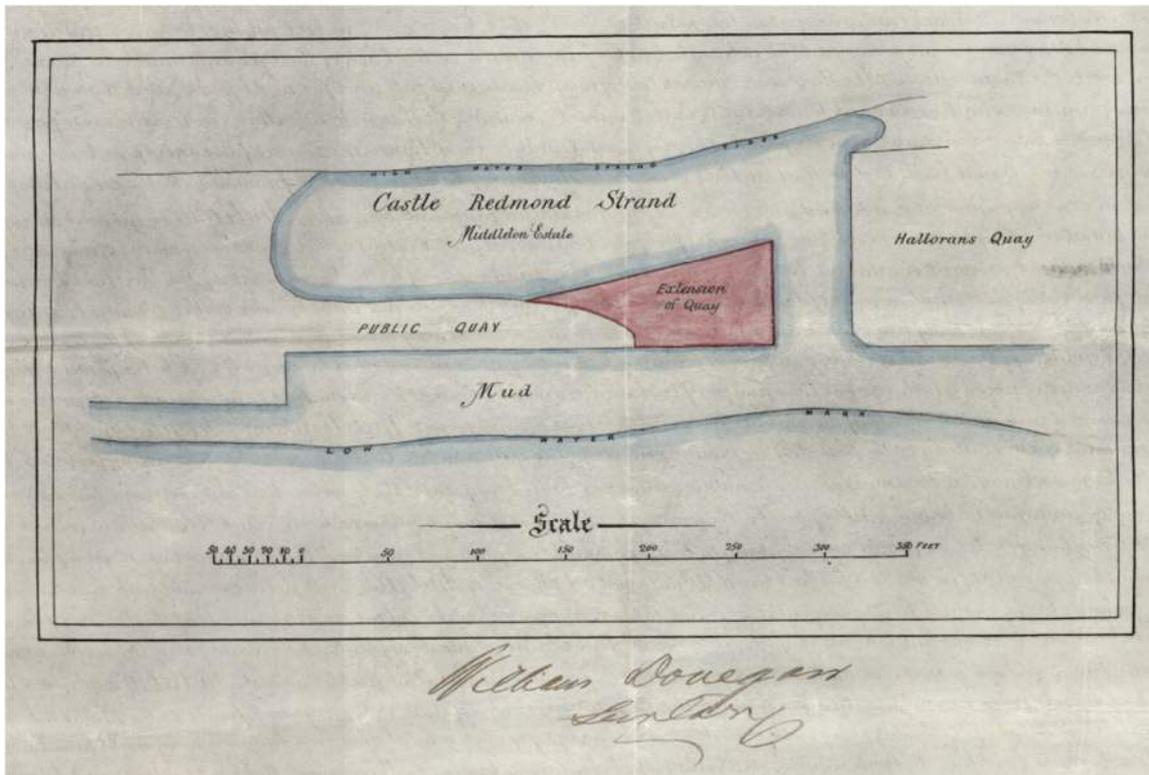
### 5.4 Ownership

A search was undertaken of the Land Registry on 22 December 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 Figures 1 to 4. Two folios which are registered under the Registration of Title Act 1964 were identified as overlapping parts of the proposed MAC area and are considered to be privately owned. Details in relation to the overlapping folios are provided in *Table 4* below

Following the identification of a number of foreshore records overlapping the proposed MAC area (refer to *Section 5.2* above), MARA's registry of foreshore consents was reviewed in relation to these records. Based on the review undertaken, three parts of foreshore were deemed to be privately held through conveyance or the existence of a perpetual lease. Details in relation to these privately held parts are provided in *Table 4* below.

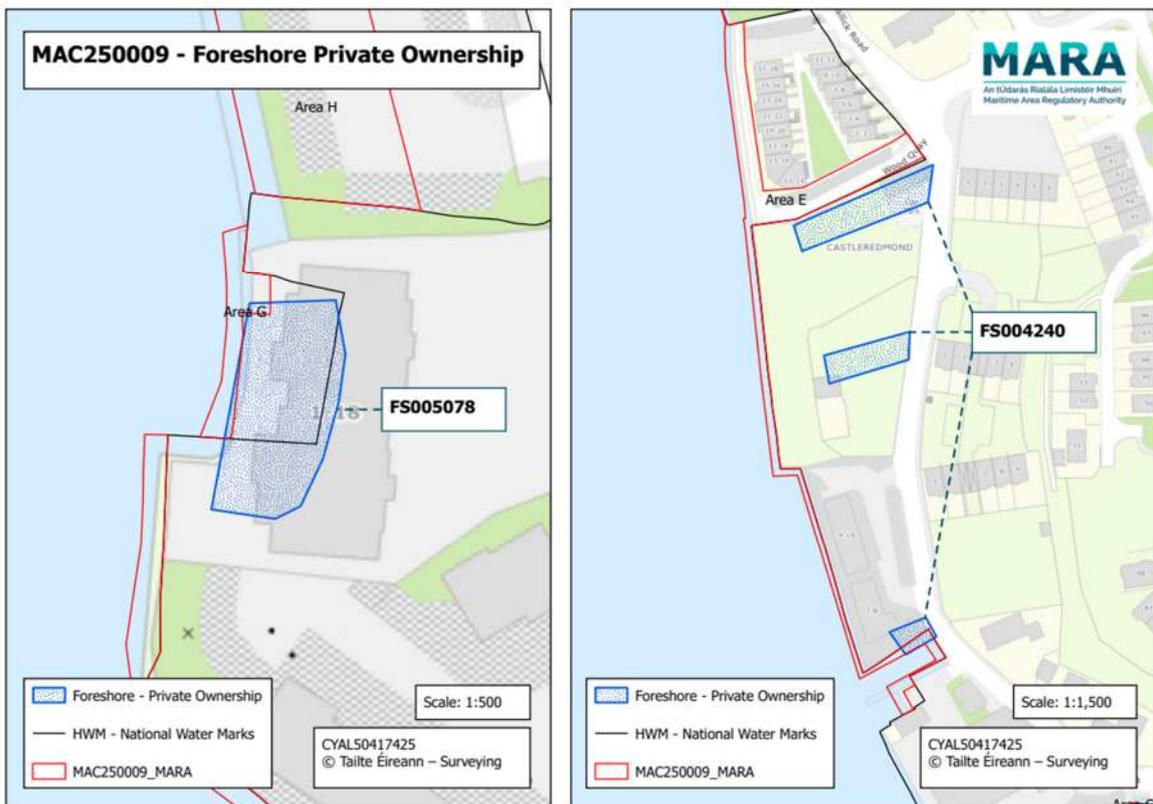
Figures 6 to 9 below illustrate the MAC area proposed by the Applicant and the extent of the private maritime area overlaps.

