

MAC Report	
Application for a Maritime Area Consent (MAC) under Section 75(1) of Maritime Area Planning Act 2021, as amended (the Act)	
Application Details	
MAC Applicant:	Uisce Éireann
MAC Reference No:	MAC20240010
Location:	Foynes, County Limerick
Date Application received:	05 July 2024
Proposed Maritime Usage:	Uisce Éireann has applied for a MAC under Section 79 of the Act for the upgrade of wastewater infrastructure at Foynes, County Limerick. The proposed works include the construction, use, operation and maintenance of wastewater infrastructure, including all associated decommissioning, demolition, rehabilitation, and any other works required on foot of any development permission relating to the infrastructure.
Recommendation:	To approve the Granting of the MAC sought with conditions attached.

Document Control		
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Final Report Version 1:	Cian Scattergood MAC Manager	29/10/2025

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1. Overview

On 5 July 2024 Uisce Éireann 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 upgrade of existing wastewater infrastructure at Foynes, County Limerick. The proposed works include the construction, use, operation and maintenance of a combined outfall pipe for treated effluent with diffuser arrangement, including all associated decommissioning, demolition, rehabilitation, and any other works required on foot of any development permission relating to the infrastructure.

2. Background

Uisce Éireann currently operate a wastewater treatment plant at Foynes, County Limerick, which includes an outfall pipe extending into the maritime area. This outfall pipe is authorised by existing Foreshore Licence ref. FS004857.

Uisce Éireann state in their application that the Foynes agglomeration is failing to meet EU sewage treatment standards, and that the existing infrastructure is overloaded, causing non-compliant discharges of wastewater into the River Shannon and River Fergus estuaries, both of which are Special Protection Areas (SPAs). The applicant states that the Lower River Shannon Special Area of Conservation (SAC) is also affected.

Uisce Éireann propose to construct a new Waste Water Treatment Plant (WWTP) which will utilise the existing outfall pipeline and will further extend this outfall pipeline into the maritime area by adding a diffuser arrangement and associated support and scour protection structures. The proposed upgrades are deemed essential by Uisce Éireann to safeguard protected areas from further contamination and to reduce marine litter from the existing wastewater system.

3. Proposed Maritime Usage

Uisce Éireann propose to construct a new WWTP, wastewater and stormwater pumping station, a foul rising main pipeline, a stormwater rising main pipeline and a treated effluent pipeline, which primarily fall within the terrestrial area. The upgraded WWTP will be supported by the retention and extension of the existing combined outfall and the construction, operation, and maintenance of the following works in the maritime area:-

- Extension of the existing, 300mm internal diameter, concrete combined outfall pipeline with a 15m length segment of 500mm outside diameter HDPE SDR17 pipeline;
- Installation of 3 no. duckbill style diffusers at the discharge point; and
- Installation of a pre-cast concrete anchoring and scour protection system, comprising four concrete mattresses (6m by 3m) with two 400mm thick layers of Naue bags (geotextile scour protection bags) and layered rock armour to secure and facilitate the extended outfall structure and diffuser arrangement.

