

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:	Helvick Head Offshore Wind Designated Activity Company
MAC Reference No:	MAC240057
Location:	Tonn Nua, off the south coast of Co. Waterford
Date Application received:	12 December 2025
Proposed Maritime Usage:	Helvick Head Offshore Wind Designated Activity Company have applied for a MAC for the construction, operation and maintenance of Energy Infrastructure and Renewable Energy (wind) associated with a 900MW offshore wind farm and all associated decommissioning and rehabilitation works.
Recommendation:	To approve the Granting of the MAC sought with conditions attached.

Document Control			
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Contents

1. Overview	3
2. Background	3
3. Proposed Maritime Usage	4
4. Site Visit	5
5. Review of Legislation & Associated Consents	5
5.1 Applicable Provisions of the Act	5
5.2 Existing Consents & Authorisations	6
5.3 Development Permission	7
5.4 Ownership	8
6. Assessment	8
6.1 Schedule 5	8
6.2 Fit & Proper Person Assessment	17
6.2.1 Technical Capability Assessment (TCA)	21
6.3 Rehabilitation Schedule	23
7. Proposed MAC Map (for Illustration purposes only)	26
8. Levy	27
9. Discussion	27
a. Terms	27
b. Conditions and Reasons for Conditions	28
10. Conclusion & Recommendation	33

1. Overview

On 12 December 2025, MARA received a Maritime Area Consent (MAC) application under Section 79 of the Maritime Area Planning Act 2021 (as amended) (the Act), from Helvick Head Offshore Wind Designated Activity Company for the construction, operation and maintenance of Energy Infrastructure and Renewable Energy (wind) associated with a 900MW offshore wind farm and all associated decommissioning and rehabilitation works.

2. Background

Tonn Nua (Maritime Area A) was designated by the Minister for the Climate, Energy and the Environment in October 2024 as part of the South Coast Designated Maritime Area Plan (SC-DMAP), following a multi-year, plan-led spatial planning and environmental assessment process under the Act.

The South Coast was selected as Ireland's first offshore wind planning area based on its high wind resource, extensive areas of seabed suitable for fixed-bottom foundations, and the availability of near-term transmission capacity on the southern electricity network. The site was selected through a GIS-based constraints and suitability analysis, which systematically excluded environmentally protected areas, shipping and navigation corridors, subsea infrastructure, nearshore seascape buffers and unsuitable seabed conditions, before applying technical and economic deliverability criteria such as water depth, wind resource, port access and grid proximity.

The 306 km² Tonn Nua site off the Waterford coast was selected as the state's early-phase offshore wind zone within the SC-DMAP. The site is sized to accommodate a fixed-bottom offshore wind farm of circa 900 MW capacity, and its location and spatial extent were subjected to Strategic Environmental Assessment, Appropriate Assessment and three rounds of public consultation before being adopted by Ministerial order.

The nature, scale and location of the proposed development of the Tonn Nua site is now fixed in law at a plan level by the SC-DMAP. As a statutory plan established under provisions in the Act the SC-DMAP, together with the National Marine Planning Framework, is intended to inform the decision-making processes and assessments by relevant competent authorities regarding the award of Maritime Area Consents and development permissions.

3. Proposed Maritime Usage

The proposed maritime usage is the development of a 900MW offshore wind farm and associated energy infrastructure. The applicant has stated the following: -

The proposed infrastructure “will be installed over a multi-year construction phase. Maintenance activities will be ongoing throughout the operational life of the project until end of life is reached. Decommissioning activities would then commence on the wind turbines, support structures and array cables before rehabilitation of the seabed is undertaken in the areas in which the infrastructure was positioned.” Figure 1 below details the location and spatial extent of the proposed MAC area in relation to the overall SC-DMAP. The MAC area as applied for aligns exactly with the adopted Tonn Nua (Maritime Area A) polygon from the SC-DMAP.

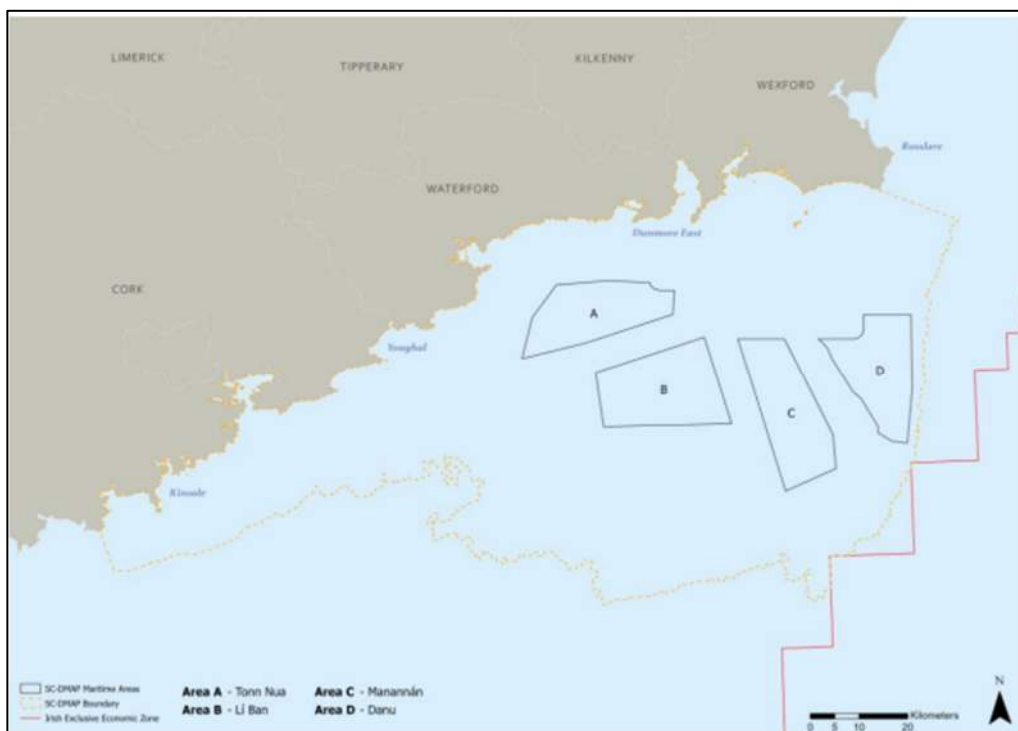


Figure 1 - Location and spatial extent of the proposed MAC area (Area A) as defined in the SC-DMAP.

The Applicant indicated that, subject to obtaining development permission and the relevant permits and licenses, construction of the offshore infrastructure is expected to commence in 2032, with completion expected in 2034. Offshore construction may take place 24 hours per day, 365 days per year dependent on external constraints such as weather windows.

