

MAC Report	
Application for a Maritime Area Consent (MAC) under Section 79 of Maritime Area Planning Act 2021, as amended (the Act)	
Application Details	
MAC Applicant:	Electricity Supply Board (ESB)
MAC Reference No:	MAC240059
Location:	Aghada, Co Cork
Date Application received:	19 December 2024
Proposed Maritime Usage:	The ESB has applied for a MAC under Section 79 of the Act for the continued use and the future development of energy infrastructure at their site at Aghada, Co. Cork. The proposed works include the use, operation and maintenance of existing energy infrastructure and the future development of an Energy Park, 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 Part granting of the MAC sought with conditions attached.

Document Control			
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1. Overview

On 19 December 2024 the ESB submitted a Maritime Area Consent (MAC) application to MARA under Section 79 of the Maritime Area Planning Act 2021, as amended (the Act) for the continued use and the future development of energy infrastructure at their site at Aghada, Co. Cork. The proposed works include the use, operation and maintenance of existing energy infrastructure and the future development of an Energy Park, including all associated decommissioning, demolition, rehabilitation, and any other works required on foot of any development permission relating to the infrastructure.

2. Background

The ESB propose to redevelop its Aghada power generation site into a strategically significant 'Energy Park'. The proposed alterations include the continued operation and potential upgrade of the existing AD2 Combined Cycle Gas Turbine (CCGT), construction and operation of a new 299 MW Open Cycle Gas Turbine (OCGT) station, and the development of an innovative Hydrogen Lighthouse Facility for the production, storage and use of hydrogen as a clean energy source. Additional works proposed by the Applicant include the demolition of the decommissioned AD1 thermal station and further energy-related developments to support energy security and Ireland's net-zero goals. All proposed developments are located within, or on lands adjacent to, maritime area which is currently the subject of three existing foreshore leases and one existing foreshore licence. In accordance with the provisions of Section 105 of the Act, the ESB is applying for a single MAC that will transition the four existing consents, providing a unified consent for the continued operation and future development of the site.

The Applicant has provided a drawing with their application providing spatial context in relation to the overall ESB site at Aghada and the pre-existing foreshore leases and licence (see *Figure 1* below).



Figure 1: Existing site layout and existing consent areas.

3. Proposed Maritime Usage

The Applicant states that the existing power generation site at Aghada is a key strategic site within the ESB portfolio as a current power generation site and future Energy Park. The proposed works will allow the ESB to maintain the power generation history on the site while also providing security of supply and flexibility of dispatchable power generation. The Applicant asserts that this is crucial to the roll out and integration of renewable power generation sources onto the electricity system, while also facilitating the development of alternative fuel production, storage, and power generation development.

The development of the Aghada site will evolve and will cover a variety of energy-related projects consistent with the proposed Energy Park usage.

The scope of the maritime usage proposed by the Applicant includes: -

- The continued operation and maintenance of the AD2 Combined Cycle Gas Turbine (CCGT), including station upgrades, related ancillary works, and eventual decommissioning.
- The construction, operation, and maintenance of a consented Open Cycle Gas Turbine (OCGT) including station upgrades, related ancillary works, and eventual decommissioning.
- The construction, operation, and maintenance of a consented 'Hydrogen Lighthouse' facility, comprising production, storage, and power generation, including upgrades, related ancillary works, and eventual decommissioning.
- The demolition of the AD1 Thermal Generation Station to facilitate further energy related developments consistent with the Energy Park.
- Future energy related developments consistent with the Energy Park development.

Figure 2 details the locations of the proposed works with respect to the overall site layout and existing infrastructure and also delineates the proposed MAC area sought by the Applicant (denoted as Area A in red).

The Applicant is seeking a term/duration of 50 years in respect of their occupation of the maritime area concerned for the purposes of the proposed maritime usage.

