

<b>Final Determination Report</b>	
<b>Application for a Maritime Area Consent (MAC) under Section 75 of Maritime Area Planning Act 2021 (the Act)</b>	
<b>Application Details</b>	
MAC Holder:	Dun Laoghaire Rathdown County Council (DLRCC), Kish Offshore Wind Limited (KOWL) and Bray Offshore Wind Limited (BOWL)
MAC Reference No:	MAC240020
Date Application received:	21 June 2024
Application Details	DLRCC, KOWL and BOWL have made an application under Section 75 of the Maritime Area Planning Act 2021 (the Act) for a Maritime Area Consent (MAC), application reference number MAC240020, for an Operation and Maintenance (O&M) Base at Dún Laoghaire Harbour for the proposed Dublin Array Offshore Wind Farm and for general harbour operations. The O&M Base will support the construction, operation, maintenance, and decommissioning phases of the proposed Wind Farm
Recommendation	To approve the <b>Granting</b> of the MAC sought, with conditions.

<b>Document Control</b>		
Prepared By:	██████████ Head of Mariti	11 November 2024
Reviewed & Approved by:	██████████ Head of Maritime Usage Licences	11 November 2024

I refer to the minded to documentation that issued to DLRCC, KOWL and BOWL on the 15 October 2024. On the 4<sup>th</sup> November DLRCC submitted supplementary material to MARA in response to the minded to notice. In accordance with Section 82(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:

DLRCC provided the following clarifications in their supplementary information:

1. *“Planning permissions have already been obtained for existing infrastructure and development within the harbour area, including within the Consent Area. Such permissions include the development and use of the area as a ferry terminal with ancillary uses, including the holding of events – [See DLRCC Planning Refs: PR470/931 /An Bord Pleanála Ref No. PL 06D.03192 & DLRCC D12A/0192].*
2. *An application for Development Permission will be submitted to An Bord Pleanála under section 291 of the Planning and Development Act 2000, as amended, for the Permitted Maritime Usage. This application will be made by Kish Offshore Wind Limited (a joint ‘Holder’ of the MAC) on behalf of Kish Offshore Wind Limited and Bray Offshore Wind Limited, with the consent of DLRCC. Section 291 of the Planning Acts and corresponding regulations and application forms envisage a single individual corporate applicant for*

*permission.*

3. *The application for Development Permission referred to at No.2. above will have attached to it a Rehabilitation Schedule relating to the development for which Development Permission is being sought, in accordance with the MAC.”*

Response

As per Section 81(7)(b)(ii) of the Act, MARA may only consider supplementary information made in view of the reasons only. The above comments do not relate the reasons for conditions attached to the draft MAC. Accordingly, no further consideration can be given by MARA in regard to the above.

4. The applicant identified a number of minor typographical errors within the draft MAC as follows:
  - a. *“The front page spelling of Dun Laoghaire to be corrected - “Holder: Dun Laoighaire”;*
  - b. *Particulars Schedule, Holder registered address: remove reference to “and Bray Offshore Wind Limited” in the sentence commencing with “Kish Offshore Wind Limited”;*
  - c. *Remove definition of “Supporting Entity” as not used in the MAC;*
  - d. *Condition 3.7 incorrectly refers to undefined terms: MAC Holder, MAC, applicant, and MAC conditions. These should be replaced with Holder, Consent, Holder and conditions contained herein, respectively;*
  - e. *Condition 20.2. Consent to be capitalised in first line.”*

Response

The proposed final MAC has been amended as per the above list. Condition 3.7 has been amended as follows:

*“The Holder shall use that part of the Maritime Area the subject matter of this Consent, for the purposes of, and in accordance with, the details as outlined in the plans and particulars submitted by the Holder in support of their application except as may otherwise be required in order to comply with the conditions contained herein.”*

No changes are recommended to the wording of the reasons for conditions as proposed within the minded to determination notice.

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

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

Signed: \_\_\_\_\_

Date: 11 November 2024