The main construction-stage works will include: -

- Site investigations and pre-construction surveys (geotechnical & geophysical) which would be subject to a separate Marine Usage Licence (MUL) process;
- Seabed preparation activities (clearance / removal of obstructions such as boulders, unexploded ordnance (UXO), etc.);
- Installation of wind turbine generator (WTG) support structures (foundations) with associated scour protection;

- Inter array cable installation and associated ancillary equipment and seabed protection between WTGs and the EirGrid offshore substation(s); and
- WTG installation with each comprising a tower section, nacelle and three rotor blades.

Some access restrictions within the MAC area are anticipated during the construction, operational and decommissioning phases of the offshore wind farm to ensure safety for all marine users. The applicant has stated that appropriate maritime notices will be issued to all stakeholders. These restrictions will also be defined, consulted on and assessed as part of the Environmental Impact Assessment (EIA) phase of the project.

Temporary works areas within the MAC area are anticipated during the construction, operational and decommissioning phases of the offshore wind farm including but not limited to: cable lay vessel positioning zones, temporary seabed preparation zones and exclusion zones for sensitive vessel-based activities (e.g. jack-up vessels, dynamic positioning vessels). The Applicant has stated that all activities associated with the proposed maritime usage such as temporary works, construction activities, and project infrastructure will be located within the boundary of the MAC area. This includes blade swept areas, inter array cables, cable protection such as rock mattresses and construction operations such as jack-up vessel locations etc.

The transmission infrastructure required to connect the Tonn Nua SC-DMAP site to the onshore grid will be developed by Eirgrid and will be the subject of a separate MAC application. For other works associated with the development that will take place outside of the project development area, such as works at ports and harbours for construction and Operation & Maintenance (O&M) activities, these will be subject to separate consent processes.

The applicant has sought a MAC term of 50 years.

4. Site Visit

This MAC application relates to an offshore site. The northern and western boundaries of the Tonn Nua (Maritime Area A) polygon lie approximately 12km off the Waterford coast. The suitability of the Tonn Nua site has been assessed as part of the SC-DMAP process and is now fixed in law at plan level.

Considering the above a site inspection was not undertaken in respect of this application.

5. Review of Legislation & Associated Consents

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

Under the Act, MARA has responsibility for granting MACs.

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

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

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

5.2 Existing Consents & Authorisations

A search of the MARA’s GIS database was undertaken on 14 January 2026 for spatial overlaps between the proposed MAC area and any existing foreshore authorisations and MARA licences and consents.

The proposed MAC area overlaps with four existing foreshore licence authorisations, one Maritime Usage Licence (MUL) and one application for a MUL as detailed in Table 1 below. The proposed MAC area does not overlap with any other issued MACs or MAC applications under assessment with MARA at the time of writing of this report.

Table 1: Summary of Overlapping Maritime Authorisations and Foreshore Authorisations				
File Reference Number	Applicant/ Holder	Consent Type	Maritime Usage	Status
FS006982	Energia Renewables ROI Ltd	Foreshore Licence	Offshore Renewable Energy (ORE) Site Investigation	Consented. Expires 04/07/2026
FS007136	ESB Asset Development	Foreshore Licence	Site Investigations for Helvick Head Offshore Wind Farm Project	At application stage with DCEE
FS007318	RWE Renewables Ireland East Celtic Limited	Foreshore Licence	ORE Site Investigation	At application stage with DCEE
FS007436	Voyage Offshore Array ltd	Foreshore Licence	ORE Site Investigation	At application stage with DCEE
MUL240036	EirGrid plc	Maritime Usage Licence	Marine Environmental Surveys for the purposes of Site Investigation to inform the engineering design and environmental assessments for two offshore substations (OSS) in the Tonn Nua Area A and offshore transmission cable corridors.	Consented. Expires 10/7/2030
MUL250019	Helvick Head Offshore Wind Designated Activity Company	Maritime Usage Licence	Marine Environmental Surveys for the purposes of Site Investigation at Maritime Area A - Tonn Nua	At application stage with MARA

Foreshore consent FS006982 is an active foreshore licence held by Energia Renewables ROI Ltd for site investigation works relating to a potential offshore renewable energy site. This licence was granted on 05/07/2021 and expires on 04/07/2026. As foreshore licences are issued on a non-exclusive basis, and the licence will have expired in advance of the applicant undertaking the permitted maritime usage the subject of this application, no conflict exists.

Foreshore records FS007136, FS007318 and FS007436, relate to applications for proposed ORE site investigation surveys which are currently on hand with DCEE. Should the applications progress, co-existence with the proposed maritime usage the subject of this application is possible, therefore no conflict exists.

Maritime Usage Licence MUL240036, granted by MARA, authorises Eirgrid to conduct marine site investigation works, including geophysical, geotechnical and environmental surveys of the seabed and surrounding waters, to inform the engineering design and environmental assessment of two offshore substations and the transmission cable relating to the Tonn Nua site. The maritime usage proposed under MUL240036 is complementary to the overall development of the Tonn Nua site and can co-exist with the proposed maritime usage the subject of this application.

Maritime Usage Licence MUL250019 is an application, submitted by Helvick Head Offshore Wind Designated Activity Company (the applicant for this MAC), to MARA seeking authorisation to undertake marine environmental surveys for the purposes of site investigation. The licence is required to facilitate works which will characterise the seabed and conditions at the Tonn Nua Site, to inform the detailed design and environmental assessment of the proposed development of the site by the applicant. The maritime usage proposed under MUL250019 is complementary to the overall development of the Tonn Nua site and can co-exist with the proposed maritime usage the subject of this application.

The Marine Institute's Ireland's Marine Atlas database¹ was searched on 14 January 2026 for spatial overlap between the proposed MAC area and any DAFM 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, which would impede MARA in granting a MAC for the proposed maritime usage were identified.

5.3 Development Permission

In order to align with the Terms and Conditions of the ORESS 2.1 the applicant must submit a valid application for development consent to the relevant planning authority a minimum of 18 months prior to the "Planning Consent Longstop" as defined within the Terms and Conditions ORESS Tonn Nua Offshore Wind Auction.

¹ <https://atlas.marine.ie/>

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 Direct database on Tailte Éireann (formerly the Property Registration Authority of Ireland) and MARA's GIS database on 14 January 2026 for any document granting or affecting rights to land in order to ensure that there are no conflicts of interest with the MAC area being applied for as outlined in the proposed MAC Map.

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

6. Assessment

6.1 Schedule 5

The MAC application was submitted on 12 December 2025 with the appropriate fee paid on 11 December 2025 and reviewed for completeness on 15 December 2025. The application was deemed complete by MARA on 15 December 2025.

