MAC Report

Application for a Maritime Area Consent (MAC) under Section 79 of Maritime Area Planning Act 2021, as amended (the Act)

Application Details

MAC Applicant:	Electricity Supply Board (ESB)
MAC Reference No:	MAC250052
Location:	Currabinny Woods and Crosshaven, County Cork
Date Application received:	24 December 2025
Proposed Maritime Usage:	The ESB has applied for the installation of a 10 kV underground electricity cable under the Owenabue River between Currabinny and Crosshaven, County Cork.
Recommendation:	To approve the granting of the MAC sought with conditions attached.

Document Control			
Prepared by:	Barry Mc Donald	Senior Marine Advisor	27/07/2026
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Reviewed and Approved by:	Jacinta Ponzi	Head of Maritime Area Consenting	29/07/2026
Final Report Version 1:	Cian Scattergood	MAC Manager	30/07/2026

Contents

1. Overview

On 14 November 2025, MARA received a Maritime Area Consent (MAC) application under Section 79 of the Maritime Area Planning Act 2021, as amended (the Act) from the ESB for the construction of a 10 kV underground electricity cable under the Owenabue River between Currabinny and Crosshaven, County Cork. The application includes the installation, operation, maintenance, and eventual decommissioning of a 10 kV underground electricity cable under the Owenabue River, including associated construction and rehabilitation works.

2. Background

The project involves constructing a new 10 kV feeder connection from Pole 25 Currabinny Wood on the existing C18 Currabinny overhead line to Royal Cork Yacht Club Substation (on the existing C17 Crosshaven overhead line) by means of horizontal directional drilling (HDD) under the Owenabue River, County Cork. The total underground cable length is approx. 996 m, with 450 m by HDD and 546 m by open trench.

3. Proposed Maritime Usage

The 10kv cable will be installed under the river for 450 m by means of horizontal directional drilling. The exit and entry pits will be outside the maritime area. There will be no other works in the maritime area. The Applicant has stated the works will take 6 months to complete and they have requested a term of 45 years. The MAC area sought by the Applicant is illustrated in Figure 1.

Figure 1 – Applicant map of proposed layout of MAC area

4. Site Visit

Richard Brown of McCarthy Brown inspected the site on behalf of MARA on the 16 March 2026. The proposed works are located at Crosshaven and Curraghbinny, Co. Cork. Photographs 1 and 2 detail the character of the area in the vicinity of the proposed works. No existing infrastructure or occupation was noted during the site visit which would preclude the granting of a MAC.

Photograph 1 – View north from parkland [RB 16/03/2026]

Photograph 2 – View north from boat yard [RB 16/03/2026]

5. Review of Legislation & Associated Consents

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

Under the Act, MARA has responsibility for granting MACs.

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

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

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

5.2 Existing Consents & Authorisations

Table 1: Summary of Overlapping maritime authorisations and foreshore authorisations				
File Reference Number	***Applicant/ Holder***	***Consent Type***	***Maritime Usage***	***Status***
FS005042	Royal Cork Yacht Club	FS Lease	Reclamation	Valid till 22/03/2078

A search of the MARA's GIS database was undertaken on 12 May 2026 for spatial overlap between the proposed MAC areas and existing foreshore authorisations and MARA licences and consents.

The Department of Agriculture, Food and the Marine (DAFM) Aquamis was searched on 12 May 2026 for spatial overlap between the proposed MAC areas and any DAFM foreshore authorisations for aquaculture sites.

No existing MACs, Maritime Usage Licences, aquaculture licences or applications for the same were identified as overlapping the proposed MAC application areas. One foreshore lease was identified as overlapping the proposed MAC area. This lease as shown in Table 1 is a 99 year lease for reclamation held by the Royal Cork Yacht Club (RCYC). The Applicant has received and submitted as part of the application documentation the written consent of the RCYC for the proposed maritime usage to proceed. Therefore, the existing consents and authorisations do not preclude the granting of a MAC.

5.3 Development Permission

The Applicant has stated that development permission is required from Cork County Council for the proposed maritime usage.

