

<b>MAC Report</b>	
<b>Application for a Maritime Area Consent (MAC) under Section 79 of Maritime Area Planning Act 2021, as amended (the Act)</b>	
<b>Application Details</b>	
<b>MAC Applicant:</b>	Clare County Council
<b>MAC Reference No:</b>	MAC20230035
<b>Location:</b>	Along Shannon Estuary Adjacent to Shannon Town and Environs, Co. Clare
<b>Date Application received:</b>	10 January 2025
<b>Proposed Maritime Usage:</b>	Clare County Council has applied for a MAC for a Flood Relief Scheme for Shannon Town and Environs. The proposed maritime usage includes the reconstruction and alteration of existing coastal embankments, remediation of an existing breakwater and upgrades to embankment outlets including all associated decommissioning, demolition, rehabilitation and any other works required on foot of any development permission relating to the infrastructure.
<b>Recommendation:</b>	To approve the Part Granting of the MAC sought with conditions attached.

<b>Document Control</b>			
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<b>Approved by:</b>	Jacinta Ponzi	Head of Maritime Area Consenting	12/03/2026
<b>Final Report Version 1:</b>	Karen McCluskey	MAC Analyst	16/03/2026

## Contents

<b>1. Overview .....</b>	<b>3</b>
<b>2. Background .....</b>	<b>3</b>
<b>3. Proposed Maritime Usage.....</b>	<b>3</b>
<b>4. Site Visit.....</b>	<b>8</b>
<b>5. Review of Legislation &amp; Associated Consents.....</b>	<b>13</b>
5.1 Applicable Provisions of the Maritime Area Planning Act, 2021 as amended (the Act) .....	13
5.2 Existing Consents & Authorisations .....	14
5.3 Development Permission .....	14
5.4 Ownership.....	14
<b>6. Assessment.....</b>	<b>15</b>
6.1 Schedule 5.....	15
6.2 Rehabilitation Schedule.....	22
6.3 Section 83 – Nature of Use .....	22
<b>7. Proposed MAC Map (for Illustration purposes only) .....</b>	<b>23</b>
<b>8. Levy .....</b>	<b>28</b>
<b>9. Discussion .....</b>	<b>28</b>
a. Terms.....	28
b. Conditions and Reasons for Conditions.....	29
<b>10. Conclusion &amp; Recommendation .....</b>	<b>30</b>

## 1. Overview

On 10 January 2025, MARA received a Maritime Area Consent (MAC) application under Section 79 of the Maritime Area Planning Act 2021, as amended (the Act) from Clare County Council for a MAC for a Flood Relief Scheme for Shannon Town and Environs.

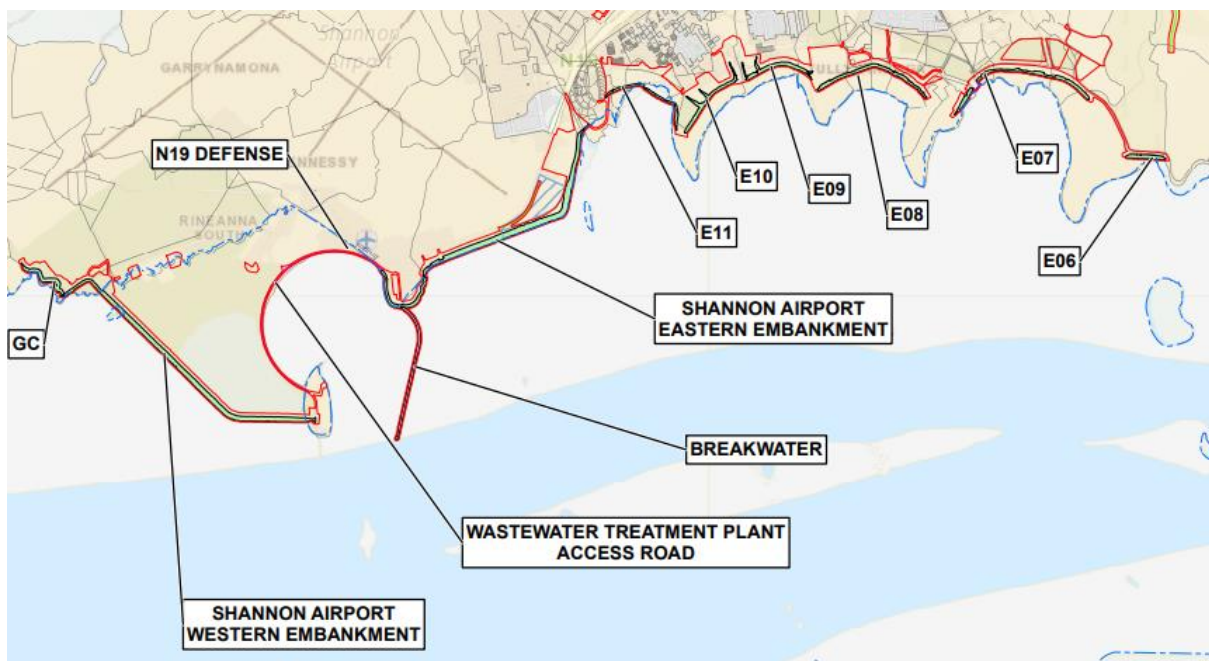
## 2. Background

The aim of the proposed scheme is to alleviate the risk of flooding in Shannon Town and Environs to a defined Standard of Protection. Flooding in Shannon Town and Environs occurs from two flood sources, coastal and fluvial. The proposed works are the reconstruction and remediation of existing revetments and breakwater. There is no record of a foreshore lease or licence for the existing revetments and breakwater. The embankments and breakwater are shown on the historic 6-inch mapping surveyed between 1829-1941 and are due to be completely reconstructed under the proposed maritime usage.

## 3. Proposed Maritime Usage

The proposed maritime usage includes the reconstruction and alteration of existing coastal embankments, remediation of an existing breakwater, and upgrades to embankment outlets including all associated decommissioning, demolition, rehabilitation and any other works required on foot of any development permission relating to the infrastructure. The majority of works within the maritime area are temporary works and have a footprint of approximately 6ha.

The MAC areas sought by the Applicant are illustrated in *Figure 1 to 6*.



