

MAC Report	
Application for a Maritime Area Consent (MAC) under Section 79 of the Maritime Area Planning Act 2021, as amended (the Act)	
Application Details	
MAC Applicant:	Donegal County Council
MAC Reference No:	MAC20240012
Location:	Letterkenny & Lifford, Co. Donegal
Date Application received:	09 December 2024
Proposed Maritime Usage:	Donegal County Council has applied for a MAC under Section 79 of the Act for a new bridge crossing of the River Swilly in Letterkenny, Co. Donegal. The proposed works include 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 relating to the infrastructure.
Recommendation:	To approve the Granting of the MAC sought with conditions attached.

Document Control			
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Final Report Version 1:	Paul Brennan	MAC Manager	21/11/2025

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1. Overview

On 22 November 2024 Donegal 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 a new bridge crossing of the River Swilly in Letterkenny, Co. Donegal. The proposed works include 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 relating to the infrastructure.

2. Background

The proposed bridge will form part of the Trans-European Transport Network (TEN-T) Priority Route Improvement Project, targeting the improvement of three sections of the national road network in Co. Donegal. This application relates to one location where a proposed multi-span bridge will cross the River Swilly within its tidal reach to the east of Letterkenny town. The overall scheme includes 63km of Active Travel Network, 23km of new urban bypasses, 4km of road renewal and 14km of new National Road.

3. Proposed Maritime Usage

The portion of the proposed development which lies within the maritime area comprises a bridge deck accommodating both a dual-carriageway roadway and a segregated active travel facility. The proposed MAC area is 0.182 hectares as detailed in Figure 1 below. The Applicant has confirmed that this is the sole element of the scheme that is situated within state owned maritime area.

The MAC area sought by the Applicant is illustrated in Figure 1.



Figure 1 – Applicant map of proposed layout of MAC area at Letterkenny, Co. Donegal

The 26m wide bridge will have 3 spans as outlined in Figure 2. The central span of which measures 108m long and will span over the MAC area. The approach spans will each measure 63m. The superstructure will consist of a post-tensioned concrete box girder (Figure 3). The sub-structure will be made up of cast in-situ reinforced concrete piers and abutments supported by bored pile foundations. There are no permanent piers or abutments proposed within the maritime area except for the bridge deck which will be suspended over the maritime area. No temporary works are proposed in the MAC area.

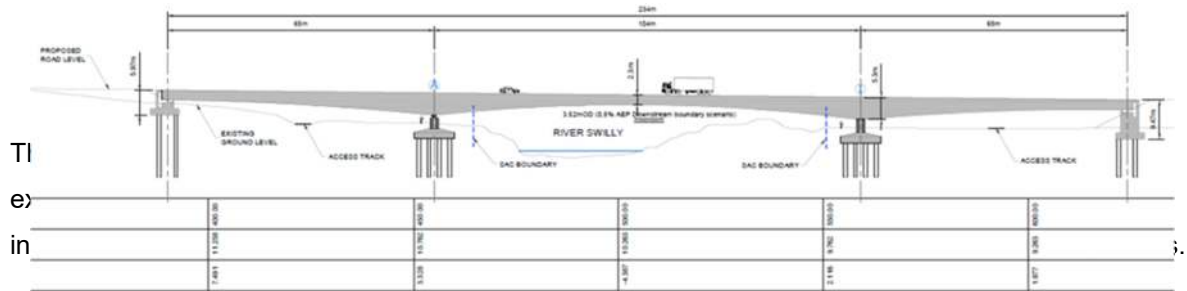


Figure 2 - Schematic of proposed bridge (provided by Applicant).