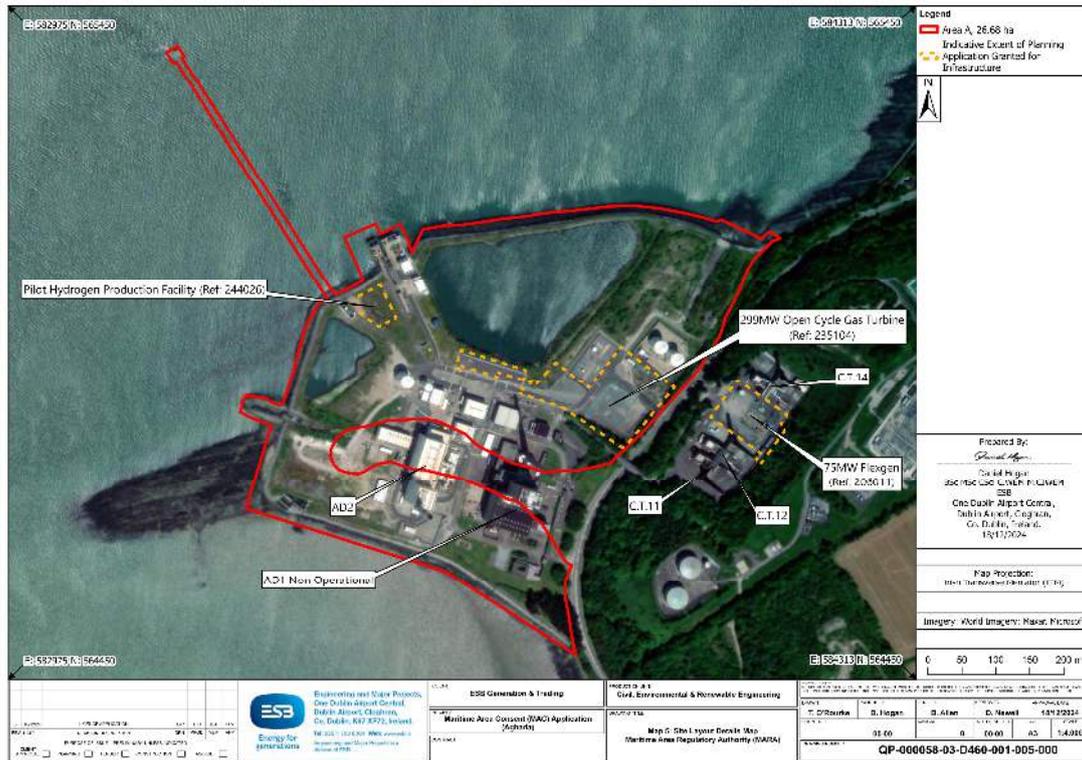


Figure 2 – Proposed works with respect to overall site layout and existing infrastructure.

4. Site Visit

Senior Marine Advisor, Philip Newell inspected the site on 11 July 2025. The ESB Aghada site consists of lands which have been reclaimed around an existing promontory. The reclamation works have been undertaken subject to appropriate foreshore authorisation. The site is bounded along its eastern edge by the R610 regional roadway which runs between the villages of Lower Aghada and Whitegate. The site is bounded at its seaward extent (northern, western and southern extremities) by a rock armour revetment.

Except for the area covered by the foreshore licence for the existing cooling water discharge pipeline, the ESB currently have exclusive occupation of the entire Aghada site under the terms of their existing foreshore leases. The site is securely fenced off and is not accessible to the general public (see *Photograph 1*).

Two tidal lagoons have been created within the reclamation area (see *Photograph 2*). *Photographs 3 and 4* detail the existing site infrastructure relating to the cooling water discharge pipeline.

No existing third-party infrastructure or occupation, which would conflict with the proposed maritime usage, was noted within the MAC area on the day of the site visit.



*Photograph 1 – Rock revetment and security fencing to southern shore of site looking east.
(PN 11/07/2025)*



*Photograph 2 – Rock revetment along western shore of site and tidal lagoon looking south.
(PN 11/07/2025)*



Photograph 3 – Cooling water discharge pipeline pumphouse and rock revetment along northern shore of site. (PN 11/07/2025)



Photograph 4 – Cooling water discharge pipeline marker buoys. (PN 11/07/2025)

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 ESB hold three foreshore leases and a foreshore licence at the ESB Aghada site. The Applicant has stated that the existing site infrastructure has been constructed in accordance with the terms of the existing foreshore leases and relevant planning permissions.

