

MAC Report	
Application for a Maritime Area Consent (MAC) under 79 of the Maritime Area Planning Act 2021, as amended (the Act)	
Application Details	
MAC Applicant:	Iarnród Éireann (Irish Rail)
MAC Reference No:	MAC250031
Location:	Newcastle to Wicklow Murrough, Co. Wicklow
Date Application received:	02 September 2025
Proposed Maritime Usage:	Iarnród Éireann has applied for a MAC for construction of the East Coast Railway Infrastructure Protection Project between Newcastle and the Murrough, Co. Wicklow. The proposed maritime usage includes the construction, use, operation and maintenance of coastal protection works including all associated decommissioning, demolition, rehabilitation and any other works required on foot of any development permission relating to the infrastructure.
Recommendation:	To approve the Granting of the MAC sought with conditions attached.

Document Control			
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1. Overview

On 02 September 2025, MARA received a Maritime Area Consent (MAC) application from Iarnród Éireann 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 Newcastle and The Murrough, Co. Wicklow. The proposed maritime usage includes the construction, use, operation and maintenance of coastal protection works including all associated decommissioning, demolition, rehabilitation and any other works required on foot of any development permission relating to the infrastructure.

2. Background

The proposed project aims to mitigate against coastal erosion, flooding and extreme weather and to enhance coastal protection along the existing East Coast Railway infrastructure between Newcastle and The Murrough, Co. Wicklow. The project is one of five East Coast Railway Infrastructure Protection Projects (ECRIPP) proposed by Iarnród Éireann at key locations between Merrion Gates, Co. Dublin and Wicklow Harbour, Co. Wicklow. The proposed works are identified by the Applicant as Coastal Cell Area 6.2 (CCA6.2).

3. Proposed Maritime Usage

The proposed coastal protection works will consist of rock revetments and the provision of pedestrian access steps. The railway is located on a natural embankment at the back of the beach. The proposed coastal protection works for the CCA6.2 project will extend for approximately 4km along the 8km of coastline between Newcastle and Wicklow 'Murrough'.

The MAC area sought by the Applicant is illustrated in Figure 1 showing the location and spatial extent of the proposed coastal protection works. The Applicant submitted revised mapping for the proposed MAC area as illustrated in Figure 1 on 15 December 2025.

MAC Area A is for the construction phase of the proposed coastal protection works, which are located in the maritime area.

Proposed Rock Revetments

The coastal protection works will consist of rock revetments constructed with two layers 0.3t-1t rock armour seaward of the railway boundary fence to prevent erosion and wave overtopping along low-lying areas of the railway corridor.

Pedestrian access

The proposed pedestrian access points to be integrated into the coastal protection works will consist of precast concrete steps approximately every 600 metres between Newcastle and Wicklow Murrough.

Construction Phase

For the construction phase Iarnród Éireann has applied for temporary works occupation of Area A of the Proposed MAC Map. The proposed coastal protection works will require marine-based construction methods to install rock revetments. The proposed coastal protection works will include the transit and discharge of quantities of rock and materials by supply barges, the development of construction staging areas, the 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 Newcastle to Wicklow Murrough is 426.06ha, as illustrated in *Figure 1* below.

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

The MAC area sought by the applicant is illustrated in Figure 1 below.

