

**General Guidance for completing an
application for a Maritime Area Consent
(in accordance with Section 75 or 76 of the
Maritime Area Planning Act 2021)**



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1 Introduction

1.1 Purpose

The purpose of this Guidance is to outline the requirements that apply to applicants for, and holders of, Maritime Area Consents (MAC) under the Maritime Area Planning Act 2021 (the Act). This Guidance should be read before attempting to complete the application form “Application for a Maritime Area Consent (MAC) in accordance with Section 75 or 76 of the Maritime Area Planning Act 2021”.

Applicants for a MAC should consider this Guidance as part of a suite of three distinct yet interrelated MAC assessment documents, which comprise of:

- *Application for a Maritime Area Consent (MAC) in accordance with Section 75 or 76 of the Maritime Area Planning Act 2021*, including this Guidance document
- *Technical Capability Assessment for a Maritime Area Consent (Applying to Schedule 10 Projects) or Technical Capability Assessment for a Maritime Area Consent (Applying to non-Schedule 10 Projects)*, whichever is relevant
- *Financial Capability Assessment for a Maritime Area Consent*

Furthermore, this Guidance includes additional important information on the operation of the MAC consenting regime which is not specifically related to submitting a MAC application.

1.2 Interpretation

Unless specified otherwise, the capitalised terms in this Guidance have the same meanings as given to them in the Act. In the event of any inconsistency or ambiguity, the Act takes precedence over this Guidance. A glossary of terms used in this Guidance can be found at Section 8 below.

MARA may elect to depart from, or amend, the methodology in this Guidance, which is for guidance purposes only.

2 Statutory basis

2.1 Maritime Area Planning Act 2021 (the Act)

The Maritime Area Planning Act 2021 (the Act) establishes a new marine planning system consisting of a new licensing and development management regime from the high water mark to the outer limit of the State’s continental shelf, administered by An Bord Pleanála, the coastal local authorities (CLAs) and the Maritime Area Regulatory Authority (MARA).

The establishment of MARA comes about as part of the biggest reform of marine governance in Ireland in almost a century and the new agency now has a key role to play in the transformation of our marine planning system. While MARA is not responsible for granting development permission (this function now falls to An Bord Pleanála and the CLAs), it facilitates a streamlined consenting process for developers and a route for developers to the planning system, by assessing applications for Maritime Area Consents (MACs).

A MAC is now required before a planning application can be made. MARA is a key enabler in respect of Ireland's ambitions for the Offshore Renewable Energy (ORE) sector, providing certainty to project promoters and delivering a pathway to realising the necessary investment.

The new regulatory regime, with MARA at its centre, supports delivery of other projects of strategic importance (e.g. ports) facilitating the State to harness significant benefits from realising a low-carbon economy, ensuring energy security, and presenting new opportunities for economic growth.

The Act provides for a completely new regime for the entire maritime area and incorporates a forward planning model, with decisions to be taken in a manner that secures the objectives of the [National Marine Planning Framework \(NMPF\)](#). Foreshore authorisations (with the exception of fishery related activities, including aquaculture) are being replaced by a more focused and streamlined MAC regime.

The planning permission system now extends into the entire maritime area with development subject to a single comprehensive environmental assessment by the relevant planning authority. Compliance and enforcement activities will be supported through robust provisions.

Under the Act, An Bord Pleanála shall independently assess planning applications including environmental assessments for certain strategic infrastructure projects listed in Schedule 10, including offshore energy projects and other projects that do not fall exclusively within the functional area of any one CLA. This assessment will include public participation on the detailed project plan. An Bord Pleanála has established a new Maritime Directorate with responsibility for the assessment of planning applications for offshore development. This internal but specialised directorate allows An Bord Pleanála to develop the expertise required to assess these very complex project applications.

The relevant CLA is responsible for nearshore applications sited within 3 nautical miles of the local high watermark where the project is situated exclusively within their functional area. Planning applications involve public participation and environmental assessments.

For the avoidance of doubt and notwithstanding any other enactment, MARA is not required to carry out, for the purposes of determining a MAC application:

- (a) a screening for appropriate assessment or appropriate assessment
- (b) a screening for environmental impact assessment or environmental impact assessment.

