

Caseworker Report	
Application for a Maritime Area Consent (MAC) under Section 75 of Maritime Area Planning Act 2021 (the Act)	
Application Details	
MAC Applicant:	Port of Cork Company
MAC Reference No:	MAC20230004
Date Application received:	24 th June 2024
Application Details	Port of Cork Company have made an application under Section 75(1) and section 75A of the Maritime Area Planning Act 2021 (the Act) for a Maritime Area Consent (MAC no MAC20230004) for the Capital Dredging of berths at Ringaskiddy East & West, Co. Cork.
Recommendation	To approve the Granting of the MAC sought, with conditions.

Document Control		
Prepared By:		24/01/2025
Reviewed By:		27/01/2025
Approved By:		30/01/2025

1. Background

On 24th June 2024 Port of Cork Company (POCC) submitted an application for a MAC to MARA for the Capital Dredging of berths at Ringaskiddy East & West, Co. Cork.

2. Consent Sought and Reasons

In order to provide safe navigation and berthing at proposed quay extensions at Ringaskiddy East and West, Co. Cork, POCC have proposed works consisting of capital dredging within Ringaskiddy Port. The quay extensions are stated to be required to implement the strategic development of Ringaskiddy port to ensure international connectivity and support the economic growth of the Southern Region.

The proposed maritime usage is subject to existing development consents ABP ref. PA.0035 (initial) and ABP ref. PM.0010 (amending) which were granted in advance of the establishment of MARA. The development consented under planning reference numbers PA.0035 and PM.0010 is strategic infrastructure development comprising general redevelopment of Ringaskiddy Port. The POCC have stated that the existing development permission is due to lapse in late 2025. Where they do not complete the dredging prior to the lapsing of the existing development permission they intend to apply for new development permission to complete the dredging.

Section 75 of the Act sets out where a MAC is required before an application for development permission can be lodged with the relevant consent authority. Section 75A makes provision for a MAC applications following the grant of development permission. Accordingly, the subject application is considered to fall under section 75 and Section 75A of the Act.

Proposed MAC Map



Drawn by: [Redacted]
 Approved by: [Redacted]
 Date: 09/01/2025
 Drg. No.: MAC20230004-001
 Projection: ITM
 Scale: 1:5,000 @A3

Notes:
 1. Georeference using grid coordinate intersects shown.
 2. Where the MAC adjoins or abuts land, islands or rocks, the High Water Mark as defined by the Chief Boundary Surveyor is the boundary of the MAC area.

**Maritime Area Consent Map
 MAC20230004**

- Maritime Area Consent Area
- High Water Mark - Chief Boundary Surveyor
- Grid Coordinate Intersects ITM

3. Assessment

The application has been processed in accordance with MARA's procedure for processing a MAC application. On receipt, the MAC application was reviewed for completeness.

A number of requests for additional information were issued under section 79(3) of the Act and associated responses were received relating to matters for technical assessment and financial assessment between 19 August and 20 December 2024.

Schedule 5 of the Act sets out the criteria to which MARA must have regard when assessing a MAC application. The criteria are assessed under General Assessment (GA), Technical Capability Assessment (TCA), Engineering Assessment (EA) and Financial Capability Assessment (FCA).

I have undertaken a GA of the application, for which details are set out below.

The GA assessment of whether the holder is a fit and proper person within the meaning of Schedule 2(2) is set out in Table 1. Fit & proper person criteria set out under Schedule 2(2)(g) and (h) have been assessed separately under the TCA and FCA, respectively.

Table 1: Schedule 2(2) Fit & Proper Person	Assessment	Satisfactory/ Not satisfactory
(a) letters of reference;	No letters of reference were provided. POCC have demonstrated clear evidence of their expertise and technical capability in successfully delivering projects of a similar scale. Additionally, they have substantiated the experience and proficiency of their Project Delivery Teams..	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, EY assessed the Holder against these criteria and 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— (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;	As part of the FCA, EY assessed the Holder against these criteria and concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory
(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, EY assessed the Holder against these criteria and concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory

<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 or section 201(3) of the Act of 1963;</p>	<p>As part of the FCA, EY assessed the Holder against these criteria and concluded that no information or details were identified which indicate that such offences or disqualifications apply.</p>	<p>Satisfactory</p>
<p>(f) 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>	<p>As part of the FCA, EY assessed the Holder and the Supporting Entity against these criteria and concluded that no information or details were identified which indicate that such offences or disqualifications apply.</p>	<p>Satisfactory</p>
<p>(i) 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>On 05 November 2024 the applicant's performance was reviewed in relation to any existing consents granted by the State for the Maritime Area held by Port of Cork Company. Based on the review, MARA is not aware of any non-compliances, there are no enforcement actions pending and there are no outstanding debts owed.</p>	<p>Satisfactory</p>

A synopsis of the GA of the application relating to Schedule 5 criteria (2), (5), (6), (8) and (10) is provided in Table 2. I am satisfied that the MAC sought complies with the applicable requirements under these criteria.

