

MAC Report	
Application for a Maritime Area Consent (MAC) under Section 79 of Maritime Area Planning Act 2021, as amended (the Act)	
Application Details	
MAC Applicant:	Ferrybridge Community Development CLG
MAC Reference No:	MAC240032
Location:	Ferrybridge, Kildimo, Co. Limerick
Date Application received:	10 March 2025
Proposed Maritime Usage:	Ferrybridge Community Development CLG has applied for a MAC under Section 79 of the MAP Act. The proposed works include the construction, use, operation and maintenance of a floating pontoon and access gangway, 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 Part Granting of the MAC sought with conditions attached.

Document Control		
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Final Report Version 1:	Cian Scattergood MAC Manager	05/02/2026

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1. Overview

On 31 January 2025 Ferrybridge Community Development CLG 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 installation of a floating pontoon and an access gangway to facilitate safe access and egress to the River Maigue at Ferrybridge, Kildimo, Co. Limerick.

2. Background

The purpose of the pontoon and gangway is to provide safe access to the river for general boating and leisure activities, including use of traditional Gandelow boats which forms part of the local heritage of the area. The location of the proposed pontoon is also used as a launch point for kayakers who use the river to travel south to the village of Adare or north to Bunratty in County Clare. The tidal range at this location makes launching and landing craft difficult. The proposal will increase safe access to the river at this location in addition to increasing the time available for marine users to launch and land craft.

This proposal is eligible for funding under the LEADER 2023-2027 programme which funds 75% of project costs up to a maximum of €200,000 subject to grant approval. Additionally, letters of support for the project have been provided from local authority Councillors.

The Office of Public Works (OPW) have been consulted on the project and are supportive of the proposal. The OPW is responsible for channel maintenance at this river location and are planning embankment reinforcement works at location of the proposal. Their email correspondence with the Applicant (dated 20 January 2025) indicates that this work could be undertaken at the same time as works on the proposed pontoon, thereby limiting disruption at this location.

3. Proposed Maritime Usage

The proposed works which are the subject of this application is to construct a floating pontoon which will rise and fall with the tide on piles to enable access to the river. The proposal includes the installation of a primary pontoon which measures 28m long × 3m wide. The pontoon will be accessed via a gangway which will be approximately 17m long and will be hinged from the shore side and mounted on wheels on the pontoon.

It is proposed to install piles from a floating jack-up barge and piling rig, which will be transported to site by road and craned into position. The floating pontoon will be craned into position and attached to the piles. The gangway will be craned into position and hinged from the shore side above the high-water level mark.

