

MAC Report	
Application for a Maritime Area Consent (MAC) under Section 75(1) of Maritime Area Planning Act 2021, as amended (the Act)	
Application Details	
MAC Applicant:	Fingal County Council
MAC Reference No:	MAC20240007
Location:	Portrane (Burrow) Beach, County Fingal
Date Application received:	27 September 2024
Proposed Maritime Usage:	Fingal Co. Council have applied for a MAC for the construction of a coastal protection scheme at Portrane (Burrow) Beach. The proposed maritime usage includes the construction, use, operation and maintenance of coastal protection groynes and beach nourishment works including all associated decommissioning, demolition, rehabilitation and any other works required on foot of any development permission relating to the infrastructure.
Recommendation:	To approve the Granting of the MAC sought with conditions attached.

Document Control			
Prepared by:		Senior Marine Advisor	02/07/2025
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		Senior Marine Advisor	03/07/2025
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1. Overview

On 27 September 2024, Fingal County Council submitted a Maritime Area Consent (MAC) application to MARA under Section 79 of the Maritime Area Planning Act 2021, as amended (the Act) for the construction of a coastal protection scheme at Portrane (Burrow) Beach. The proposed maritime usage includes the construction, use, operation and maintenance of coastal protection groyne structures and beach nourishment works including all associated decommissioning, demolition, rehabilitation and any other works required on foot of any development permission relating to the infrastructure.

2. Background

The proposed development aims to mitigate the very significant risk of coastal flooding and ongoing coastal erosion to the Burrow community which is located on a low-lying sandy spit in Co. Fingal. A combination of flood embankments, flood walls and beach works, which includes the construction of seven fish tail groyne structures and beach nourishment along the coast, is required to alleviate the coastal flooding and erosion risk. The scheme is stated to be designed to a 1 in 200-year standard (accounting for +0.25m of sea level rise) and has a design life of circa 50 years (assuming regular maintenance).

The permanent works within the maritime area are primarily associated with the construction of the fishtail groynes and beach nourishment, however a works area has also been identified to facilitate the construction of the scheme.

3. Proposed Maritime Usage

The proposed scheme is stated to cover three separate areas as follows:-

Flood embankment at the northern extent of the spit at the end of Burrow Road - These works are not located within the maritime area and the applicant has not applied for a MAC area in relation to this element of the project. As a result, this aspect of the scheme is not considered further.

Flood embankment and flood wall at Marsh Lane - A 200 metre (m) earth flood embankment is proposed to be constructed at Marsh Lane to mitigate coastal flooding caused by tidal inundation. The embankment is proposed to be constructed with 1 in 2.5 side slopes on both sides and with a 1m wide crest to facilitate safe access to inspect and maintain the embankment. The core of the structure is proposed to be comprised of suitable clay material which will be compacted within a trench to sub-formation level. The embankment is proposed to be built up to a design crest level of 4.02m Ordnance Datum (OD) using compacted layers of suitable granular fill and covered by topsoil and seeded to promote the growth of vegetation.

A 130 m long sheet piled flood wall is also proposed to be constructed at Marsh Lane to mitigate coastal flooding caused by tidal inundation. The flood wall is proposed to consist of sheet piling to the defined defence level of 3.82m OD, with a concrete strip foundation to support the cladding on both sides. The sheet piling is proposed to be completed with coping detail along the crest. Based upon preliminary ground investigation work, the toe depth is likely to be in the region of -10m OD and will be confirmed at the detailed design phase. The applicant states facing panels or cladding may be implemented if required to give the appearance of a concrete or masonry wall. Back drainage is proposed to be installed at the dry side of the piled flood wall.

The proposed flood embankment and the flood wall at Marsh Lane are not located within the maritime area. However, the applicant will occupy a part of the maritime area as a works area during the construction phase in order to construct both structures and has included this required area within their MAC application.

Construction of seven fishtail groynes and beach nourishment along Portrane (Burrow) Beach

- To provide wave protection to the coast, and to limit the further loss of beach material, the proposed development includes the construction of seven fishtail (or 'Y' shaped) groynes structures along circa 1.3 km of the beach. These defences are proposed to be complimented by a beach nourishment scheme. The applicant states that, in-combination, these works will reduce the wave energy impacting the coastline and will mitigate the risk of coastal erosion and coastal flooding caused by waters breaching the existing sand dune system.

In respect of the groynes, each of the structures are proposed to extend seaward for approximately 70m, before splitting into a “fishtail” or a “Y-shape”. Each groyne will then extend seaward for an additional 40m at a 120 angle. The core of each 70m long ‘trunk’ is proposed to be constructed by re-using the existing seabee units which are already on the beach (see site visit photographs in *Section 4*). The landward edge of each groyne structure is proposed to be constructed 10m seaward of the coastline to facilitate pedestrian access along the upper foreshore. The seabee units are proposed to be placed on a bedding layer and a 0.3 – 1.0 tonnes(T) underlayer, separated from the beach using a heavy-duty geotextile. A single layer of 0.3 – 1.0T rock armour will be placed over the Seabee units at a slope of 1:1.5. The fishtail structures are proposed to be constructed exclusively of rock fill and rock armour (i.e. no seabee units). The filter layer of each fishtail structure is proposed to be placed onto and wrapped in a heavy-duty geotextile. The crest level of each groyne structure is proposed to be constructed to 4.25m OD at the shoreline and slope to 2.85m OD at the seaward side of the fishtails. The fishtails are proposed to be constructed with a consistent crest level of 2.85m OD. Upon completion of the groyne structures, the sub-cell areas are proposed to be filled with beach nourishment material imported from a licenced marine aggregate extraction site outside of Ireland’s maritime area (anticipated by the applicant to be sourced from Liverpool Bay). Based on present day beach levels, the applicant estimates that circa 425,000m³ of material will be required to achieve the proposed beach levels of 3.0m OD. The nourished beach profile within each groyne sub-cell is stated to be designed to provide a 25 m flat upper section at 3.0m OD before sloping down to meet existing beach levels. Upon completion of the nourishment works it is stated that the enhanced beach will continue to be publicly accessible and will be utilised as an amenity area.