<b>Table 4: Summary of Overlapping maritime area deemed to be privately held</b>			
<b>Foreshore Reference/ Folio Number</b>	<b>Ownership Category/ Details</b>	<b>Holder/ Owner</b>	<b>Overlapping MAC area</b>
FS005078	lease holder and sub-lease resulting in sale	Port of Cork Company	Area G
FS004240	Perpetual Lease/Sale	Cork Harbour Commissioners	Area E
FS004252	Perpetual Lease/Sale	Cork Harbour Commissioners	Refer to Figure 6
CK123903F	Registered Freehold Land	Kaivalya Properties Limited	Area E
CK11336F	Registered Freehold Land	Irish Water	Area M

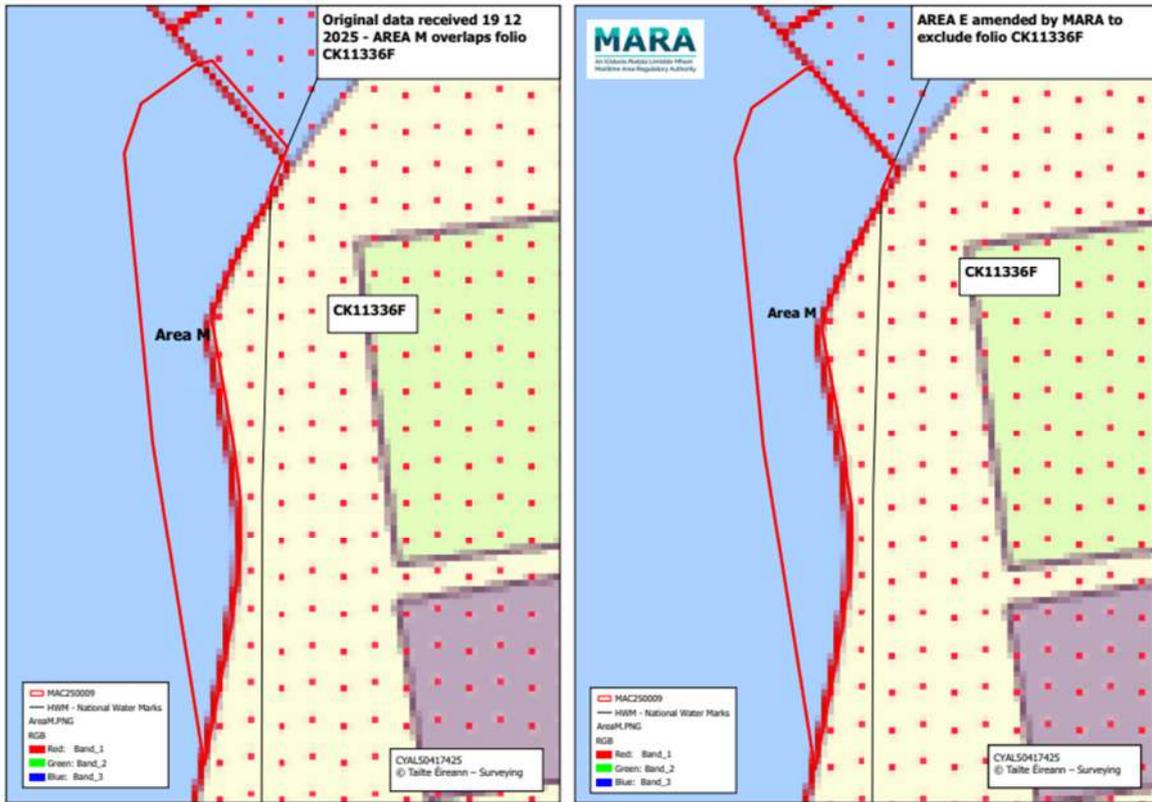


**Figure 6** – Map indicating privately held maritime area under FS004252

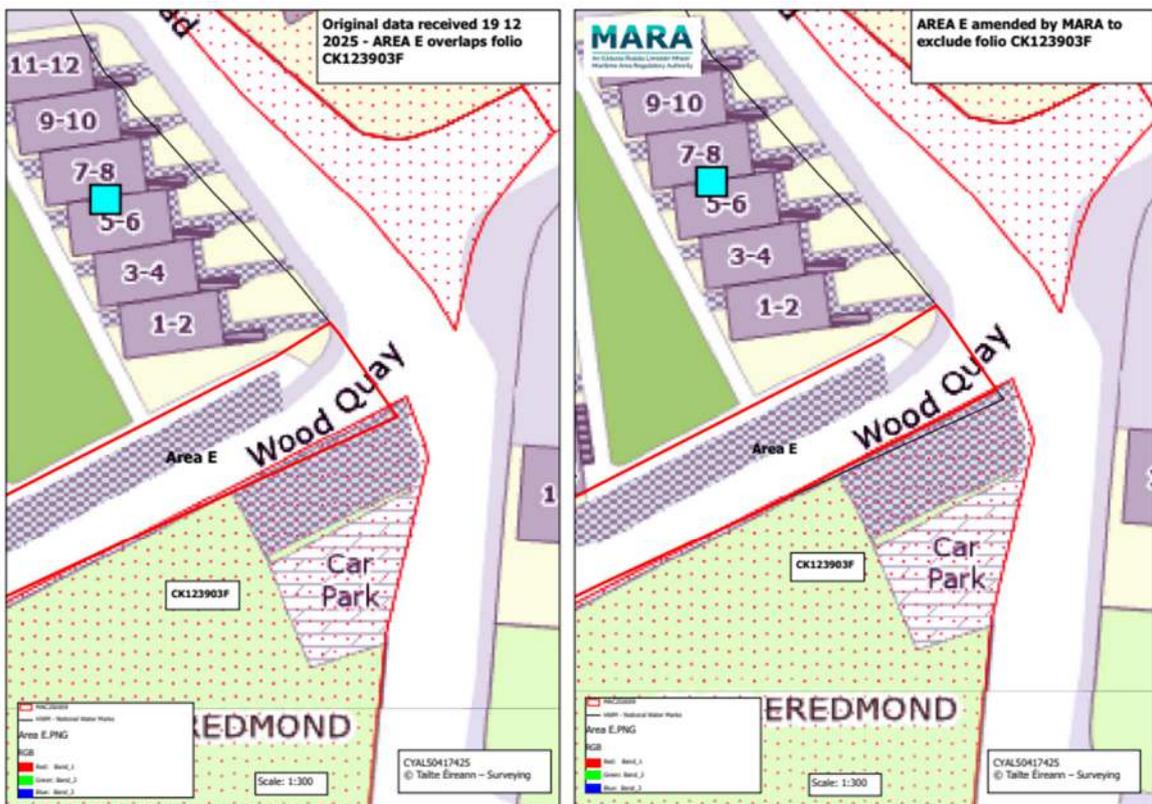
Accurate mapping of the location of the privately held maritime area the subject of FS004252 is not currently feasible based on the representation of the map appended to FS004252 as illustrated in *Figure 6*.



**Figure 7 – MAC area as applied for and spatial overlap with privately held maritime area (FS005078 and FS004240).**



**Figure 8 – MAC area as applied for and spatial overlap with privately held maritime area (CK11336F).**



**Figure 9 – MAC area as applied for and spatial overlap with privately held maritime area (CK123903F).**

It is considered that the above identified privately held foreshore conflict with parts of the MAC area sought. In accordance with Section 99(3)(b) of the Act, Part 4 of the MAP Act shall only apply to that part of the maritime area which is within state ownership. Accordingly, a MAC cannot be issued on privately owned maritime area. Considering the above it is recommended that a MAC is part granted for that portion of the maritime area, within the MAC area as applied for, which is in state ownership. The recommended MAC area to be part granted is detailed on the map provided in Section 7 of this report.

## **6. Assessment**

### **6.1 Schedule 5**

The MAC application was submitted on 30 June 2025 with the appropriate fee paid on 15 July 2025 and reviewed for completeness on 16 July 2025. Incomplete application notifications were issued on 17 July 2025 and 28 July 2025; with supplementary documentation/information received on 25 July 2025 and 31 July 2025. The application was deemed complete by MARA on 31 July 2025.

A number of requests for additional information were issued on 07 August 2025; 22 October 2025; 20 November 2025 and 05 December 2025 under Section 79(3) of the Act and associated responses received relating to matters for general, technical and financial assessment on 08 August 2025; 31 October 2025; 01 December 2025; 18 December 2025 and 19 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 5* below.

