

SECTION 115 DECLARATION

Assessment Report

Applicant	EirGrid plc
Proposed Maritime Usage	Geophysical and visual inspection surveys to inspect the East West interconnector (EWIC) subsea cable and cable protection consented under Foreshore Licence FS004527.
Location	Irish Sea Rush North Beach Dublin to North Wales.
Foreshore Consent	FS004527 - EirGrid interconnector Wales and Ireland
Section 115 Application Reference	MUL260069D
Date	28/09/26
Prepared by	Niamh Lennon (Senior Marine Planning Advisor)
Application documents	The link to the application documentation is in this folder: MUL260069D

1. Purpose of Report

This report sets out the assessment undertaken by the Maritime Area Regulatory Authority (MARA) in respect of an application made under section 115 of the Maritime Area Planning Act 2021 (as amended) ("the MAP Act").

The application seeks a declaration as to:

1. whether the proposed maritime usage constitutes a Schedule 7 usage for the purposes of Part 5 of the MAP Act; and
2. if it constitutes a Schedule 7 usage, whether the proposed maritime usage requires a licence under Part 5 of the MAP Act.

This assessment also considers the applicant's existing section 3 licence/foreshore consent (FS004527) under the Foreshore Act 1933, including the relevance of section 182A(1B) of the Planning and Development Act 2000, as amended (the "2000 Act"), where applicable.

2. Proposed Maritime Usage

2.1 Description of proposed usage

EirGrid plc (the applicant) has applied to the Maritime Area Regulatory Authority (MARA) for a Declaration as to whether or not a MUL is required (Form DMUL) under Section 115 (1) of the MAP Act. The subject activity is the carrying out a proposed inspection survey and targeted geophysical and visual inspection, in 2026 to inspect the East West interconnector (EWIC) 186km of subsea cable and cable protection (the "Facilities" under the Foreshore Licence FS004527). Periodic inspections of the EWIC cables and cable protection materials have been required since 2012, pursuant to the particulars of the Foreshore Licence FS004527, and the EWIC Interconnector Operators Licence issued by the Commission for Regulation of Utilities under the Electricity Regulation Act, 1999.

2.2 Existing authorisations

The applicant has provided evidence of the following existing authorisation(s):

- Statutory basis: Section 3 Foreshore Act 1933
- Reference: FS004527 [FS004527 Eirgrid Plc - Rush](#)
- Date granted: 20th December 2010
- Holder: Eirgrid Interconnector Limited
- Term: 99 years (commencing from 09th November 2010)
- Authorised activity: *"to enter onto, use and occupy the Licensed Area, on the terms and conditions set out in the Licence, for the purposes of (1) pre-installation surveying, site investigation,*

MUL260069D

constructing, maintaining, inspecting, repairing, replacing, and operating the “Facilities” as set out in the Second Schedule. (2) carrying out works which are strictly necessary or incidental to the activities described in Clause 3.1(1). (3) Unless otherwise permitted by Law, the Licensee shall not use the Licensed Area for any purpose other than the purposes described in this Clause 3.1.”

Second Schedule “The Facilities”

“The part of the East West Interconnector consisting of 2 power cables of 130mm nominal outer diameter each and 1 fibre optic cable of 25mm nominal outer diameter primarily for control of the interconnector all of which transit the full width of the Foreshore, any rock or concrete necessary for the protection of the above cables and a maximum of 3 ducts installed in the beach at Rush North Beach.”

- Authorised location: Irish Sea (Wales- Ireland)
- Environmental assessment undertaken as part of the authorisation: No (It remains the case under Directive 2011/92/EU as revised by Directive 2014/52/EU (the EIA Directive) that EWIC is not a project type for which EIA is or was required under the EIA Directive, the Foreshore Act 1933 as amended, or the Planning and Development Act 2000, as amended.)
- Appropriate Assessment : None required for foreshore consent