The ESB has obtained development permission for two new developments, Planning ref: 23/05104 & ref:24/04026. The Applicant has stated that the making of these planning applications was permitted under the terms of their existing foreshore leases and the applications for these development permissions were accepted by the planning authority on this basis. The Applicant has provided a letter dated 27 October 2025 from Cork County Council planning department as evidence that the above development permissions remain valid. To enable the proposed development works to proceed Grantor permission is required. Historically, under the 1933 Foreshore Act, as amended, this would have been facilitated by the amendment of the existing foreshore authorisations by the appropriate Minister. Under the MAP Act 2021, as amended, Section 105(2) enables the holder to amend a foreshore authorisation by making an application to MARA to surrender that authorisation for a MAC.

The ESB is therefore applying for a MAC for the entirety of the Aghada site, pursuant to Section 105(2) of the MAP Act, and the consequent surrender of the relevant foreshore authorisations detailed in the following section.

Accordingly, the subject of this application is considered to fall under Section 105 of the Act.

5.2 Existing Consents & Authorisations

A search of the MARA's GIS database was undertaken on 28 November 2025 for spatial overlap between the proposed MAC area and any existing foreshore authorisations and MARA licences and consents.

The Applicant is applying for a single MAC that will transition four existing foreshore authorisations, as detailed in Table 1 below.

File Reference Number	Applicant/ Holder	Consent Type	Maritime Usage	Status
FS004555	ESB	Licence	Construction of a water discharge pipeline	Expiry date: 07/01/2044
FS004554	ESB	Lease	The construction of a combined cycle gas turbine cycle electricity plant	Expiry date: 07/01/2044
FS005062	ESB	Lease	Erection of a power station	Expiry date: 13/08/2075
FS005047	ESB	Lease	Erection of a training embankment	Expiry date: 31/07/2075

The ESB is the holder of the following listed foreshore authorisations:-

FS004555 is a foreshore licence, dated 8 January 2009, for the construction of a water discharge pipeline and associated pump house plant and equipment for the purpose of discharging cooling waters from the combined gas turbine cycle electricity plant consented under FS004554.

FS004554 is a foreshore lease, dated 8 January 2009, for the construction of a combined cycle gas turbine electricity plant.

FS005062 is a foreshore lease, dated 20 July 1983, between the then Minister for Transport and Cork Harbour Commissioners (now Port of Cork Company), which was sub-let to the ESB for the purpose of erecting a power station. The Port of Cork Company subsequently transferred the lessor's interest to ESB.

FS005047 is a foreshore lease, dated 12 September 1985, between the then Minister for Transport and Cork Harbour Commissioners (now Port of Cork Company) and sub-let to ESB. The Port of Cork Company subsequently transferred the lessor's interest to ESB.

All the above-listed foreshore authorisations are proposed to be surrendered in accordance with Section 105 of the Act in favour of an overall MAC for the Aghada site. No conflict therefore exists.

The application overlaps with a number of existing foreshore authorisations and a single Maritime Usage Licence as detailed in *Table 2* below.

Table 2: Summary of Overlapping maritime authorisations and foreshore authorisations				
File Reference Number	Applicant/ Holder	Consent Type	Maritime Usage	Status
FS004178	Cork County Council	Licence	Laying, using and maintaining a sewage effluent outfall pipe	Expiry date: 30/05/2026
FS004134	Cork County Council	Licence	Construction of sea walls and embankment on foreshore at Aghada	Expiry date: 19/01/2061
FS005793	Eirgrid Plc Ltd	Licence	To install a Submarine Power Cable	Undetermined
MUL240048	Uisce Éireann	MUL	Marine environmental survey for the purposes of site investigation	Expiry date: 20/11/2030

FS004178 is a foreshore licence granted to Cork County Council (now held by Uisce Éireann) for the laying, using and maintaining of a sewage effluent outfall pipe. This consent expires 30 May 2026 and Uisce Éireann will require a MAC to continue the operation of this wastewater infrastructure in the maritime area. The existing pipeline runs beneath the southern extent of the Aghada site and outfalls at the southwest corner of the site. This infrastructure has co-existed with existing and historical ESB operations at the Aghada site since 31 May 1991. The current ESB proposals, the subject of development permissions 23/05104 for the Open Cycle Gas Turbine (OCGT) Plant, and 24/04026 for the Hydrogen Lighthouse Facility, were subject to prescribed body and public consultations during the planning process. Whilst Uisce Éireann submissions requesting further information were made against the application, a confirmation of feasibility from Uisce Éireann was submitted in their response and no specific planning condition relating to avoidance of any infrastructure was specified in the planning conditions. It is therefore considered that the usages can continue to co-exist and foreshore licence FS004178 is not considered to impede MARA issuing a MAC over this area.