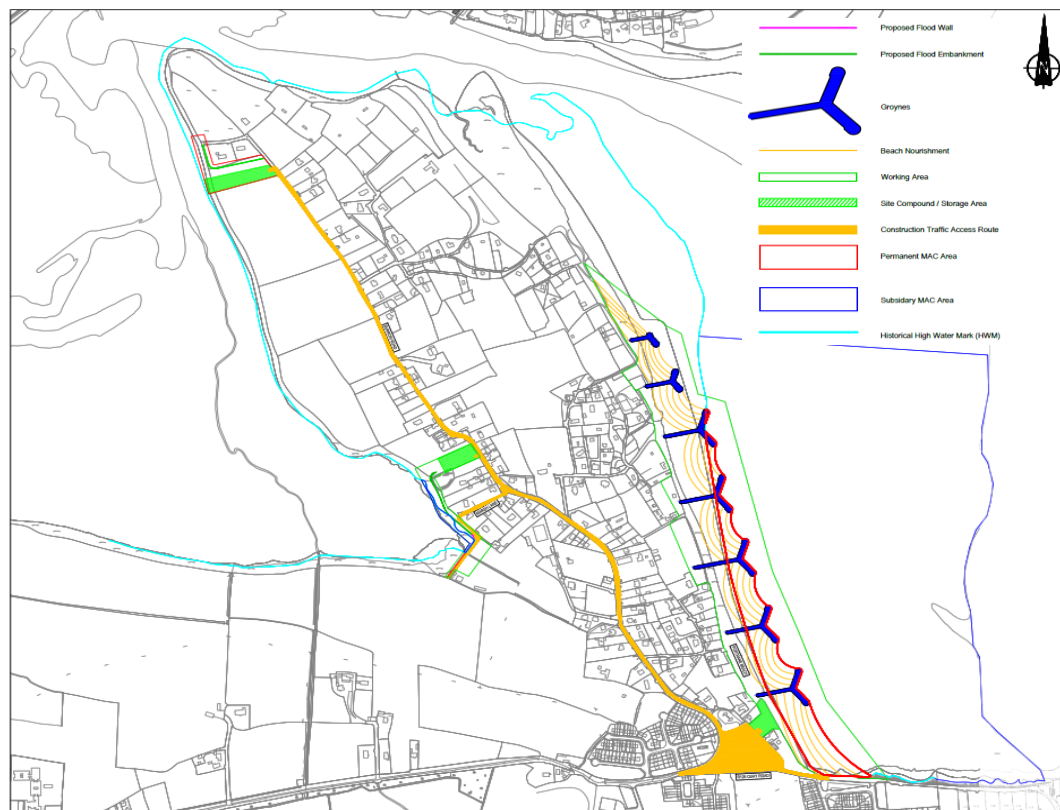


Figure 1 – Applicant Plan -General Layout of Fishtail Groyne Structures

The MAC areas sought by the applicant are illustrated in Figures 2 and 3.