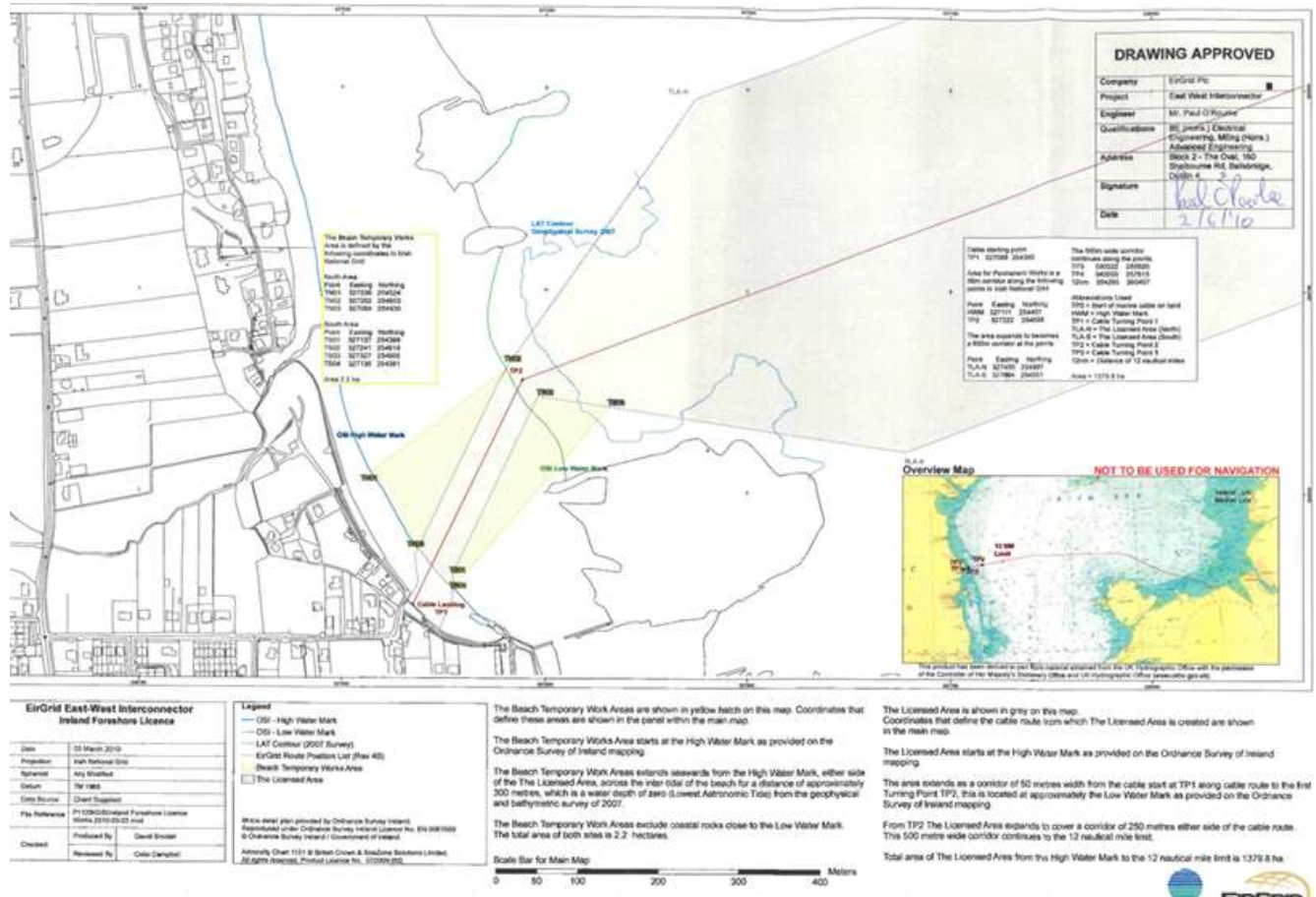


Figure 1 FS004527 Executed Licence Map

Planning

- An Coimisiún Pleanála Case Ref: VA17.VA0002 [An Coimisiún Pleanála](#)
- Statutory basis: Section 182B of the Planning & Development Act 2000, as amended.
- Strategic Infrastructure Development: [Microsoft Word - dVA0002.doc](#)
- Proposed development: A high voltage direct current East West Interconnector between Ireland and Wales consisting of a subsea cable installed beneath the Irish seabed from the 12 nautical mile limit to an underground transition joint to be located in the car park at North Beach, Rush, County Dublin, an underground high voltage direct current cable section from the underground transition joint in the said car park to an existing 400kV station in the townland of Woodland, County Meath, which will be 44.2 kilometres in length and will consist of two power cables installed in ducts and laid in a trench approximately 1.2 metres deep and 1 metre wide and a third duct containing a fibre optic cable primarily to control the operation of the interconnector. The cables to be installed within a route corridor 50 metres wide through the townlands of Rush, Whitestown, Rogerstown, Balleally East, Balleally West, Newhaggard, Corduff Common, Corduffhall, Corduff (part of Coldwinters), Thomondtown, Richardstown, Gracedieu, Roscall, Mainscourt, Grange, Ballyboghil, Murragh, Westpalstown, Leastown, Oldtown, Wyanstown, Browncross, Cottrelstown, Nutstown, Wyestown, Ballymadun and Glebe (all in County Fingal), Rath, Cookstown, Hammondtown, Crickstown, Kilbrew, Loughlinstown, Bodeen, Cabinhill, Flemingtown, Twentypark, Lagore Little, Brownstown, Ballymore, Bradystown, Elgarstown, Curkeen, Commons, Wilkinstown, Powderlough, Raynestown, Rathregan, Portan, Ribstown and Woodland (all in County Meath). Furthermore the development comprises the converter station located adjacent to the existing ESB 400kV substation in the townland of Woodland, County Meath, and a 400kV cable bay to be constructed in the existing ESB Woodland 400kV Station in the townland of Woodland, County Meath and all associated works.
- Decision – Grant subject to 17 Conditions [Microsoft Word - dVA0002.doc](#)
- Oral Hearing: 10th to 12th March 2009
- Date Granted: 14/09/2009