FS004134 is a historical foreshore licence, granted 20 January 1962, for the construction of sea walls and an embankment for the purposes of coastal protection. The existence of this licence is not considered to impede MARA issuing a MAC over this area.

FS005793 is an application made by Eirgrid for a foreshore licence for the installation of a submarine power cable. This application was at consultation stage in 2008 and has not progressed since. It is likely that this cable could co-exist with the ESB's overall usage of the Aghada site, however as no foreshore licence exists this application does not need to be considered further.

MUL240048 is a Maritime Usage Licence held by Uisce Éireann for the deployment of up to nine Acoustic Doppler Current Profilers (ADCPs) at various locations to provide the data required to conduct a strategic modelling study of water currents within Cork Harbour. This permitted usage is consented

on a non-exclusive basis and can co-exist with the proposed maritime usage the subject of this MAC application.

The Marine Institute's Ireland's Marine Atlas database¹ was searched on 28 November 2025 for spatial overlap between the proposed MAC area and any Department of Agriculture Fisheries and Marine foreshore authorisations for aquaculture sites. There are no licenced 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 the same were identified as overlapping the proposed MAC area which would impede MARA in granting a MAC for the proposed maritime usage the subject of this application.

5.3 Development Permission

The Applicant has stated that the infrastructure currently on site has been constructed in accordance with the foreshore leases and the relevant associated planning permissions.

The ESB has obtained planning permission for the following proposed works: -

Open Cycle Gas Turbine (OCGT) Plant – Planning permission granted by Cork County Council. Planning ref: 23/05104.

Hydrogen Lighthouse Facility – Planning permission granted by Cork County Council. Planning ref: 24/04026.

The proposed maritime usage is for an Energy Park. A MAC provides the right to occupy the maritime area for a specific maritime usage and is not specific to the configuration of infrastructure, which are authorised separately under development permission or other relevant consents. Accordingly, any future proposed energy-related developments, decommissioning and rehabilitation works, within the footprint of the MAC area are permitted, and do not require amendment of the MAC prior to seeking development permission.

The Applicant, in their future development permission applications to the relevant planning authority for any proposed works, will be required to include a Rehabilitation Schedule detailing how the maritime area will be rehabilitated in accordance with Part 4, Chapter 8 of the Act.

5.4 Ownership

A search was undertaken of Tailte Éireann's Land Registry on 23 October 2025 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 on the Applicant's proposed MAC Map. Foreshore leases FS004554, FS005062 and FS005047 have been registered with the Land Registry. As discussed in Section 5.2, these leases are the subject of surrender in favour of an overall MAC in accordance with Section 105 of the Act and do not need to be considered further. A portion of private maritime area, which has been registered with the Tailte Éireann's Land Registry (folio CK30351), overlaps with the MAC area as

¹ <https://atlas.marine.ie/>

applied for by the ESB. This is a freehold title held by the ESB which was registered on 4 September 1978.

Figure 3 below details the spatial overlap between folio CK30351 and the proposed MAC area.



Figure 3 – Overlap between proposed MAC area and folio CK30351.

In accordance with Section 99(3)(b) of the Act, Part 4 of the Act shall only apply to that part of the maritime area which is within state ownership. Accordingly, a MAC cannot be issued over privately-owned maritime area.

Considering the above it is recommended that a MAC is part granted for that portion of the maritime area 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 19 December 2024 with the appropriate fee paid on 19 December 2024.

A number of requests for additional information were issued on 13 February, 19 May, 22 July, 08 and 22 October 2025 under Section 79(3) of the Act and associated responses received relating to matters for general, technical and financial assessment on 14 February, 06 June, 12 and 26 August, 29 October and 04 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 3 below.