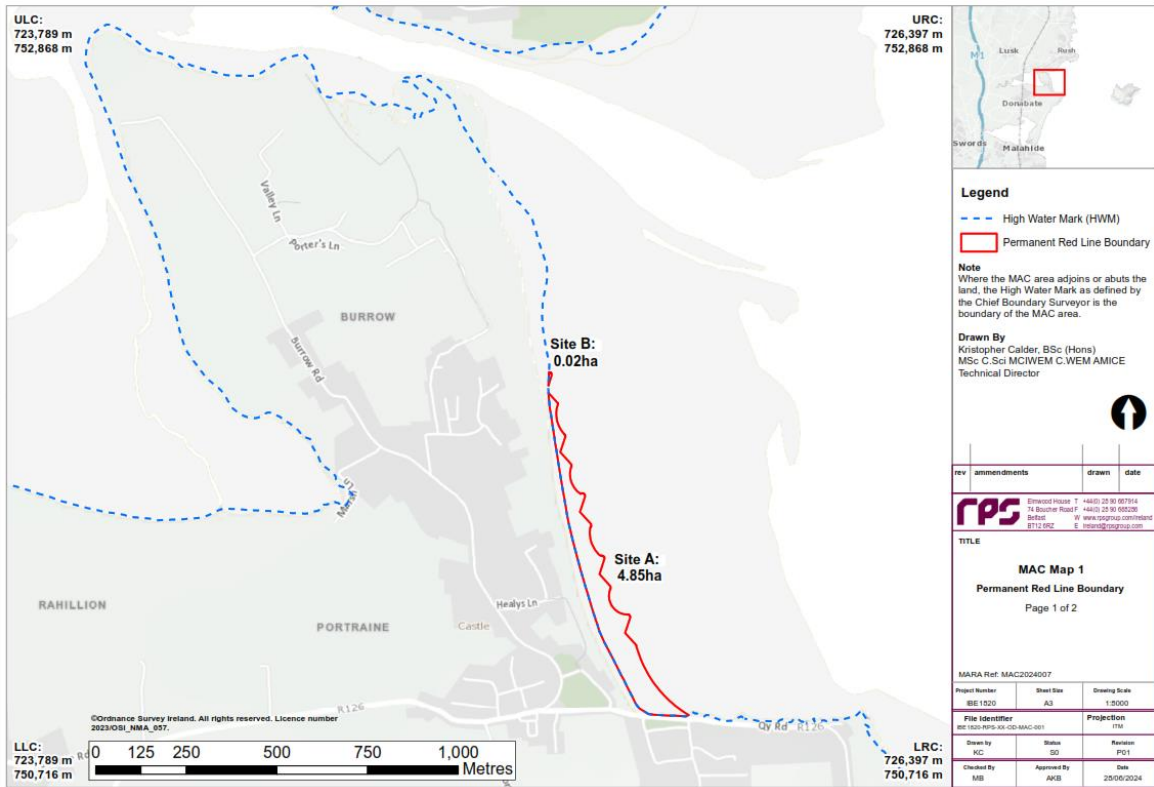


Figure 2 – Site A and Site B as applied for by Fingal County Council

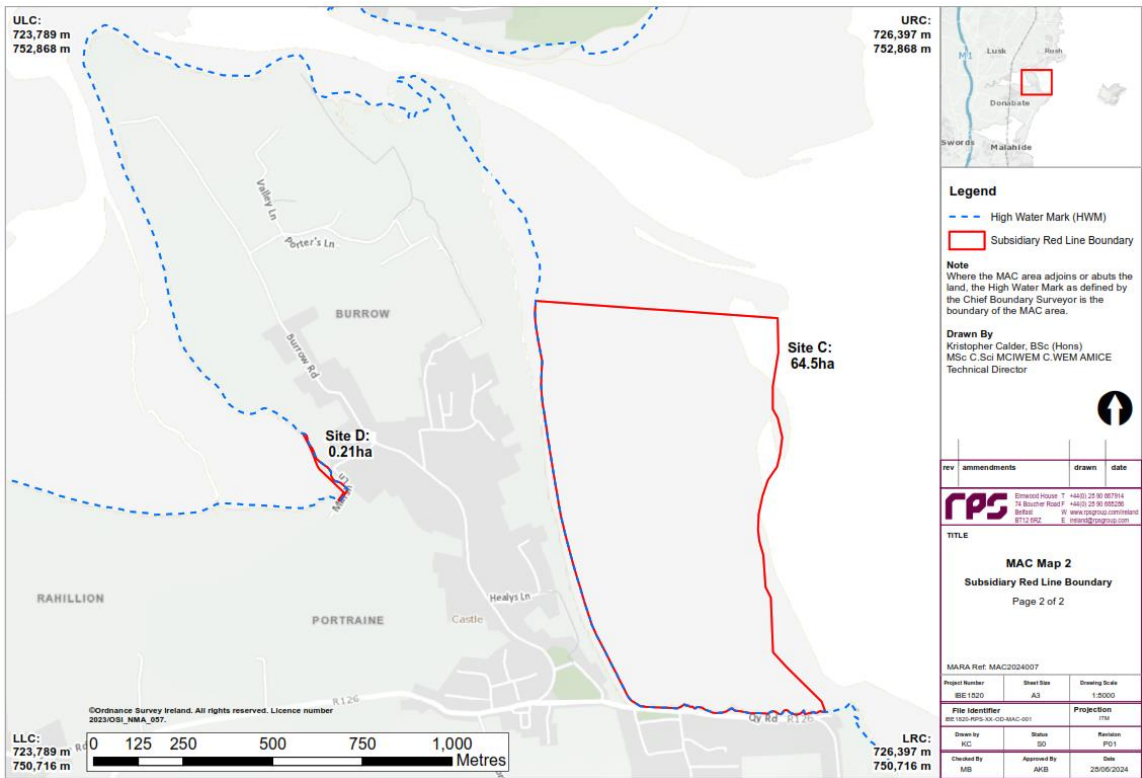


Figure 3 – Site C and Site D as applied for by Fingal County Council

It should be noted that Site A and Site B which are for the coastal protection works, as applied for by the applicant, are wholly contained within Site C. Site D is a proposed works area to facilitate the construction of the flood embankment and flood wall works at Marsh Lane. The entirety of the MAC area required by the applicant is therefore covered by both Site C and Site D in *Figure 2* above. In order to obtain planning permission and conduct the beach nourishment activities a MAC will be required for the full area as applied for by the applicant. From the documentation submitted by the applicant it is apparent that a significant portion of Site C is required for the beach nourishment activities only and will not contain any permanent infrastructure. Upon completion of the works the applicant may decide to reduce the MAC area, through the material amendment process, to be congruent with the footprint of the proposed coastal defence structures including any area additional area which may be required to facilitate future maintenance.

During the construction phase of the proposed works (i.e. the construction of the seven fishtail groynes and beach nourishment operations), the applicant intends to restrict access to Portrane Beach. Fingal County Council have indicated that this element of the works is envisaged to take approximately 19 weeks to complete. The applicant indicates that the proposed works will increase the overall useability and amenity value of the beach.

4. Site Visit

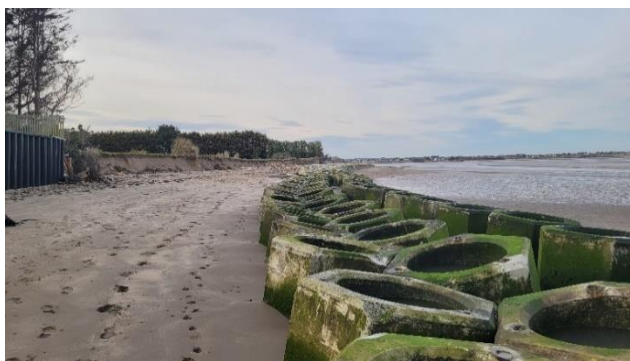
Senior Marine Advisor, [REDACTED] inspected the site on 04 March 2025. Portrane (Burrow) Beach is publicly accessible from the existing car park immediately to the west. The beach is formed by a sandy spit which runs in a north south direction from Portrane village in the south to the inlet to the Rogerstown Estuary to the north. This circa 1.3km stretch of coastline has experienced severe coastal erosion which is posing a significant threat to existing properties. In an effort to slow the rate of coastal erosion Fingal County Council placed pre-cast concrete 'Seabee' units along a 1km stretch of the beach as a temporary wave protection measure above the High Water Mark (see *Photograph 1* below). These works are not located within the maritime area.