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

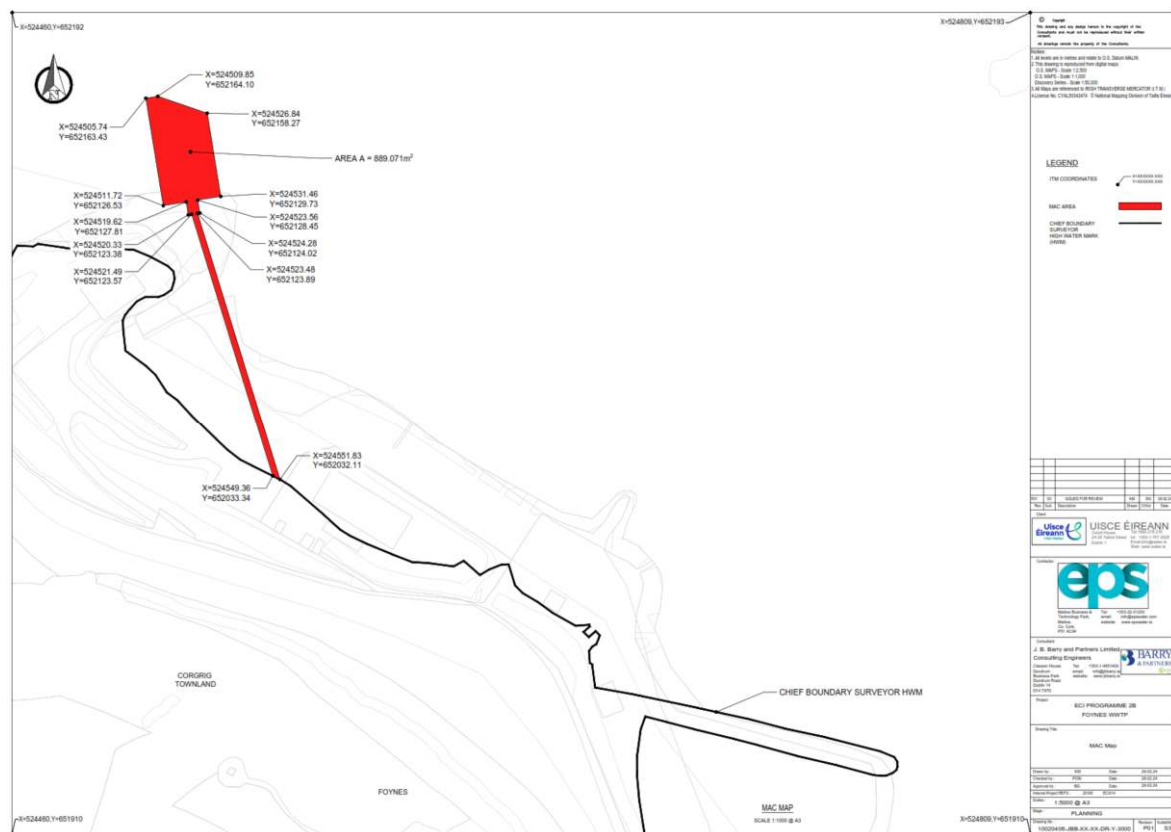


Figure 1 – Applicant map of proposed layout of MAC area at Foynes, Co. Limerick

The applicant has stated in their report titled “*Design Report – Marine Outfall*”, February 2024, submitted as part of their application, that the proposed outfall shall be designed for a 50-year lifespan (considering the engineer’s experience of similar projects and as referenced in BS6349).

4. Site Visit

Director of MARA’s ARD Unit, John Evans, inspected the site on 6 September 2025. The existing outfall pipeline is situated immediately to the east of the Foynes Yacht Club slipway, and traverses beneath an area of rock revetment and reclaimed land associated with the yacht club. The termination of the existing outfall pipeline is sub-tidal. From examination of the plans submitted by the applicant, the termination of the existing pipeline and the location of the proposed diffuser arrangement is in the vicinity of the area depicted in Photograph 1. The proposed diffuser installation will be situated on sub-tidal maritime area to the northwest of the existing piled navigation light associated with the yacht club slipway.

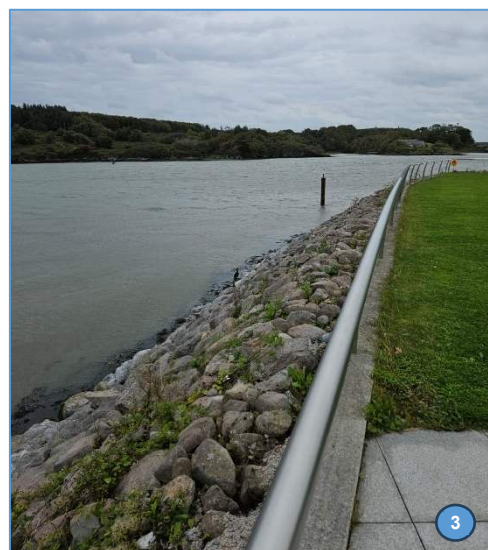
The maritime area along the south section of the existing outfall has been reclaimed. According to MARA records the reclamation was not undertaken under a maritime authorisation or foreshore authorisation (under sections 2&3 of the Foreshore Act of 1933, as amended) see Photographs 2&3. The existing reclaimed land should not impact the processing of this application as the outfall pipe in the vicinity of the reclamation is already in-situ. Furthermore, considering the burial depth of the pipeline, it is unlikely that it would be affected by near surface works in relation to the reclaimed land. MARA’s

Compliance, Enforcement and Revenue (CER) unit have been made aware of the potentially unauthorised reclamation observed during the site visit.

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.



Photograph 1 – Approximate Location of Proposed Diffuser Arrangement (J.E. 06 09 2025)



Photographs 2 & 3 – Rock Revetment and Reclamation Works to Northeast of Foynes Yacht Club (J.E. 06 09 2025)

5. Review of Legislation & Associated Consents

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

Under the Act, MARA has responsibility for granting MACs.