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

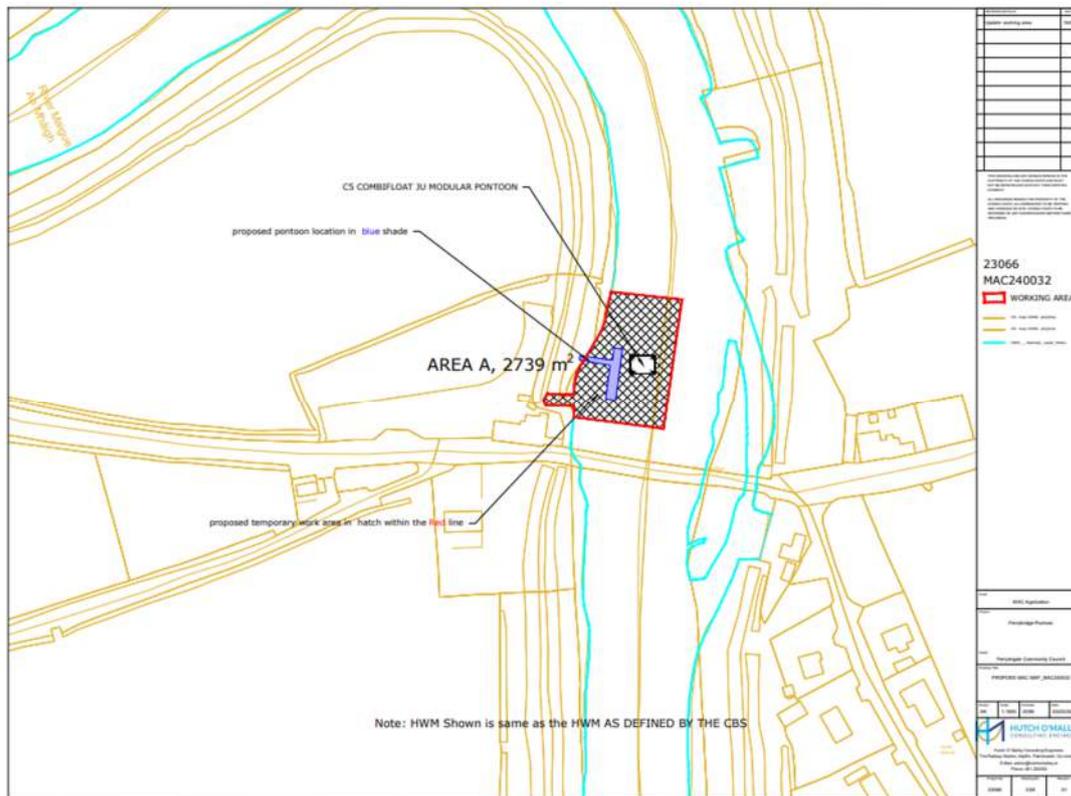


Figure 1 – Applicant map of proposed layout of MAC area at Ferrybridge, County Limerick

The proposal falls under Section 75(1) of the Maritime Area Planning Act 2021 and will require planning permission from the relevant local authority, Limerick City and County Council, in the event of a grant of the MAC. The Applicant also requires a Section 9 Arterial Drainage Act consent from OPW, as the proposed works are within an OPW managed channel and flood embankment. Application for this consent takes place at the planning application stage.

The MAC area applied for is 2,739 m² which will allow sufficient space for the installation and ongoing maintenance of the pontoon. The Applicant has requested a MAC duration of 45 years. The design criteria used for the proposed structure indicates that a design life of 50 years should be achievable, therefore a 45-year MAC term is reasonable. The Applicant has indicated that annual planned maintenance will be undertaken throughout the lifetime of the structure. A lease agreement of 25 years duration has been drafted between the Applicant and the adjacent landowner through which terrestrial access to the proposed gangway and pontoon is provided.

4. Site Visit

Senior Marine Planning Advisor, Niamh Lennon inspected the site on 22 October 2025. The proposed works are located to the north of the N69 Limerick to Tralee Road in Ferrybridge, County Limerick. The existing neighbouring land usage is agricultural, with a public house/restaurant on the site (privately owned terrestrial property) from which access to the proposed gangway and pontoon is proposed. The proposed MAC area is located approximately 70 metres north of a triple arch limestone bridge which carries the N69 road. There is an OPW hydrometric station (24061) on the eastern bank of the river, which is opposite the proposed MAC location. This station measures temperature and water level in real-time (Highest flood level was recorded at 4.376m OD in 2014).

No existing infrastructure or occupation, which would conflict with the proposed maritime usage, was noted within the proposed MAC area during the site visit.

Photographs 1, 2, 3 and 4 detail the character of the site in the vicinity of the proposed works.



Photograph 1 – View from western corner of 'Ferrybridge' looking north toward proposed MAC area –
NL 22 Oct 2025



Photograph 2 – View from the top of the adjoining raised embankment looking south-eastwards toward the MAC area in the Mague River – NL 22 Oct 2025



Photograph 3 – View from the eastern corner of 'Ferrybridge' looking northwest towards the proposed MAC area on the opposite bank – NL 22 Oct 2025



Photograph 4 – OPW Hydrometric Station to left located on the opposite bank northeast of proposed MAC – NL 22 Oct 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 Applicant has stated that the proposed maritime usage, 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 07 January 2026 for spatial overlap between the proposed MAC area and any existing foreshore authorisations and MARA licences and consents.

The Marine Institute's Ireland's Marine Atlas database¹ was searched on 07 January 2026 for spatial overlap between the proposed MAC areas and any Department of Agriculture, Food and the 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 areas.