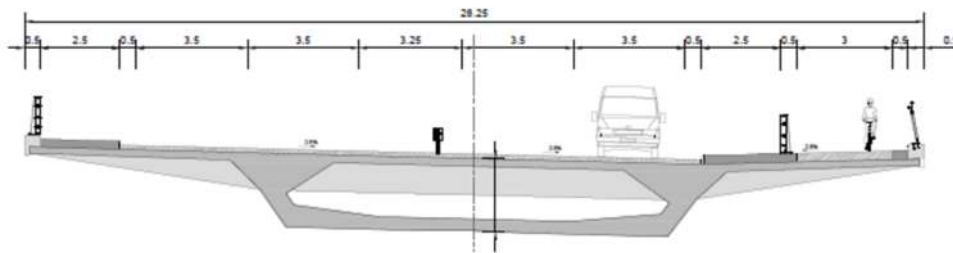


Figure 3- Cross section through proposed bridge (provided by Applicant).

4. Site Visit

Richard Browne, Chartered Engineer and Director at McCarthy Browne visited the site on behalf of MARA on 1 November 2025. The existing neighbouring land usage is agricultural. No navigational markings were noted on this tidal stretch of the River Swilly during the site visit. The proposed bridge structure is situated approximately 700m downstream from an existing multiple span road bridge, which appears impassible for vessels navigating further upstream. No berthing or landing infrastructure was noted along the stretch of the River Swilly between the existing road bridge and the proposed MAC area. No existing infrastructure or occupation, which would conflict with the proposed maritime usage, was noted within the proposed MAC area.

Photographs 1 and 2 detail the character of the site in the vicinity of the proposed works.



Photograph 1 - View of proposed MAC area looking north [R.B 1/11/2025]



Photograph 2 - View looking east of proposed MAC area [R.B 1/11/2025]

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 proposed maritime usage forms part of the Ten-T Priority Route Improvement Project, Donegal, which is a proposed road development within the meaning of the Roads Act 1993 (as amended). The scheme requires approval by An Coimisiún Pleanála under Section 51 of the Roads Act. Such approvals do not constitute development permission as defined in Section 2(1) of the MAP Act.

In accordance with Section 76 of the Act, a MAC is required for the occupation of that part of the maritime area for any such usage, where development permission is not required.

Accordingly, the subject of this application is considered to fall under Section 76 of the Act.

5.2 Existing Consents & Authorisations

A search of the MARA's GIS database was undertaken on 18 November 2025 for spatial overlap between the proposed MAC area and existing foreshore authorisations and MARA licences and consents. Additionally, the Marine Institute's Ireland's Marine Atlas database¹ was searched on 18 November 2025 for spatial overlap between the proposed MAC area and any Department of Agriculture Food and Marine (DAFM) foreshore authorisations for aquaculture sites.

No existing MACs, Maritime Usage Licences, foreshore authorisations, including those for aquaculture, or applications for the same were identified as overlapping the proposed MAC application area.

5.3 Development Permission

The proposed maritime usage requires approval by An Coimisiún Pleanála under Section 51 of the Roads Act. Such approvals do not constitute development permission as defined in Section 2(1) of the MAP Act.

The Applicant has stated in their application that they intend to make an application to An Coimisiún Pleanála for approval in relation to the TEN-T Priority Route Improvement Project.

5.4 Ownership

A search was undertaken of the Land Registry on 04 November 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.

¹ <https://atlas.marine.ie/>

6. Assessment

6.1 Schedule 5

The MAC application was submitted on 22 November 2024 with the appropriate fee paid on 09 December 2024 and reviewed for completeness on 18 December 2024. An incomplete application notification was issued on 18 December 2024 with supplementary documentation/information received on 12 February 2025. The application was deemed complete by MARA on 07 March 2025.

A number of requests for additional information were issued on 18 June and 22 October 2025 under section 79(3) of the Act and associated responses received relating to matters for general and technical assessment on 04 July and 29 October 2025.

Schedule 5 of the Act 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 1 below.