A number of requests for additional information were issued on 23 December 2025, 21 January 2026 and 04 February 2026 under Section 79(3) of the Act and associated responses received relating to matters for financial assessment on 23 January 2026, 27 January 2026 and 24 February 2026.

This report sets out the assessment undertaken pursuant to MARA's functions under the Act. Schedule 5 of the Act sets out the criteria to which MARA must have regard when assessing a MAC application. MARA's assessment in regard to Schedule 5 criteria is summarised in Table 2 below.

MARA, in performing its functions, must also have regard to matters as prescribed in Sections 3(3), 6(8), 7(1), 30 and 44 of the Act and the Climate Action and Low Carbon Development Act 2015 (as amended). A synopsis of MARA's consideration of these matters is provided in Section 6.5.

Table 2: Synopsis of the assessment of the application with regard to the requirements of Schedule 5

Schedule 5 Requirements		Synopsis	Assessment
1.	The nature, scope and duration of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.	<p>Details of the proposed maritime usage, including the nature scope and duration are described in Section 3 & 4 above. Further consideration of the nature of use is also provided in Section 6.3 below.</p> <p>The nature and scope of the development of the Tonn Nua site was decided at a plan level when the SC-DMAP was adopted by Ministerial order in October 2024. The DMAP legally zones Maritime Area A (Tonn Nua) for the development of offshore wind generation. In relation to the scope of the development of the Tonn Nua site, the adopted DMAP fixes both the geographic footprint (a 306 km² area off the Waterford coast), and the intended capacity envelope of the development (approximately 900 MW). The proposed maritime usage, the subject of this application, aligns with these zoning decisions.</p> <p>It is considered that a design life for the Wind Turbine Generation (WTG) structures of circa 35 years, with proper maintenance and repair, should be achievable.</p> <p>The applicant has outlined the following indicative timeframes for each project phase: -</p> <ul style="list-style-type: none"> - Planning & Development: c. 5-6 years from project award to Financial Investment Decision (FID). - Construction: c. 3-4 years from FID to Commercial Operation Date (COD). - Operation: 35 years. - Decommissioning & Rehabilitation: c. 2-3 years. <p>Additionally, the applicant has highlighted the necessity to provide a margin of flexibility which may be needed for the following: -</p> <ul style="list-style-type: none"> - Delays to the consenting process (e.g. Judicial Review); - Supply chain restrictions delaying ability to reach FID; - Operational phase inspections and component life assessments identifying longer feasible operational life; and - The occurrence of low probability / high impact events causing material delays (e.g. COVID). <p>Accordingly, a MAC term of 50 years (allowing for the planning & development, 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>This project has a strong public interest element and forms part of the SC-DMAP for Offshore Renewable Energy. This project will generate electricity for Irish consumers and improve the security of energy generation in Ireland. This proposed project will generate 900 MW of offshore wind energy which will contribute greatly to governments aim of achieving 5GW of offshore wind energy by 2030.</p>	Satisfactory

		<p>The Applicant has stated that the proposed project aligns with the following national policies:</p> <ul style="list-style-type: none"> • <u>Marine Planning Policy:</u> <ul style="list-style-type: none"> ○ <i>National Marine Planning Policy Framework (December 2020);</i> ○ <i>Maritime Area Planning Act (December 2021); Offshore Renewable Energy Development Plan (August 2022);</i> ○ <i>Policy Statement on the Framework for Phase Two Offshore Wind (March 2023); and</i> ○ <i>South Coast Offshore Renewable Energy Designated Maritime Area Plan (October 2024.)</i> • <u>Climate Policy:</u> <ul style="list-style-type: none"> ○ <i>Climate Action & Low Carbon Development (Amendment) Act 2021;</i> ○ <i>Climate Action Plan 2024 (December 2023); and</i> ○ <i>National Energy Security Framework (April 2022).</i> • <u>Electricity Policy:</u> <ul style="list-style-type: none"> ○ <i>Policy Statement on Security of Electricity Supply (November 2021);</i> ○ <i>Energy Security in Ireland to 2030 Energy Security Package (November 2023);</i> ○ <i>Policy Statement on the Framework for Ireland's Offshore Electricity Transmission System (2021); and</i> ○ <i>Electricity Generation and System Services Connection Policy (September 2024).</i> • <u>Enterprise Policy:</u> <ul style="list-style-type: none"> ○ <i>Powering Prosperity – Ireland's Offshore Wind Industrial Strategy (March 2024).</i> <p>In addition, the Applicant has stated that the proposed project aligns with the following EU Directives:</p> <ul style="list-style-type: none"> ○ <i>European Green Deal and Fit for 55;</i> ○ <i>Renewable Energy Directive III (RED III);</i> ○ <i>RePower EU (2022);</i> ○ <i>EU Energy System Integration Strategy (2020);</i> ○ <i>EU Strategy on Offshore Renewable Energy (2020);</i> ○ <i>Communication on the delivery of the EU Offshore Strategy (2023); and</i> ○ <i>European Wind Power Action Plan (2023)</i> <p>The proposed maritime usage is considered satisfactory, having regard to the public interest.</p>	
3.	The location and spatial extent of the occupation of the	The location and spatial extent of the development of the Tonn Nua site was decided at a plan level when the SC-DMAP was adopted by Ministerial order in October 2024. That decision has determined that	Satisfactory

	<p>maritime area concerned for the purposes of the proposed maritime usage.</p>	<p>one "early phase" project of circa. 900 MW would be located within a specific mapped polygon, Maritime Area A (Tonn Nua), having an area of 306km².</p> <p>The location and spatial extent of the proposed maritime usage, the subject of this application, aligns with the Maritime Area A (Tonn Nua) polygon established by the SC-DMAP zoning decision.</p> <p>The total area proposed occupied by the MAC is 306km², comprising a single MAC area as illustrated in Figure 2 (Proposed MAC Map) in Section 7.</p> <p>Details of the location, relevant consents, ownership and development permissions are provided in Sections 3 to 5 above. Based on the searches undertaken nothing was identified that would preclude the granting of a MAC in the proposed area.</p> <p>Accordingly, the proposed maritime usage as applied for is considered satisfactory, having regard to the location and spatial extent of the occupation.</p>	
4.	<p>Guidelines issued under Section 7 which are relevant to the proposed maritime usage.</p>	<p>No such guidelines have been published to date.</p>	<p>Not applicable</p>
5.	<p>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>	<p>A detailed review and assessment of the information provided by the applicant(s) has been completed. Based on the assessment set out in Table 3 below, Section 6.3 and the Financial Capability Assessment (FCA) as set out in the Ernst & Young (EY) report dated 03 March 2026 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>	<p>Satisfactory</p>
6.	<p>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.</p>	<p>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.</p>	<p>Satisfactory</p>