5.3 Development Permission

The Applicant has provided an indicative timeline to submit a planning application for this proposed development to Limerick City and County Council upon a MAC being granted for same. Additionally, the Applicant has indicated that they will submit an application for consent under Section 9 of the Arterial Drainage (Amendment) Act 1995 to the OPW at the same time as the planning application is submitted to the local authority.

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.

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 a MAC.

5.4 Ownership

A search was undertaken of the Land Registry on 28 January 2026 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 Figure 1.

One folio (LK69058F) which is registered under the Registration of Title Act 1964 was identified as overlapping part of the proposed MAC area and is considered to be privately owned. Figure 2 below illustrates the extent of the private maritime area overlap with the proposed MAC area sought. In accordance with Section 99(3)(b) of the Act, Part 4 of the MAP Act shall only apply to that part of the maritime area which is within state ownership. Accordingly, a MAC cannot be issued on privately owned maritime area. Considering the above it is recommended that a MAC is part granted for that portion of the maritime area, within the MAC area as applied for, which is in state ownership.

The recommended MAC area to be part granted is detailed on the proposed MAC map provided in Section 7 of this report.

¹ <https://atlas.marine.ie/>

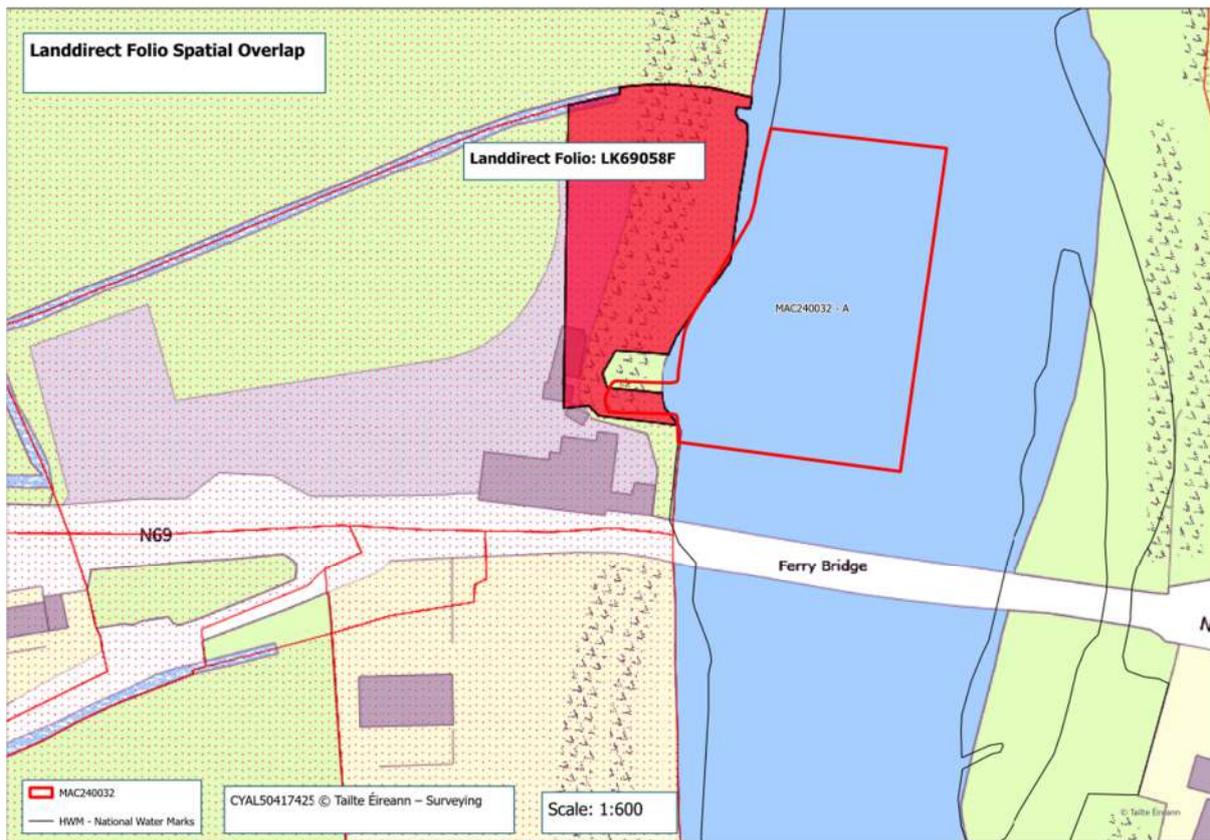


Figure 2 – Spatial overlap between Folio LK69058F and the Applicant’s proposed MAC area

6. Assessment

6.1 Schedule 5

The MAC application was submitted on 31 January 2025 with the appropriate fee paid on 10 March 2025 and reviewed for completeness on 19 March 2025. MARA engaged with the Applicant to ensure completeness of the application. The application was deemed complete by MARA on 16 May 2025.

A number of requests for additional information were issued on 23 October 2025, 27 November 2025, 04 December 2025, and 30 January 2026 under Section 79(3) of the Act and associated responses received relating to matters for general, technical and financial assessment on 06 November 2025, 28 November 2025, 18 December 2025, 30 January 2026.

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 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. The Applicant has applied for a MAC term of 45 years. The proposed MAC term is considered appropriate as the design life of the proposed structure exceeds the MAC term. Accordingly, a MAC term of 45 years (allowing for planning, construction and rehabilitation/ decommissioning phases) is satisfactory.</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>The Applicant has stated the following in their application:</p> <p><i>“This area of the River Maigue has been a focal point for accessing the river for general boating and leisure activity for centuries. Following the cessation of drift net fishing in 2007 the local community has worked hard to keep the traditional Gandelow boat in use for leisure activities. The Gandelow is native to this area and providing safe access to these boats on the River Maigue will ensure the community is able to maintain this local heritage. The Ferrybridge is also used as a launch point for kayakers who travel South to the village of Adare or North to Bunratty in Clare. The nature of the 7m tidal range at the Ferrybridge currently restricts access and egress times and increases difficulty for launching and landing craft. The floating pontoon and access gangway would increase the time available to marine users and ensure it can be accessed in a safe manner.”</i></p> <p>Additionally the Applicant has provided a letter of support from Limerick City & County Council dated 23 July 2024 and an email of no objection from the OPW dated 20 January 2025</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>The Applicant proposes to occupy 2739 m² of maritime area to carry out the proposed development including ongoing maintenance and future removal/rehabilitation of the maritime area.</p> <p>Based on the searches undertaken, private maritime area was identified that would preclude the granting of a MAC across the entirety of the area applied for. As illustrated in Figure 2 and detailed in Section 5.4 of this report, the MAC area as applied for overlaps with Folio LK69058F which is a privately held part of the maritime area. It is therefore recommended to part grant the MAC to exclude that part of the maritime area which is deemed to be privately held.