*Figure 1 Site Layout Drawing*



Figure 2 – Applicant map of proposed layout of MAC area at Shannon Golf Course Embankment and Shannon Airport Western Embankment

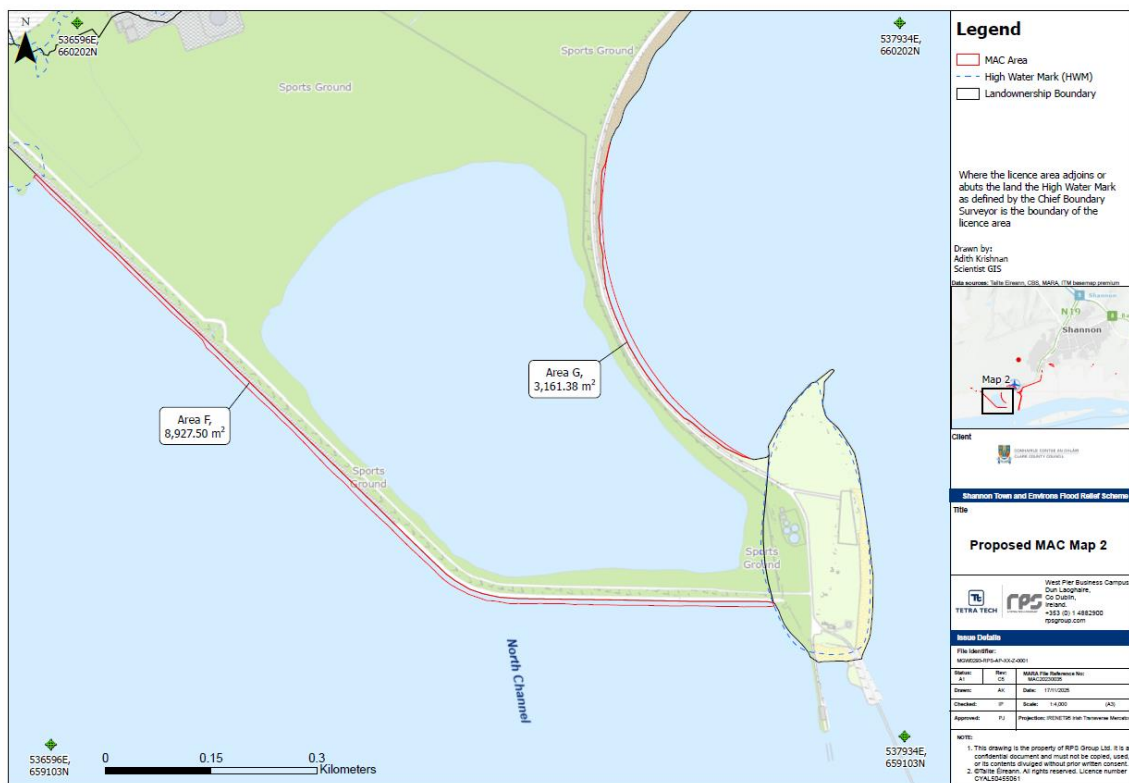


Figure 3 – Applicant map of proposed layout of MAC area Shannon Airport Western Embankment and Wastewater Treatment Plant (WWTP) Access Road

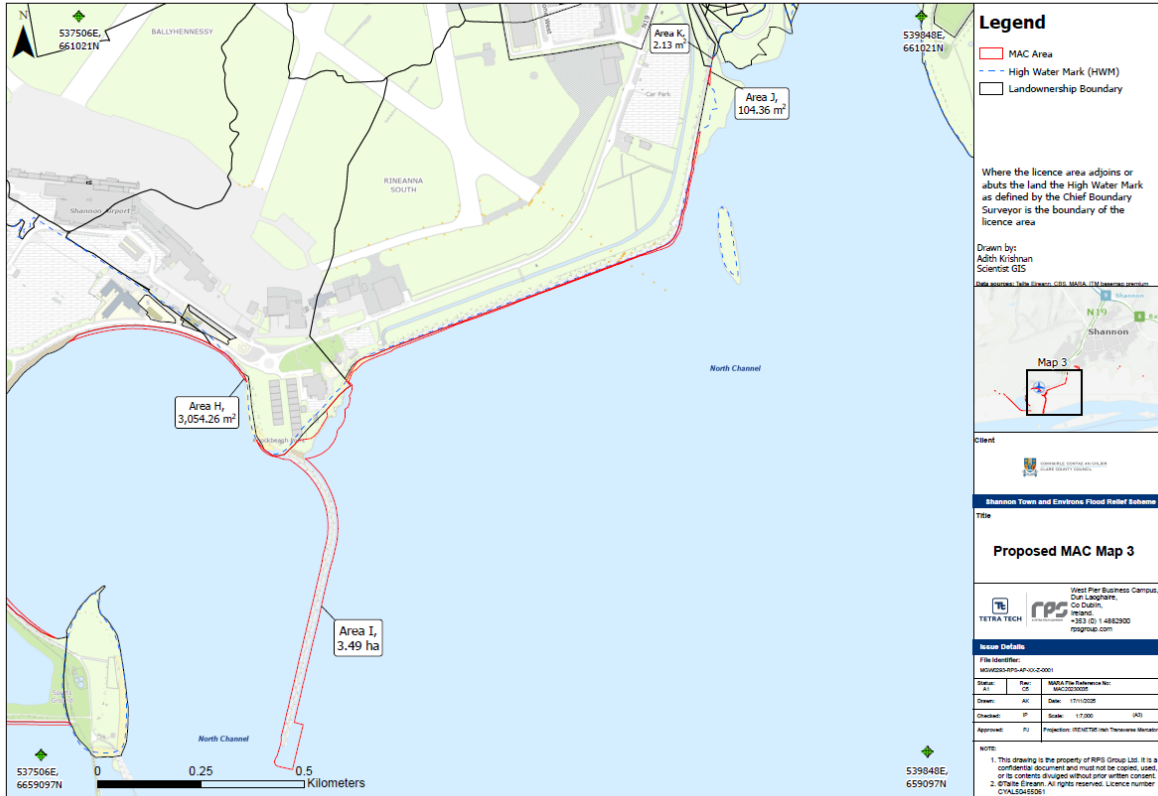


Figure 4 – Applicant map of proposed layout of MAC area, WWTP Access Road/ N19 Wall and Shannon Airport Eastern Embankment/ Breakwater