- The Inspectors report notes the application was accompanied by a number of environmental reports. Individual reports considered the environmental impacts onshore in Ireland (Ireland Land), offshore in the jurisdiction of Ireland (Ireland Marine) and one each dealing with Wales Land and Wales Marine. A statement of appropriate assessment was submitted with the application and addendums to this were made during the course of the application

3. Legislative Framework

3.1 Maritime Area Planning Act 2021

- Section 110 – interpretation of Part 5;

MUL260069D

- Section 111 – application;
- Section 113 – prohibition on undertaking certain maritime usages without a licence;
- Section 114 – exempted usages;
- Section 115 – declaration as to whether or not a licence is required;
- Section 129 – transitional provisions for certain foreshore authorisations; and
- Schedule 7 – maritime usages which may be undertaken pursuant to a licence.

Section 113 provides that a person shall not undertake a Schedule 7 usage in the maritime area unless it is an exempted usage or the person holds a licence for that usage.

Section 115 provides the statutory mechanism for MARA to determine whether a proposed usage is a Schedule 7 usage and, if so, whether it requires a licence.

3.2 Foreshore Act 1933, as amended.

The applicant's existing section 3 licence under the Foreshore Act 1933 is considered, including:

- the statutory provision under which it was granted;
- the date of grant;
- the authorised activity;
- the authorised area;
- the duration of the authorisation;
- conditions attached to it;
- any environmental assessment undertaken in connection with its grant.

3.3 Planning and Development Act 2000

Where the proposed usage relates to electricity transmission development, particular consideration is given to section 182A(1B).

Section 182A(1B) provides, subject to its statutory conditions, for certain electricity transmission development in the maritime area to be treated by reference to an existing section 3 Foreshore Licence granted under the Foreshore Act 1933, as amended, subject to the environmental assessment and screening provisions in section 182A(1B).

4. Key Question for Determination

The principal question for determination under section 115 is:

Does the proposed maritime usage constitute a Schedule 7 usage and, if so, is the undertaking of that usage subject to a requirement to hold a licence under Part 5 of the MAP Act?