2.2 Maritime Area

The Irish maritime area extends from the high water of ordinary and medium tides of the sea to the outer limit of the continental shelf, and includes:

- a) The sea and tidal areas of internal waters of the State as construed in accordance with the Maritime Jurisdiction Act 2021
- b) The territorial seas of the State as construed in accordance with the Maritime Jurisdiction Act 2021
- c) The Exclusive Economic Zone ("EEZ") as construed in accordance with the Maritime Jurisdiction Act 2021, and

d) The continental shelf

2.3 Marine Spatial Planning

Marine Spatial Planning (MSP) looks at how we currently use the marine area and how best to use it into the future. MSP is a way to balance the different demands for using the sea and the need to protect the marine environment. It is about planning when and where human activities take place at sea and ensuring these activities are as efficient and sustainable as possible. MSP involves stakeholders in a transparent way in the planning of maritime activities.

2.4 National Marine Planning Framework (NMPF)

Ireland's Marine Spatial Plan, known as the [National Marine Planning Framework \(NMPF\)](#), brings together all marine-based human activities for the first time and outlines the Government's vision, objectives and marine planning policies for each marine activity.

The NMPF details how these marine activities will interact with each other in an ocean space that is under increasing spatial pressure, ensuring the sustainable use of our marine resources to 2040.

The NMPF is intended as the marine equivalent to the National Planning Framework. This approach will enable the Government to:

- set a clear direction for managing our seas
- clarify objectives and priorities
- direct decision makers, users and stakeholders towards strategic, plan-led, and efficient use of our marine resources

The NMPF has been prepared with an ecosystem-based approach and informed by best available knowledge. As part of the preparation of the NMPF, a Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) have been carried out.

2.5 MarinePlan.ie

[MarinePlan.ie](#) is Ireland's first marine spatial planning portal. This online mapping portal links planning within the maritime area and the relevant policies for each marine sector or activity listed in the National Marine Planning Framework (NMPF). The site has three main areas:

- **Activities Map**
A maritime area map with selectable layers displaying marine activities by type.
- **Activities**
A sub-portal containing information on Environmental, Social and Economic policies from the NMPF and key sectoral/activity policies, with detailed mapping on where these policies apply.
- **Policies**
Contains a tool that displays marine planning policies that may apply to any shape drawn in the maritime area.

It also contains an MSP Hub which holds information on Government Departments and Agencies with a role in the maritime area, along with news and updates on Marine Planning in Ireland.

Applicants are advised to check marineplan.ie to see current activities/policies in the area they wish to occupy.

3. Maritime Area Regulatory Authority (MARA)

The new agency MARA, under the aegis of the Department of Housing, Local Government and Heritage, is responsible for consenting and enforcement functions and has a key role to play in the new streamlined consenting system in the maritime area. Its functions are set out in the Act, as amended, and include:

- Assessing Maritime Area Consent (MAC) applications for the maritime area, which are required by developers before development permission can be granted;
- Granting of Maritime Usage Licences for specified activities;
- Compliance and enforcement of MACs, Maritime Usage Licences and offshore development consents;
- Investigations and prosecutions;
- Administration of the existing Foreshore consent portfolio;
- Fostering and promoting co-operation between regulators of the maritime area.

4. Maritime Area Consent

A Maritime Area Consent (MAC) is the gateway into the planning system as a MAC is required before any planning application is made. A MAC may be granted following assessment of the applicant (as being fit and proper) and the proposed project, and only MAC holders can apply for development permission in the maritime area. A MAC is a right to occupy a part of the maritime area, conditional on securing other necessary approvals. Applying for a MAC is part of the new sequenced consent regime, which has been designed to separate the financial and property issues from the environmental and planning issues.

MACs can be for exclusive or non-exclusive occupation of the maritime area depending on the maritime usage. However, it is envisaged that in nearly all circumstances MACs will be granted on a non-exclusive basis. This is to allow for different activities to co-exist where practical.

An application for grant of a MAC under section 79 of the Act should be made in accordance with section 75 when a MAC is required prior to seeking development permission.

When an applicant wishes to use part of the maritime area but doesn't require development permission that person must apply for a MAC for the occupation of that part of the maritime area for any such usage, in accordance with section 76 of the Act.

All applications for the granting of a MAC must be made using the appropriate form and be accompanied by the specified fee.

A single MAC is generally appropriate per project/development, even where certain areas involved are geographically separate.

A MAC is not required where a person wishes to occupy a part of the maritime area which is privately owned.

4.1 Maritime usages that require a MAC

All maritime usages require a MAC unless they are exempted under Schedules 3 or 4 of the Act. These exemptions include activities that require a Maritime Usage Licence, which are listed in Schedule 7 of the Act.