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 12 May 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 14 November 2025 with the appropriate fee paid on 24 December 2025 and reviewed for completeness on 30 December 2025. An incomplete application notification was issued on 30 December 2025 with supplementary documentation/information received on 21 January 2026. The application was deemed complete by MARA on 22 January 2026.

A number of requests for additional information were issued on 04 February 2026, 12 May 2026, and 02 June 2026 under section 79(3) of the Act and associated responses received relating to matters for general, technical and financial assessment on 08 February 2026, 25 May 2026 and 22 June 2026.

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.	Details of the proposed maritime usage, including the nature scope and duration are described in Section 3 & 4 above. The Applicant has sought a MAC term of 45 years. It is considered that a design life for the structure of circa 40 years, with proper maintenance and repair, should be achievable. Accordingly, a MAC term of 45 years (allowing for planning, construction and rehabilitation/decommissioning phases) is recommended. The proposed maritime usage is considered satisfactory, having regard to the nature, scope and duration.	Satisfactory
2.	Whether the proposed maritime usage is in the public interest.	The Applicant has stated *"The project is part of ESB Networks distribution system upgrades for the Crosshaven area.* *The ESB Strategy; Driven To Make A Difference: Net Zero By 2040 Sets out a path to achieve net zero in a way that supports ESB's continued growth, and our financial capacity to invest in a net zero future. This is consistent with the Irish Government Climate Action Plan."* The Applicant has also stated *"The rationale for the Crosshaven HDD Project Feeder Connection Project has been established due to a voltage level issue and by the continued development in Crosshaven, which necessitates additional capacity required to supply new loads in the Crosshaven area.* *The connection method is reliant on a river crossing to provide a new 10 kV feeder connection from a Line Cable Interface Mast (LCIM) on the existing C18 Currabinny overhead line (that feeds from Factory Cross 38 kV station) to a LCIM on the existing C17 Crosshaven overhead line (that feeds from Carrigaline 38 kV station)."* The proposed maritime usage is considered satisfactory, having regard to the public interest.	Satisfactory
3.	The location and spatial extent of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.	The total area proposed occupied by the MAC is 7733m^2 for a cable of total length 386m, comprising MAC Area A as illustrated in Figure 2 Proposed MAC Map in Section 8. Details of the location, relevant consents, ownership and development permissions are provided in Sections 3 to 5 above. Based on the searches and site visit undertaken, nothing was identified that would preclude the granting of a MAC in the proposed area. Accordingly, the proposed maritime usage is considered satisfactory, having regard to the location and spatial extent of the occupation.	Satisfactory

4.	Guidelines issued under Section 7 which are relevant to the proposed maritime usage.	No such guidelines have been published to date.	Not applicable
5.	Whether the Applicant is a fit and proper person (within the meaning of Schedule 2) to be granted a MAC, both at the time the application is made and at the time that the MAC application concerned is determined by the MARA.	A detailed review and assessment of the information provided by the Applicant has been completed. Based on the assessment set out in Table 3 below, Section 6.3 and the Financial Capability Assessment (FCA) as set out in the Ernst & Young (EY) report dated 25 May 2026, it is considered that the Applicant satisfies the fit and proper person requirements. As required by Schedule 6, Part 2 of the Act, it is a condition of all MACs that the Holder shall continue to be a fit and proper person within the meaning of Schedule 2 of the Act for the Term of the MAC.	Satisfactory
6.	Whether the Applicant is tax compliant, both at the time the application is made and at the time that the MAC application concerned is determined by the MARA.	The Applicant submitted Tax Registration Number and Tax Clearance Access Number (TCAN) which was used to view the Applicant's tax clearance certificate. Based on the review of the tax clearance certificate, the Applicant is considered tax compliant.	Satisfactory
7.	In the case of any maritime usage relating to offshore renewable energy (within the meaning of section 100), the consistency of the MAC application concerned with the development plans of the transmission system operator (within the meaning of section 100).	Not applicable	Not Applicable