In addressing this question, consideration is given to whether the existing Foreshore Act authorisation provides an existing statutory authorisation for the same activity, including whether

MUL260069D

section 182A(1B) of the 2000 Act is applicable and materially informs the statutory treatment of the existing Foreshore Act authorisation.

5. Assessment

5.1 Is the proposed activity a maritime usage?

The proposed activity comprises geophysical and visual inspection surveys to inspect the East West interconnector (EWIC) subsea cable and cable protection.

Having regard to section 110 of the MAP Act and the relevant definitions, the proposed activity is considered to constitute a maritime usage because it comprises an activity undertaken within the definition of the 'maritime area'.

Finding: Yes

5.2 Is the proposed usage a Schedule 7 usage?

The relevant provision of Schedule 7 is paragraph [2]:

"Marine environmental surveys for the purposes of scientific discovery or research."

The proposed activity is considered to fall within this description because:

The activity involves, geophysical and visual inspection surveys to inspect the East West interconnector (EWIC) subsea cable and cable protection.

Finding: The proposed activity is considered to be a Schedule 7 usage

6. Existing Foreshore Authorisation

- The applicant holds a section 3 Foreshore Act licence reference FS004527 dated 20th December 2010, as outlined above (See Section 2.2).

Assessment

The assessment considers whether the proposed usage is the same usage, or materially the same usage, as that authorised under the existing Foreshore Act authorisation.

The proposed activity:

- remains within the authorised footprint;
- remains within the scope of the authorised works/activity;
- remains within the terms of the authorisation;
- complies with its conditions;
- involves any material extension or change in activity;
- involves additional maritime usage not contemplated by the authorisation; and

MUL260069D

- involves any new works, occupation or infrastructure not authorised under the Foreshore Act authorisation.

Finding: ☒ **Fully covered** ☐ Partially covered ☐ Materially different/additional

7. Consideration of Section 182A(1B)

7.1 Applicability

Section 182A(1B) is considered where the proposed development comprises or is for the purposes of electricity transmission.

- **Nature of foreshore development:** *“to enter onto, use and occupy the Licensed Area, on the terms and conditions set out in the Licence, for the purposes of (1) pre-installation surveying, site investigation, constructing, maintaining, inspecting, repairing, replacing, and operating the “Facilities” as set out in the Second Schedule. (2) carrying out works which are strictly necessary or incidental to the activities described in Clause 3.1(1). (3) Unless otherwise permitted by Law, the Licensee shall not use the Licensed Area for any purpose other than the purposes described in this Clause 3.1.”*

Second Schedule “The Facilities”

“The part of the East West Interconnector consisting of 2 power cables of 130mm nominal outer diameter each and 1 fibre optic cable of 25mm nominal outer diameter primarily for control of the interconnector all of which transit the full width of the Foreshore, any rock or concrete necessary for the protection of the above cables and a maximum of 3 ducts installed in the beach at Rush North Beach.”

- Maritime area: as outlined in development description above
- Existing Foreshore Act licence: FS004527 granted 20th December 2010
- Environmental assessment: ☒ **EIA not required** ☒ **AA not required** ☐ EIA undertaken ☐ AA undertaken ☐ Both undertaken

7.2 Relevance of section 182A(1B)

Where its statutory conditions are met, section 182A(1B) recognises the existing section 3 Foreshore Act licence in relation to specified electricity transmission development in the maritime area. Where applicable, section 182A(1B) is considered a material statutory consideration in determining the regulatory status of the development and the extent to which the existing Foreshore Act authorisation remains relevant to the activity concerned.

MUL260069D

Section 182A(1B) should be considered alongside, rather than in isolation from, sections 113–115 of the MAP Act.

8. Section 114 – Exempted Usage

Consideration should be given to whether the proposed usage falls within a class prescribed as an exempted usage under regulations made under section 114, including any exemption based on an existing statutory licence, consent, approval or other authorisation.

The following matters were considered:

- whether the proposed usage is within a prescribed exempted class;
- whether the existing Foreshore Act authorisation constitutes the relevant statutory authorisation;
- whether the exemption is subject to conditions;
- whether the geographical extent of the exemption corresponds with the proposed usage; and
- whether applicable environmental assessment provisions are satisfied.