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

The applicant has stated that the proposed maritime usage, the subject of this application, requires development permission. A MAC is required before an application for development permission can be lodged with the relevant consent authority. The applicant is the holder of an existing foreshore authorisation (FS004857) for the existing outfall pipe which they wish to amend to facilitate the proposed works. The existing foreshore licence, granted 7 February 1952, has a 99-year term and has therefore not expired. The applicant has stated that they intend to surrender foreshore licence FS004857 under Section 4 of the Foreshore Act 1933, as amended, following the commissioning of the combined outfall extension. Consideration of the surrender of the foreshore licence is provided within Section 9.

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 08 September 2025 for spatial overlap between the proposed MAC area and existing foreshore authorisations and MARA licences and consents. The Marine Institute's Ireland's Marine Atlas database¹ was searched on 08 September 2025 for spatial overlap between the proposed MAC areas and any DAFM 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 single foreshore authorisation which is held by the applicant as detailed in *Table 1* below.

<i>Table 1: Summary of Overlapping maritime authorisations and foreshore authorisations</i>					
File Reference Number	Applicant/ Holder		Consent Type	Maritime Usage	Status
FS004857	Limerick Council	County	Foreshore Licence	Outfall Sewage Pipe	99 Year Licence granted 07/02/1952

¹ <https://atlas.marine.ie/>

The subject applicant (Uisce Éireann) has been transferred responsibility for foreshore licence reference no. FS004713. As detailed in Section 5.1, the above foreshore licence relates to existing infrastructure the subject of this MAC application. Having regard to the above, it is considered that the spatial overlap does not prevent the granting of a MAC, subject to the foreshore licence being surrendered, as set out in Section 9 below.

5.3 Development Permission

The applicant has stated that the proposed works require development permission. The applicant indicated that they intend to submit an application for development permission should they be successful in obtaining a MAC for the proposed project. No application for development permission has been made in advance of seeking a MAC from MARA. Owing to the nature and scale of the proposed works, it is considered reasonable that the MAC Holder (if successful in obtaining a MAC) should submit a valid application for development consent to the relevant planning authority within 18 months of issuance of a MAC.

The applicant in their development permission application to the relevant planning authority is required to include a Rehabilitation Schedule detailing how the applicant proposes to rehabilitate the maritime area in accordance with Part 4, Chapter 8 of the Act.

5.4 Ownership

A search was undertaken of the Land Registry on 08 September 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 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 16 April 2024 with the appropriate fee paid on 05 July 2024 .

A number of requests for additional information were issued on 19 September 2024, 22 October 2024, 01 April 2025 and 26 May 2025 under section 79(3) of the Act and associated responses received relating to matters for general, technical and financial assessment on 25 September 2024, 24 October 2024, 03 December 2024, 09 April 2025, and 17 June 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 Sections 3 & 4 above. It is considered that with proper maintenance and repair, a design life for the structure of circa 50 years as specified by the applicant, should be achievable. Accordingly, a MAC term of 55 years (allowing for planning, construction and rehabilitation/decommissioning phases) is recommended.</p> <p>The proposed maritime usage is considered satisfactory, having regard to the nature, scope and duration.</p>	Satisfactory