4.1.1 Maritime usages that require a MAC include:

- Offshore Renewable Energy Projects
- Telecommunication cables that land in the state
- Harbour/Port Development
- Coastal Protection works
- Waste Water pipes
- Bridges
- Capital dredging (dredging to a depth not previously dredged)
- Permanent slipways/jetties
- Flood Defence Schemes
- Piers
- Marina developments
- Wastewater Treatment and Disposal
- Discharge/Outfall pipe

4.1.2 Maritime usages that require a Maritime Usage Licence include:

- Maintenance and Navigational Dredging
- Maintenance of any cable, pipeline, oil, gas or carbon storage facility or structure not provided for under any other statutory approval
- Marine environmental surveys
- Seaweed Harvesting
- Site investigations
- The deposit, construction or removal of any mooring
- Navigational markers/aids (unless authorised by CIL)
- The removal of beach material from, or the disturbance of beach material in the maritime area
- Non-permanent platforms, pontoons or slipways
- The laying or installation of telecommunications cables or ducting by or between coastal States where such cables or ducting pass through the exclusive economic zone or the continental shelf but do not land in the State

- Depositing of any substance or object in the sea or on or under the seabed from a vehicle, vessel, container floating in the sea or from a structure on land
- Sport and Recreation
- Removal of any substance or object from seabed using a vehicle, vessel or floating container
- Use of explosives not related to development consents

4.2 Priority of Assessing MAC Applications

Following the Government Decision *Prioritisation of Renewable Energy Maritime Plans and Projects as a response to the Energy crisis* (Uimhir Thagartha: S180/20/10/1776B from 14 September 2022), MARA will prioritise ORE related applications including port infrastructure.

4.3 Application for declaration as to whether a MAC is required or not

If unsure as to whether you need a MAC or not, you can apply to MARA (under section 77 of the Act) for a declaration in writing as to whether or not the proposed occupation of the part of the maritime area for the proposed maritime usage requires a MAC. This application must be submitted using the appropriate form and be accompanied by the specified fee. MARA will endeavour to make the declaration within 30 days.

4.4 Enquiries to MARA

If you are unsure as to whether you require a MAC or a Maritime Usage Licence or if you would like more information about MARA and its functions please contact MARA at: info@mara.gov.ie

Further information is available at www.maritimeregulator.ie which will be regularly updated.

5. Offshore Renewable Energy (ORE)

5.1 Climate Targets, ORE and Phase One Relevant Projects

The first stage of developing Ireland's offshore resource - Phase One – aims to secure development of the largest possible proportion of Government's objective to connect 5 GW of offshore wind to the onshore grid by 2030. Future offshore renewables development, including Phase One, has been informed by the establishment of new legislative, regulatory and policy frameworks.

Following completion of comprehensive assessments in accordance with the Act, six Maritime Area Consents (MACs) have been granted by the Minister for the Environment, Climate and Communications, with a commencement date of 23 December 2022. MARA has taken over responsibility for these MACs and will be responsible for granting MACs for any proposed offshore projects beyond Phase One.

5.2 ORE Phase Two – Government Policy and DMAPs

Phase Two Policy Decision

It is anticipated that a large proportion of Government's 5 GW offshore wind target will be developed under Phase One. However, with a combined capacity of Phase One projects totaling around 4.4 GW, coupled with prospects that some Phase One projects may fail to secure a route to market or development consent, additional offshore projects will be needed to meet 5 GW by the end of this decade. This transition from Phase One to the longer term enduring offshore regime, which incorporates the delivery of 5 GW by 2030, will be known as Phase Two.

The [Policy Statement on ORE Phase Two](#) makes it explicit that all further offshore energy development must be determined as part of a plan-led structure, underpinned by ORE Designated Maritime Area Plans (DMAPs). Government has agreed that the initial ORE DMAP under Phase Two will be geographically aligned with existing onshore capacity identified by Egrid on the South Coast. It is anticipated that the final designation of the first two ORE DMAPs will be approved by the Oireachtas by the end of 2023.

MARA can only accept applications for ORE Phase Two projects which are located within this DMAP(s) and in line with Government policy in relation to ORESS 2.

6. Obtaining a Maritime Area Consent (MAC)

Section 79 states that a person may make an application in the specified form, accompanied by the specified fee, to MARA for the grant of a MAC for the occupation of the part of the maritime area the subject of the application for the purposes of the undertaking of the proposed maritime usage the subject of the application.

A MAC application may require any information to be provided in relation to any of the matters to which MARA shall have regard to by virtue of *section 80*.