7.	<p>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).</p>	<p>The Applicant has stated that “Associated project transmission infrastructure, which the generating infrastructure will connect to, comprises offshore substation platform(s), export cables (subsea and terrestrial) and onshore substation(s), to connect to the wider grid network, fall under the remit of EirGrid”.</p> <p>On the 13 January 2026, MARA consulted EirGrid in relation to this proposed development and were invited to make observations. On the 20 January 2026 EirGrid returned “It is assumed that a MAC (were it to be granted to Helvick Head Offshore Wind DAC) would be granted on a non-exclusive basis. EirGrid in performance of their duties as Transmission System Operator will plan and construct the necessary electricity grid infrastructure to connect an offshore windfarm of 900MW capacity to be located in the Tonn Nua DMAP area. In order to facilitate this EirGrid intend to apply for a MAC, at the appropriate time, to locate 2 no. offshore substations, and associated cabling, within the Tonn Nua DMAP area; which will ultimately be connected back to shore and into the national grid via an export cable (full details are yet to be defined).</p> <p>The approximate location of the proposed offshore substations were previously communicated to the potential offshore windfarm developers as part of the Grid Connection Information Pack, which formed part of the information shared for the ORESS 2.1 auction. As such, EirGrid note that Helvick Head Offshore Wind DAC is aware of EirGrid’s plans to locate infrastructure within the Tonn Nua DMAP area.</p> <p>EirGrid will work with Helvick Head Offshore Wind DAC over the coming years to ensure that the necessary infrastructure to build out the windfarm and associated grid infrastructure will be coordinated to ensure the safe co-location of assets, within the Tonn Nua DMAP area in accordance with the principles of proper planning and sustainable development.”</p> <p>Accordingly, it is considered that the MAC application concerned is consistent with the development plans of the transmission system operator.</p>	Satisfactory
8.	<p>The National Marine Planning Framework (NMPF).</p>	<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 offshore renewable energy, 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"> • ORE Policy 1 - Proposals that assist the State in meeting the Government’s offshore renewable energy targets, including the target of achieving 5GW of capacity in offshore wind by 2030 and proposals that maximise the long-term 	Satisfactory

		<p><i>shift from use of fossil fuels to renewable electricity energy, in line with decarbonisation targets, should be supported.</i></p> <ul style="list-style-type: none"> • ORE Policy 2 - <i>Proposals must be consistent with national policy, including the Offshore Renewable Energy Development Plan (OREDPA) and its successor. Relevant Projects designated pursuant to the Transition Protocol and those projects that can objectively enable delivery on the Government's 2030 targets will be prioritised for assessment under the new consenting regime. Into the future, areas designated for offshore energy development, under the Designated Marine Area Plan process set out in the Maritime Area Planning Bill, will underpin a plan-led approach to consenting (or development of our marine resources)</i> • Social Benefits Policy 1 - <i>Proposals that enhance or promote social benefits should be supported.</i> • Employment Policy 1 - <i>Proposals should demonstrate contribution to a net increase in marine related employment in Ireland, particularly where the proposals are:</i> <ul style="list-style-type: none"> • <i>in line with the skills available in Irish coastal communities adjacent to the maritime area,</i> • <i>improve the sustainable use of natural resources,</i> • <i>diversify skills to enable employment in emerging industries.</i> • Co-existence Policy 1 - <i>Proposals should demonstrate that they have considered how to optimise the use of space, including through consideration of opportunities for co-existence and co-operation with other activities, enhancing other activities where appropriate.</i> <p>In the application, the applicant states that the proposed project is consistent with the environmental objectives of the NMPF.</p> <p>The proposed works constitute development which require planning permission and environmental assessment of the proposed maritime usage, which is undertaken at development permission stage by the relevant planning authority. This above assessment does not prejudice any consideration and determination that the relevant Planning Authority may make in relation to the NMPF when considering the Planning Application for this development.</p> <p>The NMPF specifies that: "<i>All DMAPs, when made, will form part of the NMPF, thereby becoming a binding consideration for marine decision makers.</i>" Accordingly, MARA has had regard to the objectives as set out in the SC-DMAP for Offshore Renewable Energy published in October 2024, insofar as they relate to the functions of MARA.</p>	
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9.	The extent and nature of the preparatory work already undertaken by the applicant towards ensuring the efficacious undertaking of the proposed maritime usage the subject of	<p>The Tonn Nua Maritime Area has been identified through a plan-led process in accordance with the Act whereby extensive stakeholder engagement led by DECC covering a broad spectrum of stakeholders was undertaken and a Strategic Environmental Assessment (SEA) was prepared to support the designation of the Maritime Area.</p> <p>A number of site investigations specific to this site or with partial overlap have been completed. Data obtained and reviewed by the Applicant is summarised below: -</p>	Satisfactory

	<p>the MAC application concerned should the applicant be granted a MAC in respect of such usage.</p>	<ul style="list-style-type: none"> - Geophysical surveys obtained from a variety of sources (e.g. Green Rebel, INFOMAR) that cover parts of the Tonn Nua Maritime Area. - DECC geophysical survey across the SC-DMAP in July 2024 in accordance with the licence application reference: LIC24006. - Geotechnical survey undertaken by Fugro in 2022. This data was provided by DECC in Q2 2025 and comprised Operational Reports from eight boreholes. - Wind resource data from a coastal met mast location (Mine Head) and Floating LIDAR survey data from within the UK Celtic Sea (Celtic Sea Power data). <p>In addition, prior to the development of the SC-DMAP several studies were conducted by the Applicant to inform the project.</p> <p>The section below provides an overview of work completed by the team: -</p> <ul style="list-style-type: none"> - Preliminary ground model; - Metocean desktop studies; - Desktop UXO Risk Assessment; - Preliminary commercial fisheries risk assessments, March 2021; - Preliminary navigational risk assessments, January 2021; - Desk based offshore ecological baseline studies, February 2021; - Desktop review and baseline gap analysis; - Environmental impacts identification (ENVID) study; - Preliminary draft EIA scoping report; - SISAA/NIS completed as part of the Foreshore Licence application; - Offshore cable route assessments; - Onshore coastal vantage point surveys commenced in October 2020 were completed in September 2022; and - 3 years of offshore aerial surveys for birds (coastal and seabirds) and marine mammals (Nov 2020 – Oct 2022, Sep 2023 – Aug 2024). <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>The Tonn Nua site has been identified and selected as part of the government led SC-DMAP. The consultation process undertaken by government for the development of the SC-DMAP consisted of considerable public consultation in 2024, including online webinars, open days, panel discussions and drop in clinics across counties Wexford, Waterford and Cork.</p> <p>The Applicant has stated that <i>“The project team is preparing a Stakeholder Engagement Plan, Commercial Fisheries Plan and Communications Plan, all of which will be aligned with the objectives</i></p>	Satisfactory