8.	The National Marine Planning Framework (NMPF).	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 infrastructure, economic and social objectives set out therein. It is considered that the proposed project aligns with the following economic, social and key sectoral policy objectives of the NMPF: - • Co-existence Policy 1 - 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. If proposals cannot avoid significant adverse impacts (including displacement) on other activities they must, in order of preference: a) minimise significant adverse impacts, b) mitigate significant adverse impacts, or c) if it is not possible to mitigate significant adverse impacts, proposals should set out the reasons for proceeding. • Infrastructure Policy 1 - Appropriate land-based infrastructure which facilitates marine activity (and vice versa) should be supported. Proposals for appropriate infrastructure that facilitates the diversification or regeneration of marine industries should be supported. • Social Benefits Policy 1 - Proposals that enhance or promote social benefits should be supported. • Transmission Policy 4 - Where possible, opportunities for land-based, coastal infrastructure that is critical to and supports energy transmission should be prioritised in plans and policies. Designation of land-based zones for the purposes of co-ordination and integration with relevant Marine Plans must be considered, where appropriate. 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	Satisfactory

		make in relation to the NMPF when considering the Planning Application for this development. Based on the above, MARA is satisfied that the proposed works align with the above overall objectives and policy objectives of the NMPF.	
9.	The extent and nature of the preparatory work already undertaken by the Applicant towards ensuring the efficacious undertaking of the proposed maritime usage the subject of the MAC application concerned should the Applicant be granted a MAC in respect of such usage.	ESB have internally completed a high level HDD technical feasibility assessment to ensure this is a feasible project. The Applicant has stated that they will also employ *"a suitable HDD contractor to complete a detailed feasibility assessment for utilising a trenchless method of crossing underneath the Owenabue River. To fully assess the feasibility of the trenchless method of crossing underneath the Owenabue River, the following ground investigation works will be undertaken:* *• Desktop review of historical borehole information in the area* *• Rotary core boreholes undertaken on both banks of the river* *• Laboratory testing* *• 2D-resistivity (ERT) / seismic refraction (P-wave) geophysical survey of the riverbed* *• Completion of a comprehensive conceptual design."* Having regard to the above, the extent of the preparatory works undertaken are considered acceptable for a project of this scale and nature.	Satisfactory
10.	The extent and nature of stakeholder engagement undertaken by the Applicant in respect of the proposed maritime usage.	The Applicant has stated that engagement with the two relevant landowners on both the north and south shores of the River Owenabue has already taken place. Additionally, the Applicant has provided a letter of support from the leaseholder of FS005042. 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.	Satisfactory
11.	Where a competitive process referred to in section 93 or 103 is used, the outcome of such process.	Not applicable	Not applicable
12.	Any additional criteria specified, for the purposes of this paragraph, in regulations made under section 80(2).	No such regulations have been made to date.	Not applicable

6.2 Fit & Proper Person Assessment

Schedule 2(2) of the Act sets out the criteria to which MARA shall have regard in determining whether the relevant person(s) is/are "fit and proper" to be granted and to hold a MAC. The assessment of whether the holder is a fit and proper person within the meaning of Schedule 2(2) is set out in *Table 3* below.

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

	(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 (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;		
(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;	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
(e)	if the relevant person is a body corporate, whether it— (i) has commenced a voluntary winding-up or is subject to a winding-up order or is subject to proceedings for such an order, (ii) is subject to the appointment of a receiver or examiner, or (iii) has proposed a compromise or arrangement that is sanctioned under section 453(2) of the Act of	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

	2014 or section 201(3) of the Act of 1963;		
(f)	if the relevant person is a body corporate incorporated under the law of another state— (i) whether an event which corresponds to an event referred to in clause (c) has occurred in relation to any of its directors, or (ii) whether an event which corresponds to an event referred to in clause (e) has occurred in relation to the body corporate;	As part of the FCA, the Applicant was assessed against these criteria, and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory
(g)	whether the relevant person, or a person acting for or on behalf of the relevant person in the relevant person's capacity as such, has (or has access to), or continues to have (or have access to), as the case may be, the requisite technical knowledge or qualifications, or both, to undertake the proposed maritime usage, or continue to undertake the maritime usage, as the case may be;	Assessment of the technical capability of the Electricity Supply Board to deliver the proposed maritime usages the subject of the MAC application is detailed in Section 6.2.1 below. The Applicant is considered to have the requisite technical knowledge and qualifications to undertake the proposed maritime usage.	Satisfactory
(h)	whether the relevant person is likely to be in a position to meet, or continue to meet, as the case may be, any financial commitments or obligations that the MARA reasonably considers will be entered into or incurred by the relevant person—	A FCA report dated 25 May 2026 has been prepared by external financial consultants, Ernst & Young (EY) who assessed the Applicant's financial capability to carry out the proposed maritime usages. Based on the results from the financial capability tests and the information submitted, it is considered that the Relevant Person is viewed as passing the assessment. Due to the commercial sensitive nature of a company's finances, details of the assessment are not included herein.	Satisfactory