<i>Table 1: Synopsis of the assessment of the application with regard to the requirements of Schedule 5</i>			
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.	Details of the proposed maritime usage, including the nature scope and duration are described in Section 3 & 4 above. The Applicant has requested a MAC term of 120 years and has stated that the proposed infrastructure will be designed in accordance with the relevant Transport Infrastructure Ireland (TII) design codes. TII design codes mandate a 120-year design life for bridges and other civil engineering structures, unless otherwise specified. It is considered that a design life for the structure of circa 120 years, with proper maintenance and repair, should be achievable. Accordingly, a MAC term of 120 years (including planning, construction and rehabilitation/decommissioning phases) is recommended. The proposed maritime usage is considered satisfactory, having regard to the nature, scope and duration.	Satisfactory
2.	Whether the proposed maritime usage is in the public interest.	The Applicant has stated/ indicated that the proposed project aligns with following policies: • Project Ireland 2040 • National Development Plan 2021-2030 • National Investment Framework for Transport in Ireland (NIFTI) 2021 • Climate Action Plan 2024 • National Sustainability Mobility Policy 2022 • Our Rural Future: Rural Development Policy 2021-2025 • Enterprise 2025 • Sharing our Future: Ireland 2025 Strategic Policy Requirements for Enterprise Developments by Forfás • Road Safety Authority – Road Safety Strategy 2021-2030 • Draft National Cycle Network Plan 2022	Satisfactory

		Connecting Ireland – Public transport initiative developed by the National Transport Authority On a European level the Applicant stated “<i>The Trans-European Transport Network (TEN-T) Priority Routh Improvement Project, Donegal forms part of the TEN-T Comprehensive Network. The EU Regulation 1315/2013 (11) sets the requirements for the infrastructure of the comprehensive network, in order to promote the development of a high-quality network throughout the EU by 2050 to ensure the accessibility and connectivity of all regions in the Union, including the remote, insular and outermost regions and strengthening social and economic cohesion between them. A key objective of the Regulation is to improve the interconnection and interoperability of national transport networks.</i>” The Applicant states that the “<i>Trans-European Transport Network Regulation No. 1315/2013 has been central to the development of this project, although this has been replaced by the new TEN-T Regulation No. 2024/1679, which entered into force on 18 July 2024</i>” The Applicant also indicated that the project is entirely a public use facility. It will provide a high-quality road network into Donegal from the south and east, in addition to Active Travel facilities and improved capacity for Public Transport provision. Having regard to the above it considered that the propose maritime usage is within 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.	The total area proposed occupied by the MAC is 1818.23m², comprising a single MAC area - Area A, as illustrated in Figure 4 (Proposed MAC Map) in Section 7. Details of the location, relevant consents, ownership and development permissions are provided in Sections 3 to 5 above. Based on the searches and site visit undertaken, nothing was identified that would preclude the granting of a MAC in the proposed area. Accordingly, the proposed maritime usage is considered satisfactory, having regard to the location and spatial extent of the occupation.	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	In accordance with S.I. No. 467/2025 - <i>Maritime Area Planning Act 2021 (Fit and Proper Person) Order 2025</i> the Applicant has been declared as a fit and proper person to be granted and to hold any MAC in accordance with Section 90(1)(b) of the Act.	Satisfactory

	and at the time that the MAC application concerned is determined by the 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 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).	Based on a review of the application, MARA has had regard to the National Marine Planning Framework (NMPF) and it is considered that the proposed project aligns with the overall objectives of the NMPF, including Economic and Social objectives set out therein. It is considered that the proposed project aligns with the following economic, social and key sectoral policy objectives of the NMPF: - • 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. • Infrastructure Policy 1 - Appropriate land-based infrastructure which facilitates marine activity (and vice versa) should be	Satisfactory