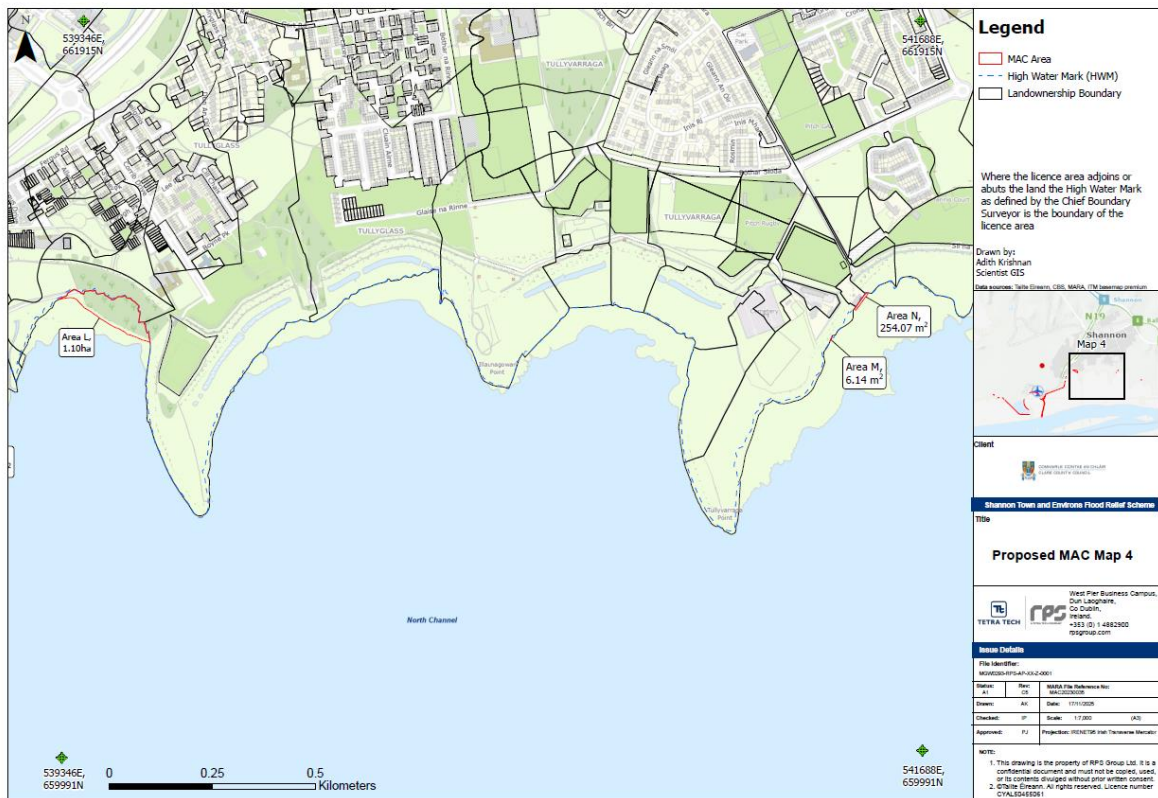


Figure 5 – Applicant map of proposed layout of MAC location E11 and E07



Figure 6 – Applicant map of proposed layout of MAC location E07 and E06

**Shannon Golf Course Embankment - Areas A to D** - Increasing the height of the existing embankment along the golf course by 2.4m. The maritime area works footprint will likely be 0.03ha. Approximately 25m of the existing embankment falls within the maritime area. The permanent works in this area will consist of altering this section of embankment. No works will extend beyond the existing toe. The remaining works within the maritime area will be temporary.

**Shannon Airport Western Embankment - Areas E to F** - Increasing the height of the existing embankment by 2.5m. The maritime area works footprint will likely be 0.95ha. The toe of the embankment straddles the maritime area. The permanent works in this area will consist of construction of the embankment toe. No permanent works will extend beyond the existing toe. The remaining works within the maritime area will be temporary.

**Wastewater Treatment Plant Access Road/ N19 Wall - Areas G to H** - Increasing the height of the existing flood wall by 1.5m. The maritime area works footprint will likely be 0.62ha. No permanent works are anticipated in the maritime area, only temporary.

**Shannon Airport Eastern Embankment/Breakwater - Areas I to K** - Increasing the height of the existing embankment by 1.7m and remediation of the existing breakwater to restore its intended height, average increase of 0.5m. The maritime area works footprint will likely be 3.2ha. Approximately 200m of existing embankment and 800m of the existing breakwater (800m) fall within the maritime area. The permanent works in this area will consist of altering this section of embankment and breakwater. The remaining works within the maritime area will be temporary 2.3km.

**At location E11** – Area L - Increasing the height of the existing embankment by 1.1m. The maritime area works footprint will likely be 1ha. Approximately 200m of the existing embankment falls within the maritime area. No works will extend beyond the existing toe. The remaining works within the maritime area will be temporary.

**At location E07** – Area M to N - Increasing the height of the existing embankment/wall by 0.8m. The maritime area works footprint will likely be 0.03ha. The works within the maritime area will be temporary.

**At location E06** – Area O to P - Increasing the height of the existing embankment by 0.6m. The maritime area works footprint will likely be 0.03ha. Approximately 7m of the existing embankment falls within the maritime area. No works will extend beyond the existing toe. The remaining works within the maritime area will be temporary.

The total area proposed to be occupied by the MAC is 62413.70m<sup>2</sup>, comprising sixteen separate areas (Area A to P). *Table 1* details the areas sought.

Name	Area_m2
A	50.89
B	96.10
C	169.13
D	3.34
E	597.84
F	8927.50
G	3161.37
H	3054.26
I	34875.99
J	104.36
K	2.13
L	10981.39
M	6.14
N	254.07
O	28.89
P	100.29
Total	62413.70

*Table 1.*

Clare County Council have sought a MAC term of “permanent/indefinite” duration. They indicated in their application that: “*The embankments will be designed for a working life of 100 years*”. Considering MARA don’t grant permanent or indefinite duration MACs a MAC of term duration of 100 years is appropriate. *It is MARA’s policy to align the MAC term with the design life of the proposed infrastructure.* It is considered that a design life for the structure of 100 years based on the information provided by the Applicant, with proper maintenance and repair, should be achievable. Accordingly, a MAC term of 100 years, which allows for ongoing maintenance and the rehabilitation / decommissioning phases is recommended.

The applicants hope to have planning permission by July 2026. The construction is estimated to take approx 4-6 years or indicative 2028-2032.

#### 4. Site Visit

Richard Browne, Chartered Engineer and Director at McCarthy Browne visited and inspected the site on behalf of MARA on 6th November 2025. Existing embankments and flood defence structures were noted during the site visit. The existing neighbouring land usage ranges from industrial (WWTP & airport) to recreational (Golf Club).



Picture 1: Areas L&M, RB



Picture 2: Area M, RB



Picture 3: WTP at area M, RB



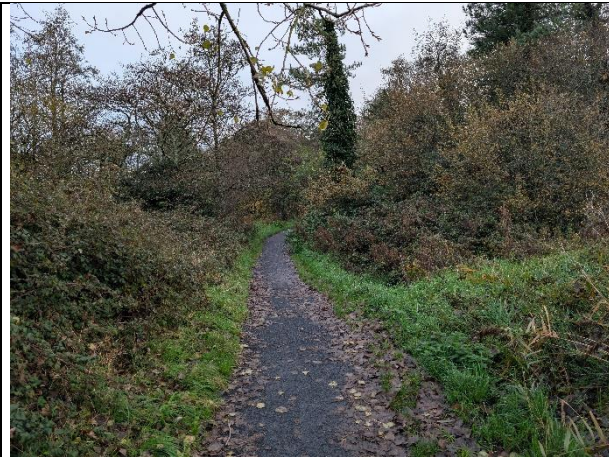
Picture 4: View south from Area M, RB



Picture 5: Woodland in Area K, RB



Picture 6: Woodland, Area K, RB



Picture 7: Paths in Area K, RB



Picture 8: Pumping station at Area I, looking SW, RB



Picture 9: Root of revetment, Area I, RB



Picture 10: Shoreline south of pumping station, Area I, RB



Picture 11: Revetment, Area I, RB



Picture 12: View eastward at root of revetment, Area I, RB



Picture 13: Revetment, Area I, RB



Picture 14: East side of revetment, Area I looking East, RB



Picture 15: End of revetment Area I looking south, RB



Picture 16: Area I from revetment, looking NW, RB



Picture 17: Shore access & facility located midway east of shoreline on Area I, RB