	(i) in undertaking the proposed maritime usage, or in continuing to undertake the maritime usage, as the case may be, or (ii) in ceasing to undertake the proposed maritime usage or the maritime usage, as the case may be;	The Applicant is considered likely to be in a position to meet financial commitments associated with the proposed maritime usage and MAC.	
(i)	the previous performance of the relevant person when granted— (i) a MAC, (ii) a development permission, (iii) a licence, or (iv) an authorisation (howsoever described) under the Act of 1933.	MARA has undertaken a review of MACs (including associated development permission under MARA's remit for enforcement), maritime usage licences and foreshore authorisations held by the Applicant. Based on the review, MARA is not aware of any non-compliances with these consents, there are no enforcement actions pending and there are no outstanding debts owed.	Satisfactory

6.2.1 Technical Capability Assessment (TCA)

The Applicant states the planning permission will be submitted to Cork County Council indicating that the application is a non-schedule 10 project. However, the Applicant has submitted information relating to a Schedule 10 project. The TCA for this application was carried out on the basis that the proposed project is a Schedule 10 project. The TCA for Schedule 10 projects is a higher bar than non-schedule 10 projects. 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. The TCA is based on the information submitted relating to the Applicants, the Electricity Supply Board.

Previous 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 submitted details of 1 project of a similar scale and nature for assessment for all 3 stages/phases of development.

Ballyvouskill to Coomataggart 110 kV Cable Infrastructure Project

The Ballyvouskill to Coomataggart 110 kV Cable Infrastructure Project (Q1 2015 to Q3 2020) consisted of the installation of 30.9 km's of a 110 kV single cable circuit along with 41 joint bays and associated link boxes and C2 communication chambers connecting the Ballyvouskill 220/110 kV substation in County Cork to the newly constructed Coomataggart 110 kV substation in County Kerry within the Grousemount Wind Farm. Trenching and ducting works were carried out predominantly within public roads, necessitating the crossing of numerous rivers, streams, drains, culverts and services by open trench method. The crossings of Garrane, Foherish, Cappagh West, Bohill, Sullane and Sillahertane Rivers were all carried out by means of Horizontal Directional Drilling (HDD). The project involved the completion of seven horizontal directional drills in total, which equated to 930m of the overall cable route. All works adhered rigorously to statutory requirements, including Section 5 Conditions, guidelines from Cork County Council and Kerry County Council, as well as compliance with regulations from entities like Inland Fisheries Ireland and all Environmental Regulations were also strictly observed throughout the project's execution.

Based on the information submitted it is clear that in the past 10 years, the Applicants have been involved in a large scale infrastructure project and it has provided a comprehensive description of their role in delivering this project. In conclusion, the Applicants have satisfied the Previous Corporate Project Experience (development, construction, operation and maintenance) criteria requirements and they have demonstrated 12 months continuous experience for each stage.

Project Delivery Teams Experience

The Applicant has listed six team members in the application form and provided information on all team members. The evidence provided demonstrates an experienced Senior Project Delivery Team which between them, have an aggregate of at least 166 years of development and construction experience in marine projects, and at least 49 years' experience of the Irish planning system. Therefore, the Applicant has satisfied the Project Delivery Teams 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 completion date. The Applicant has demonstrated a realistic understanding of the complexities and probable timeframes relating to the delivery of a project of this scale and nature within the Irish context.