Table 3: 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 specified a design working life for the structures associated with the proposed maritime usage of 50 years. This aligns with Design Working Life Category 4 of <i>IS EN 1990 Eurocode – Basis of Structural Design</i>.</p> <p>The Applicant has sought a MAC term of 50 years. Considering the nature of the works and allowing time for obtaining planning permission, procurement of a works contractor, construction and decommissioning, a MAC Term of 50 years would seem reasonable.</p> <p>The proposed maritime usage is considered satisfactory, having regard to the nature, scope and duration.</p>	Satisfactory
2.	Whether the proposed maritime usage is in the public interest.	<p>The Applicant stated that <i>“The Proposed development of an Energy Park is strongly aligned with the Irish Government Policies and Programmes related to security of electricity supply and climate action.”</i> The Applicant clearly defined the projects alignment with policies/programmes of the Irish Government, including the following:</p> <ul style="list-style-type: none"> • National Development Plan 2021 – 2030: Includes an action of delivery of circa 2 GW of new conventional (mainly gas-fired) electricity generation capacity. • Energy Security in Ireland to 2030 Energy Security Package (November 2023): Includes an action establish renewable gas compatible storage solutions as an enduring energy security need and introduce a Strategic Gas Emergency Reserve on a transitional basis to address security needs in the medium-term, subject to a final approval of the optimal approach by Government. 	Satisfactory

- **Information Paper Security of Supply Programme of Action (September 2021), CRU:** The main objective of the Programme of Actions is to ensure the provision of at least 2000MW of long-term capacity through flexible gas-fired generators.
- **National Energy Security Framework (April 2022):** Focused on actions to address energy security, it highlighted that there are four sources of gas supply potentially available to countries: indigenous production, imports via liquified natural gas terminals, imports via pipeline and prior gas production/imports held in storage facilities. It was stressed that Ireland has two of these: indigenous production and imports via pipeline whereas other neighbouring countries like the UK have all four.
- **Policy Statement on Security of Electricity Supply (November 2021):** Department of Climate, Energy and the Environment (DCEE) approved the development of new conventional generation (including gas-fired and gasoil/distillate-fired generation) as a national priority and should be permitted and supported in order to ensure security of electricity supply and support the growth of renewable electricity generation.
- **Climate Action & Low Carbon Development (Amendment) Act 2021:** Ireland is committed to achieving climate neutrality no later than 2050 with a 51% reduction in greenhouse gas emissions by 2030. Establishes a legally binding framework with clear targets and commitments, to ensure the necessary structures and processes are in place to deliver national, EU and international climate in the Climate Action Plan which must be updated annually.
- **Climate Action Plan 2024:** includes important steps needed to provide energy security and stability to the electricity system, including a goal to deliver of at least 2 GWs of new flexible gas-fired generation.
- **National Energy and Climate Plan (2021-2030):** The plan highlights the development of renewable hydrogen in Ireland focusing on hard-to-decarbonise sectors where energy efficiency and direct electrification are not feasible or cost-effective solutions.
- **National Planning Framework -Ireland 2040 Our Plan:** Favors development on existing sites. It states the following: *'Redevelopment of existing sites and the delivery of sustainable growth within established sites is a favored approach of the NPF,'* in support of the OCGT development placement within the wider Aghada site.

The Applicant has stated *"The general consensus and observation from the relevant stakeholders are that at a fundamental level, energy policy across Europe has pivoted due to the war in Ukraine and climate ambitious in particular the focus on net-zero targets. Coupled this with an energy crisis in Ireland has meant there has been a renewed focus on security of supply with development of new power*