		<p><i>of the South Coast DMAP and the Guidance issued by the seafood/ORE working group. In order to progress the next steps for stakeholder engagement the output from the SC-DMAP consultation will be used as a starting point for the project's stakeholder log. A website will also be set up with key contact information and key information on planned events and activities. A programme of engagement with local communities and businesses will be set out, including public consultations required to inform of progress of EIA development. All plans will be issued once the MAC is awarded."</i></p> <p>The SC-DMAP sets out that its implementation <i>"will further include public engagements that must be carried out by prospective developers of ORE projects and MAC holders within the SC-DMAP area, as part of the process to determine the proposed location and specification of offshore wind projects within each of the Maritime Areas in the SC-DMAP area. "</i></p> <p>The SC-DMAP sets out the following policy objectives for Community Engagement (CE) CE 1: <i>"To facilitate continued engagement with South Coast stakeholders, including local coastal communities and fishers, holders of a MAC for ORE and associated electricity transmission infrastructure in the SC-DMAP Maritime Areas shall prepare and publish a Public Engagement Plan concerning all matters relating to the proposed maritime activity."</i></p> <p>Considering the above, it is recommended to include a condition requiring the Holder to implement a public engagement plan to ensure the long term alignment of the proposed development with the objectives of the South Coast Designated Maritime Area Plan for Offshore Renewable Energy.</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>	
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 Applicant is a fit and proper person within the meaning of Schedule 2(2) is set out in *Table 3* below.

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

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

	or section 201(3) of the Act of 1963;		
(f)	<p>if the relevant person is a body corporate incorporated under the law of another state—</p> <p>(i) whether an event which corresponds to an event referred to in clause (c) has occurred in relation to any of its directors, or</p> <p>(ii) whether an event which corresponds to an event referred to in clause (e) has occurred in relation to the body corporate;</p>	As part of the FCA, the Applicant and the Supporting Entities were 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;	<p>Assessment of the technical capability of the Helvick Head Offshore Wind Designated Activity Company, to deliver the proposed maritime usage, the subject of the MAC application, is detailed in Section 6.2.1 below.</p> <p>The Applicant is considered to have the requisite technical knowledge and qualifications to undertake the proposed maritime usage.</p>	Satisfactory
(h)	whether the relevant person is likely to be in a position to meet, or continue to meet, as the case may be, any financial commitments or obligations that the MARA reasonably considers will be entered into or incurred	<p>The Relevant Person is a joint venture Special Purpose Vehicle ("SPV") between ESB Wind Development Limited (ESB WDL) and Ørsted Limited (ØRTD), each owning a 50% stake. The Relevant Person is relying on the resources and undertakings of two Supporting Entities, Electricity Supply Board, the parent entity of ESB WDL and Ørsted A/S, the parent entity of ØRTD.</p> <p>A FCA report 03 March 2026 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</p>	Satisfactory

<p>by the relevant person—</p> <p>(i) in undertaking the proposed maritime usage, or in continuing to undertake the maritime usage, as the case may be, or</p> <p>(ii) in ceasing to undertake the proposed maritime usage or the maritime usage, as the case may be;</p>	<p>financial capability tests and the information submitted, it is considered that the Applicant and supporting entities are considered likely to be in a position to meet financial commitments associated with the proposed maritime usage and MAC.</p> <p>Due to the commercial sensitive nature of a company's finances, details of the assessment are not included herein.</p>	
<p>the previous performance of the relevant person when granted—</p> <p>(i) a MAC,</p> <p>(ii) a development permission,</p> <p>(iii) a licence, or</p> <p>(iv) an authorisation (howsoever described) under the Act of 1933.</p>	<p>MARA has undertaken a review of MACs (including associated development permission under MARA's remit for enforcement), maritime usage licences and foreshore authorisations held by the applicant. Based on the review, MARA is not aware of any non-compliances with these consents, there are no enforcement actions pending and there are no outstanding debts owed.</p>	<p>Satisfactory</p>

6.2.1 Technical Capability Assessment (TCA)

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.

Applicant's Corporate Project Experience

The minimum criteria under the TCA test relating to the applicant's corporate project experience are: -

- (a) 12-months continuous experience at the development (design and consenting) stage for a project of a similar scale and nature.
- (b) 12-months continuous experience at the construction stage for a project of a similar scale and nature.
- (c) 12-months continuous experience at the operation and maintenance stage for a project of a similar scale and nature.

The Applicant has provided details for 2 projects for each project stage outlined above, using one example from each parent company (ESB and Orsted) which demonstrate in excess of 12 months continuous experience at each stage.

Development Stage

Oriel Offshore Wind Farm project (January 2019 to present) is a proposed offshore wind farm to be located off the north Louth coast, with a total installed capacity of 375MW. The wind farm is being developed by Parkwind (now operating as part of Jera Nex BP) and ESB.

Hornsea Project 4 (Development Commencement May 2016 – Development Consent Order granted July 2023) is a proposed offshore wind farm to be located off the Yorkshire Coast, with a total installed capacity of 2400MW.

Construction Stage

Neart na Gaoithe (December 2019 to Commercial Operation Date) is a fully operational offshore wind farm located in the outer Firth of Forth, 15.5 kilometres off the Fife coast in Scotland. Co-owned by the ESB. The project features 54 turbines with a combined capacity of 450 MW.

Borkum Riffgrund 3 & Gode Wind 3 (Q4 2022 to present) are two large-scale offshore wind farms in the German North Sea, developed simultaneously by Ørsted and Nuveen Infrastructure. Gode Wind 3 is fully operational as of March 2025 with a capacity of 253 MW across 23 turbines. Borkum Riffgrund 3, with a capacity of 913 MW, is Germany's largest offshore wind farm and is expected to be fully commissioned in early 2026.

Operation and Maintenance Stage

Neart na Gaoithe (Commercial Operation Date April 2025 to present – **9 months**) is a fully operational offshore wind farm located in the outer Firth of Forth, 15.5 kilometres off the Fife coast in Scotland. Co-owned by the ESB. The project features 54 turbines with a combined capacity of 450 MW.

Borssele 1 & 2 (Operational date September 2021 to present) are operational wind farms, located 22 kilometers off the coast of the Dutch province of Zeeland, which form the largest operational offshore wind farm in the Netherlands. Developed and owned by Ørsted (with Norges Bank acquiring a 50% share in 2021), the facility comprises 94 turbines, totalling an installed capacity of circa. 760 MW. Orsted is the part-owner and sole-operator of Borssele 1 & 2. Orsted is responsible for all operations and maintenance of the windfarm.