TCA Conclusion: Following an assessment of the full suite of documentation provided by the Applicant, MARA considers that the Electricity Supply Board has satisfied all criteria under the TCA element of the Fit and Proper Test. Accordingly, MARA considers that the Electricity Supply Board 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 non-exclusive basis. Accordingly, it is recommended that the MAC is granted on a "non-exclusive" basis in accordance with Section 83(1)(b) of the Act.

7. 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:	*Cables, pipelines and ducting*
Tier:	Tier 2
Applicable Rate:	Base Annual Charge of €321.14 up to 75 LMs + €4.28 per LM for the next 22,165 LMs, €2.14 per LM for the next 22,240 LMs, €1.07 per LM for the next 22,240 LM's and €0.535 per LM for the remaining LM's. Note: The levels for telecommunication cables will only be applied in respect of the portion of cables present in Ireland's territorial sea, i.e. within the 12nm zone.
Length or Area:	386m
Calculation:	€321.14 + (€4.28 * (386.00 - 75.00)
Levy due:	€1,652.22

The MAC levy has been calculated as €1,652.22 per annum. All levies are indexed to the Harmonised Index of Consumer Prices (HICP), applied on an annual basis.

8. Proposed MAC Map (for Illustration purposes only)

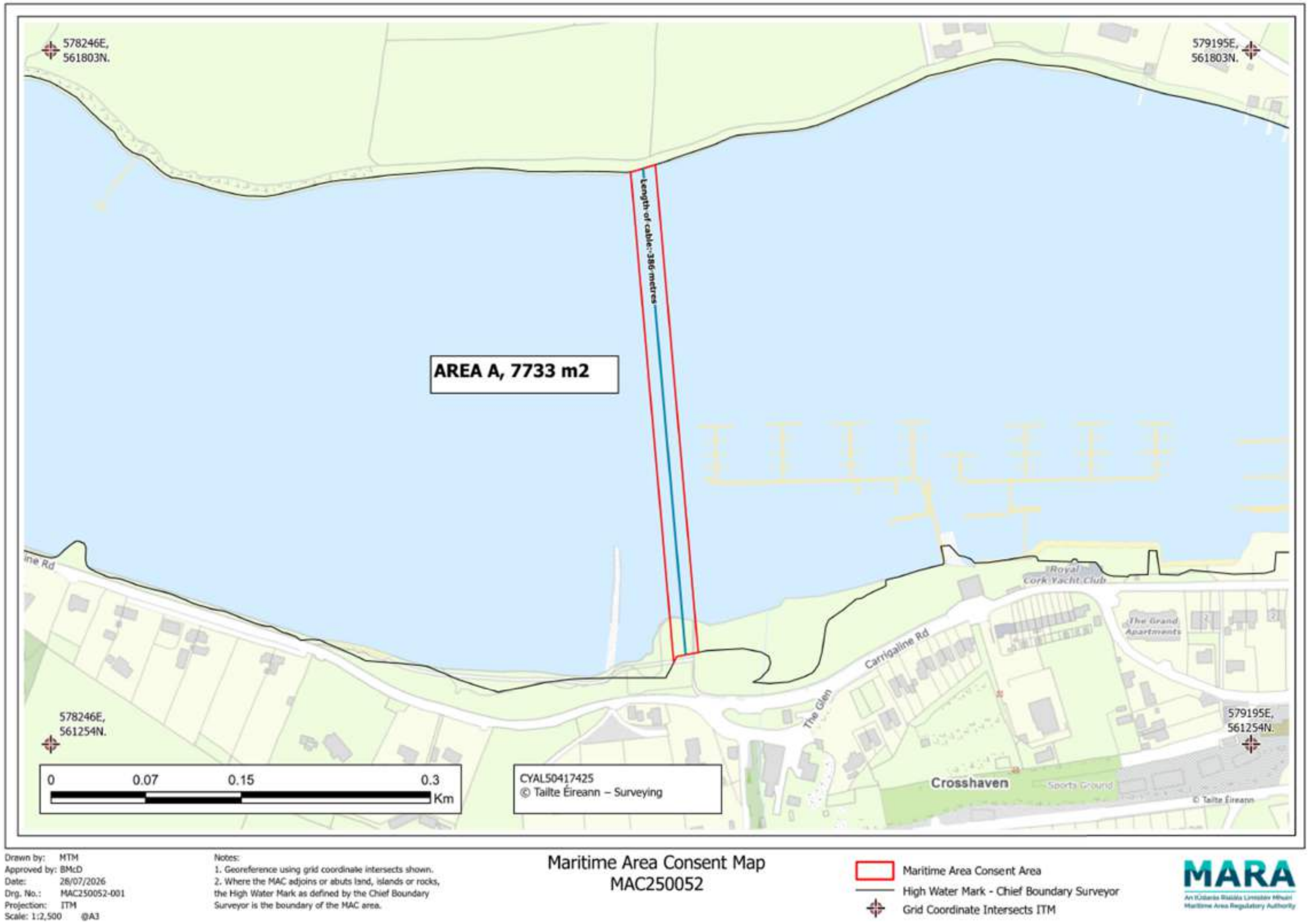

Figure 2 – Proposed MAC Map

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:	45 years
Consent Area:	That part of the maritime area marked red on the MAC Map.
MAC Map Title:	Maritime Area Consent Map MAC250052, Drawing number: MAC250052-001, Date: 28/07/2026
Permitted Maritime Usage:	The installation, use, operation and maintenance of a 10 kV underground electricity cable including all associated, decommissioning, demolition, rehabilitation and any other works required on foot of any development permission relating to the infrastructure.
Nature of Usage:	Non Exclusive
Date by which application for Development Permission must be submitted:	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

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.

On 25 June 2026, ESB noted to MARA "*a previously agreed wording between ESB and MARA of an insurance condition in relation to three recent MACs issued to ESB reflecting ESBs Group Insurance position.*"

ESB had provided unsolicited information on 21 November 2025 (in relation to MAC240061 and MAC240013), confirming that ESB Networks do not carry Property Insurance for any of the transmission/distribution network assets, including cabling. These assets are self-insured and, as such, ESB cannot provide evidence of the cover as required under this clause. ESB have requested that the standard insurance condition of the MAC be amended to allow for the option of self-insurance.

