

Final Determination Report	
Application for a Maritime Area Consent (MAC) under 79 of Maritime Area Planning Act 2021 (the Act)	
Application Details	
MAC Holder:	Donegal County Council
MAC Reference No:	MAC20240012
Date Application received:	09 December 2024
Application Details	Donegal County Council has applied to construct, use, operate and maintain a bridge structure over the River Swilly, Letterkenny, Co. Donegal.
Recommendation	To Grant, with conditions, the MAC sought.

Document Control		
Prepared By:	Paul Brennan – MAC Manager	28/11/2025
Reviewed & Approved by:	Kate Clark – Head of Maritime Area Consents	28/11/2025

I refer to the minded to documentation that issued to Donegal County Council on the 21 November 2025. On the 27 November 2025 Donegal County Council submitted supplementary material to MARA in response to the minded notice in relation to the reasons attached to conditions the draft MAC. In accordance with Section 81(7)(b)(ii) MARA must give consideration to the supplementary material before making a determination. Details of the supplementary material provided and consideration thereof is set out below.

Supplementary material:

Donegal County Council (Donegal National Roads Office) provided the following comments in their supplementary information:

1. *“We request that all references in the draft MAC to “Development Permission” or “Development Permissions” be amended to “roads Act 1993 approval” as this is what will be required for the TEN-T Priority Route Improvement Project, Donegal. This would include amending the following sections of the MAC:*

Page(s)	Section
3	<i>Particulars Schedule: Permitted Maritime Usage</i>
24 & 25	<i>Section 18.1 – Exercise of Rights</i>
20	<i>Rehabilitation: Reason</i>

”

MARA Response

Having regard to the supplementary information submitted by Donegal County Council, MARA accede to the requested amendments outlined in the table above.

The MAC has been amended accordingly as follows (strikethrough indicating text deleted and text in italics indicating text inserted):

1. Particulars Schedule: Permitted Maritime Usage

The construction, use, operation and maintenance of a bridge structure, including all associated decommissioning, demolition, rehabilitation and any other works required on foot of any ~~development permission~~ *Roads Act 1993 approval* relating to the infrastructure.

2. Reason for Condition 13. Rehabilitation

Reason: To ensure the Consent Area is rehabilitated in an appropriate and acceptable manner in accordance with the Act and this Consent, ~~and all applicable Development Permissions~~ *any applicable Roads Act 1993 approval and any other consent required.*

3. Condition 18. Exercise of Rights

18.1 The Holder shall exercise this Consent in such a manner as not to cause damage or injury to the Consent Area (save for incidental damage caused in the completion of works in substantial compliance with the ~~Development Permission~~ *Roads Act 1993 approval*), the Grantor, the occupants of the Consent Area and any other part of the maritime area affected by the Permitted Maritime Usage and to forthwith from time to time with due diligence repair and make compensation for any such damage or injury that may be so caused.

It is recommended to finalise the MAC with conditions attached, as per the above amendments. Reasons for the conditions attached thereto are recommended to issue

as per the above amendment. It is recommended to issue a final determination notice in relation to the above application in accordance with section 81(3) of the Act.

A final determination notice, the final MAC and reasons for conditions attached thereto are attached for your approval.

Signed: *Paul Brennan*

Date: 28/11/2025