

Your Ref: 319811-24

An Coimisiún Pleanála

64 Marlborough Street

Dublin 1

Ireland

25<sup>th</sup> November 2025

**Re: Maritime Area Consent MAC20230005 – Rehabilitation Obligations Under Section 96 of the Maritime Area Planning Act 2021**

Dear Sir / Madam,

Iarnród Éireann (IÉ) – Irish Rail wishes to provide the following clarification to An Coimisiún Pleanála regarding the rehabilitation obligations associated with Maritime Area Consent MAC20230005, and to confirm the basis on which IÉ intends to address these requirements as part of its application for development permission for the Rosslare ORE Hub.

On 2nd July 2025, IÉ was granted a Maritime Area Consent (MAC) from the Maritime Area Regulatory Authority (MARA) for development described as:

**PORT FACILITIES AT ROSSLARE EUROPORT, CO. WEXFORD TO SUPPORT THE OFFSHORE RENEWABLE ENERGY SECTOR**

Within the Final Determination Report pertaining to the MAC (20250702-MAC20230005-Final-MAC\_Redacted.pdf), MARA has advised that IÉ should consult with the relevant planning authority for advice regarding rehabilitation per the below statement extracted from the Final Determination Report issued with the MAC.

"The obligations on the Holder of a MAC in relation to rehabilitation of the maritime area are a mandatory provision of the Act. Section 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".

Section 19 of the MAC states:

#### “REHABILITATION

19.1 The Holder shall before the expiration of this Consent, rehabilitate the Consent Area, and any other part of the maritime area, adversely affected by the Permitted Maritime Usage in accordance with the requirements of the Rehabilitation Schedule to be attached to this Consent following the grant of Development Permission (as may be amended in accordance with the requirements of this Consent).

19.2 This obligation does not relieve the Holder from any obligation to apply for or obtain any other authorisations (whether the authorisation takes the form of the grant of a licence, consent, approval or any other authorisation) required under the Act or any other enactment in order to enable that Holder to discharge that obligation.

19.3 The Holder shall comply with any notice given by the Grantor pursuant to Section 97 of the Act requiring the Holder to make an application within the period set out in the notice for development permission to amend or replace the Rehabilitation Schedule to take account of the matters set out in the notice.

19.4 Notwithstanding termination or revocation of this Consent pursuant to this Consent or the Act, the Holder must continue to comply with the obligations under this condition 19 and section 96 of the Act to the extent as agreed by the Grantor in all the circumstances of the case”.

In its application for development permission, IÉ considers a project design life of 50 years from completion of construction of the Rosslare ORE Hub. All port facilities developed for the ORE Hub will be retained and required by Iarnród Éireann for traditional port activities and community use beyond this time period (with ongoing maintenance and repairs undertaken). Therefore, it is not considered necessary to plan for decommissioning and reinstatement works or for closure of the quays, storage areas, new Small Boat Harbour or parts of the ORE Hub once they are in-place.

IÉ will engage with MARA with the intention of obtaining a new MAC at the appropriate point in the future (prior to expiry of MAC20230005 on 1st July 2085) to ensure that the facilities can continue in use.

IÉ consider that this complies with Section 96.(2)(d) of the MAP Act 2021, as amended, which states:

“96.(2) Without prejudice to the generality of the obligation under subsection (1) on the holder of a MAC to rehabilitate a part of the maritime area, that obligation may be or include one or more than one of the following:

(d) the re-use of infrastructure for the same or another purpose;”

By email dated 23rd July 2025, agents for IÉ informed An Coimisiún Pleanála of IÉ’s intention to proceed on this basis. An Coimisiún Pleanála responded to the agent by email dated 27th August 2025 stating that the contents of the 23rd July email were noted and raised no issues.

IÉ trusts that the above provides the necessary clarity regarding the approach to rehabilitation for the Rosslare ORE Hub and confirms that the proposed long-term re-use of the infrastructure aligns with the provisions of Section 96 of the Maritime Area Planning Act 2021. Should any further information or clarification be required, IÉ would be pleased to engage further with An Coimisiún Pleanála.

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Yours faithfully,

A handwritten signature in black ink, appearing to read "Billy Hoey".

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Billy Hoey

For and on behalf of

Iarnród Éireann – Irish Rail

P O'Donoghue, J McDonnell

**Príomh Fheidhmeannach** Chief Executive: M Considine

**Iarnród Éireann – Irish Rail, cuideachta ghníomhaíochta ainmnithe, faoi theorainn scaireanna, cláraithe in Éirinn ag Stáisiún Uí Chonghaile, Baile Átha Cliath 1**

**Ur. 119571 Ur. CBL: IE 4812851 O**

Iarnród Éireann – Irish Rail, a designated activity company, limited by shares, registered in Ireland at Connolly Station, Dublin 1, No. 119571

**VAT No. IE 4812851 O**