Photograph 1 – Existing 'seabee' units installed in 2018 (Copyright of Fingal County Council, sourced from Fingal County Council website)



Photograph 2 – View looking south along beach towards Portrane village [REDACTED] 4/03/2025]



Photograph 3 – View looking north along beach with existing Seabee units in Foreground [REDACTED] 4/03/2025]



Photograph 4 – View looking north along beach with evidence of recent property damage due to ongoing coastal erosion [REDACTED] 4/03/2025]



Photograph 5 – Ad hoc coastal protection works for properties along the beach looking north [REDACTED] 4/03/2025]

It was evident on the day of the site visit that coastal erosion is continuing landward of the installed 'seabee' units. Several property owners have installed ad hoc coastal protection measures along the seaward curtilages of their properties in the form of from sheet pile walling and sandbagging works (see photographs 2 & 5). Damage to property has already occurred in some areas (see *Photograph 4*). These ad hoc works have been undertaken landward of the historical High Water Mark and therefore are not in the maritime area.

No existing infrastructure or occupation was noted during the site visit which would conflict with the proposed MAC usage. It should be noted that the applicant intends to reuse the existing 'seabee' units within the permanent coastal defence works.

5. Review of Legislation & Associated Consents

5.1 Applicable Provisions of the Maritime Area Planning Act, 2021 as amended (the Act)

Under the Act, MARA has responsibility for granting MACs.

Schedule 3 and Schedule 4 of the Act specifies maritime usages for which a MAC is not required, including where the proposed maritime usage falls under the remit of another enactment, is navigation or fishing, is a licensable activity under schedule 7 or where the activity is to be undertaken on private land. The proposed maritime usage is not considered to fall under those listed under Schedule 3 or 4 of the Act.

The applicant has stated that the proposed maritime usage and the subject of this application requires development permission. In accordance with Section 75(1) of the Act, a MAC is required before an application for development permission can be lodged with the relevant consent authority.

Accordingly, the subject of this application is considered to fall under Section 75(1) of the Act.

5.2 Existing Consents & Authorisations

A search of the MARA's GIS database was undertaken on 23 April 2025 for spatial overlap between the proposed MAC areas and existing foreshore authorisations and MARA licences and consents.

The Marine Institute's Ireland's Marine Atlas database¹ was searched on 23 April 2023 for spatial overlap between the proposed MAC areas and any Department for Agriculture, Food and the Marine (DAFM) foreshore authorisations for aquaculture sites.

The proposed MAC area does not overlap with any existing MACs or Maritime Usage Licence (MUL) or applications for the same. The application overlaps with a foreshore authorisation as detailed in *Table 1* below.

¹ <https://atlas.marine.ie/>

Table 1: Summary of Overlapping Maritime Authorisations and Foreshore Authorisations				
File Reference Number	Applicant/ Holder	Consent Type	Maritime Usage	Status
FS006842	Rockabill Cable Systems Ltd	Foreshore Licence	Survey, site investigation and installation of submarine fibre optic cable	Licence granted – expires 9/06/2054

The MAC application by Fingal County Council overlaps with the landfall element of an existing foreshore consent for the existing Rockabill Cable System, foreshore authorisations reference FS006842. The proposed works have the potential to affect the existing use. Accordingly, the applicant must ensure that the existing cable and any associated infrastructure is protected and retained in accordance with the terms of the existing foreshore licence. Further consideration in relation to the Foreshore Licence is provided in Sections 6 & 9 in order to ensure that the existing authorised maritime usages are protected from disruption associated with the subject proposed works.

5.3 Development Permission

The applicant has stated that the proposed works require development permission. The applicant indicated that they intend to submit an application for development permission should they be successful in obtaining a MAC for the proposed project. No application for development permission has been made in advance of seeking a MAC from MARA. Owing to the nature and scale of the proposed works, it is considered reasonable that the MAC Holder (if successful in obtaining a MAC) should submit a valid application for development consent to the relevant planning authority within 18 months of issuance of the MAC.

The applicant in their development permission application to the relevant planning authority is required to include a Rehabilitation Schedule detailing how the applicant proposes to rehabilitate the maritime area in accordance with Part 4, Chapter 8 of the Act.

5.4 Ownership

A search was undertaken of the Land Registry on 29 April 2025 for any document granting or affecting rights to land in order to ensure that there are no conflicts of interest with the MAC area being applied for as outlined in the proposed MAC Map.

No conflicts of interest affecting the proposed MAC area were identified.

6. Assessment

6.1 Schedule 5

The MAC application was submitted with the appropriate fee on 27 September 2024. A number of requests for additional information were issued on 10 October 2024; 7 November 2024 and 23 December 2024 under section 79(3) of the Act and associated responses received relating to matters for financial assessment on 1 November 2024; 22 November 2024 and 3 January 2025.

Schedule 5 of the MAP Act, which sets out the criteria to which MARA must have regard when assessing a MAC application. This report sets out the assessment undertaken pursuant to Section 5 of the Act. The assessment is summarised in Table 2 below.