Picture 18: view NE from revetment toward Area J, RB



Picture 19: Area H, looking West, RB



Picture 20: Area H, looking east, RB



Picture 21: Area G, looking south, RB



Picture 22: Area G, looking north, RB



Picture 23: Area E, looking north toward Golf Club, RB



Picture 24: Area E, looking SE, RB



Picture 25: Area F, looking SE, RB



Picture 26: Sluice in Area F, RB



Picture 27: sluice access to shore, Area F, RB



Picture 28: Area immediately South of MAC Area F, RB



Picture 29: Area G, looking North, RB



Picture 30: Areas C & D, looking east, RB



Picture 31: Area C, RB



Picture 32: Looking south between areas B & C, RB



Picture 33: Areas A & B, looking north, RB

No existing infrastructure or occupation, which would conflict with the proposed maritime usage, was noted within the proposed MAC area during the site visit. Nothing was noted that would prevent the MAC application from proceeding.

## 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. The existing embankments and breakwater will be reconstructed/remediated as part of the proposed maritime usage so Section 106 does not apply.

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

## 5.2 Existing Consents & Authorisations

A search of MARA's GIS databases and Department of Agriculture, Food and Marine's database of Licensed Aquaculture sites was undertaken on 27 January 2026 for spatial overlap between the proposed MAC areas and existing foreshore authorisations and MARA licences and consents.

No existing MACs, MULS or aquaculture sites, or applications for the same were identified as overlapping the proposed MAC application areas. One foreshore authorisation for a water main was identified as detailed in *Table 2* below.

<i>Table 2: Summary of Overlapping maritime authorisations and foreshore authorisations</i>				
<b>File Reference Number</b>	<b>Applicant/ Holder</b>	<b>Consent Type</b>	<b>Maritime Usage</b>	<b>Status</b>
FS005180	Shannon Foynes Port Company	Licence	Water Main	Valid till 2084

A foreshore licence is granted on a non-exclusive basis so there is no conflict between the existing foreshore licence and the proposed maritime usage however the applicant should be made aware of the existence of the water main and asked to liaise with the licensee the Shannon Foynes Port Company as a condition of the MAC. Accordingly, having regard to the above, it is considered that the spatial overlap identified above does not prevent the granting of a MAC.

## 5.3 Development Permission

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.

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 27 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 the proposed MAC Map.

The land and maritime adjacent to the proposed MAC area is registered as privately owned however the MAC area does not include any area of the adjacent private land or maritime area.

No ownership conflicts affecting the proposed MAC area were identified.

## **6. Assessment**

### **6.1 Schedule 5**

The MAC application was submitted on 20 December 2024 with the appropriate fee paid on 10 January 2025 and reviewed for completeness 01 April 2025. The application was deemed complete by MARA on 03 April 2025.

A request for additional information was issued on 22 October 2025 under section 79(3) of the Act and associated response received relating to matters for general and technical assessment on 28 November 2025 and 09 March 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 3: 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 &amp; 4 above. The applicants have sought a MAC term of permanent/indefinite duration. Considering MARA don't grant permanent or indefinite duration MACs. While the Applicant has sought a MAC term of "permanent/indefinite" duration, it is considered that a design life for the structures of circa 100 years with proper maintenance and repair, should be achievable. Accordingly, a MAC term of 100 years is recommended.</p> <p>The proposed maritime usage is considered partially satisfactory, having regard to the nature, scope and duration.</p> <p>The proposed maritime usage is considered satisfactory, having regard to the nature and scope. The proposed maritime usage is considered partially satisfactory having regard to the duration sought. Accordingly, it is recommended to part-grant a MAC for a shorter MAC term than sought, as outlined above.</p>	Partially Satisfied
2.	Whether the proposed maritime usage is in the public interest.	<p>The Applicant has stated that the proposed project aligns with the following policies;</p> <ul style="list-style-type: none"> <li>- <i>National Planning Framework 2040</i></li> <li>- <i>Draft First Revision to the National Planning Framework 2024</i></li> <li>- <i>National Development Plan 2021 –2030</i></li> <li>- <i>National Marine Planning Framework, 2021</i></li> <li>- <i>Climate Action Plan 2024</i></li> <li>- <i>Climate Change Sectoral Adaptation Plan for Flood Risk Management, 2019-2024</i></li> <li>- <i>National Flood Policy, 2024</i></li> <li>- <i>The Planning System and Flood Risk Management 2009, CFRAM Programme</i></li> <li>- <i>River Basin Management Plan for Ireland 2018 - 2021</i></li> <li>- <i>Draft River Basin Management Plan for Ireland 2022 - 2027</i></li> <li>- <i>National Adaptation Framework (2018)</i></li> <li>- <i>EU Directive on the Assessment and Management of Flood Risks (2007/60/EC)</i></li> <li>- <i>EU Strategy on Adaption to Climate Change, 2021</i></li> </ul>	Satisfactory

		<p>The Applicant states there is a public use element to the proposed project <i>“will provide greater protection to businesses, residents and strategic infrastructure e.g. the design will safeguard Shannon Airport, an essential infrastructure and the access road to the Shannon Airport Waste Water Treatment Plant from flooding. It will also protect built and natural heritage (including Natura Sites) from flood events which can have detrimental effects on architecture, cultural heritage and local biodiversity and water quality within the area.”</i> and <i>“The Proposed Scheme will also maintain the recreational amenity currently in place along the coastal embankments by maintaining the existing recreational pathways (formal and informal) and associated facilities. The pathways have been sensitively designed to balance the future requirements of existing users whilst also ensuring no adverse ecological effects.”</i></p> <p>The Applicant states <i>“During construction, temporary closures of existing walkways on embankments along the coast will be required. These embankments are currently used as amenity paths by locals.”</i></p> <p>Having regard to the above it considered that the proposed maritime usage is within the public interest.</p>	
3.	The location and spatial extent of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.	<p>The total area proposed occupied by the MAC is 62413.70m2 comprising MAC Areas A to P for the proposed permanent and temporary works as illustrated in Figures 7 to 11 Proposed MAC Maps in Section 7.</p> <p>Details of the location, relevant consents, ownership and development permissions are provided in Sections 2 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.</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.	In accordance with <i>S.I. No. 467/2025 - Maritime Area Planning Act 2021 (Fit and Proper Person) Order 2025</i> , Clare County Council 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
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	Satisfactory
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 key sectoral, 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> <p><b>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</b></p>	Satisfactory

