

Final Determination Report	
Application for a Maritime Area Consent (MAC) under section 79 of Maritime Area Planning Act 2021 (the Act)	
Application Details	
MAC Holder:	Uisce Éireann
MAC Reference No:	MAC250007
Date Application received:	20 February 2026
Proposed Maritime Usage	Uisce Éireann has applied for a MAC under section 79 of the Act for the installation of a pipe crossing underneath the Owenacurra Estuary in Midleton, County Cork. The proposed works include the construction, use, operation and maintenance of a pipe crossing including all associated pre-construction site investigations works.
Recommendation	To part grant, with conditions, the MAC sought.
Permitted Maritime Usage	The construction, use, operation and maintenance of wastewater infrastructure including all associated decommissioning, demolition, rehabilitation, and any other works required on foot of any development permission relating to the infrastructure.

Document Control		
Prepared By:	Paul Brennan, Manager, MAC Directorate	02/06/2026
Reviewed:	Jacinta Ponzi, Head of Maritime Area Consenting	03/06/2026
Approved by:	Paul Brennan, Manager, MAC Directorate	03/06/2026

I refer to the minded to documentation that issued to Uisce Éireann on 20 May 2026. On 29 May 2025 Uisce Éireann submitted supplementary material to MARA in response to the minded notice in relation to the reasons attached to conditions in the draft MAC. In accordance with section 81(7)(b)(ii) MARA must give consideration to the supplementary material before making a determination. Details of the supplementary material provided and consideration thereof is set out below.

Supplementary material:

Uisce Éireann provided the following comments in their supplementary material:

“We note your response on previous applications where supplementary information was provided to MARA.

- MAC Term is deemed to be ‘55 years from the MAC Commencement Date’. Historically a Foreshore Licence was for 99 years.*
- Permitted Maritime Uses definition does not include terrestrial elements of the broader project.*
- Grant of Consent clause 3.4 (b) in MAC 20230028 Wastewater Infrastructure at Glin, Co. Limerick is sensible and applies to MAC250007.*
- Development Permission clause Clause 5.1 MAC 20230028 Wastewater Infrastructure at Glin, Co. Limerick which notes the 18 month may be extended is sensible and applies to MAC250007.*
- It is not envisaged that Rehabilitation will be required within the 55 year MAC term.*
- The proposed assets are intended to be ‘enduring’ and will remain in situ for the foreseeable future.*
- Uisce Éireann does not have the necessary knowledge or information to confirm that no third parties hold any claim or entitlement to the Consent Area.*
- Employers liability cover will be provided by the Uisce Éireann contractor carrying out the works for the construction phase.*

As the conditions granted with the MAC for MAC250007 are the same as the conditions granted with Askeaton MAC240063, our concerns remain the same.

However, acknowledging that MARA’s position on these specific conditions has remained unchanged between Minded-to and Final Determination stage, Uisce Éireann has no further supplementary information to provide at this time in respect to MAC250007.”

MARA Response

- “MAC Term is deemed to be ‘55 years from the MAC Commencement Date’. Historically a Foreshore Licence was for 99 years.”*

A MAC is not a Foreshore Licence. It is MARA's policy to align the MAC term with the design life of the proposed infrastructure. The Applicant stated in their application, dated 13 March 2026, that the proposed design life for maritime infrastructure works is considered to be 50 years. The Applicant has provided no evidence with their application which supports a 99 year MAC term. This MAC application relates to proposed wastewater infrastructure, including the upgrade of existing infrastructure, to be installed at Owenacurra Estuary, Midleton, Co. Cork. MARA consider that a design life circa 55 years (allowing for planning, construction and rehabilitation/decommissioning phases) for the proposed infrastructure is achievable based on the design criteria and regular maintenance. The Applicant may apply to MARA to extend the term of their MAC, in advance of its expiry, in accordance with the material amendment provisions under section 86 of the Act. It should be noted however, that any application for an extension to the term of the MAC must be supported by codes or design standards detailing the remaining design life of the infrastructure.

In this regard no change is recommended to the MAC term.