</p> <p>Details of the location, relevant consents, ownership and development permissions are provided in Sections 2 to 5 above.</p> <p>Accordingly, the MAC is recommended to be granted over a total area of 2687m² as illustrated in Figure 3 (Proposed MAC Map) in Section 7.</p> <p>Accordingly, the proposed maritime usage is considered satisfactory, having regard to the location and spatial extent of the occupation. It is recommended to part grant a MAC excluding the part of the maritime area that is privately owned, as outlined above.</p>	Partially 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 has been completed. Based on the assessment set out in Table 3 below, Section 6.3 and the Financial Capability Assessment (FCA) as set out in the Ernst & Young (EY) report dated 15 September 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, 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 the economic and social objectives set out therein.</p> <p>It is considered that the proposed project aligns with the following economic, social and key sectoral policy objectives of the NMPF: -</p> <ul style="list-style-type: none"> • 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. • Social Benefits Policy 1 - Proposals that enhance or promote social benefits should be supported. Proposals unable to enhance or promote social benefits should demonstrate that they will, in order of preference: <ul style="list-style-type: none"> a) minimise, or b) mitigate significant adverse impacts which result in the displacement of other existing or authorised (but yet to be implemented) activities that generate social benefits. • 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. • 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. If proposals cannot avoid significant adverse impacts (including displacement) on other activities they must, in order of preference: <ul style="list-style-type: none"> a) minimise significant adverse impacts, b) mitigate significant adverse impacts, or c) if it is not possible to mitigate significant adverse impacts, proposals should set out the reasons for proceeding. • 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.</p>	Satisfactory
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		<p>The proposed works constitute development which require planning permission and environmental assessment of the proposed maritime 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.	<p>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>	<p>The Applicant has stated the following in their application:</p> <p><i>“A site Survey and a Topographical Survey have been completed at the site. It is proposed to complete site investigation rotary core drills at either side of the river adjacent to the embankments. This work will be completed above the high-water Level mark.</i></p> <p><i>In order to confirm the feasibility of constructing the proposed development, a comprehensive piling feasibility study has been conducted at the Ferrybridge site to evaluate the technical and economic viability of driving piles in the proposed location. Ocean Crest Marine (OCM) was consulted to identify an appropriate barge for the project. Given the 7-meter tidal range, OCM recommended the utilization of a Jack-Up barge to mitigate associated risks. This approach ensures that all piling and installation activities remain unaffected by tidal fluctuations.</i></p> <p><i>OCM proposed the use of a modular pontoon-type Jack-Up, akin to their OCM 50 model. This design incorporates a series of road-transportable pontoons that can be assembled on-site with the assistance of a crane. Additionally, McDonnell Piling was engaged regarding the piling study and suggested employing a 6-ton Piling Rig, similar to that used in the Harveys Quay Project in Limerick. This rig is capable of installing steel piles with a diameter of up to 323 mm, and it will be craned onto the barge at the site.</i></p> <p><i>The adoption of a Jack-Up barge will effectively eliminate risks related to rising and falling tides, particularly in the event of any mechanical issues with the Piling Rig. Furthermore, O’Carroll Haulage and Crane Hire were consulted to coordinate the mobilization of all equipment to the site and to facilitate the necessary lifting operations. Draft Lift Plans have been developed, and a 300-ton crane has been selected, along with an appropriate setup location and the required ground bearing pressure assessments.”</i></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>	<p>Satisfactory</p>