		<p>they will, in order of preference:</p> <p>a) minimise, or</p> <p>b) mitigate</p> <p>significant adverse impacts which result in the displacement of other existing or authorised (but yet to be implemented) activities that generate social benefits.</p> <p><b>Social Benefits Policy 2</b> - 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.</p> <p><b>Access Policy 1</b> - Proposals, including in relation to tourism and recreation, should demonstrate that they will, in order of preference:</p> <p>a) avoid,</p> <p>c) minimise or</p> <p>c) mitigate significant adverse impacts on public access.</p> <p><b>Access Policy 2</b> - 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.</p> <p><b>Employment Policy 1</b> Proposals should demonstrate contribution to a net increase in marine related employment in Ireland, particularly where the proposals are</p> <ul style="list-style-type: none"> <li>• in line with the skills available in Irish coastal communities adjacent to the maritime area,</li> <li>• improve the sustainable use of natural resources,</li> <li>• diversify skills to enable employment in emerging industries.</li> </ul> <p><b>Co-existence Policy 1</b> - 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.</p> <p><b>Tourism Policy 1</b> - 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> <p><b>Sport and Recreation Policy 1</b> - 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.</p> <p>In the application, the Applicant states that the proposed project is consistent with the environmental objectives of the NMPF.</p>	
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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 following preparatory works were completed for the project as a whole:</p> <ol style="list-style-type: none"> <li>1) Embankment and culvert condition surveys.</li> <li>2) Topographical Survey covering areas of proposed works including cross sections of the Urlan Beg, Clonloghan, Cullen, Mogullan and Ballycalla watercourses.</li> <li>3) Environmental Baseline Surveys covering areas of proposed works including multidisciplinary ecological surveys of the flood scheme area including bat surveys, mammal surveys, wintering and breeding birds surveys, invasive plant species.</li> <li>5) Archaeological wade survey covering areas of proposed works including of the coastal embankment areas, breakwater and rivers.</li> <li>6) Hydrological and hydraulic modeling</li> </ol> <p>An EIAR is currently being prepared for the scheme and the scheme is subject to development consent. The findings of all survey reports are taken into account when compiling the EIAR and preliminary design.</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.	<p>The extent and nature of stakeholder engagement undertaken by the Applicant in respect of the proposed maritime usage.</p>	<p>The Applicant stated that <i>“The first Public Consultation held for the Shannon Town and Environs Flood Relief Scheme was via an online virtual consultation, held from the 18th June 2021 and was available online for viewing until November 2021. The purpose of this consultation was to introduce the project to the public and provide a discussion on all constraints identified to date.”</i> And <i>“The second Public Consultation was held on the 25th October in the Treacy’s Oakwood Hotel, Shannon, Co. Clare. This event provided detailed information on the 3 no Emerging Options for the design. It gave a background on the history of flooding, the existing old defences in the town and provided a discussion on the modelled predicted future flooding extents (fluvial and coastal). The consultation also provided information on the anticipated programme for delivery. The format of the event was centred around the presentation of numerous information boards illustrating the scheme area boundaries, coastal defence locations, inland watercourses and preferred options. Details of the public consultation were also posted on the Shannon</i></p>	Satisfactory

		<p>FRS Website <a href="http://www.shannontownandenvironsfrs.com">www.shannontownandenvironsfrs.com</a>) with the opportunity for members of the public to submit comments online until 5th December 2023. No completed comment sheets were returned for the event via this avenue. An Options Selection Letter was issued to stakeholders on 26th October 2023, requesting comment on the Emerging Preferred Option for Shannon FRS by 25th November 2023. Stakeholders who responded to the letter include: Department of Housing, Local Government and Heritage; Department of Agriculture, Food and the Marine; Shannon Foynes Port Authority; Shannon Chamber of Commerce; Transport Infrastructure Ireland (TII); Irish Aviation Authority. In April 2024 an Environmental Impact Assessment Scoping Report was issued to approx 90 government departments and stakeholders. The Scoping document detailed the site location, flood history, known constraints to date (including ecological, ornithological, archaeological, transport), and set out a description of the preferred design option. The report welcomed all stakeholders to provide relevant information, comments or recommendations for inclusion in the EIA.</p> <p>A number of Stakeholder meetings were held, details provided by the Applicant, as follows;</p> <ul style="list-style-type: none"> <li>- <b>NPWS:</b> a meeting was held with the NPWS on the 4th May 2023 in the Shannon Park Inn Hotel. Attendees included members of RPS, CCC, Shannon Airport Authority and the NPWS. The meeting discussed the flooding history of the town and presented design options for each area. Follow up meetings were held with the NPWS on the 25th October 2023 (including a site visit), 22nd November 2023 and the 15th April 2024.</li> <li>- <b>Shannon Golf Club:</b> A number of meetings has been held with golf club representatives to discuss the proposed embankment reconstruction options within the golf course site and the progress of the project.</li> <li>- <b>Shannon Chamber of Commerce:</b> Correspondence with the Shannon Chamber of Commerce is ongoing via letter with an in-person meeting to be scheduled in the coming weeks.</li> <li>- <b>Clare County Council Collaboration Meeting:</b> A Workshop was held the 19th of June with CCC stakeholders to discuss the proposed scheme and potential cumulative impacts on developments in the area.</li> <li>- <b>N19 meetings:</b> Several meetings were held with the N19 SAAR project team over a time period ranging from 2021 up to the present to discuss the proposal for a national road upgrade in the town, how the two designs interact and how the potential for cumulative effects can be minimised.</li> <li>- <b>Bunratty to Shannon Greenway Project:</b> A meeting was held with CCC representatives for the Bunratty to Shannon Greenway Project on May 22nd, 2024. The meeting discussed the environmental, design and programme alignments between the two schemes and potential for cumulative effects."</li> </ul>	
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		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	Satisfactory
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.

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.

## 6.3 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 Clare 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, the applicant has proposed non-exclusive use however it is considered that exclusive use should 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 Maps (for Illustration purposes only)