2.	Whether the proposed maritime usage is in the public interest.	<p>Uisce Éireann States that the proposed project aligns with the following regulations and directions:</p> <ul style="list-style-type: none"> • Urban Waste Water Treatment Regulations (S.I. No. 254 of 2001); • Wastewater Discharge (Authorisation) Regulations (S.I. No. 684 of 2007); • Project Ireland 2040: National Planning Framework (National Strategic Outcome 9); • Water Services Policy Statement 2018-2025; • Directive 2000/60/EC (Water Framework Directive); • Directive 91/271/EEC (The Urban Waste Water Treatment Directive); and • Directive 2008/56/EC (Marine Strategy Framework Directive). <p>The applicant has also stated that the extended outfall will be used to discharge the primary treated effluent during the falling tide. The extended outfall will also function as a stormwater overflow. The project has been designed to limit the number of overflow events to 7 per bathing season, so that the discharge will comply with the requirements for Recreational Waters as defined in the Uisce Éireann Specification IW-TEC-800-03 Storm Water Overflows. The project will move the discharge point of the stormwater and wastewater effluent further into the maritime area and will include diffusers to effectively disperse the effluent below the LAT. This, combined with the improved quality of the effluent from the new WWTP is expected to result in better quality water in Foynes Harbour.</p> <p>The applicant also states that The Limerick Development Plan 2022-2028 aims to form a coherent development strategy to 2028 and beyond. Volume 1 of the Development Plan states that “capital investment projects by Irish Water are ongoing to provide WWTPs in the previously untreated agglomerations of Foynes and Glin”. Strategic Objective 11 of the Plan aims to: “Protect, enhance and ensure the sustainable use of Limerick’s key infrastructure, through the provision of support to utility providers including water supplies and wastewater treatment facilities...” Objective FO O11 (which relates to Foynes) of the Plan (Volume 2b) states that: “It is an objective of the Council support the provision of water and wastewater infrastructure to realise the development objectives of this Plan.”</p> <p>The applicant has also stated that the need for Foynes WWTP is to provide and ensure compliance with directives and legislation in relation to discharges from wastewater collection systems and treatment plants to protect the water quality in the Lower Shannon Estuary</p> <p>The proposed maritime usage is considered satisfactory, having regard to the public interest.</p>	Satisfactory
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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 889.07m², as illustrated in <i>Figure 2</i> (Proposed MAC Map) in <i>Section 7</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 evident that would preclude the granting of a MAC in the proposed area.</p> <p>Accordingly, the proposed maritime usage is considered satisfactory, having regard to the location(s) and spatial extent of the occupation.</p>	Satisfactory
4.	Guidelines issued under Section 7 which are relevant to the proposed maritime usage.	No such guidelines have been published to date.	Not applicable
5.	Whether the applicant is a fit and proper person (within the meaning of Schedule 2) to be granted a MAC, both at the time the application is made and at the time that the MAC application concerned is determined by the MARA.	<p>A detailed review and assessment of the information provided by the applicant(s) has been completed. Based on the assessment set out in <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 05 September 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
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8.	The National Marine Planning Framework (NMPF).	<p>Based on a review of the application, MARA has had regard to the National Marine Planning Framework (NMPF) and it is considered that the proposed project aligns with the overall objectives of the NMPF, including the Wastewater Treatment & Disposal, Economic and Social objectives set out therein.</p> <p>It is considered that the proposed project aligns with the following economic, social and key sectoral policy objectives of the NMPF: -</p> <ul style="list-style-type: none"> • Wastewater Treatment and Disposal Policy 1 – proposals by Irish Water related to the treatment and disposal of wastewater that: <ul style="list-style-type: none"> • service the social and economic development of the country under the National Planning Framework; • resolve environmental issues at priority areas identified by the EPA; • contribute to the realisation of the objectives of: <ul style="list-style-type: none"> • Ireland's River Basin Management Plan 2018 – 2021 • The Water Services Policy Statement 2018 – 2025 • Marine Strategy Framework Directive 2012 - 2020 • should be supported. • Social Benefits Policy 1 – proposals that enhance or promote social benefits should be supported. • Co-existence Policy 1 – proposals that demonstrate consideration on how to optimise the use of space, including consideration of opportunities for co-existence and co-operation with other activities should be supported. • Infrastructure Policy 1 – appropriate maritime infrastructure which facilitates land-based activity should be supported. <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
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9.	<p>The extent and nature of the preparatory work already undertaken by the applicant towards ensuring the efficacious undertaking of the proposed maritime usage the subject of the MAC application concerned should the applicant be granted a MAC in respect of such usage.</p>	<p>The applicant has stated in their application that they have carried out the following preparatory works:--</p> <ul style="list-style-type: none"> - Marine bathymetric surveys; - Sub-bottom profiler survey using an applied acoustic boomer sub-bottom profiler; - Magnetometer surveys; and - Current/wave measurements. <p>The applicant has also commissioned the following studies/reports in support of the development:-</p> <ul style="list-style-type: none"> - Flood Risk Assessment (ref 10020406-JBB-XX-XX-RP-Y-00035_ECI014_Flood Risk Assessment_P03); - Design report – Marine Outfall (ref: 20134-RP-2462-DR01); - Marine Tiered Assessment of available dilution and dispersion (ref BH5713-RHD-ZZ-XX-NT-Z-0001_TieredAssessment Foynes_P01); and - Site investigation reports associated with SI works undertaken by the Shannon Foynes Port Company for the construction of a pipeline to Foynes Island. <p>Additionally, the applicant proposes to carry out pre-construction investigation works in the maritime area prior to construction to verify detailed design.</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>	
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10.	The extent and nature of stakeholder engagement undertaken by the applicant in respect of the proposed maritime usage.	<p>Uisce Éireann stated the following engagements were completed prior to application:</p> <ul style="list-style-type: none"> - Uisce Éireann land and wayleave representatives met with reputed landowners; - Limerick City & County Council has been consulted and asked for input into the development; - The Department of Housing, Local Government and Heritage has been consulted; - Foynes Yacht club were approached to determine the usage of the Foynes Harbour by recreational vessels; and - TII have been informed of the proposed development. <p>The proposed works are within the functional area of the Shannon Foynes Port Company (SFPC). SFPC have responsibility for the management of marine activities within the Shannon Estuary from Shannon Bridge in Limerick City to a notional line between Loop Head and Kerry Head. To ensure that the proposed works do not negatively impact port operations, it is recommended that a condition is included in the MAC requiring the holder to consult with SFPC in advance of undertaking the permitted maritime usage. Refer to Section 9 for details.</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