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

Schedule 5 Requirements		Synopsis	Assessment
1.	The nature, scope and duration of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.	<p>Details of the proposed maritime usage, including the nature scope and duration are described in Section 3 & 4 above.</p> <p>The applicant has stated in Section 2.1 of their application form that the scheme, with regular maintenance, is expected to achieve a design life of 50 years. Considering the nature of the works and allowing time for obtaining planning permission, procurement of a works contractor, construction and decommissioning, a MAC Term of 55 years would seem reasonable.</p> <p>The proposed maritime usage is considered satisfactory, having regard to the nature, scope and duration.</p>	Satisfactory
2.	Whether the proposed maritime usage is in the public interest.	<p>Fingal County Council stated that the proposed project aligns with;</p> <ul style="list-style-type: none"> • National Planning Framework 2040 • National Marine Planning Framework 2021 • Fingal Development Plan 2023-2029 • National Adaptation Framework, Planning for a Climate Resilient Ireland • Flood Risk Management, Climate Change Sectoral Adaptation Plan <p>Fingal County Council stated that the proposed project aligns with;</p> <ul style="list-style-type: none"> • EU Directive on the Assessment and Management of Flood Risks (2007/60/EC) • EU Strategy on Adaption to Climate Change, 2021. <p>Fingal County Council have indicated in their application that construction works are planned to commence during in Q1 of 2026, with the substantial completion expected during Q3 of 2026. The planned beach access restrictions are considered reasonable in order to secure the works area and to protect the public from any health and safety risk associated with the proposed construction activities.</p> <p>As Portrane Beach is a heavily utilised public amenity space it is considered appropriate that the applicant prepares a Public Engagement Plan in accordance with Condition 10.1 of the MAC. The Public Engagement Plan should specify how the applicant will communicate relevant information to the public in relation to the proposed works and any planned access restrictions.</p> <p>Fingal County Council commented that the proposed development would restore and maintain beach levels which would increase the useability of the beach as an amenity; it would reduce coastal flood and erosion risk, therefore protecting residential and community assets along with safeguarding the green area within the area.</p> <p>The proposed maritime usage is considered satisfactory, having regard to the public interest.</p>	Satisfactory

3.	The location and spatial extent of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.	<p>Details of the location, relevant consents, ownership and development permissions are provided in Sections 2 to 5 above. While a foreshore licence (ref FS006842) was noted as part of the search for overlap with other consents, foreshore licences were granted on a non-exclusive basis. Accordingly, based on the searches and site visit undertaken, nothing was identified that would preclude the granting of a MAC in the proposed area.</p> <p>Considering the spatial overlap with the existing Rockabill Cable System foreshore authorisation (ref FS006842), it is recommended that the MAC includes a condition requiring Fingal County Council to engage with the Foreshore Licence holder to ensure the proposed MAC activity does not cause disruption to the existing maritime usage. Refer to <i>Section 9</i> for details.</p> <p>The total proposed area occupied by the MAC is 64.71Ha, comprising:</p> <ul style="list-style-type: none"> - • Portrane Beach works - 64.5Ha and • Marsh Lane works - 0.21Ha <p>The overall MAC areas are illustrated in <i>Figure 5</i> (Proposed MAC Map) in <i>Section 7</i>.</p> <p>Accordingly, the proposed maritime usage is considered satisfactory, having regard to the location(s) and spatial extent of the occupation.</p>	Satisfactory
4.	Guidelines issued under Section 7 which are relevant to the proposed maritime usage.	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.	<p>A detailed review and assessment of the information provided by the applicant(s) has been completed. Based on the assessment set out in <i>Table 3</i> below, Section 6.2.1 and the Financial Capability Assessment (FCA) as set out in the Ernest Young (EY) report dated 26 March 2025, it is considered that the applicant satisfies the fit and proper person requirements.</p> <p>As required by Schedule 6, Part 2 of the Act, it is a condition of all MACs that the Holder shall continue to be a fit and proper person within the meaning of Schedule 2 of the Act for the Term of the MAC.</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.	The applicant submitted Tax Registration Number and Tax Clearance Access Number (TCAN) which was used to view the applicant's tax clearance certificate. Based on the review of the tax clearance certificate, the applicant is considered 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).	Not applicable	Not applicable