**Table 5: 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.</p> <p>The Applicant has sought a MAC term of 100 years. Considering the nature of the works and allowing time for obtaining planning permission, procurement of a works contractor, construction and decommissioning, with proper maintenance and repair, a MAC Term of 100 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>Cork County Council stated that <i>“The Midleton FRS is a critical infrastructure project, which aims to mitigate flood risk to Midleton. It aligns closely with the Irish Programme for Government and policy’s by supporting key national priorities. These include;</i></p> <ul style="list-style-type: none"> <li><i>• Climate Adaptation: Flood schemes directly address the increasing flood risk from climate change, aligning with Ireland’s Climate Action Plan and EU adaptation strategies.</i></li> <li><i>• Balanced Regional Development: Flood relief enables sustainable growth by making towns and rural areas more resilient, aligning with the National Planning Framework and Project Ireland 2040.</i></li> <li><i>• Investment in Infrastructure: Flood relief schemes are key elements of Ireland’s capital investment strategy, with support from the OPW (Office of Public Works). These projects generate employment, improve infrastructure resilience, and often incorporate innovation in civil and environmental engineering.”</i></li> </ul> <p>Also, Cork County Council stated that <i>“Flood relief schemes in Ireland are closely aligned with several key EU directives that guide environmental protection, water management, climate resilience, and sustainable development. These include</i></p> <ul style="list-style-type: none"> <li><i>• EU Floods Directive (2007/60/EC) - Objective: Reduce and manage flood risks to human health, the environment, cultural heritage, and economic activity.</i></li> <li><i>• EU Water Framework Directive (2000/60/EC) - Objective: This directive aims to achieve good ecological and chemical status in all water bodies.</i></li> <li><i>• EU Habitats Directive (92/43/EEC) &amp; Birds Directive (2009/147/EC) Design is adapted to avoid impacts on Natura 2000 sites (SACs/SPAs), or to include mitigation where necessary.</i></li> <li><i>• EU Environmental Impact Assessment (EIA) Directive (2011/92/EU, amended 2014/52/EU) Midleton FRS will undergo a full EIA.”</i></li> </ul> <p>Cork County Council confirmed that there is a public use element in</p>	Satisfactory

		<p>the following locations;</p> <ul style="list-style-type: none"> <li>• Ballyannan Wood Walk - <i>“Opportunity exists to retain and enhance this space as a public amenity, providing access to nature, seating opportunities and ‘pop up’ coffeeshops.”</i></li> <li>• Baillick Road – <i>“While the proposed pedestrian and cycle route facilitates connections from one end to the other, the landscape plan proposes seating opportunities along the space for users to stop, rest and enjoy the views.”</i></li> <li>• South Quays – <i>“The open green space area south of the inlet provides opportunity for remediation planting and a viewing point out on to the estuary.”</i></li> </ul> <p>Furthermore, Cork County Council state <i>“The Midleton Flood relief scheme aims to safeguard homes, businesses and public infrastructure from recurring damage. This reduces the financial losses from flooding (insurance claims, repair costs, business interruptions), making the area more economically resilient. Areas previously constrained by flood risk can be unlocked for housing, commercial, or industrial development once protected.”</i></p> <p>It is considered that access restrictions are likely to occur during the construction phase of the proposed works which may affect the public use of the existing slipways, public car park etc. It is considered appropriate that the Local Authority provides sufficient advance notification of any planned temporary restrictions or closures. It is recommended that a condition is included in the MAC requiring the holder to undertaken public engagement in advance of undertaking the permitted maritime usage. Refer to <i>Section 9</i> for further details.</p> <p>The proposed maritime usage is considered satisfactory, having regard to the public interest.</p>	
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 to be occupied by the MAC is 12,578.25m<sup>2</sup>, comprising MAC Areas A (1,409.50m<sup>2</sup>), B (51.00m<sup>2</sup>) and C (22.25m<sup>2</sup>), Areas D (6.75m<sup>2</sup>), E (2,892.00m<sup>2</sup>), F (330.75m<sup>2</sup>), G (81.25m<sup>2</sup>), H (1,216.25m<sup>2</sup>), I (5,754.50m<sup>2</sup>), J (6.75m<sup>2</sup>), K (489.00m<sup>2</sup>), L (220.00m<sup>2</sup>) and Area M (98.25m<sup>2</sup>), as illustrated in Figures 1 to 4 (Applicant MAC Map) in <i>Section 3</i> and detailed in <i>Table 1</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 the proposed area.</p> <p>The Applicant confirmed to MARA on 01 December 2025 that the proposed MAC area as illustrated in Figures 1 to 4 (Applicant MAC Map) is proposed to align exactly with the High Water Mark (HMW). Based on the searches undertaken, private maritime area was identified that would preclude the granting of a MAC across the entirety of the area applied for by Cork County Council. As illustrated in Figures 6 to 9 and detailed in <i>Table 4</i> of <i>Section 5.4</i> of this report,</p>	Partially Satisfied

		<p>the MAC area as applied for overlaps with five privately held parts of the maritime area. It is therefore recommended to part grant the MAC to exclude those parts of the maritime area which are deemed to be privately held.</p> <p>Accordingly, the MAC is recommended to be granted over a total area of 12,556.92m<sup>2</sup>, comprising MAC Areas A (1,409.32m<sup>2</sup>), B (51.09m<sup>2</sup>) and C (22.19m<sup>2</sup>), Areas D (6.80m<sup>2</sup>), E (2,875.08m<sup>2</sup>), F (330.77m<sup>2</sup>), G (81.26m<sup>2</sup>), H (1,216.24m<sup>2</sup>), I (5,753.22m<sup>2</sup>), J (6.79m<sup>2</sup>), K (488.60m<sup>2</sup>), L (219.98m<sup>2</sup>) and Area M (95.58m<sup>2</sup>), as illustrated in Figures 10 to 13 (Proposed MAC Map) in <i>Section 7</i>.</p> <p>Considering the location of an existing wastewater outfall under Foreshore Licence FS006092 located within the proposed MAC area, it is recommended that the holder engages with the Foreshore Licence holder to ensure the proposed MAC activity does not cause disruption to the existing maritime usage.</p> <p>The proposed maritime usage is considered partially satisfactory having to the location and spatial extent concerned. Accordingly, it is recommended to part grant a MAC excluding the part of the maritime area that is privately owned, as outlined above.</p>	
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.	In accordance with <i>S.I. No. 467/2025 - Maritime Area Planning Act 2021 (Fit and Proper Person) Order 2025</i> Cork County Council has been declared as a fit and proper person to be granted and to hold any MAC in accordance with Section 90(1)(b) of the Act.	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 tourism, 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> - 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>Co-existence Policy 1</b> - 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.</li> <li>- <b>Tourism Policy 1</b> - Where appropriate, proposals enabling, promoting or facilitating sustainable tourism and recreation activities, particularly where this creates diversification or additional utilisation of related facilities beyond typical usage patterns, 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. 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>	Satisfactory