Based on the information submitted by the Applicant, in the past 10 years the Applicant has been involved in the development, construction and operation of numerous Offshore Wind Farm Projects in excess of 200MW capacity 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.

Proposed Project Delivery Team Experience

The minimum criteria under the TCA test relating to the Applicant's corporate project experience are: -

- (a) 10 years of experience at the development and construction stages of an offshore wind farm.
- (b) 10 years of renewable energy development experience, where development experience means the development and construction stages of a renewable energy development.
- (c) 10 years of experience of the Irish Planning system delivering projects of a similar scale and nature (including terrestrial projects).

The Applicant has provided details for 7 members of the proposed senior project delivery team. 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 79 years of experience in the development and construction of offshore wind farms, 15 years of experience in other renewable energy development and in excess of 26 years of experience delivering projects within the Irish planning system.

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

Delivery Timelines

The Applicant has provided project delivery timelines with expected dates for the delivery of key milestones up to and including decommissioning and rehabilitation of the maritime area. 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 Helvick Head Offshore Wind Designated Activity Company has satisfied all criteria under the TCA element of the Fit and Proper Test. Accordingly, MARA considers that Helvick Head Offshore Wind Designated Activity Company 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.

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).

The Applicant has sought that the MAC be granted on a may or may not be exclusive basis stating that the *“We envision our requirement for exclusive rights to apply during times of construction and decommissioning/rehabilitation activities purely for safety reasons.”*

Having regard to the nature and lifecycle of the proposed maritime usage the subject of this application, it is reasonably foreseeable that Helvick Head Offshore Wind Designated Activity Company 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 co-existence and co-operation objectives of the NMPF and of the SC-DMAP. 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.

6.5 Other Matters to which MARA must have regard

In addition to considerations under Section 6.1 to 6.4 above, MARA, in performing its functions, must have regard to matters as prescribed in Sections 3(3), 6(8), 7(1), 30 and 44 of the Act and the Climate Action and Low Carbon Development Act 2015 (as amended). Table 4 provides a synopsis of the regard MARA has had in relation to these matters when considering the subject application.

<i>Applicable legislation</i>	<i>Synopsis</i>
Section 3(3)(a)	In accordance with Sections 8 and 9 of the United Nations Convention on the Law of the Sea (the Convention), subject to a right of innocent passage enjoyed by all other States, the Irish

<p>& Section 44 (b) of the Act - obligations of the State under the United Nations Convention on the Law of the Sea (as transposed by the Maritime Jurisdiction Act 2021)</p>	<p>State has sovereign jurisdiction in respect of its internal waters and territorial sea, including the seabed, the subsoil the airspace above. The State owns the seabed and subsoil of the territorial sea and the internal waters, including the mineral and other non-living resources located in or under the seabed, and of all forms of potential energy on, in, under and above the territorial sea and the internal waters. The proposed MAC area is fully located within the Irish State's territorial sea and relates to the production of energy from the winds. Accordingly, MARA is considered to have jurisdiction in accordance with the Convention to consider the granting of a MAC for the proposed maritime usage the subject of this application.</p>
<p>Section 3(3)(b) of the Act - the obligations in respect of the rights of the public or any class of the public over the foreshore in relation to navigation and fishing</p>	<p>Matters in relation to fishing and navigation were considered as part of the establishment of the SC-DMAP as discussed in Section 2 and Table 2 (8) above.</p> <p>In addition, the proposed works constitute development which require development permission. Safety of navigation, the protection of the marine environment (including the protection of fisheries) and public consultation (including prescribed bodies), are matters for consideration by the relevant planning authority when considering an application the subject of the proposed maritime usage for development permission.</p> <p>As discussed in Section 6.4, it is recommended that the MAC, if granted, is granted on a "may or may not be exclusive" basis having regard to co-existence and co-operation objectives of the SC-DMAP and NMPF, including that to provide for shipping activity and freedom of navigation.</p> <p>Furthermore, it is recommended that where a MAC is to be granted that a condition is attached requiring the developer to comply the SC-DMAP Policy Objectives for Seafood and Fisheries.</p>
<p>Section 6(8) of the Act- Marine Planning Policy Statements (MPPS)</p>	<p>In the processing of this application, MARA had regard to the Marine Planning Policy Statements (MPPS). The MPPS set out overarching principles and high-level objectives including that <i>"Marine planning will facilitate Ireland's transition to a low carbon and climate resilient economy."</i></p> <p>The MPPS also prioritise a new development management regime that <i>"will include the decision-making process for process for Offshore Renewable Energy (ORE), a key enabler in Ireland's transition to a low carbon economy."</i> Accordingly, the subject application for an ORE development is considered to align with the MPPS, the NMPF and Government objectives in relation to ORE.</p>
<p>Section 7(1) of the Act - Marine Planning Guidelines</p>	<p>No such Guidelines have issued to date.</p>
<p>Section 30 & Section 44(a) of the Act - Secure the Objectives of the NMPF</p>	<p>Discussion is provided in Table 2(8) above in relation to the regard MARA has had when considering whether the subject application aligns with the objectives of the NMPF.</p>
<p>Section 44(c) of the Act - the policies of the Government or any Minister of the Government</p>	<p>As detailed above, MARA has had regard to the MPPS, NMPF and SC-DMAP when considering the subject application. Furthermore, regard has been given the Climate Action Plan 2025, the Government Decision dated 16 May 2023 and Circular MP01/2024, having particular regard to Government policies and objectives in relation to the prioritisation and acceleration of the delivery of ORE in accordance with a plan-led approach. The subject application for an ORE development is considered to align with policy objectives of the Government.</p>
<p>Section 44(d) of the Act - the need for co-operation between users of the same part, or adjoining parts, of the maritime area, or both</p>	<p>Consideration of users in the vicinity of the proposed MAC Area is provided in Section 5 and Table 2(3). Furthermore, as discussed in Section 6.4, it is recommended that the MAC, if granted, is granted on a "may or may not be exclusive" basis having regard to co-existence and co-operation objectives of the NMPF and SC-DMAP.</p>

<p>Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended)</p>	<p>MARA performs its functions in accordance with the provisions of Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended). In the processing of this application, MARA has considered the matters set out below and has reached its decision set out herein in so far as practicable, in a manner consistent with—:</p> <ul style="list-style-type: none">(a) the most recent approved climate action plan,(b) the most recent approved national long term climate action strategy,(c) the most recent approved national adaptation framework and approved sectoral adaptation plans,(d) the furtherance of the national climate objective, and(e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.
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7. Proposed MAC Map (for illustration purposes only)