8.	The National Marine Planning Framework (NMPF).	<p>Based on a review of the application, it is considered that the proposed project aligns with the overall objectives of the NMPF.</p> <p>It is considered that the proposed project aligns with the following policy economic, social and key sectoral objectives of the NMPF:</p> <ul style="list-style-type: none"> • Co-existence Policy 1 - Proposals should demonstrate that they have considered how to optimise the use of space, including through consideration of opportunities for co-existence and co-operation with other activities, enhancing other activities where appropriate. • Access Policy 2 - Proposals demonstrating appropriate enhanced and inclusive public access to and within the maritime area, and that consider the future provision of services for tourism and recreation activities, should be supported, subject to the outcome of statutory environmental assessment processes and subsequent decision by the competent authority, and where they contribute to the policies and objectives of this NMPF. • Employment Policy 1 - Proposals should demonstrate contribution to a net increase in marine related employment in Ireland, particularly where the proposals are • in line with the skills available in Irish coastal communities adjacent to the maritime area, • improve the sustainable use of natural resources, • diversify skills to enable employment in emerging industries • Social Benefits Policy 1 - Proposals that enhance or promote social benefits should be supported. • Social Benefits Policy 2 - Proposals that increase the understanding and enjoyment of the marine environment (including its natural, historic and social value), or that promote conservation management and increased education and skills, should be supported. • Sport and Recreation Policy 1 - Proposals that promote sustainable development of water-based sports and marine recreation, while enhancing community health, wellbeing and quality of life, should be supported, provided that due consideration is given to environmental carrying capacities and tourism pressures • Tourism Policy 1 - Where appropriate, proposals enabling, promoting or facilitating sustainable tourism and recreation activities, particularly where this creates diversification or additional utilisation of related facilities beyond typical usage patterns, should be supported <p>In the application, the applicant states that the proposed project is consistent with the environmental objectives of the NMPF. The proposed works constitute development which require planning permission and environmental assessment of the proposed maritime</p>	Satisfactory
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		<p>usage, which is undertaken at development permission stage by the relevant planning authority. This above 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>Based on the above, MARA is satisfied that the proposed works align with the above overall objectives and policy objectives of the NMPF.</p>	
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.	<p>Fingal County Council have stated that they have undertaken the following preparatory works in relation to the proposed coastal defence scheme:</p> <ol style="list-style-type: none"> 1. Defence condition surveys; 2. Topographical & bathymetric surveys; 3. Terrestrial Ground Investigation Survey; 4. Environmental Baseline Surveys of the Rogerstown Estuary; and 5. Intertidal Archaeological Survey. <p>The applicant stated an Environmental Impact Assessment Report (EIAR) is currently being prepared by the applicant for the proposed development and the scheme is subject to development consent.</p> <p>Having regard to the above, the extent of the preparatory works undertaken are considered 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.	<p>Fingal County Council state they undertook statutory consultation with 12 stakeholders, on foot of an EIA Scoping Report to An Board Pleanála, with 2 submissions received. Fingal County Council stated they also undertook non-statutory consultation and received a mainly positive response to the proposed development.</p> <p>Furthermore, the applicant and project consultants (RPS) host regular meetings with Fingal Coastal Liaison Group (a group established to provide a forum for discussion) to provide updates on the project.</p> <p>Having regard to the above, the extent and nature of the stakeholder engagement undertaken is therefore considered acceptable a project of this scale and nature.</p>	Satisfactory
11.	Where a competitive process referred to in section 93 or 103 is used, the outcome of such process.	Not applicable	Not applicable

12.	Any additional criteria specified, for the purposes of this paragraph, in regulations made under section 80(2).	No such regulations have been made to date.	Not applicable
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6.2 Fit & Proper Person Assessment

Schedule 2(2) of the Act sets out the criteria to which MARA shall have regard in determining whether the relevant person is “fit and proper” to be granted and to hold a MAC. The assessment of whether the holder is a fit and proper person within the meaning of Schedule 2(2) is set out in *Table 3* below.

Table 3: Schedule 2(2) Fit & Proper Person

Fit & Proper area for assessment		Synopsis	Assessment
(a)	letters of reference;	As set out in Section (g) below, the Applicant has demonstrated clear evidence of their expertise and technical capability in successfully delivering projects of a similar scale. No letters of reference were provided.	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, the Applicant was assessed against these criteria and it was 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, the Applicant was assessed against these criteria and it was 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, the Applicant was assessed against these criteria, and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory
(e)	if the relevant person is a body corporate, whether it— (i) has commenced a voluntary winding-up or is subject to a winding-up order or is subject to proceedings for such an order, (ii) is subject to the appointment of a receiver or examiner, or (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;	As part of the FCA, the Applicant was assessed against these criteria and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory
(f)	if the relevant person is a body corporate incorporated under the law of another state— (i) whether an event which corresponds to an event referred to in clause (c) has occurred in relation to any of its directors, or (ii) whether an event which corresponds to an event referred to in clause (e) has occurred in relation to the body corporate;	As part of the FCA, the Applicant was assessed against these criteria, and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory

(g)	whether the relevant person, or a person acting for or on behalf of the relevant person in the relevant person's capacity as such, has (or has access to), or continues to have (or have access to), as the case may be, the requisite technical knowledge or qualifications, or both, to undertake the proposed maritime usage, or continue to undertake the maritime usage, as the case may be;	Assessment of the technical capability of Fingal County Council to deliver the proposed maritime usages the subject of the MAC application is detailed in Section 6.2.1 below. Fingal County Council are considered to have the requisite technical knowledge and qualifications to undertake the proposed maritime usage.	Satisfactory
(h)	<p>whether the relevant person is likely to be in a position to meet, or continue to meet, as the case may be, any financial commitments or obligations that the MARA reasonably considers will be entered into or incurred by the relevant person—</p> <p>(i) in undertaking the proposed maritime usage, or in continuing to undertake the maritime usage, as the case may be, or</p> <p>(ii) in ceasing to undertake the proposed maritime usage or the maritime usage, as the case may be;</p>	<p>A FCA report dated 26 March 2025 has been prepared by external financial consultants, EY, who assessed the applicant's financial capability to carry out the proposed maritime usages. Based on the results from the financial capability tests and the information submitted, it is considered that the Relevant Person is viewed as passing the assessment.</p> <p>Due to the commercial sensitive nature, details of the assessment are not included herein.</p> <p>The applicant is considered likely to be in a position to meet financial commitments associated with the proposed maritime usage and MAC.</p>	Satisfactory
(i)	<p>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>	MARA has undertaken a review of MACs (including associated development permission under MARA's remit for enforcement), maritime usage licences and foreshore authorisations held by the applicant. Based on the review, MARA is not aware of any non-compliances with these consents, there are no enforcement actions pending and there are no outstanding debts owed.	Satisfactory

6.2.1 Technical Capability Assessment (TCA)

Based on the information supplied by the applicant, the TCA for this application has been carried out on the basis that the proposed project is a Schedule 10 project. This determination is for the purposes of TCA only and does not prejudice the planning process as it should be noted that the ultimate arbiter of whether a project is Schedule 10 or not is An Coimisiún Pleanála.

Previous Corporate Project Experience: Based on the information submitted it is clear that, in the past 10 years, Fingal County Council as the relevant Local Authority have been involved in both marine and terrestrial civil engineering projects of a similar scale and nature and it has provided a comprehensive description of their role in delivering these projects. In conclusion, Fingal County Council have satisfied the Previous Corporate Project Experience (development, construction, operation and maintenance) criteria requirements and has demonstrated 12 months continuous experience for each stage.