ESB provided information and evidence within their unsolicited information to demonstrate their ability to self-insure. Details of this information has not been included herein due to the commercially sensitive nature of this information. Having regard to the supplementary information submitted by ESB, MARA are satisfied that the self insurance arrangements in place by the ESB are sufficient. Accordingly, the standard insurance condition is amended as follows (bold text denotes insertions and strikethrough text denotes deletions further to the original proposed condition):

12. INSURANCE 12.1 Without prejudice to the Holder's liability to indemnify the Grantor which shall be unlimited (and others as specified in condition 11), the Holder shall, prior to the commencement of occupation of the Consent Area:

(a) insure (**which includes the Holder's self-insurance arrangements**) and keep **insured (either with** ~~in~~ an insurance office licensed to operate in the State or which has received authorisation to operate in the State in accordance with Article 14 of Directive 2009/138/EC in the joint names of the Grantor and the Holder, **or alternatively at the Holder's discretion, through a self-insurance arrangement),** in the full reinstatement cost thereof or in the sum not less than the estimated maximum loss amount as determined by a suitably qualified and experienced independent consultant (to be approved from time to time by the Grantor or his surveyor and including an inflationary factor) the Consent Area and all structures and chattels thereon and the fixtures and fittings therein (if any) against loss or damage by the Insured Risks, including demolition and site clearance expenses, architects' and other fees and taxes in relation to the reinstatement of the Consent Area, and where available on the market such policy to include a non-invalidation clause acceptable to the Grantor (such joint policy or policies, if required, to contain a non-vitiation clause whereby subject to the terms, conditions, limitations of the policy or policies, any non-disclosure, mistake or misrepresentation of a material fact by the Holder gives sufficient reason for the insurer to prove the insurance policy to be void, the Grantor will not be denied the protection of the policy);

Reason: To mitigate against risk to the Grantor and the State in the event of insolvency or incapacity on the part of the Holder where insurable.

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).

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

Signed: Cian Scattergood Position: Manager, MACU

Barry Mc Donald

Signed: Position: Senior Engineer, ARDU