		supported. Proposals for appropriate infrastructure that facilitates the diversification or regeneration of marine industries should be supported. • 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. In the application, the Applicant states that the proposed project is consistent with the environmental objectives of the NMPF. The proposed maritime usage requires approval by An Coimisiún Pleanála in accordance with Section 51 of the Roads Act. The Applicant has stated that they intend to make an application to An Coimisiún Pleanála for approval in relation to this project. It is MARA's understanding that potential impacts on the environment, navigation, fishing and aquaculture are considered by An Coimisiún Pleanála as part of the Section 51 approval process which also includes public consultation. Based on the above, MARA is satisfied that the proposed works align with the above overall objectives and policy objectives of the NMPF.	
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.	The Applicant has stated in their application that they have carried out the following preparatory works:- • Extensive Ortho-Photography and LiDAR Topographical Surveys were carried out for the entire TEN-T Project area in 2019/2020, including specifically the MAC site. • Supplementary Bathymetric / Hydrographic Surveys of the relevant watercourses within the project area were completed in 2020/2021. This again included the MAC site. • Preliminary Ground Investigations (GI). This contract involved the completion of boreholes, trial pits and probes. GI carried out close to the River Swilly comprised cone penetration tests, boreholes and trial pits along with geophysical surveys. • A biodiversity desk study was first carried out in 2020 to identify the Zone of Influence (ZoI) of the TEN-T Project and the potential Important Ecological Features (IEFs) within this zone. The desk study was followed up with site specific surveys commencing in 2022. The entire footprint (land-take) for the TEN-T Project was subject to these surveys, including that area subject to this MAC application. Extensive walk over activities have been undertaken including habitat surveys, invasive species survey, bat survey, badger survey, otter survey, freshwater pearl mussel, fisheries habitat assessment, biological water quality classification, breeding bird survey, wintering bird survey, and a barn owl survey. The	Satisfactory

		presence of deer, red squirrel, pine marten, reptiles, amphibians and invertebrates were also recorded. The findings of the various surveys are being, and will continue to be, updated up to the publication of the Environmental Impact Assessment Report (EIAR). • Field assessments were carried out throughout the design process to date, to ascertain on site flooding conditions and improve understanding of flood mechanisms in flood affected areas. • Landowners were consulted on, and site visits made to, agricultural lands to assess the impact imposed by the proposed TEN-T Project. • In addition to the particular surveys, investigations, and consultations identified above, the EIAR has also considered the impact of the Project more broadly on various headings including, traffic, population, human health, biodiversity, land, soil, hydrogeology, water, air quality, climate, noise, vibration, material assets, cultural heritage, landscape, visual, cumulative effects, and risks of major accidents and disasters. Having regard to the above, the extent of the preparatory works undertaken are considered acceptable for a project of this scale and nature.	
10.	The extent and nature of stakeholder engagement undertaken by the Applicant in respect of the proposed maritime usage.	The Applicant stated that <i>“throughout the planning and design of this TEN-T Project development, consultation with the general public and specific statutory and non-statutory stakeholders has been a prominent part of the process.”</i> A summary of these engagements, provided by the Applicant, is listed below: • Public Consultation No.1 (Phase 1 of TII's Project Management Guidelines (TII-PMG) - Concept and Feasibility) - A public consultation event was held on the 6th of December 2017 at three venues, one in each of the three Project Sections, to present the project study area and the constraints. This event was publicised in print media and radio and formed the first format point in which the general public and other interested parties could engage with the process and offer feedback on the proposals. • Public Consultation No.2 (Phase 2 TI-PMG- Option Selection - Stage 1) - The second public consultation took place over a three-day period in both April and May of 2018. Again, three venues were used. This engagement presented both Stage 1 preliminary (route) options (long list) and shortlisted option to be taken to Stage 2 (project appraisal of options). A wider number of attendees took advantage of the consultation and we were able to receive more specific feedback and opinion on the developing options. • One-to-One Landowner Consultations (Phase 2 TII-PMG - Post-Stage 2) - Private one-to-one consultations were offered to all individual landowners directly impacted upon (including those in the	Satisfactory