The TCA and EA were carried out by MARA's Assessment Research & Data Unit as detailed in the Engineers Report dated 14 January 2025 and Technical Capability Report dated 17 January 2025. Relevant assessment details are summarised in Table 2.

The FCA was carried out by MARA contractors Ernst & Young (EY) as detailed in the Financial Capability Assessment Reports, dated 04 September 2024. Relevant assessment details are summarised in in Table 2.

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

Schedule 5 Requirements		Assessed under	Synopsis	Assessment
1.	The nature, scope and duration of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.	EA	The applicant proposes the capital dredging of the East and West Berths and the approach to the West Berth at Ringaskiddy Port, Ringaskiddy, County Cork. The total area to be dredged is circa 10.66ha in two distinct locations within the port, one area of 9.45ha for the West Berth and the approach to the West Berth and a second area of 1.21ha for the East Berth. The applicant has requested a term of 10 years, linked to the granting of the proposed follow-on planning permission.	Satisfactory
2.	Whether the proposed maritime usage is in the public interest.	GA	National Policy Objective 40 of the Irish Government’s National Planning Framework (NPF) is to: <i>“Ensure that the strategic development requirements of Tier 1 and Tier 2 Ports, ports of regional significance and smaller harbours are addressed as part of Regional Spatial and Economic Strategies, metropolitan areas and city / county development plans, to ensure the effective growth and sustainable development of city regions and regional and rural areas.”</i> The National Government’s policy for supporting the development of Ringaskiddy as a Tier 1 Port is transposed to the Southern Region Regional Spatial and Economic Strategy (RSES) and the Cork County Development Plan 2022 (CDP 2022). Objective RPO 140 of the RSES includes a commitment for “Continued support for capital infrastructure projects in the Port of Cork’s Strategic Development Plan, including redevelopment of existing port facilities in Ringaskiddy...” The CDP 2022 states in section 12.20.3 of Volume 1 that: <i>“This Plan supports the Port of Cork’s expansion of facilities in Ringaskiddy so that port centred operations and logistics can become more efficient through the accommodation of larger ships and so that port traffic can directly access the National Road network without passing through the City Centre.”</i>	Satisfactory
3.	The location and spatial extent of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.	EA	This application includes for the capital dredging of two areas of Maritime Area, measuring 10.66ha in total, adjacent to Ringaskiddy Port, Ringaskiddy, County Cork. On 02 January 2025, a Title Search Requisition search was undertaken, including but not limited to a search with Tailte Éireann of the Land Registry and Registry of Deeds, for any document granting or affecting rights to land. Based on the search MARA is not aware of any conflicts of interest affecting the proposed MAC area. In addition, as set out in the EA Report dated 14 January 2025, a review was undertaken of existing foreshore authorisations within the vicinity of the proposed MAC area. While a number of overlapping foreshore authorisations were identified, these were all noted to be held by the applicant, POCC. Accordingly, there are no identified conflicts with any existing consents or applications which should prevent the issuing of a MAC for this maritime usage.	Satisfactory
4.	Guidelines issued under section 7 which are relevant to the proposed maritime usage.	GA	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.	TCA, FCA & GA	<p>TCA: Based on TCA documentation and supporting information provided by the applicants, MARA have assessed the applicants' technical capability and have deemed the applicants to be technically capable on the basis of the information submitted.</p> <p>FCA: Based on FCA documentation and supporting information provided by the applicants, external financial consultants, EY, deemed Port of Cork Company as applicants to be financially capable on the basis of the information provided.</p> <p>GA: Following a detailed review and assessment of the information provided by the applicants, it is hereby confirmed that the applicants satisfy the FPP assessment (see Table 1 above).</p>	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.	GA	Applicant is 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).	GA	Not applicable	Not Applicable