Project Delivery Teams Experience: Fingal County Council have listed four team members in Appendix Tec B Table 1 and provided information in Appendix Tec B Table 2 in relation to the proposed team members previous project experience. The evidence provided demonstrates an experienced Senior Project Delivery Team consisting of four members. Between them, the four team members assessed had an aggregate of at least 37 years of development and construction experience in similar projects, at least 39 years of experience of other projects and at least 20 years of experience of the Irish planning system. Details of the team's experience was outlined in the Project Delivery Team Resource Plan Summary in Table 1 of Appendix Tec B of the TCA application form. Based on the above assessment, Fingal County Council have satisfied the Project Delivery Teams Experience criteria (Marine Projects, Other Projects and Planning) requirements.

Delivery Timelines: The applicant has completed Table 1 in Appendix Tec C: Delivery Timelines of the TCA application form which outlines the key milestone delivery timelines and demonstrates how the project will progress from submission of the planning application, to signing of the main contractor agreement to planned maintenance activities. The applicant hopes to appoint a main contractor in Q4 of 2025 with an anticipated works start date of Q1 2026. The applicant envisages achieving substantial completion by Q3 2026. The time allocated by the applicant for obtaining development consent and completing construction is considered reasonable. On the basis of the information provided, the applicant has demonstrated a realistic understanding of the complexities and probable timeframes of developing a project of this scale and nature in an Irish context.

TCA Conclusion: Following an assessment of the full suite of documentation provided by the applicant, MARA's considers that Fingal County Council have satisfied all of the criteria under the Technical Capability Assessment of the Fit and Proper Test. Accordingly, MARA considers that Fingal County Council have the requisite technical knowledge and qualifications to undertake the proposed maritime usage.

6.3 Section 83 – Nature of Use

Section 83(1) of the Act requires MARA in the granting of a MAC to specify whether the specific part of the maritime area the subject of that MAC is for exclusive use or not. Section 83(1) provides MARA discretion and flexibility to specify the nature of the use (i.e. exclusive, non-exclusive or may/may not be exclusive).

Having regard to the nature and lifecycle of the proposed maritime usage the subject of this application, it is reasonably foreseeable that Fingal County Council may be required to exclude access to parts of the MAC area on a temporary basis. For example, during construction, beach nourishment, maintenance, decommissioning and rehabilitation phases for health and safety reasons. Such temporary/ short-term exclusions may be mandated by the planning authority or other authorities or legislation for specific purposes and durations. In this instance, it is considered that granting of exclusive use for the full term of the MAC is not merited, particularly having regard to co-existence and co-operation objectives of the NMPF. It is considered that exclusive use should only be permitted where use on an exclusive basis is required and provided for under another authorisation or enactment. Accordingly, it is recommended that the MAC is granted on a “may or may not be exclusive” basis contingent on circumstances that may arise after the granting of the MAC” in accordance with Section 83(1)(c) of the Act.

