



MAC Consultation
International and Offshore Energy Division
Department of Environment, Climate and Communications
29-31 Adelaide Road
Dublin 2

18 February 2022

NOW Ireland response to Maritime Area Consent (MAC) Assessment for Phase One Projects

NOW Ireland (NOWI) represents the phase 1 offshore wind energy projects, that have been under development over the past 15 to 20 years. We welcome the consultation on the Maritime Area Consent Assessment (MAC) for Phase one Projects, which we see as key to the realisation of Ireland's offshore wind energy potential.

The members of NOW Ireland are each submitting detailed responses to the consultation questions as is Wind Energy Ireland. We have highlighted some key areas of concern below.

NOW Ireland is supportive of the Department's approach to assess the technical & financial capability of MAC applicants to deliver these large scale offshore projects. However, there are areas in the documentation that are cause for concern. The phase one companies are varied in their makeup, therefore the guidance must allow for a range and types of organisations.

Some of the information requested as part of the MAC application form cannot be provided at the MAC application phase of the project. There is also detailed information requested which is commercially sensitive in relation to technology and project timing.

The criteria is overly prescriptive in places and will reduce the opportunity for local Irish entities and team members to lead development teams.

It is vital that the need for flexibility in how the projects satisfy the criteria is inherent in the assessment process, especially as there will be potentially distinct differences between the projects and how they and their supporting entities are formed. We also recommend that any supporting entity should be by way of a formal partnership agreement, such as a Joint Venture or Consortium, or other

shareholding in common arrangement in a project company, not through a commercial consultancy contract arrangement.

NOWI suggest the level of detail requested in the Financial Capability Assessment is excessive. At this early stage, projects will not be able to provide detail on source of funding given that the market is at least one year away from securing an ORESS contract and approx. two years away from securing planning consent, and likely a year beyond achievement of consent to reaching financial close

NOWI considers that 30 years duration for a MAC is too short and that 60 years is more appropriate, this would allow for the development, operation (35 years) and decommissioning of the wind farm.

These Phase one projects have invested 10s of millions of euro to bring projects to the stage where they can apply for a MAC and development consent and submit bids in the O-RESS 1 auction. The level of development work completed on these projects over the past number of years means that they are the most likely projects to be delivered by 2030. They should be afforded adequate opportunity to progress through the multiple regulatory steps required for an offshore wind farm.

The new MAP legislation has not been tested and the outcome of development consent applications is not yet clear. A development consent refusal that is due to a reason that can be rectified should not be a reason for a MAC to be withdrawn. A MAC holder should be able to submit an adjusted or new development consent application under these circumstances. Similarly, a Phase one project that is not successful in ORESS-1 should be permitted to bid into ORESS-2.

Yours Sincerely,