		specific areas subject to this MAC application) by the 'emerging preferred option' arrived at following the Stage 2 project appraisal process. Almost all landowners availed of this opportunity in February 2019, and in this forum were able to articulate their concerns and provide additional information where desired. It is to be noted that all landowners have been kept up to date with how the project has progressed from that point onward, by letter, email, phone call, and where necessary direct meetings. This has ensured that the directly affected landowners have been kept abreast of the details, and impacts, of the design developments. • Public Consultation No.3 (Phase 2 TII-PMG - Option Selection - Stage 3) - This third public consultation, in February 2019, revealed for the first time to the general public the 'emerging preferred option'. Members of the public were now able to see probable route and provide comments and thoughts on the potential impacts. • Public Display of Selected Option - To conclude the Phase 2 - Option Selection Process, an Option Selection Report was published online on the 13th January 2020. This was accompanied by a public display of the Report and Drawings in each of the Donegal Public Services Centres, County House, and Stranorlar Library for a period of four weeks between 13th January and 7th February 2020. • Statutory Consultees - Over 60 statutory consultees were asked for their input throughout Phase 2 (Options Selection) and 3 (Design and Environmental Evaluation) of the TEN-T Project's development. The particular stages of consultation were: (1) Constraints study; (2) Option selection; (3) First freeze design; and (4) Second freeze design. Those bodies most relevant to the MAC application locations included Donegal County Council Water Services, Department of Agriculture, Food and Marine, Office of Public Works, Inland Fisheries Ireland, Irish Water, Loughs Agency, NI -Department of Agriculture, Environment and Rural Affairs, NI- Department for Infrastructure, and the NI Department of Agriculture, Environment and Rural Affairs (North Western River Basin District). Feedback was received from several of the consulted parties, and this was responded to and will be addressed in the impending Environmental Impact Assessment Report (EIAR). • An Coimisiún Pleanála - In anticipation of the publication of the Project's EIAR, the Applicant has taken part in five pre-application consultations with An Coimisiún Pleanála. In these meetings, the nature and scale of the proposed development, and the key environmental constraints and issues, were discussed. Potential	
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		pitfalls, and those areas of additional environmental concern, were identified and discussed. • TEN-T Website - Throughout the scheme's development to date the key progress, milestones and documents have been kept current on the Project's website. This enables third parties to broadly keep abreast of where the scheme stands. Having regard to the above, the extent and nature of the stakeholder engagement undertaken is therefore considered acceptable for a project of this scale and nature.	
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

6.2 Rehabilitation Schedule

Under section 96(1) of the Act, it is required that the holder of a MAC shall, before the expiration of the MAC, rehabilitate that part of the maritime area the subject of the MAC.

As this application falls for submission under Section 76 of the Act, it is required that a rehabilitation schedule be attached to the MAC. Section 96(4) of the Act specifies particulars that should be included in a rehabilitation schedule that set out how the Applicant will discharge their rehabilitation obligations.

The Applicant submitted a Rehabilitation Schedule to MARA on 04 July 2025. Upon review of the requirements of Section 96 of the Act, the Rehabilitation Schedule is considered satisfactory.

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 Donegal County Council may be required to exclude access to parts of the MAC area on a temporary basis. For example, during construction, 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)