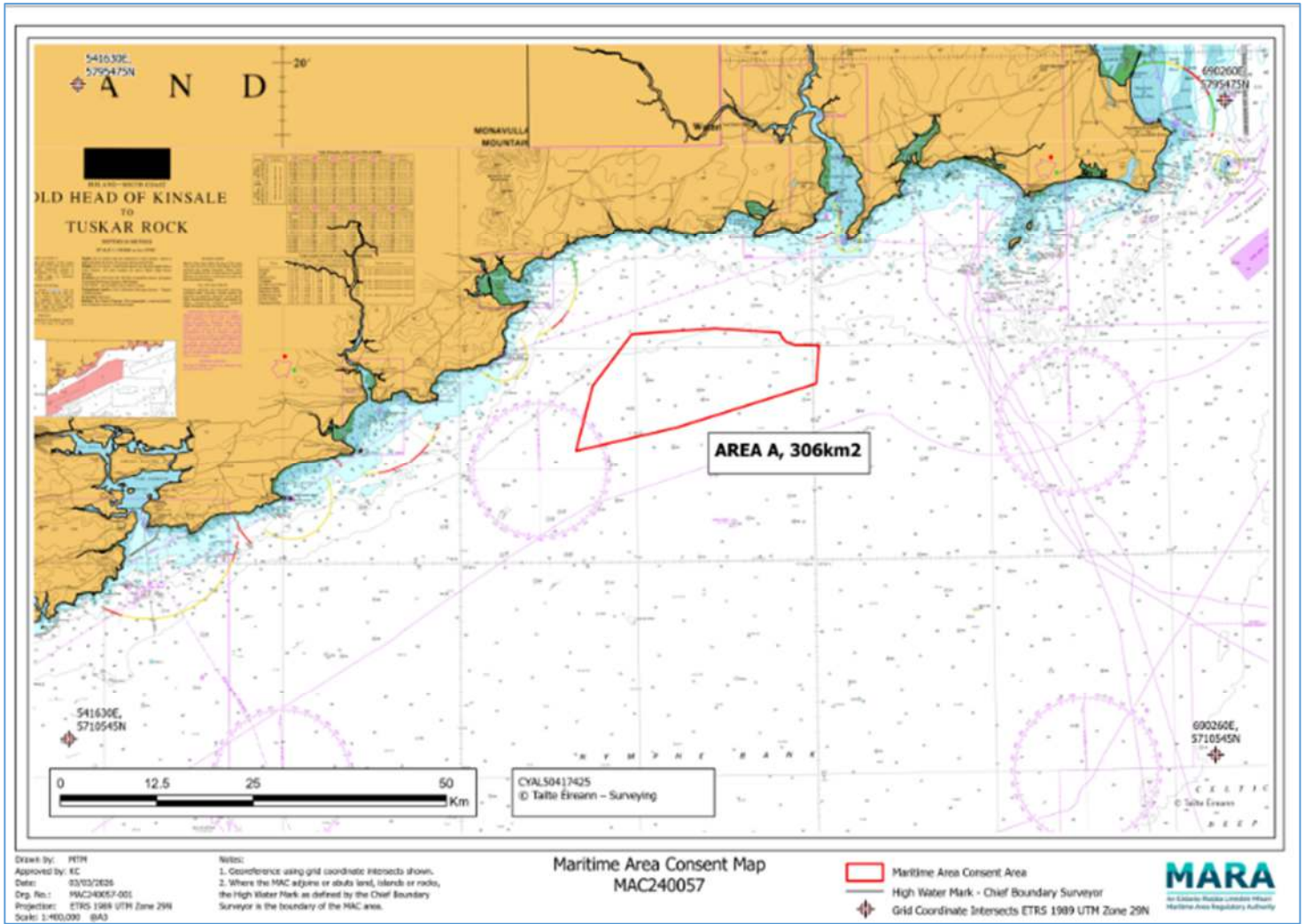


Figure 2 – Proposed MAC Map

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:	Outer Maritime Area
Category/Class:	Offshore Windfarms – Development Stage
Tier:	N/A
Applicable Rate:	€21,409.25 per km ²
Length or Area:	306km ²
Calculation:	€21,409.25 * 306.00
Levy due:	€6,551,230.50

The MAC levy has been calculated as €6,551,230.50 per annum. All levies are indexed to the Harmonised Index of Consumer Prices (HICP), applied on an annual basis.

9. Discussion

Based on the assessments undertaken contained herein, it is considered that the proposed MAC application complies with all the necessary requirements of Schedule 5 of the Act, where relevant and appropriate, subject to the following recommended terms and conditions:

a. Terms

MAC Term:	50 Years
Consent Area:	That part of the maritime area marked red on the MAC Map.
MAC Map Title:	Maritime Area Consent Map – MAC240057
Permitted Maritime Usage:	The construction, use, operation and maintenance of an offshore wind farm 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

<p>Date by which a deemed complete application for Development Permission or Section 51 Roads Act 1993 approval or Arterial Drainage Act 1945 approval or a Railway Order under Section 37 of the Transport (Railway Infrastructure) Act 2001 must be submitted:</p>	<p>At least 18 months in advance of the Planning Consent Longstop as defined within the Terms and Conditions ORESS Tonn Nua Wind Auction.</p>
<p>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.</p>	<p>14 Days</p>

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.

Having regard to the objectives of the SC-DMAP for Offshore Renewable Energy, specifically Policy Objectives for Co-existence (CO 2), the below condition is recommended:

CONDITION 4. COMMENCEMENT OF THE RIGHT OF OCCUPATION

- *4.3 Not later than 21 days after the Commercial Operation Date, the Holder shall provide the Grantor with an accurate map in a format and scale to be determined by the Grantor providing a true description of the location and coordinate data of infrastructure within the Consent Area,*

including turbines, electricity export cables and inter-array cables as laid post installation, which map shall be deemed to be a part of this Consent.