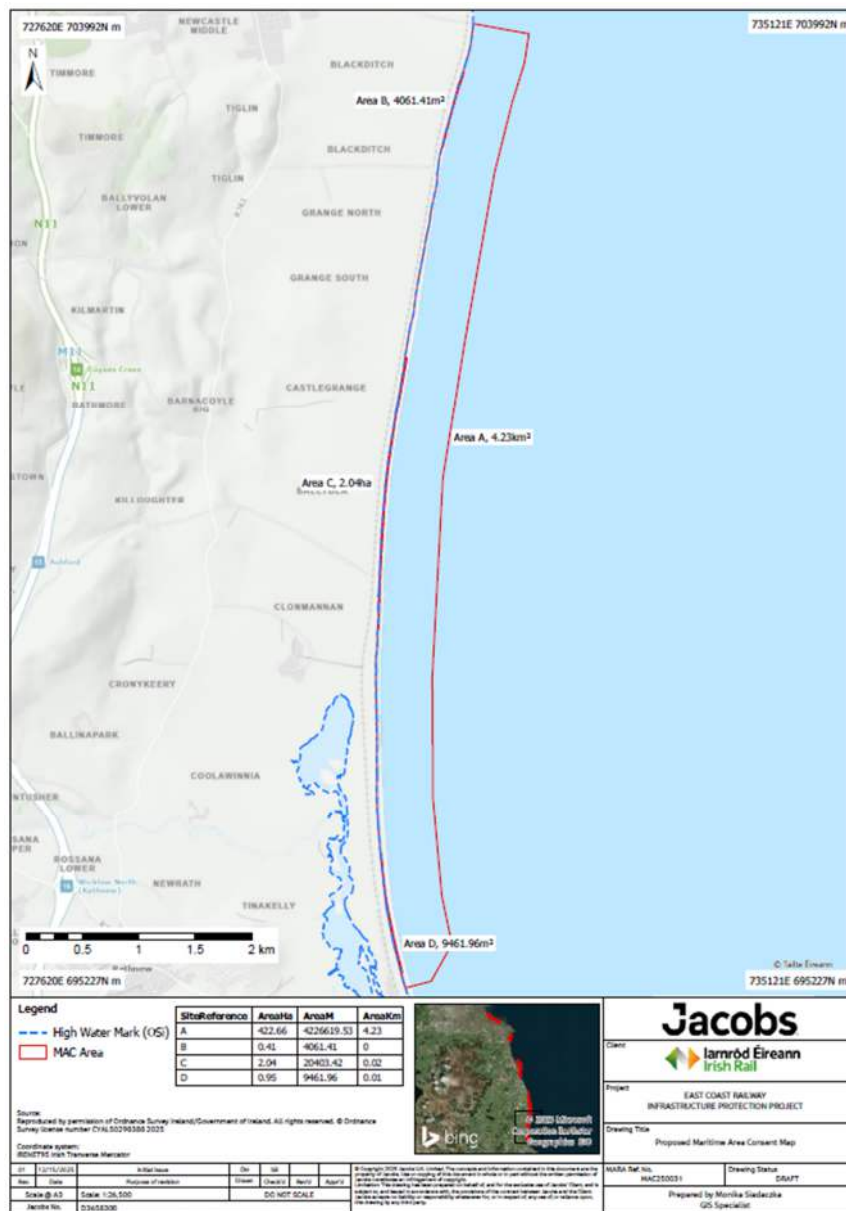


Figure 1 – Applicant map of proposed layout of MAC area at Newcastle to Wicklow Murrough

The Applicant confirmed to MARA on 16 December 2025 that the proposed MAC area as illustrated in Figure 1 excludes areas which are above the High Water Mark (HMW) and that Areas C and D align exactly with Area A.

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

4. Site Visit

Joseph McCarthy, Chartered Engineer and Director at McCarthy Browne inspected the site on behalf of MARA on 10/12/2025. The subject site consists of the established trainline with mature coastal defences between Newcastle and Wicklow 'Murrroughs'. The railway runs

along a natural embankment at the back of the beach. A post and wire fence separates the rail from the beach. The railway is locally protected at certain locations by existing rock revetment structures. There are railway level crossings near each of the proposed locations.

with expansive beaches. The proposed coastal protection works Areas B-D are publicly accessible. The adjoining uses are Irish rail infrastructure, farmland, industrial areas and Wicklow Harbour.



Photograph 1 – View looking South from Area B at Blackditch townland at Proposed Works Area A – [J.Mc. 10/12/2025]



Photograph 2 – View looking North from Area C at Clonmannan to Proposed Works Area A – [J.Mc. 10/12/2025]



Photograph 3 – View looking north from Area D at ‘the Murroughs’ showing A Proposed Works Area–
[J.Mc. 28/11/2025]

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

5. Review of Legislation & Associated Consents

5.1 Applicable Provisions of the Maritime Area Planning Act, 2021 as amended (the Act)

Under the Act, MARA has responsibility for granting MACs.