		<p><i>generation and hydrogen facilities is seen as critically important for energy resilience.”</i></p> <p>The Applicant also stated that <i>“The existing ESB Aghada site contributes on millions of Euro annually into the local economy in the form of local spending by the generation station, payroll and rates paid to Cork County council. Continuation of power generation and development of an Energy Park at the site ensures that the site provides employment and socio-economic benefit to the local area into the future. Further direct economic benefits would accrue from any future construction works at the site. The proposed maritime usage is considered satisfactory, having regard to the public interest.”</i></p> <p>Having regard to the above, the proposed maritime usage is considered satisfactory, having regard to the public interest.</p>	
3.	<p>The location and spatial extent of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.</p>	<p>Details of the location, spatial extent, relevant consents, ownership and development permissions are provided in Sections 2 to 5 above. The total MAC area as applied for by the Applicant is 26.47 Ha, comprising a single area which includes the footprint of three existing foreshore leases (FS004554, FS005062 and FS005047) and one existing foreshore licence (FS004555).</p> <p>Based on the searches and site visit undertaken, a section of maritime area was identified that would preclude the granting of a MAC across the entirety of the area applied for by the ESB. As illustrated in <i>Figure 3</i> of Section 5.4 of this report, the MAC area as applied for overlaps with freehold folio CK30351. It is therefore recommended to part grant the MAC to exclude that part of the maritime area which is in private ownership.</p> <p>Additionally, it is recommended that the overall MAC area is subdivided into two areas – areas A and B. Area A includes the lands reclaimed subject to foreshore leases FS004554, FS005062 and FS005047, and Area B includes the thermal discharge pipeline subject to foreshore licence FS004555.</p> <p>The proposed MAC areas are illustrated in <i>Figure 4</i> (Proposed MAC Map) in Section 7.</p> <p>The total recommended MAC area, excluding that part of the maritime area in private ownership, is 26.03 Ha comprising: -</p> <p>Area A – 25.52 Ha Area B – 0.51 Ha</p> <p>Considering the location of an existing wastewater outfall under Foreshore Licence FS004178 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>	Partially Satisfied

		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.	
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 has been completed. Based on the assessment set out in Table 4 below, Section 6.3 and the Financial Capability Assessment (FCA) as set out in the Ernst and Young report dated 03 October 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, it is considered that the proposed project aligns with the overall Energy, Economic and Social objectives of the NMPF.</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"> • Employment policy 1 - Proposals should demonstrate contribution to a net increase in marine related employment in Ireland. • 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. • ORE Policy 10 - Opportunities for land-based, coastal infrastructure that is critical to and supports development of ORE should be prioritised in plans and policies, where possible. <p>In the application, the Applicant states that the proposed project is consistent with the environmental objectives of the NMPF.</p> <p>In accordance with the provisions of Section 105 of the Act, the Applicant is applying for a single MAC that will replace the four existing consents, providing a unified consent for the continued operation and future development of the site. The Applicant has obtained development permission approval for two new developments. It is MARA's understanding that potential impacts on the environment, navigation, fishing and aquaculture were considered by the relevant Coastal Local Authority as part of the development permission approval process, which also included public consultation. Development permission and environmental assessment for any future proposed works, will be 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 any future Planning Application.</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	<p>The Applicant has stated in their application that they have carried out the following preparatory works: -</p> <p>Site Investigation Factual Report (2004)</p> <p>A geotechnical site investigation was completed comprising the drilling of 22 boreholes and the excavation of 16 trial pits.</p>	Satisfactory

	<p>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>Environmental Impact Assessment (2004) In 2004, ESB prepared an Environmental Impact Statement to accompany an application to develop a natural gas fired combined cycle gas turbine (CCGT) power station of approximately 400 MW capacity within the existing ESB Aghada generating station.</p> <p>Site Investigation Factual Report (2007) In 2007, a geotechnical and geoenvironmental site investigation was completed ahead of the construction of the CCGT power station at the Aghada site. The works comprised of the drilling of 16 boreholes using a combination of cable percussion and rotary boring. 20 trial pits were excavated, and a total of 25 soil samples and 6 groundwater samples were analysed for a range of parameters.</p> <p>Environmental Site Assessment Transformer Compound (2010) In 2010, an environmental site assessment (ESA) detailing an environmental, soil and groundwater site assessment of the 220kV transformer compound and a smaller compound located to the southwest on the ESB Aghada Generating Station site was completed.</p> <p>Site Investigation Factual Report (2015) In 2015, a geotechnical site investigation was undertaken. The works comprised of the excavation of 8 trial holes to a maximum depth of 2.3 m and 11 slit trenches to a maximum depth of 1.3m.</p> <p>Ground Conditions Investigation Factual Report (2017) In 2017, a shallow soil investigation was completed as part of the Aghada 220 kV Supply Separation Project. In total, 7 trial pits were advanced across the site.</p> <p>Site Investigation Factual Report (2020) In 2020, a geotechnical site investigation was undertaken. The works comprised of the drilling of 7 boreholes and the excavation of 10 trial pits. No evidence of contamination was noted on the borehole logs.</p> <p>Site Investigation Factual Report (2023) In 2022, a site investigation at the proposed location of the OCGT power station to the north of the western section of the Aghada site. The works comprised of the drilling and installation of 4 boreholes with analysis of 7 soil samples and 4 groundwater samples. The OCGT site investigation report concluded that based on the site investigation undertaken, risks associated with contamination in the vicinity of the proposed OCGT are low.</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>	
10.	<p>The extent and nature of stakeholder engagement undertaken by the Applicant in respect of the proposed maritime usage.</p>	<p>ESB has stated that <i>“Since the inception of the developments, numerous stakeholders have, and continue to be, engaged through both formal and informal channels as per below.”</i></p> <ul style="list-style-type: none"> • Cork County Council. Planning application; • DCEE - Project update brief; • Environmental Protection Agency (EPA); 	Satisfactory