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 provided an extensive Options Report for the Midleton Flood Relief Scheme dated 31 May 2024. The Options Report includes:</p> <ul style="list-style-type: none"> <li>• <i>“Initial screening assessment of flood risk management measures (assessment of viability)</i></li> <li>• <i>Detailed assessment of technically viable measures to develop a suite of reasonable alternatives</i></li> <li>• <i>Environmental assessment of reasonable alternatives</i></li> <li>• <i>Economic assessment of reasonable alternatives”,</i></li> </ul> <p>along with details of three rounds of public engagement undertaken.</p> <p>The Options Report also references previous works including a Constraints Study, Hydrology Report and Hydraulics Report.</p> <p>The MAC Application form notes the completion of:</p> <ul style="list-style-type: none"> <li>• Site Investigations;</li> <li>• Traffic Surveys;</li> <li>• Underwater Archaeology Surveys;</li> <li>• Wintering Bird Surveys;</li> <li>• Noise and Vibration Surveys;</li> <li>• Conservation Architecture Surveys;</li> <li>• Water Quality Surveys; and</li> <li>• Ecology Surveys.</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>Cork County Council state that <i>“There have been several instances of public engagement and open days related to the Midleton Flood Risk Scheme (MFRS) in the past, specifically on:</i></p> <p><i>23 March 2017 (Opening Public Participation Day)</i></p> <p><i>7 March 2020 (Options Public Participation Day)</i></p> <p><i>28 July 2022. (Emerging Scheme Public Participation Day)”</i> and that <i>“The meetings took place with the general public, marine users and stakeholders from the Midleton area. These events provided opportunities for the public to engage with the scheme.”</i></p> <p>Also, the Applicant states in their application that the following stakeholder engagement was undertaken;</p> <ul style="list-style-type: none"> <li>- <i>“An affected landowner information evening was held on 17 January 2025.”</i></li> <li>- <i>“A flood committee has been established for the Midleton FRS. This committee was established post Storm Babet and builds on the pre-existing engagement between the scheme and the community of Midleton.”</i></li> <li>- <i>“In addition to the above, a landowner engagement process is underway where each affected landowner will be met to discuss the impacts of the project on their property.”</i></li> <li>- <i>“National Parks &amp; Wildlife Service (NPWS) of the</i></li> </ul>	Satisfactory

		<p><i>Department of Housing, Local Government &amp; Heritage. NPWS were contacted as part of the consultation process of the Midleton Flood Relief Scheme.”</i></p> <ul style="list-style-type: none"> <li>- <i>“National Monuments Service (NMS) of the Department of Housing, Local Government &amp; Heritage NMS/DHLGH were consulted with as part of the consultation process of the Midleton Flood Relief Scheme.”</i></li> <li>- <i>“Inland Fisheries Ireland IFI were contacted as part of the consultation process of the Midleton Flood Relief Scheme.”</i></li> <li>- <i>“Further details in relation to the stakeholder engagement to date on the project are provided in the Options Report. Material from each of the public engagement events is available to view on the project website: <a href="http://www.midletonfrs.ie">www.midletonfrs.ie</a> (or <a href="https://www.floodinfo.ie/frs/en/midleton/home/">https://www.floodinfo.ie/frs/en/midleton/home/</a>).”</i></li> </ul> <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>	
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 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, 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.