10.	The extent and nature of stakeholder engagement undertaken by the Applicant in respect of the proposed maritime usage.	<p>The Applicant has cited engagement with Limerick City and County Council, The Office of Public Works, Maigue Rivers Trust, and the River Maigue Rowing Club.</p> <p>Additionally, the Applicant has provided a letter of support from Limerick City and County Council (dated 23 July 2024) and a letter of no objection from the OPW (dated 20 January 2025).</p> <p>Having regard to the above, the extent and nature of the stakeholder engagement undertaken is therefore considered satisfactory for 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

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(s) is/are “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;	<p>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.</p> <p>No letters of reference were provided.</p>	Satisfactory
(b)	that the relevant person, or any other person concerned, stands convicted of—	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

<p>(i) an indictable offence under this Act or an offence in another state equivalent to an indictable offence,</p> <p>(ii) an indictable offence under an enactment prescribed for the purposes of this clause, or</p> <p>(iii) an offence involving fraud or dishonesty;</p>		
<p>(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—</p> <p>(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</p> <p>(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;</p>	<p>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.</p>	<p>Satisfactory</p>
<p>(d) if the relevant person is an individual, whether he or she is adjudicated bankrupt or is subject to proceedings for a</p>	<p>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.</p>	<p>Satisfactory</p>

	<p>declaration of bankruptcy or becomes an arranging debtor;</p>		
(e)	<p>if the relevant person is a body corporate, whether it—</p> <p>(i) has commenced a voluntary winding-up or is subject to a winding-up order or is subject to proceedings for such an order,</p> <p>(ii) is subject to the appointment of a receiver or examiner, or</p> <p>(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;</p>	<p>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.</p>	<p>Satisfactory</p>
(f)	<p>if the relevant person is a body corporate incorporated under the law of another state—</p> <p>(i) whether an event which corresponds to an event referred to in clause (c) has occurred in relation to any of its directors, or</p> <p>(ii) whether an event which corresponds to an event referred to in clause (e) has occurred in relation to the body corporate;</p>	<p>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.</p>	<p>Satisfactory</p>