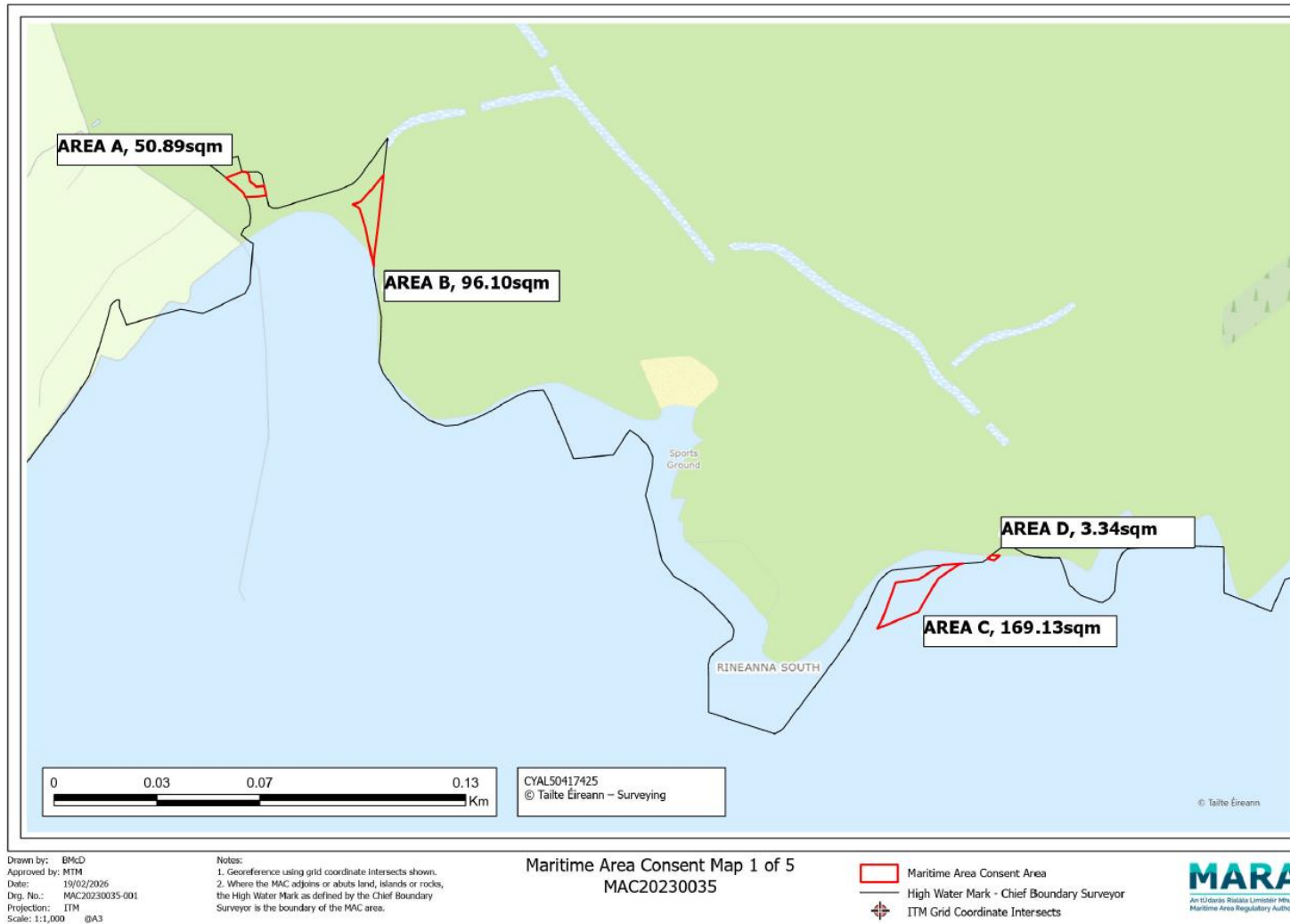
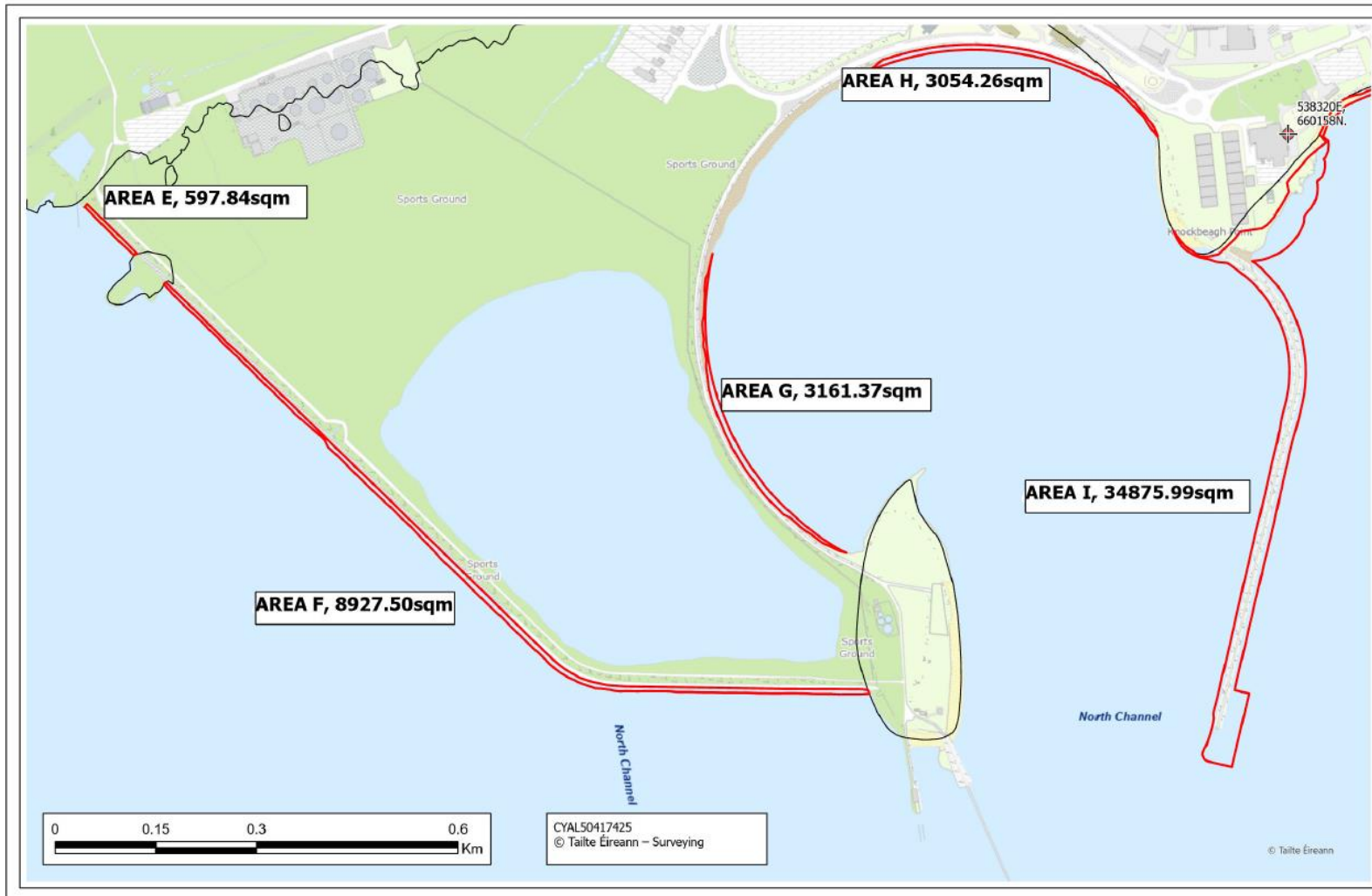


Figure 7 – Proposed MAC Map 1 of 5



Drawn by: BMD  
 Approved by: MTM  
 Date: 19/02/2026  
 Drg. No.: MAC20230035-002  
 Projection: ITM  
 Scale: 1:5,000 @A3