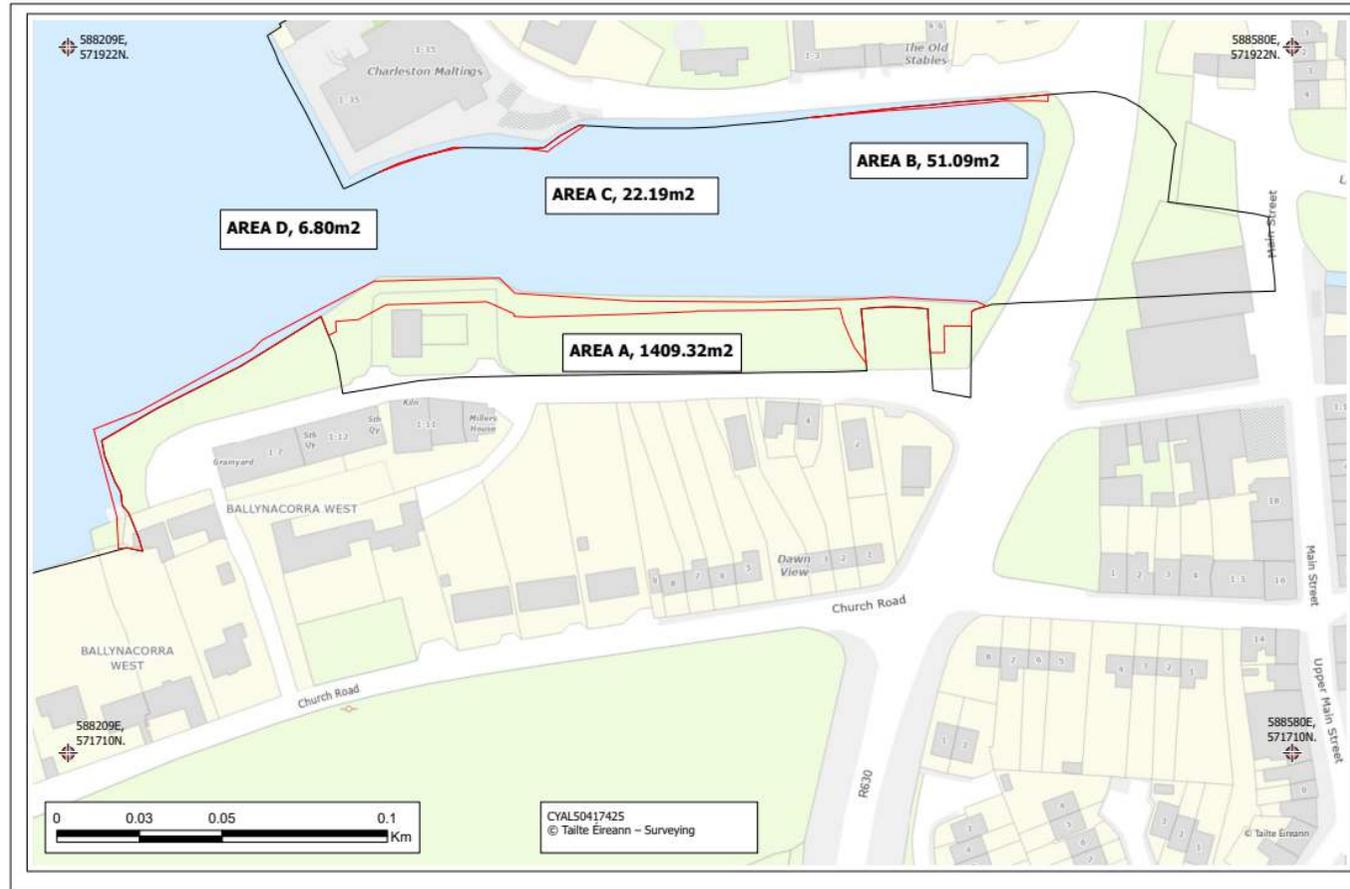
## 6.3 Section 83 – Nature of Use

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).

The Applicant has sought that the MAC be granted on a non-exclusive basis. Having regard to the nature and lifecycle of the proposed maritime usage, it is considered that the granting of exclusive use is not merited, particularly having regard to co-existence and co-operation objectives of the NMPF. Accordingly, it

is recommended that the MAC is granted on a “non-exclusive” basis in accordance with Section 83(1)(b) of the Act.

7. Proposed MAC Map (for illustration purposes only)



Drawn by: DS  
 Approved by: KC  
 Date: 22/12/2025  
 Drg. No.: MAC250009 - 001  
 Projection: ITM  
 Scale: 1:1,000 @A3

Notes:  
 1. Georeference 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.  
 3. The MAC area excludes maritime area under FS004252.

Maritime Area Consent Map 1 of 4  
 MAC250009

 Maritime Area Consent Area  
 High Water Mark - Chief Boundary Surveyor  
 Grid Coordinate Intersects ITM



Figure 10 – Proposed MAC Map 1 of 4

(Note this proposed MAC area excludes maritime area under FS004252)



Drawn by: DS  
 Approved by: KC  
 Date: 22/12/2025  
 Drg. No.: MAC250009-002  
 Projection: ITRN  
 Scale: 1:1,500 @A3