7. Proposed MAC Map (for illustration purposes only)

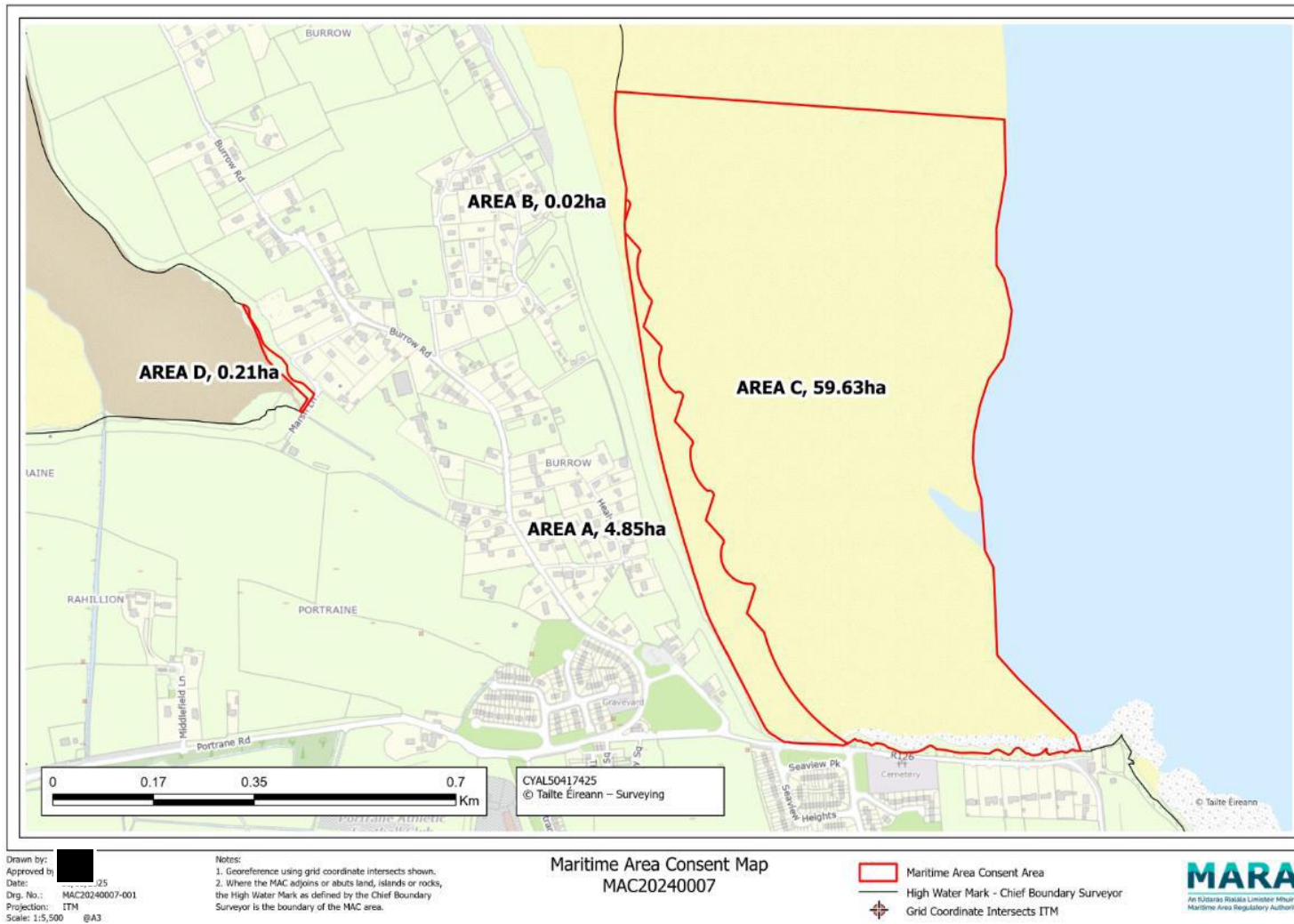


Figure 5 – Proposed MAC Map

8. Levy

An annual MAC levy has been calculated based on the project type and proposed MAC area in accordance with MARA's MAC levy framework, as set out below.

MAPA Levy Framework Part:	Part A: Nearshore	
Category/Class:	Development (non-commercial) Coastal protection groynes and works area	Undeveloped Amenity Land Beach Nourishment Area
Tier:	Tier 2 (Donabate Electoral Division)	
Applicable Rate:	Base Annual Charge of €208.46 plus an add on of €0.78 per sq.m for areas in excess of 100 sq. m	Base Annual Charge of €208.46 plus an add on of €0.39 per sq.m for areas in excess of 100 sq.m
Area:	Area A, B and D Development (non-commercial) = 5.08Ha	Area C Undeveloped Amenity Land = 59.63Ha
Calculation	$208.46 + ((50,800-100) * 0.78)$	$208.46 + ((596,300-100) * 0.39)$
Levy Due	€39754.46	€232,726.46
Total Levy Due	€272,480.92	

The MAC levy has been calculated as €272,480.92 per annum. All levies are indexed to the Harmonised Index of Consumer Prices (HICP), applied on an annual basis.

9. Discussion

Based on the assessments undertaken contained herein, it is considered that the proposed MAC application complies with all the necessary requirements of Schedule 5 of the Act, where relevant and appropriate, subject to the following recommended terms and conditions:

a. Terms

MAC Term:	55 Years
Consent Area:	The parts of the maritime area marked red on the MAC Map.
MAC Map Title:	Maritime Area Consent MAP, MAC20240007, Drawing Number: MAC20240007-001, dated 06/05/2025.
Permitted Maritime Usage:	The construction, use, operation and maintenance of coastal protection works including beach nourishment, all associated decommissioning, demolition, rehabilitation and any other works required on foot of any development permission relating to the infrastructure.
Nature of Usage:	May or May Not be Exclusive
Date by which application for Development Permission must be submitted (subject to Phasing Schedule where applicable):	18 months from date of grant of MAC.
The minimum number of days in which the MAC Holder shall provide the Grantor advance notice in writing of the Holder's intention to commence the Permitted Maritime Usage.	14 Days

b. Conditions and Reasons for Conditions

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

Following assessment of this MAC application, a number of additional specific conditions and the reasons for these conditions to be attached to the MAC, are recommended below. Discussion in relation to each recommended condition is also provided.

- **Condition 10.1** - In the event of a grant of planning permission, the Holder shall 6 weeks prior to the commencement of the development, submit to the Grantor, a public and stakeholder engagement plan. This engagement plan shall ensure it complies with all the relevant planning particulars, and any relevant Best Practice Guidance if available, and shall at a minimum address the following topics;
 - Stakeholder Identification;
 - Engagement principles;
 - Scope of engagement;
 - Engagement methods and tools;
 - Engagement Schedule;
 - Communication Plan;
 - Monitoring and evaluation and adaption of engagement plan;
 - Issue management; and
 - Documentation and record keeping.

The engagement plan shall be published, maintained, updated and adhered to, ensuring there is public and stakeholder engagement at the earliest stage possible, and continuing during all phases of the proposed maritime usage for the duration of the MAC term.


- **Reason:** To enable the Grantor to request the Holder to communicate information that the Grantor deems relevant to the public.
- **Condition 10.2** - Prior to the date by which the application for Development Permission must be submitted in accordance with the requirements of condition 5.1, the Holder shall consult with the holder of Foreshore Authorisation Ref FS006842 in order to ensure that any potential disruption to the Foreshore Authorisation Ref FS006842 is managed. Records of all engagements and consultations held and agreements reached, if any, shall be maintained by the Holder and made available to the Grantor if requested.
 - **Reason:** to enable the Grantor to request the Holder to communicate information that the Grantor deems relevant to the public.


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 with conditions.

10. Conclusion & Recommendation

Following a detailed assessment of all information on file, it is considered that the proposal complies with all the necessary requirements. Accordingly, it is recommended to issue a Section 81(7)(b) Minded to Notice, as enclosed, informing the applicant(s) that MARA is minded to grant a Maritime Area Consent subject to the proposed conditions attached to the MAC. It is recommended to allow the applicant(s) 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 applicant(s) will be notified and MARA will publish a notice on its website as soon as practicable thereafter.

Signed:  Position: Analyst, MACU

Signed:  Position: Senior Engineer, ARDU