Schedule 3 and Schedule 4 of the Act specifies maritime usages for which a MAC is not required, including where the proposed maritime usage falls under the remit of another enactment, is navigation or fishing, is a licensable activity under Schedule 7 or where the activity is to be undertaken on private land. The proposed maritime usage is not considered to fall under those listed under Schedule 3 or 4 of the Act.

The Applicant has stated that the proposed maritime usage the subject of this application requires development permission. In accordance with Section 75(1) of the Act, a MAC is required before an application for development permission can be lodged with the relevant consent authority.

Accordingly, the subject of this application is considered to fall under Section 75(1) of the Act.

5.2 Existing Consents & Authorisations

A search of the MARA's GIS database was undertaken on 23 October 2025 for spatial overlap between the proposed MAC areas and existing foreshore authorisations and MARA licences and consents.

The proposed MAC area does not overlap with any existing MACs or applications for the same. The application overlaps with two foreshore authorisations and a single Maritime Usage Licence (MUL) as detailed in Table 1 below.

Table 1: Summary of Overlapping maritime authorisations and foreshore authorisations				
File Reference Number	Applicant/ Holder	Consent Type	Maritime Usage	Status
FS007546	Codling Wind Park Ltd (CWPL)	Foreshore Licence	Site Investigation application for Wind Farm	Granted, Expiry 19/05/2030
FS700188	RWE Renewables Ireland Ltd	Foreshore Licence	Site Investigation for potential ORE fixed 600-900 MW wind farm off Dublin, Wicklow	Granted, Expiry 28/11/2027
MUL240023	Iarnród Éireann	Maritime Usage Licence	Marine Surveys	Granted, Expiry 22/10/2031

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 respectively. As foreshore licences are granted on a non-exclusive basis, it is considered that the spatial overlap of the proposed consent area with foreshore licences FS007546 and FS007188 does not prevent the granting of a MAC.

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 and therefore no conflict is considered to exist.

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, Fisheries and Marine foreshore authorisations for aquaculture sites. There are no licensed aquaculture operations overlapping with or in close proximity to the proposed MAC area.

In summary, no existing MACs, Maritime Usage Licences, foreshore authorisations (including those for aquaculture), or applications for 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 23 October 2025 for any document granting or affecting rights to land in order to ensure that there are no conflicts of interest with the MAC area being applied for as outlined in the proposed MAC Map.

No conflicts of interest affecting the proposed MAC area were identified.