- *4.4 Not later than 21 days after any relevant intervention during operation and decommissioning whereby the locations and coordinates of infrastructure differ to those provided under condition 4.3, the Holder shall provide the Grantor with an accurate map in a format and scale to be determined by the Grantor providing a true description of the location and coordinate data of infrastructure within the Consent Area including turbines, electricity export cables and inter-array cables as laid post installation, which map shall be deemed to be a part of this Consent.*
 - *Reason: To provide clarity on the permitted occupation of the Consent Area.*

In accordance with Section 104 of the Act and in alignment with the Policy Objectives for Implementation, Governance and Monitoring (IGM 5) of the SC-DMAP for Offshore Renewable Energy, it is recommended to include the below condition. The below condition is recommended in line with the principle “collect once, use often” and will contribute to the data repository for the SC-DMAP, to be coordinated by the SC-DMAP Implementation Programme Body:

CONDITION 10. DATA, SAMPLES AND INFORMATION

- *10.1 The Holder shall keep records of any Data relating to the Consent Area in accordance with Section 104 of the Act, for a minimum 7 years, unless agreed otherwise in writing with the Grantor.*
- *10.2 Unless otherwise agreed with the Grantor, a minimum of 8 weeks prior to the commencement of Surveys in the Consent Area, whether the subject of a Development Consent, Maritime Usage Licence or any other statutory consent, the Holder shall provide to the Grantor a schedule of all proposed Surveys, Data and sample types planned for collection for the forthcoming 12 months, or longer.*
- *10.3 The Holder shall provide to the Grantor an updated Survey schedule of all proposed Surveys, Data and sample types planned for collection, as detailed in condition 10.2, at least annually from the anniversary of the submission of the Survey schedule under condition 10.2.*
- *10.4 Where requested by the Grantor, in accordance with Section 104 of the Act, or otherwise as deemed appropriate by the Grantor, the Holder shall provide Data or samples detailed in the Survey schedule referenced in conditions 10.2 and 10.3 to the Grantor, or any such other body as may be directed by the Grantor.*
- *10.5 The Holder shall provide Data, as requested by the Grantor in accordance with condition 10.4, as follows:*

- a) *in reports provided quarterly, unless otherwise agreed by the Grantor, the first report during the term of the Consent to contain Data gathered since the MAC Commencement Date and the subsequent reports to contain Data gathered since the previous report; and*
 - b) *the Data shall be provided in each report in any format which the Grantor may reasonably require from time to time and which:*
 - i. *uses appropriate standards and protocols for data (including metadata) handling and archiving as may be specified by the Grantor;*
 - ii. *is in digital format which can be transmitted electronically;*
 - iii. *is compatible with use in geographical information systems; and*
 - iv. *is either geographically or library referenced.*
- *10.6 The Holder acknowledges and agrees that it has no interest or right (including copyright and database rights) in any format or database in which Data is put, stored, or processed as a result of this Consent whether by the Holder pursuant to its obligation under this clause or by the Grantor.*
 - *10.7 Subject to 10.8, the Holder grants to the Grantor a perpetual non-exclusive right to use and make publicly available the Data provided to them pursuant to this condition 10, for any purpose or in any manner or form.*
 - *10.8 Subject to 10.10, the Holder agrees and acknowledges that Data provided to the Grantor in accordance with this condition 10 shall be treated as confidential and commercially sensitive by the Grantor (and the Grantor's agents) until the date on which:*
 - a) *an application is made for development consent;*
 - b) *this consent is surrendered; or*
 - c) *this consent is terminated**whichever first occurs.*
 - *10.9 The Holder shall procure all necessary third-party consents to enable it to satisfy the requirements set out in condition 10.7.*
 - *10.10 The Holder acknowledges and agrees that the following in relation to any Data provided to the Grantor further to this condition 10:*
 - a) *The Grantor is a public body for the purposes of the Freedom of Information Act 2014 (as amended) (the FOI Act) and is also subject to the European Communities (Access to Information on the Environment) Regulations 2007-2018 (the AIE Regulations) and the Grantor may be required to disclose information and records provided by the Holder in response to a request made under the FOI Act and/or the AIE Regulations, subject to applicable exemptions;*

- b) *Where the Holder considers that any information supplied to the Grantor is commercially sensitive, confidential or otherwise exempt from disclosure under the FOI Act or the AIE Regulations, the Holder shall clearly identify such information at the time. Notwithstanding this, the final decision on disclosure rests with the Grantor, in accordance with the applicable legislation;*
 - c) *The Holder shall, upon reasonable request and within a reasonable timeframe, provide all necessary assistance and cooperation to the Grantor in connection with any request for information made under the FOI Act and/or AIE Regulations; and*
 - d) *The Grantor shall comply with its obligations under the FOI Act and AIE Regulations in the exercise of its functions under this Consent, and nothing in the Consent shall be construed as restricting the Grantor's legal obligations to disclose information under either the FOI Act or the AIE Regulations, or both.*
- *10.11 The Holder agrees to have regard to this condition 10 when entering into agreements with third party data collectors, providers and surveyors.*
 - *10.12 This condition 10 shall remain in full force and effect notwithstanding the Term or termination of the MAC.*
 - *Reason: To provide clarity on what constitutes Data in the context of this Consent and to set out clear procedures for the safe handling of such Data.*

In order to ensure alignment between the MAC and Terms and Conditions ORESS Tonn Nua Offshore Wind Auction, the below condition is recommended:

CONDITION 23. TERMINATION

- *23.1 Without prejudice to any other remedies available pursuant to this Consent and at Law, this Consent shall terminate immediately in the event that the relevant Minister revokes the Letter of Offer for ORESS Tonn Nua Support, in which event the obligations specified at condition 15.4 shall apply.*
 - *Reason: To ensure the proper management and orderly undertaking and delivery of the Permitted Maritime Usage.*

Having regard to the objectives of the SC-DMAP for Offshore Renewable Energy, specifically the Policy Objectives for Seafood and Fisheries, the below condition is recommended:

CONDITION 25. POLICY OBJECTIVES OF THE SOUTH COAST DESIGNATED MARITIME AREA PLAN FOR OFFSHORE RENEWABLE ENERGY

- *25.1 The Holder shall comply with the Seafood and Fisheries policy objectives of the South Coast Designated Maritime Area Plan for Offshore Renewable Energy.*

- 25.2 *The Holder shall:*
 - a) *at least annually from the anniversary of the MAC commencement date, and*
 - b) *whenever required to do so by the Grantor,*
- produce to the Grantor for inspection, evidence of compliance with Condition 25.*
- *Reason: To ensure the long term alignment of the project with the policy objectives of the South Coast Designated Maritime Area Plan for Offshore Renewable Energy.*

Having regard to the objectives of the South Coast Designated Maritime Area Plan for Offshore Renewable Energy, specifically the Policy Objective for Community Engagement, the below condition is recommended:

CONDITION 26. PUBLIC ENGAGEMENT PLAN

- 26.1 *Within three months of the MAC commencement date, the Holder shall prepare and submit to the Grantor, a public engagement plan, for the agreement of the Grantor. If agreed, the public engagement plan shall be published, maintained, updated and adhered to, ensuring there is public engagement at the earliest stage possible, and continuing during all phases of the proposed maritime usage for the duration of the MAC Term.*
 - *Reason: To enable the Grantor to request the Holder to communicate information that the Grantor deems relevant to the public.*

It is considered that the application for a MAC complies with all the requirements of Part 4 of the Act, with particular regard to Schedule 5 criteria and the objectives of the South Coast Designated Maritime Area Plan for Offshore Renewable Energy. Accordingly, it is recommended that the proposed MAC is granted with conditions.