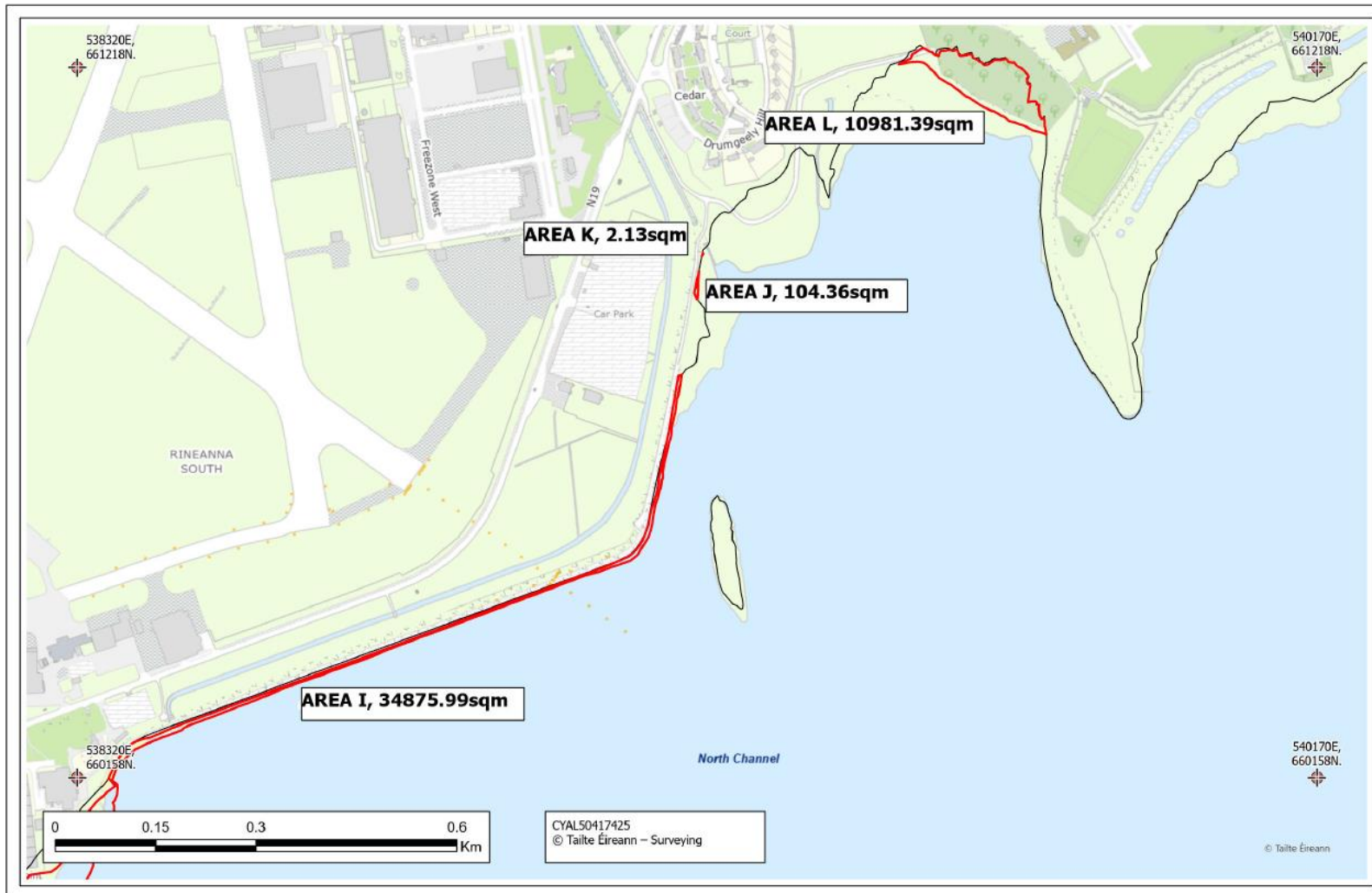
Notes:  
 1. Georeference using grid coordinate intersects shown.  
 2. Where the MAC adjoins or abuts land, islands or rocks, the High Water Mark as defined by the Chief Boundary Surveyor is the boundary of the MAC area.

Maritime Area Consent Map 2 OF 5  
 MAC20230035

 Maritime Area Consent Area  
 High Water Mark - Chief Boundary Surveyor  
 ITM Grid Coordinate Intersect

  
 An Údarás Riaila Limistéir Mhuir  
 Maritime Area Regulatory Authority

Figure 8 – Proposed MAC Map 2 of 5



Drawn by: BMD  
 Approved by: MTM  
 Date: 19/02/2026  
 Dwg. No.: MAC20230035-003  
 Projection: ITM  
 Scale: 1:5,000 @A3

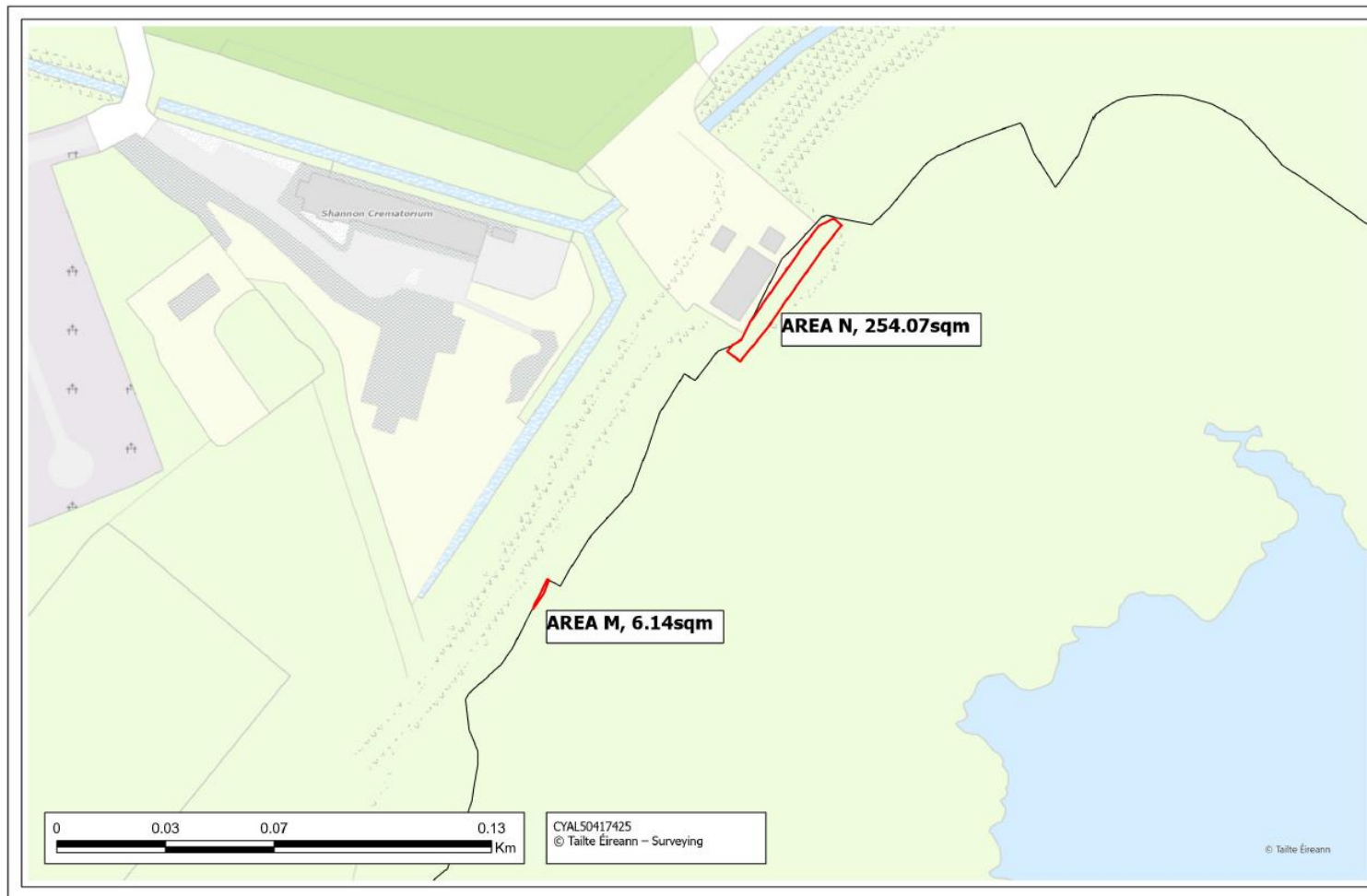
Notes:  
 1. Georeference using grid coordinate intersects shown.  
 2. Where the MAC adjoins or abuts land, islands or rocks, the High Water Mark as defined by the Chief Boundary Surveyor is the boundary of the MAC area.