		<ul style="list-style-type: none"> • Health & Safety Authority (HSA). Engagement on H&S matters related to hydrogen production and storage; • Gas Networks Ireland (GNI); • National Oil Reserves Agency (NORA); • Eirgrid; • Port of Cork - Project update brief; and • UCC MaREI - Project update brief. <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 Fit & Proper Person Assessment

Schedule 2(2) of the Act sets out the criteria to which MARA shall have regard in determining whether the relevant person is “fit and proper” to be granted and to hold a MAC. The assessment of whether the Applicant is a fit and proper person within the meaning of Schedule 2(2) is set out in *Table 4* below.

Table 4: 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,	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>(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>		
(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>	Satisfactory
(d)	<p>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>	Satisfactory
(e)	<p>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>As part of the FCA, the Applicant was assessed against these criteria and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.</p>	Satisfactory

	(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;		
(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 the ESB, 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)	<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</p>	<p>A FCA report 03 October 2025 has been prepared by external financial consultants, Ernst and Young, who assessed the Applicant's financial capability to carry out the proposed maritime usages. Based on the results from the financial capability tests and the information submitted, it is considered that the Relevant Person is viewed as passing the assessment.</p> <p>Due to the commercial sensitive nature of a company's finances, details of the assessment are not included herein.</p> <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

	maritime usage, as the case may be, or (ii) in ceasing to undertake the proposed maritime usage or the maritime usage, as the case may be;		
(i)	the previous performance of the relevant person when granted— (i) a MAC, (ii) a development permission, (iii) a licence, or (iv) an authorisation (howsoever described) under the Act of 1933.	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.	Satisfactory

6.2.1 Technical Capability Assessment (TCA)

Based on the information supplied by the Applicant, the TCA for this application has been carried out on the basis that the proposed scheme is 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 falls under Schedule 10 is An Coimisiún Pleanála.

Previous Corporate Project Experience: The Applicant has submitted details of three projects of a similar scale and nature for assessment. The ESB's FlexGen projects consist of three 65 MW Aeroderivative Gas Turbines which are located at three separate sites across Dublin, two on the Poolbeg Peninsula, and one in Corduff. These projects alone satisfy the minimum corporate project criteria required as set out in the TCA forms under sections 4.1 (a) development stage experience, 4.1(b) construction stage experience and 4.1(c) operational stage experience. Additionally, the ESB have supplied details of two other projects which they have delivered, namely the Poolbeg Open Cycle Gas Turbine (OCGT) plant in Dublin and the Moneypoint Power Station in Co. Clare.

Based on the information submitted by the Applicant, in the past 10 years, the ESB have been involved in numerous large scale energy generation infrastructure projects and the Applicant has provided a comprehensive description of their role in delivering these projects.

In conclusion, the Applicant has satisfied the essential criteria in relation to previous corporate project experience (development, construction, operation and maintenance stages) and has demonstrated more than 12 months continuous experience for each stage.