6. Assessment

6.1 Schedule 5

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

A request for additional information was issued on 23 October 2025 and 16 December 2025 under Section 79(3) of the Act and the associated responses received relating to matters for general and technical assessment on 06 November 2025 and 16 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 & 4 above. The applicant has sought a MAC term of 50 years for the proposed coastal protection works. Considering the nature of the works, a MAC term of 50 years would seem reasonable.</p> <p>The proposed maritime usage is considered satisfactory, having regard to the nature, scope and duration.</p>	Satisfactory
2.	Whether the proposed maritime usage is in the public interest.	<p>The Applicant has stated that <i>“This Project falls within the remit of the following plans and policies:</i></p> <ul style="list-style-type: none"> (1) <i>National Planning Framework 2018 - 2030</i> (2) <i>National Development Plan</i> (3) <i>All Island Strategic Rail Review</i> (4) <i>Transport Climate Change Sectoral Adaptation Plan 2019</i> (5) <i>Greater Dublin Area Transport Strategy 2022 – 2042</i> (6) <i>National Investment Framework for Transport in Ireland</i> (7) <i>National Marine Planning Framework 2040</i> (8) <i>Climate Action Plan”</i> <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 426.06ha comprising Area A for the temporary works (422.66ha), and Area B (0.41ha), Area C (2.04ha) and Area D (0.95ha). Details of the location, spatial extent, relevant consents, ownership and development permissions are provided in Sections 2 to 5 above. The Applicant confirmed to MARA on 16 December 2025 that the proposed MAC area as illustrated in Figure 1 excludes areas that are above the High Water Mark (HMW) and that Areas C and D align exactly with Area A.</p> <p>Accordingly, the MAC is recommended to be granted over a total area of 426.09 ha, comprising MAC Areas A (422.69) for the temporary works and for the Area B (0.41ha), Area C (2.04 ha), Area D (0.95ha) as illustrated in Figure 2 (Proposed MAC Map) in Section 7.</p> <p>Accordingly, the proposed maritime usage is 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 <i>Table 3</i> below, <i>Section 6.3</i> and the Financial Capability Assessment (FCA) as set out in the Ernst & Young (EY) report dated 28 November 2025, it is considered that the Applicant satisfies the fit and proper person requirements. As required by Schedule 6, Part 2 of the Act, it is a condition of all MACs that the Holder shall continue to be a fit and proper person within the meaning of Schedule 2 of the Act for the Term of the MAC.	Satisfactory
6.	Whether the applicant is tax compliant, both at the time the application is made and at the time that the MAC application concerned is determined by the MARA.	The applicant submitted Tax Registration Number and Tax Clearance Access Number (TCAN) which was used to view the applicant's tax clearance certificate. Based on the review of the tax clearance certificate, the applicant is considered tax compliant.	Satisfactory
7.	In the case of any maritime usage relating to offshore renewable energy (within the meaning of section 100), the consistency of the MAC application concerned with the development plans of the transmission system operator (within the meaning of section 100).	Not applicable	Not Applicable

8.	The National Marine Planning Framework (NMPF).	<p>Based on a review of the application, MARA has had regard to the National Marine Planning Framework (NMPF) and it is considered that the proposed project aligns with the overall objectives of the NMPF, including the economic and social objectives set out therein.</p> <p>It is considered that the proposed project aligns with the following economic and social policy objectives of the NMPF: -</p> <ul style="list-style-type: none"> • Social Benefits Policy 1 - Proposals that enhance or promote social benefits should be supported. • Access Policy 1 - Proposals, including in relation to tourism and recreation, should demonstrate that they will, in order of preference: <ul style="list-style-type: none"> a) avoid, b) minimise, or c) mitigate significant adverse impacts on public access. • Infrastructure Policy 1 - 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. <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"> • A condition survey condition of the existing coastal defences. • Stage of hydrodynamic modelling and site investigations. • The assessment of impacts on environment and community. • Two non-statutory public consultations for preparation of the final preferred scheme. <p>Having regard to the above, the extent of the preparatory works undertaken are considered acceptable for a project of this scale and nature.</p>	Satisfactory
10.	The extent and nature of stakeholder engagement undertaken by the applicant in respect of the proposed maritime usage.	<p>The Applicant has stated that “<i>Stakeholder and landowner engagement will be ongoing throughout the project. The Phase 3 Design has been informed by Public Consultation undertaken in Nov/Dec 2024. There was generally support for the scheme and the rock revetment proposals. Continued access along the shoreline and to the beach was a key requirement from the public. Access provision has been assessed during the Phase 3 design and access behind the proposed defences has been retained and access points to the beach have been included at regular intervals. A second round of consultation will be undertaken in September 2025.</i>” The Applicant also stated that “<i>The Project Team have also engaged with key stakeholders during this time including: Wicklow County Council, Elected Representatives, National Parks and Wildlife Service (NPWS) and Wicklow County Council Greystones Municipal District</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.