Where a MAC application is made to MARA, it may, by notice in writing given to the applicant, require the applicant to provide in the specified form, by affidavit or otherwise, such additional information in relation to any matter to which the application relates as MARA reasonably considers necessary to assist it to determine the application.

6.1 Eligibility criteria to apply for a MAC

An eligible person can be an individual or a body corporate.

A person who is a body corporate may not make a MAC application unless it is:

- (a) a company,
- (b) an EEA company within the meaning of Part 21 of the Act of 2014 (the Companies Act 2014),
- (c) a public body, or
- (d) engaged principally in non-commercial activities or works.

6.2 The criteria that MARA shall have regard to in determining MAC application:

Section 80 states that MARA shall, in determining a MAC application, have regard to the criteria specified in *Schedule 5*.

Schedule 5: The criteria that MARA shall have regard to in determining MAC application:

1. The nature, scope and duration of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.
2. Whether the proposed maritime usage is in the public interest.
3. The location and spatial extent of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.
4. Guidelines issued under section 7 which are relevant to the proposed maritime usage.
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 MARA.
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 MARA.
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).
8. The National Marine Planning Framework.
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.
10. The extent and nature of stakeholder engagement undertaken by the applicant in respect of the proposed maritime usage.
11. Where a competitive process referred to in section 93 or 103 is used, the outcome of such process.
12. Any additional criteria specified, for the purposes of this paragraph, in regulations made under section 80(2).

6.3 Application Fees

The application fee is determined by the proposed size and cost of the project and the level of complexity involved in assessing an application. Application fee structures will be published in due course.

6.4 Levy Framework

The holder of a MAC will be required to pay a levy in accordance with the levy framework. The Levy Framework will be published in due course.

6.5 Duration of a MAC

The duration of MACs will vary depending on the lifecycle of the project. The lifecycle is based on the development, construction, operational and decommissioning phases.

The duration of the MACs issued for ORE Phase One projects is 45 years.

6.6 Material amendment to a MAC

Under Section 86(1) of the Act, where the Holder wishes to amend the MAC in any material way, the other provisions applicable to a MAC application under section 79 shall apply, including the fit and proper person test.

6.7 Assignment of a MAC

In accordance with section 85 of the Act, when a holder of a MAC wishes to assign the MAC to another person, a joint application must be made under section 79 for grant of MAC.

6.8 Surrender of an existing Foreshore Lease

Any MAC applicants who hold a Foreshore Lease should indicate to MARA if they intend to surrender their interest in the relevant leasehold area in the event that their application for a MAC and planning consent is successful.

Documentary evidence of this undertaking to surrender will need to be provided to MARA before the MAC assessment can be completed.

6.9 Commercially sensitive information

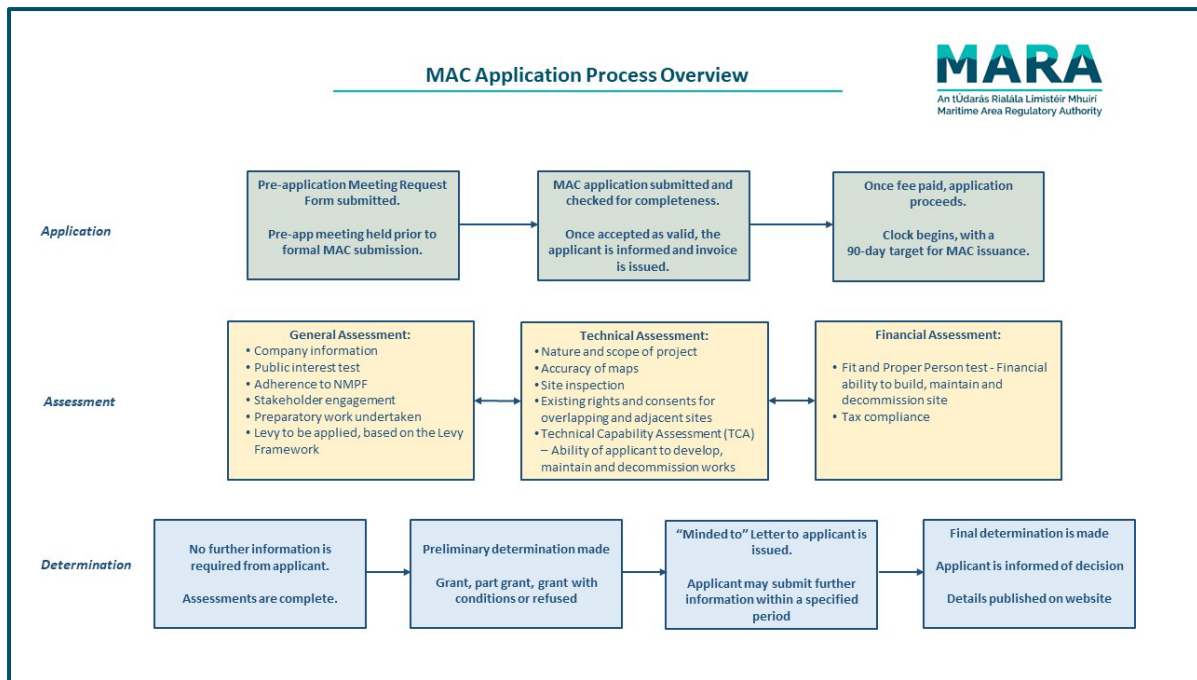
Applicants should be aware that under the Freedom of Information Act 2014 and the European Communities (Access to Information on the Environment) Regulations 2007 to 2018, information provided by them to MARA may be liable to be disclosed.