- ***“Permitted Maritime Uses definition does not include terrestrial elements of the broader project.”***

The permitted maritime usage and the consent area are as identified and defined in the Particulars Schedule and MAC. A spatial representation of the Consent Area is clearly identified and marked in red within Appendix 1 as the “Maritime Area Consent Map (MAC250007)” surrounded by a red line (Map reference drawing number MAC250007-001). Areas above the High Water Mark (HWM) as defined by the Chief Boundary Surveyor are not considered to constitute “maritime area” and are not within MARA's remit.

In regard to the foregoing, no change is recommended.

- ***“Grant of Consent clause 3.4 (b) in MAC 20230028 Wastewater Infrastructure at Glin, Co. Limerick is sensible and applies to MAC250007.”***

Condition 3 Grant of Consent in the subject MAC (MAC250007) operates to avoid ambiguity that may otherwise arise with regard to the extent of the consent area and potential implications for alignment of development permissions.

In this regard no change is recommended.

- ***“Development Permission clause Clause 5.1 MAC 20230028 Wastewater Infrastructure at Glin, Co. Limerick which notes the 18 month may be extended is sensible and applies to MAC250007.”***

In the situation as outlined by Uisce Éireann, the applicant may seek a Non-Material Amendment of the MAC. Non-Material Amendments are limited to minor changes that do not alter the fundamental scope, purpose, or impact of the original MAC including an extension of a timeframe specified within a MAC by up to six months. No more than two extensions of up to six months each, may be sought in relation to any one timeframe specified within a MAC. No fee is charged to make a Non-Material Amendment of the MAC.

In this regard no change is recommended.

- ***“It is not envisaged that Rehabilitation will be required within the 55 year MAC term.”***

The applicant may apply to MARA to extend the term of their MAC, in advance of its expiry, in accordance with the material amendment provisions under section 86 of the MAP Act. It should be noted however, that any application for an extension to the term of the MAC must be supported by codes or design standards detailing the design life of the infrastructure.

In this regard no change is recommended to the MAC term.

- ***“The proposed assets are intended to be ‘enduring’ and will remain in situ for the foreseeable future.”***

The obligations on the Holder of a MAC in relation to rehabilitation of the maritime area are a mandatory provision of the Act. Condition 19 of the draft MAC appended to the minded to notice mirrors the requirements of section 96 of the Act. The obligation to rehabilitate may include but is not limited to the re-use of infrastructure for the same or another purpose. MARA do not have the scope to limit the generality of the obligation to rehabilitate the maritime area within the meaning of the Act. For MACs submitted to MARA under section 75(1) of the Act, the responsibility for assessment lies within the remit of the planning authority. Where a MAC application for a proposed maritime usage was made under section 75(1) of the Act, according to section 75(5) the associated application for the development permission must include a rehabilitation schedule (as defined in

section 95). The relevant planning authority should be consulted at the application stage for further advice.

In this regard no change is recommended.

- ***“Uisce Éireann does not have the necessary knowledge or information to confirm that no third parties hold any claim or entitlement to the Consent Area.”***

It is the responsibility of Uisce Éireann to carry out the relevant property searches and make local enquiries as may be necessary to ensure that there are no third-party interests, claims or rights asserted over the proposed Consent Area. Upon carrying out searches and making local enquiries to satisfy itself that there are no such third-party interests, claims or rights, Uisce Éireann is required to indemnify MARA and the State from and against any legal actions, claims, costs or losses that may arise as a result of the Holder’s engagement in the Permitted Maritime Usage. Condition 11.3 of the draft MAC is a standard condition in Maritime Area Consents.

In this regard no change is recommended.

- ***“Employers liability cover will be provided by the Uisce Éireann contractor carrying out the works for the construction phase.”***

Condition 12(1)(c) of the draft MAC is a standard condition in Maritime Area Consents. In addition, Uisce Éireann has not requested a change or provided any supplementary material to support a consideration of a change to this condition. As per section 81(7)(b)(ii) of the Act, MARA may only consider supplementary material made in view of the reasons only.

Accordingly, no further consideration can be given by MARA in regard to the above.

It is recommended to finalise the MAC with conditions attached, as per the proposed MAC. Reasons for the conditions attached thereto are recommended to issue as per the proposed MAC. It is recommended to issue a final determination notice in relation to the above application in accordance with section 81(3) of the Act.

MAC250007

A final determination notice, the final MAC and reasons for conditions attached thereto are attached for your approval.

Signed: *Paul Brennan*

Date: 03/06/2026