**Maritime Area Consent Map**  
**2 of 4**  
**MAC250009**

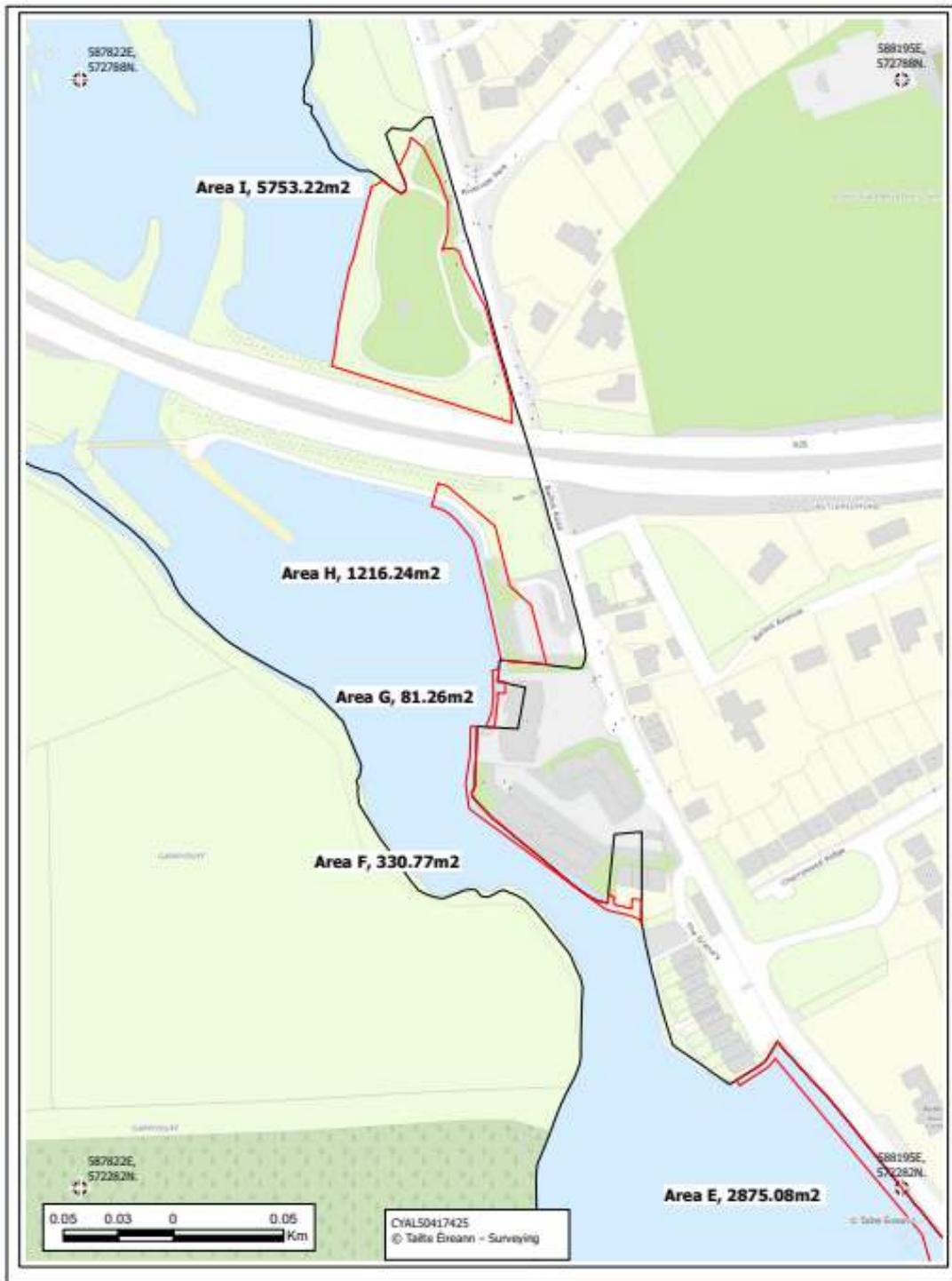
Notes:  
 1. Georeference using grid coordinate intersects shown.  
 2. Where the MAC adjoins or abuts land, islands or rocks, the High Water Mark as defined by the Chief Boundary Surveyor is the boundary of the MAC area.

Maritime Area Consent Area  
 High Water Mark - Chief Boundary Surveyor  
 Grid Coordinate Intersects ITRN

**MARA**  
 by Eilís, Social Justice Minister  
 Maritime Area Regulatory Authority