Applicants are asked to consider if any of the information supplied by them in their application should not be disclosed and clearly identify the specific sections of their application containing such information, specifying the reasons for its confidentiality/sensitivity. MARA will consult with applicants about this information before making a decision on any Freedom of Information/Access to Information on the Environment request received.

7 Processing a MAC application

7.1 Overview of the application process

The below graphic outlines at a high level the various steps involved in submitting and processing a MAC application.



7.2 Pre-Application Meeting

MARA will invite any person seeking a MAC to a pre-application meeting to discuss the project and advise on the MAC application. A pre-application meeting request form is available on the MARA website.

Applicants are asked to provide as much information as possible on this form regarding the proposed development and to include an appropriate map (see guidance in **7.3 Part 4** below) for discussion.

7.3 Completing a MAC Application Form – Section A

Part 1 Applicant Information

Please provide any information requested that is appropriate to your application.

Note: When submitting an application form, the applicant agrees that the details provided (with personal contact details redacted) are to be published on the MARA website and also that the full information provided, including contact details, are to be processed and retained by MARA and may be shared with appropriate bodies (to assess technical and/or financial details) when considering the application.

Part 2 Outline of Proposal

Please provide a brief description of primary and ancillary works – plus any terrestrial works, where applicable.

The Scope and Nature of the Maritime Usage to be undertaken must be fully, unambiguously and accurately described in Part 2 of the application form and should detail any works or

activities in the Maritime Area required or necessary, as relevant, to undertake, construct, complete, commission, operate and maintain the proposed usage.

Part 3 Public Interest

In determining a MAC application MARA shall have regard to whether the maritime usage proposed is in the public interest. The Maritime Area is a finite and valuable resource and amenity, it is important that each usage is fully assessed to ensure, that if consented to, it is a sustainable and proper use of that resource. Part 3 of the application form is available to the applicant to describe how the proposed project may serve, or may otherwise impact, areas of public interest. In Part 3 the applicant should demonstrate how and if significant public use or benefit to the public is resultant from the proposed usage.

Part 4 Location and Spatial Extent of Proposed MAC Area

The applicant should provide an A3-sized map, or maps where appropriate, at an appropriate scale to accurately describe the area for the proposed maritime usage.

Further details on how to prepare the appropriate map are available in the following document: *Mapping Guidance for MAC Applications in the Maritime Area under the Maritime Area Planning Act*.

Development Drawings

Drawings of the proposed development including Site Layouts, Plans, Elevations and Sections are required as necessary to fully define and describe the development and its location relative to and within the MAC area.

These should be on A3 to appropriate scales as necessary to fully describe the development.

Elevations and sections should show principle and significant levels to O.D. Malin and relative to MHWS, MHW, MLW, MLWS and Chart Datum if relevant.

For ORE proposals, include any cable routes and provide indicative locations of turbines and other permanent constructions.

Part 5 Tax Compliance

The applicant must be tax compliant, both at the time the application is made and at the time that the MAC application concerned is determined by MARA.

Part 6 Consistency with the National Marine Planning Framework (NMPF)

The National Marine Planning Framework (NMPF) brings together all marine-based human activities for the first time, outlining the Government's vision, objectives and marine planning policies for each marine activity.

The application should be accompanied by a statement demonstrating how the project is consistent with the National Marine Planning Framework. A copy of the framework can be

downloaded here: <https://www.gov.ie/en/publication/60e57-national-marine-planning-framework/>

Part 7 Preparatory Work

This part should include any on-site investigations, whether at application phase, ongoing or completed, and the outcomes and/or expected outcomes of same. This part should also consider possible in-combination effects during construction and operation of the proposed project with other projects in the area.