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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)	<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>(iii) has proposed a compromise or arrangement that is sanctioned under section 453(2) of the Act of 2014 or section 201(3) of the Act of 1963;</p>	<p>As part of the FCA, the Applicant was assessed against these criteria and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.</p>	Satisfactory
(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>	<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

(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 Uisce Éireann, to deliver the proposed maritime usages the subject of the MAC application is detailed in <i>Section 6.2.1</i> 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 maritime usage, as the case may be, or</p> <p>(ii) in ceasing to undertake the proposed maritime usage or the maritime usage, as the case may be;</p>	<p>A FCA report dated 05 September 2025 has been prepared by external financial consultants, EY, who assessed the applicant's financial capability to carry out the proposed maritime usages. Based on the results from the financial capability tests and the information submitted, it is considered that the Relevant Person is viewed as passing the assessment.</p> <p>Due to the commercial sensitive nature of a company's finances, details of the assessment are not included herein.</p> <p>The applicant is considered likely to be in a position to meet financial commitments associated with the proposed maritime usage and MAC.</p>	Satisfactory
(i)	<p>the previous performance of the relevant person when granted—</p> <p>(i) a MAC,</p> <p>(ii) a development permission,</p> <p>(iii) a licence, or</p> <p>(iv) an authorisation (howsoever described) under the Act of 1933.</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.	Satisfactory

6.2.1 Technical Capability Assessment (TCA)

Considering the information supplied by the applicant in their application, the Technical Capability Assessment (TCA) for this application has been carried out on the basis that the proposed project is not a Schedule 10 project. This determination is for the purposes of TCA only and does not prejudice the planning process as it should be noted that the ultimate arbiter of whether a project is Schedule 10 or not is An Coimisiún Pleanála.

Information has been provided under this TCA submission relating to both the applicant and their contracted agents. Under these circumstances, the TCA will be carried out based on the combined technical capability of the applicant and their agent, Egis Engineering Ireland Ltd (formerly J.B. Barry & Partners Ltd).

Assessment of Qualifications/Membership of Professional Bodies

Egis Engineering Ireland Ltd employ chartered engineers who are registered with Engineers Ireland. The applicant has provided a copy of Egis Engineering Ireland Ltd's certificate of membership of the Association of Consulting Engineers Ireland which was valid and in date at the time of making their application to MARA. The applicant has provided a copy of Egis Engineering Ireland Ltd's Professional Indemnity Insurance Certificate which was valid and in date at the time of making their application to MARA. The applicant has provided a copy of Egis Engineering Ireland Ltd's certificate of registration under the I.S. EN ISO 9001:2015 Quality Management System.

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 agent's involvement in three projects of a similar scale and nature to the project the subject of the MAC application. The three reference projects are maritime projects of a similar scale and nature and the details outlined in Appendix Tec A Table (ii) demonstrates the required level of experience to deliver the proposed project. Based on the information provided, it is considered the applicant has met the criteria required in relation to professional qualifications and previous project experience.

Assessment of Capability to Operate and Maintain Maritime Infrastructure

The operation and maintenance of the proposed scheme will be undertaken by Uisce Éireann. Based on the information submitted in Appendix Tec B, Uisce Éireann 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 maritime infrastructure.