Finding: ☐ Section 114 exemption applies ☐ Does not apply ☒ **Not applicable**

9. Environmental Considerations

- whether EIA was required? No
- whether AA was required? No
- whether an EIA and/or AA screening was undertaken in connection with the existing Foreshore Act authorisation? Yes AA Screening and EIA Screening took place and both screened out.
Appendix F: EWIC Environmental report, confirms the project was not an EIA project and also confirmed by An Bord Pleanála. Appendix G 'Report of the Marine Licence Vetting Committee (MLVC) supplied by applicant, dated 12th August 2010 by Dr.Terry McMahon concluded AA not required)
- whether the above covered the same development/usage now proposed? Covers the same activity

This is particularly relevant to section 182A(1B)(b), which qualifies the operation of section 182A(1B)(a) where EIA and/or AA was required but was not carried out before the relevant Foreshore Act licence was granted.

Note: For the purposes of determining this Section 115 Declaration, no environmental assessment is required by MARA, only establishing that an assessment (if required) was done at the time of the licence to satisfy the legislation under S.182A(1B) of the Planning & Development Act 2000, (as amended).

10. Overall Assessment

Having regard to the nature and extent of the proposed maritime usage; Schedule 7; sections 113–115 of the MAP Act; the existing Foreshore Act authorisation; section 129 of the MAP Act where applicable; section 182A(1B) of the 2000 Act, where applicable; the date and terms of the Foreshore Act authorisation; the relationship between the authorised activity and proposed maritime usage; and the environmental assessments or screenings undertaken if required, the following conclusions are reached.

10.1 Schedule 7

✓ **The proposed maritime usage is a Schedule 7 usage under paragraph 2**

☐ The proposed maritime usage is not a Schedule 7 usage.

10.2 Existing Foreshore authorisation

✓ **Authorises the same maritime usage.**

☐ Authorises part of the maritime usage.

☐ Does not authorise the proposed maritime usage.

10.3 Section 182A(1B)

✓ **Applies to the relevant development.**

☐ Does not apply because [reason].

☐ Is not applicable because the proposed development is not electricity transmission development.

☐ Cannot be relied upon because [date/environmental assessment/other statutory reason].

Where applicable, section 182A(1B) is considered a material consideration supporting the conclusion that the existing statutory Foreshore Act authorisation remains relevant to the regulatory treatment of the development concerned.

11. Recommended Section 115 Declaration

Licence not required

MARA declares pursuant to section 115 of the Maritime Area Planning Act 2021 that the proposed maritime usage is a Schedule 7 usage but that a licence under Part 5 of the Maritime Area Planning Act 2021 is not required in respect of the proposed usage.

This conclusion is based on having regard to the existing valid section 3 Foreshore Act licence FS004527 and, the applicable statutory effect of section 182A(1B) of the Planning and Development Act 2000,

MUL260069D

This declaration applies only to the maritime usage, location, extent, duration and circumstances described in the application and supporting information furnished by the applicant and considered by MARA.

Document Control			
Version	Date	Author	Description
1.0	25/09/26	 Niamh Lennon Senior Marine Planning Advisor	Initial assessment report template

12. Approval of Determination of Declaration

This declaration relates solely to the question of whether the proposed maritime usage requires a licence under Part 5 of the Maritime Area Planning Act 2021. It does not constitute a determination of entitlement to undertake the proposed activity under any other enactment, nor does it amend, extend, replace or otherwise alter the terms or conditions of any existing foreshore authorisation, planning permission, consent, licence or other statutory authorisation.

Determination: Licence not required

MARA declares pursuant to section 115 of the Maritime Area Planning Act 2021 that the proposed maritime usage is a Schedule 7 usage but that a licence under Part 5 of the Maritime Area Planning Act 2021 is not required in respect of the proposed usage.

This conclusion is based on having regard to the existing valid section 3 Foreshore Act licence FS004527 and, the applicable statutory effect of section 182A(1B) of the Planning and Development Act 2000 (as amended).

Signed	
Approved by:	Laura Brien Chief Executive Officer
Date:	30/09/2026