Project Delivery Team Experience: As the proposed maritime usage relates to developments on reclaimed land, TCA criteria 4.2(a), relating to the proposed project delivery team's experience with respect to marine

projects, is not considered relevant. The Applicant has listed 14 team members in Appendix Tec B Table 1 of the application form and provided information and CVs in relation to all team members. All CVs were fully reviewed as part of the assessment and the evidence provided demonstrates an experienced senior project delivery team which on aggregate has in excess of than 250 years of project delivery experience. The proposed project team also has in excess of 90 years' experience delivering energy related projects within the Irish planning system.

The Applicant has satisfied the project delivery team experience criteria requirements.

Delivery Timelines: The Applicant has completed Appendix Tec C and has provided a project delivery timeline with expected dates for the delivery of key milestones. While the Applicant has not accounted for the time taken to obtain a MAC in respect of the proposed project, based on the information provided, the Applicant has demonstrated a realistic understanding of the complexities and probable timeframes relating to the delivery of a project of this scale and nature within the Irish context.

TCA Conclusion: Following an assessment of the full suite of documentation provided by the Applicant, MARA considers that the ESB has satisfied all criteria under the TCA element of the Fit and Proper Test. Accordingly, MARA considers that the ESB has 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.

As this application falls for submission under Section 105 of the Act, it is required that a rehabilitation schedule be attached to the MAC. 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.

The Applicant submitted a Rehabilitation Schedule to MARA on 04 November 2025. Upon review of the requirements of Section 96 of the Act, the Rehabilitation Schedule is considered satisfactory.

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).

The presence of Uisce Éireann wastewater infrastructure within MAC Area A, consented by Foreshore Licence FS004178 as detailed in Section 5.2, prohibits MARA from granting exclusive use over this area. MARA understands that the ESB will be required to restrict access to Area A during the construction, operation, maintenance, decommissioning and rehabilitation phases for reasons including

those of health and safety. Such restrictions may be mandated by the planning authority, or other authorities or legislation, for specific purposes and durations. Accordingly, to facilitate co-existence with existing infrastructure, it is recommended that MAC Area A 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.

Regarding MAC Area B, which relates to the existing thermal discharge pipeline, it is reasonably foreseeable that the ESB may be required to exclude access to parts of this area on a temporary basis. For example, while conducting maintenance, decommissioning and rehabilitation activities 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. It is considered that granting of exclusive use of Area B 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 MAC Area B is also 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.

6. Proposed MAC Map (for Illustration purposes only)



7. 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:	Area A: Development Commercial Area B: Outfall Pipe Band 4
Tier:	Tier 3
Applicable Rate:	Area A: Base Annual Charge of €416.93 plus an add on of 0.78 per sq.m for areas in excess of 100 sq.m Area B: Base Annual Charge of €1,876.18 + €4.17 per linear metre for any pipe in excess of 10 linear metres
Area/Length:	Area A: 255,200 m ² Area B: 435 m
Calculation:	Area A: €416.93 + (€0.78 * (255,200.00 - 100.00)) Area B: €1,876.18 + (€4.17 * (435.00 - 10.00))
Levy due:	Area A: €199,394.93 Area B: €3,648.43 Total Levy: €203,043.36

The MAC levy has been calculated as €203,043.36 annum. All levies are indexed to the Harmonised Index of Consumer Prices (HICP), applied on an annual basis.

8. Discussion

Based on the assessments undertaken contained herein, it is considered that the proposed 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 a 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 section of the proposed MAC area that is registered as private land. Accordingly, it is recommended to part grant the proposed MAC to exclude the area of private land

The above consideration has been made 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 MAC240059
Permitted Maritime Usage:	The construction, use, operation and maintenance of power generation, energy storage, lower carbon fuels and other energy related infrastructure, including all associated decommissioning, demolition, rehabilitation, and any other works required on foot of any development permission relating to the infrastructure.
Nature of Usage:	Area A - May/May Not be Exclusive Area B - May/May Not be Exclusive
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

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 22.1 - Prior to undertaking any new development, the Holder shall consult with the holder of Foreshore Authorisation Ref FS004178 in order to ensure that any potential disruption to the Foreshore Authorisation Ref FS004178 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.
 - Reason: In the interest of clarity.

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 exclusion of land in private ownership from the proposed MAC area. 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: Paul Brennan Position: Manager, MACU

Signed: Philip Newell Position: Senior Engineer, ARDU