Table 3: Schedule 2(2) Fit & Proper Person		
Fit & Proper area for assessment	Synopsis	Assessment
(a) letters of reference;	As set out in Section (g) below, the Applicant has demonstrated clear evidence of their expertise and technical capability in successfully delivering projects of a similar scale. No letters of reference were provided.	Satisfactory
(b) that the relevant person, or any other person concerned, stands convicted of— (i) an indictable offence under this Act or an offence in another state equivalent to an indictable offence, (ii) an indictable offence under an enactment prescribed for the purposes of this clause, or (iii) an offence involving fraud or dishonesty;	As part of the FCA, the Applicant was assessed against these criteria and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory
(c) if the relevant person is a body corporate, whether any of its directors has a declaration under section 819 of the Act of 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or is subject to or deemed to be subject to—	As part of the FCA, the Applicant was assessed against these criteria and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory

<p>(i) a disqualification order, within the meaning of Chapter 4 of Part 14 of the Act of 2014, whether by virtue of that Chapter or any other provision of that Act, or</p> <p>(ii) a disqualification outside the State to like effect which corresponds to a disqualification order within the meaning of Chapter 4 of Part 14 of the Act of 2014;</p>		
<p>(d) if the relevant person is an individual, whether he or she is adjudicated bankrupt or is subject to proceedings for a declaration of bankruptcy or becomes an arranging debtor;</p>	<p>As part of the FCA, the Applicant was assessed against these criteria, and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.</p>	<p>Satisfactory</p>
<p>(e) if the relevant person is a body corporate, whether it—</p> <p>(i) has commenced a voluntary winding-up or is subject to a winding-up order or is subject to proceedings for such an order,</p> <p>(ii) is subject to the appointment of a receiver or examiner, or</p> <p>(iii) has proposed a compromise or arrangement that is sanctioned under section 453(2) of the Act of 2014</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 28 November 2025 has been prepared by external financial consultants, Ernst & Young (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>	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, 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)