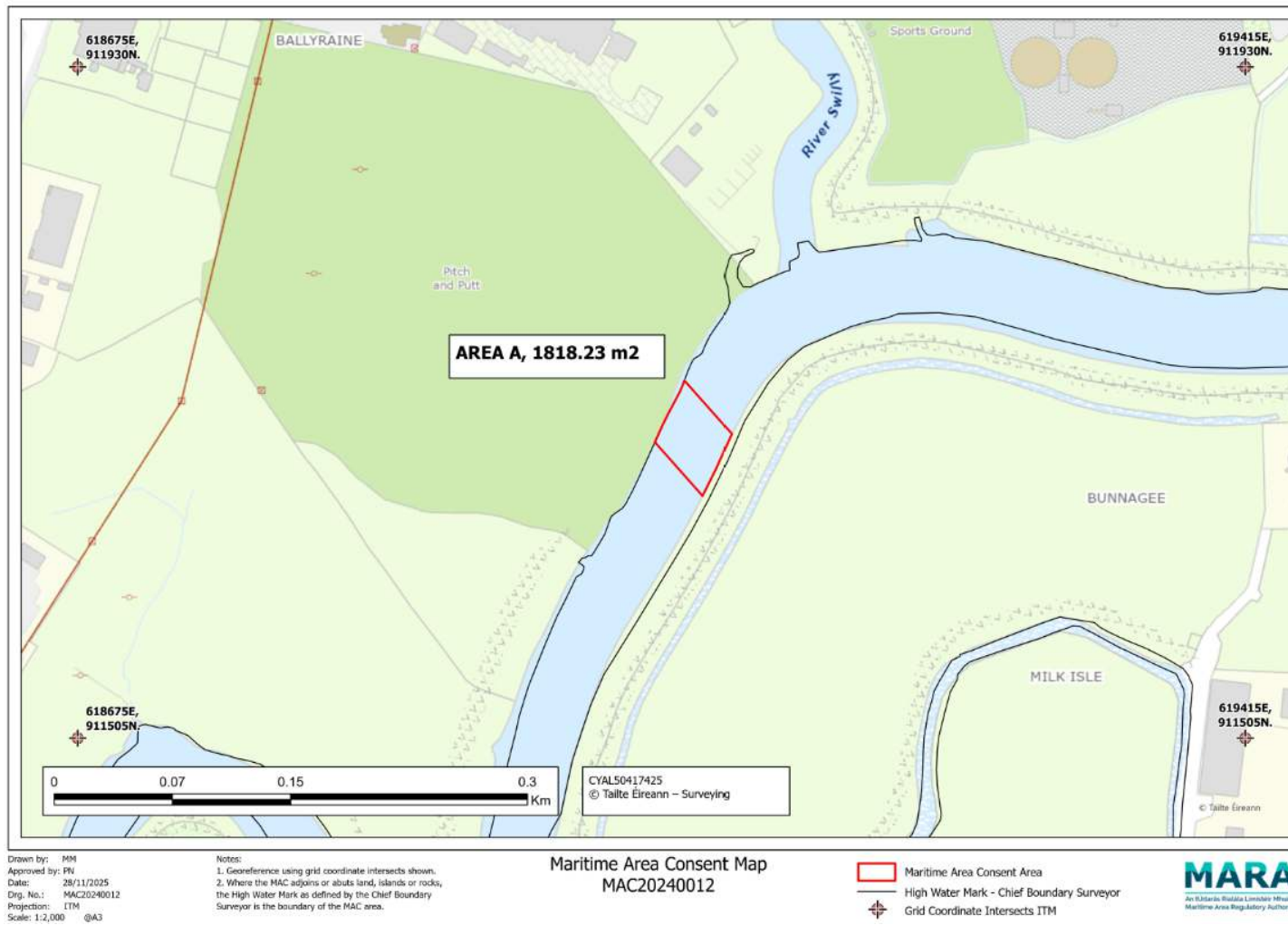


Figure 4 – Proposed MAC Map

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:	A: Nearshore
Category/Class:	Development Non-commercial
Tier:	Tier 3
Applicable Rate:	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:	1818.23m ²
Calculation:	€208.46 + (€0.39 * (1,818.23 - 100.00))
Levy due:	€878.57

The MAC levy has been calculated as €878.57 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:	120 Years
Consent Area:	That part of the maritime area marked red on the MAC Map.
MAC Map Title:	MAC Area Consent Map MAC20240012
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 relating to the infrastructure.

Nature of Usage:	May/May Not be Exclusive
Date by which application for Section 51 Roads Act 1993 approval must be submitted:	24 Months
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.

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 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 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 will be notified and MARA will publish a notice on its website as soon as practicable thereafter.

Signed: Paul Brennan Position: Manager, MACU

Signed:  Position: Senior Engineer, ARDU