**Figure 11 – Proposed MAC Map 2 of 4**

*(Note this proposed MAC area excludes maritime area under FS004252)*



Drawn by: DS  
 Approved by: KC  
 Date: 22/12/2025  
 Dwg. No.: MAC250009-003  
 Projection: ITM  
 Scale: 1:5,000 @A3

**Maritime Area Consent Map**  
**3 of 4**  
**MAC250009**

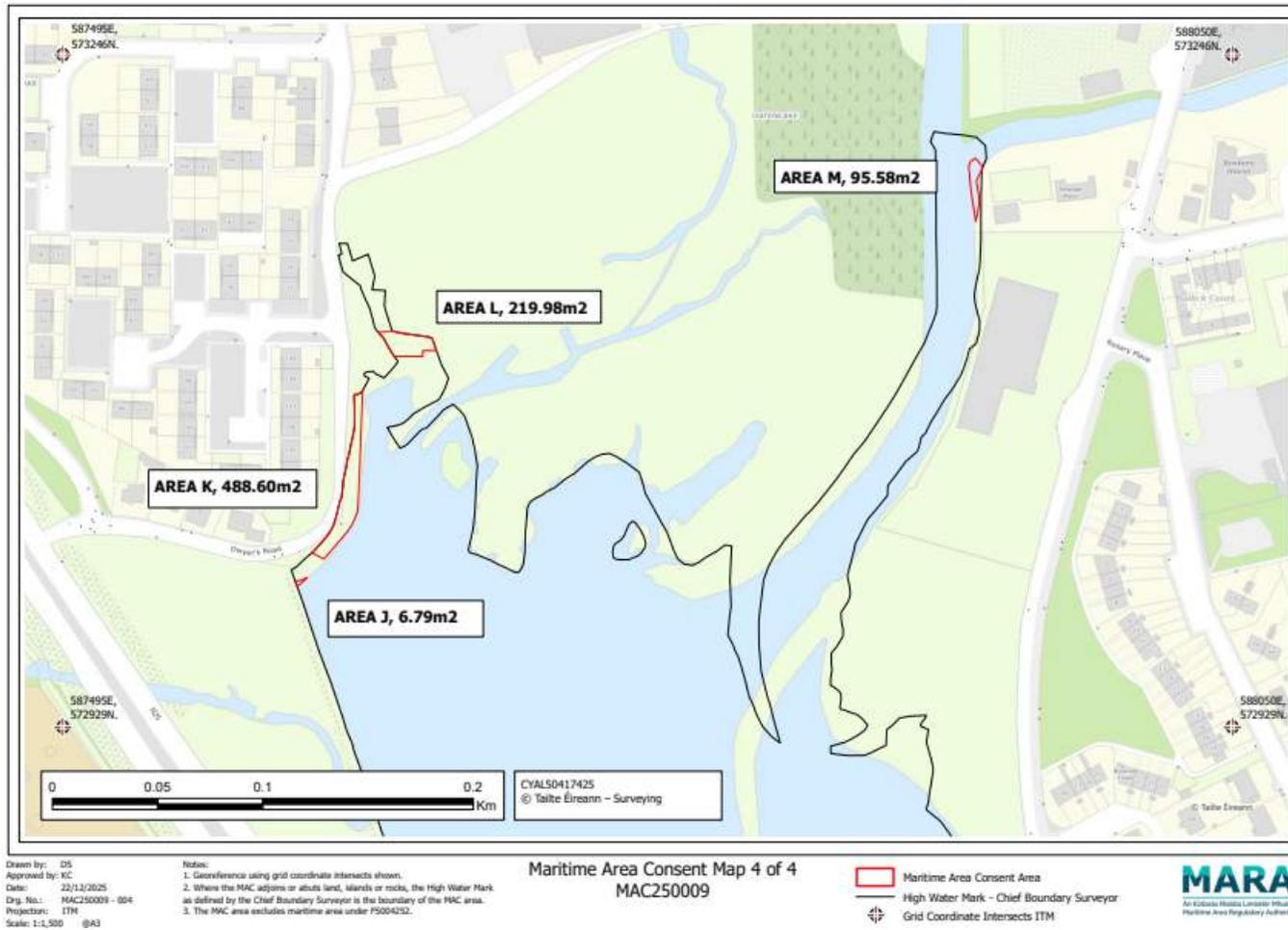
Notes:  
 1. Georeferenced using grid coordinate intersects shown.  
 2. Where the MNC aligns or abuts land, islands or rocks, the High Water Mark as defined by the Chief Boundary Surveyor is the boundary of the MNC area.