(g)	<p>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;</p>	<p>Assessment of the technical capability of Ferrybridge Community Development CLG and their supporting agents, Malone O'Regan Environmental and Hutch O'Malley Consulting Ltd, to deliver the proposed maritime usages the subject of the MAC application is detailed in Section 6.2.1 below. The Applicant and their agents are considered to have the requisite technical knowledge and qualifications to undertake the proposed maritime usage.</p>	<p>Satisfactory</p>
(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 15 September 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 of a company's finances, details of the assessment are not included herein.</p> <p>This proposal is eligible for funding under the LEADER 2023-2027 programme which funds 75% of project costs up to a maximum of €200,000 subject to grant approval. The Applicant has stated their intention to apply for this funding. The MAC has conditions included to ensure this funding is in place. (See section 9 below.)</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>	<p>Satisfactory</p>
(i)	<p>the previous performance of the relevant person when granted—</p> <p>(i) a MAC,</p>	<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.</p>	<p>Satisfactory</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>		
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6.2.1 Technical Capability Assessment (TCA)

Considering the information supplied by the Applicant in their application, the Technical Capability Assessment (TCA) for this application has been carried out on the basis that the proposed project is not 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.

Information has been provided under this TCA submission relating to the Applicant's subcontracted agents. The Applicant's agent is Malone O'Regan Environmental, and the TCA has been carried out based on the technical capability of the sub-agent, Hutch O'Malley Consulting Ltd.

Assessment of Qualifications/Membership of Professional Bodies

At the time of the application, the engineers named by Hutch O'Malley Consulting Ltd were registered with Engineers Ireland, with one engineer holding the title of Chartered Engineer. Hutch O'Malley Consulting Ltd is not a member of the Association of Consulting Engineers of Ireland or any other similar body. The Applicant has provided a copy of Hutch O'Malley Consulting Ltd.'s Professional Indemnity Insurance Certificate which was valid and in date at the time of making their application to MARA. Hutch O'Malley Consulting Ltd does not have a recognised Quality Management System. Given the small-scale nature of the project, simplicity of works and previous demonstrated experience of Hutch O'Malley Consulting Ltd, the is considered acceptable in this regard.

Assessment of Three Projects of a Similar Scale and Nature

The Applicant has satisfactorily completed Appendix Tec A – Table (ii) and has provided details of their agent's involvement in three projects of a similar scale and nature to the project the subject of the MAC application. The three reference projects comprise one project with some involvement of foreshore consents, and two projects involving structural design. The scale of projects detailed in Appendix Tec A Table (ii) demonstrate the required level of experience to deliver the proposed project. Based on the information provided, it is considered the Applicant has met the criteria required in relation to professional qualifications and previous project experience.

Assessment of Capability to Operate and Maintain Maritime Infrastructure

The operation and maintenance of the proposed scheme will be undertaken by Ferrybridge Community Development CLG. Based on the information submitted in Appendix Tec B, Ferrybridge Community Development CLG has demonstrated a good understanding of the likely maintenance and operational requirements of a project of this scale and nature and it is considered that the Applicant has met the criteria required in relation to capability to operate and maintain the proposed maritime infrastructure.

A preliminary Rehabilitation Plan has been provided which outlines the methodology for removing the structure upon decommissioning/end of life. A Rehabilitation Schedule will be required when the proposal applies for planning permission.

Assessment of Delivery Timelines

Applicants must provide a development programme that satisfies the requirements of key milestone delivery timelines in Appendix Tec C. The Applicant has completed correctly and submitted Appendix Tec C with their application. Based on the information provided it is considered the Applicant has demonstrated a realistic understanding of the probable timeframes involved in delivering a project of this scale and nature in an Irish context.