Part 8 Stakeholder Engagement

Public consultation and engagement with all stakeholders is a fundamental part of most medium to large projects today. Where development permission is required the appropriate planning authority will carry out consultations with the appropriate bodies under a statutory consultation.

For the purposes of this application it is recommended that you consult with marine users or other stakeholders in the proposed area that may be affected by the proposal and provide details of any other relevant stakeholder engagement to date.

Please provide a high-level statement outlining the nature, duration and frequency of stakeholder engagement. Applicants can also refer to any planned stakeholder engagement.

7.4 Completing a MAC Application Form – Section B

Schedule 2 Fit and Proper Person

According to *section 74* of the Maritime Area Planning (MAP) Act 2021, a “fit and proper person” to be granted or to hold a Maritime Area Consent (MAC) shall be construed in accordance with *Schedule 2* of the Act.

Schedule 2 describes a “relevant person” as being either an applicant for a MAC or the holder of a MAC and a relevant person can be an individual or a body corporate.

Schedule 2 of the Act also sets out the information that MARA should have regard to in determining whether the relevant person is fit and proper.

For the purposes of this application, please complete **Form FPP1** on the *Application for a Maritime Area Consent* form if applying as a non-individual (e.g. Partnership, Corporate Body, Local Authority, Community Group etc.), or **Form FPP2** if applying as an individual.

Fit and Proper Person Assessment

This form, when submitted with a MAC application that includes the relevant *Technical Capability Assessment for a Maritime Area Consent* (for either Schedule 10 or non-Schedule 10 projects) and the *Financial Capability Assessment for a Maritime Area Consent* helps

provide MARA caseworkers with the information necessary to assess whether the applicant (relevant person) may be deemed “fit and proper” for the purposes of holding a MAC.

In assessing whether the relevant person is fit and proper, the MARA caseworkers and legal team (where necessary) examine the information provided in either the FPP1 or FPP2 form. The MARA technical team performs the Technical Capability Assessment, while EY (Ernst and Young) Ireland have been engaged to perform the Financial Capability Assessment.

Completing the FPP1 or FPP2 form

FPP1

Q1 Please provide brief details of any letters of reference received for previous/ongoing projects that you feel relevant to your application and attach copies of same (3 max).

Q2-11 Please answer each question and provide brief details in the space provided, attaching any further relevant information/documentation relating to the question, where appropriate.

FPP2

Q1 Please provide brief details of any letters of reference received for previous/ongoing projects that you feel relevant to your application and attach copies of same (3 max).

Q2-5 Please answer each question and provide brief details in the space provided, attaching any further relevant information/documentation relating to the question, where appropriate.

7.5 Determination of Application

Upon completion of the application assessment, if MARA is “minded to” part grant a MAC, grant with conditions, or refuse to grant a MAC, MARA will give notice to the applicant setting out how MARA is minded to determine the application and the reasons why it is so minded. The applicant may, within the period specified in such notice, provide supplementary material for further consideration.

Once a final decision is made by MARA the applicant will be notified in writing and MARA will publish a notice on its website as soon as practicable thereafter.

7.6 Timelines

According to Section 81(2) of the Act MARA shall, to the extent that is practicable to do so, determine a MAC application not later than 90 days after the day on which MARA is satisfied that the applicant has complied with all the requirements under this section.

8. Glossary of Terms

The Act	Maritime Area Planning Act 2021
Act of 2014	Companies Act 2014
Applicant	The applicant for a MAC. May be an individual or body corporate
Coastal Local Authority (CLA)	Local planning authority that has an area of the nearshore / coastline within its remit
Exclusive Economic Zone (EEZ)	An area of free trade and free movement of peoples comprising the member states of the European Union, in addition to Norway, Iceland and Liechtenstein.
Fit and Proper Person	A relevant person that is considered appropriate to hold the MAC for which they have applied
Guidance	General Guidance Document for Completing a New Application for a Maritime Area Consent (unless otherwise stated)
Holder	The holder of one or more MACs under the Act
MAC	Maritime Area Consent, as defined under the Act
MARA	Maritime Area Regulatory Authority
Maritime Usage Licence	A licence to carry out certain activities in the maritime area, as listed in Schedule 7 of the Act
NMPF	National Marine Planning Framework
Relevant Person	The applicant for, or holder of, a MAC