Legend:  
 [Red Outline] Maritime Area Consent Area  
 [Black Line] High Water Mark - Chief Boundary Surveyor  
 [Cross Symbol] Grid Coordinate Intersects (DN)

**MARA**  
 Maritime Area Regulatory Authority

**Figure 12 – Proposed MAC Map 3 of 4**

*(Note this proposed MAC area excludes maritime area under FS004252)*



**Figure 13 – Proposed MAC Map 4 of 4**

*(Note this proposed MAC area excludes maritime area under FS004252)*

## 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	A: Nearshore
<b>Category/Class:</b>	<i>Development (Non-commercial)</i>	<i>Development (Non-commercial)</i>
<b>Tier:</b>	Tier 4 - Cloyne	Tier 3 - Midleton Rural, Midleton Urban
<b>Applicable Rate:</b>	Base Annual Charge of €208.46 plus an add on of 0.1954 per sq.m for areas in excess of 100 sq.m	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 A</i> Total Area: 1,409.32m <sup>2</sup>	<i>Areas B, C, D, E, F, G, H, I, J, K, L, M</i> Total Area: 11,147.60m <sup>2</sup>
<b>Calculation:</b>	€208.46 + (€0.1954 * (1,409.32 - 100.00))	€208.46 + (€0.39 * (11,147.60 - 100.00))
<b>Levy due:</b>	€464.30	€4,517.02
<b>Total Levy due:</b>	€4981.32	

The MAC levy has been calculated as €4981.32 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).

The proposed MAC area has been assessed to overlap private maritime area. Schedule 3(3) and Schedule 4(5) of the Act precludes “any maritime usage to the extent to which it is undertaken on a privately owned part of the maritime area” from requiring a MAC. Section 99(2) of the Act specifies that “*no part of the maritime area shall be treated at any time as privately owned land unless the part is land whose owner is, or is deemed to be, registered under the Registration of Title Act 1964.*” Accordingly, MARA may not consent to the sections of the proposed MAC area that are deemed to be privately held. Having regard to the above, it is recommended to part grant the proposed MAC to exclude the private maritime areas.

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

**a. Terms**

<b>MAC Term:</b>	100 years
<b>Consent Area:</b>	That part of the maritime area marked red on the MAC Maps.
<b>MAC Map Title:</b>	<ul style="list-style-type: none"> <li>• Maritime Area Consent Map 1 of 4 MAC250009; Drawing No: MAC250009-001; Date: 22/12/2025;</li> <li>• Maritime Area Consent Map 2 of 4 MAC250009; Drawing No: MAC250009-002; Date: 22/12/2025;</li> <li>• Maritime Area Consent Map 3 of 4 MAC250009; Drawing No: MAC250009-003; Date: 22/12/2025; and</li> <li>• Maritime Area Consent Map 4 of 4 MAC250009; Drawing No: MAC250009-004; Date: 22/12/2025.</li> </ul>
<b>Permitted Maritime Usage:</b>	The construction, use, operation and maintenance of flood defence works, 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>	Non-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 proposed MAC.

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**

- 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 holder of Foreshore Authorisation Ref FS006092 in order to ensure that any potential disruption to the Foreshore Authorisation Ref FS006092 is managed. 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.
  
- 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 ensure the orderly undertaking of the proposed maritime usage and to enable the Grantor to request the Holder to communicate information that that the Grantor deems relevant to the public.

## 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 privately held 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 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: *Karen McCuskey*

Position: Analyst, MACU

Signed: *Kate Clark*

Position: Head of MAC Unit