8.	The National Marine Planning Framework (NMPF).	GA	<p>The overall objectives of “Ports, Harbours and Shipping” in the NMPF, include:</p> <ul style="list-style-type: none"> • safeguarding the operation of ports as key actors in the economic wellbeing of the State through the provision of safe and sustainable maritime transport, • facilitating a competitive and effective market for maritime transport services, and • sustainable development of the ports sector and full realisation of the National Ports Policy • with a view to providing adequate capacity to meet present and future demand. <p>I am satisfied that the proposal aligns with the above object and the following policy objectives of the NMPF:</p> <ul style="list-style-type: none"> • Employment Policy 1 - Proposals should demonstrate contribution to a net increase in marine related employment in Ireland; and • Ports, Harbours and Shipping Policy 5 Proposals for capital dredging will be supported where it is necessary to safeguard national port capacity and Ireland’s international connectivity. <p>This 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>In the application, the applicant states that it will meet the environmental objectives of the NMPF. he proposed works constitute development which requires planning permission. Environmental assessment of the proposed maritime usage is undertaken at development permission stage by the relevant planning authority.</p>	Satisfactory
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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 the MAC application concerned should the applicant be granted a MAC in respect of such usage.	EA	<p>The applicant has undertaken the following preparatory works to inform their application and to assist with the detail design of the proposed maritime usage;</p> <ul style="list-style-type: none"> • 2023 - Vibrocore and Grab Sediment Sampling, • 2016 – Boreholes, • 2014 - Grab Sediment Sampling, • 2006 - Boreholes, • 2005 - Sidescan & Magnetometer, • 1972 - Boreholes, • 1971 - Boreholes. <p>The extent of the preparatory works undertaken is deemed acceptable for a project of this scale and Nature.</p>	Satisfactory
10.	The extent and nature of stakeholder engagement undertaken by the applicant in respect of the proposed maritime usage.	GA	<p>Public consultation was undertaken by the Environmental Protection Agency (EPA) in 2014 for the previously granted Dumping at Sea Permit (S0021) encompassing the same area and same particulars as this application.</p> <p>Public consultation was undertaken by Department of the Environment, Community and Local Government in 2015 for the previously granted Foreshore Licence (Ref 2017/05876) encompassing the same area and same particulars as this application.</p> <p>Port of Cork invited the public and stakeholders to examine the Port Masterplan 2050 concepts and meet the project team to discuss any queries at the public consultation days, which were stated to have taken place between 05 October 2022 and 7th October 2025. The Applicant stated that the public consultation included encompassing development associated within this application.</p>	Satisfactory
11.	Where a competitive process referred to in section 93 or 103 is used, the outcome of such process.	GA	Not applicable	Not applicable
12.	Any additional criteria specified, for the purposes of this paragraph, in regulations made under section 80(2).	GA	No such regulations have been made to date.	Not applicable

4. Levy

As per the EA report, an annual MAC levy has been calculated based on the project type and proposed MAC area in accordance with MARA's MAC levy framework. Based on Part A of the Framework, the MAC levy has been calculated as €160,150.00 per annum.

All levies are indexed to the Harmonised Index of Consumer Prices (HICP), applied on an annual basis.

5. Discussion

Based on the assessments undertaken and the EA Report dated 14 January 2025, the TCA Report dated 17 January 2025, the FCA Assessment Report dated 4 September 2024 and the General Assessment contained herein, I am satisfied that the proposed MAC application complies with all the necessary requirements of Schedule 5 of the Act.

The applicant has requested a MAC term of 10 years, linked to the granting of further proposed development permission for the permitted usage. It is recommended that the MAC is granted for a term of 11 years. 11 years is recommended to take account of a 10 years' development permission, plus an additional year to account for the time required for the application and granting of further development permission.

The following Permitted Maritime Usage has been included within the recommended MAC:
 "Capital dredging of berths at Ringaskiddy East and West, including capital dredging of the approaches to the Ringaskiddy West berth extension."

Conditions and Reasons for Conditions

Section 82 of the Act specifies that MARA may attach to a MAC one or more than one condition which falls within one or more than one of the types of conditions specified in Part 1 of Schedule 6. 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.

In addition to the above, the EA Report has recommended the addition of the below conditions and reasons for these. Discussion in relation to each recommended condition is also provided below.

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

- **Reason:** In the interest of clarity.

This condition has been included, under Condition 3.7 of the proposed MAC. For consistency, reference to the MAC and MAC conditions has been replaced with "this Consent".

- The MAC Holder shall provide the Grantor a minimum of 14 days advance notice in writing of the Holder's intention to commence the Permitted Maritime Usage.
 - **Reason:** To ensure the proper management and the orderly undertaking of the Permitted maritime usage.

This condition is provided for, under Condition 7.4 of the proposed MAC.

In addition, the following conditions are recommended to take account of existing development permission and proposed future development permission:

- 4.3 Where the Existing Development Permission is in force for the Permitted Maritime Usage in the Consent Area, the right to occupy the Consent Area shall commence on the Commencement Date.
- 4.4 Upon the expiration of the Existing Development Permission, the Holder shall not have any right in or over the Consent Area, until the Holder has complied with the requirements of condition 4.1.
- 5.5 For the period during which the Existing Development Permission is in force for the Permitted Maritime Usage in the Consent Area, conditions 5.1 and 5.2 shall not apply.
- 5.6 Upon the expiration of the Existing Development Permission, conditions 5.1 and 5.2 shall come into full effect and apply for the remainder of the Term.
 - **Reason:** To ensure the application for Development Permission is submitted within a reasonable timescale in order to assist in the effective management of State resources.

Having regard to the above, the following definition is recommended for inclusion within the proposed MAC:

- 1.1 (j) “Existing Development Permission” means the development permissions, within the meaning of section 75A of the Act, granted under An Bord Pleanála reference numbers 04.PA0035 and PM.0010.

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.

6. Conclusion & Recommendation

Following a detailed assessment, I am satisfied that the proposal complies with all the necessary requirements. Accordingly, I recommend issuing a Section 81(7)(b) Minded to Notice, as enclosed, informing the applicants that MARA is minded to grant a Maritime Area Consent subject to the proposed conditions attached to the MAC. I recommend allowing the applicants 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 applicants will be notified and MARA will publish a notice on its website as soon as practicable thereafter.

Signed: 

Date: _____

31/01/2025