Conclusion

Following an assessment of the documentation provided by the Applicant, MARA consider that Ferrybridge Community Development CLG and their agents have satisfied all relevant criteria under the Technical Capability Assessment of the Fit and Proper Test.

Based on the outcome of the Technical Capability Assessment, MARA considers that Ferrybridge Community Development CLG and their agents have the requisite technical knowledge and qualifications to undertake the proposed maritime usage

6.3 Rehabilitation Schedule

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.

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.

In accordance with Section 75(5) of the Act, as for MAC applications made to MARA on the basis of Section 75(1) of the Act, the Applicant is required to attach a Rehabilitation Schedule to their associated application for development permission.

6.4 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 Ferrybridge Community Development CLG 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)

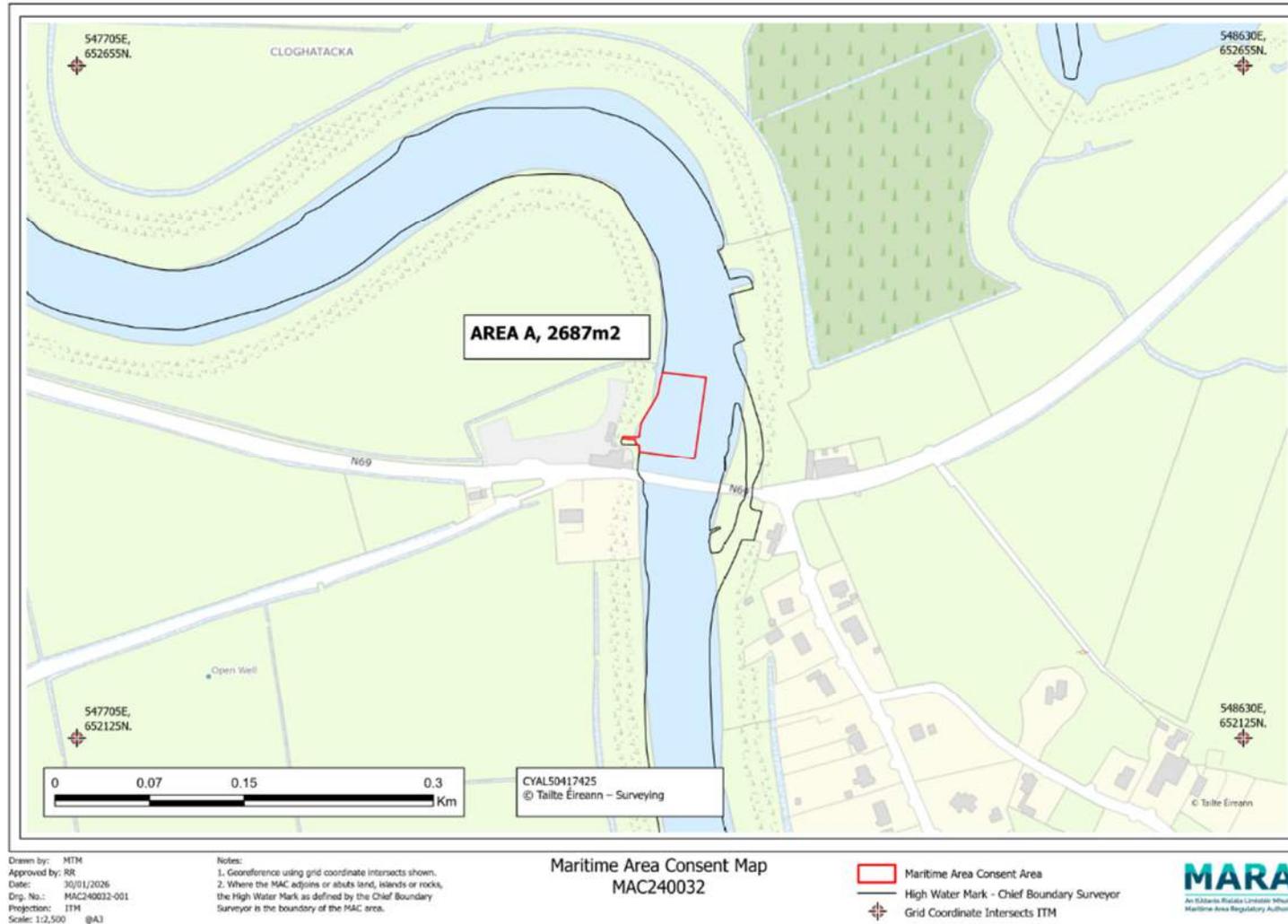


Figure 3 – Proposed MAC Map

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:	4
Applicable Rate:	Base Annual Charge of €214.09 plus an add on of 0.2007 per sq.m for areas in excess of 100 sq.m
Length or Area:	2687m ²
Calculation:	€214.09 + (€0.2007 * (2,687.00 - 100.00))
Levy due:	€733.30

The MAC levy has been calculated as €733.30 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 subject MAC application complies with all the necessary requirements of Part 4 of the Act, with particular regard to Schedule 5 criteria, where relevant and appropriate, with the exception of Schedule 5(3).

The proposed MAC area has been assessed and is considered to overlap private maritime area. Schedule 3(3) and Schedule 4(5) of the Act precludes "any maritime usage to the extent to which it is undertaken on a privately owned part of the maritime area" from requiring a MAC. Section 99(2) of the Act specifies that "*no part of the maritime area shall be treated at any time as privately owned land unless the part is land whose owner is, or is deemed to be, registered under the Registration of Title Act 1964.*" Accordingly, MARA may not consent to the sections of the proposed MAC area that are deemed to be privately held. Having regard to the above, it is recommended to part grant the proposed MAC to exclude the private maritime areas.

The above consideration has been made subject to the following recommended terms and conditions:

a. Terms

MAC Term:	45 years
Consent Area:	That part of the maritime area marked red on the MAC Map.
MAC Map Title:	Maritime Area Consent Map MAC 240032