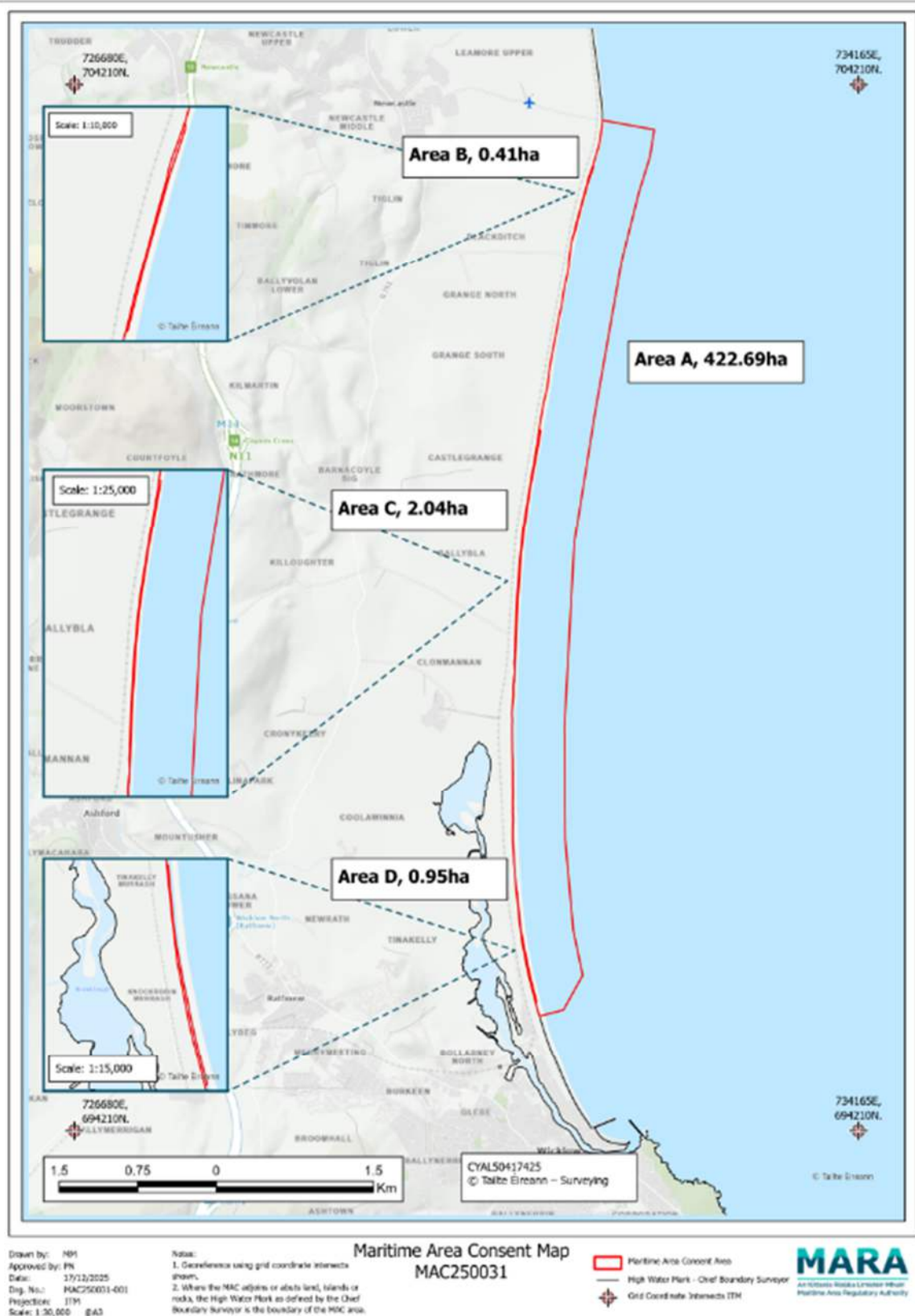


Figure 2 – Proposed MAC Map

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.

MAPA Levy Framework Part:	A: Nearshore
Category/Class:	<i>Development (non-commercial)</i>
Tier:	3 and 4
Applicable Rate:	<p>Tier 3 - Base Annual Charge of €208.46 plus an add on of 0.39 per sq.m for areas in excess of 100 sq.m</p> <p>Tier 4 - Base Annual Charge of €208.46 plus an add on of 0.1954 per sq.m for areas in excess of 100 sq.m</p> <p><i>Where a development falls within or is contiguous to two or more Tiers, then a simple average of the value of the two or more relevant Tiers is used.</i></p>
Length or Area:	<i>Area: 4260871.74 sq.m</i>
Calculation:	<p>Tier 3 - €208.46 + (€0.39 * (4260871.74 - 100.00)) = €1,661,909.44</p> <p>Tier 4 - €208.46 + (€0.1954 * (4260871.74 - 100.00)) = €832,763.26</p> <p>€1,661,909.44 + €832,763.26 = 2,494,672.70</p> <p>€2,494,672.70 / 2 = €1,247,336.35</p>
Levy due:	€1,247,336.35

The MAC levy has been calculated as €1,247,336.35 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

MAC Term:	50 years
Consent Area:	That part of the maritime area marked red on the MAC Map.
MAC Map Title:	Maritime Area Consent Map MAC250031
Permitted Maritime Usage:	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.
Nature of Usage:	May/May Not be Exclusive
Date by which application for Development Permission must be submitted (subject to Phasing Schedule where applicable):	18 months from date of grant of MAC.
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.	14 Days
Date by which Financial Close is to be achieved:	Not applicable

b. Conditions and Reasons for Conditions

Section 82 of the Act specifies that MARA may attach to a MAC one or more conditions which fall within the types of conditions specified in Part 1 of Schedule 6 of the Act. All conditions contained in Schedule 6; Part 2 are deemed to be attached to a MAC.

The standard suite of MARA conditions reflecting the contractual and statutory relationship that will exist with a grant of consent are recommended. Reasons for these conditions are set out in the enclosed proposed MAC with the Section 81(7)(b) Minded to Notice.

10. Conclusion & Recommendation

Following a detailed assessment of all information on file, it is considered that the proposal complies with all the necessary requirements. Accordingly, it is recommended to issue a Section 81(7)(b) Minded to Notice, as enclosed, informing the applicant 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 31 days from the date of issue of the Minded to Notice to submit supplementary material in relation to the reasons for the part grant and the reasons for the conditions as per Section 81(7)(b)(ii).

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

Signed:  Position: Manager, MACU

 Position: Marine Analyst