Assessment of Delivery Timelines

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

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

6.3 Rehabilitation Schedule

Under Section 96(1) of the Act, it is required that the holder of a MAC shall, before the expiration of the MAC, rehabilitate that part of the maritime area the subject of the MAC. In accordance with Section 75(5) of the Act, 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 Uisce Éireann may be required to exclude access to parts of the MAC area on a temporary basis. For example, during the 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 the 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>Outfall Pipe Band 3 (451mm – 750mm diameter)</i>
Tier:	Tier 3
Applicable Rate:	Base Annual Charge of €938.09 + €4.17 per linear metre for any pipe in excess of 10 linear metres
Length:	158m
Calculation:	$€938.09 + ((158 - 10) * €4.17)$
Levy due:	€1555.25

The MAC levy has been calculated as €1555.25 per annum. All levies are indexed to the Harmonised Index of Consumer Prices (HICP), applied on an annual basis.

9. Discussion

Section 105 of the Act was introduced to enable foreshore authorisations to transition to MACs with the foreshore authorisation surrendered automatically in place of a MAC. In the case of this application, Uisce Eireann has applied to MARA on the basis of Section 75(1) of the Act and proposed to surrender their foreshore authorisation FS004857 for existing infrastructure after the commissioning of the proposed outfall extension. In order avoid occupation under dual consents for the same permitted use, it is recommended that where a MAC is granted that it includes conditions requiring the applicant to surrender foreshore authorisation FS004857, subsequent to the granting of development permission and in advance of the commencement of occupation under the MAC, as set out in Section 9(b) below.

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:	55 years
Consent Area:	That part of the maritime area marked red on the MAC Map.
MAC Map Title:	Maritime Area Consent Map MAC20240010
Permitted Maritime Usage:	The construction, use, operation and maintenance of wastewater infrastructure, including all associated decommissioning, demolition, rehabilitation, and any other works required on foot of any development permission relating to the infrastructure.
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 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.

Condition 4.1- Where the Holder has obtained Development Permission in accordance with the requirements of condition 5.1, the Holder shall make an application to MARA to surrender foreshore authorisation reference number FS004857, pursuant to section 4 of the Foreshore Act 1933, as amended.

- Condition 4.2 - Notwithstanding the MAC Commencement Date and Term, the Holder shall not obtain any right to occupy the Consent Area pursuant to condition 3.4 and shall not commence any works, activities or operations permitted by the Permitted Maritime Usage as provided for under this Consent Area unless and until:
 - (a) the Holder has obtained Development Permission for the Permitted Maritime Usage (being Development Permission that is consistent with this Consent as in force from time to time);
 - (b) the Holder has obtained all other authorisations (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) required under any other enactment to enable the Holder to commence the Permitted Maritime Usage; and
 - (c) the Holder has surrendered foreshore authorisation reference number FS004857 in accordance with condition 4.1 and the surrender of the same has been executed in accordance with section 4 of the Foreshore Act 1933, as amended.
- Condition 4.3 Without prejudice to any other remedies available pursuant to this Consent and at Law, this Consent shall terminate immediately in the event that an application to surrender foreshore authorisation reference number FS004857 is not made in accordance with the requirements of condition 4.1, in which event the obligations specified at condition 15.4 shall apply.

Reason: To provide clarity on the permitted occupation of the Consent Area.

- Condition 23.1 – Public Engagement Plan
Prior to the commencement of the Permitted Maritime Usage, the Holder shall consult with Shannon Foynes Port Company to plan and schedule the Permitted Maritime Usage in order to ensure that any potential disruption to port operations 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: To ensure the orderly undertaking of the proposed maritime usage.

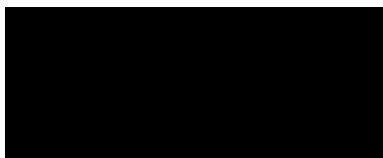
It is considered that the application for a MAC complies with all the requirements of Part 4 of the Act, with particular regard to Schedule 5 criteria. Accordingly, it is recommended that the proposed MAC is granted with conditions.

10. Conclusion & Recommendation

Following a detailed assessment of all information on file, it is considered that the proposal complies with all the necessary requirements. Accordingly, it is recommended to issue a Section 81(7)(b) Minded to Notice, as enclosed, informing the applicant 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 21 days from the date of issue of the Minded to Notice to submit supplementary material in relation to the reasons for the conditions as per Section 81(7)(b)(ii) of the Act.

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

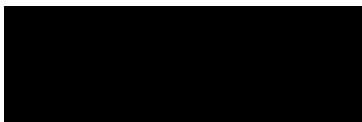
Signed:



Position:

Manager, MACU

Signed:



Position:

Senior Engineer, ARDU