Maritime Area Consent Map 3 of 5  
 MAC20230035

- Maritime Area Consent Area
- High Water Mark - Chief Boundary Surveyor
- ITM Grid Coordinate Intersects



Figure 9 – Proposed MAC Map 3 of 5



Drawn by: BMcD  
 Approved by: MTM  
 Date: 19/02/2026  
 Dwg. No.: MAC20230035-004  
 Projection: ITM  
 Scale: 1:1,000 @A3

Notes:  
 1. Georeference using grid coordinate intersects shown.  
 2. Where the MAC adjoins or abuts land, islands or rocks, the High Water Mark as defined by the Chief Boundary Surveyor is the boundary of the MAC area.

Maritime Area Consent Map 4 of 5  
 MAC20230035

- Maritime Area Consent Area
- High Water Mark - Chief Boundary Surveyor
- ITM Grid Coordinate Intersects



Figure 10 – Proposed MAC Map 4 of 5



Drawn by: BMD  
 Approved by: MTM  
 Date: 19/02/2026  
 Dwg. No.: MAC20230035-005  
 Projection: ITM  
 Scale: 1:1,000 @A3

Notes:  
 1. Georeference using grid coordinate intersects shown.  
 2. Where the MAC adjoins or abuts land, islands or rocks, the High Water Mark as defined by the Chief Boundary Surveyor is the boundary of the MAC area.

Maritime Area Consent Map 5 of 5  
 MAC20230035

- Maritime Area Consent Area
- High Water Mark - Chief Boundary Surveyor
- + ITM Grid Coordinate Intersects



Figure 11 – Proposed MAC Map 5 of 5

## 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.

<b>MAPA Levy Framework Part:</b>	A: Nearshore	A: Nearshore
<b>Category/Class:</b>	Development (non-commercial)	Development (non-commercial)
<b>Tier:</b>	Tier 3	Tier 4
<b>Applicable Rate:</b>	Base Annual Charge of €214.09 plus an add on of 0.40 per sq.m for areas in excess of 100 sq.m	Base Annual Charge of €214.09 plus an add on of 0.2007 per sq.m for areas in excess of 100 sq.m
<b>Length or Area:</b>	Areas A to N: 62284.52m <sup>2</sup>	Areas O and P: 129.18m <sup>2</sup>
<b>Calculation:</b>	€214.09 + ( €0.40 * (62,284.52 - 100.00))	€214.09 + ( €0.2007 * (129.18 - 100.00))
<b>Levy due:</b>	€25,087.90	€219.95

The MAC levy has been calculated as €25,307.85 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.

The Applicant requested a MAC term of “*permanent/indefinite*” duration. Having regard to the nature and lifecycle of the proposed maritime usage, it is considered that the granting of “*permanent/indefinite*” duration is not merited due to MARA’s policy to align the MAC term with the design life of the proposed infrastructure. Accordingly, it is recommended that the MAC is part granted for a term of 100 years.

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

### a. Terms

<b>MAC Term:</b>	100 years
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<b>Consent Area:</b>	That part of the maritime area marked red on the MAC Maps.
<b>MAC Map Title:</b>	<p>Maritime Area Consent Map 1 of 5 MAC20230035, Drawing Number MAC20230035-001, Date 19/02/2026;</p> <p>Maritime Area Consent Map 2 of 5 MAC20230035, Drawing Number MAC20230035-002, Date 19/02/2026;</p> <p>Maritime Area Consent Map 3 of 5 MAC20230035, Drawing Number MAC20230035-003, Date 19/02/2026;</p> <p>Maritime Area Consent Map 4 of 5 MAC20230035, Drawing Number MAC20230035-004, Date 19/02/2026;</p> <p>Maritime Area Consent Map 5 of 5 MAC20230035, Drawing Number MAC20230035-005, Date 19/02/2026.</p>
<b>Permitted Maritime Usage:</b>	The construction, alteration, use, operation and maintenance of coastal embankments, embankment outlets and a breakwater including all associated decommissioning, demolition, rehabilitation and any other works required on foot of any development permission relating to the infrastructure.
<b>Nature of Usage:</b>	May or May Not be Exclusive
<b>Date by which application for Development Permission must be submitted (subject to Phasing Schedule where applicable):</b>	18 months from date of grant of MAC.
<b>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.</b>	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 proposed MAC with the 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 19 – EXERCISE OF RIGHTS**

- The MAC Holder shall maintain existing public access to and amenity use of MAC Area I of the consent area, including the right of the public to pass and repass along a pathway of a minimum of 4.0m in width along Area I for the duration of the Permitted Maritime Usage. This public access, amenity use and right to pass and repass is subject to appropriate restrictions for the construction works reasonably required to conduct the Permitted Maritime Usage.

Reason: To clarify the manner in which the rights granted under the Consent shall be exercised by the Holder.

#### **Condition 23 - PUBLIC ENGAGEMENT PLAN**

- 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(s) of Foreshore Authorisations Ref FS005180, Shannon Foynes Port Company, in order to ensure that any potential disruption to the Foreshore Authorisations Ref FS005180, 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 ensure the orderly undertaking of the proposed maritime usage and to enable the Grantor to request the Holder to communicate information that the Grantor deems relevant to the public.

### **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 granting of a MAC term of 100 years. 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(s) will be notified and MARA will publish a notice on its website as soon as practicable thereafter.

Signed: Karen McCuskey

Position: Analyst, MAC Directorate

Signed: Barry McDonald

Position: Senior Engineer, MAC Directorate