Permitted Maritime Usage:	The construction, use, operation and maintenance of a floating pontoon and access gangway, 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 Development Permission must be submitted	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
Date by which Financial Close must be achieved:	18 months from the date of grant of Development Permission

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. Additionally, 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 9.3 The Holder shall have achieved Financial Close relating to the Permitted Maritime Usage the subject of this Consent on or before the date set out in the Particulars Schedule. This date may be extended on request in writing by the Holder and provided the Grantor is satisfied that there are reasonable grounds for doing so and the extension does not constitute a material amendment to this Consent.
 - **Reason:** To ensure the Grant of this Consent is personal to the Holder that has been deemed a fit and proper person pursuant to the criteria set out in Schedule 2 of the Act.

- Condition 9.4 Without prejudice to any other remedies available pursuant to this Consent and at Law, this Consent shall terminate immediately in the event that Financial Close for the Permitted Maritime Usage is not achieved in accordance with the requirements of condition 9.3.
 - **Reason:** To ensure the Grant of this Consent is personal to the Holder that has been deemed a fit and proper person pursuant to the criteria set out in Schedule 2 of the Act

- Condition 9.5 In the event that Financial Close for the Permitted Maritime Usage is achieved, the following provisions shall apply:
 - (a) The Holder shall furnish the Grantor with evidence of Financial Close as soon as practicable after it has been achieved.

 - (b) The Holder shall give the Grantor a copy of any material alteration to the funding arrangements as soon as practicable after the alteration has been made, the provisions of condition 11 and of the Act shall apply.
 - **Reason:** To ensure the Grant of this Consent is personal to the Holder that has been deemed a fit and proper person pursuant to the criteria set out in Schedule 2 of the Act

10. Conclusion & Recommendation

Following a detailed assessment of all information on file, it is considered that the proposal complies with all the necessary requirements, subject to the part of the proposed MAC area which is privately held being excluded. Accordingly, it is recommended to issue a Section 81(7)(b) Minded to Notice, as enclosed, informing the Applicant that MARA is minded to part 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:  Position: Marine Analyst, MACU

Signed: Cian Scattergood Position: MAC Manager, MACU